

Report to Planning Committee 9 May 2024

Business Manager Lead: Lisa Hughes – Planning Development

Lead Officer: Jennifer Wallis, Planner, ext. 5370

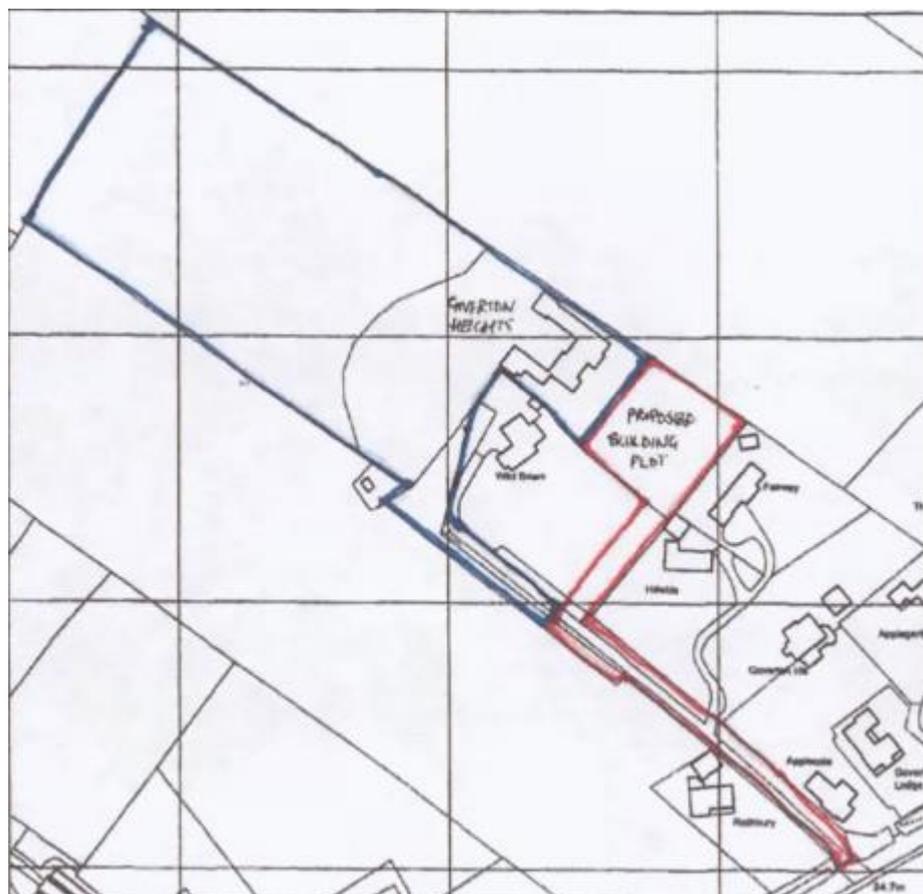
Report Summary			
<b>Application Number</b>	23/02058/FUL		
<b>Proposal</b>	Erection of 2 dwellings with detached garages		
<b>Location</b>	Goverton Heights, Goverton, Bleasby NG14 7FN		
<b>Applicant</b>	Mr Alan Hardy	<b>Agent</b>	Mr Paul Simcock
<b>Registered</b>	22 November 2023	<b>Target Date</b>	17 January 2024
		<b>Extension of time</b>	17 May 2024
<b>Web Link</b>	<a href="https://newark-sherwooddc.gov.uk/23/02058/FUL">23/02058/FUL   Erection of 2 dwellings with detached garages   Goverton Heights Goverton Bleasby NG14 7FN (newark-sherwooddc.gov.uk)</a>		
<b>Recommendation</b>	That planning permission be APPROVED, subject to the conditions set out in Section 10.0 of this report.		

**This application is presented to Planning Committee as it has been referred by Councillor Melton, the Ward Member and the Officer recommendation differs from that of Bleasby Parish Council. Councillor Melton is concerned that the construction of these houses would have a detrimental effect on pluvial flooding across the rest of the village of Bleasby.**

## **1.0 The Site**

- 1.1 The application site forms part of the residential garden of the dwelling known as Goverton Heights; a detached dwelling in a large plot in a small cluster of dwellings to the north west of Bleasby Road, within the hamlet of Goverton. The site is set well back from the road in a very elevated position and is accessed off Bleasby Road via a steep, single-width, tarmac private road which also serves a number of other properties. Goverton Heights is access via a private driveway to the north of Wild Briars.
- 1.2 There is a steep gradient within the site itself which falls in a south eastwards direction

towards the main road. The application site was previously overgrown but there has recently been some site clearance. There are a number of trees forming each boundary of the site. To the south east of the site is a residential property, Fairways, which is separated by a row of conifer trees along the boundary. The site directly to the SW has previously been granted permission for two dwellings with access off the private access track in the southernmost corner, and a replacement application for two dwellings on this neighbouring site is currently under consideration.



