

PLANNING COMMITTEE – 3 DECEMBER 2019

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| Application No: | 19/01475/S73M | |
| Proposal: | Application to vary condition 2 attached to planning permission 15/01295/FULM to amend the approved plans for house types A and C | |
| Location: | Springfield Bungalow Nottingham Road Southwell NG25 0QW | |
| Applicant: | Springfield Eco Ltd | |
| Registered: | 7th August 2019 | Target Date: 6th November 2019 Extension of Time: 15 December 2019 |

This application is presented to Planning Committee because Southwell Town Council has objected to the proposal and given the sensitivity of the development.

The Site

This application relates to circa 1.92 hectares of land situated on the western side of Nottingham Road at its junction with Halloughton Road on the southern approach into Southwell. It consists of a detached bungalow (Springfield Bungalow) and associated land to the rear which abuts the rear gardens of the existing dwellings on Halloughton Road to the north, open countryside to the west and the detached property, Springfield House and its associated land to the south.

The gradient of the site rises steeply by some 14m towards the western boundary.

The immediately adjoining properties to the north and North West of the site are a mix of single and two storey detached dwellings. No.s 36 and 38 Halloughton Road are detached bungalows and adjoin the proposed access.

The adjoining property located immediately to the south of Springfield Bungalow, Springfield House, is a large two storey detached dwelling.

The site lies to the west of the Conservation area boundary within the Southwell Protected Views corridor. The site is allocated in the Newark and Sherwood LDF Allocations and Development Management DPD (2013) for housing development - Southwell Housing Site So/Ho/2.

Relevant Planning History

Residential Development

15/01295/FULM –38 dwellings and conversion and extension of existing residential property to form 12 supported living units- granted December 2017

19/00317/DISCON –Discharge of conditions 3, 4, 5, 6, 11, 13, 14, 17, 19, 20 and 21 attached to planning permission 15/01295/FULM – discharged 7th May 2019.

19/00456/DISCON –Discharge of conditions 14, 15 and 16 attached to planning permission

15/01295/FULM –discharged 7th May 2019.

19/00779/FULM –Variation of condition 11 of planning permission 15/01295/FULM to allow the new access junction to be constructed wholly within highway land or that owned by the applicant. Condition 11 of this permission required visibility splays of 2.4m x 43m (minimum) to be provided at the junction with Halloughton Road. Refused, July 2019. Appeal under consideration by the Planning Inspectorate.

Reach

19/01828/FULM - Erection of 12 units of living accommodation for assisted living following the demolition of the existing bungalow – Under consideration

Access

16/01369/FUL – Alteration of an existing vehicular access on Halloughton Road, installation of kerb radii and provision of visibility splay. Condition 3 of this permission required details of drainage of the access. Granted 22nd March 2017.

19/00076/DISCON – Discharge conditions 3 and 4 of planning permission 16/01639/FUL - discharged 1st March 2019.

19/00689/FUL –Variation of conditions 02, 03, 04 and 05 of planning permission 16/01369/FUL to allow the new access junction to be constructed wholly within highway land or that owned by the applicant. Refused, July 2019. Appeal is under consideration by the Planning Inspectorate

The Proposal

The application seeks variation of condition 2 which relates to the approved drawings. The proposed changes comprise:

- House Type A which are sited on plots 01-12 on Site Location Plan 37049-AJA-00-SL-DR-A-99101 rev P10. The changes relate to the omission of chimneys from the gable ends of the buildings and a slight change to the position of the chimneys on the central ridge, so they are positioned closer to each of the end dwellings of each terrace of 4 properties. Internally, the accommodation would change slightly with alterations to internal walls resulting in some of the dwellings floorspace being slightly larger and others smaller (from approximately 105m² and 75m² to 93m² and 92m²)
- House Type C which are sited on plots 19-23 on the above referenced Site Location Plan. Included in the amendments is the removal of the linked garage to create detached dwellings; a simplified roof design to a more conventional front and side facing gable; a revised internal layout to create a utility room on the ground floor and increased bedroom space at first floor to all 3 bedrooms, as well as a study area. The overall ground floor space of these properties would increase from approximately 95m² to 150m².

Departure/Public Advertisement Procedure

Occupiers of 113 properties have been individually notified by letter. Site notices have also been displayed near to the site and an advert has been placed in the local press.

Planning Policy Framework

The Development Plan

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

Spatial Policy 1: Settlement Hierarchy
Spatial Policy 2: Spatial Distribution of Growth
Spatial Policy 7: Sustainable Transport
Core Policy 1: Affordable Housing Provision
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

Allocations and Development Plan Development Plan Document (DPD) Adopted July 2013

Policy DM1: Development within Settlements Central to Delivering the Spatial Strategy
Policy DM2: Development on Allocated Sites
Policy DM3: Developer Contributions and Planning Obligations
Policy DM4: Renewable and Low Carbon Energy Generation
Policy DM5: Design
Policy DM7: Biodiversity and Green Infrastructure
Policy DM9: Protecting and Enhancing the Historic Environment
Policy DM12: Presumption in Favour of Sustainable Development
Policy So/PV: Southwell Protected Views
Policy So/HN/1: Southwell Housing Need

Southwell Neighbourhood Plan (adopted October 2016)

Policy TA1: Cycle and Pedestrian Routes
Policy TA3: Highways Impact
Policy SS2: Land South of Halloughton Road (So/Ho/2)

