



Report to Planning Committee 14 March 2024

Business manager Lead: Lisa Hughes – Planning Development

Lead Officer: Yeung Browne – Planner (Development Management)

Report Summary			
<b>Application Number</b>	24/00082/S73		
<b>Proposal</b>	Variation of conditions 2 and 8 attached to planning permission 22/01591/FUL to amend the approved plans and amend the wording in condition 8		
<b>Location</b>	77C Eton Avenue, Newark On Trent, NG24 4JH		
<b>Applicant</b>	Newark & Sherwood District Council - Mr Kevin Shutt	<b>Agent</b>	Studio-G Associates LLP - Mrs Karolina Walton
<b>Web Link</b>	<a href="#">24/00082/S73 - Variation of conditions 2 and 8 to planning permission 22/01591/FUL</a>		
<b>Registered</b>	12.01.2024	<b>Agreed Extension of time</b>	20.03.2024
<b>Recommendation</b>	That Planning Permission is <u>APPROVED</u> subject to the Conditions detailed at Section 10		

**This application is before the Planning Committee for determination, in accordance with the Council’s Constitution, because the Council is the applicant.**

**1.0 The Site**

The application site was the former Newark and Sherwood District Council housing office with parking facility, located on the corner of Eton Avenue and Devon Road, Newark. The site is predominantly surrounded by residential development with some commercial properties to the north-west.

The proposed site is approximately 2000m<sup>2</sup>, broadly triangular in shape, current vehicle access is from Devon Road. To the northern boundary there are private garden areas from dwellings off Devon Road and a local pharmacy off Eton Avenue. An existing Gas Governor is positioned adjacent to Devon Road, access will be required from both sides.

**2.0 Relevant Planning History**

**22/00629/DEM** – Demolition of former NSDC Housing Office. Prior approval required and granted on 13.05.2022

**22/01591/FUL** – Development of 5 bungalows and associated external works including installation of new dropped kerbs. Application approved 11th November 2022.

**23/02190/NMA** - Application for non material amendment to substitute new facing brick for approved bricks (now unavailable) attached to planning permission 22/01591/FUL. Application approved 17th December 2023.

**23/02239/DISCON** - Request for confirmation of discharge of conditions 08 (Off-site traffic management), 12 (Construction Method Statement) and 13 (Surface Water drainage) attached to planning permission 22/01591/FUL; (conditions 12 and 13 approved subject to compliance, condition 8 remain outstanding).

### **3.0 The Proposal**

The application is a Section 73 application submitted to vary the following conditions 2 (plans) and 8 (off-site traffic management) attached to permission 22/01591/FUL (Development of 5 bungalows and associated external works including installation of new dropped kerbs).

Condition 02 – Plans reads:

*The development hereby permitted shall be carried out only in accordance with the details and specifications included on the submitted application form, documents and shown on the drawings as listed below:*

- *Revised Proposed site and block plans ref: 529-SGA-35-SL-DR-A-00010 Rev P3, received on 14 October 2022*
- *Revised Proposed floor plans ref: 529-SGA-35-OO-DR-A-00011, Rev P2, received on 15 August 2022*
- *Revised Proposed elevation ref: 529-SGA-35-XX-DR-A-00012, Rev P2, received on 15 August 2022*

*Reason: To ensure that the development takes the agreed form envisaged by the Local Planning Authority when determining the application.*

The proposed wording is:

The development hereby permitted shall be carried out only in accordance with the details and specifications included on the submitted application form, documents and shown on the drawings as listed below:

- 529-SGA-35-SL-DR-A-00010 P5 Site Location and Block Plans received 12 January 2024
- 529-SGA-35-OO-DR-A-00011 P3 General Arrangement Plans received 12 January 2024
- 529-SGA-35-XX-DR-A-00012 P3 Elevations received 12 January 2024

The applicant advances that the condition requires amending due to a gas main running across the front of the site. This means the original development cannot be constructed without significant cost. This application proposes the repositioning of the bungalows slightly further within the site and also slightly to the north i.e, it would be set back from Eton Avenue by approximately 4 metres instead of c.2.65m on the previously approved plan. This proposed amendment also results in a small reduction in size of the three, 1 bedroom units.

The associated gardens and landscaped areas have been adjusted to address the new layout

with the overall building reduced in length from approximately 39m to 37.5m; and the depth of the building reduced from approximately 8.6m to 8.5m.