- 1.3 Goverton is a small settlement mainly focused along Bleasby Road with the village of Bleasby close by to the east. The village of Thurgarton (and its associated Conservation Area) is also relatively close to the south west. Goverton House on the opposite side of Bleasby Road is Grade II listed.
- 1.4 Following a visit to the site, it is confirmed that the site has now been cleared of scrub/vegetation internally, however, the planting around the external boundaries of the site remain.

## **2.0 Relevant Planning History**

### **Application Site**

- 2.1 20/02367/FUL – Erection of 2 five-bedroom houses – Permitted 03.02.2021.

### **Adjacent Site to immediate southwest**

- 2.2 19/02090/FUL - Erection of two 4 bed houses within the garden of Wild Briars and creation of a new separate access – Permitted 17.01.2020.
- 2.3 20/02363/FUL – Erection of 2no. new dwellings (re-submission of 19/02090/FUL) – Permitted 27.01.2021.
- 2.4 23/01960/FUL - Erection of 2 no. dwellings, with detached double garages, new private access road to private drive. Pending consideration.

### 3.0 The Proposal

- 3.1 Permission is sought for the erection of 2 no., two-storey, 5 bedroom dwellings. The properties would be identical in size, design and external finishes and would both have double garages. They would be a 'T' shaped footprint and be positioned with their principal elevations facing south-east and be of a traditional design with gables roofs and single chimney stack. The detached garages are on the eastern side of the properties sitting forward of the principal elevation.



- 3.2 The dwellings would be c. 14 m wide for 6.3 m back with a 10.5 m projection at the rear that is c. 6.2 m wide. In terms of height, they would be 5.3 m to the eaves and 8 m to the ridge. The double garages each measure c. 6.7 m x 7.2 m, 2.5 m to the eaves 5.3 m to the ridge.

Ground floor: Lounge, hall, dining room, study, utility, w/c and an open plan kitchen/day room. First floor: five bedrooms, two en-suite bathrooms a dressing room and a family bathroom. Second floor: two games rooms.



- 3.3 With regards to the proposed external finishes, they comprise buff brick with areas of dark uPVC timber style cladding and grey slate roof tiles (or slate effect concrete tiles). Windows and doors are proposed to be dark grey uPVC.
- 3.4 Private amenity space is proposed to the NW of the proposed dwellings. Shared access would be taken in the southernmost corner of the site off the existing shared access road and the access approved previously under 20/02363/FUL, on the adjacent site to the SW. To facilitate the development the site would be cleared of all scrub/vegetation, which has already been carried out, and the trees forming the boundaries are to be retained.
- 3.5 The documents submitted in support of the application are as follows:-

Application Form

Design and Access Statement

Location Plan

Proposed Ground Floor Plan Plot 1 and 2 Drawing No. PS2002:2

Proposed First Floor Plan Plot 1 and 2 Drawing No. PS2002:3

Proposed Elevations Plot 1 and 2 Drawing No. PS2002:4

Proposed Elevations Plot 1 and 2 Drawing No. PS2002:5

Proposed Second Floor Plan Plot 1 and 2 Drawing No. PS2002:6

Double Garage Plan and Elevations Plot 1 and Plot 2 Drawing No. PS2002:7

All received by the Local Planning Authority on 21 November 2023

Revised Site Plan and Section Drawing No. PS2002:10

Arboricultural Report, by Utilitree Arb Ltd

Received 16 April 2024.

Preliminary Ecological Appraisal, by B J Collins

Received 25 March 2024.

- 3.6 This current proposal, for the erection of 2 dwellings, the dwellings are in the same location and are identical in size and design as the previously approved scheme for 2 dwellings on the site approved under 20/02367/FUL. Amended plans have been submitted following the undertaking of a tree survey which alters the internal access road to allow for the retention of the conifers and trees on the southeast boundary and a revised landscaping scheme.

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

- 4.1 Occupiers of six properties have been individually notified by letter. A site notice has been displayed near to the site.
- 4.2 Site visit undertaken on 7<sup>th</sup> December 2023.

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

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

##### **5.1 Newark and Sherwood Amended Core Strategy Development Plan Document (adopted March 2019)**

Spatial Policy 1 – Settlement Hierarchy  
Spatial Policy 2 – Spatial Distribution of Growth  
Spatial Policy 3 – Rural Areas  
Spatial Policy 7 – Sustainable Transport  
Core Policy 3 – Housing mix, type and density  
Core Policy 9 – Sustainable Design  
Core Policy 12 – Biodiversity and Green Infrastructure  
Core Policy 13 – Landscape Character

##### **5.2 Allocations and Development Management DPD (adopted 2013)**

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

There have been no changes to the adopted Local Plan since the previous application on the site was permitted.