Other Material Planning Considerations

National Planning Policy Framework (NPPF)
Planning Practice Guidance
Newark and Sherwood Developer Contributions and Planning Obligations SPD, 2013
Newark and Sherwood Affordable Housing SPD, 2013
Southwell Conservation Area Appraisal July 2005
Newark and Sherwood Landscape Character Assessment SPD December 2013
Nottinghamshire County Council Highway Design Guide

Consultations

Southwell Town Council (24.10.19)

Southwell Town Council considered application 19/01475/S73M Springfield Bungalow and agreed by majority to strongly object to this application for the following reasons:
The vision splays indicated are the same as those that have already been refused by the District Council Planning Committee. We strongly object to the reduction in road safety standards compared with those requested by the County Council in 2015

The access road is re-drawn to avoid the electricity transformer which serves an adjoining property but the latter appears to be drawn undersized compared to the existing transformer. There is no indication of any measures to protect the transformer from traffic, given its proximity to the roadway, nor to protect it, or the public, given its proximity to the public footpath.

New Drainage Design Calculations:

The site area used in the calculations is 0.7ha whereas the actual site area is 1.9ha. This ignores the comments made by the County Council Flood team in 2015.

The calculations are difficult to follow with no summary explanation but appear to indicate that in a 100 year plus climate change storm most of the manholes will surcharge in 15 minutes. Other drawings submitted previously show the route of flood water along the site roads and on to Halloughton Road in contravention of condition 11 of the original planning approval and in contravention of the Highways Act 1980. This surplus water will run down Halloughton Road, on to Nottingham Road and further exacerbate the flooding problems down-stream. Surcharging of manholes will thus cause such contraventions. Nottingham Road was under water yet again as recently as 14th October 2019.

The Reach element of the site has not been included. The site should be considered as a whole and not agreed in a piecemeal fashion. The additional run off from the Reach site is shown on the drainage drawings as a maximum of 3l/s yet the allowed discharge of surface water into the combined sewer in Halloughton Road is 3.7l/s. This only leaves 0.7l/s for the whole of the rest of the site. This is equivalent to the flow from 5 modern kitchen taps. What is not clear is whether or not this has been taken into account in the Drainage Design calculations.

We await the response from the County Council Flood team with interest. The comments from them, placed on the website under this application seem to relate to a different matter.

(06.09.19)

Southwell Town Council considered application 19/01475/S73M Springfield Bungalow and agree unanimously to no objection to this application but emphasise that the development must be built in compliance with the agreed plan

Nottinghamshire Wildlife Trust (NWT) 02.09.19, 15.10.19 and 11.11.19) No comments are made

Environment Agency (15.08.19) No comments are made

NSDC Conservation

(31.10.19) Of the different house type, 'C' is the only property that is without a chimney. The design would look better with the introduction of a chimney. This does not have to be function and could be blocked/faux.

(15.08.19) Although the site is not within Southwell CA or directly adjacent to any listed buildings, the proposal site is within the Southwell Protected Views boundary (So/Pv) which aims to ensure that development respects the wider setting and context of, amongst other assets, the landmark Grade I listed Minster and Grade II Church of Holy Trinity. Furthermore, the gateway location of the proposal site and its proximity to the Southwell CA are material considerations in this case. The application is to amended the design of two house types; A and C. The design of house type A is very similar. It is not considered to alter the impact on heritage assets in the area or the setting of the listed buildings.

The amended design for house type C changes from an asymmetrical gable design to a traditional gable. It also removes the chimney. This house type will be visible within views of this site and would look better with the chimneys to help break it up.

NSDC Environmental Health (23.08.19) No comments are made.

NCC Highway Authority (27.08.19)

This application and drawing 99101-P6 has little effect on highway-related matters.

Primarily a change of house type is being sought. Minor amendments to the access road alignment are shown but do not offer significant changes.

On this basis, no objections are raised.

(12.11.19) This application and drawing 99101-P9 has little effect on highway-related matters.

Primarily a change of house type is being sought. Minor amendments to the access road alignment are shown but do not offer significant changes.

On this basis, no objections are raised.

NCC Lead Local Flood Authority

(07.11.19) As LLFA we have checked the designs for surface water on the development a number of times and are happy that the proposals meet our required standards.

This application is to amend house types only and as such we have no further comments to make.

(29.08.19 and 17.10.19) Thank you for inviting Nottinghamshire County Council as the Lead Local Flood Authority (LLFA) to comment on the above application, we have reviewed the application which you consulted us with on the 14 Aug 2019.

As a statutory consultee the LLFA should only be consulted on major developments with regards to surface water drainage.

Having considered the scale of this application the LLFA believes it is not required to respond to this application, as such, we will not be making any bespoke comments.

However as a general guide the following points are recommended for all developments:

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.

If you believe that this response has been sent in error and the application should be considered as a major application, please contact us.

NCC Policy (04.11.19)

Considering the proposed amendments to the site layout, the NCC does not have any strategic planning policy comments to make at this time unless there are any specific issues you wish for us to consider. If so then please let me know as soon as possible and I will circulate the application to the relevant colleagues.

