

Application No:	17/01688/FUL	
Proposal:	Proposed residential development	
Location:	Platts Orchard, 39 Church Street, Southwell, NG25 0HQ	
Applicant:	Gascoine Group Ltd	
Registered:	25 September 2017	Target Date: 20 November 2017
	Extension of Time Agreed until 18th January 2018	

This application has been brought to the Planning Committee for consideration as Southwell Town Council object to the scheme which is different to the recommendation of officers.

The Site

The application site relates to a plot of land now occupied by a substantial modern 2 ½ storey dwelling which replaced a 1950s/60s era detached bungalow. The site is generally flat and is situated at the foot of a steeply rising hillside to the south of Burgage Lane. A public footpath is located to the north making the site visible from public vantage points. The dwelling on site is Plot 1 of 3 dwellings approved on appeal which have extant planning permission.

The remaining land within the site appears to have been left to vegetate naturally albeit part of the site appears to be used for the storage of a small amount of building materials. Potwell Dyke (a shallow fast flowing stream) runs along the eastern boundary. A number of mature and semi-mature trees are located on site around the periphery, with a group to the north-east, along the southern boundary with some also located alongside the access drive.

The site is located within the main built-up area of the town and within the Southwell Conservation Area. The site is also located within the Minster & Prebendage Character Area (as defined by the Council's Southwell Conservation Area Appraisal, adopted as a Supplementary Planning Document in July 2005).

The site lies within an area prone to surface water flooding and is adjacent to Flood Zones 2 and 3.

Relevant Planning History

There is extensive planning history for this site with the most relevant highlighted by bold text:

15/00955/TWCA – Tree works agreed 13 July 2015.

15/00696/FUL – Householder application for erection of double garage with adjacent parking spaces, approved 9 June 2015.

13/00920/FUL - Variation of conditions 2 and 9 of planning application no. 07/00212/FUL to include 'Weinerberger Pastore Multi' bricks and natural slate roof tiles to be used in the development and for a maximum finished floor level to the dwelling on Plot 1 to 28.45m. Approved 10 February 2014.

13/00791/NMA - Application for a non-material amendment to planning application 07/00212/FUL for proposed demolition of existing bungalow and construction of three dwellings and garaging. Amendments related to retention of existing access, substitution of garage to a games room with windows instead of garage door, first floor to have rear facing enlargement by 1.5m. Approved on 15 July 2013.

11/00519/FUL - Construction of 3 dwellings and garaging (Application for a new planning permission to replace extant planning permission (07/00212/FUL)). Application withdrawn.

10/00325/FUL - Erection of 4 no. two storey detached houses with associated garages. This was refused on 14th May 2010 on grounds of (1) the proposed development would obscure important views through the conservation area from Church Street up to Hill House and thereby adversely affect the setting of this listed building, the character and appearance of the Southwell Conservation Area. The design and siting of Plot 1 was considered to not relate well to the established character of this part of the Southwell Conservation Area and would therefore have an adverse impact on its character and appearance; and (2) it didn't provide for any affordable housing on the site contrary to the Council's SPD.

07/01332/FUL - Proposed demolition of existing bungalow and construction of two dwellings and garaging (re-submission). Approved 7 November 2007.

07/00212/FUL - Proposed demolition of existing bungalow and construction of three dwellings and garaging. This application was refused on 18th April 2007 on grounds that (1) In the opinion of the Local Planning Authority, the proposal, by virtue of its inappropriate siting, density, height, massing, large overall size and scale, within this limited site in the Southwell Conservation Area and, in addition, the Southwell Minster and Prebendage Character Area, would result in the over-intensive development of this prebendal plot which would seriously adversely affect the character and appearance of both the Southwell Conservation Area and the Southwell Minster and Prebendage Area; and (2) In the opinion of the Local Planning Authority, the proposal, by virtue of its inappropriate siting, density, height, massing, large overall size and scale, would be out of keeping with the existing pattern, scale and character of development within this part of the Southwell Conservation Area and the Southwell Minster and Prebendage Character Area, to the detriment of those areas. **APP/B3030/A/07/2057937/NWF** – This scheme was allowed on appeal on 6 June 2008. Condition 1 required a start within 3 years (by 6 June 2011) and was implemented through the erection of Plot 1. Plot 2 (unbuilt but extant) is a 2 ½ storey dwelling whilst Plot 3 (unbuilt but extant) is 2 storey.

56840073 – Construction of garage, tool shed and garden store, approved 20 March 1984.

05/02311/FUL - Demolition of existing bungalow and construction of 5 attached houses. Refused on 16th December 2005 for reasons summarised as 1) over-intensive development which was considered out of character and harm to the amenities of neighbours, 2) harm to character and appearance of the CA and setting of listed buildings and 3) harm to trees from plots 3, 4 & 5 and the pressure for removal/pruning.

05/02330/CAC – Demolition of existing bungalow. Approved 19 December 2005.

The Proposal

Full planning permission was originally sought for the erection of 4 detached market dwellings, each with four bedrooms. However in light of officers concerns, the scheme has been amended (on 20th November 2017) in terms of the layout, design and mix of dwellings. The scheme now includes a two bedroom dwelling, a three bedroom dwelling and 2 x 4 bedroom dwellings. The scheme has been assessed on the basis of the revisions.

Vehicular access would be taken from the existing drive serving the existing house with this being extended into the site which culminates in a turning head to the east. To the north of the access drive Plot 4 would be located immediately east of the existing house on site with Plot 3 adjacent to it. Plots 1 and 2 would be provided to the south of the access drive.

None of the dwellings have garages or outbuildings proposed. Each dwelling shows the provision of two off-street parking spaces within its curtilage.

The house types are set out below:

Plot 1

This would comprise a one and a half storey dwelling (over two floors) with accommodation comprising at ground floor a hall, w.c, living room and dining kitchen. At first floor is a master bedroom with en-suite, a further double bedroom and a separate bathroom.

The design is a simple pitched roof with external chimneystack and utilizing gabled dormers to the front elevation and roof lights to its rear. This would have a rectangular footprint with a frontage of c11.2m by 7.23m deep. The height to eaves is 3.84m whilst the ridge height is 7.96m (9.3m including the chimney).

Plot 2

This would also comprise a one and a half storey dwelling (over two floors) with accommodation comprising at ground floor a hall, w.c, living room, utility, study and dining kitchen. At first floor is a master bedroom with en-suite, two further double bedrooms, a single bedroom and a separate bathroom.

Again the design is a simple pitched roof with external chimneystack, utilizing gabled dormers to the front elevation and roof lights to its rear. This would have a rectangular footprint with a frontage of c14.36m by 7.2m deep. The height to eaves is 3.82m whilst the ridge height is 7.94m (9.4m including the chimney).

