

PLANNING COMMITTEE – 27 APRIL 2021

Application No:	20/02410/OUTM	
Proposal:	Demolition of all existing buildings and replacement with new facility. To include 20 temporary accommodation units, and 1 communal building. Access to be relocated and footpath to be improved.	
Location:	Seven Hills Temporary Accommodation, Quibells Lane, Newark On Trent, NG24 2FE	
Applicant:	Newark & Sherwood District Council	
Agent:	Guy St John Taylor Associates Architects Ltd	
Registered:	08 December 2020	Target Date: 09 March 2021 Extension of time: 18 June 2021
Link to Application Documents:	https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=QKYRVLLBKT800	

This application is being presented to the Planning Committee in line with the Council's Scheme of Delegation due to Newark and Sherwood District Council being the Applicant.

The Site

The 0.77Ha site relates to a site containing temporary accommodation located within the urban area of Newark approximately 1km north of the town centre. The site forms part of the Housing Site 2 (Policy NUA/Ho/2) allocation within the Allocations and Management DPD.

The site is accessed to the south of Quibells Lane and contains a car park adjacent to its frontage. A warden's house is located adjacent to the car park area and the temporary accommodation predominantly consisting of a single story linear building, which wraps around the site to form a circular shape. Two mature trees are located adjacent to the site frontage and a wooded area is located to the rear of the site. A courtyard area within which pedestrian access to all of the accommodation is provided is within the central courtyard area of the site.

A public right of way runs along the eastern boundary of the site and connects to Hatchets Lane to the south. The rear gardens of residential properties located along Wolsey Road back onto this right of way. Residential properties along Hatchets Lane including those currently under construction under application no 21/00249/S73 are located to the south. Grassed areas/fields are located to the north and west of the site with the East Coast Mainline located approximately 60 metres to the south west of the site. An earth bund is located along the east boundary of the site. A freight business is also located at the bottom of Quibell's Lane to the west of the site.

In accordance with Environment Agency flood zone mapping the majority of the site is located in Flood Zone 2.

Relevant Planning History

01891483 Accommodation for homeless – 30 bedsits, warden house, stores and communal facilities – permission 08.01.1990

01880968 Erection of 42 houses, garages and associated engineering works – permission 08.03.1989

0181259 Housing development – permission 09.06.1981

The Proposal

The application seeks outline planning permission with all matters reserved apart from access for the demolition of the existing temporary accommodation comprising 29 units (some of which have already been decommissioned) and replacement with a new facility comprising 20 units and 1 communal building. The site would also have a reception, staff office, meeting room, community room, laundry facility, stores/garaging and an outside play area. The accommodation would be constructed using modular methods of construction (MMC).

The access to the site would be repositioned further to the west of the site. Amended plans have been received during the lifetime of the application to increase the number of proposed parking spaces to 11.

The application is accompanied by the following:

- Tree Survey
- Preliminary Ecological Appraisal
- Drainage Feasibility Assessment Feb 2021
- Design and Access Statement Nov 2020 by Guy Taylor Associates
- Archaeological Desk Based Assessment
- Parking Statement Date 28/01/2021
- Noise Assessment Date 03/03/2021
- 00 100 Site Location Plan
- 19 101 Rev C Proposed Site Plan
- 19 100 Existing Site Plan
- 03 301 Proposed Sketch Floor Plans 1 Storey
- 03 201 Proposed Sketch Floor Plans 2 Storey

Departure/Public Advertisement Procedure

Occupiers of 33 properties have been individually notified by letter. A site notice has displayed near to the site and a press notice has been published.

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 6	Infrastructure for Growth
Spatial Policy 7	Sustainable Transport

Spatial Policy 8	Protecting and Promoting Leisure and Community Facilities
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
NAP1	Newark Urban Area

Allocations & Development Management DPD (adopted July 2013)

Policy DM1	Development within Settlements Central to Delivering the Spatial Strategy
Policy DM2	Development on Allocated Sites
Policy DM5	Design
Policy DM7	Biodiversity and Green Infrastructure
Policy DM10	Pollution and Hazardous Materials
Policy DM12	Presumption in Favour of Sustainable Development
Policy NUA/Ho/2	Newark Urban Area – Housing Site 2

Other Material Planning Considerations

National Planning Policy Framework (NPPF) 2019
National Planning Practice Guidance (NPPG) Online Resource

Consultations

Newark Town Council: No objection.

