



Bassetlaw
DISTRICT COUNCIL
— North Nottinghamshire —

Mr Carl Forman
For-Ward Planning Consultancy Ltd
45 Newbridge Hill
Louth
LN11 0NQ

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

Application For: Full Planning Permission

NOTICE OF DECISION

Application No: 21/00717/FUL

Applicant: Messrs Tony and Jason Millard and Mclennon

Agent: Mr Carl Forman

Proposal: Erect Six Detached Dwellings with Associated Garages and Construct Vehicular and Pedestrian Access

Site Address: Land To South East Of Blue Bell Inn Low Street East Drayton Retford Nottinghamshire

The Council have considered the application and hereby **GRANT PLANNING PERMISSION** subject to the conditions which have been imposed for the reasons set out below:

CONDITIONS:

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development hereby permitted shall be in accordance with details and specifications included on the submitted application form and shown on the following approved plans:
 - Existing Site Plan received 28 May 2021;
 - Proposed Master Plan received 03 December 2021;

- Swept Path Analysis, drawing No. 403.11658.00001.001.2, received 18 March 2022;
- House Type 01, received 05 May 2021;
- House Type 02, received 05 May 2021;
- House Type 03 Rev. 02, received 18 February 2022;
- House Type 04, received 05 May 2021;
- House Type 05, received 05 May 2021;
- House Type 06 Rev. 1, received 03 December 2021;
- Double Garage Type 1A Rev. 1, received 03 December 2021;
- Double Garage Type 2 Rev. 1, received 03 December 2021;
- Double Garage Type 3 Rev. 1, received 03 December 2021;
- House Type 3 Cross sections, received 11 February 2022.

Reason: To ensure the development takes the agreed form envisaged by the Local Planning Authority when determining the application and for the avoidance of doubt.

3. Before any construction occurs above damp proof course (DPC) level, samples of all new brick/stone to be used in the development hereby permitted shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out only in accordance with the agreed brick/stone details.

Reason: To ensure the development preserves the character and appearance of the Conservation Area.

4. Before any construction occurs above damp proof course (DPC) level, details of the brick bond(s) to be used on the new buildings hereby permitted shall be submitted to and agreed in writing by the Local Planning Authority. The completed development shall only be in accordance with the agreed brick bond(s).

Reason: To ensure the development preserves the character and appearance of the Conservation Area.

5. Before the windows and doors hereby approved are installed, details of their material, design, specification, method of opening, method of fixing and finish, in the form of drawings and sections of no less than 1:20 scale, shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out only in accordance with the agreed details.

Reason: Inadequate details of these matters have been submitted with the application and to ensure the development preserves the character and appearance of the Conservation Area.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or and order revoking or re-enacting that order), no dormer windows, roof lights (other than those approved as part of this development) or solar panels shall be placed on roofs of the buildings hereby permitted, without the prior approval of the Local Planning Authority.

Reason: The site is prominently located within the East Drayton Conservation Area. The unsympathetic extension or alteration to the approved building(s) may cause harm to the character and appearance of the Conservation Area.

7. No dwelling shall be occupied until such time as the access and parking area to that dwelling has been provided in a bound material (not loose gravel) and which shall be drained to prevent the unregulated discharge of surface water onto adjacent roads and footways.

Reason: To ensure appropriate access and parking arrangements are available.

8. Prior to the five plots south of the vehicle turning head being occupied a hard surfaced communal bin store shall be provided adjacent the turning head in accordance with details first submitted to and approved by the local planning authority.

Reason: To ensure bins do not obstruct the footway or shared private drive in the interest of highway safety.

9. Each dwelling shall not be occupied until an EV fast charging point has been installed for that dwelling (minimum specification - 7w Mode 3 with Type 2 connector, 230v AC 32 Amp single phase dedicated supply) in accordance with details and a location to be first submitted to and approved by the Local Planning Authority.

Reason: To comply with paragraph 112 of the Nation Planning Policy Framework and in the interest of sustainable transport.

