



Report to Planning Committee 11 July 2024

Business Manager Lead: Lisa Hughes – Planning Development

Lead Officer: Laura Gardner, Senior Planner, x5907

Report Summary			
Application No.	24/00402/FUL		
Proposal	Demolition of two bungalows and erection of five dwellings including parking provision and amenity spaces.		
Location	Land at Greenaway, Rolleston		
Applicant	Mr Kevin Shutt - Newark and Sherwood District Council	Agent	Mrs Karolina Walton - Studio G Associates
Web Link	24/00402/FUL Demolition of two bungalows and erection of five dwellings including parking provision and amenity spaces. Land At Greenaway Rolleston (newark-sherwooddc.gov.uk)		
Registered	04.03.2024	Target Date / Extension of Time	29.04.2024 / 13.06.2024
Recommendation	Approve, subject to the conditions 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.

Summary of the Report

The proposal comprises the demolition of two bungalows and the erection of 5 dwellings with associated parking and landscaping. The report covers the following aspects of the application:

- The principle of development and the sustainability of the location
- The design and layout of the proposed dwellings and the compatibility with the existing character and appearance of the area
- The impact on the residential amenity of the neighbouring properties and the future occupants of the development
- The highway safety and parking implications of the development and the provision of adequate access and visibility

- The flood risk and drainage issues and the measures to mitigate the potential impact on the site and the surrounding area
- The ecology and biodiversity implications and the enhancement of the site's ecological value
- The trees and hedgerows on the site and the protection and retention of the significant features¹

Background

The application was deferred at the June 6th meeting for Officers to discuss the proposals with Severn Trent Water noting the concerns regarding drainage locally.

Severn Trent Water have confirmed that the foul sewer is only designed to handle foul water but unfortunately there have been cases of existing properties incorrectly connecting surface water discharge to the foul discharge. The result of this is that the system becomes overloaded with extra surface water it is not designed to take. When the tankers are visiting the pumping station it is not because the pump system is failing as such, it is because the system is full of incorrectly directed surface water.

In the case of this application, the proposed dwellings are intended to discharge to the correct surface water sewer and therefore will not create an additional issue which would warrant refusal of the proposals.

The report has been amended at paragraph 7.66 following concerns raised at the previous meeting. All other aspects of the report are as previously presented.

1.0 The Site

- 1.1 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 Tree Preservation Order (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.
- 1.2 Part of the entrance to the site is located within Flood Zones 2 and 3.
- 1.3 A right of way also runs through the site and runs along its south east boundary past the village hall.
- 1.4 The site has the following constraints:
 - Part Flood Zones 2 and 3;

¹ This 'Summary of the Report' contains content generated by Artificial Intelligence (AI). This content has been reviewed for accuracy and edited/revised where necessary. The Business Manager takes responsibility for this content.

The proposed development by virtue of the site's constraints would result in an over intensive and overdevelopment of the site. The development would be sited too close to the village hall, in particular its outdoor area which could result in impact upon the amenity of the new occupiers. This is considered cannot be appropriately mitigated (agent of change principle), potentially affecting the viability of the hall. In addition, the proposal does not provide adequate visitor parking and the design of the scheme does not appropriately reflect and respond to its rural edge of settlement location. The application fails to demonstrate suitable measures for the maintenance of the road leading to the boundary with the village hall. Overall the development is considered to be contrary to Policies SP3 - Rural Areas, Core Policy 3 - Housing Mix, Type and Density and Core Policy 13 - Landscape Character of the Newark and Sherwood Amended Core Strategy Development Plan Document (March 2019) and Policies DM5 - Design of the Allocations & Development Management Development Plan Document (July 2013) in addition to the National Planning Policy Framework which is a material consideration.