Plot 3

A one and a half storey dwelling over two floors with accommodation at ground level comprising a hall, w.c, living room, open plan kitchen diner/garden room and utility. At first floor is a master bedroom with en-suite, two further double bedrooms, a single bedroom and bathroom.

The design is again a simple pitched roof with external chimneystack but with front and rear

projecting gables giving the dwelling a T shaped footprint. This design utilizes a gabled dormer to the front and rear elevations, as well as windows within the gabled brickwork and a roof light to the rear. The dwelling would have a frontage of 11.6m by 11.46m deep. The height to eaves is 4m whilst the ridge height is 7.68m (the projecting gables are 7.21m) or 8.78m including the chimney.

Plot 4

A one and a half storey dwelling over two floors with accommodation at ground level comprising a hall, w.c, open plan kitchen diner/garden room, utility and snug/study. At first floor is a master bedroom with dressing area and en-suite, two further double bedrooms and a bathroom.

The design is again has a simple pitched roof and rectangular footprint but with part of the roof stepped down. This design utilizes gabled dormer windows to the front and rear elevations. The dwelling would have a frontage of 9.97m by 8.67m deep. The height to eaves is 3.9m whilst the ridge height is 7.8m, stepped down to 7.2m.

The application is accompanied by Design and Access Statement (revised 14/12/17), TF Architectural Services Ltd, Protected Species Survey, C B E Consulting, September 2017, Tree Survey, C B E Consulting, September 2017 and Flood Risk Assessment & Sustainable Drainage Assessment, Lumax Consulting Ltd, September 2017.

It should also be noted that the site plan and location plan were amended very slightly on 8th December 2017 (by reducing down the site) to remove part of the parking space of one plot from the ownership of an adjacent neighbour. On 14th December 2017 and 4th January 2018 amended plans were submitted which corrected some minor incorrect annotations and errors.

The following plans have been submitted and the application has been assessed on the basis of the latest version of these:

- Site Location Plan, 251/2016 Rev A (received 20/11/2017, revised again 08/12/2017)
- Existing Site Plan, 251/2016/01
- Proposed Plans & Elevations Plot 1, 251/2016/03 (received 20/11/2017, amended annotation 14/12/17)
- Proposed Plans & Elevations Plot 2, 251/2016/04 (received 20/11/2017, note incorrectly labelled plan, revised 14/12/2017)
- Proposed Plans & Elevations Plot 3, 251/2016/05 (received 20/11/2017, revised 14/12/2017)
- Proposed Plans & Elevations Plot 4, 251/2016/06 (received 20/11/2017, revised 14/12/2017 and 04/01/2018)
- Proposed Site Plan, 251/2006/02 Rev B (received 20/11/2017, revised on 08/12/2017, 14/12/2017 and 04/01/2018)
- Street Scene Plan, 251/2016/07 (labelled incorrectly as Proposed Plans & Elevations for Plot 1, received 20/11/2017, revised 14/12/2017).

Departure/Public Advertisement Procedure

A site notice has been displayed at the site and the application has been advertised in the local press. Thirteen neighbours have been notified individually by letter. The earliest date of decision is 26th October 2017.

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy DPD (Adopted March 2011)

Spatial Policy 1 Settlement Hierarchy
Spatial Policy 2 Spatial Distribution of Growth
Spatial Policy 6 Infrastructure For Growth
Spatial Policy 7 Sustainable Transport
Core Policy 1 Affordable Housing Provision
Core Policy 3 Housing Mix, Type and Density
Core Policy 9 Sustainable Design
Core Policy 10 Climate Change
Core Policy 14 – Historic Environment
SoAP1 Role and Setting of Southwell

Allocations and Development Management DPD (Adopted July 2013)

Policy So/HN/1 Southwell Housing Need
Policy So/PV – Southwell Protected Views
Policy DM1 Development with Settlements Central to Delivering the Spatial Strategy
Policy DM2 Development on Allocated Sites
Policy DM4 - Renewable and Low Carbon Energy Generation
Policy DM5 Design
Policy DM7 Biodiversity and Green Infrastructure
Policy DM9 Protecting and Enhancing the Historic Environment
Policy DM12 Presumption in Favour of Sustainable Development

The Southwell Neighbourhood Plan 2015-2026, adopted October 2016

Policy SD1 – Delivering Sustainable Development
Policy E1 – Flood Risk Assessments & Mitigation
Policy E2 – Flood Resilient Design
Policy E3 – Green Infrastructure & Biodiversity
Policy DH1 – Sense of Place
Policy DH2 – Public Realm
Policy DH3 – Historic Environment
Policy TA3 – Highways Impact
Policy TA4 – Parking Standards
Policy HE1 – Housing Type and Density

Other Material Planning Considerations

National Planning Policy Framework (NPPF)

National Planning Policy Guidance (NPPG)

Southwell Conservation Area Appraisal Supplementary Planning Document adopted July 2005

Consultations

Southwell Town Council – 11/12/2017 (In response to amended plans received 20/11/2017)

“Southwell Town Council considered application 17/01688/FUL Platt’s Orchard 39 Church St Southwell and agreed by majority to object to this proposal for the following reasons:
It does not conform to the NP as follows:

Policy DH3 Historic Environment pg 48- The development will negatively impact on the spaces and relationship between listed buildings, particularly those associated with the Minster where the aim is to maintain a sense of place within and around its precinct.NP

It is within the historic core of Southwell and It is an over intensification of the area.

The town council endorses the comments of the conservation officer

Policy E1 Flood Risk Assessment and Mitigation, pg 24 - it does not use the most recent Flood Assessment with no reference to 2013 when the site was badly flooded.

Policy E2 Flood Resilient Design pg 29 Any design must not increase the risk of flooding on or off sites -included in the proposal are plans to discharge some water into the Potwell Dyke.
The council are also concerned that the proposed tanks are not sufficient for a 1:100 flood.
Testing should also be carried out to ensure the drainage solution proposed is sustainable.”

Previously objected on 2/11/2017 (in relation to the original scheme)

“Southwell Town Council considered application 17/01688/FUL Platts Orchard 39 Church Street Southwell and agreed unanimously to object to the application for the following reasons:

It does not conform to the NP - The development will negatively impact on the spaces and relationship between listed buildings, particularly those associated with the Minster where the aim is to maintain a sense of place within and around its precinct.NP Policy DH3 Historic Environment page 48

It is within the historic core of Southwell

The town council endorses the comments of the conservation officer

It is an over intensification of the area

Planning History- a similar application was refused previously”

NCC Highways – Standing Advice Applies. However comments received 19/12/17 state:

“The amended layout as shown on drawing no. 251/2016/02 Rev. B is acceptable to the Highway Authority, therefore, there are no highway objections.”

