

## **PLANNING COMMITTEE – 6 November 2018**

<b>Application No:</b>	<b>18/00787/FUL</b>
<b>Proposal:</b>	<b>Erection of 4 bedroom detached house with double garage</b>
<b>Location:</b>	<b>Land Adjacent Bramley House, Burnmoor Lane, Egmanton, Nottinghamshire</b>
<b>Applicant:</b>	<b>Mr and Mrs Michael Wallace</b>
<b>Registered:</b>	<b>15.05.2018</b>
	<b>Target Date: 10.07.2018</b>
	<b>Requested extension of time until 10.11.2018</b>

**This application is being referred to the Planning Committee for determination due to the parish council objecting to the proposal whereas the officer recommendation is to approve the proposal.**

### **The Site**

The site is situated to the north of Burnmoor Lane which itself is situated to the north of Weston Road, located at the eastern end of Egmanton. The site forms a rectangular shaped plot of land approximately 0.05 hectares in area. The site is somewhat overgrown with no structures present. There are several trees to the western and northern boundary of the site, none of which are protected by Tree Preservation Orders. The land within the plot is generally flat, although the prevailing topography of this area slopes gently down from north to south, towards Weston Road.

The front of the site is currently open onto Burnmoor Lane which is also an existing bridleway. Hedgerows and an established tree line enclose the other boundaries of the site.

To the west of the site lies Burnmoor Farm House, whilst to the north, east and south are modern dwellings comprising detached two-storey and single-storey buildings, all of which share access off Burnmoor Lane.

The site originally comprised the farmyard to Burnmoor Farm, occupied by modern agricultural buildings but these were demolished some years ago. The site lies outside of the Egmanton Conservation Area but is close to its edge.

The proposed development site lies within flood zone 1, although part of the access to the site is situated in flood zones 2 and 3.

### **Relevant Planning History**

**16/00411/FUL - Erection of a dwelling- Approved 15.08.2016 – This permission is still extant until 15.08.2019**

Application Ref. 09/01674FUL – Erection of dwelling (Removal of Condition 9 of planning permission Ref. 07/01070/FUL requiring the surface of the bridge deck adjacent to Weston Road to be surfaced in a bound material) approved in February 2010.

Application Ref. 07/01070/FUL - Erection of dwelling approved in July 2007. This permission has not been implemented at the site and has now lapsed.

FUL/931186 Full planning permission was granted to erect new house in December 1993 and work commenced in August 1994.

**On adjacent land to the east (also included within the original outline permission granted in 1989):** OUT/920834 Outline planning permission granted for residential development to erect one dwelling in November 1992.

Application Ref. 38900693 - Reserved Matters were approved for a three-bed bungalow with integral garage in August 1990.

**On adjacent land to the north (included within original outline permission granted in 1989):**

Application Ref. 38891559 - Full planning permission was granted for proposed private dwelling and garage in January 1990 and work commenced in March 1990.

Application Ref. 38890292 - Outline planning permission was granted for the redevelopment of redundant farm buildings into three dwellings on land at Burnmoor Farm in August 1989.

### The Proposal

The initial design of the proposed dwelling was not considered to be acceptable due to the inclusion of a number of incoherent external features and a lack of consistency with regard to some architectural details proposed. Following discussion with the applicant a revised scheme has been submitted and consulted upon.

The application seeks planning permission for the erection of a single 4 bedroom dwelling and associated detached double garage. The dwelling and garage would be served by a driveway which features a half hammerhead to facilitate turning within the site. The dwelling would benefit from a rear garden and also circulation space to both sides. A new access to Burnmoor Lane is proposed to serve the dwelling.

The dwelling would be positioned centrally within the plot and it would face south. The dwelling would be two storey in height with the first floor featuring front and rear dormers at eaves level with the eaves being midway through these first floor dormer windows. The dwelling would feature a single storey gable side projection to the west side and an external full height chimney breast to the east side of the main body of the dwelling. The rear of the dwelling would feature a rear single storey pitched roof projection and the front elevation would include a two storey high centrally positioned gable projection. This element would feature first floor to gable height glazing to the front and an open porch to the front door at ground floor level.

The proposal also includes a detached cart shed style double garage which would feature a fully hipped roof and a cupola to the roof peak. The garage would be positioned close to the front (southern) boundary of the site facing east serving the proposed driveway allowing for parking of two cars off road.

