

PLANNING COMMITTEE – 5 NOVEMBER 2019

Application No:	19/01615/RMA	
Proposal:	Reserved matters application for erection of 3 No. dwellings seeking approval of appearance, landscaping, layout and scale (Outline Application 17/00383/OUT)	
Location:	Brooklyn, Lower Kirklington Road, Southwell	
Applicant:	Mr Peter Burrows, Twyford Estates Ltd	
Agent:	Mr Matt Hubbard, The Planning Hub	
Registered:	5th September 2019	Target Date: 31st October 2019
	Extension of time agreed until 6th November 2019	
	Link to application: https://publicaccess.newark-sherwooddc.gov.uk/online-applications/advancedSearchResults.do?action=firstPage	

This application is before the Planning Committee for determination as Cllrs Malcolm Brock and Peter Harris have called this application before committee given previous Member involvement and the Town Council concerns which differ from the officer recommendation as well as the concern that the dwellings are still large.

The Site

The site comprises a modern chalet style bungalow (Brooklyn, the host property) set well back from Lower Kirklington Road and its extensive mature garden. The site is bound largely by mature hedgerows and there are a number of trees within the site, forming a wild orchard setting. The land rises gradually from the road and falls away again towards the south of the site.

Vehicular access to Brooklyn is currently taken from the eastern side of the frontage on Lower Kirklington Road which leads to a gravel driveway and plenty of off-street parking for the existing dwelling. Brooklyn has some outbuildings attached to its western side and there is a pergola/covered structure adjacent to its eastern side.

There is a dyke to the south of the southern site boundary. The site lies in flood zone 1 and is not identified as an area prone to surface water drainage issues on the Environment Agency maps.

There is a mix of housing styles and types in the vicinity of the site, including both single and two storey development. Franklyn to the south-east is a property similar in design and style to Brooklyn whereas the new two storey dwelling constructed adjacent to Benaigh is contemporary in design and scale.

Relevant Planning History

17/00383/OUT – Outline permission was sought for the erection of 3 dwellings with just the means of access open for consideration. All other matters were reserved. It was recommended for approval by officers but refused by the Planning Committee on 9th May 2017 for the following summarized reasons:

- That the site was green field and brown field sites should be developed first where we can demonstrate a 5YHLS
- Loss of green character, removal of trees, loss of ecological habitat and piecemeal approach would have detrimental impact upon the character and appearance of this part of Southwell
- Proposal for 3 units with substantial plots would not deliver the smaller house types that Southwell requires as identified by Policy SoHN1

APP/B3030/W/17/3179351 – This refusal was subject to an appeal which was allowed on 17th January 2018 subject to 13 conditions.

18/01337/RMA – ‘Reserved matters application for the erection of 3 dwellings. Approval sought for the design, siting, scale and layout. Approved reference 17/00383/OUT.’ Refused as recommended by the Planning Committee in November 2018 for the following summarized reason:

- Proposal does not represent an appropriate mix of dwellings to meet the identified local need for the Southwell Area given that the proposed units are more akin to 5 and 6 bedroom dwellings given their significant sizes and that there is an upstairs study in all three plots capable of being used as a bedroom. As such these plots are unlikely to cater for the most needed types of houses, rather they are the least needed type of accommodation in the locality and do not offer an appropriate mix to meet the identified need. The proposal is therefore contrary to the Development Plan.

APP/B3030/W/19/3220206 - An appeal was lodged against this decision, which was **dismissed** on 9th July 2019. The main issue was identified as housing mix. The inspector agreed with the Council that to all intents and purposes the appellant had advanced a scheme for 2 x 5 bed and 1 x 6 bed dwellings which were the least needed size and consequently it failed to provide dwellings of a size that are most needed in the area. This forms an **Appendix** to this report.