For the avoidance of doubt, the proposed change are detailed below:



Site layout on approved on application  
22/01591/FUL



Proposed site layout on current  
application 24/00082/S73

**Front and rear elevation approved on application 22/01591/FUL**



West Elevation  
1:50



East Elevation

**Proposed front and rear elevation on current application 24/00082/S73**



PL East Elevation  
1:50



PL West Elevation

Condition 08 (off-site traffic management) reads:

*Prior to the commencement of development, the off-site traffic management works comprising of double yellow lines across the frontage of the site along Eton Avenue, as indicatively shown on the submitted plan ref: 529 SGA 35 SL DR A 00010 rev. P03 received on 14 October 2022 shall be provided in accordance with details to be first submitted to and approved in writing by the Local Planning Authority and retained thereafter unless the highway authority deem their removal appropriate.*

*REASON: To protect an unobstructed access to the existing bus stop and the free flow of traffic on Eton Avenue all in the interest of highway safety.*

The off-site works would be subject to a Traffic Regulation Order (TRO), which would be carried out by VIAEM. The applicant states that implementation of the TRO scheme would, from experience, take a minimum of 6 months which would, without this variation, result in delay to the commencement of the project; representing a significant delay to starting construction. As a result, this application seeks amendment to the wording of this condition to be pre-occupation instead of pre-commencement.

The proposed wording is now suggest to be covered within two conditions with the following wording:

*Prior to the occupation of development, the highway works as shown for indicative purposes only on drawing 529-SGA-35-SL-DR-A-00010 Rev P5 received on 12 January 2024 shall be completed. For the avoidance of doubt, these works require a Traffic Regulation Order which will need to be agreed and fully implemented to the satisfaction of the Local Planning Authority in discussion with the Highways Authority.*

*Reason: To provide adequate & safe access to the site.*

and

*Prior to occupation of the development, an application shall be made to provide the Traffic Regulation Order (double yellow lines) shown for indicative purposes only on drawing 529-SGA-35-SL-DR-A-00010 Rev P5 received on 12 January 2024 on Eton Avenue in the vicinity of Jersey Street. Any subsequently approved works shall be fully implemented to the satisfaction of the Local Planning Authority in discussion with the Highways Authority.*

*Reason: To provide adequate & safe access to the site.*

The following documents have been submitted with the application:

- 529-SGA-35-SL-DR-A-00010 P5 Site Location and Block Plans
- 529-SGA-35-00-DR-A-00011 P3 General Arrangement Plans
- 529-SGA-35-XX-DR-A-00012 P3 Elevations

#### **4.0 Departure/Public Advertisement Procedure**

Occupiers of four properties have been individually notified by letter. A site notice was placed near to the proposed site on 16.01.2024.

Site visit taken on 16.01.2024.

#### **5.0 Planning Policy Framework**

##### **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 1 – Affordable Housing Provision
- Core Policy 3 – Housing Mix, Type and Density
- Core Policy 9 – Sustainable Design
- Core Policy 10 – Climate Change
- Core Policy 12 – Biodiversity and Green Infrastructure
- NAP1 – Newark Urban Area

##### **Allocations & Development Management DPD**

- DM1 – Development within Settlements Central to Delivering the Spatial Strategy
- DM5 – Design
- 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
- National Planning Practice Guidance
- National Design Guide
- Housing Needs Survey 2020
- Residential Cycle and Car Parking Standards SPD 2021

#### **6.0 Consultations**

*NB: Comments below are provided in summary - for comments in full please see the online planning file.*

### **(a) Statutory Consultations**

None

### **(b) Town Council**

**Newark Town Council** – no comment received.

### **(c) Representations**

**Nottinghamshire County Council Highway (NCC Highway)** – confirmed that the highway authority has no objection to this application to vary Conditions 2 and 8 as attached to 22/01591/FUL.

**No representation was received nearby resident or interest parties.**

## **7.0 Comments of the Business Manager – Planning Development**

The key issues are:

1. Principle of development
2. Impact on Visual Amenity and the Character of the Area
3. Residential Amenity
4. Impact on Highways

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.

### **Principle of Development**

An application under Section 73 is in effect a fresh planning application but should be determined in full acknowledgement that an existing permission exists on the site. This Section provides a different procedure for such applications for planning permission, and requires the decision maker to consider only the question of the conditions subject to which planning permission was granted. As such, the principle of the approved development cannot be revisited as part of this application.

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.

The NPPF is clear that any new permission should set out all conditions related to it unless they have been discharged and that it cannot be used to vary the time limit for implementation which must remain unchanged from the original permission.

