

## PLANNING COMMITTEE – 5 FEBRUARY 2019

<b>Application No:</b>	<b>18/02049/FUL</b>	
<b>Proposal:</b>	<b>Erection of dwelling</b>	
<b>Location:</b>	<b>Land to the rear of Bridge Cottages, Barnby Road, Newark</b>	
<b>Applicant:</b>	<b>Mr Sam Price</b>	
<b>Registered:</b>	<b>2 November 2018</b>	<b>Target Date: 28 December 2018</b>
		<b>Extension of Time Agreed until 6 February 2019</b>

**This application is presented to the Planning Committee for determination as the views of the Town Council differ from the professional officer view.**

### The Site

The application site is an area of open land to the north of Bridge Cottages, accessed via a narrow track from Barnby Road.

Numbers 1 to 4 Bridge Cottages front on to the access track, with numbers 5-9 fronting Barnby Road. These cottages are narrow fronted Victorian terraces with long thin gardens. Immediately adjacent to the west of the access track is a detached bungalow (Beacon View) of modern construction which is set at a slightly lower land level than the track. The site is approximately 55m to the south-west of the East Coast Mainline. The site is located within the Newark Urban Area as defined within the Development Plan.

The site comprises of an area of grassed scrubland with some trees along the boundary which also comprises fence posts and barbed wire fence.

### Relevant Planning History

18/00328/OUT – Outline permission for the erection of dwelling was approved on 26<sup>th</sup> June 2018 under delegated powers. All matters except for the means of vehicular access were reserved for subsequent consideration. The site area was slightly smaller in extent than the application currently being considered (in that it didn't contain the land rear [north-east] of Beacon View as this latest application does).

**The following applications relate to a parcel of land within the wider field of which the site is located within:**

05/01004/OUT - Erection of house (refused 23.09.2005). The application was refused for the following reasons:

01

*The site is subject to Policy FS3 (Land between Newark and Balderton) of the adopted Newark & Sherwood Local Plan, which states: "Planning permission will be granted for low density housing development and institutional uses set within extensive and well*

*landscaped grounds, in the area defined on the Proposals Map between London Road and Barnby Road, provided the substantial open and well wooded character of the area is retained..." This policy also states that "Development along Barnby Road will, inter alia, be confined to low density housing development on frontage sites, which secures positive environmental improvements..."*

*The proposal seeks planning permission for a residential dwelling on a paddock to the rear of Appleby Lodge and Beacon View. This site is not a frontage site and the approval of this application would adversely affect the character of the area therefore conflicting with the above policy.*

02

*The proposed access to the site is off a private unmade track that is approximately 3 metres in width, would not enable two way vehicular movement and would likely result in vehicles waiting on the crest of the bridge whilst the access is cleared. Visibility from the access point is also substandard in accordance with the speed of traffic on Barnby Road. In the opinion of the Local Planning Authority the intensification of the use of the access would therefore be detrimental to highway safety and would prevent the free and safe flow of traffic in the area. This is contrary to Policies DD1 (Development) and H21 (Design and Layout of Housing Development) of the adopted Newark and Sherwood Local Plan which forms part of the Development Plan.*

03/02349/FUL - Change of use from paddock to site for residential caravan for two years (refused 05.12.2003). The application was refused for the following reasons:

01

*The site is subject to Policy FS3 (Land between Newark and Balderton) of the adopted Newark & Sherwood Local Plan, which states: "Planning permission will be granted for low density housing development and institutional uses set within extensive and well landscaped grounds, in the area defined on the Proposals Map between London Road and Barnby Road, provided the substantial open and well wooded character of the area is retained..." This policy also states that "Development along Barnby Road will, inter alia, be confined to low density housing development on frontage sites, which secures positive environmental improvements..."*

*The proposal seeks planning permission for a residential caravan on a paddock to the rear of Appleby Lodge. This site is not a frontage site and the approval of this application would adversely affect the character of the area therefore conflicting with the above policy. Whilst the personal circumstances of the applicant are noted, in the opinion of the Local Planning Authority, this does not outweigh the general policy objection to the proposal.*

02

*The application is also subject to Policy H32 (Residential Caravans and Mobile Homes) which states: "Planning permission will not be granted for residential caravans and mobile homes that fail to conform with policies for the location of permanent dwellings." In the opinion of the Local Planning Authority, the proposal does not accord with relevant policy (FS3) for the location of permanent dwellings and therefore is also contrary to this policy.*

An appeal on this application was dismissed by the Planning Inspectorate.