19/00084/RMA - Reserved matters application for the erection of 3 dwellings. (Resubmission). Recommended on balance for approval but refused by Planning Committee, March 2019 for the following summarised reason:

- The dwellings proposed are considered to be of such a size and scale (in that they are all substantial dwellings) that could too easily be utilised and/or converted to larger units than their purported 2 x 4 bedrooms and 1 x 5 bedroom dwelling status, that they would not meet the identified housing need for the Southwell area. These dwellings are unlikely to cater for the most needed types of houses and do not offer an appropriate mix to meet the identified need.

The Proposal

Reserved matters approval is sought for 3 dwellings on this site where outline permission has been granted upon appeal. Matters to be considered are the appearance, landscaping, layout and scale.

All 3 dwellings are two storey and detached and set out in a linear arrangement of development in depth served off a private access drive from Lower Kirklington Road.

Plot 1

At ground floor an open plan kitchen, sitting and dining room, utility, separate lounge, snug, cloakroom, porch and hall are proposed whilst at first floor 3 bedrooms (1 with dressing room and en-suite, the other 2 with access to 'Jack and Jill' en-suite) are proposed. A double garage is proposed which is attached to the dwelling via the single storey utility link.

Plot 2

At ground floor an open plan kitchen, sitting and dining room, utility, separate lounge, snug, cloakroom, store and hall are proposed whilst at first floor 4 bedrooms (1 with dressing room and en-suite, 1 with just en-suite) bathroom are proposed. A double garage is proposed which is attached to the dwelling via the single storey utility link.

Plot 3

At ground floor an open plan kitchen, sitting and dining room, separate lounge, snug/media room, home office, cloakroom, utility and hall are proposed whilst at first floor 4 bedrooms (1 with dressing room and en-suite, 1 with just en-suite) and a bathroom are proposed. A double garage is attached to the dwellings.

The application is accompanied by the following plans:

- Drawing No. 692-04 (Site Layout and Location Plan Scheme Design)
- Drawing No. 692-01 (Plot 1 Scheme Design)
- Drawing No. 692-02 Rev A (Plot 2 Scheme Design)
- Drawing No. 692-03 (Plot 3 Scheme Design)
- Drawing No. 692-05 (Site Access Showing Visibility Splays)
- Planning Statement, by The Planning Hub

Departure/Public Advertisement Procedure

Occupiers of 19 properties have been individually notified by letter. A site notice has also been displayed near to the site giving an overall expiry date of 7th October 2019.

Planning Policy Framework

The Development Plan

Neighbourhood Plan

Policy SD1 – Delivering Sustainable Development
Policy E1 – Flood Risk Assessments and Mitigation
Policy E2 – Flood Resilient Design
Policy E3 – Green Infrastructure and Biodiversity
Policy DH1 – Sense of Place
Policy DH2 – Public Realm
Policy SS4 – SO/HO/4 – Land east of Kirklington Road

Newark and Sherwood Core Strategy DPD (adopted March 2011)

Spatial Policy 1 - Settlement Hierarchy
Spatial Policy 2 - Spatial Distribution of Growth
Spatial Policy 6 – Infrastructure for Growth
Spatial Policy 7 - Sustainable Transport
Core Policy 3 – Housing Mix, Type and Density
Core Policy 9 -Sustainable Design
Core Policy 10 – Climate Change
Core Policy 12 – Biodiversity and Green Infrastructure
Core Policy 13 – Landscape Character

Allocations & Development Management DPD

Policy So/Ho/4 – Southwell – Housing Site 4
Policy So/HN/1 – Southwell Housing Need
Policy So/PV – Southwell Protected Views
Policy DM1 - Development within Settlements Central to Delivering the Spatial Strategy
Policy DM2 – Development on Allocated Sites
Policy DM4 - Renewable and Low Carbon Energy Generation
Policy DM5 - Design
Policy DM7 - Biodiversity and Green Infrastructure
Policy DM12 - Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2019
- Planning Practice Guidance
- Publication Core Strategy
- Appeal Decision APP/B3030/W/17/3179351

Consultations

Southwell Town Council – Object:

“Southwell Town Council considered application 19/01615/RMA Brooklyn Lower Kirklington Road and agreed unanimously to object to this application for the following reasons:

The houses are marginally smaller but there are still no plans for the treatment of the surface water.