- 5.3 The [Draft Amended Allocations & Development Management DPD](#) was submitted to the Secretary of State on the 18th January 2024. This is therefore at an advanced stage of preparation albeit the DPD is yet to be examined. There are unresolved objections to amended versions of policies DM5, DM7 and DM12 emerging through that process, and so the level of weight which those proposed new policies can be afforded is currently limited. As such, the application has been assessed in-line with policies from the adopted Development Plan.

##### **5.4 Other Material Planning Considerations**

National Planning Policy Framework 2023  
Planning Practice Guidance (online resource)  
Landscape Character Assessment SPD 2013

The guidance contained within the National Planning Policy Framework has been updated since the previous application on the site was permitted, however there have been no material changes to the guidance, which would result in the proposals receiving a different officer recommendation to that in 2021.

## **6.0 Consultations**

6.1 (Comments below are provided in summary. Full comments can be viewed on the Council's planning applications website via the web link included in the Report Summary).

### **Statutory Consultations**

6.2 **NCC Highways Authority – No comments received.**

Previously raised no objections, subject to conditions relating to width and surface of private driveway and provision of parking and turning areas.

### **Town/Parish Council**

6.3 **Bleasby Parish Council – Object on the following grounds:-**

- Land stability
- Health and safety
- Surface water run-off and Flooding
- Inadequate SUDS
- Construction traffic would cause hazards and disturbance
- Over-burdened sewerage system
- Potential for Radon radiation
- This application, together with the application on the adjacent site, doubles the impacts, and the two applications should be considered as one development.

### **Representations/Non-Statutory Consultation**

6.4 **NSDC Contaminated Land – No objections.**

This application has been made previously under ref 20/02367/FUL and at the time the application site was in a higher risk radon band. The British Geological Survey & UK Health Security Agency revised their radon risk map in December 2022 and the site now lies in a lower risk banding (0-1%). As such I have no observations in relation to this application.

6.5 **Trent Valley Internal Drainage Board – No comments received.**

Previously advised: "The site is outside of the TVIDB district but within the Board's catchment. There are no Board maintained watercourses in close proximity to the site. The Board's consent is required for any works that increase the flow of volume of water to any watercourse or culvert within the Board's district (other than directly to a main river for which the consent of the Environment Agency will be required). Surface water run-off rates to receiving watercourses must not be increased as a result of the development. The design, operation and future maintenance of site drainage systems must be agreed with the LLFA and LPA".

6.6 **NSDC Environmental Health – No objections.**

Suggest a number of informatives relating to hours of works, minimising dust and no burning of waste, so as to avoid nuisance complaints.

#### 6.7 **NSDC Tree and Landscape Officer – Concerns**

There are a significant number of trees to be removed and the mitigation is not significant within the surrounding landscape and will have negligible visual impact, negligible biodiversity impact, negligible climate change impact. The proposed development represents an urbanisation of rural views.

#### **Representations/Non-Statutory Consultation**

#### 6.8 **7 no. representations have been received from residents/interested third parties, which are objecting on the following grounds:-**

- the development would increase surface water run-off and add to the demands on the Severn Trent sewage facility, which are both beyond capacity. It would overburden the system. Lead to increase risk of flooding downstream.
- the development would; significantly increase the amount of traffic on a narrow lane, especially when considered in conjunction with 23/01960/FUL
- the size of the properties would be out of scale with the area and result in visual impact and a loss of privacy.
- the two applications should be considered in conjunction.
- Properties in the village are not selling, so there is no need for more housing.

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

7.1 The key issues are:

1. Principle of Development
2. Impact on Amenity
3. Impact on Highways
4. Impact on Trees and Ecology
5. Drainage, Flood Risk and Land Stability
6. Other Matters

7.2 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**

7.3 Planning permission has previously been granted planning permission for the erection of 2 dwellings, which was granted on 3<sup>rd</sup> February 2021 (ref 20/02367/FUL). This permission has now lapsed.

