



Report to Planning Committee 14 March 2024

Business Manager Lead: Lisa Hughes – Planning Development

Lead Officer: Clare Walker - Senior Planner

Report Summary			
Application Number	23/02117/S73M (Major)		
Proposal	Application for variation of conditions 03, 04, 05, 06, 08, 015, 016, 017, 019, 021 and 024 as per submitted schedule attached to planning permission 20/01007/S73M; Variation of conditions 4, 5, 6, 8, 19 and 24 attached to planning permission 17/01586/FULM to amend the approved plans		
	The original proposal was: 12/00301/FULM – Mixed use development comprising demolition of two former industrial buildings, the erection of 11 dwellings, erection of private health facilities, extension to existing Marina comprising new moorings and creation of a wildlife park. Demolition of two industrial buildings.		
Location	Land off Mill Gate, Newark		
Applicant	Cairns Heritage Homes Ltd	Agent	Guy St John Taylor Associates Architects Ltd
Web Link	23/02117/S73M Application for variation of conditions 03, 04, 05, 06, 08, 015, 016, 017, 019, 021 and 024 as per submitted schedule attached to planning permission 20/01007/S73M; Variation of conditions 4, 5, 6, 8, 19 and 24 attached to planning permission 17/01586/FULM to amend the approved plans Land Off Mill Gate Newark On Trent (newark-sherwooddc.gov.uk)		
Registered	18.12.2023	Target Date	15.03.2024
Recommendation	That Planning Permission is <u>APPROVED</u> subject to the Conditions detailed in Section 10		

1.0 The Site

The application site is approximately 2.07 hectares of land situated on the north-western side of Millgate close to its junction with Farndon Road. It spans between Millgate and the Newark

branch of the River Trent. The site lies within the Conservation Area and the northern part of the site (adjacent to the riverside) is within Flood Zones 2 and 3.

The White House, a grade II listed building lies to the north of the site and immediately to its south is the access road to the former Canal and Rivers Trust yard which now forms the application site. The former industrial buildings on the site have been demolished and the foundations have now been laid for the extant dwellings approved under a previous permission.



The site wraps around four pairs of semi-detached dwellings fronting Millgate, the northernmost two blocks being ground and first floor flats at Sconce House and Marlow House. All of these dwellings have rear gardens which slope down significantly towards the river to the north-west. A concrete retaining wall has recently been erected along the rear of these gardens.

The remainder of the site opens out into Millgate Field, which is its widest part and spans between Millgate and the river. This has recently been developed by way of a marina extension and a wildlife park as part of Phase 1 of an earlier consent, which can be seen underneath part of the shaded in pink area on the image above.

Aside from the Marina itself, this part of Mill Gate is predominantly residential in use. The Spring House Pub lies to the south of the application site on the corner of Mill Gate with Farndon Road. Adjacent to this are dwellings, an older persons residential facility with an element of care and further along a care home.

2.0 Relevant Planning History

20/01007/S73M – Variation of conditions 4, 5, 6, 8, 19 and 24 attached to planning permission 17/01586/FULM to amend the approved plans. Approved 28.08.2020. This application related to changes to Plots 1, 2, 3 (both in layout and design), changes to the layout etc of the wildlife park and minor changes to the drainage and flood scheme.

17/01586/FULM – Variation of conditions 5, 6, 7, 9, 16 and 20 attached to planning permission 16/00740/FULM. Approved 30.01.2018. This scheme has been implemented.

16/00740/FULM – Variation of condition 3 (relating to ground contamination) attached to planning permission 12/00301/FULM to allow the development to be commenced in phases. Approved under delegated powers 16.06.2016.

16/00124/FULM - Erection of retirement living apartments for the elderly comprising 34 self-contained apartments with communal facilities, landscaping and car parking. Approved 22.06.2016. No conditions have been discharged and the permission has now expired without implementation.

12/00301/FULM – Mixed use development comprising demolition of two former industrial buildings, the erection of 11 dwellings, erection of private health facilities, extension to existing Marina comprising new moorings and creation of a wildlife park. Demolition of two industrial buildings. Approved 05.07.2013 time limit expired 04.07.2016. Implemented in June 2016.

12/00274/LBC - Demolition of boat house and part of boundary wall within curtilage of The White House (Renewal of extant consent 06/00531/LBC). Approved.

12/00247/FULM - Redevelopment of site for 69 new build residential dwellings and amenity space, including associated landscaping, parking and access (renewal extant of permission 06/00530/FULM). This also includes the demolition of boat house and part of boundary wall within curtilage of The White House and the demolition of former section yard buildings of british waterways and sections of wall and former boathouse building and associated walls. Undetermined, was finally disposed of in October 2023.

06/00530/FULM & (2) 06/00544/CAC & (3) 06/00531/LBC- (1) Redevelopment of the site for 69 new build residential dwellings and amenity space, including associated landscaping, parking and access. (2) Demolish former section yard buildings of british waterways and sections of wall, and former boathouse building and associated walls. (3) Demolition of boat house and part of boundary wall within curtilage of The White House. All applications were refused 20/06/06 but were subsequently subject to appeals.

The reasons for refusal related to 1) the development of greenfield site without needing to as there were adequate brownfield sites (dropped at PI), 2) adverse impact upon the setting of the listed White House and the demolition of Boat House was inappropriate 3) remodelling of Millgate Field would have detrimental impact on its character, 4) adverse impact upon residential amenity and 5) issues relating to highway safety. The appeals were allowed but challenged by a Judicial Review (by a third party) and the appeal decision was quashed by the High Court. The matter was reconsidered by the Inspectorate and allowed on 2 June 2009.

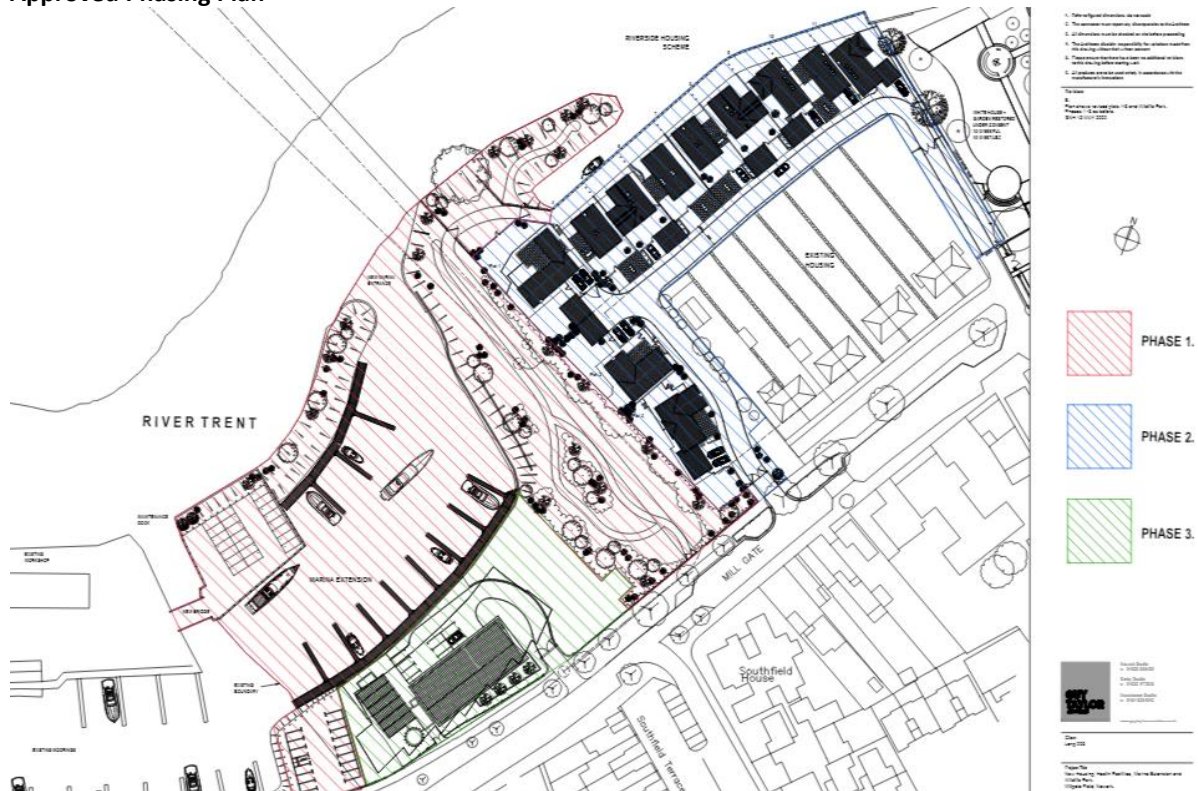
3.0 The Proposal

Original proposal

Full planning permission was originally sought and granted in 2013 for the erection of 11 detached dwellings (all four plus bedrooms) the erection of a private health club comprising 720sq m of floor space, a marina extension of 10 moorings and the creation of a wildlife park (a natural wildlife area but without public access) comprising approximately 3984m² which

was included in Phase 1 and is now complete. The scheme also included the demolition of two industrial buildings to facilitate the development, which have now been removed. The development is proceeding in stages with Phase 1 (the marina extension now complete) and Phase 2 (the residential part) next and the health club comprising phase 3. The approved phasing plan is shown below:

Approved Phasing Plan



Previous Section 73 applications have sought to vary the condition (no.3) relating to ground contamination to allow the development to be phased as well as to allow changes to the land levels, flood and drainage mitigation works to earlier phases and more latterly to amend conditions in response to a previously unknown watermain issue that crossed the site which resulted in changes to the layout and design of plots as well as alterations to the wildlife park.