Southwell Civic Society – Object (23/11/2017 – amended scheme)

“The Southwell Civic Society has examined the amendments and wish to confirm that our earlier comments still stand.

On a general point, we would also like to ask does the method of disposal of foul sewage have to be determined before planning consent can be granted? We note that on the application form the method of disposal is stated as unknown.”

Object (27/10/2017 –in relation to original scheme)

“This site has a long history of planning applications as described in the Design and Access Statement. Applications for five and four houses have been refused in the past, as was the current three-house scheme, which was only approved on Appeal.

The scheme proposed is to cram four uninspiring pedestrian houses (with inadequate garaging and car parking provision), into a small plot whereas the character of this part of the Conservation Area is for large houses in large plots. This is contrary to Policy DH3 of the Neighbourhood Plan.

Our views are eloquently described in the Conservation Officer’s report which we fully support and endorse.”

The Environment Agency – The application is of low environmental risk and we have no detailed comments to make.

NCC (Lead Local Flood Authority) – No objection. (26/11/2017)

Trent Valley IDB ‘The site is outside of the Trent Valley Internal Drainage Board district but within the Board’s catchment.

There are no Board maintained 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 Lead Local Flood Risk Authority and Local Planning Authority.’

NSDC (Access and Equalities Officer) - Makes general observations.

Ramblers Association – This development seems to be sited at a significant distance from the nearest right of way (Southwell Footpath 68) and we have no objection.

NSDC Environmental Health – 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 becquerels per cubic metre (Bq/m³). 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

NSDC (Conservation) – Comments as follows on 23rd November 2017 in relation to the amended plans:

“Many thanks for consulting Conservation on amended plans for the above proposal. We provided formal comments on the scheme back in October, objecting to the proposed scale and layout of the development.

We have reviewed the revised plans and layout and consider that the amendments significantly address the concerns previously raised. The development has a more coherent courtyard feel to it which is more appropriate to the character of the conservation area, and the modest cottage scale of the dwellings ensures that the development is not unduly prominent. On balance therefore, and in the context of the fall-back position, we consider the development to now be acceptable. In reaching this view, I have carefully considered the special interest of the Southwell Conservation Area and the setting of listed buildings nearby in accordance with objectives and policies contained within the Planning (LBCA) Act 1990, CP14 and DM9 of the Council’s LDF DPDs, and section 12 of the NPPF.

The development will benefit from using appropriate materials and details, including timber joinery and non-interlocking clay pantiles.”

Comment as follows on 23/10/2017 in relation to original plans:

“Introduction

Platts Orchard is located within Southwell Conservation Area (CA). There are an extensive number of listed buildings within the vicinity, including: 41 (boundary wall separately listed), 43, 45 and 47 Church Street (all Grade II); Potwell Dyke Bridge (Grade II); The Old Rectory (Grade II); Cottage adj South Muskham Prebend (Grade II); South Muskham Prebend (Grade II); Hill House (Grade II); and Normanton Prebend (Grade II). In the wider area, the Minster is a significant national landmark (Grade I).

The proposal site benefits from an implemented scheme for three large dwellings, of which, unit 1 has been constructed (approved via appeal; ref 07/00212/FUL). The applicant has sought pre-application advice on the submitted scheme.

Legal and policy considerations

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the ‘Act’) requires the Local Planning Authority (LPA) to pay special regard to the desirability of preserving listed buildings, their setting and any architectural features that they possess. In this context, the objective of preservation is to cause no harm, and is a matter of paramount concern in the planning process. Section 72 requires the LPA to pay special attention to the desirability of preserving or enhancing the character and appearance of conservation areas. In this context, the objective of preservation is to cause no harm, and is a matter of paramount concern in the planning process. The courts have said that these statutory requirements operate as ‘the first consideration for a decision maker’.

Policies CP14 and DM9 of the Council's LDF DPDs, amongst other things, seek to protect the historic environment and ensure that heritage assets are managed in a way that best sustains their significance.

The importance of considering the impact of new development on the significance of designated heritage assets, furthermore, is expressed in section 12 of the National Planning Policy Framework (NPPF). Paragraph 132 of the NPPF, for example, advises that the significance of designated heritage assets can be harmed or lost through alterations or development within their setting. Such harm or loss to significance requires clear and convincing justification. The NPPF also makes it clear that protecting and enhancing the historic environment is sustainable development (paragraph 7). LPAs should also look for opportunities to better reveal the significance of heritage assets when considering development in conservation areas (paragraph 137).

The setting of heritage assets is defined in the Glossary of the NPPF which advises that setting is the surroundings in which an asset is experienced. Paragraph 13 of the Conservation section within the Planning Practice Guidance (PPG) advises that a thorough assessment of the impact on setting needs to take into account, and be proportionate to, the significance of the heritage asset under consideration and the degree to which proposed changes enhance or detract from that significance and the ability to appreciate it.

Additional advice on considering development within the historic environment is contained within the Historic England Good Practice Advice in Planning (HEGPAP; notably Notes 2 and 3). In addition, 'Historic England Advice Note 2: making changes to heritage assets' advises that the "main issues to consider in proposals for additions to heritage assets, including new development in conservation areas, aside from NPPF requirements such as social and economic activity and sustainability, are proportion, height, massing, bulk, use of materials, durability and adaptability, use, enclosure, relationship with adjacent assets and definition of spaces and streets, alignment, active frontages, permeability and treatment of setting. Replicating a particular style may be less important, though there are circumstances when it may be appropriate. It would not normally be good practice for new work to dominate the original asset or its setting in either scale, material or as a result of its siting" (paragraph 41).

The adopted Southwell CA Appraisal (2005) provides a useful assessment of the CA, including its origins, settlement layout patterns and architectural interest. The Nottinghamshire Extensive Urban Survey (EUS) Archaeological Assessment for Southwell (English Heritage; 2001) is also helpful.

Significance of heritage asset(s)

Southwell Conservation Area (CA) was first designated in 1968 and extended in 1970 and 1993. The Council produced an Appraisal of the CA in 2005 following a further review and again amended the boundary.

The existing CA boundary has been drawn to include the Minster Church and distinctive Prebendal area, the historic commercial centre of King Street and Queen Street, the Burgage and the former hamlets of Easthorpe and Westhorpe. Key features of the conservation area are the presence of the Minster church, its well-preserved historic layout, the high proportion of listed buildings and unlisted buildings of quality, its strong character areas and its attractive landscape setting. The Minster is a prominent landmark within the town and can be seen for miles around.