Whilst the application has defined which conditions are sought to be varied, the local planning authority has the power to vary or remove other conditions if they are minded to grant a new planning consent. Full planning permission was granted in November 2022 subject to a number of conditions. The conditions to be varied in this application are Conditions 02 (plans) to amend the site layout, and 8 (off road traffic management) to amend the wording of the conditions to allow construction works to commence prior to submission of the off-site traffic management works comprising double yellow lines across the frontage of the site along Eton Avenue. The amended plans and wording would not result in any additional development or physical changes to the appearance of the scheme as approved. As a result, the scope of assessment in this case would be whether the relocation of the building, size alteration of the dwelling and amenity space, as well as the timing of the submission of the details required by these conditions would impact the development as a whole. Each condition will now be taken in turn.

#### Impact on the Visual Amenities of the Area

Core Policy 9 'Sustainable Design' of the Amended Core Strategy DPD requires new development proposals to, amongst other things, "achieve a high standard of sustainable design and layout that is capable of being accessible to all and of an appropriate form and scale to its context complementing the existing built and landscape environments". In accordance with Core Policy 9, all proposals for new development are assessed with reference to Policy DM5 of the Allocations & Development Management DPD, which, amongst other things, require new development to reflect the rich local distinctiveness of the District's landscape and character through scale, form, mass, layout, design, materials and detailing.

The application seeks to reposition the approved dwellings to avoid the main gas main pipes running across the front of the site. The entire row of 5 bungalows would be set back by c. 1.5 metres compared to the previously approved scheme. The layout and elevations largely remain the same with a slight reduction in overall width by c1.46m, and depth by c.0.11m of the entire structure. The eaves and ridge height of the building would be unaltered.

It is considered that the proposal amendment is acceptable in terms of scale, design and appearance. As such there is no objection to the variation as proposed.

#### Impact upon Residential Amenity

Policy DM5 'Design' of the Allocations and Development Management DPD states that

separation distances from neighbouring development should be sufficient to ensure that neither suffers from an unacceptable reduction in amenity including overbearing impacts, loss of light and privacy. It also states that development proposals should have regard to their impact on the amenity or operation of surrounding land uses and where necessary mitigate for any detrimental impact.

The overall reduction in length to the entire building (5 bungalows) would be approximately 1.46m, affecting the 3 single bedroom units in the middle. These 3 middle units with a single bedroom for two people would provide a similar floor area to the originally proposed scheme of approximately 55m<sup>2</sup> GIA.. There is little alteration as each of the 1-bedroom units would reduce by approximately 0.5m in width and 0.1m in depth. The two bookended units with two bedrooms for 3 people would remain unaltered at c. 61m<sup>2</sup> GIA. Both types of units would meet the minimum GIA and thus internally the units would be acceptable.

The arrangement to the outdoor amenity space proposed to the northeast and southwest of the dwellings have increased slightly but are largely unaltered in terms of total area. The building would be set back from Eton Avenue by approximately 4 metres instead of c.2.65m on the previously approved plan. The rear garden area would measure approximately 6.5m by 6.8m (44.2 m<sup>2</sup>), compared to the previous approximate size of 5.8m by 7.5m (43.5 m<sup>2</sup>). This is as a result of the development also relocating the parking spaces off Devon Road closer to the eastern boundary within the application site. It is not considered the proposed re-positioned of the bungalow would have any significantly impact upon existing neighbouring amenity and any future occupiers

#### Impact upon Highway Safety

Paragraph 114 of the NPPF states that schemes can be supported where they provide safe and suitable access for all. Spatial Policy 7 seeks to ensure that vehicular traffic generated does not create parking or traffic problems. Policy DM5 requires the provision of safe access to new development and appropriate parking provision.

Condition 8 requires the submission of the detailed off site traffic management for the site prior to the commencement of development other than demolition works (so before any construction of the new dwellings is commenced). The applicant seeks to amend this condition to require the off-site traffic management works to be completed 'prior to occupation' of the dwellings to allow for construction of the dwellings to be commenced prior to the double yellow lines across the frontage of the site along Eton Avenue is provided. The double yellow lines are required due to the location of the parking spaces relative to the dwellinghouses. The applicant has explained the time scale for the off-site traffic management works (Double yellow lines across the frontage of the site along Eton Avenue) will be carried out by VIA East Midland, a contractor for Nottinghamshire Highway Authority. The work would take minimum of 6 months, representing a significant delay to starting construction.