### The Proposal

Full planning permission is sought for the erection of a detached one and half storey dwelling with a horse shoe shaped footprint which was originally proposed to be sited behind (east) of the adjacent terraces. However the application has been amended during its lifetime including an amended siting of the proposed dwelling and the red line boundary. The dwelling is now proposed to be sited to the north of the existing terraces.

Accommodation comprises a kitchen, utility/shower room, dining and living room, two bedrooms and bathroom at ground floor with a master bedroom with en-suite within part of the roof space.

- Drawing no. 1814.A.1 - Proposals (Elevations and floor plans) received 17<sup>th</sup> December 2018
- Drawing no 1814.A.2a– Proposals (Block Plan) received 17<sup>th</sup> December 2018
- Site Location Plan (amended received 17<sup>th</sup> December 2018)
- Protected Species Survey by CBE Consulting May 2018, Update December 2018 (to include land to the north)
- Supporting Statement
- Foul Drainage Assessment

### Departure/Public Advertisement Procedure

Occupiers of 10 properties have been individually notified by letter on both sets of plans with the latest consultation having allowed until 7<sup>th</sup> January 2019 for representations.

### 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 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

NAP1 - Newark Urban Area

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

Policy DM1 - Development within Settlements Central to Delivering the Spatial Strategy

Policy DM5 - Design

Policy DM7 - Biodiversity and Green Infrastructure

Policy DM9 – Protecting & Enhancing the Historic Environment

Policy DM12 - Presumption in Favour of Sustainable Development

## **Other Material Planning Considerations**

- National Planning Policy Framework 2018
- Planning Practice Guidance
- Publication Core Strategy

## **Consultations**

### **Newark Town Council – 02.01.2019**

‘Members could see no reason to change their original objection as follows:

- Biodiversity and the impact on the local toad population;
- The cumulative impact on the area.’

Previous objection 29.11.2018: ‘Objection was raised to this application on the following grounds: Biodiversity and the impact on the local toad population and the cumulative impact on the area.’

### **NCC Highways Authority – 18.12.2018**

#### **Amended plan 1814.A.2a**

The amended block plan demonstrates the same access details as shown on the previous block plan 1814.A.2. Therefore, the following conditions apply:

Prior to the occupation of the proposed dwelling, the shared driveway shall be widened in accordance with the approved block plan 1814.A.2a, and be surfaced in a bound material (not loose gravel) for a minimum distance of 8m from the Barnby Road carriageway, and shall be drained to prevent the unregulated discharge of surface water onto the public highway.

Reason: In the interests of highway safety.

No part of the development hereby permitted shall be brought into use until the parking/turning areas are provided in accordance with the approved plan 1814.A.2a. The parking/turning areas shall not be used for any purpose other than parking/turning of vehicles.

Reason: In the interests of highway safety.

#### **Note to applicant**

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

Previous comments: “This proposal is for the erection of a dwelling served by an existing private access from Barnby Road which currently serves a number of neighbouring properties.

The block plan submitted, ref. 1814.A.2, demonstrates that the access width is to be increased to 5m at the junction with Barnby Road and narrowing to 4.5m at a point 8m from the edge of carriageway. The Highway Authority is content that on balance this offers sufficient improvement to the shared driveway to allow one additional dwelling subject to the following:

Prior to the occupation of the proposed dwelling, the shared driveway shall be widened in accordance with the approved block plan 1814.A.2, and be surfaced in a bound material (not loose gravel) for a minimum distance of 8m from the Barnby Road carriageway, and shall be drained to prevent the unregulated discharge of surface water onto the public highway.

Reason: In the interests of highway safety.

No part of the development hereby permitted shall be brought into use until the parking/turning areas are provided in accordance with the approved plan 1814.A.2. The parking/turning areas shall not be used for any purpose other than parking/turning of vehicles.

Reason: In the interests of highway safety.”

