

PLANNING COMMITTEE – 23 JULY 2019

Application No:	19/00971/FULM	
Proposal:	Application for the variation of Conditions 9 (hard and soft landscaping), 17 (external materials), 19 (boundary treatment) and 25 (approved plans) attached to planning permission 14/00161/FULM (the erection of 50 dwellings with associated infrastructure, landscaping and public open space and surgery car park extension providing 11 car park spaces). The variation includes the addition of a sub station and fibre box cabinet plus amendments to the landscaping, open space, play area, boundary treatments and materials	
Location:	Land To The Rear Of 9 To 18 Hounsfield Way Off Hemplands Lane, Sutton On Trent	
Applicant:	Mr Matthew Harmsworth - Persimmon Homes	
Registered:	23rd May 2019	Target Date: 22nd August 2019

This application is referred to the Planning Committee in line with the Council's Scheme of Delegation as the recommendation is contrary to the view of the Parish Council.

The Site

This site comprises an area of approximately 3.4ha of green field land within the defined built up part of Sutton-on-Trent. Part of the site (to the west) has been allocated for a mixed use site (ST/MU/1) in the Allocations and Development Management DPD 2013, whilst the eastern part of the site is allocated as a 'Main Open Area'. The site lies within the Sutton-on-Trent Conservation Area.

The site previously comprised of three fields. Field 1 is triangular in shape that lies to the west of the site and is bound mainly by hedgerow. Field 2 comprises the remaining allocated part of the site and comprises poor semi-improved grassland, shrub, tall ruderal vegetation and is bound by fencing to the north and east whilst Field 3 forms the existing Main Open Area which comprises semi improved grassland bound by hedgerow to the north and a hedgerow with trees to the south and east. The majority of the site currently has the appearance of a construction site for the development of new houses approved under 14/00161/FULM.

Located on the eastern side of Hemplands Lane, the site comprises land to the south/rear of Hounsfield Way; a cul-de-sac which accommodates the existing doctor's surgery and residential dwellings comprising a mix of modern single and two storey dwellings. It also lies directly south of modern two storey properties on Nursery Lane. The boundaries to the north comprise a mix of timber fencing and hedgerows. A dyke runs alongside this boundary.

To the south of the site is Grassmere Farm, an active farm which has an associated dwelling, agricultural buildings and agricultural land. This is separated from the application site by a high brick wall and hedgerows. The eastern part of the site (MOA) lies to the north of modern two

storey residential properties at Willow Holt and Rose Farm Drive (off Palmers Road) and dwellings on the western side of Main Street which are bounded by a mix of fencing.

The western part of the site appears to be former agricultural land that is not in active use and is overgrown. This is separated from the network of public footpaths that cross the site by low post and wire fencing. Land to the east comprises a field split and surrounded by hedgerows part of which is used as a pony paddock.

Vehicular access constructed under 14/00161/FULM is visible from the site frontage and there are several public footpaths that cross the site. FP6 runs alongside the northern boundary whilst FP7 links Nursery Lane to the north to Witch Lane to the south and beyond. FP5 extends across the open space towards Main Street to the east and High Street and beyond to the north.

Mature trees and hedgerows form the boundary with Hemplands Lane. There a number of trees within the application site. There are ditches/dykes that run alongside the north, south and eastern site boundaries.

The majority of the site lies within Flood Zone 2 (as of April 2016), with the remaining part falling within Flood Zone 1 (the frontage with Hemplands Lane and a thin strip of land to the north). All of the site falls within an area prone to surface water flooding according to Environment Agency Maps.

Relevant Planning History

19/00981/FUL - The installation of 5 x 4000 litre underground tanks with associated Secondary Regulator Housing Cabinet and amendments to the already approved equipped play area – pending determination.

19/00424/FUL - The installation of 5 x 4000 litre underground gas tanks – application refused 18.04.2019

19/00911/ADV - Erection of 5 non-illuminated fascia signs – pending determination.

14/00161/FULM – Planning permission was granted on 24 January 2019 for the erection of 50 dwellings with associated infrastructure, landscaping and public open space and surgery car park extension providing 11 car parking spaces on this site. It was granted under delegated powers following confirmation from the NPCU that they did not wish to call in the application. The application was accompanied by an s106 Agreement which secured a range of developer contributions.

NPCU/EIASCR/B3030/74541 – A request for a screening direction was made to the Secretary of State for the development. On 19th November 2014, the Department for Communities and Local Government on behalf of the SoS confirmed that the development is not EIA development within the meaning of the EIA Regulations 2011.

14/SCR/00050 – The planning application has been screened under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 and the LPA has adopted an opinion that the proposal is unlikely to have complex or significant environmental effects that would have more than local significance to constitute EIA development. An Environmental Statement is therefore not required. The opinion was formally issued on 29th September 2014.

The Proposal

The application seeks full planning permission for the variation of Conditions 9 (hard and soft landscaping), 17 (external materials), 19 (boundary treatment) and 25 (approved plans) attached to planning permission 14/00161/FULM (the erection of 50 dwellings with associated infrastructure, landscaping and public open space and surgery car park extension providing 11 car park spaces). The variation includes the addition of a sub station and fibre box cabinet plus amendments to the landscaping, open space, play area, boundary treatments and materials.

Amended plans along with a revised description of development have been received during the lifetime of the application to include additional amendments to the approved plans, some of which are retrospective in nature. The amendments relevant to each condition are summarised below:

Condition 9 of 14/00161/FULM states the following:

Notwithstanding the details submitted, no development shall be commenced until full details of both hard and soft landscape works associated with the public open space 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,

proposed finished ground levels or contours;

any hard surfacing materials;

minor artefacts and structures including furniture, play equipment, refuse or other storage units, signs, lighting etc.

proposed and existing functional services above and below ground (for example, drainage power, communications cables, pipelines etc. indicating lines, manholes, supports etc.)

retained historic landscape features and proposals for restoration, where relevant.

Reason: In the interests of visual amenity and biodiversity.