- 7.4 The current proposal, for the erection of 2 dwellings, is the same as the previously approved with regards to the location, scale and design of the dwelling. Amendments have been made to the approved scheme which alters the internal access road to allow for the retention of the conifers and trees on the southeast boundary and a revised landscaping scheme.
- 7.5 The adopted Core Strategy details the settlement hierarchy which will help deliver sustainable growth and development in the District. The intentions of this hierarchy are to direct new residential development to the Sub-regional Centre, Service Centres and Principal Villages, which are well served in terms of infrastructure and services. Spatial Policy 2 of the Council's Core Strategy sets out the settlements where the Council will focus growth throughout the District. Applications for new development beyond Principal Villages as specified within Spatial Policy 1 will be considered against the 5 criteria within Spatial Policy 3. However, Spatial Policy 3 also confirms that, development not in villages or settlements, in the open countryside, will be strictly controlled and restricted to uses which require a rural setting. Direction is then given to the relevant Development Management policies in the Allocations and Development Management DPD.
- 7.6 The first assessment necessary is to determine whether the site can be considered in the village or falls outside of the village and therefore should be assessed as development in the open countryside. The Amended Core Strategy confirms that dwellings and their gardens should be incorporated when considering the extent of the village. The host dwelling is set within a small cluster of houses with residential properties to the south east and north east. It is therefore considered that the site sits within Goverton and 'in the village' rather than being in the Open Countryside and the proposal therefore falls to be assessed under SP3, irrespective of whether the two new dwellings previously approved under 20/02363/FUL, and currently being considered under 23/01960/FUL on the site to the south west are constructed or not.

#### *Location*

- 7.7 In addition to considering the site to lie within Goverton it also falls to assess the sustainability of Goverton as a whole in respect to available services. Goverton is more akin to a hamlet rather than a village and itself has no local services. However, Spatial Policy 3 states:

*'Within settlements which do not meet the locational criterion of this policy but are well related to villages that do, consideration will be given to the infilling of small gaps with 1 or 2 dwellings so long as this does not result in the joining of outlying areas into the village in question, or the coalescence with another village. Such development will need to comply with the scale, need, impact, and character criteria of this policy.'*

- 7.8 The above is relevant to the application at hand noting the site's proximity to Bleasby with its range of services. The north western edge of Bleasby features a tea shop which is within a reasonable walking distance of the site and the village itself provides the potential to meet day to day needs of the occupiers. Bleasby also has a school and a train station less than a kilometre walking distance from the site along a pavement partially served by street lights. On this basis, the site can reasonably be considered as an infill plot against the allowances of Spatial Policy 3 and therefore satisfies the location criteria of the policy.

### *Scale of Development*

- 7.9 The scale criterion relates to both the amount of development and its physical characteristics, the latter of which is discussed further in the Character section below. However, two additional dwellings are considered small scale in nature and appropriate for this settlement. To the north of the site a further two dwellings are proposed which, if approved, could lead to an additional four dwellings. The addition of four dwellings which are in keeping with the form and character of the surrounding properties would be appropriate in terms of scale.

### *Need*

- 7.10 Policy SP3 requires new housing to demonstrate that it would “help to support community facilities and local services”. Given the location of the site in close proximity to Bleasby, it is considered that the occupiers of the proposed dwellings would have sufficient opportunity to support and help sustain the longevity of the existing local services within Bleasby and would therefore comply with this criterion of SP3.

### *Impact*

- 7.11 In some respects, the Impact criterion lends itself to discussion in the context of other material considerations such as the impact on the highways network and neighbouring amenity (discussed in further detail below). In respect of local infrastructure, the proposal is unlikely to significantly affect local infrastructure, such as drainage and sewerage systems. It is noted that comments have been submitted by local residents which set out their concerns relating to existing sewerage and drainage problems in the area and their view that that these would be exacerbated by the proposed development.
- 7.12 In terms of main river flooding, the site lies within Flood Zone 1, as defined by the Environment Agency’s Flood Mapping, which means it is at low risk of fluvial flooding.
- 7.13 The application site itself lies within an area at very low risk of surface water flooding which means that each year this area has a chance of flooding of less than 0.1%. However, flooding from surface water is difficult to predict as rainfall location and volume are difficult to forecast. As such the concerns raised by local residents in this regard are fully acknowledged, as given the proposed additional levels of hard surfacing on the application site and the topography of the land to the south-east there is the potential for surface water run off to impact properties downhill.
- 7.14 In terms of drainage, a condition can be imposed for details of the foul and surface water drainage to be submitted and approved. Furthermore, any approval development would need to obtain a S104 approval for drainage from Severn Trent Water.
- 7.15 Whilst the concerns of the objectors are noted, it is not for the development at hand to fix existing drainage issues that already exist. The proposal need only mitigate its own impact on the existing infrastructure and it is considered that two dwellings could be accommodated at the site without unduly compromising the existing drainage network, and a condition can be imposed to ensure that an acceptable drainage strategy for both foul and surface water disposal is required to be submitted and approved (as has been done at the adjoining site which could attenuate any surface water leaving the site to a green field rate.

It is considered that the development for two dwellings could be accommodated within existing infrastructure without causing a detrimental impact and therefore subject to the more detailed highways and neighbouring amenity appraisals below, the proposal satisfies this criterion of SP3.