The proposal site falls within the Minster and Prebendal character area, although abounds the Easthorpe character area on its eastern edge (divided by the Potwell Dyke). There are quite a significant number of large houses in the Minster character area, most of which are Prebendal houses, or their replacements, set within their own grounds. These were the residences of the prebendaries (secular canons) who were supported by income from endowments of properties and tithes known as prebends. By the end of the 13th century, sixteen prebends and prebendal

houses had been established. There are now only nine remaining and none is the original building although parts of the originals have been incorporated into the fabric of some of the new. The proposal site lies within land associated with South Muskham Prebend.

The number of listed buildings and unlisted buildings of local character in this area is high. Buildings tend to be large, well-proportioned and individually designed. Most have brick boundary walls. The character to the east of the Potwell Dyke is markedly different in terms of buildings and layout, with a close-knit arrangement of cottages and houses onto the roadway within long perpendicular plots. The higher, open areas to the north of the proposal site include a network of footpaths which provide a positive landscape experience of the CA and historic buildings in the Minster area (views from the footpath along the edge of Normanton Prebend, for example, and from across the field enclosure on approach to Church Street).

Assessment of proposal

On balance, Conservation objects to the proposed development.

Whilst it is recognised that the fall-back position is a significant material consideration, the two further large dwellings already approved at least have a courtyard setting which better reflects the Minster and Prebendal character area. The layout and intensity of the proposed new development fundamentally results in a cramped arrangement which harms the character and appearance of the CA. Although the reduction in heights of buildings from the fall-back position is positive, the respective building heights are over 7m to the ridge, which, combined with large footprints, results in a sizeable mass and scale. The individual designs of the proposed buildings is not out of character with the cottage vernacular of Easthorpe, but the cramped cul-de-sac arrangement is alien to the positive historic settlement pattern of the medieval Prebendal area, noting the significance and contextual relationships between South Muskham Prebend and Normanton Prebend.

It is acknowledged that the development site is not prominent to Church Street behind no. 41 and enjoys good landscape screening on its north and eastern boundaries. The PPG reminds us however that whilst the extent and importance of setting is often expressed by reference to visual considerations, the way in which we experience an asset in its setting is also influenced by other factors, and by our understanding of the historic relationship between places, noting that buildings that are in close proximity but not visible from each other may have “a historic or aesthetic connection that amplifies the experience of the significance of each”. In this case, the intense and cramped arrangement of new dwellings will have a significant impact on the setting of no 41, and the adjacent buildings within the Prebendal plots. Given that the proposal site is visible from the higher ground to the northwest, an area which provides important open setting to the CA and grounds of Hill House and Normanton Prebend, extensive new development as proposed will have a significant impact on the significance of the CA and setting of listed buildings (notably South Muskham Prebend, the cottage range associated with South Muskham Prebend and Normanton Prebend).

Summary of opinion

In its current form, the proposal is considered to harm the character and appearance of the Southwell Conservation Area and the setting of nearby listed buildings contrary to the objective of preservation under sections 66 and 72 of the Act. The proposal also contradicts heritage objectives within the LDF DPDs and section 12 of the NPPF. For the purposes of paragraphs 132-134, the

harm identified is less than substantial. Whilst Conservation recognises that the fall-back position is a significant consideration, it is felt that the detached arrangement of dwellings is materially worse than the fall-back position, despite the reduction in building heights. Conservation also acknowledges that the applicant sought pre-application advice and the concept of one and a half storey development was given a positive response by Conservation subject to precise design and layout details. However, it was made clear that an overly intense and disordered arrangement of detached dwellings would be seen as harmful, Conservation advising instead that continuous rooflines around a courtyard type arrangement would be preferred (this would help give the appearance of subservient outbuilding/mews cottage type layouts which would be more appropriate in this context).

In addition to the above, the applicant claims that a Heritage Impact Assessment (HIA) is not required in this case. However, this contradicts advice within paragraph 128 of the NPPF. The Conservation Team would not wish to put the applicant to any unnecessary costs, but they should note that an HIA may help the applicant in this case explain the rationale behind their design and layout in the context of the rich historic environment which surrounds it.”

Six representations have been received (objections) making the following summarised comments:

- Previous concerns were that scheme for 5 dwellings was unacceptable and a scheme for 2 dwellings was acceptable. Main concerns previous to the appeal that was allowed related to massing rather than footprint;
- None of the houses would have garages and are out of character with the Conservation Area;
- The number of dwellings (5 including the dwelling already built) is against what the Council have already objected to;
- Highway safety concerns - entrance to the site is at very worst section of this busy and dangerous road. There is blind corner in the direction of the Minster and cars are always parked the other way;
- Flood Risk concerns - concerned that this will place additional burden on the already fragile and vulnerable drainage system. Extreme weather is predicted and after 2 major flooding events in 6 years caution would be expected from the Council to new development;
- Some developers have included flood mitigation in their plans but there is no guarantee that these will make much difference;
- The Flood Study Report does not appear to detail any flooding to the actual development site. We have not been made aware of flooding to the site itself although it is understood that the culvert beneath Church Street does overtop and floods the residential property to the east of the site and other properties on the east of the Potwell Dyke;
- Other properties in the immediate area have flooded in 2013 as well as this application site.
- In 2013 Plot 1 was under early construction and the force of the pluvial flooding flattened this brickwork. It is evident that the pluvial flooding had come down Church Street, straight through the properties North Muskhams Prebend and The Coach House. The water then escaped across Platt's Orchard into the course of the Potwell Dyke.
- Additionally, The Potwell Dyke burst its banks that evening, causing significant flooding to the proposed site and my garden.

- There is no affordable accommodation element which is a prerequisite in this expensive area.
- Piecemeal infilling is problematic, not necessary nor sensible given the circumstances.
- Both the site lay out and location plan are misleading as they show an inaccurate layout of the plot.
- The boundary between 41 Church Street and Platts Orchard is parallel to the driveway to Platts Orchard for approximately 30m. At that point it turns at the right angle and goes towards the stream in a straight line.
- The plans submitted show that the site is larger than it actually is, and a corner of the parking space for plot 1 is within the boundary of 41 Church Street (site plan has subsequently been amended to remove this)
- Amendments haven't altered the objections
- There is supposed to be a policy on non back development

Comments of the Business Manager – Growth and Regeneration

The Council is of the view that it has and can robustly demonstrate a 5 year housing land supply. This has been rehearsed many times before with Members. I do not intend to rehearse this in full other than to say that the policies of the Development Plan are considered up to date for the purposes of decision making.

Principle of Residential Development

The principle of new dwellings on this site has been established through the granting of planning permission for three dwellings on appeal, one of which is already built out. For clarity there remain two dwellings, one 2 ½ storey and one 2 storey that are extant and could be erected at any time providing a strong and realistic fallback position. This is a significant material consideration.

In any event Southwell is defined as a 'Service Centre' in the District's Settlement Hierarchy and as such is considered to be a sustainable location for the provision of new houses.