Environment Agency – The site is located fully within flood zone 2 and therefore the LPA can apply national flood risk standing advice (FRSA) in this instance.

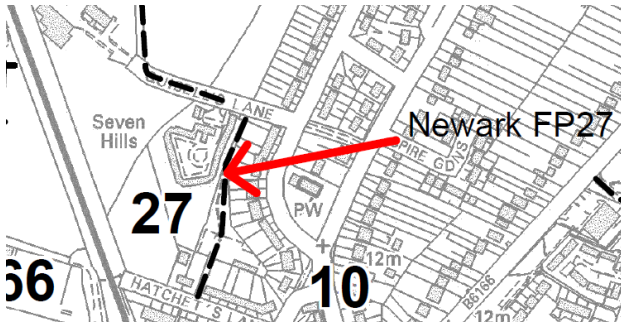
Cadent Gas – No objection as the Intermediate and high pressure gas pipelines in the area would not be affected by the application.

Severn Trent Water – no comments received.

Trent Valley Internal Drainage Board – no objection.

NCC Highways Authority (Highway Safety) – The applicant has submitted an amended drawing ref. job no. 812.492.15, drawing no. (19)101 rev. C, titled: Proposed Site Plan (Indicative), dated November 2020 and a Parking Statement explaining the proposed levels of off-street parking. On the basis of the available information, the Highway Authority is content with the proposed development subject to a condition relating to the new access design. In coming to this conclusion, the Authority has considered issues of highway access, capacity and safety, parking, servicing and sustainability.

NCC Public Rights of Way: Newark Public Footpath No. 27 and Newark Public Footpath No.48 (which runs along Quibbells Lane west beyond the adopted highway portion) are in the vicinity of the proposal.



Extract of the working copy of the Definitive Map

The Right of Way Team do not object to the proposed redevelopment however it appears the proposal requires a slight diversion to the line of the Public Footpath. We welcome the applicant's proposal to improve the Public Footpath, details of any surface treatment and path improvements should be controlled by condition.

We also welcome the proposal to reduce the height of the hedgerow to 1m which will improve the feel of the footpath in terms of feeling safer to use. Ongoing hedgerow maintenance should be included in any future grounds maintenance management plan as it will need trimming back regularly to prevent it interfering or obstructing the use of the Right of Way.

We require the applicant to clarify the proposal of lighting the Public Footpath to improved security with regard to the ongoing maintenance. This is not something the Rights of Way Team will take on.

NCC Lead Local Flood Risk Authority – No objection subject to a condition requiring the submission of a detailed surface water drainage scheme.

NSDC Environmental Health (Reactive) – *Comments received 12.03.2021 (following receipt of Noise Assessment):*

No objection subject to further calculations to confirm the window spec once the design has been finalised.

Comments received 23.12.2021: Noise survey required by planning condition to ensure that appropriate internal and external noise levels can be achieved to guarantee the amenity of the future occupants in relation to the close proximity of the railway line and freight business.

NSDC Archaeology Officer - The potential to encounter archaeological remains on this site is low due mainly to existing disturbance and limited evidence noted in the HER. I've therefore recommended that there is no objection on archaeological grounds to the current proposals and no further archaeological input is required.

NSDC Tree Officer – no objection subject to conditions relating to tree protection.

No letters of representation have been received from neighbours/interested parties.

Comments of the Business Manager

The Principle of Development

The National Planning Policy Framework promotes the principle of a presumption in favour of sustainable development and recognises that it is a duty under the Planning Acts for planning applications to be determined in accordance with the development plan.

The proposal site is located in Newark, a Sub Regional Centre, allocated for development in the Core Strategy (adopted 2019) under Spatial Policy 1 and Spatial Policy 2. The site forms Housing Site 2 as identified in Policy NUA/Ho/2 of the Allocations and Development Management DPD (adopted 2013) for around 86 dwellings. This policy requires:

- The preparation of an appropriate Transport Assessment by the applicant, including improvements to Quibells Lane to adoptable standard, forming part of any planning application;
- The preparation of a Site Specific Flood Risk Assessment by the applicant forming part of any planning application;
- Provision of an appropriate landscaping scheme submitted as part of any planning application to screen the site from the East Coast Main Line;
- Developer contributions towards the elimination of the foot crossing across the East Coast Main Line at Hatchets Lane secured through the planning application process; and
- The investigation of potential archaeology on the site and any necessary post-determination mitigation measure secured by condition on any planning consent reflecting the high archaeological potential of the site.