The previous comments still apply, as below:

The conditions of appeal must be applied in particular the treatment of foul and surface must be submitted and approved in writing.

Policy E1 Flood Risk Assessments and Mitigation and Policy E2 Flood Resilience Design- The data used in the Flood Risk assessment is out of date.

There are no plans for the treatment of surface water and these must be submitted in writing and permission should not be granted without this, it should be remembered that this location can negatively impact on flooding downstream.

In the original application (17/00383/OUT), there was an unjustified assumption that ground drainage was suitable despite the fact that no percolation tests had been carried out. These are essential for proving the case for ground drainage.

The designs increase the Massing edge of the town.

The view of the planning inspectorate should be observed regarding the information required”

NCC Highways Authority – 26.09.2019: ‘The details submitted on drawings 692-04 and 692-05 are sufficient to discharge the highway-related condition 5 of planning permission 17/00383/OUT.’ They then recommend a note to application which has been repeated verbatim in informative no.2.

Southwell Civic Society – No response received.

NSDC Tree Officer – “Proposed soft landscaping comprise of only a limited mix of 3 species with no details of size at planting. Recommend increased biodiversity and minimum size of 12-14cm girth containerised root stock. Tree protection/support mechanisms should be defined. No species are defined beyond hawthorn in the hedgerow plantings. Again biodiversity should be increased and size/density of planting and protection measures defined.”

NCC Lead Flood Authority - The above application makes reference to housing style and size only as part of an application that already has outline permission and as such we have no further comments to make.

STW – No response but commented on the previous application (31/07/2018) the following:

“Please note for the use or reuse of sewer connections either direct or indirect to the public sewerage system the applicant will be required to make a formal application to the Company under Section 106 of the Water Industry Act 1991. They may obtain copies of our current guidance notes and application form from either our website (www.stwater.co.uk) or by contacting our Developer Services Team (Tel: 0800 707 6600).

Suggested Informative

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 statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact

Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.”

Trent Valley Internal Drainage Board – make general comments.

Two representations have been received from local residents/interested parties summarized as follows:

- Concern at the proposal to remove and cut down to 2.4m the existing substantial natural screen on and close to the existing boundary of this land with Avondale Lane. The proposal will remove existing natural screening and make it very open with the new houses being very visible above (and initially through) the new hedge and the whole area opened up, less private and more urbanised. I would like to see a condition that requires the existing natural screening to be retained at a height and density that would provide more suitable and better screening than is currently proposed to minimise the impact of this new development on the fringe of the town and the countryside.
- Concern that these mature trees and hedge may be lost. Not only would that have a considerable adverse impact on the visual aspect of the area, it would also have an impact on the wild life, in particular the bird population. There does not appear to be any reason to destroy this habitat and I would have thought that leaving it place would enhance the aspect of the new properties. I would therefore request that the planning consent stipulates that the boundary trees and hedge be retained.

Comments of Business Manager

Introduction

The site history section sets out that this site has a history of refusals where the committee has been decision maker.

In summary, outline permission for 3 detached dwellings was allowed on appeal and since that time, two reserved matters have been submitted and refused on the grounds that the size of the units being proposed would not meet the housing needs for the area. An appeal against the first of these refused reserved matters applications was recently dismissed with the Inspector agreeing that whilst we wouldn't be able to secure smaller two bedroom units, the 2 x 5 bedroom and 1 x 6 bedroom units proposed would not provide an appropriate mix to meet the needs either. This scheme therefore represents a third attempt to achieve reserved matters approval for the site.

The report that follows is largely a repeat of matters previously considered by this Committee with relevant updates where necessary given the scheme in other respects remains similar to its predecessors.