Increasing the number of houses on this site would be welcomed as a matter of principle but is subject to assessment against the Development Plan. Clearly since the appeal was allowed in 2008, the Development Plan has changed and there are a number of considerations that need to be considered afresh having regard to the fallback position.

Housing Density, Mix and Need

Core Policy 3 provides that development densities should normally be no lower than 30 dwellings per hectare net. It goes on to say that development densities below this will need to be justified, taking into account individual site circumstances.

This application proposes 4 dwellings on a site area of 0.20 hectares equating to an average density of c20 dwellings per hectare. This is lower than what both CP3 envisages however is higher than the extant appeal which I must give weight to.

Paragraph 50 of the NPPF states that "To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should,

- plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes)
- identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand...”

The Development Plan (in terms of the policies identified below) reflects and is compliant with the NPPF. The Council has sought to plan for a mix for communities and has identified the size, type and range of housing that is required taking into account local demand as is reflected in the following policies.

CP3 also states that the LPA will seek to secure new housing which adequately addresses the local housing need of the district, including the elderly and disabled population. Mix will be dependent on the site location (in terms of settlement), local circumstances, viability and any local housing need information. In a Southwell context, there is a locally identified housing need (which has been through independent Plan Examination).

Irrespective of the Southwell need policy, which I will come on to, I have considered whether the ‘mix’ of this scheme is acceptable in its own right, having regard to a very clear and long-established national policy aspiration for balanced communities and to the local context in terms of housing provision. It appears to me that the vast majority of dwellings in this area are larger family homes with the dominance tending to be larger detached family houses. I am mindful that as amended the scheme does seek a better mix than previously proposed with a 2 bedroom house, a 3 bedroom house and 2 x 4 bedroom houses. Overall I consider that this mix is more appropriate for the area than both the proposal as originally submitted and the fallback position.

Housing Need

One of the key changes to the Development Plan in respect of Southwell since the extant appeal decision, has been the introduction of the policies to manage housing need. Policy So/HN/1 seeks to address housing need issues within Southwell and reflects the need for smaller properties to accommodate an ageing population as well as young people wishing to stay in the area.

Accordingly the policy, subject to local site circumstances and viability, seeks to secure the majority of new housing on allocated and windfall sites as one or two bedroom units in line with identified housing needs. This aspiration is also reflected in the Southwell Neighbourhood Plan and is in line with the National Planning Policy Framework which seeks to ensure sites ‘*deliver a wide choice of high quality homes....and.... plan for a mix of housing...’*.

I note that the remaining (extant) two houses to be built out comprise Plot 2; a 4 bedroom two storey property and Plot 3; a 5 bedroom two-and-a-half storey dwelling.

The scheme as originally proposed effectively sought to double the number of units on the site and not one of these were to be a smaller dwelling to meet the identified need. This revised scheme would now provide for one of the dwellings to be a two bedroom property. In order to comply with the local policy, the majority of the dwellings (i.e. technically more than half) would need to have one or two bedrooms. However having regard to the fallback position, I consider that a reasonable approach is that half of the ‘additional’ units should be 1 or 2 bedroom dwellings

which the applicant has now accepted and the proposal reflects this. I also note that the provision of a 3 bedroom dwelling, whilst not directly meeting the local need, does however add to a better mix overall on the site when compared to the fallback position of executive 4 and 5 bedroom dwellings. Whilst this revised scheme still does not technically meet the requirement of So/HN/1, I consider that this is reasonable taking account the fallback position. Overall I consider that the scheme now provides for an appropriate density, mix and arguably has sought to address local need.

Design, Impact on Visual Amenity and Character of the Area (including Heritage Considerations)

Core Policy 9 requires a high standard of sustainable design that protects and enhances the natural environment and contributes to the distinctiveness of the locality and requires development that is appropriate in form and scale to the context. Policy DM5 mirrors this. In addition CP14 seeks to secure the continued preservation and enhancement of the character and appearances and setting of the districts heritage assets and historic environment. DM9 requires that proposals take account of the distinctive character and setting of individual conservation areas and reflect this in their design, form, scale, mass and use of materials and detailing, a matter echoed in DH2 of the SNP.

The layout of the extant appeal scheme provides a layout of 3 large dwellings which combine to create a courtyard layout. The footprint of the dwellings was extensive but the bulk and massing was broken up by differing roof heights. By contrast the scheme as originally advanced proposed four detached boxes sat round a modern cul-de-sac arrangement, a matter to which officers raised concerns. The revisions now show a layout arranged to appear as a courtyard approach more akin to the allowed appeal scheme.

Whilst Plot 2 of the extant appeal scheme would be located to the north-eastern corner of the site (adjacent to Plot 1) and was 8.55m in height across its main bulk (with a projecting gable rising to 9.5m), the built form proposed by this application would now have Plots 3 and 4 which are more modest in scale and form with maximum ridge heights of 7.68 and 7.8m. Plot 3 of the appeal scheme was a more modest 7.26m to ridge which would be replaced with Plots 1 and 2 of this application and is broadly comparable with the 7.9m heights proposed. Overall I consider that the design, layout and massing is acceptable and marginally preferable in my view than the appeal scheme.

Indeed I note that my Conservation colleague agrees that the revisions make the scheme acceptable:

“We have reviewed the revised plans and layout and consider that the amendments significantly address the concerns previously raised. The development has a more coherent courtyard feel to it which is more appropriate to the character of the conservation area, and the modest cottage scale of the dwellings ensures that the development is not unduly prominent. On balance therefore, and in the context of the fall-back position, we consider the development to now be acceptable.”

Overall the scheme as amended is judged by officers to be acceptable and in line with CP9, CP14, DM5 and DM9 of the Development Plan.

Highway and Parking Matters

Spatial Policy 7 indicates that proposals should minimise the need for travel, through measures such as travel plans or the provision or enhancement of local services and facilities and provides

that proposals should be appropriate for the highway network in terms 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 echoes this.

I note the concerns raised in relation to highway safety from neighbours and interested parties. Standing Advice applies to this scheme and NCC Highways Authority will no longer provide bespoke comments on a scheme of 5 houses or less on roads with a speed limit of 30mph unless they are within 20m of a junction or 50m of a school. As this scheme meets the criteria, Standing Advice would apply.

I have assessed the scheme against the Standing Advice and it is my opinion that the highway width of 5.25m is appropriate and the necessary visibility splay can be achieved. The proposed parking provision for each plot is satisfactory and accords with the Advice. Based on the Advice I do not consider there are any insurmountable issues that would warrant a reason for refusal on highways safety or parking grounds. Indeed I note that the NCC Highways Authority have confirmed this to be the case.