#### **Environment Agency – 06.12.2018**

“We have reviewed the submitted documents and on this occasion the Environment Agency has no formal comment to make. However we do note that the applicant proposes the use of a package treatment plant as a means of foul drainage, 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

Foul drainage should be connected to the main sewer. 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, addition to planning permission. This applies to any discharge to inland freshwaters, coastal waters or relevant territorial waters.

Please note that the granting of planning permission does not guarantee the granting of an Environmental Permit. Upon receipt of a correctly filled in application form we will carry out an assessment. It can take up to 4 months before we are in a position to decide whether to grant a permit or not.

Domestic effluent discharged from a treatment plant/septic tank at 2 cubic metres or less to ground or 5 cubic metres or less to surface water in any 24 hour period must comply with General Binding Rules provided that no public foul sewer is available to serve the development and that the site is not within an inner Groundwater Source Protection Zone.

A soakaway used to serve a non-mains drainage system must be sited no less than 10 metres from the nearest watercourse, not less than 10 metres from any other foul soakaway and not less than 50 metres from the nearest potable water supply.

Where the proposed development involves the connection of foul drainage to an existing non-mains drainage system, the applicant should ensure that it is in a good state of repair, regularly de-sludged and of sufficient capacity to deal with any potential increase in flow and loading which may occur as a result of the development.

Where the existing non-mains drainage system is covered by a permit to discharge then an application to vary the permit will need to be made to reflect the increase in volume being discharged. It can take up to 13 weeks before we decide whether to vary a permit.”

#### **Cadent Gas – Comments made 12/11/2018**

“Considerations in relation to gas pipeline/s identified on site:

Cadent have identified operational gas apparatus within the application site boundary. This may include a legal interest (easements or wayleaves) in the land which restricts activity in proximity to Cadent assets in private land. The Applicant must ensure that proposed works do not infringe on Cadent’s legal rights and any details of such restrictions should be obtained from the landowner in the first instance.

If buildings or structures are proposed directly above the gas apparatus then development should only take place following a diversion of this apparatus. The Applicant should contact Cadent’s Plant Protection Team at the earliest opportunity to discuss proposed diversions of apparatus to avoid any unnecessary delays.

If any construction traffic is likely to cross a Cadent pipeline then the Applicant must contact Cadent’s Plant Protection Team to see if any protection measures are required.

All developers are required to contact Cadent’s Plant Protection Team for approval before carrying out any works on site and ensuring requirements are adhered to.”

**Environmental Health** - There is evidence of burning on the land adjacent to the application site and there is the possibility that residue from this activity may have contaminated this site. I would therefore request the use of our full phased contamination condition.

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

**LCC Archaeologist** – No input required.

**Six neighbours/interested parties have made representations objecting to the scheme. The comments have been summarised as follows:**

- Comments stating that as owner(s) of part(s) of the road leading to the site, permission is not given to expand/lay tarmac on the road as required by NCC County Highways;
- Concerns regarding highway safety due to access point onto Barnby Road;
- The applicant would need to seek the agreement for all the land owners of the track known as 'Corporation Road' who it is understood are the owners of 1-5 Bridge Cottages;
- Concerns regarding health and safety during construction and arising from amenity impacts upon residents from the additional traffic.
- Traffic and noise will increase greatly and not just during the construction period
- Impact on wildlife, foxes, reptiles, birds and hedgehogs will be adversely affected
- The proposal would adversely affect Barnby Road Newark toad population and other wildlife including amphibians and reptiles as it's an amphibian migratory crossings. The access track is one of only two clear distinct routes for toads to move along unhindered during their spring migration to the breeding pond, populations already declined due to development;
- All that remains now is the open grassland field (proposed site of this application) at the end of this track and a strip of land of which a part is used as an allotment accessed by a narrow green lane. The latter had a refusal for development in 2017 primarily for the protection and conservation of the toads.
- This building proposal is completely out of character with the small traditional Victorian Cottages that face the track.
- History of fires and burning of waste that have taken place on a paddock adjacent to this site, one of which closed the East Coast mainline.
- History of refusals at this site;
- Risk assessment should be carried out due to gas pipeline;
- Contravenes policy FS3;
- Adverse impact on visual amenity/backland development;
- Concerned that original information provided in respect of foul sewage was misleading;
- View will be altered as side windows face the site
- Peace and privacy will disappear
- Adverse impact upon no. 1 Bridge Cottages through overshadowing, overlooking and loss of privacy.