The policy also states that development of the site should only occur once the Council has made suitable alternative provision for the existing homeless hostel in line with the requirements of Spatial Policy 8.

The site forms a small part of the NUA/Ho/2 allocation. As part of the review of the Allocations and Development Management DPD, I have been advised by Planning Policy colleagues that they are aware of changes in the deliverability of the allocation as currently proposed insofar as the allocation would need to be reduced in size as consideration was being given to replacing the homeless accommodation on site rather than relocating it. This application is for the replacement of the facility on site and would result in the area available for housing being reduced.

Whilst these amendments to the allocation policy are already in the public realm, they have yet to progress to a more formal stage where they can be given significant weight in the overall planning balance. As the Homeless Hostel is a Sui Generis use as opposed to new dwellings required by the policy, the proposed development is considered to represent a departure to the Development Plan. However, the current use is a vital facility and its replacement in situ would provide more suitable accommodation than is currently available. In addition, sufficient allocations remain in the Plan to provide for well in excess of the minimum housing requirement over the Plan period and the LPA is confident of a robust five year land supply. Amendments to the policy to reflect this will likely occur through the review of the A&DM DPD.

The proposed replacement of the existing facility would also be in accordance with the aims of Spatial Policy 8 as it seeks to provide an enhanced community facility to meet identified needs of the community.

As such, the principle of development on this site is considered acceptable having regard to the other material planning considerations and subject to an assessment of all site-specific considerations (including those required by the site allocation policy) set out below.

Impact on Visual Amenity Including Impact on the Setting of the Public Right of Way

Core Policy 9 requires new development proposals to demonstrate a high standard of sustainable design that both protects and enhances the natural environment. Policy DM5 requires the local distinctiveness of the District's landscape and character of built form to be reflected in the scale, form, mass, layout, design, materials and detailing of proposals for new development. The NPPF

supports development that makes efficient use of land, taking into account a number of factors including the identified need for different types of housing and the importance of securing well-designed, attractive and healthy places.

Policy DM5 requires the local distinctiveness of the District's landscape and character of built form to be reflected in the scale, form, mass, layout, design, materials and detailing of proposals for new development. The NPPF supports development that makes efficient use of land, taking into account a number of factors including the identified need for different types of housing and the importance of securing well-designed, attractive and healthy places.

The submitted Design and Access Statement confirms that the existing facility experiences existing issues in relation to security and construction quality including lack of privacy, natural light and facilities within the individual units. The proposed illustrative Site Plan would comprise a more legible entrance area, the opening up of the adjacent footpath to improve security, a resident's hub and two blocks of accommodation units. One block would be two storey and contain 10 x 1-bed units and the other block would be single storey and contain 10 x 1-3 bed family units. A communal courtyard would be located in between the units. The woodland area to the south of the site would be opened up to provide an additional amenity space for the residents. Like with the existing layout, the proposed parking would be located to the front of the site.

The illustrative Site Plan shows that the proposed building would largely be located on the footprint of the buildings to be demolished. The indicative height of the proposed dwellings is also considered acceptable. The detailed layout, scale, appearance and landscaping are matters to be considered at the reserved matters stage. I consider the proposed illustrative Site Plan to demonstrate a quantum of development that is acceptable in both visual amenity terms and indicative details provided demonstrate a layout which could improve the current design and public realm of the site. Policy NUA/Ho/2 requires the provision of an appropriate landscaping scheme submitted as part of any planning application to screen the site from the East Coast Main Line and the illustrative Site Plan indicates sufficient area for new boundary planting is achievable. Overall, the outline details submitted are considered acceptable and in compliance with Core Policy 9 and Policy DM5 of the DPD. It is recommended that the development should be conditioned to require that the reserved matters applications broadly reflect the submitted illustrative Site Plan.

Impact on Residential Amenity

Policy DM5 of the DPD states that development proposals should ensure no unacceptable reduction in amenity including overbearing impacts and loss of privacy upon neighbouring development. The NPPF promotes 'an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions'.

The detailed design and layout are matters to be considered at the reserved matters stage. However, it is still necessary to be assured that the illustrative Site Plan indicates a quantum of development that is considered acceptable in residential amenity terms at the outline planning stage. The application site is located in a mixed-use area close to a railway line and freight business.