The Highway Authority confirmed that the the pre-occupation condition is considered acceptable and that the application to vary condition 8 should be approved. However, due to the off-site traffic management works being outside of the application site, the proposed wording agreed by highway authority would not be enforceable by the Local Planning Authority. However, as the requirement to provide the double yellow lines is a requirement by the Highway Authority and they are satisfied with these works being provided post



commencement of the development, a pre-occupation is, in this case, considered acceptable. In order to provide comfort to the Council, as Local Planning Authority, notwithstanding NCCs support, it has been agreed with the applicant and their agent to amend the condition so that it is in 2 parts to ensure that the works are completed, as approved via the TRO, prior to occupation.

### Assessment of the remaining conditions

The NPPG is clear that any new permission should set out all conditions related to it unless they have been approved subject to compliance and that it cannot be used to vary the time limit for implementation which must remain unchanged from the original permission.

Following the grant of permission in November 2022 the Applicant has submitted an application for approval of details pursuant to a condition in preparation of commencement of development on site (specifically for conditions 8, 12 and 13). Given some details have been agreed as part of these application these conditions can be re-worded accordingly. For ease of reference the conditions as originally imposed are listed in full below (see section 10) with strikethrough text used to represent parts of the condition no longer required and bold text used to indicate new wording.

## **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**

The application seeks to revise the approved plans through an amendment to the approved plan condition. Externally the changes are minimal and are not considered to adversely affect the character of the area. The relocation of the building would not affect or lead to reduction in amenity value for the existing or future occupiers.

NCC Highways have confirmed they are satisfied with the condition being pre-occupation and have suggested draft wording for such a condition. Notwithstanding this, conditions have to meet certain tests, one of which is that they are enforceable. Engagement has therefore taken place with the applicant to draft wording that would give us, as the decision-maker comfort if the permission is approved, that an application would be submitted to NCC Highways and that the development cannot be occupied until the approved works are implemented. It is therefore concluded that the proposed variation to this condition is acceptable.

No adverse impacts have been identified that would arise from the amendments as proposed. As such, Officers see no justification to resist the proposal and recommend that planning permission is granted subject to the conditions outlined below.

## 10.0 Conditions

01

The development hereby permitted shall not begin later than **10 November 2025** ~~three years from the date of this permission.~~

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

02

The development hereby permitted shall be carried out only in accordance with the details and specifications included on the submitted application form, documents and shown on the drawings as listed below:

- **529-SGA-35-SL-DR-A-00010 P5 Site Location and Block Plans received 12 January 2024**
- **529-SGA-35-00-DR-A-00011 P3 General Arrangement Plans received 12 January 2024**
- **529-SGA-35-XX-DR-A-00012 P3 Elevations received 12 January 2024**
- ~~Revised Proposed site and block plans ref: 529-SGA-35-SL-DR-A-00010 Rev P3, received on 14 October 2022~~
- ~~Revised Proposed floor plans ref: 529-SGA-35-00-DR-A-00011, Rev P2, received on 15 August 2022~~
- ~~Revised Proposed elevation ref: 529-SGA-35-XX-DR-A-00012, Rev P2, received on 15 August 2022~~

Reason: To ensure that the development takes the agreed form envisaged by the Local Planning Authority when determining the application.

03

**The development hereby permitted shall be constructed entirely of the materials details submitted on drawings ref: 529-SGA-35-XX-DR-A-1004 RevC04 received 11 December 2023 through the non-material amendment, application reference 23/02190/NMA.**

**Reason: To ensure the satisfactory appearance of the completed development in the interests of visual amenity.**

~~The development hereby permitted shall be constructed entirely of the materials details submitted as part of the planning application.~~

~~Reason: To ensure the satisfactory appearance of the completed development in the interests of visual amenity.~~

04

No part of the development hereby permitted shall be brought into use until the existing site access, which has been made redundant as a consequence of this consent and as shown on **Site Location and Block Plans 529-SGA-35-SL-DR-A-00010 P5 received 12 January 2024** ~~529~~

~~SGA 35 SL DR A 00010 rev. P03 received on 14 October 2022~~ is permanently closed, and the access crossing reinstated as footway in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.

REASON: To protect the structural integrity of the highway and to allow for future maintenance.

05

No part of the development hereby permitted shall be brought into use until all dropped vehicular footway crossings to the proposed driveways with off-street parking bays are available for use and constructed in accordance with plans to be first submitted to and approved in writing by the Local Planning Authority. The highway works shall then be implemented in line with these details to the Highway Authority specification to the satisfaction of the Local Planning Authority.

REASON: To allow vehicles to enter and leave the highway in a slow and controlled manner in the interest of highway safety.

06

No part of the development hereby permitted shall be brought into use until all driveways and any parking areas are provided and surfaced in a hard bound material (not loose gravel) in accordance with details to be first submitted to and approved by the ~~LPA~~ **Local Planning Authority**. The surfaced drives and any parking areas shall then be used only for parking of the vehicles and be maintained in the approved hard bound material for the life of the development.