20 representations have been received from 10 different local residents/interested parties which raise the following concerns:-

- Surface water management and drainage size – flooding over recent weeks including muddy water emanating from site;
- Increase in property sizes will increase flooding;
- Flood experts should re-examine plans;
- Site has shrunk to allow less flood water retention, land owned for development has grown onto adjoining properties;
- Junction remains dangerous;
- Revised plans are inaccurate – do not take account of electricity meter, ignores right of way and layout plan is not that approved;
- Electricity meter has moved;
- Plans show refused access road;
- Drawing DR-A-991011 Rev P8 is misleading and inaccurate – does not show pavement verges and gives impression that the road is wider – amendments should be sought;
- Insufficient space to circumvent electricity meter along the access road;
- Revision to access road will endanger site occupants due to proximity of electricity installation;
- Access road visibility splays are 29m. but shown as 43m. and radii are 5m. and not acceptable 6m.;
- Halloughton Road is shown as being straight;
- Gradients of footpaths
- Land not owned by developer;
- Footpaths with steps and no ramps breaching Equality Act;
- Not happy with change from 3 sets of semi-detached houses to 6 detached – will require a S73 amendment;
- Application should not be decided whilst appeals being considered;
- No decision should be made until access is approved and water attenuation provision provided satisfactorily;
- Any application should take account of Reach project;
- Why are Council accepting applications when conditions have been ignored?;
- Increase in house type C goes against Southwell Neighbourhood Plan requirement for more affordable houses;
- Change to house type immaterial;
- Proposal conflicts with housing needed in Southwell;
- Increase in house height will result in loss of protected views;
- Increased landscaping is not acceptable as water flows through the site;
- House design generally is out of character (across whole site);
- House type C is likely to flood;
- Plans show other amendments:
- Do not believe Council will listen.

In addition, Southwell Civic Society have responded as follows:

(15.11.19) We object to this application.

There seems to be some confusion as to what is being proposed regarding the access road. It is not acceptable for Jigsaw Planning to say that hopefully this drawing may be withdrawn and substituted later with a drawing showing the original alignment. This application has to be decided

on the drawings submitted which continue to show the sub standard access which is contrary to Condition 11 of application 15/01295/FULM and subject to the planning appeal regarding 19/00779/FULM.

We would take this opportunity to alert you to the severe flooding which has occurred over the last week. Throughout the whole planning process residents and other experts have repeatedly warned of the dangers of developing this “Springfield” site.

Other submissions to this application have demonstrated that most of the water causing flooding at the Minster School entrance on 7th November was emanating from the site. This was repeated on 14th November when Nottingham Road had to be closed causing severe disruption, (even the Nottingham buses had to be diverted via Oxtun). Water flowing from Westgate was intercepted by gullies before reaching the flooded area. However it was surface water coming down Halloughton Road which was causing the problem. The culvert across Nottingham Road carrying the water down the Potwell Dyke was not overtopped.

We call upon the Council to take action and order the contractors to cease work until they can contain the surface water on the site.

(28.08.19) We have no objection to the change in house types. However there seems to be some doubt as to whether work is being carried out in accordance with approved plans and planning approval conditions. Therefore it is important that compliance is checked by the Enforcement Planning Officer.

Comments of the Business Manager

Background and Principle of Development

Application ref. 15/01295/FULM was presented to Planning Committee in June 2016 and re-presented in March 2017 where Members resolved to grant conditional planning permission in accordance with the officer recommendation and subject to the signing and sealing of a S106 Planning Obligation. The relevant conditions have been subsequently discharged.

This application seeks to vary condition 2 of planning permission 15/01295/FULM to enable the revisions noted in the proposals section of this report – namely to House Types A and C. An application under Section 73 enables variations or removal of conditions to planning applications and is in effect a fresh planning application but should be determined in full acknowledgement that an existing permission exists on the site. Section 73 provides a different procedure for such applications for planning permission, and requires the decision maker to consider only the question of the conditions subject to which planning permission is requested. As such, the principle of the approved development cannot be revisited as part of this application.

It is noted that a number of respondents to this application are raising matters that deal with matters outside of this application and were matters considered as part of the original application 15/01295/FULM. It is therefore not within the legal remit of the Council to revisit these matters e.g. gradients for footpaths and junction arrangements. A number of residents also cite that the amendments should be considered under a Section 73 application, which this is. For clarification there have been a number of layout plans submitted during the course of this application’s consideration, with the latest drawing being drawing number 37049-AJA-00-SL-DR-A-99101 rev P10. This shows the access arrangements as approved under the 2015 application. The

determination of this application would therefore not prejudice the Inspector in their decision making for the outstanding appeal in progress.

For clarity, there are a number of plans submitted which relate to other House Types across the site as well as alterations to the parking area to the rear of Plots 30-33. However, these were not explicitly referred to within the Application Form and have not formed part of the description of this development, and thus have not been consulted upon. It is noted from comments from residents that these amendments have been noted by some respondents. However, as they do not form part of the description, they are not forming any part of the consideration of this application and will not form any part of the decision notice if Members are minded to approve the scheme.

As the 2015 permission is extant, the principle of development is considered acceptable and cannot be revisited. This application therefore requires an assessment of issues specific to it, namely:

- (1) Whether the proposed change to House Types A and C are acceptable;
- (2) Whether the impact of the changes to House Types A and/or C raise other considerations – such as a change to surface water management; parking provision; compliance with Southwell Neighbourhood Plan.