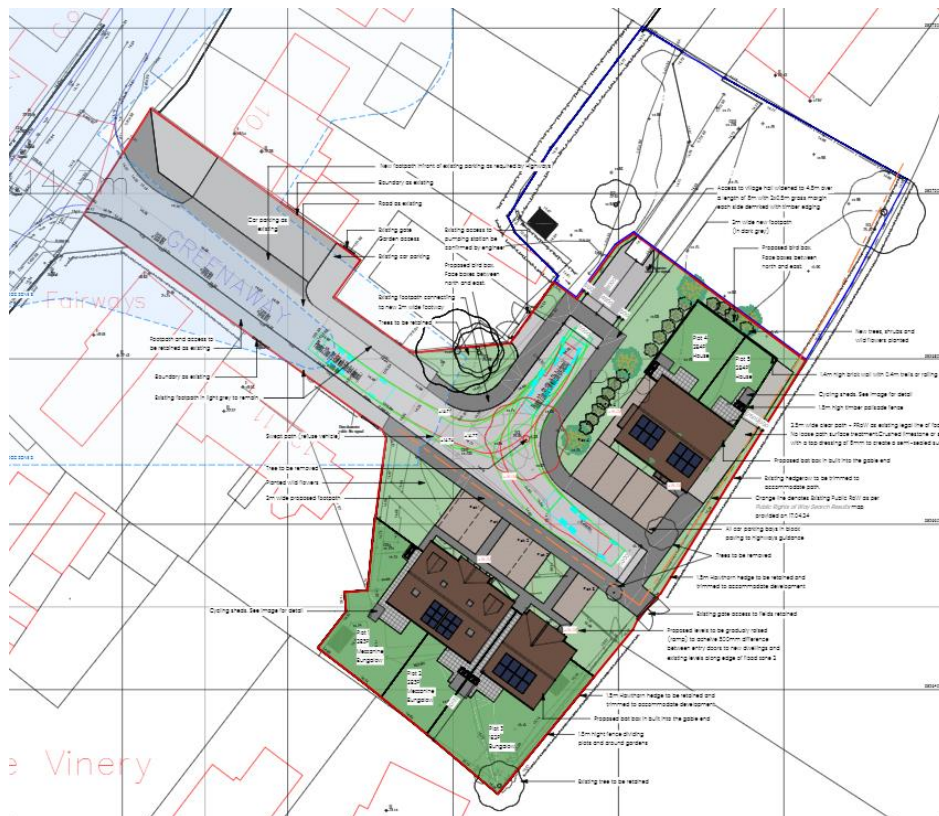
2.3 Other planning history affecting the site relates to the adjacent village hall and play area as well as the existing bungalows which were granted planning permission in 1976.

3.0 The Proposal

3.1 The application seeks permission for the erection of five dwellings following the demolition of the two existing bungalows within the site. The dwellings would be positioned towards the south western part of the site with the land between the dwellings and the village hall left as an open green area.

- Plot 1 – 2 bed 'Mezzanine' semi detached bungalow;
- Plot 2 - 2 bed 'Mezzanine' semi detached bungalow;
- Plot 3 – 1 bed detached bungalow;
- Plot 4 – 2 bed semi detached two storey dwelling;
- Plot 5 - 2 bed semi detached two storey dwelling.

3.2 Other than the 1 bed bungalow which would have one parking space, the properties would each have two parking spaces.



3.3 Documents assessed in this appraisal:

- 655-SGA-091-SL-DR-A-00001 P4 Existing Site Plan;
- 655-SGA-091-SL-DR-A-00002 P13 Site Plan and Site Location Plan;
- 655-SGA-091-XX-DR-A-00003 P1 Bungalow Plans and Elevations;

- 655-SGA-091-XX-DR-A-00004 P5 Dormer Bungalow Elevations;
- 655-SGA-091-XX-DR-A-00005 P5 Dormer Bungalow Floor Plans;
- 655-SGA-091-XX-DR-A-00006 P5 2 Bedroom House Elevations;
- 655-SGA-091-XX-DR-A-00007 P6 2 Bedroom House Floor Plans;
- 655-SGA-091-3D-DR-A-00010 P5 3D Images Sheet 1 of 2;
- 655-SGA-091-3D-DR-A-00011 P5 3D Images Sheet 2 of 2;
- Design and Access Statement Rev 1 Ref: ID354;
- Flood Risk Assessment & Drainage Strategy – 20-0622 dated 26 March 2024;
- Phase 1 Desk Top Study Report – Ref ID91;
- Phase 2 Ground Investigation Report – Ref ID191;
- Phase 2 Pre-development Arboricultural Report dated 2nd April 2024;
- Sequential Test Assessment – 20790-R02 dated May 2024;
- Ecological Appraisal & Baseline BNG Assessment dated October 2022;
- Preliminary Roost Assessment – SQ-1839 dated 24th April 2024.

4.0 Departure/Public Advertisement Procedure

4.1 Occupiers of 31 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.

4.2 Site visit undertaken on 18th March 2024.

5.0 Planning Policy Framework

5.1 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
- Spatial Policy 8 - Protecting and Promoting Leisure and Community Facilities
- 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

5.2 Allocations & Development Management DPD (2013)

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

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 and DM7** 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)
- 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 and Representations**

6.1 *NB: Comments below are provided in summary - for comments in full please see the online planning file.*

(a) Statutory Consultations

6.2 **NCC Rights of Way** – No objections.