This s.73 application

This application seeks to make a number of changes to the residential phase of the scheme by varying the plan conditions along with a number of other conditions. It should be noted that amended plans have been submitted during the course of the application in an attempt to address officer's concerns relating to the scheme and it is on this basis that the scheme has been assessed.

The layout of the scheme would remain largely as previously approved. The changes affect the fenestration sizes and positions, reduces the level of glazing and utilises simpler details. Initially it sought to omit the chimneys and decorative eaves detail although these have been added back in at officer's requests. It is also proposed to add solar panels to the roofslope of the units and to amend the boundary treatments.

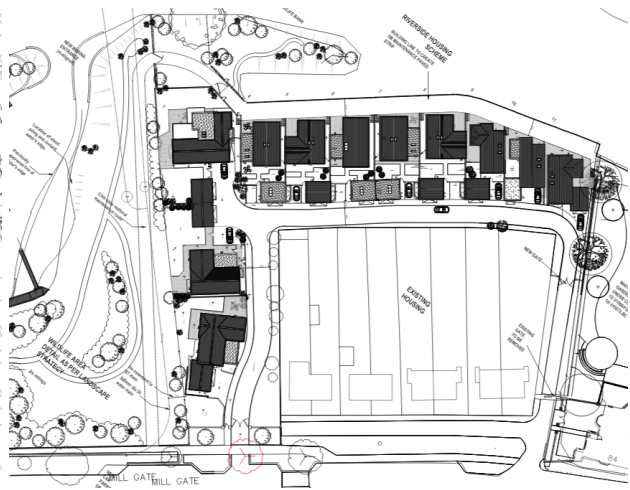
The scheme also involves setting back the entrance gateway which would be in a straight run rather than curved as previously approved to achieve the required visibility splays.

The positioning of Plots 9, 10 and 11 are proposed to be slightly amended (the 3 plots located to the north-east/top right of the images below) due to a conflict with a required 5m easement along river not previously picked up by the applicants.

Approved layout



Proposed Layout



The finished floor levels of Plot 3 are proposed to be 150mm higher than previously approved.

The proposal also seeks to discharge (and vary where necessary) all conditions, such as materials, landscaping details, finished floor levels etc so that they align with the new proposals.

Due to issues with the section 278 agreement between NCC as Highway Authority and the developers, the application also seeks to allow construction traffic to use the secondary access adjacent to The White House (previously prevented by condition) and to change the trigger within the condition to 'prior to occupation' (instead of no development to be commenced) to allow progress to be made on site. Amendments are also sought to the condition which requires compensatory parking to be provided for the parking bays to be lost upon constructing the housing access.

Submission

- 812.1005.313-(30)-101 Rev A(Proposed Typical Details for all house types Sheet 1)
- 812.1005.313-(30)-201 Rev A (Proposed Typical Details for all house types Sheet 2)
- 812.1005.314-(30)-301 Rev A (Proposed Typical Details for all house types Sheet 3)
- MDMN-BSP-XX-XX-D-C-210-P05 (Private Levels)
- MGMN-BSP-XX-XX-D-C-0240-P04 (Private Drainage Layout)
- MGMN-BSP-XX-XX-D-C-00100-P09-S278 (General Arrangement)
- MGMN-BSP-XX-XX-D-C-00130-P09-S278 (Construction Layout)
- MGMN-BSP-XX-XX-D-C-0180-P08-S278 (Signage and White Lining)
- (19)-101 – Proposed Site Masterplan
- (19)-101 Rev B – Hard and Soft Landscaping Plan

(08)901 – General Site Sections and Elevations
22-0023-01-305 Rev R01, Plot 1 Technical Floor Plans Roof
22-0023-02-305 Rev R01, Plot 2 Technical Floor Plans Roof
22-0023-03-305 Rev R01, Plot 3 Technical Floor Plans Roof
22-0023-04-305 Rev R01, Plot 4 Technical Floor Plans Roof
22-0023-05-305 Rev R01, Plot 5 Technical Floor Plans Roof
22-0023-06-305 Rev R01, Plot 6 Technical Floor Plans Roof
22-0023-07-305 Rev R01, Plot 7 Technical Floor Plans Roof
22-0023-08-305 Rev R01, Plot 8 Technical Floor Plans Roof
22-0023-09-305 Rev R01, Plot 9 Technical Floor Plans Roof
22-0023-10-305 Rev R01, Plot 10 Technical Floor Plans Roof
22-0023-11-305 Rev R01, Plot 11 Technical Floor Plans Roof
(91)-101 Rev A Proposed Boundary Details
(91)-201 Proposed Entrance to Housing Access Road
812.1437.1-(63)-101 Lighting Design Scheme_AO
812.1437.1:
(20)-101 Rev A – Plot 1 Floor and Roof Plans
(21)-101 Rev A – Plot 1 Elevations
(20)-201 Rev A– Plot 2 Floor and Roof Plans
(21)-201 Rev A– Plot 2 Elevations
(20)-301 Rev A – Plot 3 Floor and Roof Plans
(21)-301 Rev A– Plot 3 Elevations
(20)-401 Rev A – Plot 4 Floor and Roof Plans
(21)-401 Rev A– Plot 4 Elevations
(20)-501 Rev A– Plot 5 Floor and Roof Plans
(21)-501 Rev A– Plot 5 Elevations
(20)-601 Rev A– Plot 6 Floor and Roof Plans
(21)-601 Rev A– Plot 6 Elevations
(20)-701 Rev A – Plot 7 Floor and Roof Plans
(21)-701 Rev A– Plot 7 Elevations
(20)-801 Rev A – Plot 8 Floor and Roof Plans
(21)-801 Rev A– Plot 8 Elevations
(20)-901 Rev A – Plot 9 Floor and Roof Plans
(21)-901 Rev A– Plot 9 Elevations
(20)-1001 Rev A– Plot 10 Floor and Roof Plans
(21)-1001 Rev A – Plot 10 Elevations
(20)-1101 Rev A – Plot 11 Floor and Roof Plans
(21)-1101 Rev A– Plot 11 Elevations
Planning Statement Rev A
Photomontages x 5 showing proposed dwellings from the riverside frontage (x2), from across the wildlife park, from Millgate itself and from the entrance on Millgate.
Technical specification for GSE Integration in roof system solar panels
Monier Australia image of solar panels within a roof
SK01, Sketch – Road sections for northern road and Plot 11
SK02, Section Through Plot 3 and 69 Millgate

4.0 Departure/Public Advertisement Procedure

Occupiers of 26 properties have been individually notified by letter. A site notice has also been displayed near to the site and an advert has been placed in the local press expiring on 01.02.2024. Reconsultation has also taken place in respect of the amended plans.

Site Visit undertaken on 15.01.2024.

5.0 Planning Policy Framework

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

Spatial Policy 7 - Sustainable Transport
Core Policy 9 -Sustainable Design
Core Policy 10 – Climate Change
Core Policy 10A – Local Drainage Designations
Core Policy 12 – Biodiversity and Green Infrastructure
Core Policy 14 – Historic Environment
NAP1 - Newark Urban Area

Allocations & Development Management DPD

DM1 – Development within Settlements Central to Delivering the Spatial Strategy
DM3 – Developer Contributions and Planning Obligations
DM5 – Design
DM7 – Biodiversity and Green Infrastructure
DM9 – Protecting and Enhancing the Historic Environment
DM12 – Presumption in Favour of Sustainable Development

Second Publication Amended Allocations & Development Management DPD, September 2023

The Draft Amended Allocations & Development Management DPD was submitted to the Secretary of State on the 18th January 2024. This is therefore at an advanced stage of preparation albeit the DPD is yet to be examined. There are unresolved objections to amended versions of the above policies emerging through that process, and so the level of weight which those proposed new policies can be afforded is currently limited. As such, the application has been assessed in-line with policies from the adopted Development Plan.

Other Material Planning Considerations

National Planning Policy Framework
Planning Practice Guidance (online resource)
National Design Guide – Planning practice guidance for beautiful, enduring and successful places September 2019

6.0 Consultations

(a) Statutory Consultations

NCC Highways – No objection. In summary they make a number of suggested revisions to conditions including to condition numbers 12, 14, 15, 16, 17 and 18, plus they recommend an additional condition to control visibility at the entrance.

Detailed comments provided. However in summary; new access would affect condition 12 which should be updated, may need to also amend Condition 13, need to amend condition 18 (they suggest wording), condition 16 should be retained as it also includes gates for the health centre. Recommend condition 18 to be amended and they have provided wording and require new condition as a result of amendments to protect visibility.

Further comments were received on 26th February 2024 specifically in respect of comments raised by third parties/residents which are set out in full within the body of this report.

NCC Lead local Flood Authority – No comment.

Environment Agency – No comment.

Canal and Rivers Trust - No comment. Request an informative be placed on a grant of permission.

(b) Parish Council

Newark Town Council - Ask that NSDC officers pay close attention to various concerns raised by the neighbours.

In response to amended plans, comments expected 07.03.2024 which will be reported as a late item.