This application seeks to amend Condition 9 insofar as development has already commenced meaning that details submitted pursuant to the requirements of this condition can no longer be formally discharged and the variation of this condition enables the Applicant opportunity to rectify this. In addition, the hard and soft landscape plans submitted with this application have been amended. Main amendments include the following:

- Hard surfacing to private shared drives has changed from permeable to block paving;
- Amendments to the play area, including the addition of bow top railings and an additional and upgraded item of play equipment;
- Updated landscaping.

Condition 17 of 14/00161/FULM states the following:

No development shall be commenced until a full schedule of external materials (including the provision of samples upon request) to be used in the development has been submitted to and approved in writing by the local planning authority. Development shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

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

This application seeks to amend Condition 17 as the following changes to materials are proposed:

- Plot 1, 17 and 18 bricks have been changed to Forterra Meadow Red.

Condition 19 of 14/00161/FULM states the following:

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 boundary treatment for each individual plot on site shall be implemented prior to the occupation of each individual 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.

This application seeks to amend Condition 19 as the following changes are proposed:

- Rear garden fencing changed from Larch Lap fencing to close boarded fencing;
- Plot 10 – northern boundary changed to brick wall from a close boarded fence;
- Properties backing onto southern boundary of the site (plots 46-50, 45, 31, 30, 29) – rear access gates have been removed. The landscape buffer to the rear of these dwellings would be managed by a maintenance company;
- To the south of the parking court serving plots 42-45 a knee rail replaces a close boarded fence. The same scenario applies for the private shared drive which is located between plots 30 and 31;
- Addition of an underground LPG area subject of separate consideration under 19/00981/FUL.

Condition 25 of 14/00161/FULM states the following:

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

Proposed Site Plan, CPT-193 PL02 Rev H

Site Location Plan, CPT-193 PL01 Rev B

Foul water pumping station compound elevations, received 31/05/2017

Turner House Type, Floor Plans (Plot 31 only) CPT-193 TUR-03 Rev A

Turner House Type, Elevations (Plot 31 only) CPT-193 TUR-04 Rev A

Turner House Type, Floor Plans CPT-193 TUR-01

Turner House Type, Elevations CPT-193 TUR-02

Calvert House Type, Floor and Elevations (Plot 24 only) CPT-193 CAL-02

Calvert House Type, Floor and Elevations, CPT-193 CAL-01
Holland House Type, Floor and Elevations, CPT-193 HOL-01
Holland House Type, Floor and Elevations (Plot 23 only), CPT-193 HOL-02
Keating House Type, Floor and Elevations, CPT-193 KEA 01
Lewis House Type, Floor and Elevations, CPT-193 LEW 01
Lewis House Type, Floor and Elevations (Plot 32 only) CPT-193 LEW 02
Whitehall House Type, Floor and Elevations, CPT-193 WHL-01
House Type 71, Floor and Elevations, 071-100
House Type 81, Floor and Elevations, 081-100

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.

This application seeks to amend Condition 9 insofar as the following amendments to the approved plans:

- Fibre box cabinet and associated electrical connections cabinet added adjacent to the vehicular access to the site;
- Inclusion of a sub station measuring 3.1 metres by 2.3 metres by 2.3 metres high;
- Doctors surgery signage added with a slight adjustment to its positioning to ensure retention of existing landscaping;
- Fencing details around pump station added;
- Minor amendment to position of play area.

The Submission

The application has been accompanied by the following documents:

- Covering letter Dated 27.06.2019
- Fibrenest Technical Information
- Charter Plan SUT-CP-01 Rev P
- Planning Layout SUT-SL-04 Rev A
- Severn Trent Water Standard Security Fence STD6140
- Play Area Layout Q4027_D
- Detailed Soft Landscaping Proposals, drawing no.S X 2 JBA 13/350-02 Rev P (East and West)
- GRP Enclosure for Unit Substation EKV0031
- HV Diversion Overlay

Departure/Public Advertisement Procedure

Occupiers of 77 properties have been individually notified by letter and reconsulted on amended plans/description of development (to widen the scope of variations applied for) during the lifetime of the application.

Site notice posted 06.06.2019.

Press notice published 06.06.2019.

Planning Policy Framework

The Development Plan

Newark and Sherwood Amended Core Strategy DPD (adopted March 2019)

- Spatial Policy 1 -Settlement Hierarchy
- Spatial Policy 2 -Spatial Distribution of Growth
- Spatial Policy 6 - Infrastructure for Growth
- Spatial Policy 7 - Sustainable Transport
- Spatial Policy 8 - Protecting and Promoting Leisure and Community facilities
- Spatial Policy 9 -Site Allocations
- Core Policy 1 - Affordable Housing Provision
- Core Policy 3 - Housing Mix, Type, and Density
- Core Policy 8 - Retail Hierarchy
- Core Policy 9 - Sustainable Design
- Core Policy 10 – Climate Change
- Core Policy 12 - Biodiversity and Green Infrastructure
- Core Policy 13 - Landscape Character
- Core Policy 14 - Historic Environment

Allocations & Development Management DPD (adopted July 2013)

- Policy ST/MU/1 - Sutton-on-Trent – Mixed Use Site 1
- Policy ST/LC/1 - Sutton-on-Trent – Local Centres
- Policy ST/MOA - Sutton-on-Trent – Main Open Areas
- Policy DM1 - Development within Settlements Central to Delivering the Spatial Strategy
- Policy DM2 – Development on Allocated Sites
- Policy DM3 - Developer Contributions
- Policy DM5 - Design
- Policy DM7 - Biodiversity and Green Infrastructure
- Policy DM9 – Protecting and Enhancing the Historic Environment
- Policy DM11 – Retail and Town Centre Uses
- Policy DM12 - Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2019
- National Planning Practice Guidance (on-line resource)
- Developer Contributions and Planning Obligations SPD (2013)

Consultations

Sutton on Trent Parish Council – Comments received 12.07.2019:

The above application was discussed by the Parish Council at its meeting on 9th July and I have been instructed to write to you to lodge the Councils subsequent objection to the application on the grounds as set out below.