6.3 **NCC Highways** – No objections subject to conditions.

(b) Town/Parish Council

6.4 **Rolleston Parish Council** – Object to original plans on the following summarised grounds:

- The development would have a detrimental impact on the amenity and viability of the Village Hall;
- The reduction in parking would hinder the function and accessibility of the Hall;
- Limited visitor parking proposed for dwellings;
- Increase traffic will pose risk to users of the play park;
- Loss of valuable open green space;
- Existing sewerage and surface water drainage are inadequate;
- Access is at risk of flooding;
- Existing neighbours would suffer detrimental amenity impacts;
- There is no specific local requirement for social housing as demonstrated by existing vacant units.

(c) Representations/Non-Statutory Consultation

6.5 **Ramblers Association** – No comments received.

6.6 **Environment Agency** – Though part of the red-line boundary falls within flood zone 3, the built development falls entirely within flood zone 1 and therefore we have no fluvial flood risk concerns associated with the site.

- 6.7 **NSDC Strategic Housing** – Support the proposal to replace two existing bungalows and provide three houses to meet the need identified in the parish housing needs survey.
- 6.8 **NSDC Tree and Landscape Officer** – The full impact of the development has not been quantified and it is suggested that the proposed application will have a negative impact on protected trees, the character and amenity of the area.
- 6.9 **NSDC Biodiversity and Ecology Lead Officer** – No objections subject to conditions.
- 6.10 **NSDC Environmental Health (contaminated land)** – Phase 1 Desk Top Study and Phase 2 Ground Investigation Reports have been submitted in support of this application. These have previously been submitted and reviewed in support of an earlier planning application and found that no elevated contamination was present. The recommendations made were to import certified clean material for placement in garden areas in areas where suitable material was not present.
- Any imported material should be appropriately certified as clean in line with YALPAG Verification Requirements for Cover Systems. I would recommend the use of an appropriate condition to ensure verification of any imported material is controlled.
- 6.11 **NSDC Environmental Health (noise)** – No objection subject to condition seeking noise attenuation measures.
- 6.12 **Ambulance Service** – No comments received.
- 6.13 **Nottinghamshire Fire** – No comments received.
- 6.14 **NSDC Emergency Planning Officer** - Whilst the dwelling are unlikely to be flooded the risk to residents from remaining in their homes needs to be addressed and the risk to drivers and other village residents from driving along flooded roads is real.
- 6.15 **NCC Flood** – No bespoke comments.
- 6.16 **Severn Trent Water** - No comments received.
- 6.17 **Cadent Gas** – No objection, informative note required.
- 6.18 Comments have been received from 10 third parties/local residents in relation to the original plans that can be summarised as follows:

Principle of Development

- Housing surveys have not shown a need for this development in Rolleston and there is little evidence that this would address the housing needs or interests of the Village;
- The proposal should be limited to replacement bungalows only;
- The development represents an inappropriate increase in density and is not an appropriate scale for the location;

- The District Council can demonstrate a 7.2year housing land supply and there is no need to deviate from the development plan in decision making;
- The existing social housing properties remain vacant demonstrating no specific local need for such housing;

Impact on Character

- The heights of the properties are not appropriate with the character of the open countryside;
- The semi-detached dwellings would erode the countryside setting and conflict with the Landscape Character Assessment;
- The development would constitute loss of valuable green space in the village;

Impact on Highways

- Parking is an issue and the land is used for parking for the Village Hall on a regular basis;
- There is concern that the vehicular movements would affects safety of the users of the adjacent park;
- Tandem parking will cause parking on the highway will which be obstructive;

Impact on Village Hall

- The development as planned would make significant inroads into the sustainability of the Village Hall as a local amenity;
- The development would risk the loss of the village hall;
- The parking associated with the village hall is not adequate and would not be appropriate on the 2 acre field which is used for community activities and access;

Impact on Infrastructure / Flooding

- Current water system is not fit for purpose;
- Any additional dwellings would worsen the existing sewage problems;
- The properties are supposed to be suitable for the elderly but would be too isolated when the roads flood;
- Rolleston has no local services to address day to day needs and the development would not support any community facilities so would be contrary to Spatial Policy 3;
- The location does not provide safe and inclusive access and egress being solely across land at risk of flooding;
- The pumping station regularly requires attendance by tankers to unblock it with many residents suffering sewerage spilling into their property;
- Neither the train or bus operate a viable timetable for use;
- The drainage layout is still 8 properties;

Impact on Amenity

- Bought the property due to having no neighbours to the rear so strongly object to the buildings;