The dwelling would measure approx.:

<i>Main body:</i>	7.8m deep x 14.5m wide, 4.5m eaves & 7.5m ridge
<i>Side projection:</i>	5m deep x 1.8m wide, 2.5m eaves & 4.5m
<i>Rear single storey projection:</i>	3m deep x 4.2m wide, 2.6m eaves & 4.2m to ridge
<i>Front gable:</i>	1.8m deep x 3.6m wide, 5.4m to eaves and 7m to the ridge (0.5m lower than the main roof ridge)
<i>Detached garage:</i>	6.2m deep x 6.2m wide, 2.5m to eaves, 4m to ridge (+0.8m high cupola)

The application has been submitted alongside the following up to date plans and documents:

Site location Plan - 18.008.1 rev A

Site Plan - 18.008.2 Rev A

House Type Planning Drawing – 18.008.3 Rev A (includes proposed elevations and plans)

Detached garage details – 18.008.4

Existing site plan

Foul Drainage assessment Form (FDA)

CIL form

Due to minimal details being provided at this stage regarding drainage, landscaping and boundary treatment, it has been agreed with the agent that pre commencement conditions will be imposed in the event of an approval. This was expected by the agent and is considered an appropriate way to control the quality of the development if approved.

#### Departure/Public Advertisement Procedure

Occupiers of seven neighbouring properties have been individually notified by letter and a site notice has been posted adjacent to the site and an advert has been posted in the local press

#### 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 3 – Rural Areas

Spatial Policy 6 – Infrastructure for Growth

Spatial Policy 7 – Sustainable Transport

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 14 – Historic Environment

##### **Allocations & Development Management DPD**

Policy DM3 – Developer Contributions and Planning Obligations

DM5 – Design

DM7 – Biodiversity and Green Infrastructure

DM9 - Protecting and Enhancing the Historic Environment

DM12 – Presumption in Favour of Sustainable Development

##### Other Material Planning Considerations

- National Planning Policy Framework 2018
- Planning Practice Guidance 2014
- Guidance Note to SP3 Supplementary Planning Document

## Consultations

### **Egmanton Parish Council**

#### *Comments regarding revised scheme*

Object to the proposal Effluent discharge was queried

#### *Comments regarding the original now superseded proposal:*

Object to proposal

1. Application refers to no flood risk – there is a flood risk
2. Property far too large for size of plot
3. Property too close to neighbours boundary fence
4. No proper route for treatment plant expelation (*sic*)

### **Archaeological Consultant**

No archaeological input required.

### **NSDC Conservation Team**

We have been consulted on the above proposal.

The proposal site is adjacent to Egmanton Conservation Area (CA). Burnmoor Farmhouse is identified as a Local Interest building (ref MNT22626).

We do not wish to make any formal observations in this case, but refer you to advice and guidance contained within CP14 and DM9 of the Council's LDF DPDs, section 16 of the NPPF (revised 2018). Fundamentally, if the scheme results in a neutral impact on the setting of those heritage assets, preservation is likely to be achieved.

If you have any specific concerns or queries, please do not hesitate to ask.

### **NSDC Environmental Health Contaminated Land**

This application includes the construction of a new residential dwelling on land that historic mapping and aerial photography shows was formerly part of Burnmoor Farm. Agriculture is a potentially contaminative land-use and such land can possibly be used for a wide variety of potentially contaminative activities including: non-bunded fuel storage, repair and maintenance of agricultural machinery/vehicles, storage of silage and other feed, slurry tanks/lagoons, disposal of animal waste and disposal of asbestos. There is clearly the potential for the site to have been contaminated from this former use. As it appears that no desktop study/preliminary risk assessment has been submitted prior to, or with the planning application, then I would request that our standard phased contamination conditions are attached to the planning consent.

## **NSDC Access & Equalities Officer**

As part of the developer's considerations of inclusive access and facilities for all, with particular reference to disabled people, it is recommended that their attention be drawn to Approved Document M of the Building Regulations, which contain useful standards in respect of visitable, accessible and adaptable, and wheelchair user dwellings. The requirements of a dwelling's occupants can change as a result of illness, accident such as sports injury for example, disability or ageing giving rise to reduced mobility or increasing sensory loss. In order to meet these changing requirements, homes need to be accessible to residents and visitors' alike as well as meeting residents' changing needs, both temporary and longer term. Similarly, inclusive access improves general manoeuvrability for all including access for those with push chairs and baby buggies as well as disabled people etc.