(c) Representations/Non-Statutory Consultation

Millgate Conservation Society - Comments in respect of the original plans (as opposed to revised plan) as follows:

- 1) Since construction work began the rear gardens of houses on Mill Gate have been subject to substantial flooding, occurring before the copious amounts of rainfall but after construction started indicating a disruption of the existing water drainage and failure of the drainage design of the development site.
- 2) The plans to alter the roof material from slate to Marley man made roofing should be rejected. Similarly the changes to the elevations also erode conservation ideals.
- 3) Appears there has been a land grab, original application excluded the piece of land to the northeast of the proposed access to Millgate and it now includes this land compromising the existing turning head arrangement and local easements.

NSDC Conservation Officer – (20.02.2024) In response to amended plans: Further to recent discussions, we are pleased that many of the key architectural features (chimneys, braces etc) and cedar and natural slate have been reinstated. The boundary changes negotiated improve the scheme. Our only observation is that the boundary to the listed building (White House) would be better served with post and rail or estate fencing rather than a boarded fence, but we are otherwise content for you to reach a decision taking into account any public benefits

to improved security and operational needs (potentially outweighing any very minor harmful impacts in NPPF terms).

NSDC Environmental Health Officers – No objection to amendments.

In response to the original plans, objections have been received from FIVE local residents/third parties that can be summarised as follows:

- Concern that man-made roof material is not appropriate for conservation area nor the close setting of listed buildings;
- The wall finish of cedar cladding is also of concern and could look poor and out of context;
- Dilution of design detailing is not considered appropriate;
- Access – revised gateway arrangement will have a major and untenable impact on the current turning head arrangement for houses ending with no. 96;
- Additional land not within the original scheme forms part of this application;
- Flood – encourage high degree of scrutiny. Gardens to properties on Millgate have flooded since construction works has started, urge a technical review of the matter;
- Construction method is exacerbating water retention and slowing drainage of pluvial water into neighbouring gardens;
- Parking - await further details;
- Land next to no. 96 is used by residents as a turning point for vehicles. Objector indicates they have a deed of easement over the land which means they are responsible for its maintenance – it wasn't included as part of original plans.
- Revised plan show tree and wall not within the application site.

In response to the amended plans, the following additional comments have been made from 2 interested parties:

- Request that consultation period is extended to allow additional comments to be made
- Acknowledge the amendments are reassuring in terms of the impact on the conservation area
- Flooding issues are real and serious and require analysis of the causes
- If the turning area adjacent to number 96 become inaccessible for properties along the existing access road it would cause road safety issues.

7.0 Comments of the Business Manager – Planning Development

The National Planning Policy Framework (NPPF) promotes the principle of a presumption in favour of sustainable development and recognises the duty under the Planning Acts for planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004. The NPPF refers to the presumption in favour of sustainable development being at the heart of development and sees sustainable development as a golden thread running through both plan making and decision taking. This

is confirmed at the development plan level under Policy DM12 of the Allocations and Development Management DPD.

Introduction

An application can be made under section 73 of the Town and Country Planning Act 1990 to vary or remove conditions associated with a planning permission. In determining such an application the local planning authority is only able to consider the question of the conditions subject to which planning permission should be granted, and—

- a) if the authority decides that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, the authority shall grant planning permission accordingly, and
- b) if the authority decides that planning permission should not be granted subject to the same conditions as those subject to which the previous permission was granted, the authority shall refuse the application.

Whilst the application has defined which conditions are sought to be varied, the local authority has the power to vary or remove other conditions if are minded to grant a new planning consent.

Assessment of the amendments

As is set out in the site history section of this report, planning permission previously existed on this site for a more intensive residential scheme for 69 dwellings. In 2012 an alternative mixed use scheme including for 11 dwellings was granted and since then there have been a number of section 73 applications as detailed in the site history section of this report the most recent of which – application reference 20/01007/S73M – is the ‘working approval’. This has been implemented in that phase 1 (the marina and wildlife park) has been developed out.

The scope of the amendments is narrow and limited only to the impacts arising from the changes now proposed by these amended plans. Pertinent matters are therefore considered to be as follows:

- 1) Can the application be considered under Section 73
- 2) Impacts on the character and appearance of the area (including heritage)
- 3) Flood risk
- 4) Highway matters and
- 5) Impact on residential amenity.

These are discussed below.

Can the application be considered under Section 73

It is noted that both Millgate Conservation Society and local residents have raised concerns that this application represents a land grab with additional land now being included within the application site that previously was not. Applications made under Section 73 are not able to vary (or increase, as is being suggested here) the extent of the originally approved

application site denoted by the red line. It is therefore necessary to go back to the original application granted in 2013 to ascertain the approved application site boundary.

The approved site location plan showing the application site outlined in red is shown on approved drawing reference 812.1005.3 Rev C as noted in Condition 30 (the plan condition) of permission 12/00301/FULM. The image below (left) is an extract of this edged in red, with the site plan of this latest application (which doesn't have to be edged in red) shown to the right for comparison:

Approved Site Location Plan



Proposed Layout



The comments received, refer to both land to the north-east of the proposed access and land next to no. 96 Millgate. From my understanding of the land in question (adjacent to the southern access point) this is in fact within the red line denoting the application site. On the basis of the above, it is considered that the application has been duly made and the application can proceed.

Impacts on the character and appearance of the area (including heritage)

Sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') are relevant. Section 16(2) requires the decision maker in considering whether to grant listed building consent for any works, to *"have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possess."* Section 66 outlines the general duty in exercise of planning functions in respect to listed buildings stating that the decision maker *"shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."* Section 72(1) also requires the Local Planning Authority (LPA) to pay special attention to the desirability of preserving or enhancing the character and appearance of conservation areas.

The duties in s.66 and s.72 of the Listed Buildings Act do not allow a local planning authority to

treat the desirability of preserving the settings of listed buildings and the character and appearance of conservation areas as mere material considerations to which it can simply attach such weight as it sees fit. When an authority finds that a proposed development would harm the setting of a listed building or the character or appearance of a conservation area, it must give that harm considerable importance and weight.

Policies CP14 and DM9 set out the District Council’s objective of enhancement or preservation of heritage assets which aligns with the NPPF and the relevant Act as previously set out. Policies CP9 and DM5 also set out more general design principles and expectations.

When originally approved, the design ethos adopted was for a contemporary and uniquely characterful riverside vernacular which steered specifically away from a suburban character. Design cues were previously taken from Millgate and traditional riverside development and the materials palette comprised of timber cladding, render, glass and steel.

The original plans submitted with this application sought to water down the design approach, a matter which has attracted local objections (as can be noted within the representation section of this report) and was a concern of officers. In response, the scheme has been amended to reinstate the important features, such as the chimneys, the decorative steel eaves detailing and the materials palette has been amended to comprise Spanish slate roof tiles, timber cladding, monouche render and aluminium framed windows and doors. These amendments (including the revised material palette) are considered to be appropriate for the conservation area and help reinstate the original design envisioned.

Examples of the changes proposed are shown below:

Plot 1

Approved north (front) elevations:



Proposed north (front) elevations:



Approved south (rear) elevation):



Proposed south (rear) elevations:

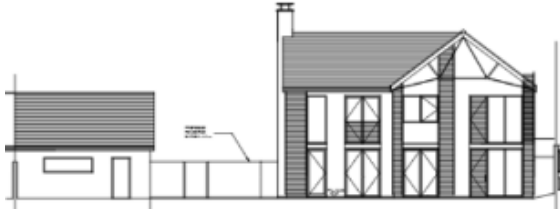


Approved west side elevation:

Proposed west side elevation:

Plot 2

Approved south elevations:



Proposed south elevations:



Approved north elevations:



Proposed north elevations:



Plot 3

Approved east elevations:



Proposed east elevations:



Approved west elevations:



Proposed west elevations:



Plot 4

Approved NW elevations:



Proposed NW elevations:



Approved SE elevations:



Proposed SE elevations:



Plot 5

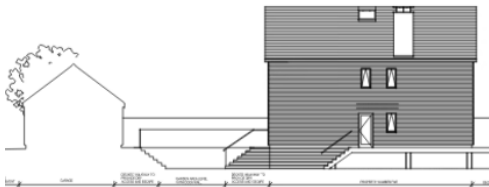
Approved NW elevations:



Proposed NW elevations:



Approved NE elevations:

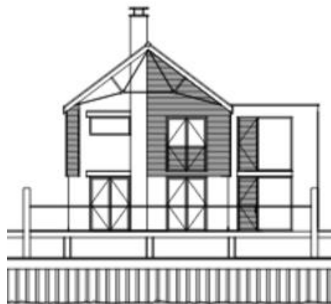


Proposed NE elevations:



Plot 6

Approved NW elevations:



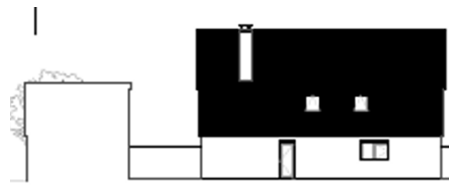
Proposed NW elevations:



Approved NE elevations:

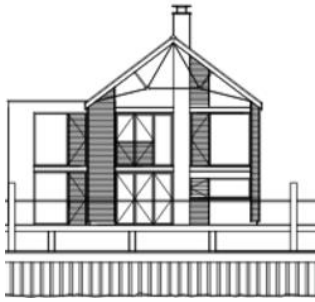


Proposed NE elevations:



Plot 7

Approved NW elevations:



Approved SE elevations:



