

## **PLANNING COMMITTEE – 23 JULY 2019**

<b>Application No:</b>	<b>19/01003/FUL</b>		
<b>Proposal:</b>	<b>Construction of a four bedroomed dormer bungalow with associated access arrangements and all other works</b>		
<b>Location:</b>	<b>Land To The Rear Of 51 The Ropewalk Southwell</b>		
<b>Applicant:</b>	<b>Mr Niall Buggy</b>		
<b>Registered:</b>	<b>30.05.2019</b>	<b>Target Date:</b>	<b>25.07.2019</b>
	<b>Extension of Time Agreed Until 09.08.2019</b>		

**This application is being presented to the Planning Committee in line with the Council's Scheme of Delegation as Southwell Town Council has objected to the application which differs to the professional officer recommendation.**

### **The Site**

The application site is a broadly rectangular plot of land approximately 0.11ha in extent which current forms part of the rear garden amenity space to no. 51 The Ropewalk. The site is within the urban boundary of Southwell. The surrounding area is characterized by neighbouring residential curtilages forming both single storey and two storey development. The plot to the south west of the site is currently vacant however as addressed throughout assessment, there is an extant permission on the site for the erection of two dwellings.

The site is located within Flood Zone 1 according to the Environment Agency maps and considered to be at very low risk of surface water flooding. The north eastern boundary of the site is shared with a public footpath which connects The Ropewalk and Leeway Road.

### **Relevant Planning History**

***17/01286 / FUL – Erection of a two bedroomed dormer bungalow with associated access (revised application).***

This application was approved by Planning Committee in September 2017 following the recommendation of Officers. The scheme remains extant.

Planning permission was refused for the erection of a dwelling on the plot in 1981. Prior to the approval of the extant permission the applicant submitted an application for the erection of a dormer bungalow under reference 17/00794/FUL. This was withdrawn prior to determination owing to concerns raised by officers.

Whilst not in relation to the site itself, the following planning history surrounding the site is deemed to be of relevance to the current application:

#### *14/02172/FUL – Erection of two dwellings.*

This application relates to the land immediately south west of the application site. Whilst the application was refused, there exists an extant permission on the land from the 1970s which allows for the erection of 2 dwellings. It is understood that there is an intention to commence building works in relation to these plots in the near future.

#### *07/00460/FUL – Proposed dwelling with car port and access.*

This application relates to land to the north east of the site and was permitted. The dwelling is now built on site.

#### *05/02219/OUT – Erection of dwelling.*

This application relates to the same land to the north east of the site and was allowed at appeal.

#### The Proposal

This application seeks full planning permission for the erection of a single detached dormer bungalow with an internal garage. The dwelling would provide four bedrooms at first floor. The dwelling would be orientated with its principle elevation facing south west at a perpendicular angle to the host dwelling at no. 51 The Ropewalk but broadly in line with the building line established by the bungalows at Nursery End to the north west.

The maximum pitch height of the proposed dwelling would be approximately 7.6m with an eaves height of approximately 2.6m. Plan annotations imply that materials used will be facing brickwork and tiles.

An additional highways access would be created from The Ropewalk to serve the dwelling. The intention of the proposal is to retain existing boundary hedgerows and separate the plot from the host dwelling through a new boundary treatment comprising a fence, hedgerow and wall.

The application has been assessed on the basis of the following plans and documents:

- Planning, Design and Access Statement;
- Site Location Plan;
- Existing Site Layout – 244 2016 01;
- Proposed Site Layout – 244 2019 02;
- Proposed Floor Layouts – 244 2019 03;
- Proposed Elevations – 244 2019 04.

#### Departure/Public Advertisement Procedure

Occupiers of nine properties have been individually notified by letter. A site notice has also been displayed near to the site and an advert has been placed in the local press.

## **Planning Policy Framework**

### **The Development Plan**

#### **Southwell Neighbourhood Plan (made October 2016)**

Policy SD1 - Delivering Sustainable Development  
Policy E3 - Green Infrastructure and Biodiversity  
Policy E4 - Public Rights of Way and Wildlife Corridors  
Policy E5 – Green Link  
Policy DH1 – Sense of Place  
Policy TA3 – Highways Impact

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

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 13 – Landscape Character  
SoAP1 – Role and Setting of Southwell

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

Policy So/HN/1 – Southwell Housing Need  
Policy So/PV – Southwell Protected Views  
DM1 – Development within Settlements Central to Delivering the Spatial Strategy  
DM5 – Design  
DM12 – Presumption in Favour of Sustainable Development

### **Other Material Planning Considerations**

- National Planning Policy Framework 2019
- Planning Practice Guidance (online resource)

### **Consultations**

**Southwell Town Council** –Southwell Town Council considered application 19/01003/FUL Land To The Rear Of 51 The Ropewalk and agreed unanimously to object to this application for the following reasons:

It is in contravention of the neighbourhood plan E1 Flood Risk Assessments and Mitigation pg 24- this development is less than 200mts from a high risk area, therefore as a minimum a statement on the SUDS management should be included

The creation of the splays will involve the removal on an unacceptable amount of hedgerow.