Drainage/Flood Issues

Core Policy 9 (Sustainable Design) provides that development should 'through its design, proactively manage surface water, where feasible, the use of Sustainable Drainage Systems.' CP10 seeks to mitigate the impacts of climate change whilst Policy DM5 also seeks to ensure development is safe for the intended users without increasing flood risk elsewhere. This broadly reflects the advice in the NPPF.

The site lies in Flood Zone 1 which is at lowest risk of flooding but is within an area prone to surface water flooding. Given the flood events in recent years in Southwell the applicant has provided a Flood Risk Assessment as requested. I note that the Town Council raise objection on flood grounds.

The FRA concludes that the site is not subject to any significant flood risk although the combination of flood history and modeling suggests there may be some residual risk associated with overland flooding. It recommends finished floor levels are set 600mm above existing ground levels in order to limit the risk. It also indicates that external levels will be set so as to provide flood routes through the site to compensate for any loss of conveyance associated with the raised floor levels. A sustainable drainage system to restrict flow from the site to 5l/s has been proposed and up to 81m³ storage may be required to fully attenuate flows from the proposed development. Attenuation would be located in storage crates or subbase beneath permeable paving. Outfall from the development will be to the Potwell Dyke at the restricted rate proposed.

The LLFRA have not commented on the scheme to date. However I am conscious of the extant appeal decision and that fact that the two schemes are practically identical in terms of footprint. Indeed I note that the appeal Inspector did not impose conditions relating to either surface water drainage or foul sewage disposal (a matter which would ordinarily be dealt with following a grant of planning permission with STW/Building Regulations). However given the flood sensitivities of the site and the findings of the FRA, I consider that this is material and I am satisfied that mitigation and compensation can be dealt with via condition in the event that the scheme was considered acceptable and conclude that there is no reason to withhold permission on flood risk or surface water drainage grounds.

Impact on Ecology

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.

The site has essentially been allowed to vegetate and is surrounded by mature landscaping and trees with a watercourse along the eastern boundary. As such an ecological appraisal has been requested and provided.

This concludes that the site has low ecological value and recommends that vegetation clearance is undertaken outside of bird breeding season that given the potential for foraging bats external lighting is properly considered and controlled to retain a dark corridor along the Potwell Dyke. Potential for some ecological enhancement was also identified through any native landscaping and by installing bat and bird boxes. Overall I consider that the impact of the scheme upon the ecological value of the site is acceptable subject to conditions.

Impact on Trees

Policies CP12 and DM5 seek to protect and enhance natural features where possible. Policy CP9 requires proposals *'to demonstrate a high standard of sustainable design that both protects and enhances the natural environment and contributes to and sustains the rich local distinctiveness of the District.'*

There are a number of mature and semi-mature trees within the site and the applicant has submitted an Arboricultural Survey in support of the scheme. This identifies 8 trees as B grade trees; those which have moderate quality and value and where it is desirable to be retained. It also identifies 9 category C trees (generally those of low quality in adequate condition or young trees) which could be retained albeit I note that not all of the trees surveyed are within the defined application site.

The development within the site would require the removal of some 8 trees to accommodate the dwellings albeit most of these are low or poor quality specimens. I do however note that the scheme would necessitate the removal of a reasonably prominent Sycamore tree (T1) at the junction of the access to allow adequate highway visibility. The tree survey categorizes this as B1 grade which is of moderate quality and value and where it would be desirable to be retained. Its loss is regrettable but is necessary to make the access safe from a highway safety perspective. What has become clear during the consideration of this application is that this Sycamore tree should have already been removed to provide for adequate visibility for the existing dwelling which is already occupied. There is therefore a technical breach of Condition 8 of planning permission 07/00212/FUL which will be taken forward separately. As such there are no grounds to resist the removal of this tree and in any event there are other trees nearby to maintain canopy cover along the road including a Yew situated in the adjacent garden.

The survey recommends that root protection is provided through a barrier such as tree protection fencing during construction. I am satisfied that this matter could be controlled by condition in the event that the application is approved.

In relation to the original plans concern was raised that Plots 1, 2 to 4 were to be located very close to both the root protection zone of the trees and their canopies leaving no space for the

trees to mature and grow and would likely mean that there would be pressure to lop, top and/or fell trees due to the impact upon the proposed occupiers. Concern was also raised that the space that the dwellings would have would be severely restricted and overshadowed with occupiers having to constantly manage their space which was a symptom of the overdevelopment of the site. However in relation to the amended plan, by reducing the size of the dwellings and their re-siting where possible away from large retained trees, I am satisfied that the impacts have been improved to an acceptable degree.

Impact on Residential Amenity.

Policy DM5 requires development to be acceptable in terms of not having a detrimental impact on residential amenity both in terms of existing and future occupiers. Indeed 'always seeking to secure a good standard of amenity for existing and future occupants of land and buildings' is one of the 12 core planning principles set out in the NPPF.

There are two dwellings that have the potential to be impacted by this development which I have carefully assessed below:

41 Church Street

No. 41 Church Street lies to the east of the access drive fronting onto the roadside and would be to the south of the development. The dwelling is located approximately 13m from the boundary which is formed by mature trees and vegetation which would be retained according to the application.

The extant appeal scheme accepted that a distance between no. 41 and the nearest proposed dwellings (Plot 3 of the appeal scheme) would have been located approximately 12 metres away from the rear elevation at its nearest point. Whilst this is a relatively short distance, the proposed dwelling would be sited to the north, and angled away from, No. 41 and it was noted there would be no windows or other openings above ground floor level, except for a single roof light serving the internal staircase and landing.

This scheme now being considered would place Plot 1 directly north and further away than the previously allowed built form by approximately 1.7m. Plot 1 has been designed so that at first floor level along its rear elevation facing the neighbour would be served by only roof lights to a bathroom and landing.

Plot 2 would lie to the north-east and would have its side gable facing south towards the neighbour. There is only one window proposed in this elevation which is at first floor serving an en-suite which would be obscure glazed.

There are 3 trees along this boundary in the vicinity of Plot 2 to its south; one appears to be in the ownership of no. 41, whilst the other two are an Ash Tree (T12; to be retained; B2 categorization) within the south-western corner of plot 2 and a Damson (T14, an ungraded tree shown to be retained but is recommended in the supporting tree report as being removed and replaced. This tree lies to the south-eastern corner of Plot 2.

Concerns had previously been raised that the privacy of the neighbour relied upon the retention of a tree that is identified as not worthy of being retained (and thus a tree application for its removal could come forward at a later date which could not be resisted). However the re-orientation and

redesign of Plot 2 now means that the dwelling would be marginally further away from the existing neighbour than the extant permission and lie approximately 9.7m from the boundary at its closest point. I consider that this relationship is improved (and acceptable) over the extant permission and avoids direct overlooking.

