

PLANNING COMMITTEE – 18 JANUARY 2022

Application No:	21/01899/S73M
Proposal:	Variation of Condition 2 attached to 19/01828/FULM to allow the erection of single storey plant room and 3no. air-source condensing units to the east (side) elevation of the building approved under 19/01828/FULM for the erection of 12 units of living accommodation for assisted living following the demolition of the existing bungalow
Location:	Springfield Bungalow, Nottingham Road, Southwell
Applicant:	Reach Learning Disability – Sharon Card
Agent:	Allan Joyce Architects Ltd – Tricia Akers
Registered:	20 September 2021 Target Date: 15 November 2021
	Extension of time agreed until 20 January 2022
Link to application:	https://publicaccess.newark-sherwooddc.gov.uk/online-applications/simpleSearchResults.do?action=firstPage

This application is being presented to the Planning Committee in line with the Council’s Scheme of Delegation as Southwell Town Council has objected to the application which differs to the professional officer recommendation.

The Site

This application relates to circa 0.72 hectares of land situated on the western side of Nottingham Road at its junction with Halloughton Road on the southern approach into Southwell. The site comprises the eastern part of the wider Springfield Bungalow development site on which the detached bungalow (Springfield Bungalow) is situated. The wider development site included the erection of 38 dwellings on land to the west of this application site. This application relates to the easternmost end of the wider site where approval has been granted to provide 12 assisted living units (as part of the affordable housing offer on the wider development).

The gradient of the site rises from the highway along the access road into the main part of the site where the development is proposed. This part of the site is relatively level and screened to the north, south and east by existing mature trees and landscaping.

The immediately adjoining properties to the north and west of the access road comprises numbers 40 and 42 Halloughton Road and a small element of the garden of number 38. Housing within the area is a mix of single and two storey detached dwellings. Number 38 is a detached bungalow.

To the west of the site, the development approved under application 15/01295/FULM (and s73 variations) is situated and is currently under construction.

The site lies to the west of the Conservation Area boundary and 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 and is within, although on the edge of the defined built-up area of the town.

Relevant Site History

15/01295/FULM - Proposed residential development of 38 dwellings and conversion and extension of existing residential property to form 12 supported living units, approved 20.12.2017 subject to a S106 Legal Agreement (included adjacent land).

19/01828/FULM - Erection of 12 units of living accommodation for assisted living following the demolition of the existing bungalow, approved 09.04.2020, subject to a S106 Legal Agreement.

20/01309/NMA - Application for a non-material amendment to planning permission 19/01828/FULM to shorten the proposed building, remove the rear gables, amend some external materials, alter rear balcony frame and wheelchair storage building, install three external air source heat pumps with enclosures and move car parking spaces away from common boundary with neighbour, split decision 14.08.2020

20/02026/DISCON - Application to discharge Condition 4 (surface water drainage scheme) and Condition 8 (scheme to prevent unregulated discharge of surface water onto the public highway, approved.

The Proposal

This S73 application seeks to vary the approved list of plans set out within Condition 2 attached to application 19/01828/FULM which permitted a replacement building, but which has not yet commenced on site. The new plans now include the erection of a plant room measuring 4.8m in depth by 2.5m in width by 2.6m high. Attached to the east elevation, it has a flat roof and is constructed of brick to match the main building. To the rear of this plant building are three air source heat pumps, each one measuring 800mm by 1200mm and 1650mm high. A new 1.8m high close boarded timber fence is shown running along the eastern boundary with Nottingham Road, which has been moved further west during the consideration of the application to reduce impacts on the trees, as supported by a requested Arboricultural Impact Assessment. The submitted plans also incorporate the amendments approved under the non-material amendment application determined in August 2020.

Plans and documents considered in this application:-

- Site Location Plan (Drawing No: 100 Rev D);
- Block Plan (Drawing No: 101 Rev E);
- Site Plan (Drawing No: 102 Rev I);
- Plans and Elevations (Drawing No: 103 Rev C);
- Strebel Air to Water Heat Pump Details;
- Strebel Air Source Heat Pump Details;
- Arboricultural Impact Assessment and Method Statement by AT2 Tree Surveys dated 12 Nov 2021.

Departure/Public Advertisement Procedure

Occupiers of 5 properties have been individually notified by letter.