It is recommended that disabled persons and wheelchair users' access to, into and around the new dwelling be carefully examined. External pathways to and around the site should be carefully considered and designed to accepted standards with reference to the topography of the site to ensure that they provide suitable clear unobstructed inclusive access to the proposal. In particular, 'step-free' access to and into the dwelling is an important consideration and an obstacle free suitably surfaced firm level and smooth 'traffic free' accessible route is important to and into the dwelling from facilities such as car parking and from the site boundary. It is recommended that inclusive step free access be considered to garden areas, amenity spaces and external features.

Carefully designed 'step-free' approach, ramps, level flush thresholds, generous doorways, corridors etc. all carefully designed to facilitate easy access and manoeuvre throughout and on all floors are important considerations. Switches and sockets should be located at suitable heights and design to assist those whose reach is limited to use the dwelling together with suitable accessible WC and sanitary provision etc.

It is recommended that the developer make separate enquiry regarding Building Regulations matters.

## **Nottinghamshire Ramblers Association**

I am responding on behalf of Nottinghamshire Ramblers. As long as Burnmoor Lane remains unobstructed and safe for pedestrian use during and after the development we have no objection.

## **The Environment Agency**

*Following submission of the revised plans*

I refer to the above application and additional information received on the 24 August 2018. I have no further comments to add to those provided by my colleague on the 23 May 2018.

*Comment regarding the initial scheme 23.05.18*

Thank you for referring the above application which was received on 16 May 2018.

The Agency has no objections to the proposed development but wishes to make the following comments.

## Comments

The site of the proposed dwelling is in Flood Zone 1, at low risk of flooding. The nearby watercourse is not a main river, it is therefore the responsibility of the Lead Local Flood Authority and we do not have hydraulic model data for the watercourse at the Environment Agency.

As the access to the proposed development is situated in flood zones 2 and 3, access to the wider road network maybe unavailable during flooding events. The LPA must therefore determine, in consultation with their emergency planners whether the arrangements of access and egress are acceptable.”

### **Trent Valley Internal Drainage Board**

We Refer to the above planning application and make the following observations:

The site is within the Trent Valley Internal Drainage Board District. There are no Board maintained watercourses in close proximity to the site. However, the Board are aware of flooding issues in this area. Surface water run off rates to receiving water courses 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. If you require and further information please do not hesitate to contact the Board’s Operation’s Manager, Matt Everett.

### **Lead Local Flood Authority (LLFA)**

Thank you for inviting the Lead Local Flood Authority (LLFA) to comment on the above application. Having considered the application the LLFA will not be making comments on it in relation to flood risk as it falls outside of the guidance set out by Government for those applications that do require a response from the LLFA.

As a general guide the following points are recommended for all developments:

1. The development should not increase flood risk to existing properties or put the development at risk of flooding.
2. Any discharge of surface water from the site should look at infiltration – watercourse – sewer as the priority order for discharge location.
3. SUDS should be considered where feasible and consideration given to ownership and maintenance of any SUDS proposals for the lifetime of the development.
4. Any development that proposes to alter an ordinary watercourse in a manner that will have a detrimental effect on the flow of water (eg culverting / pipe crossing) must be discussed with the Flood Risk Management Team at Nottinghamshire County Council.

**NCC Highways Authority** – No comment received at the time of writing this report.

Previous comments regarding the approved dwelling under 16/00411/FUL were as follows:

*“The junction of Burnmoor Lane with Weston Road has restricted visibility, particularly to the east onto Weston Road due to an existing boundary wall and existing trees/shrubbery adjacent the existing verge. Although this lane currently serves a number of dwellings, it is suggested that an intensification of use should not be encouraged.*

*However, it is noted that a previous similar application for this site (ref. 07/01070/FUL) was approved in July 2008 with no strong objection from the Highway Authority. Therefore, in view of this, it is considered that the Highway Authority would not wish to raise objection in this instance."*

### **NCC Rights of Way Officer**

No comments received at the time of writing this report

**One third party comment objects** to the proposal which can be summarised as follows:

- Concerns raised regarding extra traffic on the un-adopted Road
- The dwelling will impact surface water and foul water in the area
- The dwelling will create privacy issues

**One third party comment neither objects or supports the proposal** which can be summarised as follows:

- Where are the 400 litres a day of water going to be discharged (inc surface water)?
- Burnmoor Lane gives off dust, when are the Council going to take responsibility for the lane given planning permission keeps getting approved.