Proposed NW elevations

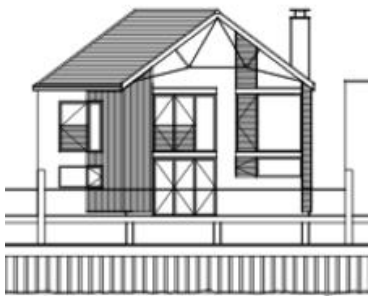


Proposed SE elevations:

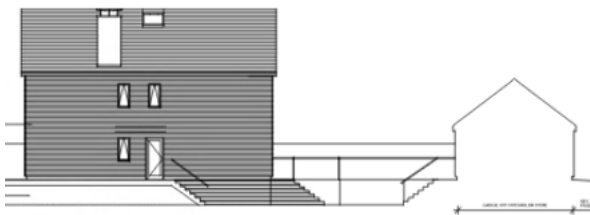


Plot 8

Approved NW elevations:



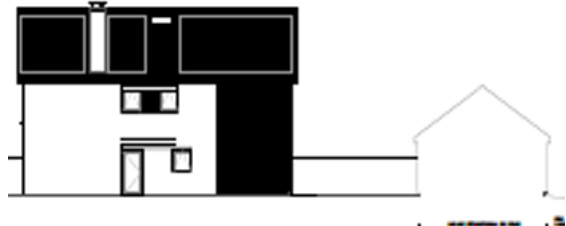
Approved SW elevations:



Proposed NW elevations:



Proposed SW elevations:

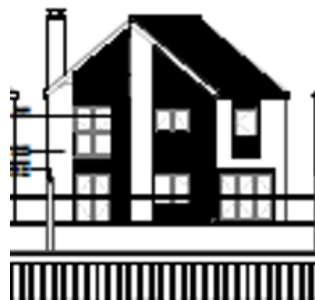


Plot 9

Approved NW elevations:



Proposed NW elevations:



Approved SE elevations:

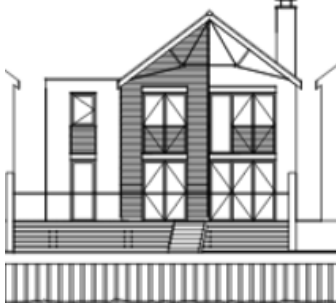


Proposed SE elevations:



Plot 10

Approved NW elevations:



Proposed NW elevations:



Plot 11

Approved NW elevations:



Proposed NW elevations:



Each plot would utilise natural slate roof tiles and other materials are similar to those previously agreed. It is noted that each dwelling is proposed to include a solar array on its roof. These would be dark in colour that would sit relatively flush against a black slate roof. In this context of contemporary dwellings, this is also considered acceptable to the character and appearance of the conservation area.

Example of appearance of proposed 'Monier-Australia' GSE IN-roof system solar panels:



Boundary Treatments

The boundary treatments proposed have also been amended from the approved scheme and due to concerns raised by officers have also been amended throughout the life of this application. Revisions have omitted previously proposed composite fencing. The proposed treatments have been carefully assessed with commentary as follows:

A retaining wall would sit in front of the plots facing the river. This retaining wall (type A on the plans) would remain similar to previously approved but would now comprise blue engineering bricks with 1.1m high railings atop with a stainless steel satin finish. In this context of contemporary development, the detail of the wall is considered appropriate. Part of the frontage of Plot 3 (which has its private garden fronting the river) would be enclosed by a low retaining wall atopped with a timber post fence, which is again considered appropriate. How this might appear is depicted on the image below.



Post and rail timber fencing (type C on the plans) at a height of 1.1m is proposed between Plots 1 to 3 and the riverside park which is considered appropriate.

The private gardens to the plots would, in the most part, be enclosed by 1.8m high horizontal cedar boarding (types C and D) which are relatively discreetly located, being set back generally and lacking prominence. These are considered acceptable. One exception are the boundaries between plots 1, 2 and 3 which would need to comprise a retaining wall (of varying heights to follow terrain) which would comprise blue engineering brick atopped with 1.8m high horizontal cedar board fencing. These retaining structures would be visible through the post and rail fencing of the wildlife park but are considered to be appropriate given the contemporary material palette and given the approved soft landscaping within the park would help to soften this over time.

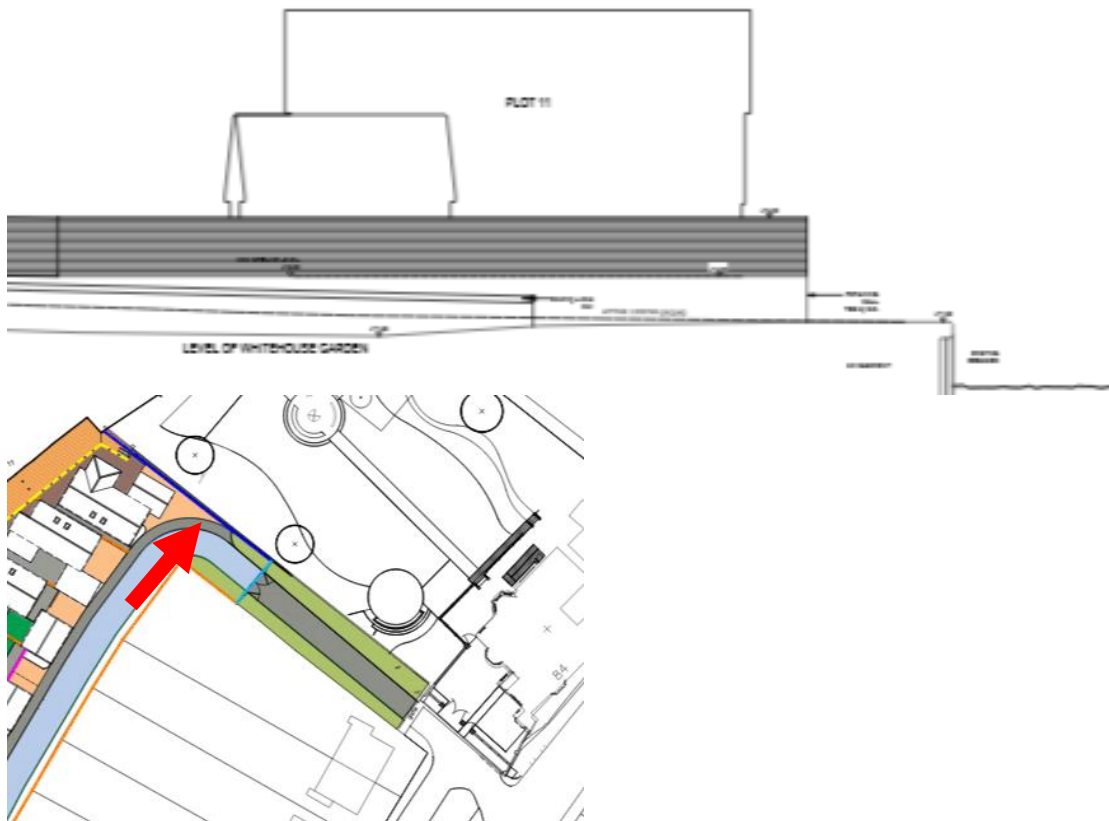


The boundaries that partly enclose Plot 1 from the internal road also comprises a low, blue brick retaining wall topped with 1.5m render wall with grey capping. This will be relatively prominent being visible through the entrance gates but is considered appropriate and reflects the vernacular of the dwellings. This can be seen on the image below behind the red brick entrance wall and gates.



The secondary access to the north (adjacent to the listed White House) would be gated, with red brick piers topped with stone copings, black painted steel gates with adjacent horizontal cedar boarding. The use of red brick here is considered appropriate being the vernacular of Millgate which this would visually read as part of. The boundary of the site with the side/rear garden of the listed building would comprise cedar fencing. Whilst a timber post and rail fencing with landscaping would have been preferable, it is noted that there is a level difference that exposes the existing garden to the development as is shown on the extract below.

LONG SECTION [Extract]
SCALE 1:100



A cedar boarded fence is therefore considered an acceptable boundary treatment in this context and one that Conservation colleagues are comfortable with.

A 1.8m high boundary fence would also front the retaining wall alongside the rear boundaries of the existing properties on Millgate which back onto this development. This is considered acceptable and would help provide a unified and cohesive boundary in the area.

Overall the boundary treatments are considered to be appropriate.

In conclusion the amendments proposed are considered to preserve the character and appearance of the Conservation Area and the setting of the nearby listed building which accords with the policy objectives identified.

Flood Risk

Core Policy 9 requires new development proposals to pro-actively manage surface water. Core Policy 10 of the Core Strategy and Policy DM5 of the Allocations and Development Management DPD along with the NPPF set out the appropriate approach to flood risk.

The site lies in flood zones 2 and 3 - at medium/high flood risk. In this case however, the scope of the application is limited to the differences between the approved scheme and the scheme now advanced. As such there is no requirement to apply the Sequential Test and the development just needs to demonstrate that the changes proposed would be safe for its lifetime and not make flooding any worse for other properties.

In terms of alterations proposed to the drainage scheme, the flood strategy and compensation scheme (which are essentially crates underneath the road) these are limited to relatively minor alterations to land/road levels which have consequently impacted the upon the strategy. These are acceptable to both the Lead Local Flood Authority and the Environment Agency who raise no objections. As such the requested amendments to the conditions are considered acceptable.