The Council is concerned that the original application on this site is being continually and significantly altered and feels strongly that the original application requirements and permissions

should be adhered to. In particular, the Council believes that the external materials as suggested are not in keeping with a village environment nor a conservation area within which the site is located.

The application detail includes the addition of a sub station and fibre box cabinet both of which will have a detrimental visual impact for residents of the development in both the proposed locations and colour of the cabinets. The Council notes that the inclusion of the sub station does reduce the need for overhead power lines, however it also reduces the allocated public open space from that detailed in the original proposal.

In addition, the proposed relocation of the designated play area is of concern as access to the eastern boundary ditch which is required by the Internal Drainage Board for maintenance purposes is not clear. The Council is of the opinion that the IDB should be consulted on this particular issue.

It is clear to the Parish Council, through complaints it is receiving from residents, that the developer is causing a lot of frustration within the Parish in that they have sought to obtain a consent which clearly did not include elements that they would have been aware of as being required as a competent developer, and are now retrospectively and continually making applications to address these omissions.

These applications principally affect the Public Open Space areas, rather than the developers net developable area, and in turn profit, where the Parish would hope the developer would be directed to make any required changes that they seem to have negated, being at their cost and not to that of the Parish.

The Public Open Space and lack of regard for the Conservation Area in terms of design and material are both highly important issues for the Parish as part of this development moving forward. It is considered that the impact of omissions made by the developer that retrospectively need to be rectified should be done so within their net development boundaries and not that of Public Open Space Areas and as stated above, greater importance should be attributed to the Conservation Area in terms of material considered acceptable for use within the development.

Comments received 13.06.2019:

At a meeting of the Parish Council held on Tuesday 11th June, the members voted unanimously to object to this application on the grounds that the proposed landscaping plan previously approved should be adhered to.

Nottinghamshire Wildlife Trust - We would like to take this opportunity to remind you that all developments should aim to provide net gains for biodiversity as the NPPF (February, 2019) Paragraph 170 States: *minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.*

As you will be aware hedgerows are a Nottinghamshire Biodiversity Action Plan Habitat and in this county we have lost over 16,000 miles of hedgerow between 1947 and 1985 alone.

In the case of this application, removal of a hedgerow without replacing it would result in a net loss of biodiversity and BAP Habitat. We therefore recommend that the hedgerow at the very least

should be replaced and any fragmented hedgerows also should be planted up with native species to form intact hedgerows across the site. The development, as stated within NPPF Paragraph 170 should aim for an overall net gain in biodiversity and other biodiversity enhancements are also recommended to be incorporated in order to achieve this.

Internal Drainage Board - No comments received to date. Any comments received will be reported in Late Items.

NCC Highways Authority – This application has no impact on the public highway (existing or to be adopted). No objections.

NSDC Parks and Amenities – No comments received to date. Any comments received will be reported in Late Items.

5 letters of representation has been received from local resident/interested parties (some of which are from the same address). Main issues raised include:

- A hedgerow on the north side of the public footpath has been removed contrary to the approved planning application (part of an historic field pattern). This provided screening between the residential dwellings on Hounsfield Way and the footpath in addition to softening the blank side gable of Plot 1 which has a dominating impact on the rear gardens. Replacement is required otherwise gardens will be further over dominated/overlooked from users of the footpath and there would be added harm to the character and appearance of the Conservation Area;
- The hedge to the rear of Nos 16-18 was also removed but has been replanted. Hedgerow is shown to be planted to the rear of No 15 but there is no existing hedge along this boundary. Persimmon does not own this strip of land. As such, the developer has no reasonable prospect of implementing the landscaping plan as they illustrate;
- Impact of loss of hedgerow on nesting site/habitat for birds;
- This application will need to include changes required to landscaping resulting from the proposed gas tanks application (19/00424/FUL) if approved;
- Trees on the west side of the development adjacent to Hemplands Lane were removed on 1st March 2019 in breach of condition 10;
- Any relaxation of planning conditions will inevitably lead to a constant drip feed of alterations sought that will favour the developer at the cost of local residents.
- Developers have constructed two areas of car parking in the open space by plot 3 with a path to the front of the plot 1 garage which is not shown on the approved plans (to serve a show home).
- The proposed sub-station is located in a prominent position and should be constructed from a red-brick in keeping with the Conservation Area – instead it is a standard type of installation. A hedge would screen 3 sides with the north side open – it is suggested that the east side which is less prominent be made the open side. The cabinet should also be finished in green.

- The application 14/00161/FULM was granted as a balanced judgement and included insertion into the designated Main Open Area and a significant number of additional dwellings over that specified in the allocation on the basis of the public benefits that arose. The open space has been eroded by areas being removed to construct the electricity sub-station; the telephone/broadband cabinets; the foul pumping station compound; and the surface water holding area. The latter of these has just been contoured and is of a depth and steepness of sides that prevents its use for any public use.
- The submitted Western Power Distribution Plan 3258834 refers to the freehold of the sub-station needing to be transferred to them. This strictly conflicts with the s106 Planning Obligation already signed and will need to be included in a Deed of Variation
- The fire box cabinets have been placed in a prominent position adjacent to the site access. Their grey colour increased their prominence and they should be re-painted dark green.

Comments of the Business Manager

Principle of Development

This application is made under Section 73 of the Town and Country Planning Act 1990 to vary or remove conditions associated with a planning permission. Where an application under section 73 is granted, the effect is the issue of a new planning permission, sitting alongside the original permission, which remains intact.

If the application is acceptable a decision notice describing the new permission should be issued, setting out all of the conditions related to it. To assist with clarity, decision notices for the grant of planning permission under Section 73 should also repeat the relevant conditions from the original planning permission, unless they have already been discharged. As a Section 73 application cannot be used to vary the time limit for implementation, this condition must remain unchanged from the original permission.

The principle of the development has already been established through the original granting of the permission for the development in January 2018 (14/00161/FULM). It is not therefore considered necessary to rehearse issues previously assessed by this planning application save for issues which require assessing as a result of the current amendments proposed.