The appeal decision and previous refusals have limited the scope of issues upon which the Council can reasonably take issue with. In my view the key issue for Members is the housing need and mix which is the only remaining issue between parties, unless of course new issues arising from the amended scheme can be identified. I have found no such new issues. However I would flag the neighbour concerns regarding the southern boundary hedge which I have addressed in the trees and ecology section.

Principle of Development

Outline planning permission has already been granted for the erection of 3 dwellings with just the means of access having been considered. As such the principle for housing at this quantum is already established through an extant permission and this is not a matter that can be revisited by this reserved matters application.

However as other matters (scale, appearance, layout and landscaping) were reserved, the Council is entitled to assess these against the Development Plan, which is the starting point for decision making along with any other relevant material planning considerations, including the previous appeal decision on this site. I therefore make an assessment of the relevant issues below.

Housing Need and Mix

Members will recall that this matter was the main issue in dispute when the previous two reserved matters application were considered and subsequently refused by Committee in November 2018 and the in March 2019.

Core Policy 3 of the adopted Development Plan states that the LPA will seek to secure new housing which adequately addresses the local housing need of the district, namely family housing of 3 bedrooms or more, smaller houses of two bedrooms or less and housing for the elderly and disabled population. It goes on to say that the 'District Council will seek to secure an appropriate mix of housing to reflect local housing need' and that 'Such a mix will be dependent on the local circumstances of the site, the viability of the development and any localised housing need information'.

In addition to CP3 of the Core Strategy, Policy So/HN/1 of the Allocations and Development Management DPD sets out that within Southwell, subject to local circumstance and the viability of the development, the majority of new housing on allocated and windfall sites shall be one or two bedroom units in line with the identified housing need.

I have carefully considered the appeal decision which allowed the outline scheme and I acknowledge that the Policy SO/HN/1 was considered by the Inspector to be somewhat outdated being based on 2011 evidence. However I also note that housing mix is a reserved matter (given that layout and appearance were reserved) and it is right and proper that this matter is assessed as part of the reserved matters submission. The applicant's advisors previously disputed this albeit the most recent appeal decision from July 2019 makes clear (at paragraph 11) that it is completely appropriate to consider mix as a reserved matter.

It is clear to me from the 2 appeal decisions relating to this site, which are material to your decision, that the Council is not going to achieve smaller two bedroom dwellings on this site. Indeed paragraph 8 of the July appeal decision states:

"...As such he [the appeal inspector granting outline consent] that, on this site, one and two bedroom dwellings were not appropriate and a proposal for dwellings of three or more bedrooms did not conflict with the more recent Policy CP3 of the Core Strategy. I concur with this view and accept the principle of dwellings with three or more bedrooms at this site."

Bearing all this in mind, I once again draw upon 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.'*

Turning now to this revised scheme, it is worthwhile setting out how this differs from the previously refused (and dismissed at appeal) reserved matters application (RMA).

- Plot 1 – Previously this proposed a large 4 bedroom dwelling including 2 en-suites, dressing room and study. The Inspector agreed this was tantamount to a 5 bedroom dwelling in size. This scheme proposes a genuine **3 bedroom dwelling** with double garage.