It is a back land development which overlooks surrounding properties.

**Southwell Civic Society** - No objections.

**NCC Highways** - This proposal is for the construction of a new dwelling, served by a new vehicular access onto The Ropewalk. Visibility splays of 2.4m x 43m are required from the access point, however, these have not been accurately demonstrated on the site layout plan, drg. no. 244/2019/02.

As such, whilst there are no highway objections in principle to this development, the following conditions should be imposed:

1. No part of the development hereby permitted shall be brought into use until a dropped vehicular footway crossing is available for use and constructed in accordance with the Highway Authority's specification.

Reason: In the interests of highway safety.

2. No part of the development hereby permitted shall be brought into use until the access, as shown on drg. 244/2019/02, is surfaced in a bound material for a minimum distance of 5m rear of the highway boundary in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

3. No part of the development hereby permitted shall be brought into use until the visibility splays of 2.4m x 43m are provided in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The area within the visibility splays referred to in this Condition shall thereafter be kept free of all obstructions, structures or erections exceeding 0.6m in height.

Reason: To maintain the visibility splays throughout the life of the development and in the interests of general highway safety.

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

Reason: in the interests of highway safety.

5. Pedestrian visibility splays of 2m x 2m shall be provided on each side of the vehicular access. These measurements are taken from and along the highway boundary. The areas of land forward of these splays shall be maintained free of all obstruction over 0.6m above the carriageway level at all times.

Reason: In the interests of pedestrian safety.

*Note to applicant*

The development makes it necessary to construct 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 VIA, in partnership with NCC tel: 0300 500 8080 to arrange for these works to be carried out.

**Environment Agency** – We have reviewed the submitted documents and on this occasion the Environment Agency has no formal comment to make, this is because there are no environmental constraints associated with the site which fall within our remit.

**NCC Flood** – No objections subject to the following:

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

**Trent Valley Internal Drainage Board** – The site is outside of the Trent Valley Internal Drainage Board district but within the Board's catchment.

There are no Board maintained watercourses in close proximity to the site.

Surface water run-off rates to receiving watercourses must not be increased as a result of the development.

The design, operation and future maintenance of site drainage systems must be agreed with the Lead Local Flood Authority and Local Planning Authority.

**Severn Trent Water** – No comments received.

**Anglian Water** – No comments received.

**Ramblers Association** - As long as there is no encroachment onto the adjoining right of way (Southwell Footpath 54) we have no objection.

**One letter of representation has been received which can be summarized as follows:**

- The development would be overdevelopment of a valued green area;
- Four dormers are not a common feature of traditional built bungalows in the area;
- The windows should be roof lights only;
- Two mature trees have already been felled;
- Shoehorning developments into back gardens creates a negative impact on neighbouring properties;
- Surface run off would be increased there is a gradient to Leeway Road;
- There is no need for development on this site;
- There are already bungalows for sale in Southwell;

- The Ropewalk suffers heavy traffic and is a bus route;
- There is an inaccuracy on page 15 the text and photo is 53B not 53A;
- A four bed bungalow was previously withdrawn and revised in line with the Neighbourhood Plan;

### Comments of the Business Manager

#### Planning History

As is identified above, there is an extant permission on the site which allows for the erection of a single detached dormer bungalow. This must form a strong fallback position to the current assessment. Nevertheless it remains necessary to fully assess the differences between the extant permission and the current application against the existing development plan (particularly noting that both local and national planning policy has been updated since the last approval). The changes namely relate to minor design revisions (including an approximate 0.5m increase in ridge height) and the increase from two to four bedrooms.

#### Principle of Development

The NPPG acknowledges that Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area, thus providing a powerful set of tools for local people to ensure that they get the right types of development for their community where the ambition of the neighbourhood is aligned with the strategic needs and priorities of the wider local area.

