

Application No:	15/01295/FULM	
Proposal:	Proposed residential development of 38 dwellings and conversion and extension of existing residential property to form 12 supported living units.	
Location:	Springfield Bungalow Nottingham Road Southwell Nottinghamshire	
Applicant:	Mr Christopher Holroyd and Mr Steve Shatwell	
Registered:	24th July 2015	Target Date: 23rd October 2015
	Extension of Time Agreed in Principle	

Members may recall that this application was presented to planning Committee on the 7 June 2016. Members resolved to grant planning permission in accordance with officer recommendation and to delegate the approval of conditions to the Matt Lamb the Growth and Regeneration Business Manager in consultation with Councillor Blaney and Councillor Handley and.

A meeting was held on the 30th June 2016 between Matt Lamb, Councillor Blaney and Councillor Handley where the wording of the conditions to be attached to the planning permission was agreed as follows.

Subsequent to the meeting the applicant has advised that they remain concerned with issue of when and how the access to the market units can be commenced. On the one hand the applicant is keen to implement in order to finally resolve land ownership disputes between parties regarding the ability to construct the access and particularly the visibility splays. On the other hand an implementation of the site access pursuant to this planning permission would trigger the CIL charge. Accordingly the applicant has suggested a revised condition 1 such that consideration of the residential access would not trigger CIL, rather it would only be future subsequent development.

Recommended condition by the applicant:

"The development hereby approved shall be carried out in accordance with the following phasing arrangements:

Phase 1 The physical provision to Highway adoption standards of the amended existing vehicle access for a minimum of 5.0 m back from the existing carriageway edge and its required visibility splays onto Halloughton Road

Phase 2 The submission and satisfactory discharge of all other relevant pre-commencement conditions

Phase 3 The implementation of the approved residential scheme.

REASON

To ensure the satisfactory provision of highway arrangements and to permit a phased development whereby non CIL attracting elements are able to be commenced in advance of full CIL liability, in the interests of highway and pedestrian safety and to ensure delivery of the allocated residential site."

Whilst I am sympathetic in principle to the need to resolve the ability to physically construct the access I must advise that it is not for the Local Planning Authority to frame a planning permission to enable what is essentially a land ownership issue to be resolved. Further, it would be perverse in my view to allow a residential access to be implemented without any guarantee that the dwellings themselves would follow. As Members will be aware one cannot make a developer built out. The agent has been advised that one way this matter could be addressed is by a separate and stand along planning application for works on land in dispute, or if they feel such works do not require a consent to obtain a Certificate of Lawful Development. This could then be implemented in isolation of any CIL trigger on this development (providing the applicant made clear that they were not constructing pursuant to this planning permission).

Given the above officers would not recommend any changes to the conditions already agreed between the Business Manager and Councilors Handley and Blaney as follows:

01

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

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

02

The development hereby permitted shall not be carried out except in complete accordance with the following approved plans 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 C Site plan

Drawing No. 12/1889/101/Rev E – Revised site layout received 22nd February 2016

Drawing No. 12/1889/102/Rev A – proposed roofscape

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

Drawing No. 12/1889/120/Rev A – 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 – House type C

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

Drawing No. 12/1889/125/RevA – Housetype E

Drawing No. 12/1889/126/RevA – Housetype 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

03

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. Development shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Facing materials

Bricks

Roofing tiles

Reason: In the interests of visual amenity.

04

No part of the development 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 shall be carried out thereafter in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of residential and visual amenity.

05

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 site plan ref. 12/1889/LP C

Reason: In the interests of visual amenity and biodiversity

06

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.

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).

07

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.).

08

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.

09

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.

10

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.

11

No part of the **residential** 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.

12

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.

13

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.

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

14

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.

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).

15

The drainage system on site shall be designed so that the positive discharge will be restricted to a maximum of 5.7/s and 69RU:ReRteEt 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) and Policy So/Ho/2 of the Newark and Sherwood Allocations and Development Management DPD (2013).

16

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 00year +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) and Policy So/Ho/2 of the Newark and Sherwood Allocations and Development Management DPD (2013).

17

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.

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

18

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.

19

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.

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.

20

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.

21

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

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.

22

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.

23

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (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 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.



## Informatives

01

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

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

02

The applicant is advised that the decision notice should be read in association with the legal agreement made under Section 106 of the Town and Country Planning Act 1990

03

All bat species are protected by the Wildlife and Countryside Act 1981 (as amended) and the Conservation (Natural Habitats, &c.) Regulations 1994. This legislation makes it illegal to intentionally or recklessly kill, injure or disturb any bat, or destroy their breeding places. If bats are disturbed during the proposed works, the legislation requires that work must be suspended and Natural England notified so that appropriate advice can be given to prevent the bats being harmed. Natural England can be contacted on 0300 060 3900

04

Nesting birds are protected by the Wildlife and Countryside Act 1981 (as amended). It is an offence to intentionally or recklessly kill, injure or take any wild bird; take, damage or destroy its nest whilst in use or being built; and/or take or destroy its eggs. Normally it is good practice to avoid work potentially affecting nesting birds during the period 1st March to 31st August in any year, although birds can nest either side of this period.

05

The developer is advised that working methods will need to follow best practice regarding badgers and mammals.

06

Your attention is drawn to the attached comments of the Nottinghamshire County Flood Authority date received 6/1/2016

07

This permission shall not be construed as granting rights to carry out works on, under or over land not within the ownership or control of the applicant.

Matt Lamb	Councillor Paul Handley Vice Chair	<del>Councillor R Blaney</del>
D Z-L11 g l{;	Date 6-9-16	Date 6/9/2016

BACKGROUND PAPERS

Application case file. 15/01295/FULM

For further information, please contact Bev Pearson on ext 5840.

All submission documents relating to this planning application can be found on the following website [www.newark-sherwooddc.gov.uk](http://www.newark-sherwooddc.gov.uk).

Kirsty Cole  
Deputy Chief Executive