Whether the Proposed Changes to House Types A and C are Acceptable

House Types A (Plots 01-12) are located to the southern boundary of the site, virtually at its centre, and are set over 47 metres away from the nearest neighbours on Halloughton Road and approximately 22.5 metres from Springfield House.

The approved dwellings were approximately 10.8m width, 8.5m depth and 8.6m height. The proposed dwellings would be 10.8m width, 10.6m depth and 8.4m height. The difference in depth results in the dwellings being slightly closer (by 2m) to Springfield House. However, with a distance of 22.5 metres being retained, it is not considered that overlooking from windows in the rear elevations would result in any loss of privacy over that previously considered. It is also not considered that there would be any overbearing impact as a result of this change.

In relation to design features, the approved dwellings had one chimney per dwelling. The proposal has reduced this to two (per four dwellings) and has also sited them slightly closer to the end-facing gables. These changes are considered to be relatively minor and do not affect the overall appearance of this House Type or the development as a whole.

Whilst the depth of the dwellings would increase, the number of bedrooms does not change (being 6 x 2 and 6 x 3) and therefore consideration to parking and the Housing Needs Survey, Southwell Neighbourhood Plan and Core Policy 3 do not apply, having been considered as part of the 2015 application.

House Type C (Plots 19-23) are situated to the south-western corner of the site and comprise 5 dwellings. These are subject to a greater change than House Type A. The approved dwellings comprise link-detached dwelling whereas the proposal is for detached properties. Both the approved and proposed dwellings show 3 bedrooms, although the proposed are larger.

In terms of floor areas, the approved measure approximately 11.5m width, 12m depth and a

maximum height of 9.2m. The proposed would measure approximately 9.4m width, 9.9m depth and 8.2m height. However, notwithstanding these figures, the proposed have a greater floor area due to the approved being more of an L-shape and the proposed being more square. The proposed include a utility room at ground floor where previously no development was proposed. At first floor, accommodation is proposed above the garage where none was previously.

These changes, like House Type A, results in no changes to the number of bedrooms although they would all be doubles, as opposed to 1 double and 2 singles. Therefore like House Types A, parking requirements remains the same. Nottinghamshire County Council as Highway Authority raise no objections. As before, consideration to the Housing Needs Survey or Southwell Neighbourhood Plan is not required.

The design of these dwelling results in a more material change than those for Type A. The National Planning Policy Framework (NPPF), Policy DM5 of the Allocations and Development Plan Document (DPD) and Appendix 1 of the Southwell Neighbourhood Plan all require development to have a high design standard.

The approved dwellings were quite contemporary in their appearance whereas the proposed are more traditional in their appearance. The resulting development would provide 6 detached dwellings as opposed to link-detached. This change results in spacing between the dwellings at first floor being reduced from approximately 3.2m to between 1.0m and 0.9m. Although this change is quite significant, it needs to be considered in the context of not having gaps at ground floor previously, together with a more traditional design. On balance these changes are considered acceptable.

The other alteration is the removal of chimneys which the Conservation Officer observes would result in a better appearance if retained in order to break up the appearance. It is agreed that chimneys can assist in providing interest across roofscapes. However, the omission of chimneys to this part of the development is not considered to cause such sufficient harm that would warrant refusal of the application on this ground alone.

Overall it is considered that the changes would comply with national, local and neighbourhood plan policies. In relation to House Type A being larger, they would still be provided with sufficient outdoor private amenity space and the 2015 application removed permitted development rights in relation to both Classes A (Extensions) and E (Outbuildings) which are recommended should be re-imposed with this application. The amenity space would therefore be under the control of the Local Planning Authority.

Impact on the Character and Appearance of the Conservation Area, Setting of Listed Buildings and Southwell's Protected Views

The 2015 application considered the impact upon Southwell Conservation Area (CA) and listed buildings and was found to be acceptable. The changes proposed with this application are not considered to materially change the previous considerations in any way due to not being within the CA or directly adjacent to any listed buildings.

However, the site falls within the Southwell Protected Views boundary (So/Pv) which aims to ensure that development respects the wider setting and context of, amongst other assets, the landmark Grade I listed Minster and Grade II listed Church of Holy Trinity. This again, was considered in detail as part of the 2015 application. It is therefore necessary to consider whether

the changes to the House Types would alter this previous consideration.

House Type A, as discussed, would result in relative minor differences and therefore the previous considerations would apply. House Type C is more significant, resulting in gaps between the dwellings being more limited, but also a reduction in the height by approximately 1m. As with the previous application, it is important that the scale of the development is compatible with the surrounding area when seen from the southwest.

With regards to the Landscape Visual Impact Assessment submitted with the 2015 application and particularly Viewpoint 5, the topography of the site can be seen. Whilst the dwellings would have less of a gap at first floor, this would be off-set by the reduction in height of the dwellings. The question is whether the differences would compensate for one another and if not, whether they would result in such harm that the application should be refused.

It is anticipated that with consideration to Viewpoint 5 and the impact on the landscape of Springfield House, whilst acknowledging that this is at a slight lower level than House Type C that there will be impact but it would not be to the detriment of the importance of the views towards the listed buildings, most, notably Southwell Minster, a Grade I listed building. As such it is considered that the harm that would result from the changes is not significant and planning permission should not be withheld for this reason.