### Comments of the Business Manager

#### Principle of development

The Council's position is that it can demonstrate a 5 year housing supply. Therefore the Development Plan is up-to-date for the purpose of decision making.

The settlement hierarchy for the district is set out in Spatial Policy 1 whilst Spatial Policy 2 deals with the distribution of growth for the district. This identifies that the focus of growth will be in the Sub Regional Centre, followed by the Service Centres and Principal Villages. At the bottom of the hierarchy are 'other villages' which do not have defined built up areas in terms of village boundaries. The site is considered to be situated within the built up area of the village of Egmont, which in accordance with SP1 is defined as an "other village". Consequently given its location in a rural area, the site falls to be assessed against Spatial Policy 3 (Rural Areas) of the Core Strategy.

The assessment of the proposal against the criteria of SP3 is included below but I consider it pertinent to raise another issue regarding the principle of the development, which is the site history. As noted above in the site history section there is an extant permission for a single dwelling that could be implemented up until 2019. This dwelling is very similar in scale to that proposed now with almost the same footprint as now proposed. The position of the comparative proposed dwellings is also similar. The one main difference would be the height of the comparative dwelling as the current proposal in hand would represent a larger dwelling being approx. 2m higher at both eaves and ridge height. Notwithstanding this difference I consider that this 2016 permission is a material consideration in assessing the current proposal and the extant permission represents a reasonable fall back position.

Furthermore a further extant permission was identified in the officer report for 16/00411/FUL which highlighted:

*“Within the committee report for the 2007 application Ref. 07/01070/FUL the comments of the Head of Planning Services included the following;*

*‘Following a lengthy investigation and taking into account established case law, the District Council’s solicitor is satisfied that this site does indeed have the benefit of an extant permission. This is based on the commencement of development by reason of the construction of two of three dwellings originally granted outline planning permission in 1989. The principle of residential development in this location is therefore established and the legally extant approval needs to be accorded due weight under planning law.’*

*In light of the above, while the 2007 application has now lapsed, due to the situation highlighted above in which the 1989 outline permission has been implemented through the construction of 2 out of 3 dwellings permitted by this application, I am of the opinion that a legally extant permission still remains in place and constitutes a material planning consideration.”*

On the basis of the above there is another extant permission for a dwelling on site which is again considered to be a material planning consideration in assessing this current proposal although I do not consider it to be as reasonable a fall back as the more up to date, comparable extant permission.

#### *Location of the Development*

Egmanton is a small rural settlement and according to the 2001 census has 254 inhabitants in 101 households. The amenities include an Anglican church, a village hall (formerly the old school) and a pub, 'The Old Plough'. The application site is located on the eastern side of the village, and while I am mindful that the denser built up area of the village is based around Weston Road and Kirton Road which run centrally through the village, I am also mindful that the application site is a rectangular shaped plot with dwellings on all sides and to the rear, and was included in the village envelope within the previous Local Plan. As such, I consider that the application site is located within the main built up area of Egmanton.

The location criterion of SP3 also requires consideration of local services and access to more sustainable settlements. While the amenities of Egmanton are limited in nature, there is a direct link to the larger settlement of Tuxford, which although outside of the Newark and Sherwood district is in close proximity at 1.7 miles to the north. The amenities within Tuxford include a primary and secondary school, a co-operative supermarket and 3 village pubs. The village of Egmanton and application is also well connected to the A1 at 1.1mile away from the junction with Weston Road which affords direct access to Newark.

In taking all of the above points into consideration I am of the opinion that the site is within the built up area of the village and Egmanton is a relatively sustainable location where a single new dwelling can be supported and also considered to be in line with paragraph 78 of the NPPF as an additional dwelling which would enhance or maintain the vitality of the rural community.



## *Need*

Policy SP3 currently states support could be forthcoming for new housing where it helps to meet identified proven local need. Spatial Policy 3 Guidance Note (September 2013) states that proven local need must relate to the needs of the community rather than the applicant. Assessments should be based on factual data such as housing stock figures where the need relates to a type of housing or census data where the needs relate to a particular population group. The onus is on the Applicant to provide evidence of local need. No Needs Assessment has been submitted with the application and Egmonton does not have an up to date Local Needs Survey (prepared in conjunction with the Parish Council). The Housing Market Needs Sub Area Report (2014) provides the most recent breakdown of size of property needed in the market sector for existing and concealed households. As the current application proposes 4 bedrooms, it does fulfil a need for family sized properties within the District as a whole.