It is noted that some residents have raised concerns that the gardens of properties along Millgate (that lie adjacent to the development site) have experienced flooding since the construction on site has commenced.

There is some suggestion that a concrete retaining wall erected along this boundary may be contributing to this by not allowing the water to escape where it has pooled at the end of the gardens, given their sloping nature. This retaining wall is between between 900mm and 1500mm high along the boundary. Part of its design appears to have been to protect the gardens of existing dwellings from fluvial flooding.

Residents appear to have experienced pluvial flooding from excessive rainwater falling onto saturated ground and not being able to escape quickly enough. This is clearly of concern to them, however firstly, it is not clear that the cause of the flooding is a direct result of the development carried out (there has been unprecedented flooding across the District in any event) and secondly, the retaining wall in question has already been approved as part of a previous application (having been subject to consultation with both the Lead Local Flood Authority and the Environment Agency who confirmed the acceptability of the scheme as technical experts). Lastly and importantly it does not form part of the scope of this application as it has previously been approved. It should be noted that this application would see the retaining wall remain with a horizontal cedar board fence placed close to that wall to screen it and guard against the level differences.

Notwithstanding that it doesn't form part of this application, officers have reached out to the applicants to ask them to review the drainage strategy and ascertain if the design is contributing to flooding, to see if there is a design solution that can be achieved. Engagement will take place by Planning Enforcement with the Environment Agency and Lead Local Flood Authority to ensure the approved drainage strategy is what has been implemented. However these discussions will need to take place outside of the application process. Nevertheless, it is understood that the drainage consultants are currently undertaking a period of monitoring and are reviewing the strategy with a view to making changes if it is identified that it may assist.

Highway Matters

SP7 and DM5 set out the broad policy context in requiring development to provide safe and convenient accesses for all, be appropriate for the highway network in terms of volume and nature of traffic generated, to ensure highway safety, convenience and free flow of traffic using the highway are not adversely affected, provide appropriate and effective parking and servicing provision and to ensure that new traffic generated does not create new or exacerbate existing traffic problems.

Construction Access

The applicant's agents have been working directly with the Highways Authority (HA) for some time in order to resolve issues that have arisen as part of the section 278¹ agreement that they require with NCC as the Highway Authority.)

The applicant now wishes to utilise the secondary access, adjacent to the listed White House for construction traffic. This is currently prohibited by Condition 14 which provides that no development should be commenced in respect of the dwellings until the construction access (adjacent to the northern boundary of the wildlife park) has been provided including changes to the parking bay arrangements on Mill Gate and that thereafter this access should be used for residential construction traffic, explicitly stating that the access adjacent to the The White House shall not be used for construction traffic. The reason for the condition was given as 'to provide adequate and safe access to the development'. Going back to the original scheme, it appears that this was included at the request of the Highways Authority.

In commenting on the revisions, the Highways Authority have advised that there are no highway reasons why the alternative access (adjacent to the White House) cannot be used for construction purposes which would require an amendment to the condition. In the absence of any other planning reason to prevent this access from being used by construction vehicles, this is therefore considered acceptable. It should be noted that the gating of this access would take place following the construction of the dwellings and condition 13 is proposed to be amended (with the agreement of the applicant) to reflect this.

NCC Highways Authority also state that the permanent residential access would not have been allowed to have been constructed prior to the Traffic Regulation Order (TRO) in condition 18 being a Made Order as there are interlaced highway works. They go on to state that so long as Condition 18 is revised as suggested, the permanent access can be constructed without restraint. They also suggest wording for a revised condition Condition 14. There are no other reasons why the secondary access could not be used for construction reasons and therefore it is recommended that the condition is altered.

Compensatory Parking

As a result of the access provision, some parking bays on Millgate would be lost in respect of both remaining phases of development. Condition 18 as currently imposed, seeks to ensure that compensatory parking provision is made available to avoid detrimental impacts on highway safety as a consequence.

It is noted that NCC Highways Authority have suggested a revised draft of this condition. This seeks to offer a more flexible route to compensatory parking in that the developer would only have to provide this if it is shown to be required, which would be evidenced by surveys. However there is concern that the revised condition as suggested would not meet the tests of the NPPF. Noting that the residential dwellings would have their own on-site parking, the

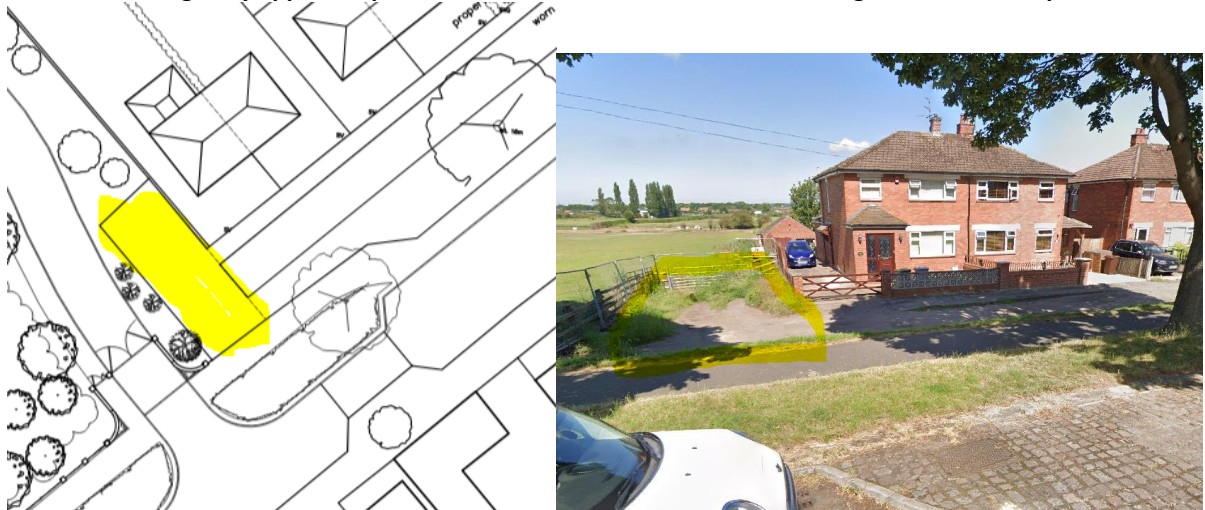
¹ A section 278 agreement is a legal agreement between a developer and a council to make changes to a public highway. It is a section of the Highways Act 1980 that is used when a developer has obtained planning permission and the proposal requires them to alter, modify or reconstruct adopted highways.

loss of the parking bay impacts are likely to be low and felt by local residents and/or possible commuters parking on the fringe of the town. For the health centre phase, the trigger would need to be prior to the building being first brought into use as the risk associated with this element would be the additional traffic generated. Therefore retaining the condition as originally drafted (but referencing the phasing to add clarity) is considered to remain appropriate and provide more certainty on what needs to happen and when.

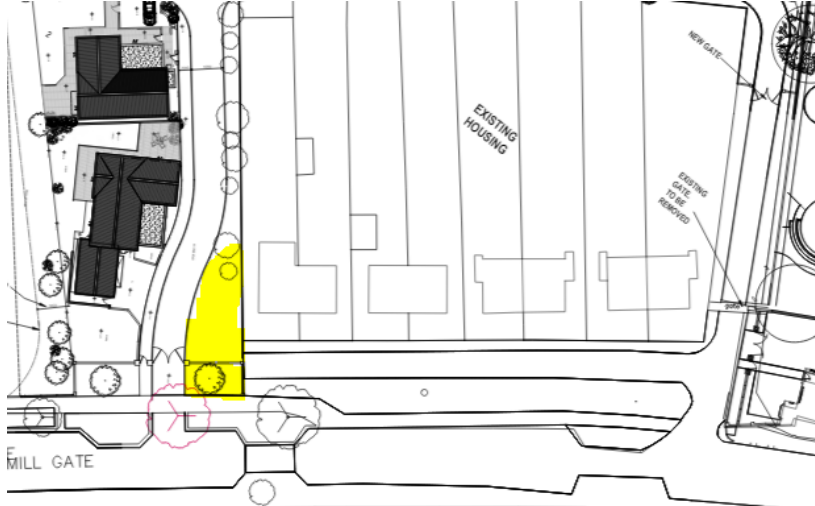
Representations have been made during the course of the application to indicate that the land adjacent to 96 Millgate is currently used by residents as a turning point for vehicles. One such representation indicates that the adjacent property (no. 96) has a deed of easement over the land which means they are responsible for its maintenance and that it wasn't included as part of original plans.

Firstly as already set out, the land in question was contained within the application site as part of the original/host application ref: 12/00301/FULM. At that time the land in question was shown as a rectangular square on the plan (see extract below with area highlighted in yellow) albeit the plan is not annotated to indicate how this was to be treated. It should be noted that the easement location is within the area in highlighted yellow albeit its extent is not known.

Extract from originally approved plan from 12/00301/FULM Streetview image of the land in question



Extract of proposed plan which now shows this to be part of the landscaping



Secondly, a right of easement is a civil matter that is not something that the LPA is able to involve itself in and the owners of number 96 (and anyone else with an easement) would need to take this up with the land owners.

However the highway safety aspect of the scheme is a matter that is clearly material to the application. With regard to this NCC have been asked to provide comment and they have responded as follows:

Whilst we have no comments to make on the additional design information submitted, there are a number of comments that have been made with regards the existing field access at the end of the access road to the northeast of the proposed development access. This is within the red line boundary of the application site but is currently being utilised by residents as a turning facility. We have the following comments as Highway Authority to inform the Local Planning Authority.

