

PLANNING COMMITTEE – 8 OCTOBER 2019

Application No: 19/00782/FUL

Proposal: Proposed Erection of 3 Dwellings

Location: Ashleigh, Great North Road, South Muskham, Newark On Trent

Applicant: Mr J Winter

Agent: Hayward Architects Ltd - Mr Lee Ward

Registered: 25 April 2019 **Target Date:** 20 June 2019

Extension of Time Agreed Until Friday 11th October

Website Link: <https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PQGUZPLBJ4B00>

This application is being presented to the Planning Committee in line with the Council's Scheme of Delegation as South Muskham & Little Carlton Parish Council has objected to the application which differs to the professional officer recommendation.

The Site

This application relates to circa 0.35 hectares of land located to the east of the Great North Road within the settlement of South Muskham. The site currently comprises a vacant parcel of land enclosed by hedgerows. There are partial remains of a detached building that occupied the site which was set back from the highway with a small front garden and a large rear garden backing on to the rear gardens of two storey properties on Forge Close to the east. There is however an existing gated access set back from the highway.

The site is adjoined to the north by a two storey detached property (Antill House) which has ground and first floor windows facing the application site. To the south of the site there is a detached dwelling with paddock area to the rear (Holly Cottage). To the east it is bounded by two detached dwellings (two storey), one siding and one backing onto the site. Both have first floor windows overlooking the site (Forge Cottage and the Old Forge).

The part of the site to which this application relates falls within Flood Zone 2.

Relevant Planning History

16/01761/OUT – Erection of up to Three Dwellings (all matters reserved). Granted 7 November 2017.

18/02349/FUL – Proposed erection of 5 Dwellings. Withdrawn on 18 March 2019.

09/01776/OUT – an application seeking outline permission for demolition of existing bungalow and outbuildings and erect two new dwellings was withdrawn in March 2010

55811116 - Planning permission granted in January 1982 for the erection of a bungalow and double garage

55811172 – Planning permission granted in January 1982 for the temporary siting of a caravan during construction

5581624 – Planning permission granted in June 1981 for the erection of one dwelling
Planning permission was refused in 1983 for the siting of 2 residential caravans to the rear of the site. A subsequent appeal in 1984 was dismissed, although the Inspector allowed the siting of 1 caravan.

55840539 – Planning permission granted in July 1974 for the siting of a caravan.

55860860 – Planning permission granted in September 1986 for the erection of an extension to the existing dwelling and new garage.

An appeal was lodged with the Planning Inspectorate in January 1983 against an enforcement notice issued in respect of use of land within the site for the stationing of residential caravans which was dismissed.

The Proposal

Planning permission is sought for the erection of three dwellings with associated off road parking and private gardens.

The three dwellings would be served by a service road with access leading from Great North Road which would run between plots 1 and 2 ending with a turning head adjacent to plot three.

Plot 1 is positioned between the service road and the boundary with Antill House to the north, set back from Great North road by circa 21 metres. The dwelling is essentially two storey with a lowered front and rear eaves line. The front of the dwelling would have an elongated roof plane with a central two storey cross gabled pike central feature. The rear of the dwelling would have windows set into the lowered eaves and a single storey rear flat roof outrigger spanning the width of the property. The footprint of the dwelling measures 10.5 metres in width by 13.5 metres with a roof ridge projecting a height of 7.3 metres from ground level.

Plot 2 is a handed version of plot one and is positioned on the south side of the service road circa 16 metres set back from Great North Road.

Internally plots 1 and 2 are configured to provide an integral garage with ground living space and at first floor, four bedrooms.

Plot 3 is set further into the site measuring circa 26 metres from the rear building line of plot 1 and comprises a detached 'L' shaped bungalow measuring 14.5 metres in length by 9.4 metres in width. The bungalow would provide two bedrooms and living space with a detached garage to the south measuring 6.8 metres by 6 metres projecting 4.4 metres to the gabled roof ridge.

The dwellings and detached garage are proposed to be constructed with facing brick and concrete interlocking tiles.

Public Advertisement Procedure

Occupiers of five properties have been individually notified by letter.