I am however mindful of the proposed changes to Policy SP3 as part of the plan review which given its recent examination can be afforded some weight. This states that new housing will be considered where it helps to support community facilities and local services. Supporting text to this revised policy states that this policy requires applicants to demonstrate the services it will support and the housing need within the area.

I consider the proposed dwelling likely to support community services and facilities including those listed above. I am therefore satisfied in this instance that the proposal would accord with the need element of policy SP3 when attaching weight to the emerging Spatial Policy 3.

## *Scale and Impact of Development*

The guidance note to accompany SP3 referred to above confirms that the scale criterion relates to both the amount of development and its physical characteristics, the latter of which is discussed further in the Character section of the appraisal. One additional dwelling is considered small scale in numerical terms and as such is unlikely to detrimentally affect local infrastructure such as drainage and sewerage systems. I also consider that one additional dwelling is unlikely to materially affect the transport network in terms of increased traffic levels in volume.

## *Impact on Character*

The character criterion of SP3 states that new development should not have a detrimental impact on the character of the location or its landscaped setting. The assessment overlaps with the consideration required by Policy DM5 which confirms the requirement for new development to reflect the rich local distinctiveness of the District's landscape and character through scale, form, mass, layout, design, materials and detailing.

The immediate locality contains dwellings that range in both size and design and the dwellings that share boundaries with the application site are two storey. There are also single storey and dormer bungalows on the opposite side of Burnmoor Lane and in close proximity to the site. I am therefore satisfied that the proposed dwelling would not be out of character with the immediate surrounding area. In also taking account of the proposed dwellings position within the site and level of private amenity space, I am satisfied that the proposed development would be similar in nature of the surrounding development.

I am mindful that the proposed detached garage would be positioned at the front of the site, which is not a common feature of the surrounding locality. However, as the garage is modest in size and with a suitably worded condition attached to any grant of planning permission, I feel adequate boundary treatment at the site could be achieved which would partially screen this element of the development and reduce any potential visual impact to an acceptable level.

I also note that several trees exist on the site along the eastern boundary. Whilst a tree survey has not been submitted in support of the application, I am mindful that previous applications have accepted the proposed footprint now being considered. The proposed footprint would result in some loss of vegetation, however I am satisfied that this would not be unduly detrimental to the character area in this instance, particularly if some vegetation can be retained as part of the final landscape scheme and potentially some additional soft landscaping could also be provided including to the front boundary to assist in the screening of the proposed garage. A suitable condition requiring final details of boundary treatments and landscaping could be attached to any planning permission.

### Heritage Issues

I note the Conservation section have not raised an objection to the proposed development and I consider that due to intervening properties between the boundary of the conservation area and the application site, as well as the neutral design of the proposed dwelling, that the proposal would have a limited impact on the setting of the Conservation Area and other nearby heritage assets.

I am therefore satisfied that the proposed development would be consistent with section 66 and 72 of the planning act as well as the aims of Core Policy 14 and DM9 of the Council's LDF DPD's.

### Impact on Amenity

Impact on amenity is a long standing consideration of the planning process and relates both to the impact on existing development as well as the available amenity provision for the proposed occupiers.

The NPPF seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

Policy DM5 of the DPD provides that the 'layout of development within sites and separation distances from neighbouring development should be sufficient to ensure that neither suffers from an unacceptable reduction in amenity including overbearing impacts, loss of light and privacy'. In addition a core planning principle of the NPPF is to 'always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings'.

In taking account of the position of the proposed dwelling as well as the separation distances to the closest neighbouring dwellings, I am satisfied that the proposed dwelling would be positioned so as to not result in any significant undue overbearing impact, overshadowing or loss of privacy. This is mainly due to the proposed dwelling being in line with the closest adjacent neighbour to the east (which is a two storey dwelling) and the proposed dwelling being forward of the neighbour to the west which is approx. 15m away. The proposed dwelling would be approx. 25m from the dwelling to the south and I note that this is a bungalow. Being mindful of the previous extant permission for a dormer property which included first floor windows and a very similar position within the site I can see no significant material difference when compared with the current proposal when considering this relationship.