I am aware that the relevant Planning Policy Framework has been updated since this time (including the revised NPPF and adoption of the Amended Core Strategy), however key policy considerations in relation to the amendments proposed by this application have not changed.

The main issue for consideration is therefore whether it is appropriate to allow the development to be approved in accordance with the amended conditions and plans proposed with regards to the impact on the impact on the character and appearance of the conservation area and impact on the open space.

Visual Impacts of the Proposed Amendments Including Impact on the Character and Appearance of the Conservation Area, Setting of Listed Buildings and Main Open Area/Open Space

Core Policy 9 requires that development achieves a high standard of sustainable design that sustains the rich local distinctiveness of the district and is appropriate in scale and form to its context. Policy DM5 of the DPD states that local distinctiveness should be reflected in the scale,

form, mass, layout, design and materials in new development. Policies Core Policy 14 and DM9 also apply where the requirements is to either preserve or enhance the character and appearance of the Conservation Area. The NPPF continues to state that good design should be visually attractive as a result of good architecture and appropriate landscaping.

Policy ST/MU/1 states that *‘Consideration will be given to a comprehensive mixed use scheme of development on the site extending into the Main Open Area to the east where it can be demonstrated that this is necessary to deliver community facilities within the site and provide access to other parts of the Main Open Area’*. Complementing this, Policy ST/MOA states that *‘on the Main Open Area to the east of the site ST/MU/1 consideration will be given to allowing development where it forms part of a comprehensive mixed use scheme that demonstrates it is necessary to deliver community facilities within the site and provide public access to other parts of the Main Open Area’*.

There are a number of changes proposed that have the potential to affect the visual amenity of the area including the addition of a substation and fire box cabinets, altered materials and boundary treatments and amendments to the landscaping of the site including the minor repositioning of the play area and doctors surgery car park.

The proposed substation and fire box cabinets are located towards the west of the site close to the main access into the development site on the part of the site allocated for mixed use development (as opposed to within the east part of the site which is located in the Main Open Area). Whilst these items are relatively small in scale, they would be visible features on entry into the site and potentially from the wider area. The Applicant has confirmed that they would be finished in a dark green colour (to be required by planning condition) and the latest set of revised plans show the addition of landscaping to the north, east and west site of the fire box cabinets and a box hedge around the south, east and west of the proposed substation. In line with comments received from neighbours, I asked if it would be possible for a hedge to be planted around the north, south and east of the substation instead however, the Applicant has stated the following:

‘Unfortunately the sub station cannot be realigned as suggested as the access doors to the substation need to be off the public highway to allow for the maintenance and construction of the internal switch gear’.

Even so, it is considered that the proposed mitigation would be sufficient so as the items do not result in visual clutter or prominent additions to the detriment of the visual amenity of the area and a neutral impact on the character or appearance of the Conservation Area would result. In addition, the Applicant has highlighted some benefits to the proposal as Western Power Distribution have advised that adding the new substation allows for the removal of approximately 200 metres of 11Kv ohl and Pole Transformer. This would add to the future capacity of the local area (beyond the application site) and provides an alternative ‘back feed’ for a nearby substation in the event of a fault.

It is noted that unauthorised removal of some sections of hedgerow and trees has occurred since development commenced on site. As a consequence, the Applicant has updated their proposed landscape scheme to put back and mitigate for the losses that have occurred. This includes the replanting of a hedgerow on the north side of the public footpath (which previously formed part of an historic field pattern). Additional tree planting is proposed. The proposed doctors surgery car parking spaces have moved slightly to allow for the retention of existing trees/ planting on the northern boundary of the site. Extra hedging has also been added to help soften the appearance of the car parking spaces. A native hedgerow has also been added around the foul pumping

station. The Applicant has confirmed that all areas identified for the new planting falls within their ownership.

The amendment of the proposed bricks on three of the plots from Forterra Abbey Blend to Forterra Meadow RED, is considered acceptable given that this brick forms an approved brick for other plots within the wider scheme.

Overall, I have assessed the impacts of all of the amendments proposed and I do not consider that they alone or cumulatively would result in a deviation of the original Officer view (14/00161/FULM) which states in relation to the impact on the Main Open Area that:

'Taking all matters together, I consider that the delivery of a purpose built village hall (which I understand is likely to house a fold away library and play group) together with a decent level of associated outdoor amenity space and the opening up of the MOA to become useable Public Open Space justifies this level of encroachment into the MOA. I therefore consider that the proposal is compliant with ST/MU/1 in this respect'.

Likewise, I note that a very small area of open space would be lost to the front of the site through the amendments to the doctor's surgery car park and through the proposed substation and fire box cabinets. However, I consider this loss to be negligible given the mitigation proposed and outweighed to a large extent by the benefits of the changes which enable the retention of additional existing landscaping and rationalisation of Western Power Distribution equipment off site.

Nor would the impacts of the amendments either alone or cumulatively result in any deviation from the original Officer view in relation to the impact on the character or appearance of the Conservation Area which concluded that:

'I accept that the proposal is not one that can be said to be enhancing the Conservation Area (in that it does not replicate the lower density grain of the Conservation Area) but in my view the harm is diminished by the fact that it would sit adjacent to housing development of a similar grain and scale. In any event I agree that the harm is less than substantial and consider that the layout and design is acceptable in other respects and the harm is lessened by the landscaping intentions for the site'.

Likewise, I do not consider the proposed amendments either alone or cumulatively result in any deviation from the original Officer view in relation to the impact of the setting of listed buildings.

To conclude, whilst no harm arises from the proposed amendments themselves, given that this S73 application represents a new permission for the development overall, I must again conclude (the same conclusion was previously reached) that the development overall would harm both the Conservation Area and the setting of the listed buildings. This is considered to be less than substantial harm and is afforded the appropriate weight in the Planning Balance section of the report.

In other words, no further harm to that identified previously has been found.