Noise

Noise sources at the proposed development site consist of road traffic along A46, trains and nearby freight business. The submitted Noise Assessment confirms that no specific noise was directly attributable to the freight businesses and the dominant noise sources were road traffic and rail traffic when passing close by.

The LAFmax level specified in BS8233 for railway events is 44dB for single events during the evening for sleep disturbance in bedrooms, 45dB LAFmax under WHO guidelines. The worst case night time noise level recorded at the site (free field) as a LAFmax, value of 67 dB LAFmax was identified.

However, with mitigation through the installation of standard double glazing and standard trickle vents, the internal noise levels are estimated to be reduced from 57 dB LAeq,16hr at the façade of a proposed dwelling (with no bund) to interior levels of 31 dB LAeq,16hr within habitable rooms during the day. This level is within the desirable category of <35dB during the day. At night, environmental noise in bedrooms facing the railway and A46 would be reduced from 67 dB LAeq,8hr to interior levels of 23 dB LAeq,8hr with maximum individual noise events reduced from 67 dB LAFmax to 39 dB LAFmax. Both of these levels are also within the desirable category of <30dB and <45dB respectively.

With windows open, internal LAeq and LAmx noise levels during the day and night time within some of the habitable rooms (those that may face towards the railway) may exceed the recommended target levels when trains pass. The inability for some of future occupants to open some of their windows without experiencing higher than recommended noise levels is a negative factor to be considered albeit Paragraph 6 of NPPG states that a suitable alternative means of ventilation is likely to be necessary if the proposed mitigation relies on windows being kept closed most of the time. It does not state that use of such mitigation would be unacceptable in principle. I therefore have no reason to doubt that the proposed vents would not work effectively to minimise the need to open windows in any event. This is regardless of whether or not the frequency of trains increase in the future.

I note the proposed units would be located in a similar position to the existing units and the redevelopment of the site would hopefully result in an improvement to the noise levels experienced by existing occupiers. I also note nature of the accommodation is temporary and as such, the noise levels experienced would be temporary.

In addition, the BS8233 Guidelines states:

'In higher noise areas, such as city centres or urban areas adjoining the strategic transport network, a compromise between elevated noise levels and other factors, such as the convenience of living in these locations or making efficient use of land resources to ensure development needs can be met, might be warranted. In such a situation, development should be designed to achieve the lowest practicable levels in these external amenity spaces, but should not be prohibited'.

The noise level in the courtyard is calculated to be 47dB LAeq,16hr which meets the BS8233 criterion of 55dB for outdoor living areas. There is an earth bund some 2.5-3m high to the west of the existing units, which would also be retained to offer partial acoustic protection.

As the submitted details are only illustrative at this stage, it is recommended that a further Survey is undertaken at the reserved matter stage to confirm the mitigation measures outlined are sufficient. It is recommended that this be required by planning condition.

Other

The illustrative Site Plan shows that adequate separation distances between the existing and proposed dwellings are achievable so as to ensure no unacceptable overlooking or overbearing impacts.

Summary

Having carefully assessed the scheme it is considered that taking all matters including proposed noise mitigation measures that can be assessed in more detail at reserved matters stage, the proposal would have no unacceptable impacts upon the amenity of future occupiers of the proposed accommodation or dwellings adjacent to the application site in accordance with the Policy DM5 of the Allocations and Development Management DPD.

Impact on Flood Risk and Drainage

Core Policy 10 requires development to be adequately drained and Policy DM5 relates to flood risk and water management. The NPPF states when determining planning applications the Local Planning Authority should ensure flood risk is not increased elsewhere. It is stated that decision makers should only consider development appropriate in areas at risk of flooding where, informed by a site specific flood risk assessment following the sequential test and if required the Exception Test, unless there are overriding reasons to prefer a different location and development is appropriately flood resilient and resistant.

The site is located within flood zone 2 and the proposed development is defined as 'more vulnerable' within Table 2 of the Technical Guidance to the NPPF.

A Flood Risk Assessment (FRA) has been submitted with the application. This contends that the site is in reality shown to lie entirely within Flood Zone 1 when assessing detailed model outputs provided by the Environment Agency. The nearby floodplain of the River Trent is contained away from the site owing to the local topography and land use; namely the nearby railway line. I am aware of similar conclusions being made in relation to flood modelling work undertaken on behalf of the Council.