- The mezzanine bungalow is a two storey dwelling hidden behind an oversized roof;
- The height would be overbearing at such a close distance to the neighbouring properties;
- Plots 4 and 5 would have direct views into neighbouring gardens;
- Plots 4&5 would suffer unacceptable noise impacts from the village hall;
- The development would obstruct neighbouring views raising serious privacy concerns;
- The proximity to the village hall would be extremely disruptive to proposed occupiers;

Other Matters

- Following the previous application residents were assured that any further application would be subject to community consultation;
- Limited parking would block existing rights of access;
- Ground floor bedrooms with front elevation windows with no defensible boundary to the public realm would be at risk of crime;
- Other applications and appeal decisions in the village are relevant to the application and should be taken into account in this decision;

Comments have been received from 5 third parties/local residents in relation to the revised plans, additional points are summarised as follows:

- Changes are minor in nature;
- Overlooking risks have been overcome;
- The bungalows would still be overbearing to neighbouring property;
- A Section 106 agreement to secure replacement of the village drainage should be considered;
- The hall is booked almost every day with many events being well attended and requiring parking;
- Neither NSDC nor the applicant have accepted an invitation to discuss the application and thus there has been no engagement with the village about this fairly significant development to the community;
- The road should be adopted if the development takes place.

7.0 Comments of the Business Manager – Planning Development

7.1 The key issues are:

1. Principle of Development
 - a. Location
 - b. Scale
 - c. Need
 - d. Impact
 - e. Character
2. Housing Mix/Tenure
3. Impact on Flood Risk
4. Impact on Visual Amenity
5. Impact on Ecology and Trees
6. Impact on Highways including Public Right of Way
7. Impact on Residential Amenity

- 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 'Presumption in Favour of Sustainable Development' of the Allocations and Development Management DPD.

Preliminary Matters

- 7.3 As is set out in Section 2.0 above, it is notable that the site has been subject to a previous application which was refused based on cumulative harm relating to: overdevelopment; amenity (given proximity to village hall); visitor parking; and the overall design not reflecting the rural edge location. The full reason is included at paragraph 2.2. This decision is material to the assessment of the current application. Local policy has not changed since the previous decision and the changes to national policy do not fundamentally change the assessment. The current application has been submitted seeking to overcome the previously identified harm and the number of units proposed has reduced from 8 to 5. Whilst this current application must be assessed on its own merits, it would be unreasonable to raise new issues which were not a cause for concern in the previous refusal.

Principle of Development

- 7.4 The Settlement Hierarchy (Spatial Policy 1) within the Core Strategy outlines the intended delivery for sustainable development within the District. Primarily the intention is for further growth to focus at 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

- 7.5 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, church and village hall and is located in relatively close proximity to Southwell and is connected to other more sustainable settlements through regular bus and train links.

Scale

- 7.6 The proposal would result in a net addition of three 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.

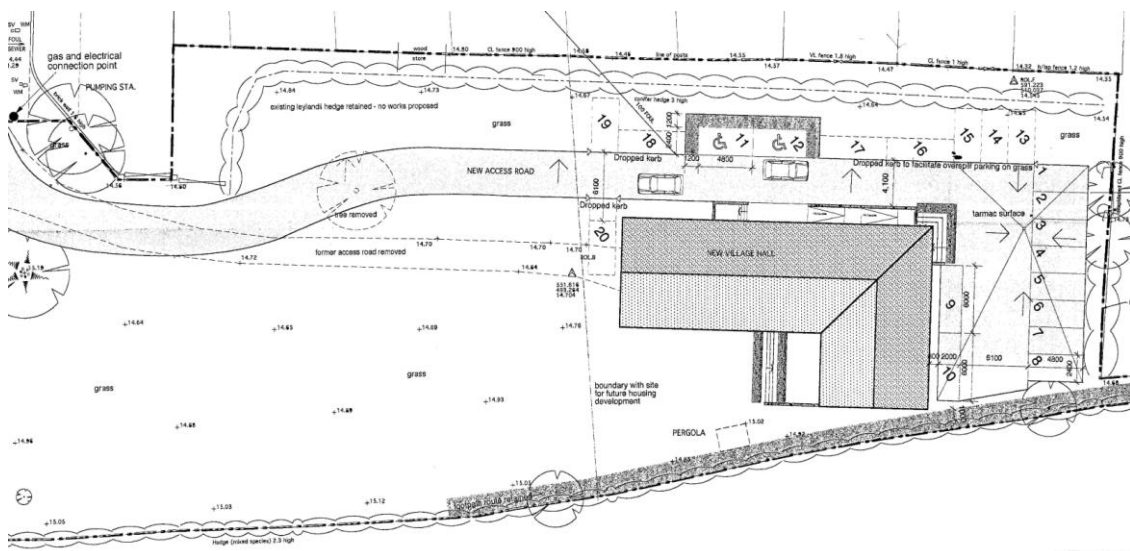
Need

- 7.7 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

- 7.8 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.
- 7.9 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.
- 7.10 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.
- 7.11 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 run off 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.