10. No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The Statement shall include:

- i) parking for site operatives and visitors;
- ii) loading and unloading areas for plant and materials;
- iii) areas for the storage of plant, materials, and waste associated with the construction of the development.

The designated areas shall be in place on commencement of development and the approved Construction Method Statement shall be adhered to throughout the site clearance and construction period.

Reason: In the interest of highway safety during construction.

11. Prior to any dwelling being occupied the visibility splays detailed on plan reference 403.11658.00001.001.2 shall be provide. Nothing shall be planted, erected or be allowed to grow on the areas of land so formed that would obstruct visibility from a height 0.6m above carriageway level, and the visibility splays shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.

Reason: In the interest of highway safety.

12. No one phase of development shall be commenced until details of the proposed arrangements and plan for future management and maintenance of the proposed streets including associated drainage contained within that phase of development have been submitted to and approved by the District Council. The streets and drainage shall for the lifetime of the development be maintained in accordance with the approved private management and maintenance details unless an agreement has been entered into under section 38 of the Highways Act 1980 at which point those streets covered by the agreement will not be subject to the approved management and maintenance details.

Reason: To ensure that the road infrastructure is maintained to an appropriate standard.

13. No dwellings within each phase of the development shall be occupied until the streets and footways affording access to those dwellings have been completed up to binder course level and are street lit.

Reasons: To ensure that the roads serving the development are sufficiently completed and are available for use by the occupants and other users of the development in the interest of highway safety.

14. All vehicles preparing to leave the site during the construction period shall have their wheels thoroughly washed should they be displaying signs of mud or debris and a mechanically propelled road sweeper shall be employed should mud or debris be transported onto the public highway.

Reason: To minimise the exportation of mud and debris onto the public highway and to ensure that this is appropriately dealt with in the interest of highway safety.

15. Development shall not commence until a LCRM Stage 1 Risk Assessment has taken place and, if required a Stage 2 Option appraisal has been carried out to identify the nature and extent of any contamination at the site. The site investigation report shall include a risk assessment to assess the risks to the environment and to human health resulting from any contamination present at the site.

Stage 3 remediation and verification measures identified by the investigation shall be carried out before the use of the site/ the occupation of the buildings hereby permitted, commences. The report shall be agreed in writing by the Local Planning Authority. In order to comply with the above condition, the proposal should comply with Land Contamination: risk management guidance found at <https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks> " and 'BS 10175:2011+A2:2017 Investigation of potentially contaminated sites- Code of Practice".

Reason: To ensure that the site, when developed, is free from contamination, in the interests of safety.

16. A scheme and timetable for tree planting on and landscape treatment of the site shall be submitted to and agreed in writing by the Local Planning Authority before development commences. This scheme shall include replacement planting for the 3 ash tree removed at the site entrance, in the form of 3 extra heavy standard trees. The agreed scheme shall be fully implemented within nine months of the date when the last dwelling on the site is first occupied. Any trees or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees or shrubs of a size and species similar to those originally required to be planted.

Reason: To ensure the satisfactory overall appearance of the completed development and to help assimilate the new development into its surroundings.

17. Development shall not commence until such time as full details of the manner in which foul sewage and surface water are to be disposed of from the site have been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Reason: To ensure that the site is drained in a satisfactory manner.

18. The development shall be carried out only in accordance with the Mitigation Recommendations contained in Part 6.1 of the Bat Scoping Survey authored by Udall-Martin Associates Ltd, March 2021.

Reason: To ensure adequate protection of any identified bat habitat.

19. No development shall commence above damp proof course level (DPC) until a scheme for the provision of bird and bat boxes units within the development has been submitted to and agreed in writing with the Local Planning Authority. The approved bird and bat boxes shall be completed and available before the dwellings hereby permitted are first occupied.

Reason: To ensure that the optimal benefits of biodiversity are achieved.

20. Development shall not commence above damp proof course level (DPC) until a scheme for the treatment of the all the boundaries of the site has been submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be fully implemented before the occupation of the dwellings hereby permitted.