Even so, it is considered appropriate to assess the application based on the existing EA mapping given that they have not in my knowledge confirmed that the site is indeed located in flood zone 1. As such, I consider it necessary to consider whether or not the application of the sequential test is required. As an allocated site, a sequential test is not normally required. However, as referred to in the principle of development, the application is considered to represent a departure given that the allocation policy assumed that the homeless hostel would be located off site as opposed to being located on site. Taking a pragmatic view however, the site is a replacement facility it is not reasonable to suggest an existing facility should be located elsewhere on flood risk grounds alone. In addition, I am aware that alternative sites may have been explored by the Council but none have been progressed as being preferable to the existing site.

In relation to proposed mitigation, the FRA recommend that finished floor levels are set at least 150mm above external levels to minimise the risk of flooding. Providing the mitigation measures discussed are implemented, it is considered that the risk of flooding to the site and adjacent land would be minimal.

A Drainage Feasibility Assessment to consider surface water impacts has also been submitted to address the original comments raised by the Lead Local Flood Authority (LLFA) to ensure a robust surface water strategy. Surface water management from hardstanding is currently via a network of gullies and drains which are likely to drain to a nearby surface water sewer or soakaway. It is proposed that drainage be improved as part of the redevelopment scheme. Soakage testing should be considered further during detailed design to ensure the appropriate use and design of soakage systems. Given the limited space on site, the use of above ground SuDS would be limited albeit it is intended that the perimeter of the site could contain a swale to intercept exceedance rainfall. Additional value could be provided through the construction of a bioretention system (raised planters or tree pits).

The LLFA raises no objection to the amended Drainage Feasibility Assessment subject to a condition requiring detailed drainage plans being submitted and approved by the Local Planning Authority prior to the commencement of development. Subject to this condition and a condition requiring levels to be in accordance with those recommended in the submitted Flood Risk Assessment, I am satisfied that the proposed development would not result in any increased flood risk and would pro-actively manage surface water in accordance with the requirements of Policy DM5 and Core Policy 9.

Impact on Highways

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

Policy NUA/Ho/2 requires 'the preparation of an appropriate Transport Assessment by the applicant, including improvements to Quibells Lane to adoptable standard, forming part of any planning application; and 'developer contributions towards the elimination of the foot crossing across the East Coast Main Line at Hatchets Lane secured through the planning application process'.

The foot crossing across the East Coast Main Line at Hatchets Lane has already been eliminated and so no developer contributions are required in this respect.

Access and egress to and from the site is via Quibell's Lane. The proposal seeks to alter the position of the existing access to and from the site to the western corner of the northern boundary. A dedicated parking area is proposed with 11 marked spaces, along with secure cycle storage for each unit. The full comments of the Highways Officer are set out above under consultation responses. Following the submission of a Parking Statement, the Highways Officer raise no objection to the proposal subject to a condition relating to access design.

I am therefore satisfied that the proposed access and parking arrangements would meet the requirements of Policy NUA/Ho/2 and would not result in any adverse impact upon highway safety in accordance with Spatial Policy 7 of the Core Strategy.

Impact on Ecology and Trees

Core Policy 12 of the Core Strategy seeks to secure development that maximises the opportunities to conserve, enhance and restore biodiversity. Policy DM5 of the DPD states that natural features of importance within or adjacent to development sites should, wherever possible, be protected and enhanced. Paragraph 118 of the NPPF includes that opportunities to incorporate biodiversity in and around developments should be encouraged.

Ecology

I am mindful that the NPPF states at paragraph 175 that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. Equally, I am aware that paragraph 99 of Government Circular 06/2005 states that:

“It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances...”

A Preliminary Ecological Appraisal and Protected Species Survey have been submitted with the application. This indicates that the proposed development has the potential to impact on roosting bats should they be present and to disrupt local bat activity. It therefore recommends that further nocturnal surveys area undertaken between May and August. It also recommends that any site clearance should avoid bird-nesting season (March – September inclusive) and ecological enhancement e.g. bat and bird boxes should be incorporated into the proposed scheme – these are measures that can be required by planning condition.

In relation to bats, Local Planning Authorities are required to consider the likelihood of a license (required if bats are found) being granted when determining a planning application and would need to have in mind the three tests set out in Regulation 55 of The Conservation of Habitats and Species Regulations 2017 if required, namely:

- i. The consented operation must be for “preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment”; and
- ii. There must be “no satisfactory alternative”; and
- iii. The action authorised “will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range”.