This was considered previously, and whilst not ideal for it to no longer be available, all properties (potentially other than number 96 with which an easement is associated) have been taking advantage of the turning ability afforded by this area rather than having a right to use it and its removal therefore does not change the current situation.

Notwithstanding this, considering the effect of its removal against design standards, half of the properties would be within allowable reversing distance leaving the other half having to reverse more than 25 metres. If vehicles were to reverse they would be likely to use the area currently in front of the gate on the northernmost access to reverse into, to allow them to enter adopted highway (Mill Gate) in a forward gear.

All properties have driveways which would allow residents to be able to reverse opposite their property, meaning it should be in the main visitors and delivery vehicles that would have to reverse any distance.

Other than for use by construction vehicles as proposed within this application, it is only subsequently to be used for refuse vehicles. The permanent situation should not therefore create a significant risk of conflict, but given the restricted visibility around the corner adjacent to Marlow House, we would recommend an additional condition (over and above those previously requested) in order to address the risk of conflict during construction, as follows:

The development shall not be commenced until a traffic management plan detailing measures to control the exit of construction vehicles adjacent to Marlow House Reason: In the interests of general highway safety.'

Notwithstanding the Highways Authority comments, Officers have sought to negotiate a turning area within the scheme but the applicant has not amended the scheme and it is acknowledged that this would be difficult to achieve. Ultimately this is not a highway safety matter that would give reasonable grounds for refusal. An additional condition is recommended as condition no. 25 which has been redrafted from the version that the Highways Authority suggested. This would only be triggered once the land used for the turning area was lost allowing the developers to make progress on site and only provide

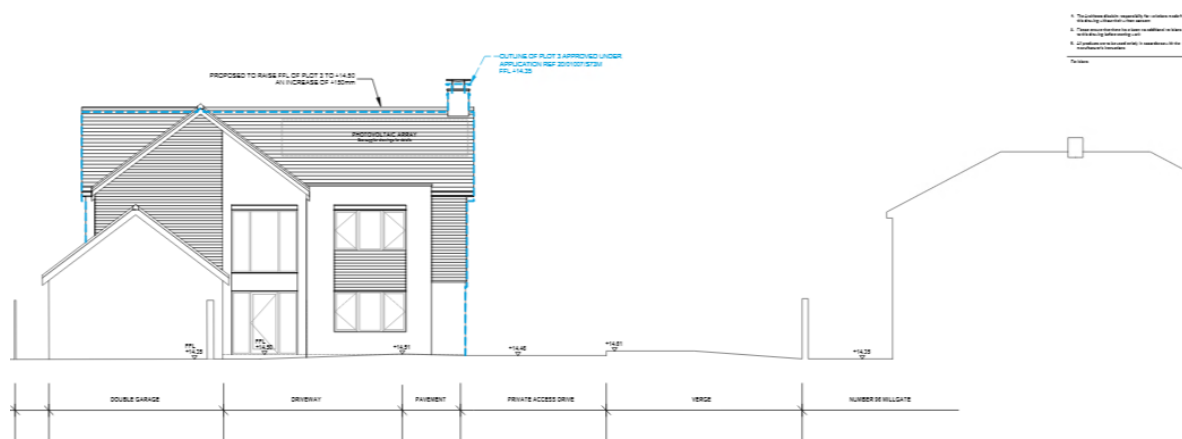
details of a traffic management plan in respect of Phase 2 construction to minimise conflicts during this time, which is considered to be more reasonable.

Impact on Residential Amenity

The relationship between plots has previously been assessed to be acceptable in the context of Policies DM5 and CP9 and only the changes arising from this application are open to consideration.

The distances between Plots 2 & 3 have not been amended as part of this scheme and the windows facing onto 96 Millgate (the nearest dwelling) have not materially changed and the impacts remain the same. Plot 2, for example, would now have a living room, study and entrance lobby windows at ground floor (compared to the previously approved living room, study and hallway window) whilst at first floor there would be two bedroom windows (previously approved) but would omit one landing window previously approved. Plot 3 proposes to substitute 3 living room windows with those serving a kitchen and utility at ground floor and continues to propose two obscure windows serving a bathroom and ensuite at first floor.

Plot 3 is proposed to have its finished floor levels (FFL) raised from the approved 14.35 AOD, by 150mm, to 14.50 AOD. According to the applicant, this is necessary due to a building regulation requirement for the attached garage to have a minimum step of 100mm between the garage and house and that this has been increased to 150mm to work better with the proposed brick dimensions. They also say that it isn't possible to lower the level of the garage due to the gradient across the driveway from the road level being at its maximum allowable. The revised FFL of Plot 3 by 150mm is likely to be imperceptible but nevertheless a section showing the relationship has been provide. This minor change is not considered to tip the impacts to one that is unacceptable.



Other relationships between dwellings have not changed significantly. The existing dwellings fronting Millgate would sit higher than the new dwellings due to topography and the changes to the siting of Plots 9-11 are very minor and there would still be a significant distance (c48m or more) between dwellings to meet the needs of privacy.

It is therefore concluded that the impacts on existing residential dwellings in the area remain acceptable in compliance with policies CP9 and DM5.

Other Matters

There is no change to housing mix or the parking strategy that need to be considered.

8.0 Implications

In writing this report and in putting forward recommendations officers have considered the following implications; Data Protection, Equality and Diversity, Financial, Human Rights, Legal, Safeguarding, Sustainability, and Crime and Disorder and where appropriate they have made reference to these implications and added suitable expert comment where appropriate.

9.0 Conclusion

Following a review of the scheme, officers are satisfied that the scheme constitutes an appropriate material amendment that is capable of being amended through section 73 of the Act and that all of the development, save for some highway works, are within the application boundary of the site.

Following amendments, the impacts upon the character and appearance of the conservation area arising from the changes are considered to be acceptable and there is no harm to the setting of the adjacent listed building.

There are very minimal impacts to the flood compensation scheme and drainage strategy proposed which have arisen only due to minor changes to the land levels necessitating the relevant conditions being amended.

No highway safety issues nor impacts on residential amenity have been identified as part of the amendments proposed.

Considering the limited scope of the application, there is no harm identified that would warrant a reason for refusal and the proposal is considered to be in accordance with the Development Plan. A recommendation of approval is offered.

10.0 Conditions

The following conditions are shown below as previously/~~last~~ imposed with strikethrough text to show how they would be amended by this approval with new text shown in **bold**. These conditions have been amended where they are no longer relevant or where they require aligning with the revised plans.

01

The development shall be implemented in accordance with the phasing scheme shown on drawing no. 812.1005.3.315 Rev B ~~unless otherwise agreed in writing by the Local Planning Authority.~~

Reason: In order for the development to be delivered in a satisfactory manner in the interests of the environment.

02

Prior to commencement of development for any particular phase pursuant to condition 1, no development other than that required to be carried out as part of an approved scheme of remediation, shall be commenced until Parts A to D of this condition have been complied with for the relevant phase in question. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until Part D has been complied with in relation to that contamination.

Part A: Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - o human health,
 - o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - o adjoining land,
 - o groundwaters and surface waters,
 - o ecological systems,
 - o archeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Part B: Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Part C: Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Part D: Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Part A, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Part B, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with Part C.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

03

The development hereby permitted shall be constructed entirely of the material details submitted and approved as shown on drawing numbers ~~812.1005.3.313 Rev A (Housing Typical Details Sheet 1), 812.1005.3.314 Rev A (Housing Typical Details Sheet 2) including details of external facing materials as well as drawings submitted with application reference no. 20/01007/S73M comprising 812.1005.105 Rev B (Plot 3 Elevations), 812.1005.103 Rev B (Plot 2 Elevations), 812.1005.101 Rev B (Plot 1 Elevations) and the following drawings which relate to Plots 1 to 3 inclusive: 812.1005.313 (Proposed Typical Details for all house types Sheet 1) and 812.1005.314 (Proposed Typical Details for all house types Sheet 2) unless otherwise agreed in writing by the local planning authority.~~

812.1005.3.311 Rev A (Health Facilities Typical Details Sheet 1)

812.1005.3.312 Rev A (Health Facilities Typical Details Sheet 2)

812.1005.313-(30)-101 Rev A (Proposed Typical Details for all house types Sheet 1)

812.1005.313-(30)-201 Rev A (Proposed Typical Details for all house types Sheet 2)

812.1005.314-(30)-301 Rev A (Proposed Typical Details for all house types Sheet 3)

812.1437.1-(21)-101 Rev A – Plot 1 Elevations,

(21)-201 Rev A– Plot 2 Elevations

(21)-301 Rev A– Plot 3 Elevations

(21)-401 Rev A– Plot 4 Elevations
(21)-501 Rev A– Plot 5 Elevations
(21)-601 Rev A– Plot 6 Elevations
(21)-701 Rev A– Plot 7 Elevations
(21)-801 Rev A– Plot 8 Elevations
(21)-901 Rev A– Plot 9 Elevations
(21)-1001 Rev A – Plot 10 Elevations
(21)-1101 Rev A– Plot 11 Elevations

Reason: In the interests of visual amenity. ~~This condition had previously been discharged so was remodelled to make clear what materials have been approved and to require the scheme to be implemented in accordance with them as per the 2016 permission and this permission.~~

04

The approved hard and soft landscaping scheme shown on drawing nos. **(19) -101 (Hard and Soft Landscaping Plan), MGMN-BSP-XX-XX-D-C-0210-P05, 91-101 Rev A (Proposed Boundary Details)** ~~301 Rev B, 302 Rev A, 303 Rev B, 304 Rev A, 305 Rev B, 306, 307, 308 Rev A, 309, 310 (update received 02.10.2015),~~ **812.1437.1(63)-101 (Proposed Lighting Scheme),** 316 Marina lighting and Services, 'Proposed Finished Levels Final Landform' drawing no. ~~C16032/C/002-410 (Proposed Site Levels Contour Plan)~~ **MHMN-BSP-XX-XX-D-C-0210 Rev P05 'Private Levels'** plans and the Updated Ecology Report including percentage mixes of species to be planted, location of bat boxes etc and received 2nd October 2015 shall be carried out in accordance with the approved implementation and phasing plan. The works shall be carried out before any part of the development is occupied **in each phase** or in accordance with the programme agreed with the local planning authority.