- 7.12 Given the local concerns raised, a consultation has been undertaken with Severn Trent Water but unfortunately, 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.
- 7.13 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 (Protecting and Promoting Leisure and Community Facilities) and the NPPF, any detrimental impact to an existing community facility has the potential to weigh negatively in the overall planning balance.
- 7.14 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):



- 7.15 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:



- 7.16 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).
- 7.17 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.

Character

- 7.18 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

- 7.19 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.

- 7.20 Based on a site area of 0.37 hectares, the development for 5 dwellings would lead to a development density of around 14 dwellings per hectares thereby below Core Policy 3 aspirations. However, it is noted that the current application is a re-submission of a previous scheme which was refused partly based on it being over intensive. The reduction in the number of units is therefore a direct attempt to overcome the previously identified harm and is welcomed noting the transitional nature of the site between the village and the open countryside.
- 7.21 The development is being put forward as part of a building programme by Newark and Sherwood District Council to deliver approximately 360 new affordable dwellings across the District to directly meet affordable housing need. All of the proposed dwellings would be for affordable purposes which will assist in meeting the District's overall affordable housing delivery (as required by Core Policy 1 – Affordable Housing Provision).
- 7.22 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.
- 7.23 The affordable houses forming 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.

Impact on Flood Risk

- 7.24 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.
- 7.25 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).

- 7.26 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).
- 7.27 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:
- 7.28 *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).
- 7.29 An updated Sequential Test document has been submitted throughout the application (the original submission included a document which is now over three years old).
- 7.30 This 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. Essentially there are large areas of Rolleston that 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.



- 7.31 The above flood risk map covering the village does show that there is 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).
- 7.32 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 relates to 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).
- 7.33 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.
- 7.34 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.

- 7.35 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.
- 7.36 The Environment Agency have been consulted on the application and have raised no objections acknowledging that the proposed dwellings are not located within Flood Zone 2 or 3.
- 7.37 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.
- 7.38 Based on the above, it is not considered reasonable to resist the proposal on flood risk grounds.

Impact on Visual Amenity

- 7.39 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 (in line with Core Policy 13 – Landscape Character). 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.
- 7.40 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.

- 7.41 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.
- 7.42 As existing the site is predominantly an open attractive landscape other than the existing residential dwellings which exist within the site. Mature trees form the focal point for the entrance into the site. The bungalows which exist are of modern construction and no architectural merit which would warrant concern to their demolition in principle.
- 7.43 As is noted above, the proposal is a re-submission of a previously refused scheme for a greater quantum of development. Part of the reason for refusing the previous application was that it did not adequately respond to the rural edge of the settlement location. In reducing the quantum of development from a total of 8 units to 5 units, the current application would have significantly more retained green space (primarily to the north eastern end of the site).
- 7.44 The proposed access and associated turning head would represent perhaps the most engineered and visually harsh element of the development which unfortunately still necessitates the removal of existing attractive and focal trees. However, it is difficult to see how else this could be designed noting that a field access along the eastern boundary is required to be retained. The lesser number of units does at least allow extra space for softer areas of landscaping around the access (and more retained trees overall). It is also of note that the previous application was not refused due to the loss of the trees on the site.
- 7.45 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. Plot 4 would occupy a relatively prominent position on approach into the site and therefore Officers have negotiated the design of this plot be changed to have a dual frontage to add visual interest. The garden fences for Plots 4 and 5 have also been amended to be walls with fencing above to soften the impact on the retained areas of open space.
- 7.46 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 original plans were not clear as to the intentions of whether or not the footpath was proposed for diversion but the updated site layout plan shows that it would be retained as existing (following the proposed pavement up to the site boundary).

Impact on Ecology and Trees

- 7.47 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.