Planning Policy Framework

The Development Plan - Newark and Sherwood Amended Core Strategy DPD

Spatial Policy 1 - Settlement Hierarchy

Spatial Policy 2 - Spatial Distribution of Growth

Spatial Policy 3 – Rural Areas

Spatial Policy 7 - Sustainable Transport

Core Policy 3 – Housing Mix, Type and Density

Core Policy 9 - Sustainable Design

Core Policy 10 - Climate Change

Core Policy 12 – Biodiversity and Green Infrastructure

Core Policy 14 – Historic Environment

The Development Plan - Allocations & Development Management DPD

DM5 – Design

DM7 – Biodiversity and Green Infrastructure

DM8 – Development in the Open Countryside

DM9 – Protecting and Enhancing the Historic Environment

DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

National Planning Policy Framework 2019

Householder Development SPD

Planning Practice Guidance

South Muskham Housing Needs Survey, Midland Rural Housing, December 2012

Consultations

South Muskham and Little Carlton Parish Council – received 28 August 2019

Please find below and attached the objection from South Muskham and Little Carlton in regard to the latest revised plans for the proposed development at Ashleigh, Great North Road.

South Muskham and Little Carlton Parish Council is registering its strong objection to the revised details on this application. Grounds for the objection are as previously stated:

- Lack of local need identified
- Lack of amenities and facilities, therefore unsustainable development
- Highway safety – the Council supports the objection and comments raised by NCC Highways in this instance
- Flood Risk

In addition, the Council is gravely concerned that the plans show access to open space at the rear of the proposed development and that this may lead to a further application for development at some later stage. It is firmly believed that any further potential development at this site would only serve to enhance the grounds for objection stated above and on previous occasions.

The Parish Council is of the opinion that this application should be refused.

Councilor Sue Saddington – 28 August 2019

- I have just returned from holiday and note that the application for this site is out for consideration.
- I think this site is unsuitable for anything more than one property.
- The Old Great North Road is a very busy road, an access at this point for more than two vehicles to access and egress is very dangerous. I know, I have lived in North Muskham for over 60 years and travel along this road every day.
- I am unaware that a need for further properties in South Muskham has been identified; there are no amenities apart from a Church and village hall.
- Within the village there is flood risk, further development can only increase this risk.
- I believe the Parish Council have informed you of their objections, should you not be minded to refuse this application, I would like the application to be referred to Committee.

Trent Valley Drainage Board – received 28 May 2019

- The site is within the Trent Valley Drainage Board district, however, there are no Board maintained watercourse in close proximity to the application site;
- Recommend that surface water runoff rates to receiving watercourses must not be increased as a result of the development;
- The design, operation and future maintenance of the site drainage must be agreed with the Local Lead Flood Authority and LPA.

NCC LLFA – received 10 May 2019

- No comment as it falls outside of the remit of the LLFA, however, provided as a general guide that the development should not increase flood risk to existing properties or put the development at risk of flooding and SUDS should be considered where feasible.

NCC Highway Authority – received 22 August 2019

Further to comments dated 9 July 2019, a revised drawing 10B has been submitted to show how visibility splays of 2.4m x 90m distances can be achieved with a relocated access position.

The proposal is now acceptable and no objections are raised subject to conditions summarised below:

- The access is a bound material 5 metre back from the highway;
- Dropped kerb access is created;
- Existing point of access abandoned and permanently closed;
- Visibility splays provided in accordance with the revised site plan and kept free of obstruction at all times.

Environment Agency – received 8 May 2019

- Acknowledges the application site is located within Flood Zone 2 and recommends the application is determined in line with national flood risk standing advice.

LCC Archaeology – received 8 May 2019

- It is acknowledged the development site lies between several areas of probable prehistoric settlement/activity and the potential for disturbing archaeology during development is high.
- It is recommended that prior to any groundworks a condition is attached to commission a Scheme of Archaeological Works (on the lines of 4.8.1 in the Lincolnshire Archaeological Handbook (2016)) in accordance with a written scheme of investigation submitted to and approved in writing by the Local Planning Authority.