Following public consultation and independent examination, at its council meeting on 10<sup>th</sup> October 2016 Newark and Sherwood District Council adopted the Southwell Neighbourhood Plan. The Neighbourhood Plan now forms part of the development plan for the district and its policies are a material consideration alongside other policies in the development plan and carry weight in the determination of planning applications in Southwell. In this instance the most relevant policies in the Neighbourhood Plan are listed above and are considered against the relevant aspects of the proposal in the assessment below.

Spatial Policy 1 of the Core Strategy outlines the settlement hierarchy for the District identifying Southwell as a Service Centre. It is intended that Service Centres will act as a focus for service provision for a large local population and a rural hinterland. As such residential development within the site is acceptable in principle provided the proposal accords with the remainder of the development plan.

The Southwell Neighbourhood Plan (SNP) seeks for sustainable development that has regard for the town's unique character, historic environment and landscape setting; I am satisfied that the site is located within the main built up area of a sustainable settlement, and as such there is no objection in principle to the residential development at the site. However matters such as housing need, the impact upon the character of the area, residential amenity of neighbouring properties and highway safety will all need to be taken into consideration and are discussed below.

#### Housing Need

It is fully appreciated that the stance of the Neighbourhood Plan shows an encouragement for the provision of smaller homes for young people and families including through the emphasis of

bungalow accommodation. It is equally acknowledged that Policy So/HN/1 of the Allocations and Development Management DPD seeks to ensure that the majority of new housing on windfall sites within Southwell will be one or two bedroom units in line with the identified housing need. However, the policy which dictates Housing Type and Density – Policy HE1 of the NP relates to developments of 11 dwellings or more and therefore would not be directly applicable to the current proposal for a single dwelling.

It is a material planning consideration that the authority has been previously challenged on its application of Policy So/HN/1 through an appeal at Brooklyn on Lower Kirklington Road (APP/B3030/W/17/3179351). The Inspectors decision allowing the appeal was dated 17<sup>th</sup> January 2018. In respect to matters of housing need the Inspector makes the following comments:

*“9. However, the ADMDPD was adopted in 2013 and the justified reasoning for policy So/HN/1 explains that it is based upon the Housing Needs Assessment which informed the preparation of the Core Strategy. As the Core Strategy was adopted in 2011, the data upon which this policy is based is at least 7 years old.*

*10. The most recent evidence on housing need is the Housing Market Needs Sub Area Report which was published in 2014. It found in Southwell that there was a greater need for houses of 3 or more bedrooms than there was for properties of two bedrooms or less. As a result, the proposed development would provide housing of a size for which the current local evidence is the greatest need exists in Southwell. This is an important material consideration which, in my judgement, given that policy So/HN/1 of the ADMDPD is based upon significantly older evidence, outweighs non-compliance with this policy. Owing to the more recent evidence on housing, I find that the proposal would comply with Core Policy 3 of the Core Strategy.”* (emphasis added)

Bearing in mind the conclusions the Inspector drew regarding So/HN/1, I have therefore considered the most up to date evidence of the housing need in Southwell which is contained within the Housing Needs Survey Sub Area Report 2014 by DCA. This provides that in the Southwell Sub Area (where this site falls) the most needed type of accommodation are 2 beds (37.9%) followed by 4 beds (33%) followed by 3 beds (16.3%) followed by 1 beds (10.1%) and finally five or more beds (2.7%). It confirms that ‘*In the market sector the main size of property required by both existing and concealed households moving is two bedrooms.*’

On the face of it therefore, the Inspectors conclusions appear to be incorrect. However, following further interrogation it appears that the Inspector was making reference to a cumulative need, i.e. the cumulative percentage need for 3, 4 and 5 beds is 52% which is greater than the cumulative percentage need for 1 and 2 beds at 48%. This does not change the position that the *greatest* need in the market sector is for 2 bed units.

Whilst it would undoubtedly be preferable for the extant permission of a two bed unit to be delivered, it is notable that a four bed property is the second most required in terms of market need. In the absence of a strong NP policy justification (noting this is not a major scheme) Officers are of the view that it would be difficult to resist the application purely on the basis that it would no longer deliver a 2 bed unit. The reason for refusal would have to rely on the 2014 survey which demonstrates a marginal difference of preference of less than 4% (i.e. 37.9% vs 33%) but more importantly is now an evidence base that is over 5 years old. Furthermore the application would still contribute towards the Districts Housing Supply to an identified need.