It is therefore considered appropriate that these nocturnal surveys take place before a decision is issued so that the full extent of impact and required mitigation measures are known upfront. As such, the Applicant has commissioned that these surveys are undertaken prior to the issuing of a decision on the planning application. As such, Members will note that the resolution to Planning Committee includes a clause which states that should Members be minded to approve the application, this should first be subject to confirmation that delegated authority is given to Authorised Officers to await and assess the results of the surveys and to impose the addition of any planning conditions with regards to bat mitigation as required.

Trees and Hedgerow

The submitted Tree Survey identifies a total of 30 individual trees, 1 tree group and 4 hedgerows. The majority of the woodland to the south of the site would be retained, although small pathway leading through vegetative bund into woodland for resident recreation is proposed. A portion of H4 may also require removal to facilitate proposals. The proposed development would require the removal of 3 category C trees with some minor pruning back of the hedgerow (adjacent to the public right of way) anticipated. The Tree Survey states that the tree losses are considered to be a very minor within the context of the site with no significant loss of arboricultural value or public amenity expected. The Tree Officer raises no objection to the planning application on this basis subject to condition relating to tree protection.

Details of landscape is a matter reserved for subsequent approval. On this basis, the precise level of tree removal is not to be agreed at this stage and I would recommend a condition be imposed to ensure further details and justification for loss is submitted at reserved matters stage. A landscape scheme would mitigate for any essential tree loss.

Notwithstanding the issue in relation to outstanding bat surveys, overall it is considered that subject to conditions, no adverse ecology impacts or tree loss impacts without appropriate mitigation would result from the proposal in accordance with Core Policy 12 and Policies DM5 and DM7 of the DPD.

Archaeology

Core Policy 14 of the Core Strategy requires the continued preservation and enhancement of the District's heritage assets including archaeological sites. Policy DM9 of the DPD states that where proposals are likely to affect sites of significant archaeological potential, the applicant is required to submit an appropriate desk based assessment. Policy NUA/Ho/2 requires *'the investigation of potential archaeology on the site and any necessary post-determination mitigation measure secured by condition on any planning consent reflecting the high archaeological potential of the site'*.

An Archaeological Desk Based Assessment has been submitted with the application. The potential to encounter archaeological remains on this site is low due mainly to existing disturbance and limited evidence noted in the Historic Environment Record. The Archaeology Officer raises no objection to the development and has advised that no further archaeological input is required. Overall, it is not considered that the proposed development would result in an adverse impact upon archaeological remains.

Conclusion

Given the site's allocation as part of the policy NUA/Ho/2 the principle of redeveloping the site is accepted in principle. Whilst this policy assumed the relocation of the Homeless Hostel off site rather than on site, the current use is a vital community facility and its replacement in situ would provide more suitable accommodation than is currently available. The presumption in favour of sustainable development within the NPPF and reflected in Policy DM12 is also acknowledged. In terms of decision making this presumption means approving developments that accord with the development plan without delay.

Detailed matters (other than access) are matters for subsequent approval. Based on the indicative site plan submitted with the application it is considered that the highways, noise, flood risk, drainage, tree loss, archaeology and design impacts of the proposal can be acceptable subject to planning conditions.

In relation to ecology, further surveys are required to establish whether or not any mitigation measures are required which may affect the indicative site layout. The recommendation below is therefore subject to the further ecology survey work as required by the submitted Ecology Report being undertaken prior to the issuing of a decision.

Subject to these requirements and the conditions below, the recommendation is for approval.

RECOMMENDATION

That outline planning permission is granted subject to:

- (a) the conditions shown below; and**
- (b) (i) the further bat nocturnal surveys as required by the submitted Ecology Reports being undertaken before the decision notice is issued;**
 - (ii) consideration of the survey results and need to mitigate impacts appropriately and imposition of any additional ecology related condition(s) be agreed by the Authorised Officer.**

Conditions

01

Applications for approval of reserved matters shall be made to the local planning authority not later than three years from the date of this permission.

The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.

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

02

Details of the appearance, landscaping, layout and scale ('the reserved matters') shall be submitted to and approved in writing by the Local Planning Authority before development begins and the development shall be carried out as approved.

Reason: This is a planning permission in outline only and the information required is necessary for the consideration of the ultimate detailed proposal.