The relevance of other conditions attached to Application Number 14/00161/FULM

The NPPG is clear that any new permission should set out all conditions related to it unless they have been discharged and that it cannot be used to vary the time limit for implementation which must remain unchanged from the original permission.

For ease of reference the conditions as originally imposed are listed in full below (in the Recommendation section) with ~~striketrough~~ text used to represent parts of the condition no longer required and **bolded text** used to indicate new wording. The conditions have been reworded where details have been provided to discharge previously imposed conditions.

[Commentary is also provided where this is considered necessary.]

Other Issues

Deed of Variation (DoV)

A Deed of Variation to the original s106 attached to 14/00161/FULM (for the erection of 50 dwellings) is required to ensure that all contributions previously secured are provided should Members be minded to approve, is required. This includes the provision of 30% on-site affordable housing, a financial contribution towards community facilities, public open space provision including play equipment, financial contribution towards the upgrading of footpath No. 5, library stock contribution, land for a village hall and its car park, a financial contribution towards a Traffic Regulation Order and the safeguarding of land for a retail unit. In conjunction with application 19/00981/FUL additional amendments to the original S106 are required to ensure the additional provision of children's play equipment and to secure an off-site contribution towards open space (to mitigate for the area of open space lost to the area of the proposed gas tanks should Members also be minded to approved 19/00981/FUL).

An amendment to the triggers for transferring the Village Hall to the Parish Council is also proposed which I understand the Parish Council have agreed to in principle on the basis that Persimmon have offered to construct the Hall car park up to but not including the final top course. The DoV can be amended to reflect this change with agreement from all parties concerned.

Other Works

Letters of representation have drawn my attention to other works that have been undertaken on site which do not appear to be shown on the proposed plans. This includes the construction of a car park and pathway to serve a showroom. The Applicant has confirmed that

'The car park and pathway are only temporary and will be used for customers to the Sales Office. Once the open space needs to be reinstated as required by the S106 these will be removed. I have not included these temporary spaces within the application as they are temporary and will only confuse matters. My intention was to deal with this as part of a separate application. I can confirm at the point the car parks are removed the development will be completed in accordance with the proposed landscaping and charter plan which are submitted as part of this application'.

The knee rail shown to the parking areas to plots 30/31 and 45/46 will be the boundary treatment which will be in place once these plots are occupied. The 1.8m high close boarded fence which has been erected in this area is there for security reasons only whilst these plots are being built.

Impact on eastern boundary ditch

I note the comments received from the Parish Council with regards to the maintenance of this ditch. The comments of the IDB are awaited in this regard and will be reported to Planning

Committee via late items.

Planning Balance and Conclusion

Overall, the proposed variations are considered to be acceptable and subject to conditions, it is not considered that any additional harm above and beyond that previously identified under consideration of 19/00971/FUL would result. For completeness, the planning balance and conclusion relating to 14/00161/FULM remains relevant and stated that:

'The principle of developing this site is accepted through the allocation of the site for a mixed use development which envisaged around 37 houses, retail and additional car parking for the adjacent doctor's surgery. The proposal seeks to deliver 50 houses, an additional 11 parking spaces for the adjacent surgery as well as safeguarding land for both the retail unit and facilitating the delivery of a village hall through the gifting of land and through a financial contribution. Development of part of the Main Open Area is in my view necessary to facilitate the delivery of the village hall and this is considered adequate to justify this encroachment along with the opening up of the MOA to become Public Open Space. This is also explicitly allowed for in the adopted site allocation policy.

It has been concluded that the scheme will not give rise to unacceptable adverse impacts to residential amenity or highway safety, that the mix and tenure types of dwellings is acceptable and that this scheme would not prejudice the delivery of a retail unit of an appropriate size for the size of the settlement should market conditions allow.

However there are a number of matters that need to be considered in the overall balance. Since allocation, the majority of the site has been classified as being within Flood Zone 2, with the majority of the Sutton-on-Trent settlement and the wider Trent Valley villages having been classified within Flood Zones 2 and 3. It is therefore considered necessary to apply the Sequential Test. It is considered appropriate to apply the Sequential Test to the settlement of Sutton-on-Trent given that the development seeks to deliver benefits for the village that cannot be provided elsewhere. The developer has demonstrated to the satisfaction of the Environment Agency and the Lead Local Flood Risk Authority that the development would be safe for its lifetime and would not place third parties at any greater flood risk as a result of the development.

It is acknowledged that the development would cause a degree of harm to the character and appearance of the Sutton-on-Trent Conservation Area and the setting of some listed buildings within the wider village. Primarily the harm is due to the contrast between the sub-urban character of the proposed development compared to the lower density more rural character that the CA embodies. However this harm is considered to be less than substantial harm. It is recognised that the proposal site does not require the loss of space or buildings that go to the heart of the significance of the designated CA. It must also be recognised that the site is allocated for housing within the development plan and that the proposed development would sit amongst the context of existing modern dwellings of a similar scale which lie to the north and south of the application site. Having regard to the statutory duties under s66 and s72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 it is considered that the development will not result in an unacceptable degree of harm in this context, especially when weighted against all other considerations.

The wider benefits of the proposal include the opening up of a large area of Public Open Space which would allow the site to be publicly accessible (at the present time only the footpaths that cross the site are public) and will consolidate the existing footpaths that cross the site, allowing the

creation of a focal point to the east, the provision of natural play features and areas for ecological enhancement and nature conservation with the creation of SuDS features along with sensitively upgraded footpaths across the site (through lighting and hard surfacing) to encourage residents to walk in the interests of sustainability. The site's central location within the village, the provision of a choice of housing including a policy compliant proportion of affordable housing in accordance with the adopted development plan, the provision of additional community benefits including enabling the delivery of a village hall, the safeguarding of a site for a retail unit and additional parking spaces for the doctors surgery, improved public open space and footpath links all in my view add up to considerable public benefits. Having regard to the guidance at paragraph 134 of the NPPF, it is considered that these significant public benefits outweigh the less than substantial harm in terms of the impact of the proposed development on the character and appearance of the conservation area and on the setting of the identified listed buildings'.