Representations

Representations have been received from one local resident which can be summarised as follows:

- The proposed layout is not substantially different to the previous application for five houses as it still leaves space to apply for 2 more houses at a later date;
- Plot 1 is too close to Antill House and will reduce the amount of light received into the property;
- Loss of privacy as a ground floor door faces a living room window; and,
- Concerns with the retention of the intervening deciduous hedgerow and how it provides an adequate boundary and alleviate a security risk for the properties.
- The latest amendment moves the entrance to the site adjacent to our boundary. The boundary is a deciduous hedgerow which provides very little cover in winter. The cars entering the site will shine headlights straight into our full height window of our living room taking away our privacy
- The road is already an accident blackspot and allowing the potential of another 5 households access to the road would be an unnecessary risk.
- If the only safe place for the entrance is adjacent to the neighbouring property the access road should be designed to follow the northern boundary and plot 1 should be moved to the southern side of the site with plot 2. A more solid boundary fence should be erected by the developer to shield us from the intrusion of light, noise and vehicle pollution.

Planning Consideration

The main issues for consideration in this application assessment are:

- The Principle of Development;
- Housing Mix and Density;
- Design and appearance;
- Impact on Amenity;
- Impact on Highway Safety;
- Flooding and Drainage;
- Impact on Ecology;
- Other Matters; and,
- Planning Balance and Conclusions.

Principle of Development

The adopted Core Strategy details the settlement hierarchy which will help deliver sustainable growth and development in the District. The intentions of this hierarchy are to direct new

residential development to the sub-regional centre, service centres and principal villages, which are well served in terms of infrastructure and services.

The Core Strategy outlines the intended delivery of growth within the District including in terms of housing. Spatial Policy 1 sets out a hierarchy which directs development toward the Sub-regional Centre, Service Centres and Principal Villages before confirming at the bottom of the hierarchy that within 'other villages' in the District, development will be considered against the sustainability criteria set out in Spatial Policy 3 (Rural Areas). South Muskham falls within the 'other village' category identified within the Core Strategy.

The assessment of the principle of development will now focus on the five criteria of SP3.

Location

The site falls on the eastern edge of the settlement. It is surrounded by residential properties to the north, south and east and bounded by the Great North Road to the west which forms a physical barrier with the open countryside. It is therefore considered the application site would be within the envelope of the village and complies with the locational criteria of SP3.

Notwithstanding the location criteria, SP3 requires consideration to be given to local services and accessibility to more sustainable settlements such as Newark Urban Area, Service Centres or Principal villages as identified within Policies SP1 and SP2. This is also reflected in paragraph 78 of the NPPF which states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Where there are groups of smaller settlements development may support services in a nearby village.

The local services within South Muskham are limited to a church and a village hall. The nearest settlement with a good range of services to meet every day needs (including shop, post office school public house and village hall) is North Muskham, some 0.9km to the north west. There is a regular bus service to Newark, the nearest Service Centre and to North Muskham, albeit less regular at the weekend.

Taking the proximity of the local services into account it is considered the site is within a fairly sustainable location with access to facilities to serve day to day needs in nearby settlements. The proposed development given its quantum would, on balance, contribute to the enhancement and maintenance of the vitality of the rural community in line with the advice of paragraph 78 of the NPPF.

Scale

SP3 advocates that new development should be appropriate to its location and small scale in nature.

Two additional dwellings and the fact that a dwelling use to occupy the site would be considered to be numerically small scale within the settlement and as such it would be considered unlikely that such a scale would have a detrimental impact on the existing infrastructure within the village.

Need

New housing will be given favourable weight where it helps to support community facilities and local services. In the absence of a neighbourhood plan reflecting local housing need, it is recognised that for schemes of 3 or more dwellings should meet the mix and type requirements of Core Policy 3.

Core Policy 3 provides that housing should generally achieve densities of 30 dwellings per hectare, or more, and sets out that it should deliver housing need in the district which is family housing of 3 bedrooms or more, smaller houses of 2 bedrooms or less and housing for the elderly and disabled population.

The proposed scheme comprising two four bedroom dwellings and one two bedroom bungalow would meet a local need by addressing the requirements of the Housing Needs Survey 2014 but also meets the broad aspirations of CP3 in terms of mix. Although the density of the scheme falls short of 30 dwellings per hectare it is considered the development is appropriate for its edge of the settlement and to allow the development to assimilate within its surroundings.