Thus, whilst it is an less desirable position in the context of the Neighbourhood Plan aspirations, when taking account of all of the matters discussed above, Officers do not consider that it would be reasonable to resist the application purely on the basis that it does not deliver a two bedroom unit on this occasion.

### Impact on Character

In respect to character impacts, a significant proportion of the assessment made for the extant scheme remains relevant:

*Core Policy 9 requires a high standard of sustainable design that protects and enhances the natural environment and contributes to the distinctiveness of the locality and requires development that is appropriate in form and scale to the context. Policy DM5 mirrors this. Policy DM5 goes on to state that proposals creating backland development will only be approved where they would be in keeping with the general character and density of existing development in the area.*

*The submitted Design and Access Statement (D&AS) has addressed matters of character and layout seemingly acknowledging that the proposed dwelling could readily be interpreted as backland development. The dwelling is proposed to be sited in the rear garden of the host dwelling; 51 The Ropewalk which fronts the highway in a building line established with neighbouring properties immediately to the north east and south west. Nevertheless I would concur with the stance of the D&AS that the character of the area has already been significantly impacted on and governed by previous approvals in the immediate vicinity of the site. Notably the dwelling at 53b The Ropewalk which was approved at appeal, the following being an extract from the Inspectors decision:*

*‘...whilst the proposal is for backland development, it would be comparable in dwelling type and density to nearby properties and I am satisfied that the scheme would not result in material harm to the residential environment of neighbours, nor have a significant impact on the appearance of the area.’*

*I am also conscious of the extant permission which exists to the south west of the site. Recent applications to discharge conditions on this adjacent site suggest that works are likely to commence on the erection of the final two dwellings from the 1971 permission. I have also taken into account the positioning of the proposed dwelling in line with the bungalows on Nursery End. With all these factors, I feel it would be difficult to resist the application on the basis of a detrimental character impact in relation to backland principle.*

*Matters of character also relate to the design of the dwelling itself. I am conscious that due to the set back of the dwelling from the highway and landlocked nature of the site, there would be few public vantage points in which the dwelling would be visible. Whilst the presence of a public footpath along the boundary of the site is noted, in real terms, because of the high hedges which screen this footpath, the dwelling would be largely screened.*

*There are a wide variety of house types and design in the immediate vicinity including both single storey and two storey dwellings. Given the existing variety, I do not consider that there is a specific design type that the proposed dwelling would have to conform to. Nevertheless I have also considered the content of an appeal decision on the adjacent site to the south west where one of the main issues for consideration was the impact on the character and appearance of the surrounding area. The appeal was dismissed partially on the basis that the design of the proposed dwellings (being fundamentally different from existing development) would be inappropriate.*



*However, it is noted that the Inspector acknowledged that predominantly properties in the vicinity are constructed of red brick with traditional design tiled pitched roofs. The application form is not prescriptive to the intended materials but there is a suggestion on the submitted plans that the dwelling would be of brick and tile construction. This could be secured by condition if the application were to be approved. Given this, and the otherwise fairly traditional design of the dwelling, I have found no reason to resist the application on the basis of character impacts.*

The current application varies in some respects from the extant permission in that the footprint is marginally increased as well as an approximate increase in pitch height of 0.5m. It is my view that these factors would be barely perceptible in the finished product of the development and therefore I have identified no reason to resist the current application on character impacts.

### Impact on Amenity

An assessment of amenity, as confirmed by Policy DM5, relates both to an assessment in relation to existing neighboring residents but also to the proposed occupiers.

It is acknowledged that in plan form the proposed dwelling would share a close amenity relationship to numerous neighbouring residents being surrounded by existing residential curtilages. However, the following assessment also takes into account site specific factors which have a bearing on the actual amenity impacts which would be experienced.

The proposed block plan includes annotations indicating distances between the proposed dwelling and neighbouring plots. It is confirmed that the closest spatial relationship would be with no. 11 Nursery End to the north west of the site. The distance between the two gable ends would be approximately 5m. The neighbouring dwelling is a single storey bungalow in the truest sense of the word, whilst the proposed dwelling, although being correctly described as a dormer bungalow, has accommodation set across two floors and thus would have an overall pitch height approximately 2.7m greater than no. 11 Nursery End. Having visited the site it is also acknowledged that there is a window serving the side gable of the neighbouring dwelling. It is not clear whether or not this serves a main habitable room. The proposed dwelling would broadly sit along the building line of 11 Nursery End. Although the dwelling would have accommodation at first floor, this is provided through dormers and thus the overall bulk of the dwelling would be reduced. The closest element of the built form would be the gable end with a pitched roof. There are no windows proposed in this gable end. Taking these factors into account I find that the proposal would represent an appropriate amenity relationship with no. 11 Nursery End.