### *Character*

- 7.16 SP3 confirms that new development should not have a detrimental impact on the character of the location or its landscape setting.
- 7.17 The NPPF states that good design is a key aspect of sustainable development and new development should be visually attractive. Core Policy 9 states that new development should achieve a high standard of sustainable design that is of an appropriate form and scale to its context complementing the existing built and landscape environments. Policy DM5 of the DPD states that local distinctiveness should be reflected in the scale, form, mass, layout, design and materials in new development. Core Policy 13 requires any new development to protect and enhance the landscape.
- 7.18 The application site is located within the 'Trent Washlands' Landscape Character Area identified within the Newark & Sherwood Landscape Character Assessment Supplementary Planning Document (2013). The Trent Washlands is principally formed from the broad valleys of the River Trent and can be subdivided into two distinct landscape types, Village Farmlands and River Meadowlands. Within this character area, the site is specifically located within Policy Zone TW PZ 52: Thurgarton River Meadowlands. The landscape condition is described as 'moderate' with a low landscape sensitivity.
- 7.19 The development would be accessed via an access road past the two newly approved dwellings off the existing private road from Bleasby Road and would form back land development. Policy DM5 is generally unsupportive of back land development unless it can be concluded that it would not set a precedent for further forms of development which cumulatively would create character harm. The distinction for this site is that it already forms the garden of the host dwelling (a back land plot) and therefore the precedent has been set, similarly permission has already been granted under 20/02363/FUL for two new dwellings in the land directly adjacent to this site on the basis that these dwellings, whilst resulting in back land development, would not result in a harmful impact on the character of the area as it would generally be in keeping with surrounding development.
- 7.20 The addition of two properties at this site would not result in a harmful impact on the character of the area as it would generally be in keeping with the character of the area and there are limited sites in the vicinity which could be brought forward in a similar form, however overall, it is not considered that the proposal in addition to the existing and approved developments would cumulatively harm the established character and appearance of the area. It is noted that the proposed block plan shows the two dwellings previously approved under 20/02363/FUL, and planning permission is sought for these again currently under reference 23/01960/FUL. Whilst this application is yet to be determined and if these dwellings were not to be built, the proposal put forward for this plot would remain acceptable. Overall it is not considered that the proposal in addition to the existing (and that proposed at Wild Briars) would cumulatively harm the established landscape character and appearance of the area to warrant refusal of permission.

- 7.21 The cluster of properties within which the site sits, have relatively spacious plot sizes. Clearly in dividing this single plot to three residential curtilages, the proposal would not follow this established character. However, the layout presented, although a repeated layout, rather than loose and bespoke, still broadly conforms with neighbouring dwellings to a degree such that the proposal is not considered to be harmful in principle in character terms. The properties would remain relatively well spaced and would be designed in keeping with the more modern property to the north, such that such that it is not considered that the concerns relating to the size of the new dwellings being out of keeping raised by a third party would not be realised. The new dwellings would not be visually intrusive or dominating to the detriment of neighbouring properties and the character of the area. The indicative materials are cited as buff brick and slate tiles. Whilst these are not wholly in keeping with the surrounding properties, given there is no prevailing uniformity of style or materials in this cluster of properties, the deviation from red brick and pantile is not considered to be inappropriate and therefore subject to further details to be submitted through the discharge of condition the proposed palette of materials is considered to be acceptable in this context.
- 7.22 Since the approval of the last application on this site, the low-level vegetation on the site and some trees have been cleared. The semi-rural nature character of the site is still detectable from within and outside the site and the high level of vegetation surrounding the site contributes to this and the transition with the open countryside. The proposed site plan shows retention of the trees and hedgerows to the boundaries around the site and a revised landscaping scheme has been submitted which shows the retention of the conifers to the south along the boundary with Fairway and additional planting within the site. During the course of the application an Arboricultural Report has been submitted and a revised layout/landscaping scheme which proposes additional tree planting and secures the retention of the boundaries of the site.
- 7.23 Overall, it is considered that the density, scale and design of the properties remain appropriate for the site context, and subject to specific material, landscaping and tree protection details being controlled through conditions, it is considered that the development accords with the character criterion of SP3 in addition to the requirements of CP9 and DM5 of the Development Plan.

#### Impact on Amenity

- 7.24 The NPPF seeks to secure high quality design and a high standard of amenity for all existing and future occupants of land and buildings. 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 and requires development to be acceptable in terms of not having a detrimental impact on residential amenity both in terms of existing and future occupiers.
- 7.25 Separation distances between both plots and Goverton Heights are over 20m, which is considered to be acceptable, particularly noting that the proposed plots would be set on a much lower ground level. Adequate separation distances between the two new dwellings and those proposed under 23/01960/FUL are also shown on the proposed plans. Given the site context the most sensitive neighbours considered to be the dwellings to the south-east known as Fairway and Hillside. Fairway is set approx. 10 m away from the common

boundary of the site meaning the separation between the dwellings and this property would be in excess of approx. 24 m. This boundary comprises a dense mixture of leylandii and smaller trees, which, following clarification is proposed to be retained and given the relative land levels, this will provide both ground floor and first floor screening. Plot 2 would be approx. 20 m from the detached garage of Hillside to the south, however it is noted that the approved plans show the existing row of conifers which forms the shared boundary with the approved new dwellings and Hillside (along the access proposed to the proposed dwellings at hand) to be retained. Therefore it is considered that, the proposal would not result in any detrimental impact on properties to the south and south-east.