A Housing Needs Survey was undertaken by Midlands Rural Housing March in 2015. The study not only investigated the actual affordable housing need of the Parish, but also peoples' preferences for market rent level housing and open market housing. In addition, the survey ascertained residents' views with regard to living in the Parish and support for local needs housing to help sustain local communities. The study identified a need for 11 open market dwellings comprising:-

- 1 x 2 Bed house
- 2 x 3 Bed houses
- 2 x 4 bed houses
- 4 x 2 Bed bungalows
- 1 x 3 Bed bungalow
- 1 x 4 Bed bungalow

The submitted plans show that the proposal would comprise 2 no. four bed houses and 1 no. two bed roomed detached bungalow which would be considered to meet some of the need identified within the Housing Need Survey. Furthermore the proposed housing mix would also be in line with the mix identified within Core Strategy Policy CP3 where it advocates family housing of 3 beds or more and smaller housing of 2 bedrooms or more.

Impact

Taking into account the site benefits from an extant permission for three dwellings which replicate the number for this application it would be difficult to consider the proposal would generate an excessive level of traffic over and above to significantly harm the area. Although discussed in more detail further into this report it is considered the proposed development would not have an undue impact on the amenity of local people, infrastructure, including drainage, sewerage systems and the transport network.

Character

The Council has a Landscape Character Assessment Supplementary Planning Document (2013) (LCASPD). The application site is within the Trent Washlands Character Area and Policy Zone TW

PZ 11 Cromwell, North & South Muskham, Kelham, Averham, Staythorpe and Rolleston Village Farmlands of the LCASPD. The landscape actions detailed for the area includes 'to conserve the character and setting of village settlements'.

The proposed dwellings would introduce a form of development that assimilates with the surrounding land uses. Plots 1 and 2 would have a comparative height and overall size as the neighbouring detached houses that face Great North Road which are set back to respect the existing building line. The bungalow, set into the site and comprising a backland form of the development, would be similar, if not lower, height than the surrounding properties. There is adequate garden space afforded by the separation from the boundary which would not appear as a deviation from the existing character of the area.

Therefore, taking into account the criteria of SP3 it is considered the principle of the proposed development is acceptable.

Impact on Amenity

The NPPF seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings. Policy DM5 of the DPD states that the layout of development within sites and separation distances from neighbouring development should be sufficient to ensure that neither suffers from an unacceptable reduction in amenity including overbearing impacts, loss of light and privacy.

Effect on Antill House

Plot 1 would be sited close to the boundary and the side of Antill house. Notwithstanding the presence of the existing hedgerow, it is acknowledged the proposed dwelling would have an effect on the neighbouring property, especially the existing side windows.

It is noted plot 1 would project forward of Antill house's building line. However, given the sloping roof to the front of the property and the approximate 4 metre separation between the side walls it is considered the loss to the amount of sunlight and daylight would be within an acceptable tolerance. The rear of the proposed dwelling is in line with the rear of Antill house (notably the single storey outrigger) and thus the impact would be minimal.

In respect of the existing side windows they both serve habitable rooms of Antill House i.e. a lounge and a first floor bedroom. However, the two habitable rooms are also served by front and rear facing windows. As such the existing side windows are considered to be a secondary source of light and outlook to the habitable rooms. Given the habitable rooms are still principally served to the front and rear which maintain light and outlook, the subsequent loss of sunlight and daylight to the existing side windows would be difficult to sustain a refusal in this instance.

It is considered the intervening distance and offset position of plot 3 is acceptable and would not result in a significant loss of light or privacy.

With respect to the representations it is noted the passing of vehicles and intermittent light passing through the boundary hedge. However, any intrusive from vehicle headlights would be short lived given the short distance from the entrance to where the access road makes a turn through the central area (between plots one and two) to the turning head which is set sufficient

away from the boundary. As such it is considered the vehicle movement would not significantly impact the amenity of the Antill House to recommend refusal of the application.

Effect on Holly Cottage

It is noted that plot 2 would be close to the common boundary with the neighbouring property and that there are two openings proposed in the side elevation.

Taking into account the southern position of the neighbouring property to the application site it would be unlikely that a loss of sunlight would occur. Given the intervening distance it would also be unlikely that the proposed dwelling would detrimentally harm the amount of daylight received in the neighbouring property.

Whilst there are two openings in the side of plot 2, it is considered the ground floor door would not result in a significant loss of privacy. Although the first floor opening would inevitably increase the potential of overlooking, a planning condition to require the window opening to be obscured glazed and non-openable below 1.7 metres would alleviate a significant loss of privacy to the neighbouring property.