- 7.48 An ecological appraisal has 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. The document has been reviewed by the Council's Ecologist who has noted that despite being undertaken 16 months before the application submission, it would be adequate in terms of the habitats present on site (based on recent photos confirming this).
- 7.49 However, the approach taken to the assessment of the buildings for potential to support roosting bats is not supported and further surveys were requested in this respect.
- 7.50 Surveys were undertaken in April 2024 focusing on the two existing bungalows proposed for demolition. The bungalows were recorded in good condition externally with no potentially roosting features present within any elevation of the properties. An internal inspection was carried out for one of the two bungalows (the one that is currently occupied) but as with previous survey works, no access was available to the vacant bungalow for an internal inspection. The conclusions of the survey works are that both bungalows have been categorised as providing negligible suitability for supporting roosting bats. No further survey is therefore deemed necessary.
- 7.51 The Council's appointed Ecology Officer has accepted the reason for not accessing the vacant bungalow (the lock has not been changed since it became vacant circa 6 years ago and keys are no longer available). It is concluded that it would be unlikely that internal access to the unoccupied bungalow would result in a change to the assigned 'negligible suitability' to support roosting bats. Sufficient information to discharge our statutory duty regarding protected species has been provided and the proposed development would not result in any impacts on bats. The proposed bat boxes shown on the site plan could be secured by a Biodiversity Management Plan (BMP) condition.
- 7.52 The application was submitted prior to Biodiversity Net Gain (BNG) legislation coming into force and therefore there is no requirement for the application to provide a BNG calculation. Compliance against Core Policy 12 can be assessed by other means, namely assessment of the Ecological Appraisal. The precautionary measures set out through the appraisal can be secured by a Construction and Environmental Management Plan (CEMP). Subject to the conditions discussed, the proposal complies with Core Policy 12 and Policy DM7.
- 7.53 A revised Arboricultural report has also been submitted during the application noting that the previous version related to the layout of the previous application which was refused. The revised report is based on a survey undertaken on 18th March 2024. The majority of the trees have been assessed as either Category C or Category U with the exception of one Sycamore tree on a neighbouring property which was assessed as Category B (this is the tree subject to protection through a TPO). A number of trees would need to be removed to facilitate the development:

Impact on trees	Category A trees	Category B trees	Category C trees	Category U trees
Unaffected.	None	9	1, 2, 4, 5, 8, 10	3
Within the footprint of development.	None	None	7	None
Unacceptable encroachment into the crowns.	None	None	None	None
Unacceptable encroachment into the RPAs.	None	None	6	None

- 7.54 This represents a higher level of tree retention when compared to the previously refused scheme. The report sets out a number of protection measures for the trees which are intended to be retained which could be secured by condition. There is also a greater opportunity for additional planting.
- 7.55 The Council's Tree Officer has raised concerns that the full impact of the development has not been properly assessed in that future growth of the existing trees has not been taken into account. Specifically in relation to T9 (the TPO tree on adjacent land) there are concerns that the growth of the tree would lead to shading of the garden to Plot 1 which eventually will lead to pressure to fell the tree. Other retained trees are predominantly away from residential curtilages next to the road layout. Whilst there may be some need for future trimming, given they won't affect a specific property, any risk for future felling is considered low.
- 7.56 It is accepted that tree T9 may lead to some shading to the garden of Plot 1, however, 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. In respect to future growth, 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. The potential impacts on this tree were considered in the assessment of the previous scheme. It is noted that Members did not reference impacts to trees in their previous refusal. Given the less intensive form of development proposed here, in my view it would be unreasonable to do so in this application.
- 7.57 Subject the conditions to secure mitigation and additional planting, the proposal would comply with Core Policy 12 and Policy DM7.

Impact on Highways including Public Right of Way

- 7.58 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.
- 7.59 All of the proposed dwellings would be accessed via The Greenaway through a shared access. NCC have commented on the access arrangements which have been subject to a number of revisions throughout the application. Specifically, revisions to the footway have been made and the upgrade of part of the access into the village hall where it leaves what will be the adopted highway for the development. Based on the latest plans NCC have no objections subject to conditions, the majority of which are considered reasonable (subject to some tweaks to the wording to ensure they would be enforceable). One of the conditions suggested relates to measures to prevent the deposit of debris on the highway. This would be controlled by other highways legislation and therefore is not considered reasonable to impose (but can be referred to in an informative). It is also not considered reasonable to insist on details of electric vehicle charging points since this would be controlled through Building Regulations.
- 7.60 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 spaces would also meet the requirements of the SPD in terms of their size. The site plan includes details showing each garden would have a small metal shed which would be suitable to store cycles. Whilst there is no specific allowances for visitor parking, there are existing spaces along the Greenaway which would be retained and would serve for that purpose if required. It is noted that this formed part of the reason for refusal on the previous scheme but that was for a greater number of dwellings. In resolving the other areas of harm identified, it is not considered that a lack of visitor parking would be a strong enough reason for refusal in its own right.
- 7.61 There is an existing public footpath which runs through Greenaway and then in a north easterly direction along the boundary of the site. The latest plans show that the footpath would be retained in its current alignment running alongside the side of Plot 5. NCC Rights of Way team have commented on the proposals throughout the application ensuring that a wider corridor has been provided (to prevent the path becoming an unsafe narrow alleyway). An informative could be added to ensure that the applicant is aware of their responsibilities in terms of keeping the existing right of way undisturbed (unless facilitated by a temporary closure).