Reason: To ensure the work is carried out within a reasonable period and thereafter properly maintained, in the interests of visual amenity and biodiversity.

05

The development permitted by this planning permission shall be carried out in accordance with the Flood Risk Assessment (FRA) and drawing numbers **MGMN-BSP-XX-XX-D-C-0210-P05 (Private Levels)** ~~410 (Proposed Site Levels Contour Plan)~~ C16032/C/001 (Proposed Finished Levels: Flood Plain Compensation), Drainage Strategy 23071_02_020_01, supplemented by drawing no. 412A and the following mitigation measures detailed within the FRA:

1. Provision of compensatory flood storage on a level for level basis for the 1 in 100 year plus climate change scenario.
2. Provision of the improved access for inspection and maintenance of river bank.
3. Identification and provision of safe routes into and out of the site to an appropriate safe haven.
4. Finished floor levels are set no lower than 13.2m above Ordnance Datum (AOD).

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason:

1. To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided.
2. To ensure the structural integrity of river bank.
3. To ensure safe access and egress from and to the site.
4. To reduce the risk of flooding to the proposed development and future occupants.

06

The floodplain compensation scheme as shown on drawing numbers C16032/C/001 (Proposed Finished Levels Flood Plain Compensation), ~~410 (Proposed Site Levels, Contour Plan) C16032/C/002 (Proposed Finished Levels Final Landform)~~ **MGMN-BSP-XX-XX-D-C-0210-P05 (Private Levels)** and the ~~Drainage Strategy drawing~~ **MGMN-BSP-XX-XX-D-C-0240-P04 (Private Drainage Layout)** ~~23071_02_020_01 supplemented by drawing no. 412A~~ shall be fully implemented on site prior to first occupation of development of any phase ~~unless otherwise agreed in writing by the Local Planning Authority.~~

Reason: To prevent an increase in flood risk elsewhere.

07

The approved scheme relating to potential replacement sheet piling tie bars at the river's edge (shown on drawing no. BPS 15158/SK01 and as detailed in the Survey of Tie Bars Newark Marina dated September 2015) shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To reduce the risk of failure of the River Trent's banks.

08

The development shall be implemented and subsequently maintained in accordance with the approved surface water drainage scheme shown on drawing numbers **MGMN-BSP-XX-XX-D-C-0210-P05 (Private Levels)** ~~23071_02_020_01, supplemented by drawing no. 412A, 23071_02_02_03 Long Section with Water Level (received 5/01/18), 23071_02_020_02~~ Impermeable Area Calculation, Unreferenced general layout plan received 5/1/18 and Storm Sewer Design Calculations received 5/1/18 and this shall be implemented prior to first occupation of any building ~~unless otherwise agreed in writing by the local planning authority.~~

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

09

The development shall be implemented in accordance with the updated and approved 'Ecology Report, Mitigation Strategy and Ten Year Management Plan' (including the

enhancements contained within Section 7.3). ~~unless otherwise agreed in writing by the local planning authority.~~

Reason: In the interests of maintaining and enhancing biodiversity.

010

The approved scheme to treat and remove suspended solids from surface water run-off during construction works as shown on the BSP Consulting briefing note dated 10th September 2015 shall be implemented as approved.

Reason: The information submitted indicates that the site has a fall towards the River Trent, and that currently run-off is over land towards the river. Therefore, during the demolition and construction phases of the development there is potential for run off containing silt/suspended solids to enter the watercourse.

The Humber river basin management plan requires the restoration and enhancement of water bodies to prevent deterioration and promote recovery of water bodies. Without this condition, the impact could contribute to deterioration of a quality element to a lower status class and/or prevent the recovery of the River Trent (Soar to Carlton) water body because it could contribute to silt/suspended solids entering the River Trent

011

~~No part of the Marina extension hereby approved shall be first brought into use until such time as a parking area of not less than 21 parking spaces are first provided in materials to be first agreed in writing with the Local Planning Authority. The parking shall thereafter be retained for the lifetime of the development.~~ **The marina parking shall be retained for the lifetime of the development.**

Reason: To ensure that adequate parking provision is made and to reduce on-street parking in the interests of highway safety.

012

The vehicular and pedestrian accesses shown on ~~drawing 122 Revision D~~ **MGMN-BSP-XX-XX-D-C-0100 Rev P09** shall be constructed and surfaced in a bound material and no properties shall be occupied until the associated access has been completed and made fully available.

Reason: To protect the structural integrity of the accesses and to allow for future maintenance.

013

Prior to first occupation of any dwelling hereby approved within Phase 2, the north-easternmost access (or secondary exit) will be gated in accordance with drawing ~~(19)-101 122 Revision D~~ and, in accordance with the submitted design and access statement, will only be

opened to allow refuse, and emergency vehicles to pass. It shall remain closed at all other times.

Reason: In the interests of safety, by avoiding a proliferation of vehicle and pedestrian movements on an access that is not provided with suitable pedestrian facilities.

014

~~No development shall be commenced in respect of any of the dwellings hereby approved until the construction access which shall be the access to the northern boundary of the wildlife area, including changes to the parking bay arrangements on Mill Gate, has been provided as shown on drawing 122 Revision D to the satisfaction of the Local Planning Authority. Thereafter this access shall be used for residential construction traffic until such time as the residential development is completed. For the avoidance of doubt the access adjacent to The White House shall not be used for construction traffic.~~

No part of the residential development shall be occupied until such time as the access as shown on drawing number MGMN-BSP-XX-XX-D-C-0100 Rev P09, including changes to the parking arrangements on Mill Gate, has been provided.

Reason: To provide adequate and safe access to the development.

015

The accesses shall be constructed in accordance with the approved scheme to prevent the unregulated discharge of surface water from them to the public highway (as shown on drawing **MGMN-BSP-XX-XX-D-C-0210-P05 'Private Levels' 410** ~~Proposed Site Levels Contour Plan C16032/C/002~~) and the implemented scheme shall 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.

016

The gates at the main residential access point and at the health facility access shall open inwards only, be set back a minimum of 5 metres from the highway boundary and be constructed in accordance with the details shown on drawing ~~no. 126A~~ **numbers MGMN-BSP-XX-XX-D-C-0100-P09_S278_General Arrangement, MGMN-BSP-XX-XX-D-C-0130-P09-S278_Construction Layout, MGMN-BSP-XX-XX-D-C-0180-P08_S278 Signage and White Lining and (91)-201 (Proposed Entrance to Housing Access Road)**. The approved gates shall then be retained for the life of the development.

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

017

Trees removed to allow for the construction of the residential access and provision of parking bays on Mill Gate shall be replaced with trees to be first agreed in writing by the Local Planning Authority in liaison with the Highway Authority (species, size and location) prior to occupation of any dwelling.

Reason: In the interests of visual amenity.

018

Prior to first occupation **of each phase**, a scheme for controlled replacement parking on Mill Gate (required as a result of the loss of on-street parking due to the creation of the access points) shall be submitted to and agreed in writing by the Local Planning Authority. The agreed scheme (with associated signs and lining) shall be implemented on site in accordance with a timetable to be first agreed in writing with the LPA and shall thereafter be retained for the lifetime of the development ~~unless otherwise agreed.~~

Reason: To avoid detrimental effect on the on-street parking facilities and to cater for alterations to the on-street parking arrangements as a result of the new access arrangements.

019

The scheme for the disposal of surface water and foul sewage as shown on approved drawings **MGMN-BSP-XX-XX-D-C-0240-P04 (Private Drainage Layout) 23701_02_020_01, 23071_02-02-03 Long Section with Water Level, 23071-_02_020_02 Impermeable Area Calculation and Storm Sewer Design Calculations received 5th January 2018** ~~supplemented by drawing no. 412A~~ shall be implemented on site prior to the development **within each respective phase is being** first brought into use.

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.