Flood Risk and Surface Water Management

Flooding and surface water management was considered as part of the original application and was found acceptable, subject to the imposition of conditions relating to this. Members will be aware that there has been considerable upset by existing residents regarding run-off resulting from the development. This is considered by a number of residents to demonstrate the surface water mitigation proposed as part of the discharge of conditions applications is not fit for purpose.

Numerous conversations have taken place between the Council, the developer and the Lead Local Flood Authority (LLFA). The LLFA are confident that the mitigation proposed as part of the 2015 application is acceptable and will mitigate the impacts of water arising from this site. However, it is not designed to, nor is there any legal or planning requirement for this development to mitigate the impact of water resulting from adjoining land and passing through the application site. There is therefore always likely to be some run-off coming through and off this site.

In relation to recent water coming from the site, there has been unprecedented rainfall across the region, which with the timing of the development is very regrettable. The developer has confirmed they have installed the drainage works within the site, however, for this to work, they need to connect to drainage within the highway. This will necessitate in works within the highway, such that the road will likely need to be closed. Details are not known whether this will be in full or part, but would be subject to approval from Nottinghamshire County Council. Members will also be aware of the two appeals that are under consideration by the Planning Inspectorate. Whilst the outcome is unknown, should they be dismissed, the developer would need to consider alternative access arrangements, which would also require approval by the Local Planning Authority. Notwithstanding the elements of the 'unknowns', it is likely if the appeal is dismissed that works would be required in the highway requiring the road to be closed. The developer considered that the impact of possibly closing the road twice would be more detrimental to neighbours and users of this highway than the existing problems and has therefore not undertaken the final step of the drainage requirements.

The development, by virtue of the increased ground floor area for both House Types results in a need for the drainage to be re-assessed. The applicant has provided updated Storm Sewer Design Calculations. These have been assessed by the Lead Local Flood Authority who confirm the proposals meet their required standards.

With regards to the neighbour comment that House Type C will flood, the proposal is not sufficiently different to that previously approved for flooding of these houses to be any more of an issue now than previously. Matters relating to flooding were previously considered and no concerns, subject to conditions were raised. Further consideration to this cannot therefore be undertaken.

The impact in relation to flooding and surface water is therefore considered acceptable.

Highways Matters

The Proposed Site Layout Plan has been amended a number of times during the consideration of the application for a number of reasons. These principally relate to the electricity meter and junction arrangements. These matters have been raised by a number of residents.

The Site Layout Plan under consideration shows the visibility splays as approved under the 2015 application, as opposed to some earlier plans which had annotated the splay with the dimensions currently under appeal. This change, as shown on drawing rev P10, will ensure that the developer, if planning permission is granted, does not circumvent the appeal process in having the constructed splays approved.

It also shows the omission of the electricity meter along the access road following discussions with the owner of the meter box who has agreed that this can be relocated. Agreement for this is outside of the planning process and therefore the Local Planning Authority is not privy to the discussions. Notwithstanding this, if the development and Site Layout Plan rev P10 is approved, it could only be implemented with the meter box relocated. Planning permission would therefore be required if it was to remain in its existing position.

Other matters

A number of other matters have been raised which have not been dealt with above. These are addressed below:

Revised plans are inaccurate – ignores right of way and layout plan is not that approved. This application seeks to have the proposed layout plan approved. Amendments to the layout plan are required in review of the changes to the House Types. The right of way is outside of the application site to the west. There is therefore no requirement for the applicant or LPA to consider this.

Halloughton Road is shown as being straight – the road is shown on the Site Location Plan as having bends and curves. Notwithstanding this, the changes relate to alterations within the site and if it had been shown as straight, this would not be crucial to the considerations with this application.

Land not owned by developer – the applicant has submitted Certificate B with the application and has provided a further updated Certificate B during the course of the application. It is understood the developer has therefore notified all parties with an interest in the land. The developer is

required to ensure that it has gained consent from all those with an interest in the land prior to undertaking development. This is a requirement for the developer and not the LPA.

Footpaths with steps and no ramps breaching Equality Act – Section 149 of the Equality Act 2010 sets out the Public sector equality duty. This requires a public authority to have due regard to the need to eliminate discrimination... achieve equality of opportunity between persons who share a relevant protected characteristic and those who do not. Comparing the external space of House Types A and C as approved, compared to those proposed they show no change in relation to any ramps or steps. No steps are shown for any of the dwelling's external space.

Application should not be decided whilst appeals being considered – this application is separate to the two applications under appeal with the considerations for this application not having any bearing on the appeals. This statement is therefore not substantiated.

Any application should take account of the Reach project – the Reach project has been submitted and is under consideration. The changes with this application do not affect the principle of the development previously granted. This application therefore does not need to consider the Reach project. The Reach project would however need to consider the approval of the dwellings [across the wider site] in terms of matters such as overlooking etc.

Why are Council accepting applications when conditions have been ignored? – Planning law sets out when a LPA is able to decline to accept planning applications. Breaches of planning conditions do not fall within any of the reasons given. The LPA is therefore legally obliged to accept the application.

Increase in house type C goes against Southwell Neighbourhood Plan requirement for more affordable houses – the change to House Type C does not change the considerations given to affordable housing as part of the 2015 application. This secured, as part of the S106 Planning Obligation, two affordable dwellings. In addition, there is a requirement to provide 'Assisted Living Accommodation' as part of the Reach project. There is therefore no requirement to consider affordable housing further as part of this application.