### Comments of the Business Manager

#### Background

Outline planning permission was granted in June 2018 for one dwelling on this site. This application was determined under delegated powers as at that time Newark Town Council raised no objection to the scheme. Their stance has now changed and this application is therefore required to be determined by the Planning Committee.

Members may also note that some of the objectors have referenced a previous refusal for a dwelling that was dismissed on appeal in 2003. However at that time the proposal was not within the urban boundary, a matter which changed with the adoption of the Allocations and Development Management Plan in 2013. For the avoidance of doubt, Policy 'FS3' referred to by some is no longer in existence as it became defunct with the old Local Plan.

## The Principle of Development

The Council's position on 5 year housing land supply (5YHLS) is that it can demonstrate a 5 year housing land supply and several appeal decisions, including the public inquiry of November 2017, recovered by the Secretary of State have confirmed this. Therefore for the purposes of decision making the Development Plan is considered up to date.

The application site is located within the main built up urban area of Newark as defined by the Allocations and Development Management DPD. Spatial Policies 1, 2 and NAP1 of the Adopted Core Strategy identify Newark as a Sub Regional Centre where the focus is for housing and employment growth. In addition and importantly, outline consent has already been granted in June 2018 for the erection of one dwelling on the site. This outline consent is extant by virtue of it having been granted within 3 years of this application, and represents a significant material planning consideration. The principle of a dwelling on the site is therefore considered acceptable.

## Impact on Highways Network

Policy DM5 of the Allocations and Development Management DPD is explicit in stating that provision should be made for safe and inclusive access to new development whilst Spatial Policy 7 of the Adopted Core Strategy encourages proposals which place an emphasis on non-car modes as a means of access to services and facilities.

In granting outline permission the means of vehicular access was considered and was the same as is being promoted by this full application; access from Barnby Road via an existing lane/track.

Barnby Road is served by a regular bus route and the site is within walking distance to Newark Town Centre, which in my view makes the site a sustainable location for residential development. However, it is likely that a car would be the chosen method of transport for the occupiers of the new dwellings.

The site is served by an access lane from Barnby Road which runs alongside no. 1-5 Bridge Cottages, who all have access to their properties via this lane. The lane is narrow and as such two cars are unlikely to be able to pass each other along the lane.

The lane is not owned by the applicant; rather it is owned by no's 1-5 Bridge Cottages and Notice has been served on them as part of the application process as is the correct procedure for such an application. I understand that the applicant has a right of access over the land but that this may not extend to altering the access.

The main consideration for the LPA and the Highway Authority is to ensure that there is safe access to/from the site and enough space for cars to move safely along the access. Furthermore, it should also be noted that if planning permission is granted for the proposal, the applicant would first need consent from all landowners to carry out any works to the lane before work could commence. This is a civil matter between the affected parties.

The proposal seeks to widen the lane along the first 8m upon leaving Barnby Road (to the west) to provide additional room for vehicles to pass; the widening would allow two vehicles to pass at the entrance to the lane. This would involve using land from the adjacent Beacon View to the north-west of the lane to provide this additional space and would require this land to be raised so that the access is provided on a level basis. NCC Highways Authority have again confirmed they are



satisfied with the proposed widening, subject to conditions relating to the hard bound surface of the lane within this widened area and that the parking and turning are provided prior to the use commencing.

Parking for two cars is shown within the application site as well as a turning head to allow vehicles to enter and leave the site in a forward gear. The surface of the hardstanding is not specified but could be conditioned. The quantum of parking is considered appropriate for a 3 bedroom dwelling and in any event, there would be ample space for the parking of additional cars within the site should it be considered necessary.

I note the concerns raised by local residents with regards to the safety of the access. This matter has previously been assessed and found to be acceptable in the granting of the outline permission for one dwelling from the same access.