03

Reserved matter submissions for any phase or any use shall be substantively in accordance with Drawing No 19 101 Rev C Proposed Site Plan and Design and Access Statement Nov 2020 by Guy Taylor Associates.

Reason: To ensure that the site is developed in a satisfactory manner and for the avoidance of doubt.

04

The reserved matters application(s) shall be accompanied by an updated arboricultural method/impact statement and scheme for the protection of retained trees/hedgerows. The application shall be designed to retain existing trees on site where possible and where trees are to be removed justification for their loss shall be provided. Scheme details shall include:

- a) A plan showing details and positions of the ground protection areas.
- b) Details and position of protection barriers.
- c) Details and position of underground service runs and working methods employed should these runs be within the designated root protection area of any retained tree/hedgerow on or adjacent to the application site.
- d) Details of any special engineering required to accommodate the protection of retained trees/hedgerows (e.g. in connection with foundations, bridging, water features, hard surfacing).
- e) Details of construction and working methods to be employed for the installation of drives and paths within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- f) Details of working methods to be employed with the demolition of buildings, structures and surfacing within or adjacent to the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- g) Details of any scaffolding erection and associated ground protection within the root protection areas
- h) Details of timing for the various phases of works or development in the context of the tree/hedgerow protection measures.

All works/development shall be carried out in full accordance with the approved tree/hedgerow protection scheme.

Reason: To preserve and protect existing trees and new trees which have and may have amenity value that contribute to the character and appearance of the area.

05

The reserved matters submission shall include the submission of full details of both hard and soft landscape works for that phase and a programme for their implementation. This submission shall include:

- Hard landscaping details shall include car parking layouts and materials, materials for other vehicle and pedestrian access and circulation areas, minor artefacts and structures for example, furniture, refuse or other storage units, play equipment, signs, lighting etc.
- Soft landscaping details shall include planting plans, written specification (including cultivation and other operations associated with plant and grass establishment) and schedules of plants, including species, numbers and densities together with clear annotations as to existing trees and hedgerows that would be retained plus proposed finished ground levels or contours. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species.

The approved landscaping scheme shall be carried out within 6 months of the first occupation of any building. If within a period of 7 years from the date of planting any tree, shrub, hedgerow or replacement is removed, uprooted, destroyed or dies then another of the same species and size of the original shall be planted at the same place.

Reason: In the interests of visual amenity and biodiversity, to ensure that trees and hedgerows to be lost as a result of development is properly and commensurately mitigated with replacements.

06

The following activities must not be carried out under any circumstances.

- a) No fires to be lit on site within 10 metres of the nearest point of the canopy of any retained tree/hedgerow on or adjacent to the proposal site.
- b) No equipment, signage, fencing etc shall be attached to or be supported by any retained tree on or adjacent to the application site,
- c) No temporary access within designated root protection areas without the prior written approval of the Local Planning Authority.
- d) No mixing of cement, dispensing of fuels or chemicals within 10 metres of any retained tree/hedgerow on or adjacent to the application site.
- e) No soak- aways to be routed within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- f) No stripping of top soils, excavations or changing of levels to occur within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- g) No topsoil, building materials or other to be stored within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- h) Reason: To preserve and protect trees.

07

No development shall be commenced until a scheme for ecological enhancements has been submitted to and approved in writing by the Local Planning Authority. This could include (but shall not be limited to) bird and bat boxes at appropriate points within the site. This shall also include details of a timetable for implementation of the enhancements. The scheme shall thereafter be implemented in accordance with the approved scheme.

Reason: In order to provide ecological enhancements in the interest of biodiversity.

08

No part of the development hereby approved shall commence until a detailed surface water drainage scheme based on the principles set out in the approved RammSanderson Drainage Feasibility Assessment document ref RSE_4084_03_V1 dated February 2021 has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to completion of the development. The scheme to be submitted shall:

- Demonstrate that the development will use SuDS throughout the site as a primary means of surface water management and that design is in accordance with CIRIA C753.
- Limit the discharge rate generated by all rainfall events up to the 100 year plus 40% (for climate change) critical rain storm 5 l/s rates for the developable area.
- Provision of surface water run-off attenuation storage in accordance with 'Science Report SCO30219 Rainfall Management for Developments' and the approved FRA

- Provide detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
- For all exceedance to be contained within the site boundary without flooding new properties in a 100year+40% storm.
- Details of STW approval for connections to existing network and any adoption of site drainage infrastructure.
- Evidence of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure long term

Reason: To ensure that the development is provided with a satisfactory means of drainage and does not increase flood risk.