53 Church Street

The rear elevation of Plot 2 would face east towards the rear of No. 53 Church Street and what appears to be its large rear garden. Plot 2 would be between 5 and 8m from the boundary (the extant permission distance was c10m) with No. 53. I note that the Council previously acknowledged the short distance but gave weight to the retention of the trees. In this instance only four rooflights (providing light to the landing, en-suite and bedroom) are proposed along the rear elevation facing the neighbour so I am satisfied that no direct overlooking issues would occur. Overall I consider that the proposal would not cause unacceptable impacts upon the occupiers of this property.

Amenity space for the Proposed Occupiers

With relation to the original layout, concerns had been raised regarding the level of amenity space for three of the plots when having regard to the retention of existing trees. However the revisions have now increased the amount of amenity space to be provided for each dwelling to an acceptable degree.

Other Matters

Archaeology

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') requires the Local Planning Authority (LPA) to pay special regard to the desirability of preserving listed buildings, their setting and any architectural features that they possess. In this context, the objective of preservation is to cause no harm. The courts have said that these statutory requirements operate as a paramount concern, 'the first consideration for a decision maker'. Planning decisions require balanced judgement, but in that exercise, significant weight must be given to the objective of heritage asset conservation.

Policies CP14 and DM9 of the Council's LDF DPDs, amongst other things, seek to protect the historic environment and ensure that heritage assets are managed in a way that best sustains their significance. Policy DH3 of the SNP also requires the investigation of potential archaeology on the site and any necessary post-determination mitigation measures secured by way of condition.

The importance of considering the impact of new development on the significance of designated heritage assets, is expressed in section 12 of the NPPF. Paragraph 132 of the NPPF, for example, advises that the significance of designated heritage assets can be harmed or lost through alterations or development within their setting. Such harm or loss to significance requires clear and convincing justification. The NPPF also makes it clear that protecting and enhancing the historic environment is sustainable development (paragraph 7). LPAs should also look for opportunities to better reveal the significance of heritage assets when considering development within their setting (paragraph 137).

The setting of heritage assets is defined in the Glossary of the NPPF which advises that setting is the surroundings in which an asset is experienced. Paragraph 13 of the Conservation section within the Planning Practice Guidance (PPG) advises that a thorough assessment of the impact on setting needs to take into account, and be proportionate to, the significance of the heritage asset under consideration and the degree to which proposed changes enhance or detract from that significance and the ability to appreciate it. Paragraph 13 also reminds us that the contribution made by setting does not necessarily rely on direct intervisibility or public access.

Additional advice on considering development within the historic environment is contained within the Historic England Good Practice Advice Notes (notably GPA2 and GPA3). In addition, 'Historic England Advice Note 2: making changes to heritage assets' advises that the main issues to consider in proposals for additions to heritage assets, aside from NPPF requirements such as social and economic activity and sustainability, are proportion, height, massing, bulk, use of materials, durability and adaptability, use, enclosure, relationship with adjacent assets and definition of spaces and streets, alignment, active frontages, permeability and treatment of setting. Replicating a particular style may be less important, though there are circumstances when it may be appropriate. It would not normally be good practice for new work to dominate the original asset or its setting in either scale, material or as a result of its siting (paragraph 41).

In respect of this particular site no heritage assessment has been submitted in support of the application and the Design and Access Statement is silent on the matter.

I note that the extant appeal decision dealt with archaeological mitigation by way of a condition. In response to the request to discharge the said condition, I note that archaeological works that had been started on the site had uncovered parts of the site that had a significant archaeological interest and that further mitigation was required in order to fulfill the condition which was not discharged. I am currently unclear as to whether these works were ever resolved but nevertheless consider that in the event of an approval a condition to require a scheme of mitigation could be re-imposed.

Planning Balance and Conclusion

It is considered that residential development is acceptable in principle on this site as it occupies a sustainable location and indeed it is acknowledged that there is an extant permission on the site for two large detached dwellings which must attract significant weight as a realistic fallback position.

Whilst comments had not been received from the Highways Authority or the Lead Flood Authority at the time of going to print, having regard to Standing Advice and the extant permission it is considered that the scheme cannot justify grounds for refusal in relation to highway safety or flood risk. I also consider the scheme is satisfactory in relation to ecology.

Following revisions to the scheme during the life of the application, I am now satisfied that the impact upon the Conservation Area is acceptable. In my view the impact upon the amenity of neighbours and affected trees is also now acceptable.

With regard to housing mix, the inclusion of 2 and 3 bedroom dwellings as well as two 4 bedroom dwellings does now constitute an appropriate mix in line with CP3. Having regard to the fallback position of two large detached dwellings, the scheme does now provide for 50% smaller dwelling of the uplift in the number of units from the fallback position, which attracts significant weight in my view. This also represents a reasonable and pragmatic approach which would assist in

delivering more family size dwellings in a sustainable settlement where there appears to be a need. I do not consider that the lower than average density is a factor upon which the scheme should fail given the findings of the previous appeal Inspector.

It is acknowledged that the Council's 5YHLS position cannot yet attract full weight until such time as the OAN has been ratified through the Plan Review process. However the Council is of the opinion that it can robustly demonstrate a 5 year land supply and consequently it attracts significant weight in my view.

Taking all matters into account, including the realistic fallback position, I find that the harm that I previously identified with the original plans has been adequately overcome through revision. I therefore recommend that planning permission is granted subject to the following conditions.

RECOMMENDATION:

That full planning permission is approved subject to the following conditions:

Conditions:

01 (Time for Implementation)

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 (Approved Plans)

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

Plan received 20th November 2017:

- Site Location Plan, 251/2016 Rev A (received 8th December 2017)

The following plans received 14th December 2017:

- Proposed Plans & Elevations Plot 1, 251/2016/03
- Proposed Plans & Elevations Plot 2, 251/2016/04
- Proposed Plans & Elevations Plot 3, 251/2016/05
- Street Scene Plan, 251/2016/07

The following plans received 4th January 2018:

- Proposed Plans & Elevations Plot 4, 251/2016/06 (received
- Proposed Site Plan, 251/2006/02 Rev B (received 4th January 2018)

unless otherwise agreed in writing by the local planning authority through the approval of a non-material amendment to the permission.

Reason: So as to define this permission.

03 (Archaeology - re-imposed appeal condition)

The development shall not commence until details of a scheme for archaeological mitigation has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved scheme.

Reason: In the interests of affording protection to the archaeological interest of the site.

04 (Tree Protection Measures)

No development shall be commenced until the trees shown to be retained within the Tree Survey, C B E Consulting, September 2017 have been protected by the following measures:

- a) a chestnut pale or similar fence not less than 1.2 metres high shall be erected at either the outer extremity of the tree canopies or at a distance from any tree or hedge in accordance with details to be submitted to and approved in writing by the local planning authority;
- b) no development (including the erection of site huts) shall take place within the crown spread of any tree;
- c) no materials (including fuel and spoil) shall be stored within the crown spread of any tree;
- d) no services shall be routed under the crown spread of any tree
- e) no burning of materials shall take place within 10 metres of the crownspread of any tree.