It is not considered that there are any other changes to circumstances which affect the consideration of this application. On this basis, I recommend that the scheme should be approved subject to the recommendation below.

RECOMMENDATION

That full planning permission is approved subject to:

- (a) The conditions and reasons shown below; and**
- (b) The signing and sealing of a Deed of Variation to the S106 attached to 14/00161/FULM (for the erection of 50 dwellings) to link it to this permission.**

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.~~

~~[Development commenced on site and therefore unnecessary]~~

02 01

The development permitted by this planning permission shall be carried out in full accordance with the Written Scheme of Investigation for Archaeological Monitoring and Recording by APS Archaeological Project Services dated September 2017 (Updated May 2019). The mitigation measures shall be fully implemented in accordance with the timing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority. No development shall take place within the application site until details of an archaeological scheme of mitigation have been submitted to and approved in writing by the Local Planning Authority. This scheme should be drawn up and implemented by a professional archaeologist or archaeological organisation. This scheme should ensure that all phases of ground disturbance at this site are archaeologically monitored in circumstances that will allow archaeological features to be recorded. Thereafter the scheme shall be implemented in full accordance with the approved details.

Reason: To ensure that satisfactory account is taken of the potential archaeological interest of the site.

[A scheme of mitigation has previously been discharged by planning condition and has subsequently been updated to reflect changed proposed by this application].

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 on any phase pursuant to Condition 4 until parts 1 to 4 (below) 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 condition 4 has been complied with in relation to that contamination.~~

~~1. 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:~~

~~o human health,~~

~~o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,~~

~~o adjoining land,~~

~~o groundwaters and surface waters,~~

~~o ecological systems,~~

~~o 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'.~~

~~2. 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.~~

~~3. 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.~~

~~4. 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 condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of point 2, 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 point 3.~~

~~*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.*~~

~~*[This matter has previously been dealt with through a discharge of planning condition for this site. Following intrusive sampling, the Environmental Health Officers have confirmed they are satisfied that the risks associated with the new development are deemed low and consider that no further investigation or remedial measures are required].*~~

~~04-02~~

~~No development hereby permitted shall commence until wheel washing facilities have been installed on the site. The wheel washing facilities **installed on site** shall be maintained in working order at all times during the construction period and shall be used by any vehicle carrying mud, dirt or other debris on its wheels before leaving the site so that no mud, dirt or other debris is discharged or carried on to a public road.~~

~~Reason: To reduce the possibility of deleterious material being deposited on the public highway (loose stones, mud, etc).~~

~~*[Amendment required as development is part retrospective].*~~

~~05-03~~

~~Construction works shall only take place between the follows hours; 07.00 to 19.00 on Monday to Friday inclusive, 07.00 to 13.00 on Saturdays and not at any times on Sundays, Bank or Public Holidays unless otherwise agreed in writing by the local planning authority.~~

~~*Reason: In the interests of residential amenity in this rural village.*~~

~~06-04~~

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) 01/04/ 2016 / CSB/HC/E/16762 B4/ Woods Hardwick infrastructure llp and the following mitigation measures detailed within the FRA:

1. Level for level compensation as shown in appendix 9.
2. Flood compensation volume as in section 3.19.
3. Finished floor levels are set no lower than 8.925 m above Ordnance Datum (AOD).

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reasons:

1. To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided.
2. To reduce the risk of flooding to the proposed development and future occupants.

07-05

The development permitted by this planning permission shall be carried out in full accordance with the approved surface water drainage scheme dated 28th March 2018 by Armstrong Stokes and Clayton Ltd (received 20th April 2018). No development shall be commenced until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. In addition to dealing with surface water drainage this scheme shall also be designed to maximize biodiversity opportunities. The scheme shall subsequently be implemented prior to first occupation of any dwelling unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of ensuring that the drainage design is appropriate for the site in the interests of ensuring development will be protected from flood risk from ground and surface water. See note to applicant no.4 for more information.

[This matter has previously been dealt with through a discharge of planning condition for this site].

08-06

The development permitted by this planning permission shall be carried out in full accordance with the approved drainage plans for the disposal of foul sewage including PER104/102/P, PER104/101B/P, PER104/100C/P, PR10282-003 (received 21th February 2018) unless otherwise agreed in writing by the Local Planning Authority. The development hereby permitted shall not commence until drainage plans for the disposal of foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Reason: to ensure that the development is provided with a satisfactory means of foul sewage disposal well as reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

[This matter has previously been dealt with through a discharge of planning condition for this site].

09

~~Notwithstanding the details submitted, no development shall be commenced until full details of both hard and soft landscape works associated with the public open space 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,~~

~~proposed finished ground levels or contours;~~

~~any hard surfacing materials;~~

~~minor artefacts and structures including furniture, play equipment, refuse or other storage units, signs, lighting etc.~~

~~proposed and existing functional services above and below ground (for example, drainage power, communications cables, pipelines etc. indicating lines, manholes, supports etc.)~~

~~retained historic landscape features and proposals for restoration, where relevant.~~

~~Reason: In the interests of visual amenity and biodiversity.~~

[This condition is unnecessary as the landscape scheme has been submitted as part of this application and included in the list of approved plans in Condition 18].

~~10~~

~~Notwithstanding the details submitted, no development shall be commenced until full details of both hard and soft landscape works associated with all dwellings (in curtilage) 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,~~

~~proposed finished ground levels or contours;~~

~~hard surfacing materials;~~

~~proposed and existing functional services above and below ground (for example, drainage power, communications cables, pipelines etc. indicating lines, manholes, supports etc.)~~

~~Reason: In the interests of visual amenity and biodiversity.~~

[This condition is unnecessary as the approved details have been previously discharged and associated plans are included in the list of approved plans in Condition 18].

~~11~~ 07

The approved soft landscaping (in respect of Condition 18) 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 (in respect of Condition 10) shall be implemented in accordance with a scheme to be 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.