Effect on Forge Cottage and the Old Forge

Given the separation between plot 3 and the neighbouring properties it is considered unlikely the proposal would result in a loss of sunlight and daylight. Equally there is a sufficient mitigating distance to alleviate a loss of privacy to the neighbouring properties.

Impact on Highway Safety

Spatial Policy 7 indicates that development proposals should be appropriate for the highway network in terms of the volume and nature of traffic generated and ensure the safety, convenience and free flow of traffic using the highway are not adversely affected; and that appropriate parking provision is provided. Policy DM5 of the DPD requires the provision of safe access to new development and appropriate parking provision.

It is noted that part of the reason for the Parish Council's objection and the representations relate to highway safety given the speed and amount of traffic using Great North Road. The applicant has been in discussion with the Highway Authority and has repositioned the site entrance to improve the visibility along Great North Road. This has now lifted the previous objection from the Highway Authority and as such would be extremely difficult to now resist the application on highway safety grounds. Therefore the conditions as suggested by the Highway Authority are considered sufficient mitigation to allow the proposal to be compliant with Spatial Policy 7 and the relevant aspects of Policy DM5.

Flooding and Drainage

The NPPF states within para 155 that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development necessary, making it safe without increasing flood risk elsewhere.

Core Policy 10 'Climate Change' requires that development be located to avoid the areas where there is the highest risk of flooding and to support an application a sequential approach to its

location should be applied detailed under DM5 'Design'. Having passed the sequential test the exceptional test should then be applied in line with the NPPF. Where an exception test is not required, proposals will still need to demonstrate that the safety of the development and future occupiers from flood risk can be provided for over the life of the development.

DM5 states that development proposals within Environment Agency Flood Zones 2 and 3 and areas with critical drainage problems will only be considered where it constitutes appropriate development and it can be demonstrated, by application of the Sequential Test, that there are no reasonably available sites in lower risk Flood Zones. Where, however, development is necessary within areas at risk of flooding it will also need to satisfy the Exception Test by demonstrating it would be safe for the intended users without increasing flood risk elsewhere.

It is acknowledged that the proposed development would fail the sequential test if applied to the whole district as there are other areas which sequential could be developed which fall in Flood Zone 1. However, planning permission was approved in 2017, where it was considered that there was appropriate justification to apply the Sequential Test at a local level. In taking the local approach it was considered there were no sites which reasonably met the identified local housing need and as such the application met the sequential test.

Given the outline permission is extant it would be reasonable to take a similar approach for this application. Although there has been a change in the NPPF and the Core Strategy, the premise in respect of flood prevention remains essentially the same. The Exception Test is only strictly necessary to be applied once the Sequential Test has been passed. Nevertheless, the following discussion will assess the application against the requirements of the Exception Test given that the development would involve a more vulnerable use in Flood Zone 2.

A Detailed Flood Risk Assessment (FRA) has been submitted which states that the site falls sequentially within an area of least risk within the settlement and there are no reasonably available sites within the area which would be at lower risk of flooding. Furthermore, the site and its surroundings are defended from flooding by a bund located to the east and south of the settlement as confirmed by Environment Agency records.

It is noted that the Lead Local Flood Authority have made no comment other than suggested advisory note outlined in the Consultation section of this report. The Environment Agency has also offered no comments as the site is considered to be low risk. However, given the site's location in Flood Zone 2 the Environment Agency's Standing Advice applies.

This states that floor levels of vulnerable development should be a minimum of 300mm above ground level or 600mm above flood level whichever is higher. Where these floor levels cannot be achieved then additional flood resilience and resistance measures can be considered.

The FRA proposes to set internal floor levels to a level of at least 11.65m AOD and FFL's to be maintained to at least 150mm above surrounding finished ground level and external levels to be shaped to direct flow away from property entrances.

It is considered there are satisfactory levels within the site and the proposed dwellings can be achieved without compromising the character of the development or the impact on the wider setting. Should members be minded to grant planning permission the submission of details of appropriate levels and sections could be secured by condition to prevent flooding.

With regards to drainage the FRA acknowledges the site is in an area which is thought to be conducive to infiltration drainage. However, soakaway testing is yet to be undertaken to establish the most appropriate course of drainage. It is considered expedient to attach a condition requiring the submission and written approval of precise details of surface water and foul sewerage.

The Sequential test has been applied at a local level and this needs to be weighed in the planning balance. However the development can be made safe for its lifetime when the suggested conditions are imposed and thus the Exception test is considered to have been passed.