The protection measures shall be retained during the development of the site, unless otherwise agreed in writing by the local planning authority.

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

05 (Levels condition re-imposed from appeal decision)

The development hereby permitted shall not be commenced until details of the finished floor levels of the dwellings proposed in relation to the existing and finished ground levels of the site and the ground floor levels at 41 Church Street have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interests of residential amenity.

06 (Protection to Breeding Birds)

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 otherwise agreed in writing by the local planning authority.

Reason: To ensure that adequate provision is made for the protection of nesting birds on site as recommended by the Protected Species Survey by CBE Consulting dated September 2017 which supports the planning application.

07 (Ecological Enhancements)

No development shall commenced until a scheme for ecological enhancement has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include but is not limited to the provision of bird and bat boxes. The approved scheme shall be implemented in full in accordance with the scheme for enhancement to an agreed timescale and shall thereafter be retained for the lifetime of the development.

Reason: In order to comply with the Development Plan and the NPPF and in line with the recommendations of the Protected Species Survey by CBE Consulting dated September 2017 which supports the planning application.

08 (Flood Risk Mitigation and Surface Water)

No development shall not be commenced until a Surface Water Drainage Scheme and Flood Risk Mitigation Scheme been submitted to and approved in writing by the Local Planning Authority. The approved drainage scheme and any mitigation measures shall be implemented on site prior to first occupation of the development.

Reason: To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures in line with the recommendations of the Flood Risk Assessment by HWA Consulting, dated September 2017 which supports this planning application.

09 (External Materials)

No development shall be commenced until samples 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 unless otherwise agreed in writing by the local planning authority.

Facing materials

Bricks

Roofing tiles

Reason: In order to preserve or enhance the character and appearance of the conservation area.

010 (Architectural Details)

No development shall be commenced in respect of the features identified below, until details of the design, specification, fixing and finish in the form of drawings and sections at a scale of not less than 1:10 have been submitted to and approved in writing by the local planning authority. Development shall thereafter be undertaken in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

External windows including roof windows, doors and their immediate surroundings, including details of glazing and glazing bars.

Treatment of window and door heads and cills

Verges and eaves

Rainwater goods

Reason: In order to preserve or enhance the character and appearance of the conservation area.

011 (External Lighting Scheme)

No development shall be commenced until details of any external lighting have been submitted to and approved in writing by the local planning authority. The details shall include location, design, levels of brightness and beam orientation, together with measures to minimise overspill and light pollution to visual and residential amenity as well considering bats who may forage along the Powell Dyke. The lighting scheme shall thereafter be carried out in accordance with the approved details and the measures to reduce overspill and light pollution retained for the lifetime of the development unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual and residential amenity and nature conservation, in particularly bats as recommended by the Protected Species Survey by CBE Consulting dated September 2017 which supports the planning application.

012 (Visibility Splays)

No part of the development hereby permitted shall be brought into use until visibility splays of 2.4m x 43m are provided as shown on drawing number Proposed Site Plan, 251/2006/02 Rev B received 4th January 2018. The area within the visibility splays referred to in this condition shall thereafter be kept free of all obstructions, structures or erections exceeding 0.6 metres in height above carriageway level to the satisfaction of the Local Planning Authority.

Reason: In the interest of highway safety.

013 (Provision of Car Parking Spaces)

No development shall be commenced until a plan showing the parking provision for each of the dwellings hereby approved has been submitted to and has been approved in writing by the Local Planning Authority. The approved parking spaces shall be provided on site for each plot prior to first occupation of the respective dwelling and shall thereafter be retained for parking for the lifetime of the development.

Reason: In the interests of clarity and to ensure that sufficient parking provision is made in the interests of highway safety and to avoid on street parking in the vicinity.

014 (Hard and Soft Landscaping Scheme)

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.

proposed finished ground levels or contours;

means of enclosures;

hard surfacing materials;

Reason: In the interests of visual amenity and biodiversity.

015 (Landscaping Implementation)

The approved soft landscaping shall be completed during the first planting season following the commencement of the development, or such longer period as may be agreed in writing by the local planning authority. 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 current or next planting season with others of similar size and species unless otherwise agreed in writing by the local planning authority. The approved hard landscaping scheme shall be implemented on site prior to first occupation unless otherwise agreed in writing with the Local Planning Authority.

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

016 (Obscure Glazing for Plot 2 Bathroom)

The bathroom window opening on the side (south) elevation of Plot 2 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 unless otherwise agreed in writing by the local planning authority.

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

017 (Removal of Permitted Development Rights for Windows to Plots 1 and 2)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 1995 (or any order revoking, re-enacting or modifying that Order), no windows including dormer windows (other than those expressly authorised by this permission) shall be constructed on the south (rear) elevation of Plot 1 or the east (rear) elevation of Plot 2.

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

018 (Removal of Permitted Development Rights as per previous appeal decision)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (and any order revoking, re-enacting or modifying that Order), other than development expressly authorised by this permission, there shall be no development under Schedule 2, Part 1 of the Order in respect of:

Class A: The enlargement, improvement or other alteration of a dwellinghouse, including extensions to the property and the insertion or replacement of doors and windows.

Class B: The enlargement of a dwellinghouse consisting of an addition or alteration to its roof.

Class C: Any other alteration to the roof of a dwellinghouse.

Class D: The erection or construction of a porch outside any external door of a dwellinghouse.

Class E: Development within the curtilage of a dwellinghouse.

Class G: The installation, alteration or replacement of a chimney, flue or soil and vent pipe on a dwellinghouse.

unless consent has firstly be granted in the form of a separate planning permission.

Reason: To ensure that the local planning authority retains control over the specified classes of development normally permitted under the Town and Country Planning (General Permitted Development) (England) Order 2015 or any amending legislation) in order to safeguard the amenity of neighbours and to the character and appearance of the Conservation Area is safeguarded.

Note to Applicant

01

This application has been the subject of pre-application discussions and has been approved in accordance with that advice. The District Planning Authority has accordingly worked positively and pro-actively, seeking solutions to problems arising in coming to its decision. This is fully in accordance with Town and Country Planning (Development Management Procedure) Order 2010 (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

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/ or from the Planning Portal:

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

BACKGROUND PAPERS

Application case file.

For further information, please contact Clare Walker on ext. 5834.

All submission documents relating to this planning application can be found on the following website www.newark-sherwooddc.gov.uk.

Kirsty Cole
Deputy Chief Executive

Committee Plan - 17/01688/FUL