The previous case officer noted that:

*'Having visited the site it was apparent that many nearby residents do park on the road close to the access lane. However, the access is an existing one which is currently used for residential and agricultural purposes (I note the concerns regarding the use of the field however I have no evidence from a planning perspective to assess the field as any other use at this stage) and as such I must attach weight to the current use of the access.'*

*I am mindful that the visibility splays do not meet the usual standard required by the Highway Authority owing to the bridge when looking right at the junction with Barnby Road, however as the access already exists, and has done for many years, the LPA must take this into account. The increased use of the access for one dwelling is unlikely to result in a significant increase in traffic along the lane, and whilst I accept that the number of vehicles for the site is likely to increase, the improved width of the access close to the entrance to the lane is to be improved to allow 2 cars to pass at the entrance, thus limiting any need for a vehicle to wait in the public highway. Furthermore, the vehicles are likely to be approaching the lane at a slow speed which should allow drivers time to assess the road conditions before entering/leaving the lane which I expect to be the current situation for vehicles. The use of the site as residential is also likely to attract smaller vehicles than the existing agricultural use which is also welcomed on a narrow lane, particularly for residents who use the lane on foot. As such, I consider that on balance the proposal is acceptable in terms of Policy DM5 of the DPD in relation to access.'*

*On the basis of the above, I am of the view that the scheme accords with the identified policies with regards to highway safety.'*

I share the views of my colleague and find no reason to divert from the stance already adopted in respect of this matter.

### Impact upon Visual Amenity

Policy DM5 of the DPD requires development to reflect 'the scale, form, mass, layout, design, materials and detailing' of the surrounding built form. Achieving a high standard of design remains a key matter as set out in Chapter 12 of the NPPF.

The site is located within Newark Urban Area, although the site is somewhat hidden from the wider public realm owing to the narrow access track from Barnby Road and its set back from the public highway.

The proposed dwelling has been re-sited during the course of the application in an attempt to address officer concerns. It is now proposed to be located north of the existing terraces. The grain of the development would have a horseshoe footprint which differs from other dwellings in the locality, albeit I do not find this to be particularly harmful given its lack of prominence and its design and scale. The proposed dwelling is one and a half storey (c6.35m to ridge, 3m to eaves) albeit from Barnby Road would be seen as a single storey dwelling given that the roof windows now face north towards the railway line.

As previously mentioned, the design occupies a horseshoe footprint with its form being relatively simple. The design details include Venetian style arched windows with what appear to be decorative stone quoin surrounds and a pillared entrance porch. These details in my view are somewhat ostentatious and not vernacular to the area. However given these features would not be visible from the public realm, I do not consider this, which becomes a matter of personal taste, should be fatal to the scheme.

Subject to agreeing details of facing materials, I consider that the design and layout is satisfactory.

#### Impact on Residential Amenity

Policy DM5 of the Council's DPD requires new development to respect the amenities of the surrounding land uses to ensure that there is no adverse impact by virtue of overshadowing, overlooking or overbearing issues.

The site is bounded by residential dwellings to the south and south-west and as such, new dwellings could have an impact upon the amenities of these properties. The two properties most likely to be impacted by the development are 1 Bridge Cottages and Beacon View, the latter of which appears to be in the control of the applicant according to the site location plan.

The nearest part of the proposed dwelling to the side elevation of the end terrace is c8.7m; this would comprise a blank gable end. The remainder of the elevation directly facing the dwelling would be over 20m away and contain two ground floor living room windows. I am satisfied that given this distance and design there would not result in any loss of privacy through directly overlooking or loss of amenity such as overbearing or loss of light impacts.

It is noted that there are two first floor windows contained within the side of no. 1 Bridge Cottage which are understood to be a landing and bedroom window. However given the proposed dwelling has no first floor windows facing the existing house and is at a lower level I do not consider that this would amount to impacts that would warrant refusal of the scheme.

Having considered the impacts upon the existing bungalow Beacon View, I note that given the the relationship and distances involved there would be no unacceptable impacts and in any event these are in the same control.

I note the comments from local residents which raise concerns regarding the likely disruption and increase in traffic along the access lane during construction and at operational stage. I appreciate these concerns however, like the previous case officer, I agree that the construction phase is unlikely to be a long term issue therefore I would not consider it reasonable to recommend a refusal on the basis of noise/traffic disturbance by construction vehicles.