Impact on Ecology

Core Policy 12 seeks to secure development that maximises the opportunities to conserve, enhance and restore biodiversity. Policy DM5 of the DPD states that natural features of importance within or adjacent to development sites should, wherever possible, be protected and enhanced.

It is noted the existing boundary hedge would be retained and it is considered the application site would hold low ecological value. In this instance it is considered an informative note is sufficient to advise the applicant of disturbance to any protected species or nesting birds is an offence under the Wildlife and Countryside Act and to seek professional advice should evidence be found.

Other Matters

The planning history of the site is noted. However, previous applications would have been assessed under planning policy and legislation which was current at that time and decisions made accordingly. The proposal before Members now has to be assessed against current and up to date circumstances, planning legislation and national and local planning policies.

It is noted that the site could be developed for a larger single storey property to enhance stock in the village. However, the application has to be determined on the submitted plans. With regard to setting a precedent, should further applications for development within the village be forthcoming these would have to be assessed against planning policy that is up to date at that time and on their own merits.

Conclusion

Taking the above into account it is considered that the principle of residential development at the site accords with the Development Plan and all other relevant material considerations. The proposal would deliver housing, albeit modest in terms of quantum as it would result in only 2 additional dwellings in the village and that it would meet a need for 2 and 3 bedroom housing identified within the 2015 Housing Needs Survey. It would be located in a reasonably sustainable location and would not harm the character and appearance of the application site or wider locality. Although the site falls within Flood Zone 2 given the existing flood defences that are in place the development can be made safe for its lifetime without resulting in flood risk to neighbouring properties or the wider settlement. Furthermore the development would not result in any undue impact on the amenity of the occupiers or users of adjoining properties and would not result in any significant harmful impact upon the highway.

Therefore taking all of the above considerations into account it is my view that the balance tips finely towards an approval in this particular instance.

RECOMMENDATION

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

Conditions

01

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

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

02

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

- Plot 1 – Ref. 01 - received 24 April 2019
- Plot 2 – Ref. 02 – received 24 April 2019
- Site Location Plan – Ref. 07 – received 24 April 2019
- Block Plan – Ref. 10 Rev B - received 16 August 2019
- Plot 3 – Ref. 11 – received 24 April 2019
- Double Garage (Plot 3) - Ref. 12 – received 24 April 2019

Reason - For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and specifications.

03

No above ground works shall take place until samples and full details of all materials to be used on the external surfaces of the buildings have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. The development shall thereafter be implemented in accordance with the duly approved materials.

Reason - To ensure use of appropriate materials which are sympathetic to the character of surrounding buildings and the area in the interests of visual amenity.

04

The development shall be carried out in accordance with the submitted flood risk assessment prepared by Lumax Consulting (reference: LMX166/FRA/01/Rev A dated 31 October 2018) and the following mitigation measures it details:

- Finished floor levels to be lifted to a level of at least 11.65m AOD

- Finished floor levels to be maintained to at least 150mm above surrounding finished ground level and external levels to be shaped to direct flow away from property entrances.

Reason - To reduce the risk of flood risk to the proposed development and future occupants.

05

No above ground works shall take place until a scheme for the disposal of foul and surface water from the site has been submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing with the Local Planning Authority, the scheme shall include:

- (i) separate systems for the disposal of foul and surface water;
- (ii) details of the rate of surface water discharge from the site to any soakaway, watercourse or sewer, including provisions to ensure that the post-development discharge rate does not exceed the pre-development rate (incorporating an appropriate allowance for climate change);
- (iii) details of any necessary flow attenuation measures, including the use of SUDS where appropriate; and
- (iv) details of how the scheme will be maintained and managed after completion.

The scheme shall be implemented in accordance with the duly approved details before any of the dwellings are first occupied, and shall be maintained and managed as such thereafter.

Reason - To ensure that the development is not at risk of flooding and does not increase flood risk elsewhere, and that adequate measures are put in place for the disposal of foul and surface water.

06

No clearance of any vegetation in preparation for or during the course of development shall take place during the bird nesting season (March to August inclusive) unless an ecological survey has first been submitted to and approved in writing by the Local Planning Authority which demonstrates that the vegetation to be cleared is not utilised for bird nesting.