Impact on Residential Amenity

- 7.62 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'.

- 7.63 Being at the edge of the village, the site would have limited impacts on existing neighbouring residential properties. Plot 4 would be closest to the dwellings on Staythorpe Road but still over 45m away.
- 7.64 The gable end of Plot 1 would be just 12m away from the two storey side gable of no. 12 which has two obscurely glazed windows. There would be a first floor window on the side gable but this is annotated as being obscurely glazed which could be conditioned. This would prevent overlooking between the two properties (albeit this would be low risk anyway given the neighbouring windows are obscurely glazed).
- 7.65 The original plans showed that the dormer bungalows for Plots 1 and 2 would have their first floor bedroom served just by rooflights and a small obscurely glazed window. It was therefore suggested that the design of the bungalows be altered to have a dormer window on the principal elevation which has been incorporated into the revised plans. This is a benefit to the occupiers of the units but also will protect the residential amenity of the neighbouring dwellings to the south.
- 7.66 Plot 3 would be close to the neighbour to the south at 2 Gorse View (around 15m built form distance) but plot 3 is proposed to be a true single storey bungalow and this relationship would not be dissimilar to the existing relationship with the existing bungalows. The neighbouring dwelling is two storey. **It was presented to Members in June that the neighbouring dwelling has a blank gable end facing the site. To clarify, whilst the gable end is blank, the neighbouring dwelling does have a window at ground floor facing towards the site boundary (as discussed through the neighbouring property's representations to the application). According to planning records for the neighbouring property, it appears that the room that this window serves is also served by other windows. Given the single storey nature of the proposed dwelling closest to 2 Gorse View (with no rooflights), and the distance between the dwellings, it is not considered that there would be any adverse impacts on neighbouring amenity through this relationship.**
- 7.67 Despite concerns raised through the consultation process, in respect to the revised plans, no amenity harm has been identified to neighbouring plots given in part the height of the proposed dwellings and also the distances mentioned.
- 7.68 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.
- 7.69 Overall the proposal would comply with the amenity considerations of Policy DM5.

Other Matters

- 7.70 The boundary of the site is adjacent to the existing village hall. The proximity of the village hall formed part of the reason for the refusal of the previous scheme on the site. However, unlike the previous application, it is no longer proposed for residential curtilages to be adjacent to the shared boundary. Paragraph 193 of the NPPF states:
- 7.71 *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.*
- 7.72 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 be partly shared with the accesses to 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.
- 7.73 It is noted that the hall is already close to other residential properties in the village. The revised application presented for consideration here would mean that there would be around 30m between the boundary of the village hall and the rear boundaries of Plots 4 and 5 but a greater distance of approximately 40m between built form. Given the scale of the village hall to serve a local community, this distance is considered sufficient to alleviate concerns of noise nuisance.
- 7.74 Nevertheless, given the potential for late night noise from events at the hall, it is considered necessary (as confirmed by discussions with Environmental Health Officers) to impose a condition seeking sound insulation and attenuation measures for the proposed dwellings.
- 7.75 The Council's Environmental Health Officer has commented acknowledging 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.
- 7.76 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

- 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 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 which would make a meaningful contribution to the specific local housing needs of the village.
- 9.2 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.
- 9.3 The application has been subject to numerous amendments which has led to some design improvements. However, as is detailed in the appraisal, there remain some compromises to the overall design approach, namely the tree removal necessitated through conflict with built form, albeit this was not a reason for refusal previously and the overall scheme will see a greater number of trees retained in comparison.
- 9.4 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. However, this is mitigated through the conditions recommended by Environmental Health.
- 9.5 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.
- 9.6 Taking all matters into account, it is considered that the revised scheme has successfully overcome the areas of harm through the previous refusal and should be approved subject to the conditions 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

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

No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of “biodiversity protection zones”.
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECow) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Reason: To secure development that protects the District’s ecological and biological assets, with particular regard to priority habitats, and which maximises opportunities to conserve and enhance biodiversity in accordance with the Newark and Sherwood Amended Core Strategy, Core Policy 12 Biodiversity and Green Infrastructure (2019).