Another existing dwelling which would share an amenity relationship with the proposed dwelling is the aforementioned dwelling to the north east of the site which was allowed at appeal; 53b The Ropewalk. The annotated block plan demonstrates a distance of approximately 20.1m between the side gable of the existing dwelling and the rear elevation of the proposed dwelling. This distance also features the designated public right of way which is heavily screened by high vegetation alongside both boundaries. Given this, I do not consider that the outlook of the proposed dwelling would have an uninterrupted view of the neighbouring dwelling to such a degree that it would be harmful to neighbouring privacy. The dormer bungalow nature of the proposed dwelling would restrict any harmful overbearing impacts. Moreover, only one of the dormer windows proposed on the rear elevation would serve a bedroom. The outlook of this window towards the side elevation of 53b would be at an oblique line of sight across a distance of around 25m. On this basis no harmful amenity impact has been identified.

The introduction of the rear dormer window serving a bedroom is however a change to the extant scheme (where the rear windows were solely bathrooms and landings) and therefore also requires an additional assessment in respect to the impacts to other properties, specifically the semi-detached property at 17 Arnold Avenue. The distance between the proposed dwelling and the rear elevation of this property would be around 28.5m. When taking into account the aforementioned screening afforded by the boundary of the public footpath, this is considered to be an appropriate relationship.

The block plan demonstrates the footprint of two dwellings on land to the south west of the site. However, as is alluded to above, these are in relation to an extant scheme and as existing the land is vacant. Nevertheless, I am satisfied that even if these dwellings were to be built in the future there would be an appropriate distance between built form such that any proposed boundary treatment would alleviate any harmful amenity impacts.

It is acknowledged that at the present time no. 51 The Ropewalk is within the same ownership as the application site. However, an assessment against amenity should not be influenced significantly by land ownership given the likelihood that the ownership will change in the future to allow for separate occupation of the proposed dwelling. The proposed dwelling would be built at a perpendicular angle to the host dwelling such that the outlook of the rear elevation of no. 51 The Ropewalk would be towards the blank gable end of the proposed dwelling. Given a separation distance of approximately 20.5m (increased in comparison to the extant scheme) and the opportunity to create a boundary treatment between the plots, I am satisfied that an appropriate amenity relationship could be secured.

On the basis of the above discussion, no amenity impacts to existing residential neighbours have been identified which would warrant a resistance of the proposal in their own right.

Moving on, it is also necessary to assess the amenity provision available for the proposed occupiers. The dwelling proposed is a four bedroom property. Amenity space is demonstrated to the rear of the dwelling (as well as small areas to the side and front). Whilst the garden area is relatively modest in area I am satisfied that this would be sufficient to serve the needs of a single property. I am equally conscious that there would be an element of 'buyers beware' for any prospective occupiers. Moreover, the rear amenity provision, given both existing and proposed boundary treatments would be relatively private in nature.

Overall the proposal is deemed compliant with the amenity elements of Policy DM5 subject to further details of boundary treatment which could be secured by condition.

#### Impact on Highways and Rights of Way

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

It is noted that the site shares a boundary with a designated public right of way. I do not consider that the development as proposed would have any adverse impact on the usability of this footpath.

NCC Highways have provided comments on the scheme. It is suggested that the proposal could be considered acceptable subject to conditions including a condition requiring an appropriate

visibility splay to be kept free from obstruction from a height of 0.6m. Despite the concern raised by an interested party, I do not consider that the additional access from The Ropewalk would amount to a significant increase in vehicular traffic which would be harmful to highways safety. It would not be the role of the current application to fix current issues experienced on The Ropewalk in terms of the quality and use of the road. On this basis the proposal is in compliance with SP7 and the relevant elements of Policy DM5.

#### Impact on Flooding / Drainage

In terms of traditional flood risk (i.e. that from rivers), the site to be located outside of Flood Zones 2 and 3. New mapping has been released by the Environment Agency on surface water flood risk. This surface water mapping provides a useful indication of low spots where water is likely to 'pond', where surface water flooding is deeper or shallower, direction and approximate speed of flowing water (indicating flow paths) and the spatial location of surface water flood risk in relation to sites.

I note the concern that has been raised during consultation in respect of experienced surface water flooding from the site at times of heavy rain (noting the change in land levels to the north west boundary of the site.)