7.26 Given the difference in ground levels, the impact of 2no. two storey dwellings adjacent to Fairway to the SE, has been carefully considered. However given the positioning of the proposed dwellings, the closest part of the proposal would be the double garages, which would have reduced ridge heights. The comments from interested parties regarding the proposal to utilise the roof space within these dwellings are noted, however this is not considered to be fatal to the development particularly as the ridge height has not been increased in order to accommodate this. Overall, it is not considered that there would be any unacceptable overshadowing, overbearing or overlooking impacts on either Fairway or Hillside to the S/SE. Nor would there be any unacceptable impact on Wild Briars or Goverton Heights to the NW.

7.27 A reasonable amount of private amenity space would be provided for the new dwellings in addition to the amenity space being retained for Goverton Heights which would be commensurate with the size of the property. Overall, it is therefore considered the proposal would not detrimentally impact upon the amenity of surrounding dwellings to warrant refusal. As such, the proposed development is considered to remain acceptable in this regard and therefore accords with Policy DM5 of the Allocations and Development Management DPD.

#### Impact on Highways

7.28 Spatial Policy 7 of the Core Strategy seeks to ensure that vehicular traffic generated does not create parking or traffic problems. Policy DM5 of the DPD requires the provision of safe access to new development and appropriate parking provision and seeks to ensure no detrimental impact upon highway safety.

7.29 The Highway Authority at NCC have not provided any comments on this application but have previously raised no objection to the scheme subject to conditions in relation to widening the access with Bleasby Road by 0.6m using existing grass verges (which the agent has confirmed is within the applicant's ownership) and retention of the proposed parking areas. There is adequate space for parking and turning within the site for both the proposed new dwellings, in front of the properties, and for Goverton Heights via a separate access driveway. In the absence of any objection from NCC Highways, subject to conditions, it is considered that the proposal would not result in any highway safety impact and therefore accords with Spatial Policy 7 and Policy DM5.

7.30 Some comments received from local residents reference the capacity of the private access road, however it has already been concluded that the addition of 2 dwellings, plus the potential for a further two on the adjoining site, is relatively small scale and is not

considered to pose an unacceptable impact upon the highways network to warrant the refusal of the application provided the widening works are carried out.

- 7.31 Concerns have been raised regarding the removal of significant amounts of earth from the site given the site gradient and the level of excavation that would be required to construct the two new dwellings. The removal of earth is likely to be over a relatively short period of time, and it is not considered this level of disruption/construction traffic would be so significant to warrant the refusal of the application on amenity or highways impacts during the construction period. NCC Highways have also offered no comment in this regard, and subject to a condition for a construction management plan as recommended by Environmental Health, I am satisfied that amenities could be adequately protected. It is also likely that some of the excavated earth will be re-used on site to form the retaining structures. Overall, the scheme is not considered to result in an unacceptable highways safety impact and therefore subject to the requested conditions would be compliant with SP7.

#### Impact on Trees and Ecology

- 7.32 Core Policy 12 and Policy DM7 promote the conservation and enhancement of the District's biodiversity assets. The NPPF also seeks to minimise impacts on biodiversity and provide net gains where possible.
- 7.33 Since the consideration of the last application on this site, the internal body of the site has been cleared of shrubs and vegetation with the majority of retained trees and hedges concentrated around the site boundaries. The revised proposed site plan clarifies that the majority of the vegetation/trees around the boundaries of the site will be retained and the plans also show elements of additional landscaping proposed. Given the site's planted/overgrown/undisturbed nature before it was cleared, there may still be potential for protected species to be present. Therefore during the course of the application a preliminary ecological appraisal was requested and submitted.
- 7.34 The report states that there is potential for nesting birds and there is potential for shelter and foraging hedgehogs, common amphibians and common reptiles. The retained hedgerows offer potential foraging for bats and nesting birds. As such, the report suggests mitigation which includes works to potential nesting habitats being undertaken outside breeding bird season which can be controlled via means of a condition. A precautionary approval for great crested newts and hedgehogs has been recommended which includes clearing hedgerows by hand, trench ramps, capped pipes and if any hedgehogs are found they are to be removed carefully as well as recommended precautionary working practices for amphibians and reptiles. This can be controlled by means of a condition.
- 7.35 I am conscious that the trees on site are not protected by tree preservation orders and are not afforded the restrictions they would have if they were within a conservation area. Nevertheless, it is important that developments do not adversely impact the natural environment or surrounding character unnecessarily and that construction is carried out proactively to protect surrounding trees. Given the trees on site are not protected and are of low amenity value, given the overgrown nature of the site, I have no concerns with the creation of the access in the SE corner of the site. However, it is important that the boundaries are retained where possible (particularly along the SE boundary with

neighbouring properties and NE boundary with the open countryside) and further landscaping plans will be required by condition.