09

The development hereby permitted shall take place in full accordance with the mitigation measures set out in paragraphs 5.2 and 5.3 of the submitted 'Flood Risk Assessment Date November 2020'.

Reason: To ensure that the risks to future users of the land are eliminated and or minimised to ensure that development can take place without unacceptable risk.

10

No part of the development hereby permitted shall be brought into use until the new access has been designed to:

- have a minimum width of 6.0m for the first 5.0m rear of the highway boundary;
- have 6.0m radius kerbs each side of the site access;
- provide for the access at a location as shown on the indicative plan ref. job no.

812.492.15, drawing no. (19)101 rev. C, titled: Proposed Site Plan (Indicative), dated November 2020

- be constructed in bound material (not loose gravel) for a distance of minimum 5.0m behind the highway boundary;
- have vehicular visibility splays clearly shown on the plan measuring 2.4m x 43m with no obstruction to the visibility above 0.6m high in accordance with details to be first submitted to and approved in writing by the Local Planning Authority and thereafter constructed in accordance with the approved details.

Reason: In the interest of highway safety.

11

The submission of each reserved matters application shall be accompanied by an up to date Noise Assessment which shall include updated background noise modelling data where appropriate (such as there being a change in circumstance since the original noise modelling was undertaken) and where necessary, a Noise Attenuation Scheme shall be submitted to and approved in writing by the Local Planning Authority. The approved attenuation scheme shall be implemented on site prior to first occupation of the accommodation and retained thereafter.

Reason: To ensure that noise levels and vibration, specifically from the railway and A46 are appropriately mitigated and that the mitigation measures are implemented in a timely manner in the interests of residential amenity.

12

No development shall commence until a detailed design and specification of improvement to and diversion/stopping up of the public right of way has first been submitted to and approved in writing by the Local Planning Authority. The improvement/stopping up/diversion shall be carried out in accordance with the approved details. The submitted details shall include details of proposed surface treatments and lighting.

Reason: To retain a safe and sustainable pedestrian route.

13

No site clearance works including building or shrubbery removal shall take place and no tree shall be lopped, topped, felled or otherwise removed during the bird nesting period (beginning of March to end of August inclusive) unless a precautionary pre-start nesting bird survey has been carried out by a qualified ecologist/ornithologist and agreed in writing by the local planning authority.

Reason: To ensure that adequate provision is made for the protection of nesting birds on site.

Notes to Applicant

01

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

The proposed development has been assessed and it is the Council's view that CIL is not payable on the development hereby approved as the development type proposed is zero rated in this location.

02

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

03

Cadent have identified operational gas apparatus within the application site boundary. BEFORE carrying out any work you must:

- Ensure that no works are undertaken in the vicinity of our gas pipelines and that no heavy plant, machinery or vehicles cross the route of the pipeline until detailed consultation has taken place.
- Carefully read these requirements including the attached guidance documents and maps showing the location of apparatus.
- Contact the landowner and ensure any proposed works in private land do not infringe Cadent and/or National Grid's legal rights (i.e. easements or wayleaves). If the works are in the road or footpath the relevant local authority should be contacted.
- Ensure that all persons, including direct labour and contractors, working for you on or near Cadent and/or National Grid's apparatus follow the requirements of the HSE Guidance Notes HSG47 - 'Avoiding Danger from Underground Services' and GS6 – 'Avoidance of danger from overhead electric power lines'. This guidance can be downloaded free of charge at <http://www.hse.gov.uk>

- In line with the above guidance, verify and establish the actual position of mains, pipes, cables, services and other apparatus on site before any activities are undertaken.

Email: plantprotection@cadentgas.com Tel: 0800 688 588

04

The safety of the public using the adjacent public right of way should be observed at all times. A Temporary Closure of the Footpath may be granted to facilitate public safety during the construction phase subject to certain conditions. Further information and costs may be obtained by contacting the Rights of Way section. The applicant should be made aware that at least 5 weeks' notice is required to process the closure and an alternative route on should be provided if possible.

BACKGROUND PAPERS

Application case file.

For further information, please contact Helen Marriott on extension 5793

Lisa Hughes
Business Manager – Planning Development