Increase in house height will result in loss of protected views – the heights of both Types of dwellings have been measured and for both, the heights are reduced.

Increased landscaping is not acceptable as water flows through the site – this application is not considering any landscaping. Landscaping has been approved under application 19/00317/DISCON, condition 5.

Do not believe the Council will listen – matters raised by residents have been responded to within the body of the report or under this section. Whilst the recommendation might not be that which residents wish to read, representations have been considered and a response given.

Assessment of conditions

The Planning Practice Guidance is clear that any new permission should set out all conditions related to it unless they have been discharged and that it cannot be used to vary the time limit for implementation which must remain unchanged from the original permission. In this case as the development has begun, the time condition does not need to be re-imposed.

For ease of reference the conditions as originally imposed are listed in full below (in the recommendation section) with strikethrough text used to represent parts of the condition no longer required and **bolded text** used to indicate new wording. The conditions have been reworded where details have been provided through the discharge of conditions or revised plans, for further clarification is deemed appropriate.

Conclusion and Planning Balance

It should be noted that only the very narrow scope of the matters of varying the conditions imposed are open for consideration. The report provides a full discussion of the changes to House Types A and C and how they will impact upon the wider development as well as the sites wider setting. It is concluded throughout the discussion above that the proposal complies with national, local and the neighbourhood plan policies.

The 2015 application was also subject to a s106 Planning Obligation. It is therefore necessary, before this planning permission is issued, for a variation to be completed in order to tie the obligations originally secured as part of this proposal.

It is concluded that planning permission should be granted for the reasons given below and a variation to the S106 Planning Obligation.

Recommendation:

- (a) Planning permission is granted subject to the conditions set out below, and**
- (b) the execution of a deed of variation to the Section 106 Agreement to ensure the obligations still apply.**

Conditions

01

The development hereby permitted shall not be carried out except in complete accordance with the following approved plans and documents unless otherwise agreed in writing by the Local Planning Authority through the approval of a non material amendment to the permission.

Drawing No. 12/1889/LP Rev D Site Plan

Drawing No. ~~12/1889/101/Rev F~~ 37049-AJA-00-SL-DR-A-99101 Rev P10 - **Proposed Site Plan**

Drawing No. 12/1889/102/Rev A - proposed roofscape **insofar they relate to House Types, B, D, E and F**

~~Drawing No. 12/1889/103/Rev A - proposed street elevation~~

Drawing No. ~~12/1889/120/Rev A~~ 37049-AJA-01-ZZ-DR-A-99120 Rev P8- House type A

Drawing No. 12/1889/121/Rev A - House type B

Drawing No. 12/1889/122/Rev A - House type B

Drawing No. ~~12/1889/123/Rev A~~ 37049-AJA-03-ZZ-DR-A-99123 Rev P10- House type C

Drawing No. 12/1889/124/Rev A - House type D

Drawing No. 12/1889/125/Rev A - House type E

Drawing No. 12/1889/126/Rev A - House type F

Drawing No. 12/1889/05/Rev A - Springfield Bungalow Proposed ground floor layout

Drawing No. 12/1889/06/Rev A - Springfield Bungalow Proposed first floor layout

Drawing No. 12/1889/07/Rev A - Springfield Bungalow Proposed Elevation

Reason: So as to define this permission.

02

~~No development 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. The Development shall thereafter be~~ **The development hereby approved shall be carried out in accordance with the following external materials approved by the Local Planning Authority in correspondence dated 7th May 2019 under application ref. 19/00317/DISCON unless otherwise agreed in writing by the Local Planning Authority.**

Bricks--Butterley Forterra Woodside Mixture

Roof - traditional single clay pantile

Reason: In the interests of visual amenity.

03

~~No part of the development shall be commenced until details of the existing and proposed ground and finished floor levels of the site and approved building[s] and the extension to the bungalow have been submitted to and approved in writing by the local planning authority.~~

The development hereby approved shall be carried out in accordance with the ground and finished floor levels approved by the Local Planning Authority in correspondence dated 7th May 2019 under application ref. 19/00317/DISCON unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of residential and visual amenity.

04

~~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;~~

~~• means of enclosure;~~

~~• hard surfacing materials;~~

~~• minor artefacts and structures for example, furniture, refuse or other storage units, signs, lighting etc.);~~

~~• the planting and screening along the southern boundary with Springfield House shown within the site boundary edged in red on the revised site plan ref. 12/1889/LP Rev D~~

The development hereby approved shall be carried out in complete accordance with the details of hard and soft landscaping approved by the Local Planning Authority in correspondence dated 7th May 2019 under application ref. 19/00317/DISCON unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and biodiversity.

05

~~Before the development is commenced a landscape management plan shall be submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall include time periods for implementation, including long term objectives, management responsibilities and maintenance schedule for all landscape areas, other than privately owned, domestic gardens. Once the landscape management plan is approved in writing the approved landscaping shall be completed in accordance with the approved timescales, or such longer period as may be agreed in writing by the local planning authority.~~

~~No trees, shrubs or hedges within the site which are shown as being retained on the approved plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed without the prior consent in writing of 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 development hereby approved shall be carried out in accordance with the Landscape Management Plan produced by Influence Environmental Ltd ref. INF N0559 R01-RevA deposited on the 16th April 2019 and approved by the Local Planning Authority in correspondence dated 7th May 2019 under application ref. 19/00317/DISCON. No trees, shrubs or hedges within the site which are shown as being retained on the approved plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed without the prior consent in writing of 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.