Planning Policy Framework

The Development Plan

Southwell Neighbourhood Plan (made October 2016)

Policy SD1: Delivering Sustainable Development

Policy SS2: Land South of Halloughton Road (So/Ho/2)

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 9 - Sustainable Design

Core Policy 14 – Historic Environment

Allocations & Development Management DPD

DM1: Development within Settlements Central to Delivering the Spatial Strategy

DM2: Development on Allocated Sites

DM5: Design

DM9: Protecting and Enhancing the Historic Environment

DM12: Presumption in Favour of Sustainable Development

So/PV: Southwell Protected Views

Other Material Planning Considerations

- National Planning Policy Framework 2021
- Planning Practice Guidance

Consultations

Southwell Town Council – Object on the grounds that tree roots will be damaged and question whether the plant room could be moved away from the side of the building. Councilors commended the proposal to install air source heat pumps.

NSDC, Tree Consultant – Concerns initially raised in relation to the impact of the development on the trees. Following the submission of a subsequent Arboricultural Impact Assessment, which addresses previous comments, recommend any approval has conditions attached relating to works to be carried out in accordance with method statement and protection scheme and prohibit activities on the site, to protect the existing trees.

NSDC, Environmental Health – Based on the information you have provided that the nearest receptor is 51m away and there is boundary treatment, I have calculated that the noise from the three air source heat pumps to be 29dB at the nearest receptor. This is likely to be below background levels and unlikely to be a noise nuisance.

No representations have been received from local residents/interested parties.

Appraisal

The NPPG acknowledges that Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area, thus providing a powerful set of tools for local people to ensure that they get the right types of development for their community where the ambition of the neighbourhood is aligned with the strategic needs and priorities of the wider local area.

Following public consultation and independent examination, at its council meeting on 11 October 2016 Newark and Sherwood District Council adopted the Southwell Neighbourhood Plan. The Neighbourhood Plan now forms part of the development plan for the district and its policies are a material consideration alongside other policies in the development plan and carry weight in the determination of planning applications in Southwell. In this instance the most relevant policies in the Neighbourhood Plan are listed above and are considered against the relevant aspects of the proposal in the assessment below.

Principle of the Development

This application is made under Section 73 of the Town and Country Planning Act 1990 to vary or remove conditions associated with a planning permission. Where an application under section 73 is granted, the effect is the issue of a new planning permission, sitting alongside the original permission, which remains intact.

If the application is acceptable a decision notice describing the new permission should be issued, setting out all of the conditions related to it. To assist with clarity, decision notices for the grant of planning permission under Section 73 should also repeat the relevant conditions from the original planning permission, as appropriate. As a Section 73 application cannot be used to vary the time limit for implementation, this condition must remain unchanged from the original permission.

The principle of the development has already been established through the granting of the permission for the development in April 2020. There has been no significant material change in the Development Plan context since this time.

The application seeks permission for a plant room and air source heat pumps attached to the east elevation of the proposed building to serve accommodation for 12 assisted living units that have extant permission approved under planning application 19/01828/FULM, but has not yet commenced development on site. This already approved application would demolish the existing single storey building and replace it with a new purpose built building 2-storeys high.

Impact on the character and appearance of the area

Core Policy 9 of the Newark and Sherwood Amended Core Strategy states that new development proposals should demonstrate a high standard of sustainable design that both protects the natural environment and contributes to and sustains the rich local distinctiveness of the District. To achieve this development should be of “an appropriate form and scale to its context complementing the existing built and landscape environments”. In addition, policy DM5 of the DPD states that new development should respect the rich local distinctiveness of the District's landscape and character of built form and this should be reflected in the scale, form, mass, layout,

design, materials and detailing of proposals for new development.

Given their positioning on the site, the proposed side elevation of the plant room has the potential of being visible when viewed from Halloughton Road, from the public domain. However, given that there would be a distance of approx. 87m between the boundary with Halloughton Road and the plant room and given its small scale (2.5m wide and 2.6m high) it is considered that the visible side brick wall would assimilate as part of the larger building and would not be an overly prominent or dominate feature, as would the proposed fencing.

It is therefore considered the proposal complies with the aims of Core Policy 9 of the Amended Core Strategy and Policy DM5 of the ADMDPD.