Furthermore, I note the concerns regarding the increased traffic movements due to an additional dwelling. Whilst it is expected that a new dwelling would increase movements, I would not expect one additional dwelling to result in a significant increase in traffic that would be unacceptable from an amenity perspective.

It is therefore not considered that the proposal would have an undue adverse impact on the residential amenities of occupiers of neighbouring properties subject to detailed design, layout and scale. As such the proposal accords with the provisions of the NPPF and Policy DM5 of the DPD.

### Impact upon Ecology

Core Policy 12 and Policy DM7 promote the conservation and enhancement of the District's biodiversity assets. Paragraph 8 of the NPPF sets that the environmental objective which seeks to contribute to the protection and enhancement of the natural environment, thus helping to improve biodiversity. Paragraph 175 of the same policy document provides that if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated for or as a last resort compensated for, then planning permission should be refused.

Given the previous mature landscape designation, I consider the site to hold potential ecological importance. Further to this, the site lies adjacent to a toad migration site and concerns were previously raised by both the County Ecologist and Nottinghamshire Wildlife Trust regarding the outline planning proposal's impact upon amphibians in the area. Local residents have also raised concerns.

In support of the application a Protected Species Survey by CBE Consulting May 2018 has been submitted which has been supplemented by an updated report to cover the additional land to the west and north now included within the application site. This concludes that no evidence of protected species has been identified on the site and that there is no habitat of high potential value to such species within the site. The site also offers little potential for amphibians including toads, yet it is possible for species such as toads/reptiles to be present along garden margins, along the boundaries where there is scrub on the adjacent land and making use of small patches of bramble. To this end, the survey has recommended mitigation measures to prevent harm to potential wildlife within the site (detailed in Section 5 of the survey). I consider that these mitigation measures are reasonable and necessary and should form a condition (see C4) to ensure the development adheres to these recommendations.

There are some poor quality trees (conifers, hawthorn, sycamore) on site. It is not clear whether these would stay or be removed. Even taking the worst case scenario into account (their removal) in order to facilitate the proposed dwelling, I do not consider that their loss would have an unacceptable harmful impact on either amenity or ecological value given their poor quality and in any case their loss (if definitely required) could be compensated with replacement planting as required by a planning condition.

### Drainage/Foul Sewage

Core Policy 9 requires new development proposals to pro-actively manage surface water which is reflected in Policy DM5 of the Allocations and Development Management DPD.

The site lies within flood zone 1, at lowest flood risk albeit it is within an area prone to surface water flooding.

Soakaways are shown on the plans for the disposal of surface water, which would be controlled via building regulations and are considered an acceptable means of surface water disposal. In relation to the proposed use of a package treatment plant for foul sewage, I note that there is no mains drainage in the vicinity of this site and that the Environment Agency have not raised an objection, albeit they make clear that this does not guarantee the granting of an Environmental Permit which they administer. I am satisfied that the planning system need not consider this matter in any greater detail as it is covered by other disciplines. As such the proposal is not considered to increase the risk of surface water flooding due to the drainage proposed and the amount of site still retained for porous surfacing.

### Other Matters

The Council's Environmental Health team previously advised (and indeed continues to advise) that in recent years land adjacent to the site has been subject to large fires. The materials burned have not been identified, however given the potential for contamination within the site, the Environmental Health Officer has advised that a contamination report is conditioned should the application be approved, which given the vulnerable end use of the site, a residential property, I consider appropriate to impose to ensure future occupiers are not impacted from a health perspective.

Environmental Health previously considered the issue of noise from the nearby East Coast Mainline and it was not a matter that was considered to be necessary to control via condition. There has been no change in circumstance to alter this position.

It has previously been brought to the attention of officers that the properties along the lane are not connected to mains sewers. The application states that the proposed dwelling would have a mini treatment plant. A foul assessment form has been submitted which the Environment Agency have reviewed and raised no comments. Given the lack of public sewer the package treatment plan is the next best option according to the drainage hierarchy. No objections are therefore raised on this.

Residents have previously highlighted the presence of a gas pipe along the access lane. Cadent Gas Network have also highlighted this infrastructure and have recommended that an informative is appended to any decision notice to highlight the issue to the applicant.