Reason: To ensure the development conserves and enhances biodiversity on the site in accordance with the aims of Core Policy 12 of the Newark and Sherwood Core Strategy (2011 2019).

06

No part of the residential development hereby permitted shall be occupied until all associated drives and any parking or turning areas are surfaced in a hard bound material (not loose gravel) for a minimum of 2 metres behind the Highway boundary. The surfaced drives and any parking or turning areas shall then be maintained in such hard bound material for the life of the development.

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

07

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

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

08

The new shared private driveway serving Springfield Bungalow shall be laid out to a width of not less than 4.8 metres for at least 10 metres back from the nearside edge of carriageway and shall provide for vehicle parking and turning areas in accordance with the approved plan. The vehicle parking and turning areas shall not be used for any purpose other than the turning and parking of vehicles.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway and to ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems in the area; all in the interests of Highway safety.

09

No part of the Supported Living Units hereby permitted shall be brought into use until the new dropped vehicular verge crossing serving Springfield Bungalow is available for use and constructed in accordance with the Highway Authority specification to the satisfaction of the Local Planning Authority.

Reason: In the interests of Highway safety.

010

No part of the development hereby permitted shall be commenced until visibility splays of 2.4m x 43m (minimum) are provided at the junction with Halloughton Road.

Reason: In the interests of Highway safety.

011

No residential unit or 'supported living unit' hereby permitted shall be occupied until its associated private access/driveway/parking area is constructed with provision to prevent the unregulated discharge of surface water from the access/driveway/parking area to the public highway in accordance with details first submitted to and approved in writing by the LPA. The provision to

prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.

Reason: To ensure surface water from the site is not deposited on the public highway causing dangers to road users.

012

~~No part of the development hereby permitted shall be commenced until details of the drainage and outfall proposals for the new residential access road have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with these details to the satisfaction of the Local Planning Authority.~~

The development hereby approved shall be implemented in complete accordance and to the satisfaction of the Local Planning Authority with the details of the drainage and outfall proposals for the new residential access road as indicated on drg.no. HALL-BSP-ZZ-XX-DR-C-240-P2 approved by the Local Planning Authority in correspondence dated 7th May 2019 under application ref. 19/00317/DISCON. The development shall not be occupied until the drainage and outfall proposals, as approved, have been completed.

Reason: To ensure the development is constructed to adoptable standards.

013

~~Before the development is commenced drainage plans for the disposal of surface water and foul sewerage drainage and precise drainage design details in accordance with the Flood Risk Assessment dated July 2015 and the Flood Risk Assessment Addendum dated 18th December 2015 and the comments of the Nottinghamshire County Council Flood Authority have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with these details to the satisfaction of the Local Planning Authority. The development hereby approved shall be implemented in complete accordance with and to the satisfaction of the Local Planning Authority with the details of the drainage and outfall proposals for the new residential access road as indicated on drg.no. Drawing HALL-BSP-ZZ-XX-DR-C-240-P2 approved by the LPA in correspondence dated 7th May 2019.~~

The development hereby approved shall be implemented in complete accordance and to the satisfaction of the Local Planning Authority with the following drainage plans for the disposal of surface water and foul sewerage drainage and the precise drainage design approved by the Local Planning Authority in correspondence dated 7th May 2019 under application ref. 19/00456/DISCON. The development shall not be occupied until the approved details have been implemented.

- **Drainage Strategy produced by bsp Consulting dated 01/12/19**
- **Storm Sewer Design produced by bsp Consulting dated 04.03.19**
- **Additional correspondence dated 03/04/19 from bsp Consulting and Storm Water Design by bsp Consulting, dated 08/10/19**
- **Private Drainage Layout plan (bsp consulting) drg. ref. HALL-BSP-22-XX-DR-C-240 rev P2**

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with Core Policies 9 and 10 of the Newark and Sherwood Core Strategy DPD (2011) and Policy So/Ho/2 of the Newark and Sherwood Allocations and Development Management DPD (2013).

014

The drainage system on site shall be designed so that the positive discharge will be restricted to a maximum ~~of 5.7/s~~ **of 3.5 l/s in accordance with confirmation stated in correspondence deposited on the 8th March 2019** and connected to the public combined sewer in accordance with paragraph 3.9 of the Flood Risk Assessment Addendum produced by ACS and dated 28/10/15 revised 18/12/15.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with Core Policies 9 and 10 of the Newark and Sherwood Core Strategy DPD ~~2011~~ **2019**) and Policy So/Ho/2 of the Newark and Sherwood Allocations and Development Management DPD (2013).

015

There should be no surcharge of the pipes on a 1year storm. No surcharge in a 30 year storm and no flooding outside the site boundary in a 100 year +30 climate change storm.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with Core Policies 9 and 10 of the Newark and Sherwood Core Strategy DPD ~~(2011~~ **2019)** and Policy So/Ho/2 of the Newark and Sherwood Allocations and Development Management DPD (2013).