Impact on neighbouring amenity

The NPPF seeks to secure a high standard of amenity for all existing and future occupants of land and buildings. Policy DM5 states planning permission will be granted for development provided it would not adversely affect the amenities of the adjoining premises, in terms of loss of privacy, light or overbearing impacts.

Given the scale of the proposed built form, it is considered that there would be no adverse impact on the amenities of neighbours in terms of overlooking, over-bearing impacts or loss of light or overshadowing. The Council's Environmental Health officer has considered the potential noise impact of the three air source heat pumps and given the distance between the pumps and the nearest direct receptor (No 42 Halloughton Road) (as well as the intervening brick building of the plant room together with boundary treatment between the site and this neighbour), it has been concluded that the noise from the three pumps is unlikely to be above the general background decibel level for the area and therefore unlikely to cause unacceptable impacts on the amenities of neighbouring properties.

Other neighbouring properties, such as Springfield House (which may be situated closer to the application site beyond a well landscaped common boundary), together with the other properties fronting Halloughton Road would be protected from any potential noise from the pumps by the two storey main building to which the plant would be attached.

As such the proposal is considered to accord with Policy DM5 of the A&DM DPD and the NPPF.

Impact on trees

The site is surrounded by soft landscaping and Southwell Town Council have queried the impact the plant room would have on the existing trees along the eastern boundary.

The Council's tree consultant initially raised concerns with the level of information submitted with regard to the potential impact on trees comprising G15, which run along the eastern boundary. An Arboricultural Impact Assessment and Method Statement was then submitted in response to these concerns and the positioning of the proposed fencing moved further west, resulting in a greater distance away from existing trees (which is an amendment and improvement to the positioning of the fencing approved under 19/01828/FULM, where the fencing was positioned amongst the existing trees). Subject to conditions, the Council's tree consultant now raises no objection to the proposals.

Southwell Protected Views

Although not within Southwell Conservation Area (CA) or directly adjacent to any listed buildings, the application 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. Furthermore, the gateway location of the site and its proximity to the Southwell CA are material considerations in this case.

Given the scale of the development proposed, it is considered that the works would not result in harm to the views the Minster. The proposal therefore meets the aims of Core Policy 14, Policies DM9 and So/PV of the DPD.

Conclusion

The proposed plant room, air source heat pumps and fencing have been assessed and have been found to be acceptable in terms of their impact on the character and appearance of the area, in regard to residential amenities, in relation to trees and on the impact on Southwell Protected Views. The proposal is therefore compliant with both local and national planning policies in regard to the material considerations assessed above and it is therefore recommended that planning permission be granted, subject to conditions. The application will also need to be subject to a variation to of the existing S106 Legal Agreement, to reflect the amendments approved by this Section 73 application and impose the same obligations required by previous applications.

RECOMMENDATION

That planning permission is approved subject to the sealing of a S106 Legal Agreement and the conditions and reasons shown below

Conditions

01

The development hereby permitted shall begin no later than 9 April 2023.

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 reference:

- Site Location Plan (Drawing No: 100 Rev D);
- Block Plan (Drawing No: 101 Rev E);
- Site Plan (Drawing No: 102 Rev I);
- Ground and First Floor Plan (Drawing No: 103 Rev E) but as Amended by Plans and Elevations (Drawing No: 103 Rev C received 6 January 2022);
- Elevations (Drawing No: 105 Rev D) but as Amended by Plans and Elevations (Drawing No: 103 Rev C received 6 January 2022);

- Strebel Air to Water Heat Pump Details;
- Strebel Air Source Heat Pump Details.

Reason: So as to define this permission.

03

Prior to the commencement of development at the site, the tree protection measures shall be carried out in accordance with the Arboricultural Method Statement dated 8th October 2019, report version 2 submitted under reference 19/01828/FULM. These measures shall be in place for the entire construction period.

Reason: To ensure that existing trees and hedges to be retained are protected, in the interests of visual amenity and nature conservation.

04

The scheme for the disposal of surface water drainage as submitted and approved under reference 20/02026/DISCON shall be completed in accordance with the approved details prior to completion of the development.