### Planning Balance and Conclusion

The site is located within the defined main built up area of Newark in accordance with the current local planning policies for Newark & Sherwood, and as such the principle of development in this location is considered to be acceptable as already established by the granting of an outline permission (18/00328/OUT) which remains extant and thus carries significant weight. The means of access has already been established as acceptable through the outline consent. Subject to the

widening works as required through condition, I consider that the access for one dwelling would be acceptable from a planning perspective. This would not override any private legal interests which are civil matters to be resolved between the applicant and the owners of the road. The visual appearance of the dwelling would be satisfactory and no unacceptable impacts upon the living conditions of neighbours have been identified. Other issues have been raised in respect to contamination and nearby gas pipe which will be conditioned/noted accordingly. Ecological impacts have been found to be acceptable at outline stage. An updated survey has found no new issues and there are no trees of significance within the site that would warrant resistance of the application. The proposal is therefore considered to accord with the relevant local and national planning policies and is recommended for approval.

## **RECOMMENDATION**

**That planning permission is approved subject to the conditions and reasons shown below:**

### Conditions

01

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

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

02

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

- Drawing no. 1814.A.1 - Proposals (Elevations and floor plans) received 17<sup>th</sup> December 2018
- Drawing no 1814.A.2a– Proposals (Block Plan) received 17<sup>th</sup> December 2018
- Site Location Plan (amended received 17<sup>th</sup> December 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

Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until Parts A to D of this condition have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until Part D has been complied with in relation to that contamination.

## Part A: Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
  - human health;
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland service lines and pipes;
  - adjoining land;
  - ground waters and surface waters;
  - ecological systems;
  - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's *'Model Procedures for the Management of Land Contamination, CLR 11'*.

## Part B: Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

## Part C: Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

#### Part D: Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Part A, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Part B, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with Part C.

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.

04

Immediately prior to any vegetation clearance or ground works being carried out within the site, the site shall be searched by a suitably qualified and experienced ecologist. Should any toads or other amphibians be found on the site, they shall be carefully removed with an ecologist present and placed within suitable habitat within the toad migration area as set out in the Protected Species Survey by CBE Consulting dated 1<sup>st</sup> May 2018 submitted as part of the planning application.

Reason: In order to afford protection to local wildlife, namely toads, in line with the Core Strategy and the NPPF as submitted by the applicant in their ecological survey which forms part of the application.

05

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

06

Prior to first occupation of the dwelling hereby approved, full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include:

existing trees and hedgerows, which are to be retained pending approval of a detailed scheme, together with measures for protection during construction;

full details of every tree, shrub, hedge to be planted (including its proposed location, species, size and approximate date of planting) and details of tree planting pits including associated irrigation measures, tree staking and guards, and structural cells. 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 enclosure;

hard surfacing materials (which shall be permeable where possible);

Reason: In the interests of visual amenity and biodiversity.

07

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.

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

08

Prior to the occupation of the proposed dwelling, the shared driveway shall be widened in accordance with the approved block plan 1814.A.2 (received 17<sup>th</sup> December 2018), and be surfaced in a bound material (not loose gravel) for a minimum distance of 8m from the Barnby Road carriageway, and shall be drained to prevent the unregulated discharge of surface water onto the public highway.

Reason: In the interests of highway safety.

09

No part of the development hereby permitted shall be brought into use until the parking/turning areas are provided in accordance with the approved plan 1814.A.2 (received 17<sup>th</sup> December 2018). The parking/turning areas shall not be used for any purpose other than parking/turning of vehicles.

Reason: In the interests of highway safety.

010

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 2015 (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 (side) elevation of the development hereby permitted.



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

#### Note to Applicant

01

The development makes it necessary to alter a vehicular crossing over a footway of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact the County Council's Highways Agent, Via East Midlands tel. 0115 977 2275 to arrange for these works to be carried out.

02

The comments and guidance notes of Cadent Gas are attached for information.

03

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

04

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 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](http://www.newark-sherwooddc.gov.uk).

**Matt Lamb**  
**Business Manager - Growth & Regeneration**

Committee Plan - 18/02049/FUL