Dismissed Scheme

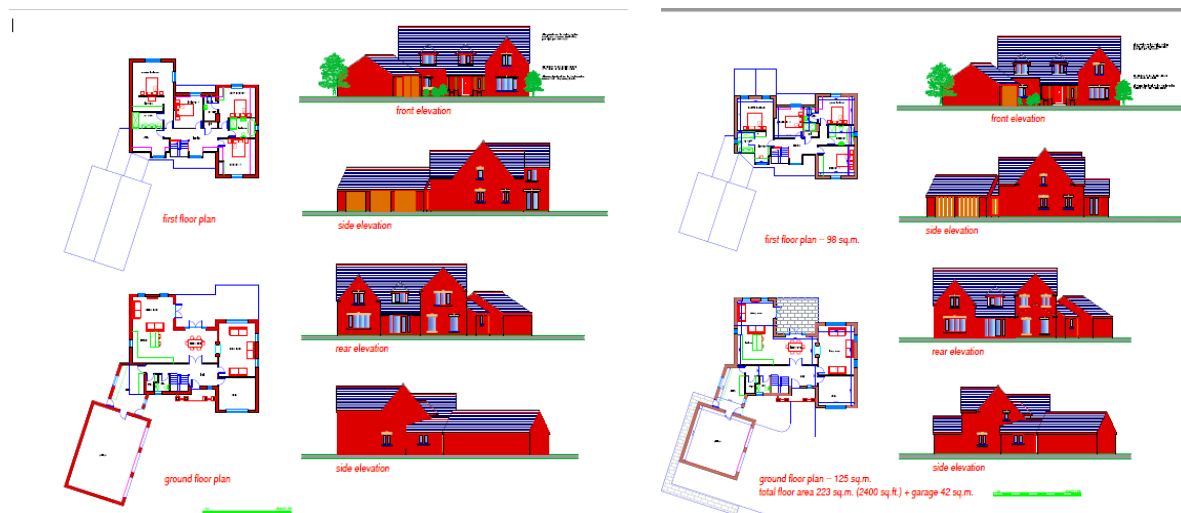
Current Scheme



- Plot 2 – Previously was the same as plot 1. This proposal is for a large **4 bedroom dwelling** with en-suites; the main change being the reduction from triple to a double garage.

Dismissed Scheme

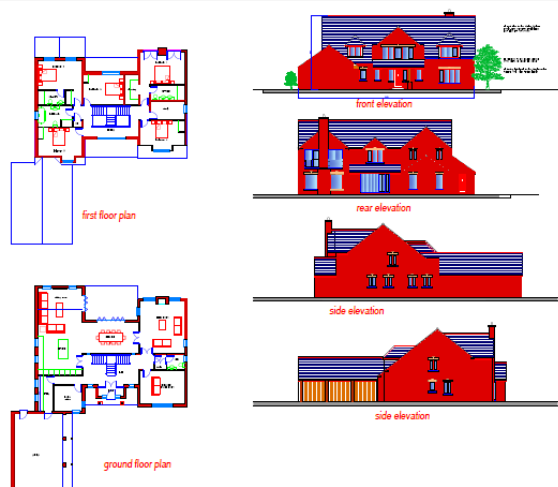
Current Scheme



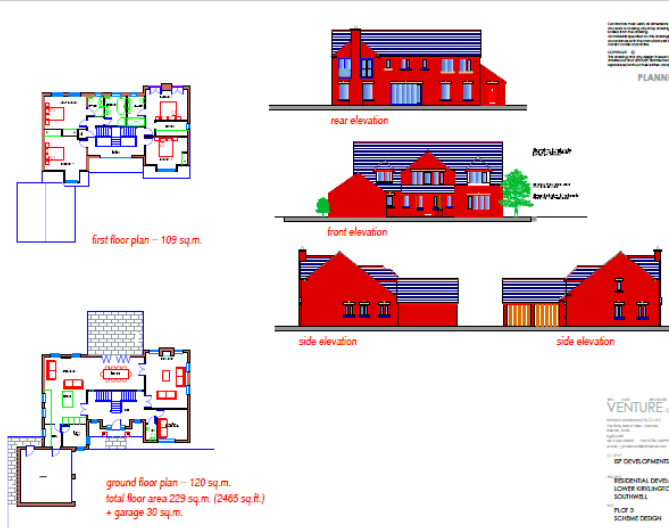
- Plot 3 – Previously this proposed a large property with 5 bedrooms (2 en-suites) bathroom, study as well as generous living accommodation and a triple garage. The Inspector agreed

that this was tantamount to a 6 bedroom dwelling. This proposal **reduces the bedrooms to 4**, losing 1 of the en-suites and the reduction in garage size from triple to double.