Reason: A detailed surface water management plan is required to ensure that the development is in accordance with NPPF and local planning policies. It should be ensured that all major developments have sufficient surface water management, are not at increased risk of flooding and do not increase flood risk off-site. This is a pre-commencement condition as any surface water drainage required to be installed would likely be installed below ground.

05

No part of the development hereby permitted shall be occupied until the access/drive is surfaced in a hard bound material (not loose gravel) for a minimum of 10 metres behind the Public Highway boundary. The surfaced access/drive 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.).

06

The new access/drive 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 102 rev I. 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, in the interests of highway safety.

07

No part of the development hereby permitted shall be occupied until the new dropped vehicular

verge crossing serving the site 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.

08

The provision to prevent the unregulated discharge of surface water from the access/drive to the public highway as submitted and approved under reference 20/02026/DISCON shall be fully installed in accordance with the approved details prior to any occupation of the development hereby permitted and 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.

09

Details of the location, design and specification of the refuse bin and recycling materials storage bin and area to serve the residential units shall be submitted to and approved in writing by the Local Planning Authority. Subsequently the refuse and recycling materials storage bins and areas shall be constructed, equipped and made available for use prior to first occupation and retained in that form thereafter.

Reason: To ensure a satisfactory standard of refuse and recycling provision and to protect the residential amenity of adjoining and future occupiers.

010

No works or development shall take place until details of foundations to accommodate the protection of retained trees has been submitted to the Local Planning Authority for approval in writing. All works/development shall be carried out in full accordance with the approved tree protection scheme. The protection measures shall be retained during the development of the site.

Reason:

To ensure that existing trees to be retained are protected, in the interests of visual amenity. This is a pre-commencement condition as foundations might affect the roots of existing trees.

011

No trees, shrubs or hedges within the site which are shown as being retained within the Arboricultural Method Statement dated 8th October 2019, report version 2 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 or hedges which die, are removed, or become seriously damaged or diseased within five years of being planted, shall be replaced with trees, shrubs or hedge plants in the next planting season with others of similar size and species.

Reason: To ensure the existing trees, shrubs and or hedges are retained and thereafter properly maintained, in the interests of visual amenity and biodiversity.

012

All development hereby approved shall be carried out in full accordance with the Arboricultural Impact Assessment and Method Statement dated 12th November 2021 and tree/hedgerow protection scheme.

Reason: To ensure the existing trees, shrubs and or hedges are retained and thereafter properly maintained, in the interests of visual amenity and biodiversity.

013

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 the proposal site.
- b. No equipment, signage, fencing etc shall be attached to or be supported by any retained tree on to the application site,
- c. No temporary access within designated root protection areas without the prior written approval of the District Planning Authority.
- d. No mixing of cement, dispensing of fuels or chemicals within 10 metres of any retained tree/hedgerow on the application site.
- e. No soak-aways to be routed within the root protection areas of any retained tree/hedgerow on 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 the application site.
- g. No topsoil, building materials or other to be stored within the root protection areas of any retained tree/hedgerow on the application site.

Reason: To ensure the existing trees, shrubs and or hedges are retained and thereafter properly maintained, in the interests of visual amenity and biodiversity.

014

The development hereby permitted shall be constructed entirely of the materials detailed within application reference 19/01828/FULM and as amended by application reference 20/01309/NMA and as stated within this application.

Reason: In the interests of visual amenity.

015

No development shall be commenced, including any works of demolition or site clearance, until a Construction Method Statement has been submitted to, and approved in writing, by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors;

- ii. loading and unloading of plant and materials;
- iii. storage of plant and materials used in constructing the development;
- iv. wheel washing facilities;
- v. a scheme for recycling/disposing of waste resulting from demolition and construction works.

Reason: In the interests of residential amenity. This is a pre-commencement condition as the works (i) to (v) will be provided upon commencement of development.

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.

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 accord Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

03

The development makes it necessary to carry out works within the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact the County Council's Agent, Via East Midlands to arrange for these works to be carried out. Email: licences@viaem.co.uk Tel. 0300 500 8080 and further information at: <https://www.nottinghamshire.gov.uk/transport/licences-permits/temporary-activities>

BACKGROUND PAPERS

Application case file.

For further information, please contact Julia Lockwood on ext 5902.

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 - 21/01899/S73M