In considering the neighbouring property to the rear of the proposed dwelling I note that there would be a minimum of approx. 22.5 -23m between the rear elevation of the proposed and the front elevation of the neighbour behind (Bramley House). This level of separation is generally considered an acceptable separation distance between facing windows when considering residential development and it is important to note that the front of Bramley house is not likely to be an area of amenity space most used by occupiers. I do note that the views between these facing elevations will be direct with no real angle present but in considering the context set out here, I find the proposal is acceptable.

Overall I am satisfied that the application does not conflict with the amenity criteria under Policy DM5.

### Impact on Highways

Spatial Policy 7 of the Core Strategy encourages development proposals to provide safe, convenient and attractive accesses for all and provide appropriate and effective parking provision for new development.

I have yet to receive comments from Nottinghamshire County Council Highways but I expect a similar response to their comment regarding the extant permission under 16/00411/FUL which raised no objection to the proposal. Any comments received prior to the Planning Committee meeting can be reported as a late item.

### Flooding

Core Policy 10 requires development to be adequately drained and Policy DM5 relates to flood risk and water management. The NPPF adopts a sequential approach to flood risk advising that development should first be directed towards less vulnerable sites within Flood Zone 1. Where these sites are not available new developments will be required to demonstrate that they pass the exception test by demonstrating that the development provides wider sustainability benefits to the community that outweigh flood risk and that, through a site specific Flood Risk Assessment (FRA), the proposed development can be considered safe for its lifetime and not increase flood risk elsewhere. Both elements of the exception test must be passed for development to be permitted.

Para.160 of 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. This includes safe access and escape routes where required and that any residual risk can be safely managed and it gives priority to sustainable drainage systems.

The Environment Agency have not objected to the proposal noting that the built form proposed will lie in flood zone 1 but they have noted the access to the proposed development is situated in flood zones 2 and 3, and therefore access to the wider road network maybe unavailable during flooding events. Furthermore I attach significant weight to the realistic fall-back position available that currently allows the construction of a dwelling on site. Given this and the fact that the built form of the dwelling would be located in Flood Zone 1, it is not considered reasonable to suggest

that the dwelling could be located in a different location. In relation to the position of the access location within Flood Zones 2 and 3, it is noted that this access already serves domestic properties and it is considered appropriate to impose a condition requiring the submission and approval of a Flood Warning and Evacuation Plan to include provisions for signing up to the Environment Agency's Flood Warning Service for early warning of potential flood events, details of how information would be disseminated and how occupants would be evacuated.

Subject to this condition, it is not considered that the proposal would result in any adverse impact on flood risk in accordance with Core Policy 10 and Policy DM5.

### *Drainage*

The comments from the Parish Council and third parties made in regard to surface water run-off at the site are noted and a condition requiring further details on this matter is considered appropriate in this instance due to the comments received from the Environment Agency and other external consultees who provided specialist advice regarding flooding and surface water. No objection has been received from the LLFRA or internal drainage board and as such I consider the application appropriate in flooding terms with no consultee raising an objection.

In considering the comments received regarding foul sewerage it is noted that the applicant has indicated (on the submitted application form) that a Package treatment plant is intended to be used and a foul drainage assessment form has been provided for information.

I note that the Environment Agency, LLFRA or internal drainage board have not raised objections to the proposed treatment plant as a means of drainage to serve the new dwelling.

I am aware that Government guidance contained within the national Planning Practice Guidance (Water supply, wastewater and water quality – considerations for planning applications, paragraph 020) sets out a hierarchy of drainage options that must be considered and discounted in the following order:

1. Connection to the public sewer
2. Package sewage treatment plant (adopted in due course by the sewerage company or owned and operated under a new appointment or variation).
3. Septic Tank
4. Cesspit

Foul drainage should be connected to the main sewer if possible. Where this is not possible, under the Environmental Permitting Regulations 2010 any discharge of sewage or trade effluent made to either surface water or groundwater will need to be registered as an exempt discharge activity or hold a permit issued by the Environment Agency, in addition to planning permission. This applies to any discharge to inland freshwaters, coastal waters or relevant territorial waters.