Dismissed Scheme



Current Scheme



I am of the firm view that it isn't possible to insist on smaller houses on the site. The scheme advanced is 2 x 4 bedroom dwellings; the second most required type in the district and 1 x 3 bedroom dwelling, which is the third most needed type. I am satisfied that the internal layout is such that these are likely to be marketed as what they purport to be and that these rooms would be difficult to subdivide further to create additional bedrooms. Therefore I consider that the mix is now acceptable and the best it could be in the circumstances. In making this assessment I, like the Inspector (see paragraph 9 of the appeal decision- Appendix) have based my assessment on the number of bedrooms (as opposed to floorspace) as the main issue. However for completeness the overall floorspace has also been reduced which the table below seeks to illustrate.

Plots	18/01337/RMA Refused/Dismissed at Appeal	19/00084/RMA Refused	Current Scheme
Plot 1	297m ²	240.9m ²	231m ²
Plot 2	317m ²	243.9m ²	265m ²
Plot 3	363m ²	315.8m ²	259m ²
Overall floorspace (approximate)	977m ²	800.6m ²	755m²

Given the specific circumstances that have led to this recommendation, I suggest that permitted development rights are removed such that the dwellings are not increased in size further (thus significantly affecting the housing need and mix) without a further grant of planning permission.

I do not consider that this sets a precedent for other sites in Southwell given the particular circumstances of this case.

Design and Appearance

Core Policy 9 states that new development should achieve a high standard of sustainable design and layout that is of an appropriate form and scale to its context complementing the existing built and landscape environments. Policy DM5 of the DPD states that local distinctiveness should be reflected in the scale, form, mass, layout, design and materials in new development. The Southwell Neighbourhood Plan (SNP) also reflects this. The NPPF, as revised, states that a high standard of design is a key aspect of sustainable development and that new development should be visually attractive as a result of good architecture and appropriate landscaping.

The application is set behind the host dwelling known as Brooklyn with Plot 1 being a considerable distance from the back edge of the footpath and the other plots being even further back into the site. As a result of their set back and context these units will not be readily visible from the public realm. This type of development in depth is evident on the adjacent site (Avondale Lane) and as far as I can see is the only way in which the site could be developed for 3 units but in any case I consider that it would not be alien to the character, appearance or grain of the area. The design and appearance of the 3 dwellings is acceptable and they accord with the identified policies in this regard. The facing materials are noted on the drawings and I find that the materials are acceptable for the context which are sufficient to satisfy Condition 6 of the outline consent.

Impact on Residential Amenity

Impact on amenity is a long standing consideration of the planning process and relates both to the impact on existing development as well as the available amenity provision for the proposed occupiers. Policy DM5 of the DPD states that development proposals should ensure no unacceptable reduction in amenity including overbearing impacts and loss of privacy upon neighbouring development. In addition consideration should be given to the potential for crime and anti-social behaviour. The NPPF seeks to secure a high standard of amenity for all existing and future occupants of land and buildings.

There are existing dwellings to the east (Brooklyn – the host dwelling) and to the east of the application site; (north to south) Franklyn, 2 Avondale Lane, a currently unnamed property and Benaiah. Having assessed the impact of the dwellings upon the existing dwellings I find that there would be no adverse impact that would lead to a loss of unacceptable loss of privacy through overlooking, overshadowing or overbearing. Where there are windows at first floor level facing the neighbouring site, these serve non habitable rooms to avoid overlooking (a matter to be conditioned) and the applicant has been careful to align the dwellings to avoid overbearing and overshadowing impacts. I am therefore satisfied that the scheme accords with DM5 of the Development Plan.

Highway Impacts

Spatial Policy 7 of the Core Strategy seeks to ensure that vehicular traffic generated does not create parking or traffic problems. Policy DM5 of the DPD requires the provision of safe access to new development and appropriate parking provision.