~~12~~ 08

~~No development shall be commenced until~~ **For the duration of construction works,** the trees and hedges to be retained (to be as agreed as part of the landscaping schemes forming in conditions ~~18 9 and 10~~) **shall be** have been protected by the following measures:

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

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

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

[Amendment required as development is part retrospective].

~~13~~ 09

During the construction phase any pipes over 200mm in diameter shall be capped off at the close of construction each day and ramps or scaffold boards shall be placed with their sloping ends in any trenches.

Reason: to ensure prevent animals entering pipes overnight and to ensure animals that fall in trenches can escape in the interests of ecology and in line with best practice guidance as advocated by the EMEC Ecology Report.

~~14~~ 10

No hedge, tree or vegetation that is to be removed as part of the development hereby permitted shall be lopped, topped, felled or otherwise removed during the bird nesting period (beginning of March to end of August inclusive) unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that adequate provision is made for the protection of nesting birds on site and in line with the advice from the EMEC Ecology Report.

~~15~~ 11

Within three months of the date of the permission, ~~No development shall be commenced until~~ a scheme to provide artificial nesting bird boxes/bricks at the site **shall be** ~~has been~~ submitted to

and approved in writing by the Local Planning Authority. Details of the scheme shall include details of the type(s), location (including height at which the boxes are to be installed) and numbers. The approved scheme shall be installed on site prior to first occupation **of any of the dwellings** unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to provide compensate for habitat loss and to provide ecological enhancements in line with the CP12 of the Development Plan and the advice contained in the NPPF as well as in line with the recommendations set out in 6.2 of the EMEC Ecology Report submitted in support of this application.

[Amendment required as development is part retrospective].

~~16-12~~

~~No development hereby permitted shall commence until a scheme has been submitted to and approved in writing by the Local Planning Authority for t~~ The **scheme** for surfacing and external lighting, where appropriate, of public footpaths numbers FP6 and FP7 and of a proposed new footpath link to FP5 from the focal point of the public open space **as shown on drawings/documents below**

- **5.0m Base Hinged 'Raise and Lower' Root Planted Lighting Column, Drawing no. ESD 6/5**
- **Proposed Lighting & Electrical Works, Drawing no. H08630/3092 Rev B**
- **Roadway Lighting Report, by Via, June 2017**
- **Highway Lighting Specification, NCC (5/12 (15) R&L**
- **Public Right of Way Construction Detail, drawing no. SUT-ENG-02 Rev A**

~~The scheme shall provide full details of the surfacing to be laid and its extent. The lighting scheme shall include details of the location, design, levels of brightness and beam orientation, together with measures to minimise overspill and light pollution to adjacent neighbouring properties and shall indicate how its design has taken into account the local nocturnal wildlife. The approved scheme shall be implemented in full prior to first occupation of the 15th dwelling unless otherwise agreed in writing by the Local Planning Authority.~~

Reason: To promote sustainable travel in a way that respects amenity and nature conservation.

[Amendment required as the details contained in these plans/documents have previously been discharged by planning condition].

~~17~~

~~No development shall be commenced until a full schedule of external materials (including the provision of samples upon request) to be used in the development has been submitted to and approved in writing by the local planning authority. Development shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.~~

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

[This condition is unnecessary as a materials plan is included in the list of approved plans in Condition 18].

~~18~~ 13

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

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

Treatment of window and door heads and cills

Verges and eaves

Rainwater goods

Coping

Extractor vents

Flues

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

[Amendment required as development is part retrospective].

~~19~~

~~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 boundary treatment for each individual plot on site shall be implemented prior to the occupation of each individual 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.*~~

[This condition is unnecessary as a materials plan is included in the list of approved plans in Condition 18].

~~20~~ 14

Prior to first occupation of any dwelling hereby approved, the additional parking spaces serving the doctors surgery as shown on Proposed Layout Plan (drawing number SUT-SL-04 Rev A shall be provided and demarked in a manner (including choice of materials) and signposted details of which to be first agreed in writing by the Local Planning Authority and shall thereafter be retained as parking for the lifetime of the development.

Reason: To ensure that the additional parking is provided in an appropriate and timely manner in the interests of amenity and highway safety.

~~21~~ 15

No individual dwelling shall be occupied as part of the development until its associated drive / parking / turning area is surfaced in a hard bound material (not loose gravel) for a minimum of 2 metres

behind the Highway boundary. Each surfaced drive / parking / turning area shall then be maintained in such hard bound material for the life of the development.

Reason: To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc).

~~22~~ 16

Any garage doors shall be set back from the highway boundary a minimum distance of 5 metres for sliding or roller shutter doors, 5.5 metres for up and over doors or 6 metres for doors opening outwards.

Reason: To enable a vehicle to stand clear of the highway whilst the garage doors are opened/closed and to protect the free and safe passage of traffic, including pedestrians, in the public highway.

~~23~~ 17

All bathroom and ensuite window openings shall be obscured glazed to level 3 or higher on the Pilkington scale of privacy or equivalent and shall be non-opening up to a minimum height of 1.7m above the internal floor level of the room in which it is installed. This specification shall be complied with before the development is occupied and thereafter be retained for the lifetime of the development unless otherwise agreed in writing by the local planning authority.

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

24

~~Notwithstanding the provisions shown on the drawing entitled 'foul water pumping station compound elevations', received 31/05/2017, prior to the pumping station being first brought into use, precise details of the means of access to it shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved scheme.~~

~~*Reason: In the interests of appropriate access and maintenance.*~~

[This condition is unnecessary as relevant plans were previously discharged by planning condition are included in the list of approved plans in Condition 18].