- 7.36 Overall, subject to conditions I consider the proposal would still comply with Policy DM7 of the DPD and Core Policy 12 of the Core Strategy.

#### Drainage, Flood Risk and Land Stability

- 7.37 Comments have been received from interested parties which have been duly taken on board throughout the appraisal of this application – some comments relate in particular to the drainage of the site, the potential inappropriateness of soakaways and surface water run-off issues.
- 7.38 In terms of main river flooding, the site lies within Flood Zone 1, as defined by the Environment Agency's Flood Mapping, which means it is at low risk of fluvial flooding. The application site itself lies within an area at very low risk of surface water flooding which means that each year this area has a chance of flooding of less than 0.1%. However, flooding from surface water is difficult to predict as rainfall location and volume are difficult to forecast. However, the concerns raised by local residents in this regard are fully acknowledged, as given the proposed additional levels of hard surfacing on the application site and the topography of the land to the south-east there is the potential for surface water run off to impact properties downhill.
- 7.39 Under the previously granted planning permission for the two dwellings, the drainage strategy for the site was controlled by a condition, requiring the submission and approval of a foul and surface water drainage scheme, and it is considered reasonable and necessary to repeat such a condition here.
- 7.40 Residents also raise concerns regarding the impact of the proposal on the stability of adjoining land and the potential for land slippage during construction. It is acknowledged that given the topography of the site, the land would be terraced to provide a flat surface to build on, however this is not an unusual construction approach and subject to the construction of appropriate retaining walls, and provided correct building regulation procedures are adhered to, it is not likely that this development would significantly compromise ground conditions so as to cause undue risk to surrounding properties.

#### Other Matters

- 7.41 To the south of the site, on the opposite side of Bleasby Road is a Grade II listed building, Goverton House and attached pump. The development would be over 140 metres from the listed building, with intervening properties between, and as such would not have any impact on the setting of this listed building.
- 7.42 The site is within a potentially Radon affected area, Environmental Services have advised that it would be prudent for the applicant to investigate if the proposed development will be affected by radon and incorporate any measures necessary into the construction to protect the health of the occupants. This can be included as an informative if permission is granted.

## Community Infrastructure Levy

7.43 The site is located within Housing Very High Zone 4 of the approved Charging Schedule for the Council's Community Infrastructure Levy. As such residential development in this area is rated at £100m<sup>2</sup> for CIL purposes. Gross Internal floor space of the new dwellings is proposed to be 438.53m<sup>2</sup> –as such the total chargeable floor space is 877.06m<sup>2</sup>. Changes to the CIL rates that came into effect from 1st January 2024 have resulted in an increase in the BCIS Permission Year Index to 381 which results in the total CIL Charge on the development to be: £102,189.56.

## **8.0 Implications**

8.1 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 Conclusion**

9.1 The application site had planning permission for the erection of 2 dwellings, which was granted on 3<sup>rd</sup> February 2021 (ref 20/02367/FUL). The current proposal, for the erection of 2 dwellings, is the same as the previously approved scheme for 2 dwellings on the site, with only alterations to the internal access driveway and landscaping proposed, as such this application would effectively renew the previous consent. Following a visit to the site, it was confirmed that it has been internally cleared of shrubs and vegetation but apart from the site clearance there have been no material changes in site circumstances since the previous application was permitted. In planning policy terms, there have been no changes to the adopted Local Plan since the previous application was permitted. The guidance contained within the National Planning Policy Framework has since been updated, but there have been no material changes to the guidance, which would result in the proposals receiving a different officer recommendation to that in 2021.

9.2 As set out within this report, overall, the proposal is considered to continue to accord with the requirements of Spatial Policy 3 and 7 and Core Policies 9 and 13 of the Amended Core Strategy and DPD Policies DM5, DM7 and DM12. Subject to conditions, the proposal would not result in any adverse impact on the character and appearance of the surrounding area, amenity of surrounding properties, nor would it result in any highways safety impacts or increase risks of flooding. All other material planning considerations have been considered above, and on balance, it is concluded that there are no material reasons why the application should not be granted planning permission, subject to the conditions set out below.