Condition 5 of the outline consent granted on appeal states:

Notwithstanding condition 4 (the plan condition), details submitted pursuant to the application for approval of reserved matters consent shall include the following which the development shall be carried out in accordance with:

- i) Minimum access of 4.8m for the first 10metres behind the public highway boundary (with an additional 0.5m if bounded by a wall, fence or hedge; 1m if bounded on both sides).*
- ii) A dropped curb crossing of the existing footway;*
- iii) Visibility splays in accordance with the County Council's current Highway Design Guide. (It is noted that splays of 2.4mx65m to the south-east and 2.4m x 140m to the north east are submitted as being available and if achieved these are acceptable).*

NCC advise that the drawings submitted satisfy this condition. On this basis there is no highway safety issues associated with the scheme.

Each of the dwellings propose a double garage and parking in front of these such that there would be adequate off-street parking provision provided for the units.

Tree and Ecology Impacts

Core Policy 12 and Policy DM7 promote the conservation and enhancement of the District's biodiversity assets. The NPPF also seeks to minimise impacts on biodiversity and provide net gains where possible.

The application site boundaries comprise mature vegetation which currently offers a robust level of screening to neighbours as well as offering benefits through retaining trees and habitat. As with the previous schemes, the block plan shows that 3 trees would need to be removed to accommodate Plot 1, 2 trees would be removed to accommodate Plot 2 and 7 trees would be lost to make way for Plot 3. For the access a number of smaller trees would need to be removed.

The Tree Survey submitted as part of the outline application identifies that most of the trees within the site are of a C (low quality and value but could be retained) and U (trees considered to have no landscape value but with no overriding need for removal) grade. Only two trees were identified as B graded trees, being a Sycamore near the site frontage which appears to be retained and an Ash tree to the southern part of the site. B graded trees are considered desirable to retain and of a moderate quality and value.

The Ash tree (T16) appears to be one of the 7 lost to accommodate Plot 3, which is categorized as of reasonable quality with a good life expectancy and was suggested as being retained if possible in the Tree Survey. As I previously concluded, the loss of this tree is therefore regrettable, especially in the context that a smaller unit here may have avoided the loss of this tree. However I am also mindful that the tree would grow and dominate this part of the site such that in the longer term, there may have been pressure to remove this in any event such that I again conclude that this should not be a barrier to development in itself.

The Tree Survey does not include the hedgerow or vegetation to the eastern boundary but I note that it is shown as being retained. The garages of the plots are slightly further away now from the boundary hedge and I am satisfied that the distance is likely to be adequate to ensure that vegetation remains along these boundaries.

Condition 7 of the outline consent requires details of the hard and soft landscaping to be submitted before development can commence. Details are shown on the layout plan. The previous

scheme showed 2 species of tree which was increased to 3 upon request and more space was given for growth. This was considered acceptable previously, subject to a condition that dealt with the tree size and root stock being containerized and between 12-14cm in girth. I note that the tree officer has requested more biodiversity for the hedgerow to the southern boundary. As this is essentially gapping up an existing hedge with an appropriate species I do not consider that this is necessary as the existing hedge is already diverse and in my view the submission is sufficient to part discharge Condition 7 of the outline consent.

I note the concerns of the two neighbours regarding the possible loss of the southern hedgerow. This is shown to be retained on the plans which states that the existing hedge is to be layered down to 2.4m in height for its full length and gapped up to achieve full hedge. Condition 7 of the outline consent requires that measures to protect retained hedgerows need to be provided and no specific details with regards the density or species to be utilized within the hedge have been provided. This would need to be submitted as an application to discharge outstanding elements of Condition 7 of the outline permission and no further condition is required in my view. I note that there is concern that the hedge would be reduced to 2.4m in height. In my view this height is appropriate for a sensible and good management of the hedge whilst retaining a good level of screening.

In terms of ecological impacts, these were assessed at outline stage and measures to mitigate any harm to bats and breeding birds were subject to conditions at outline stage as well as enhancement measures. I am therefore satisfied that there would be no unacceptable harm to the ecological value of the site.