No objections have been raised from relevant statutory consultees in relation to matters of surface water drainage. The submitted D&AS confirms that surface water will be dealt with in a sustainable manner through a soakaway drainage system. Notwithstanding the acknowledgement that the proposed dwelling would replace existing permeable green area with impermeable built form thus potentially affecting surface water run-off, I am satisfied that matters of surface water drainage could be adequately dealt with through an appropriately worded condition as discussed with colleagues at NCC Flood.

#### Planning Balance and Conclusions

The proposal relates to the erection of an additional dwelling in Southwell. It is acknowledged that the site is not allocated for residential delivery through the Development Plan and thus would represent a windfall site. It is equally noted that it is appropriate to refer to the development as backland development. However, Southwell is accepted as a sustainable settlement in principle.

Whilst noting the Town Council concerns, it is the view of Officers that having regard to other backland sites in the vicinity and indeed the extant scheme which exists on the site it would now be unreasonable for the application to be refused purely on the basis of its backland nature.

It is unfortunate that the current proposal seeks a four bed unit in comparison to the extant two bed unit but in the absence of robust policy evidence and taking into account a previous appeal decision in respect of So/Hn/1, Officers are of the view that it would be difficult to resist the application purely on this basis acknowledging that a four bed unit would meet the second most desired need of the 2014 housing needs survey.

No other detrimental issues on matters such as amenity, highways or flooding have been identified which would warrant refusal of the scheme. Officers have attached weight to the delivery of a housing unit in a sustainable settlement which would assist in overall housing delivery and recommend approval subject to the conditions outlined below.

Therefore, on balance a recommendation of approval is offered.

### **RECOMMENDATION**

**That full 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 reference:

- Proposed Site Layout – 244 2019 02;
- Proposed Floor Layouts – 244 2019 03;
- Proposed Elevations – 244 2019 04.

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

Reason: So as to define this permission.

03

No development above damp proof course level shall be commenced until details and samples of the materials identified below have been submitted to and approved in writing by the local planning authority. Development shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Facing Materials

Bricks

Roofing Tiles

Reason: In the interests of visual amenity

04

No part of the development hereby permitted shall be brought into use until a dropped vehicular footway crossing is available for use and constructed in accordance with the Highway Authority's specification.

Reason: In the interests of highway safety.

05

No part of the development hereby permitted shall be brought into use until the access, as shown on drg. 244/2019/02, is surfaced in a bound material for a minimum distance of 5m rear of the highway boundary in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

06

No part of the development hereby permitted shall be brought into use until the visibility splays of 2.4m x 43m are provided in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The area within the visibility splays referred to in this Condition shall thereafter be kept free of all obstructions, structures or erections exceeding 0.6m in height.

Reason: To maintain the visibility splays throughout the life of the development and in the interests of general highway safety.

07

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

Reason: in the interests of highway safety.

08

Pedestrian visibility splays of 2m x 2m shall be provided on each side of the vehicular access. These measurements are taken from and along the highway boundary. The areas of land forward of these splays shall be maintained free of all obstruction over 0.6m above the carriageway level at all times.

Reason: In the interests of pedestrian safety.

09

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

Reason: In the interests of residential and visual amenity.

10

Other than the window annotated as serving 'Bedroom 1', the dormer window opening on the

rear (north east) elevation 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.

11

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

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

Reason: In the interests of visual amenity and biodiversity.

12

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 next planting season with others of similar size and species unless otherwise agreed in writing by the local planning authority. The approved hard landscaping 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.

13

No development shall be commenced until details of the proposed surface water drainage system have been provided to and agreed 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: To prevent the increased risk of flooding elsewhere.

## Notes to Applicant

01

The applicant is advised that all planning permissions granted on or after the 1 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)

02

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).

03

The development makes it necessary to construct 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 VIA, in partnership with NCC tel: 0300 500 8080 to arrange for these works to be carried out.

## Community Infrastructure Levy

Dev Types (use class)	Proposed floorspace (GIA in Sq. M)	Less Existing (Demolition or Change of Use) (GIA in Sq. M) Includes % splits	A Net Area (GIA in Sq. M)	B CIL Rate	C Indexation at date of permissio n	CIL Charge
Residential	276	0	276	100	327	£27,600.00
<b>Totals</b>						£27,600.00

## BACKGROUND PAPERS

Application case file.

For further information, please contact Laura Gardner on extension 5907.

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**

**Director Growth & Regeneration**



Committee Plan - 19/01003/FUL