## **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

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

Location Plan

Proposed Ground Floor Plan Plot 1 and 2 Drawing No. PS2002:2

Proposed First Floor Plan Plot 1 and 2 Drawing No. PS2002:3

Proposed Elevations Plot 1 and 2 Drawing No. PS2002:4

Proposed Elevations Plot 1 and 2 Drawing No. PS2002:5

Proposed Second Floor Plan Plot 1 and 2 Drawing No. PS2002:6

Double Garage Plan and Elevations Plot 1 and Plot 2 Drawing No. PS2002:7

All received by the Local Planning Authority on 21 November 2023

Revised Site Plan and Section Drawing No. PS2002:10

Received 16 April 2024.

Reason: So as to define this permission.

03

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

Facing materials

Bricks

Roofing tiles

Cladding

Reason: In the interests of visual amenity.

04

No development shall be commenced until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:

- a schedule (including planting plans and written specifications, including cultivation and other operations associated with plant and grass establishment) of trees, shrubs and other plants, 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 and details of the south-east boundary treatment.
- 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;

- details of the retaining walls;
- means of enclosure;
- car parking layouts and materials;
- hard surfacing materials.

Other than soft landscape works (point 1 listed above), all other matters listed above shall be fully completed prior to first occupation of any of the dwellings hereby approved.

Reason: In the interests of visual amenity and biodiversity.

05

The approved landscaping shall be completed during the first planting season following the commencement 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.

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

06

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

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

07

No part of the development hereby permitted shall be brought into use until the private driveway has been widened and surfaced in a bound material to a standard that provides a minimum width of 5.3m for the first 5m rear of the highway boundary in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

08

No part of the development hereby permitted shall be brought into use until the parking/turning areas are provided in accordance with the approved plan. The parking/turning areas shall not be used for any purpose other than parking/turning of vehicles.

Reason: In the interests of highway safety.

09

Except for emergency works, no construction or excavation works on site and no deliveries to or removal of waste from the site shall take place outside:

08:00 am to 18:00 pm Monday – Friday

08:00 to 13:00 pm Saturdays

and not at all on Sundays/Bank or Public Holidays.

Reason: In the interests of residential amenity.

10

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

- i. the parking of vehicles of site operatives and visitors;
- ii. loading and unloading of plant and materials;
- iii. storage of plant and materials used in constructing the development;
- iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- v. wheel washing facilities;
- vi. measures to control the emission of dust and dirt during construction;
- vii. a scheme for recycling/disposing of waste resulting from demolition and construction works.

Reason: In the interests of residential amenity.

11

No hedge or tree that is to be removed as part of the development hereby permitted shall be lopped, topped, felled or otherwise removed during the bird nesting period (beginning of March to end of August inclusive) unless it is first inspected by a qualified ecologist prior to removal and any nests with young shall be left to fledge prior to any work being commenced.

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

The development hereby permitted shall be carried out in accordance with all recommendations as set out in the Preliminary Ecological Appraisal by BJ Collins – Protected Species Surveyors Ltd - dated February 2024, received by the Local Planning Authority on 20<sup>th</sup> March 2024 and shall include;

- Removal of hedgerow by hand;
- Any trenches dug should be left with a sloping end or ramp overnight;
- Any pipes over 1050mm in diameter should be capped off at night;
- If hedgehogs are located during works they should be carefully transported to a safe environment outside of the area of works;
- Precautionary working practices for amphibians and reptiles as set out in paragraph 6.2.2.3 of the report.

Reason: In the interest of protected species.

### Informatives

01

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

02

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)

			A	B	C	
Dev Types (use class)	Proposed floorspace (GIA in Sq. M)	Less Existing (Demolition or Change of Use) (GIA in Sq. M) Includes % splits	Net Area (GIA in Sq. M)	CIL Rate in £	Indexation at date of permission	CIL Charge
Residential	716.48	-	716.48	100	381	£102,189.56.
<b>Totals</b>						<b>£102,189.56.</b>

03

Suitable measures must be taken to minimise dust and dirt during the construction and operation of the site, including minimising any run-off or depositing of materials onto the public highway which should be maintained using best practice methods and wheel washing facilities.

04

This proposal makes it necessary to alter a vehicular crossing over a footway/verge of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact VIA, in partnership with NCC, tel: 0300 500 8080 to arrange for these works to be carried out.

05

“The proposed development is in a potentially Radon Affected Area\*. These are parts of the country where a percentage of properties are estimated to be at or above the Radon Action Level of 200 becquerals per cubic metre (Bq/m<sup>3</sup>). Given the above I advise that it would be prudent for the applicant to investigate if the proposed development will be affected by radon and incorporate any measures necessary into the construction to protect the health of the occupants. Further information is available on the council's website at: <http://www.newark-sherwooddc.gov.uk/radon>

\*based on indicative mapping produced by the Public Health England and British Geological Survey Nov 2007.”

#### 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