Flood Risk Impacts

Policy E2 of the SNP states that development proposals requiring a flood risk assessment must be designed to avoid increasing the risk of flooding both on and off site. The proposed development is located in Flood Zone 1 in accordance with Environment Agency mapping and the type of development does not necessitate the need for a Flood Risk Assessment. In addition the site is not considered to be at high risk of surface water flooding. I note that Condition 9 of the appeal decision requires that a scheme for foul and surface water disposal needs to be submitted before development can be commenced. This is therefore a matter for a discharge of condition application to consider rather than the reserved matters application.

Conclusions

The principle of developing 3 dwellings on this site is established through the extant outline permission. I am satisfied that the scheme is acceptable in terms of residential, amenity and ecology. It is regrettable that one of the better trees is to be removed to make way for Plot 3 but overall I consider that this should not form a reason for refusal, particularly as it did not previously. In terms of the impact upon the highway, information to satisfy the planning condition imposed by the Inspector has been provided and the Highways Authority raise no objection. Measures to retain, gap up and protect the southern boundary hedgerow are already in place in the form of Condition 7 of the outline consent.

Taking into account the previous appeal decisions, I do not consider that the Council is able to secure any 2 bedroom dwellings on the site. A mix that better reflects the housing needs of Southwell has been offered comprising 2 x 4 bedroom units (the second most needed type) and 1 x 3 bedroom dwelling which is the third most required type of accommodation. Whilst these

dwellings remain on the large size, I am satisfied that the internal configuration of the house types is such that these dwellings will be offered to the market as what they purport to be and thus meet the identified need. I therefore conclude that this mix is now acceptable in this particular case, taking into account the specific appeal decision which is material to your decision making.

RECOMMENDATION

That reserved matters approval is approved subject to the conditions set out below:

Approve

01

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

- Drawing No. 692-04 (Site Layout and Location Plan Scheme Design)
- Drawing No. 692-01 (Plot 1 Scheme Design)
- Drawing No. 692-02 Rev A (Plot 2 Scheme Design)
- Drawing No. 692-03 (Plot 3 Scheme Design)
- Drawing No. 692-05 (Site Access Showing Visibility Splays)

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 approval.

02

The proposed trees to be planted as shown on drawing number Drawing No. 692-04 (Site Layout and Location Plan Scheme Design) shall be containerised specimens of between 12-14cm in girth unless otherwise agreed in writing by the Local Planning Authority.

Reason: For the avoidance of doubt, to avoid the applicant from having to apply for a discharge of condition application and to ensure that Condition 7 of outline consent 17/00383/OUT is fully discharged.

03

The first floor windows on the southern elevation of Plots 1 and 2 (serving en-suites) 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

04

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (and any order revoking, re-enacting or modifying that Order), other than development expressly authorised by this permission, there shall be no development under Schedule 2, Part 1 of the Order in respect of:

Class A: The enlargement, improvement or other alteration of a dwellinghouse, including extensions to the property and the insertion or replacement of doors and windows.

Class B: The enlargement of a dwellinghouse consisting of an addition or alteration to its roof.

Class C: Any other alteration to the roof of a dwellinghouse.

Class E: Development within the curtilage of a dwellinghouse.

Unless consent has firstly be granted in the form of a separate planning permission.

Reason: To ensure that the local planning authority retains control over the specified classes of development normally permitted under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) given the substantial scale of the dwellings approved and that these were approved in order to meet an identified housing need/mix.

Notes to Applicant

01

It should be noted that the conditions imposed on the outline permission (our reference 17/0383/OUT) remain relevant and where necessary must be discharged before development can commence on site.

02

The development makes it necessary to construct, alter or improve a vehicular crossing over a footway/verge of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact the County Council's Agent, Via East Midlands to arrange for these works to be carried out. Email: licences@viaem.co.uk Tel. 0300 500 8080 and further information at:

<https://www.nottinghamshire.gov.uk/transport/licences-permits/temporary-activities>

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 statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.

04

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) (England) Order 2015 (as amended).

05

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

BACKGROUND PAPERS

Application case file.

For further information, please contact Clare Walker on ext 5834.

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

Lisa Hughes
Business Manager – Planning Development

Committee Plan - 19/01615/RMA