Should the survey reveal the presence of any nesting species, then no clearance of any vegetation shall take place during the bird nesting season until a methodology for protecting nest sites during the course of the development has been submitted to and approved in writing by the Local Planning Authority. Nest site protection shall thereafter be provided in accordance with the duly approved methodology.

Reason - In order to prevent any habitat disturbance to nesting birds.

07

Within three months of development commencing a landscaping scheme for the site shall be submitted to and approved in writing by the Local Planning Authority.

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; and,
- car parking layouts and materials;

The duly approved landscaping scheme shall be carried out during the first planting season after the development is substantially completed and the areas which are landscaped shall be retained as landscaped areas thereafter. Any trees, hedges or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees, hedges or shrubs of similar size and species to those originally required to be planted.

Reason - To ensure appropriate landscaping of the site in the interests of visual amenity to enhance the character of the area and to provide biodiversity enhancements.

08

Within 3 months of development commencing details of the siting, height, design, materials and finish of all boundary treatments to the site shall be submitted to and approved in writing by the Local Planning Authority. The duly approved boundary treatments shall be constructed in full accordance with the approved details before any buildings hereby approved are first occupied and shall be retained as such thereafter.

Reason - To ensure a satisfactory relationship with the character of surrounding buildings and the surrounding area.

09

No development (including any works of site preparation) shall take place until a Written Scheme of Investigation (WSI) outlining a programme and timetable of archaeological investigation has been submitted to and approved in writing by the local planning authority. The WSI shall include:

- (i) A phased programme and methodology of site investigation and recording to include:
 - a desk-based assessment including, where appropriate, historic building assessment(s), detailed survey and interpretative record;
 - a targeted archaeological evaluation; and
 - where appropriate, targeted area excavation.
- (ii) A programme for post investigation assessment to include:
 - analysis of the site investigation records and finds;
 - production of a final report on the significance of the archaeological interest represented.
- (iii) provision for publication and dissemination of the analysis and report on the site investigation.
- (iv) provision for archive deposition of the report, finds and records of the site investigation.
- (v) nomination of a competent person(s) or organisation to undertake the work set out in the approved WSI.

The development shall thereafter be carried out in full accordance with the approved WSI and the timetable contained therein.

Reason - To ensure that a suitable programme of archaeological investigation is implemented prior to the commencement of any construction works in order to record and advance the understanding of the archaeological and historical significance of the site for archival and research purposes.

10

No part of the development hereby permitted shall be occupied until the access to the site has been completed and surfaced in a bound material for a minimum distance of 5 metres behind the highway boundary.

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

11

No part of the development hereby permitted shall be occupied until a dropped vehicular footway crossing is available for use and constructed in accordance with the Highway Authority specification to the satisfaction of the Local Planning Authority.

Reason - To protect the structural integrity of the highway and to allow for future maintenance.

12

No part of the development hereby permitted shall be occupied until the existing site access has been permanently closed and this access crossing has been reinstated as verge/footway in accordance with the Highway Authority specification to the satisfaction of the Local Planning Authority.

Reason - In the interests of highway safety.

13

No part of the development hereby permitted shall be occupied until the visibility splays shown on drawing no. 10B are provided. The area within the visibility splays referred to in this condition shall thereafter be kept free of all obstructions, structures or erections exceeding 0.6 metres in height.

Reason - In the interests of highway safety.

14

Notwithstanding the provisions of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any equivalent Order following the revocation and re-enactment thereof (with or without modification), the first floor bathroom window shown on the north facing side elevation of plot 1 and the south facing side elevation of plot 2 shall be obscurely glazed to a minimum of level 3 on the Pilkington Scale (where 1 is the lowest and 5 the greatest level of obscurity) and shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor level of the room in which the window is installed. The duly installed window shall be retained as such thereafter.

Reason - To ensure that appropriate measures are put in place to limit the potential for overlooking between the development and adjacent properties in order to preserve the privacy of adjoining occupiers.

Notes to Applicant

01

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

02

This application has been the subject of discussions during the application process to ensure that the proposal is acceptable. The District Planning Authority has accordingly worked positively and pro-actively, seeking solutions to problems arising in coming to its decision. This is fully in accordance with Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

BACKGROUND PAPERS

Application case file.

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

Lisa Hughes
Business Manager – Planning Development

Committee Plan - 19/00782/FUL