The proposed treatment plant is second in the hierarchy of drainage options set out in Government Guidance. Such a means of drainage will also require a permit issued by the Environment Agency which, based on the submitted Foul Drainage assessment is being pursued outside of the planning process with the EA. The granting of planning permission does not automatically mean that a Permit would be granted. This would be a matter for the Environment Agency.

Given that the Environment Agency have raised no objections to the proposed drainage scheme it is considered that, although not the optimum means of drainage, refusal on the proposed scheme would be unreasonable in this instance.

Notwithstanding the above, details of the proposed treatment have been not provided with the application. It is therefore considered reasonable to attach a condition requiring precise details of the means of foul drainage and surface water disposal should permission be granted. This also builds in the potential to submit alternative means of foul drainage and surface water disposal should the Environment Agency not permit the proposed treatment plant and the hierarchy of options can be explored further by the applicants.

### *Contaminated Land*

The comments from the Environmental Health section made in regards to the potential for contamination at the site is noted and the recommended standard conditions are considered appropriate in this instance in order for any relevant remediation work to be carried out and prevent any risk to human health.

### *Conclusion and Overall Planning Balance*

The proposed development seeks permission for a single dwelling within a rural village. It is considered that the application meets the requirements of policy SP3 particularly taking into account the emerging SP3 which can be afforded weight. Furthermore I consider the fall-back position of constructing a dwelling in line with the 2016 permission for a dwelling (which will remain extant until August 2019) is a reasonable fall back position which could realistically be implemented if this permission were to be refused.

The proposed development has been assessed to not result in any material adverse impact on the amenity of neighbouring properties, on the character and appearance of the site or wider locality or flood risk. As such it is considered that the proposed development would be consistent with the aims of The NPPF, Core Policies 9 and 10 and Policy DM5 and DM12 of the DPD. Accordingly it is recommended that planning permission be approved. There are not considered to be any other material considerations which would outweigh this benefit and therefore the proposal is recommended for approval subject to the conditions listed below.

### **RECOMMENDATION**

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

01

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

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

02

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

Site location Plan - 18.008.1 rev A

Site Plan - 18.008.2 Rev A

House Type Planning Drawing – 18.008.3 Rev A (includes proposed elevations and plans)

Detached garage details – 18.008.4

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

No development above damp proof course shall take place until manufacturers details (and samples upon request) of the external facing materials (including colour/finish of the dwelling and garage hereby approved) 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.

Reason: In the interests of visual amenity.

04

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

- a schedule (including planting plans and written specifications, including cultivation and other operations associated with plant and grass establishment) of trees, shrubs and other plants, noting species, plant sizes, proposed numbers and densities. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species.
- existing trees and hedgerows, which are to be retained pending approval of a detailed scheme, together with measures for protection during construction.
- proposed finished and existing ground levels;
- means of enclosure;
- hard surfacing materials.

Reason: In the interests of visual amenity and biodiversity.

06

The approved 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 next planting season with others of similar size and species unless otherwise agreed in writing by 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.

07

No part of the development shall be brought into use until details of all the boundary treatments proposed for the site including types, height, design and materials, have been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to the occupation of the dwelling and shall then be retained in full for a minimum period of 5 years unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of residential and visual amenity.

08

No development shall take place until a site investigation of the nature and extent of contamination has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures before development begins.

If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

09

No development shall be commenced until details of the means of foul drainage and surface water disposal have been submitted to and approved in writing by the local planning authority. The development shall be carried out thereafter in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

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

10

A Flood Warning and Evacuation Plan shall be submitted to and agreed in writing with the Local Planning Authority, and implemented prior to first use of the dwelling hereby permitted. The development shall be carried out in accordance with this approved plan. The plan should include provisions for signing up to the Environment Agency's Flood Warning Service for early warning of potential flood events, details of how information would be disseminated and how occupants would be evacuated.

Reason: To safeguard against the risk of flooding in accordance with the aims of the NPPF and Core Policy 10 and Policy DM5 of the DPD.

## **Notes to Applicant**

01

The application as submitted is acceptable. In granting permission the District Planning Authority is implicitly working positively and proactively with the applicant.

02

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

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

### **Background Papers**

Application Case File

For further information, please contact Mr. Sukh Chohan on ext 5828.

All submission documents relating to this planning application can be found on the following website [www.newark-sherwooddc.gov.uk](http://www.newark-sherwooddc.gov.uk).

**Matt Lamb**

**Business Manager – Growth & Regeneration**



Committee Plan - 18/00787/FUL