04

Prior to the commencement of the development, a Biodiversity Management Plan (BMP) shall be submitted to and be approved in writing by the Local Planning Authority.

The content of the BMP shall include the following:

- a) The location and summary description of the features to be maintained and/or enhanced, or created;
- b) The proposed actions to maintain and/or enhance or create the features, and the timing of those actions;
- c) The proposed management prescriptions for those actions;
- d) Where appropriate, an annual work schedule covering a 5-year period (with the view that management proposals would be reviewed every 5 years);
- e) Identification of who will be responsible for implementing the BMP; and
- f) A schedule for monitoring the implementation and success of the BMP, this to include monitoring reports to be submitted to the Local Planning Authority at appropriate intervals. The provision of the monitoring reports shall then form part of the planning condition.

The approved BMP shall then be implemented in accordance with the approved details therein.

Reason: To secure development that protects the District's ecological and biological assets, with particular regard to priority habitats, and which maximises opportunities to conserve and enhance biodiversity in accordance with the Newark and Sherwood Amended Core Strategy, Core Policy 12 Biodiversity and Green Infrastructure (2019).

05

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.

06

No dwelling hereby approved shall be occupied until the metal shed (cycle storage facility) for that dwelling has been provided as shown for on plan 655-SGA-091-SL-DR-A-00002 P13 Site Plan and Site Location Plan.

Reason: In the interest of promoting sustainable transport.

07

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 Local Planning Authority.

Reason: In the interest of highway safety.

08

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 on plan 655-SGA-091-SL-DR-A-00002 P13 Site Plan and Site Location Plan.

Reason: In the interest of pedestrian safety.

09

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.)

10

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.

11

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.

12

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.

13

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.

14

The development hereby approved shall be carried out in accordance with the mitigation measures outlined in the Flood Risk Assessment & Drainage Strategy – 20-0622 dated 26 March 2024, 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.

15

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

- 655-SGA-091-SL-DR-A-00002 P13 Site Plan and Site Location Plan;
- 655-SGA-091-XX-DR-A-00003 P1 Bungalow Plans and Elevations;
- 655-SGA-091-XX-DR-A-00004 P5 Dormer Bungalow Elevations;
- 655-SGA-091-XX-DR-A-00005 P5 Dormer Bungalow Floor Plans;
- 655-SGA-091-XX-DR-A-00006 P5 2 Bedroom House Elevations;
- 655-SGA-091-XX-DR-A-00007 P6 2 Bedroom House Floor Plans;

Reason: So as to define this permission.

16

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.

17

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.

18

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.

19

The first floor window opening on the north western elevation of Plot 1 shall be obscured glazed to level 3 or higher on the Pilkington scale of privacy or equivalent and shall be non-opening up to a minimum height of 1.7m above the internal floor level of the room in which it is installed. This specification shall be complied with before the development is occupied and thereafter be retained for the lifetime of the development.

Reason: To safeguard against overlooking and loss of privacy in the interests of amenity of occupiers of neighbouring properties.

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 discussions during the application process to ensure that the proposal is acceptable. The District Planning Authority has accordingly worked positively and pro-actively, seeking solutions to problems arising in coming to its decision. This is fully in accord Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

03

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.

The applicant should email hdc.north@nottsc.gov.uk to commence the technical approval process, prior to submitting the related discharge of conditions application. The highway authority is unlikely to consider any details submitted as part of a discharge of conditions application prior to technical approval of the works being issued.

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.linsearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.

09

The Rights of Way Team have no objection to the proposal however please make the applicant

aware of the following:

There should be no disturbance to the surface of the footpath without prior authorisation from the Rights of Way team.

The safety of the public using the path should be observed at all times. A Temporary Closure of the Footpath may be granted to facilitate public safety during the construction phase subject to certain conditions. Further information and costs may be obtained by contacting the Rights of Way section. The applicant should be made aware that at least 5 weeks' notice is required to process the closure and an alternative route on should be provided if possible.

10

You are advised that you may require building regulations approval in addition to the planning permission you have obtained. Any amendments to the permitted scheme that may be necessary to comply with the Building Regulations, must also be approved in writing by the Local Planning Authority in order that any planning implications arising from those amendments may be properly considered.

East Midlands Building Control operates as a local authority partnership that offers a building control service that you may wish to consider. You can contact them via email at info@eastmidlandsbc.com via phone on 0333 003 8132 or via the internet at www.eastmidlandsbc.com.

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.