~~020~~

~~No development shall be commenced in respect of the new bridge (serving the new car parking area) until details of the design, specification, fixing and finish in the form of drawings and sections at an appropriate scale have been submitted to and approved in writing by the local planning authority. Development shall thereafter be undertaken in accordance with the approved details unless otherwise agreed in writing by the local planning authority.~~

~~Reason: In order to preserve or enhance the character and appearance of the conservation area.~~

~~021~~ 020

The approved external lighting as shown on drawing numbers: ~~812.1005.3.309~~ **812.100.3.309 (Lighting Design Scheme)** and Health Facilities;

812.1005.3.316 Marina lighting and Services; RLEC24343; RLEC25440 & SI-RE513-GM ~~and Lighting Scheme plan showing housing plots 1-3 (drawing no.310)~~ shall be carried out in accordance with the approved details **prior to first occupation/use of each respective phase** and retained for the lifetime of the development ~~unless otherwise agreed in writing by the local planning authority.~~

Reason: In the interests of visual and residential amenity and in the interests of crime prevention and secure by design principles.

~~022~~ 021

No hedge or tree that is to be removed as part of the development hereby permitted shall be lopped, topped, felled or otherwise removed during the bird nesting period (beginning of March to end of August inclusive). ~~unless otherwise agreed in writing by the local planning authority.~~

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

~~023~~ 022

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order (England) 2015 (and any order revoking, re-enacting or modifying that Order), other than development expressly authorised by this permission, there shall be no development under Schedule 2, Part 1 of the Order in respect of:

Class A: The enlargement, improvement or other alteration of a 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.

Class F: The provision or replacement of hard standing 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.

Reason: To ensure that the local planning authority retains control over the specified classes of development normally permitted under the Town and Country Planning (General Permitted Development) (England) Order 2015 or any amending legislation) in the interests of visual amenity and due to its sensitive location adjacent to the river.

~~024~~ 023

Unless otherwise stated explicitly by condition the development hereby permitted shall not be carried out except in complete accordance with the following approved plans, references ~~123 (Site Sections), 3174-1 (Topographical Survey) 812.1005.3 Rev C (Site Location Plan), 812.1005.3.100 (Plot 1 Plans), 812.1005.3.101 (Plot 1 Elevations), 812.1005.414 (Plot 1, Ground floor and layout) 812.1005.101 Rev B (Plot 1 Elevations) 812.1005.100 Rev A (Housing~~

~~Plot 1, Floor and Roof Plans), 812.1005.3.102(Plot 2 Plans), 812.1005.3.103 (Plot 2 Elevations), 812.1005.3.104 (Plot 3 Plans), 812.1005.103 Rev B (Plot 2 Elevations) 812.1005.102 Rev A (Housing Plot No. 2 Floor and Roof Plans) 812.1005.3.105 (Plot 3 Elevations), 812.1005.105 Rev B (Plot 3 Elevations)~~

~~812.1005.104 Rev A (Housing Plot no. 3, Floor and Roof Plans), 812.1005.415 (Contextual Plans and Elevations, Plots 1, 2 and 3), 812.1005.413 (Contextual Elevations to Park), 812.1005.3.106 (Plot 4 Plans), 812.1005.3.107 (Plot 4 Elevations), 812.1005.3.108 (Plot 5 Plans), 812.1005.3.109(Plot 5 Elevations), 812.1005.3.110 (Plot 6 Plans), 812.1005.3.111(Plot 6 Elevations), 812.1005.3.112 (Plot 7 Plans), 812.1005.3.113 (Plot 7 Elevations), 812.1005.3.114 (Plot 8 Plans) 812.1005.3.115 (Plot 8 Elevations) 812.1005.3.116 (Plot 9 Plans) 812.1005.3.117 (Plot 9 Elevations) 812.1005.3.118 (Plot 10 Plans), 812.1005.3.119 (Plot 10 Elevations), 812.1005.3.120 (Plot 11 Plans), 812.1005.3.121 (Plot 11 Elevations) 812.1005.3.122 Rev D (Proposed Site Layout) 812.1005.3.123 (Long Sections) 812.1005.3.126 (Proposed Entrance), 812.1005.3.150 (Health Facilities Ground Floor) 812.1005.3.151 (Health Facilities First Floor) 812.1005.3.152 (Health Facilities Basement) 812.1005.3.153 (Health Facilities Elevations 1) 812.1005.3.154 (Health Facilities Elevations 2) 812.1005.412 A (Proposed Drainage Layout, Positioned Plots 1 – 3 and Wildlife Park), 812.1005.410 (Proposed site levels – contour plan) and 812.1005.122 Rev E (Block Plan and Site Masterplan)~~

812.1005.313-(30)-101 Rev A(Proposed Typical Details for all house types Sheet 1)

812.1005.313-(30)-201 Rev A (Proposed Typical Details for all house types Sheet 2)

812.1005.314-(30)-301 Rev A (Proposed Typical Details for all house types Sheet 3)

MDMN-BSP-XX-XX-D-C-210-P05 (Private Levels)

MGMN-BSP-XX-XX-D-C-0240-P04 (Private Drainage Layout)

MGMN-BSP-XX-XX-D-C-00100-P09-S278 (General Arrangement)

MGMN-BSP-XX-XX-D-C-00130-P09-S278 (Construction Layout)

MGMN-BSP-XX-XX-D-C-0180-P08-S278 (Signage and White Lining)

(19)-101 – Proposed Site Masterplan

(19)-101 Rev B – Hard and Soft Landscaping Plan

(08)901 – General Site Sections and Elevations

22-0023-01-305 Rev R01, Plot 1 Technical Floor Plans Roof

22-0023-02-305 Rev R01, Plot 2 Technical Floor Plans Roof

22-0023-03-305 Rev R01, Plot 3 Technical Floor Plans Roof

22-0023-04-305 Rev R01, Plot 4 Technical Floor Plans Roof

22-0023-05-305 Rev R01, Plot 5 Technical Floor Plans Roof

22-0023-06-305 Rev R01, Plot 6 Technical Floor Plans Roof

22-0023-07-305 Rev R01, Plot 7 Technical Floor Plans Roof

22-0023-08-305 Rev R01, Plot 8 Technical Floor Plans Roof

22-0023-09-305 Rev R01, Plot 9 Technical Floor Plans Roof

22-0023-10-305 Rev R01, Plot 10 Technical Floor Plans Roof

22-0023-11-305 Rev R01, Plot 11 Technical Floor Plans Roof

(91)-101 Rev A Proposed Boundary Details

(91)-201 Proposed Entrance to Housing Access Road

812.1437.1-(63)-101 Lighting Design Scheme_AO

812.1437.1:

(20)-101 Rev A – Plot 1 Floor and Roof Plans

(21)-101 Rev A – Plot 1 Elevations

(20)-201 Rev A– Plot 2 Floor and Roof Plans

(21)-201 Rev A– Plot 2 Elevations

(20)-301 Rev A – Plot 3 Floor and Roof Plans
(21)-301 Rev A– Plot 3 Elevations
(20)-401 Rev A – Plot 4 Floor and Roof Plans
(21)-401 Rev A– Plot 4 Elevations
(20)-501 Rev A– Plot 5 Floor and Roof Plans
(21)-501 Rev A– Plot 5 Elevations
(20)-601 Rev A– Plot 6 Floor and Roof Plans
(21)-601 Rev A– Plot 6 Elevations
(20)-701 Rev A – Plot 7 Floor and Roof Plans
(21)-701 Rev A– Plot 7 Elevations
(20)-801 Rev A – Plot 8 Floor and Roof Plans
(21)-801 Rev A– Plot 8 Elevations
(20)-901 Rev A – Plot 9 Floor and Roof Plans
(21)-901 Rev A– Plot 9 Elevations
(20)-1001 Rev A– Plot 10 Floor and Roof Plans
(21)-1001 Rev A – Plot 10 Elevations
(20)-1101 Rev A – Plot 11 Floor and Roof Plans
(21)-1101 Rev A– Plot 11 Elevations

Technical specification for GSE Integration in roof system solar panels

~~unless otherwise agreed in writing by the local planning authority through the approval of a non-material amendment to the permission.~~

Reason: So as to define this permission.

~~025-024~~

The land forward of the visibility splays as shown on Drawing Number MGMN-BSP-XX-XX-D-C-0100 P09 shall be maintained free of all obstruction over 0.6 metres above the carriageway level at all times.

Reason: In the interests of highway safety.

025

Prior to the commencement of the approved access (identified on Drawing Number 812.1005.3.315 Rev B) a Traffic Management Plan (TMP) shall be submitted to and approved in writing by the local planning authority. This shall detail measures to control the exit of construction vehicles adjacent and the parking of vehicles of site operatives and visitors. The approved TMP shall be adhered to throughout the construction period.

Reason: In the interests of residential amenity and to reduce conflicts with vehicles during the construction period.

Notes to Applicant

The applicant/developer is advised to contact the Canal and Rivers Trust Infrastructure Services Team on 0303 040 4040 in order to ensure that any necessary consents are obtained and that the works comply with the Canal and Rivers Trust 'Code for Practice for Works affecting the Canal and River Trust'.

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 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

The proposed development has been assessed and it is the Council's view that CIL is not payable on the development given that there is no net additional increase of floorspace as a result of the development.

04

You are advised that you may require building regulations approval in addition to the planning permission you have obtained. Any amendments to the permitted scheme that may be necessary to comply with the Building Regulations, must also be approved in writing by the Local Planning Authority in order that any planning implications arising from those amendments may be properly considered.

East Midlands Building Control operates as a local authority partnership that offers a building control service that you may wish to consider. You can contact them via email at info@eastmidlandsbc.com via phone on 0333 003 8132 or via the internet at www.eastmidlandsbc.com

BACKGROUND PAPERS

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

Application case file.

Committee Plan - 23/02117/S73M