~~25~~ 18

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

Site Location Plan, CPT-193 PL01 Rev B

~~Proposed Site Plan, CPT-193 PL02 Rev H~~

Charter Plan SUT-CP-01 Rev P

Planning Layout SUT-SL-04 Rev A

Detailed Soft Landscaping Proposals, drawing no.S X 2 JBA 13/350-02 Rev P (East and West)

Play Area Layout Q4027_D

Foul water pumping station compound elevations, received 31/05/2017

Turner House Type, Floor Plans (Plot 31 only) CPT-193 TUR-03 Rev A

Turner House Type, Elevations (Plot 31 only) CPT-193 TUR-04 Rev A
Turner House Type, Floor Plans CPT-193 TUR-01
Turner House Type, Elevations CPT-193 TUR-02
Calvert House Type, Floor and Elevations (Plot 24 only) CPT-193 CAL-02
Calvert House Type, Floor and Elevations, CPT-193 CAL-01
Holland House Type, Floor and Elevations, CPT-193 HOL-01
Holland House Type, Floor and Elevations (Plot 23 only), CPT-193 HOL-02
Keating House Type, Floor and Elevations, CPT-193 KEA 01
Lewis House Type, Floor and Elevations, CPT-193 LEW 01
Lewis House Type, Floor and Elevations (Plot 32 only) CPT-193 LEW 02
Whitehall House Type, Floor and Elevations, CPT-193 WHL-01
House Type 71, Floor and Elevations, 071-100
House Type 81, Floor and Elevations, 081-100

Fibrenew Technical Information

Severn Trent Water Standard Security Fence STD6140

GRP Enclosure for Unit Substation EKV0031

HV Diversion Overlay

Foul Water Pump Station Kiosk and Plinth Detail (drawing no. PR10382-003)

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.

19

Within three months of the date of the permission, the substation and fire box cabinets hereby approved shall be painted/finished in a dark green colour unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of visual amenity and the character or appearance of the conservation area and setting of listed buildings.

Note to Applicant

01

This permission should be read in conjunction with the Section 106 that sits hand in hand with this application which secures 30% on-site affordable housing, a financial contribution towards community facilities and open space, public open space provision including play equipment, financial contribution towards the upgrading of footpath No. 5, library stock contribution, land for a village hall and its car park, a financial contribution towards a Traffic Regulation Order and the safeguarding of land for a retail unit.

02

The applicant should note that notwithstanding any planning permission that if any highway forming part of the development is to be adopted by the Highways Authority. The new roads and any highway drainage will be required to comply with the Nottinghamshire County Council's current highway design guidance and specification for roadworks.

c) The Advanced Payments Code in the Highways Act 1980 applies and under section 219 of the Act payment will be required from the owner of the land fronting a private street on which a new building

is to be erected. The developer should contact the Highway Authority with regard to compliance with the Code, or alternatively to the issue of a Section 38 Agreement and bond under the Highways Act 1980. A Section 38 Agreement can take some time to complete. Therefore, it is recommended that the developer contact the Highway Authority as early as possible.

d) It is strongly recommended that the developer contact the Highway Authority at an early stage to clarify the codes etc. with which compliance will be required in the particular circumstance, and it is essential that design calculations and detailed construction drawings for the proposed works are submitted to and approved by the County Council (or District Council) in writing before any work commences on site.

In order to carry out the off-site works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act.

Contact with the Highway Authority can be made via david.albans@nottsc.gov.uk

03

Severn Trent Water advise that although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under The Transfer of Sewer Regulations 2011. Public sewers have the statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact STW to discuss your proposals. ST will seek to assist you in obtaining a solution which protects both the public sewer and the building.

04

The Lead Local Flood Risk Authority make the following comments based on the source-path-receptor methodology to manage the flood risk from the proposed development to 3rd party properties both adjacent and at distance from the proposed sites.

The drainage strategy should use infiltration as the primary means of disposing of surface water.

Localised house soakaways should work in this location & permeable hardstandings and roads should perform well.

The site investigation should be revisited having noted the results of the trial pits

The site design should be carefully considered to:

- o enable exceedance flows to be directed to the east,
- o dwellings to be protected from accumulations of water,
- o flows to be retained on the site with no flows across the site boundary for a 100year + 30% climate change event.

It is noted that the local drainage ditch network is controlled by a sluice/pumping station to the northeast of the village. The failure of this should be borne in mind when designing the site levels and drainage system.

05

Please note that the Trent Valley Internal Drainage Board have stated that a 9m wide easement is required for the eastern boundary watercourse; the Cuckstool Dyke which is maintained by them. The Board will need to operate heavy machinery in this area (currently shown as being finished with turf and wildflower seed) and wish it to be known that it cannot be held responsible for damage to the surface of passing machinery. They also note that a Hydrobrake and a small proportion of the attenuation pond within the 9 metre easement which should be repositioned if possible.

Regarding the access from the estate road turning head to 9 metre easement the TVIDB states that at 3 metres wide it would be insufficient for the Board's larger plant machinery. That said, provided there is a clear way through of 5 metres wide their machinery would be able to travel with wheels / tracks on the grass alongside.

With regard to future maintenance of riparian watercourses on the northern and southern boundaries the state that their preference is to have unobstructed access to all boundary watercourses to aid future maintenance of watercourses. They note from Proposed Site Plan CPT-193-PL02 Rev H dated 21.04.17 that accesses are proposed from the individual plots to enable future owners to undertake maintenance. From the information supplied it is assumed that this maintenance will have to be undertaken using hand tools and will lead to piecemeal maintenance by the individual property owners. The owners of the parcels of land adjoining boundary watercourses should be informed of their maintenance responsibilities through the title deeds at the point of sale. Consideration should also be given to any of the land parcels which are communal areas and may need to be maintained by a Management Company.

Regarding the replacement culvert on the southern boundary you are advised that the developer will be required to obtain the Board's written consent under Section 23 of the Land Drainage Act 1991 prior to commencement.

06

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

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

07

The application as submitted is acceptable. In granting permission without unnecessary delay the District Planning Authority is implicitly working positively and proactively with the applicant. This is fully in accordance with Town and Country Planning (Development Management Procedure) Order 2010 (as amended).

Back ground Papers

Application Case File

For further information, please contact Helen Marriott on ext. 5793.

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

Matt Lamb

Director of Growth & Regeneration

Committee Plan - 19/00971/FULM