016

~~No development shall take place within the application site until a written scheme for archaeological mitigation has been submitted to and approved in writing by the Local Planning Authority.~~

~~Thereafter, the scheme shall be implemented in full accordance with the approved details.~~

The Written Scheme of Investigation produced by Locus Consulting Ltd dated 31/01/2019 approved by the Local Planning Authority in correspondence dated 7th May 2019 shall be implemented in full accordance with the approved details under application ref. 19/00317/DISCON.

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

017

Removal of vegetation (including any trees to be removed following confirmation and approval of precise details through a reserved matters application) should not take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in

place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority prior to removal of any such vegetation and once approved all works shall be in accordance with these details.

Reason: In the interests of protecting ecology on the site in accordance with the aims of Core Policy 12 of the Newark and Sherwood Core Strategy ~~2011~~ **2019**.

018

~~Before development is commenced detail of methods to protect trees and hedgerow within and adjacent to the development in accordance with 855837:2012 as well as a proposed timetable for these measures to be retained shall be submitted to and approved in writing by the Local Planning Authority. Once approved in writing the agreed protection measures shall be put in place prior to commencement of development and shall be retained in accordance with the agreed timetable.~~

The tree and hedgerow protection measures including timetable for these measures to be retained shall be implemented in full accordance with the Arboriculture Method Statement produced by Influence Environmental (ref. RSE_2057-01-V2) and Tree Protection Plan (Drg, ref. RSE_2057-7PP Revision-V2) approved by the Local Planning Authority in correspondence dated 7th May 2019 under application ref. 19/00317/DISCON.

Reason: To ensure that existing trees and hedges to be retained are protected, in the interests of visual amenity and nature conservation in accordance with the aims of Core Policy 12 **of the Newark and Sherwood Core Strategy 2019**.

019

Before development is commenced the Poplar Tree identified as being within G3 in Appendix 1 of the Tree Survey prepared by Chris Barker and dated 11th November 2015 shall be checked for the presence of roosting bats in accordance with the recommendations of the Ecological Appraisal and letter prepared by CBE Consulting dated 9th November 2012 and 5th January 2015.

Reason: In the interests of protecting ecology on the site in accordance with the aims of Core Policy 12 of the Newark and Sherwood Core Strategy ~~2011~~ **2019**.

020

~~Before development is commenced precise details of ecological enhancement and mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. These shall include details of:-~~

- ~~• A Habitat Management Plan~~
- ~~• Proposed grassland seed mix for the proposed wildflower meadow and the Square~~
- ~~• Fencing to allow the passage of small mammals~~
- ~~• Enhancement of swales to benefit wildlife, by providing areas of continuous standing water and appropriate planting of native species of a local provenance.~~
- ~~• Installation of bird and/or bat boxes on retained trees.~~
- ~~• Native species proposed for the planting of native woodland~~

The details of ecological enhancement and mitigation measures contained within the Habitat and Ecological Management Plan produced by Influence Environmental Ltd ref. RSE_2057-02-V1 dated January 2019 and approved by the Local Planning Authority in correspondence dated 7th May 2019 shall be fully implemented in accordance with the approved details under application

ref. 19/00317/DISCON. These approved enhancement and mitigation measures shall be implemented on site prior to first occupation unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of protecting ecology on the site in accordance with the aims of Core Policy 12 of the Newark and Sherwood Core Strategy ~~2011~~ **2019**.

021

Management of hedgerows should be undertaken in an ecologically sensitive manner. Only one third of (the total length of) hedgerows onsite should be cut each year, on a three year rotation. These should be cut in January/February, outside of the bird breeding season, and to allow wildlife to utilise the winter berry crop. Cutting hedgerows into an "A" shape will prolong the life of the hedgerow and create denser cover for wildlife.

Reason: In the interests of protecting ecology on the site in accordance with the aims of Core Policy 12 of the Newark and Sherwood Core Strategy ~~2011~~ **2019**.

022

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) **(England)** Order ~~1995~~ **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 dwelling house, 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 D: The erection or construction of a porch outside any external door of a dwellinghouse.

Class E: Development within the curtilage of a dwellinghouse .

Or Schedule 2, Part 2:

Class A: The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure.

Class B: Means of access

Class C: The painting of the exterior of any building

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

Reason: To ensure that any proposed further alterations or extensions are sympathetic to the original design and layout in this sensitive location.

023

Within 56 days of the date of this permission, the existing footway gradient shall be reconfigured to provide a maximum gradient of 1 in 12 as shown on drawing 37049-BSP-ZZ-XX-DR-C-101 Rev P3 deposited on the 10th July 2019. Any damage to the existing kerb edging, footway surface and tactile paving be re-instated to the original specification as shown on approved drawing HALL-BSP-ZZ-XX-DR-C-100 Rev 6.

Reason: In the interest of highway and pedestrian safety

Note to Applicant

01

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 2010 2015** (as amended).

02

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

03

Severn Trent Water have advised that there is a public sewer located within the application site. Public sewers have statutory protection by virtue of the Water Industry Act 1991 as amended by the Water Act 2003 and you may not build close to, directly over or divert a public sewer without consent. You are advised to contact Severn Trent Water to discuss your proposals. Severn Trent Water will seek to assist you in obtaining a solution which protects both the public sewer and the proposed development.

BACKGROUND PAPERS

Application case file.

15/01295/FULM

For further information, please contact Lisa Hughes or Julia Lockwood on ext 5865 or 5902 (respectively)

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 - 19/01475/S73M