Reason: To ensure the satisfactory, overall appearance of the completed development.

NOTES

1. The applicant is advised that all planning permissions granted on or after the 1st September 2013 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website at www.bassetlaw.gov.uk/everything-else/planning-building/community-infrastructure-levy

It is the Council's view that CIL MAY BE PAYABLE on the development hereby approved as is detailed below. If CIL IS LIABLE 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, extension or annex you may be able to apply for relief from CIL. Further details about CIL are available on the Council's website:

www.bassetlaw.gov.uk/everything-else/planning-building/community-infrastructure-levy

or from the Planning Portal:

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

2. The Council have granted this permission / consent subject to conditions which are considered essential. Where conditions require the agreement of certain details this agreement should be the subject of an application for those conditions to be discharged. Where conditions require agreement of any matter prior to certain works being carried out, the 'Discharge of Condition' application should be submitted and the conditions discharged before those works are carried out on site. FAILURE TO DO SO COULD INVALIDATE THE PLANNING PERMISSION. The Council reserve the right to refuse permission for the retention of development not carried out in accordance with the conditions and to take enforcement action to secure compliance with the conditions.

Your right to appeal to the Secretary of State for the Environment against any condition is indicated on the reverse side of the decision notice.

3. Section 38 Agreement (Highways Act 1980)

The Advanced Payments Code in the Highways Act 1980 applies and under section 219 of the Act payment will be required from the owner of the land fronting a private street on which a new building is to be erected. The developer should contact the Highway Authority with regard to compliance with the Code, or alternatively to the issue of a Section 38 Agreement and bond under the Highways Act 1980. A Section 38 Agreement can take some time to complete. Therefore, it is recommended that the developer contact the Highway Authority as early as possible.

Please email hdc.north@nottsc.gov.uk to discuss the necessary highways legal agreements.

It is an offence under S148 and S151 of the Highways Act 1980 to transfer or deposit mud and debris on the public highway. The applicant must make every effort to prevent this occurring.

STATEMENT

The Local Planning Authority has worked positively and proactively with the applicant to seek solutions to problems arising from the application and as such planning permission/consent is granted on the basis of amendments to the originally submitted application.

Date: **7 April 2022**



John Krawczyk
Planning Development Manager
Authorised Officer on behalf of Planning Services
Bassetlaw District Council

Note: Attention is drawn to the Notices attached

Grant of Planning Permission

Application Number: 21/00717/FUL

This permission/approval/consent is given only under the Town and Country Planning Acts. It does not give approval under the Building Regulations.

If you are aggrieved by the decision of the District Planning Authority to grant permission/approval/consent subject to conditions, then you can appeal to the Secretary of State for the Environment.

If you want to appeal and your application was not for *householder development, then you must do so within six months of the date of this notice, using a form which you can get from The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN. An appeal in respect of an advertisement application must be made within eight weeks.

If you wish to appeal for a *householder development, you must do so within 12 weeks of the date of this notice.

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions of the development order and to any directions given under the order.

In practice, the Secretary of State does not refuse to consider the appeals solely because the local planning authority based its decision on a direction given by him.

If either the District Planning Authority or the Secretary of State for the Environment grants permission/approval/consent subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonable beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on the Council. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990 or Section 32 of the Planning (Listed Buildings and Conservation Areas) Act, 1990.

In certain circumstances compensation may be claimed from the local planning authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him.

These circumstances are set out in Section 114 and related provisions by the Town and Country Planning Act 1990 and Section 27 of the Planning (Listed Buildings and Conservation Areas) Act, 1990.

* Householder application means – (a) an application for planning permission for development of an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse or (b) an application for any consent, agreement or approval required by or under a planning permission, development order or local development order in relation to such development, **but does not include** – an application for change of use; an application to change the number of dwellings in a building.

Other Acts and non-planning legislation may apply for example Right to Light or Party Wall Act etc. 1996, it is your responsibility to comply.