REASON: To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking in the area and to reduce the possibility of deleterious material being deposited on the public highway (loose stones etc.)

07

No part of the development hereby permitted shall be brought into use until the parking areas are constructed with provision to prevent the discharge of surface water from the parking areas to the public highway. Any proposed soakaway shall be located at least 5.0m to the rear of the highway boundary or hard-bound permeable surfacing should be installed. The drainage scheme shall be provided in accordance with details first submitted to and approved in writing by the Local Planning Authority. The provision to prevent the discharge of surface water to the public highway shall then be retained for the life of the development.

REASON: To ensure surface water from the site is not deposited on the public highway causing dangers to road users.

08

**Prior to the occupation of development, the highway works as shown for indicative purposes only on drawing 529-SGA-35-SL-DR-A-00010 Rev P5 received on 12 January 2024 shall be completed. For the avoidance of doubt, these works require a Traffic Regulation Order which will need to be agreed and fully implemented to the satisfaction of the Local Planning Authority in discussion with the Highways Authority.**

**Reason: To protect an unobstructed access to the existing bus stop and the free flow of traffic on Eton Avenue all in the interest of highway safety.**

~~Notwithstanding the submitted plans, no development shall be occupied until the off site traffic management works comprising of double yellow lines across the frontage of the site along Eton Avenue, as indicatively shown on the submitted plan ref: 529-SGA-35-SL-DR-A-00010 rev. P03 received on 14 October 2022 are provided in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.~~

~~REASON: To protect an unobstructed access to the existing bus stop and the free flow of traffic on Eton Avenue all in the interest of highway safety.~~

09

**Prior to occupation of the development, an application shall be made to provide the Traffic Regulation Order (double yellow lines) shown for indicative purposes only on drawing 529-SGA-35-SL-DR-A-00010 Rev P5 received on 12 January 2024 on Eton Avenue in the vicinity of Jersey Street. Any subsequently approved works shall be fully implemented to the satisfaction of the Local Planning Authority in discussion with the Highways Authority.**

**Reason: To protect an unobstructed access to the existing bus stop and the free flow of traffic on Eton Avenue all in the interest of highway safety.**

10 ~~09~~

Prior to first occupation of the development hereby approved, full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:

- i. full details of every tree, shrub, hedge to be planted (including its proposed location, species, size and approximate date of planting) and details of tree planting pits including associated irrigation measures, tree staking and guards, and structural cells. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species;
- ii. existing trees and hedgerows, which are to be retained pending approval of a detailed scheme, together with measures for protection during construction;
- iii. means of enclosures;
- iv. hard surfacing materials;
- v. minor artefacts and structures for example, secure storage sheds and play equipment

Reason: In the interests of visual amenity and biodiversity.

## **11 10**

The approved soft landscaping shall be completed during the first planting season following the first occupation/use of the development, or such longer period as may be agreed in writing by the Local Planning Authority. Any trees/shrubs which, within a period of five years of being planted die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless otherwise agreed in writing by the local planning authority. All tree, shrub and hedge planting shall be carried out in accordance with BS 3936 -1992 Part 1-Nursery Stock-Specifications for Trees and Shrubs and Part 4 1984-Specifications for Forestry Trees; BS4043-1989 Transplanting Root-balled Trees; BS4428-1989 Code of Practice for General Landscape Operations. The approved hard landscaping scheme shall be completed prior to first occupation or use.

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

## **12 11**

The trees and shrubs along the southern corner of the plot (shown as being retained within the Site Location and Block Plan – Ref. 529-SGA-35-SL-DR-A-00010 Rev P3) shall be retained for the lifetime of the development. Any trees or shrubs which die are removed or are seriously damaged or diseased shall be replaced by trees or shrubs of a similar size and species to those replaced, or otherwise first approved in writing by the local planning authority.

Reason: In the interests of visual amenity.

## **13 12**

**The works/development hereby permitted shall be undertaken in full accordance with the Revised Construction Management Plan (dated 05<sup>th</sup> January 2024) approved under application 23/02239/DISCON.**

**Reason: In the interests of residential amenity.**

~~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 unless otherwise agreed in writing by the local planning authority. 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. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;~~
- ~~v. wheel washing facilities;~~
- ~~vi. measures to control the emission of dust and dirt during construction;~~
- ~~vii. a phasing scheme for works to ensure existing residents have access to external amenity space throughout the construction period;~~

~~viii. — hours of construction.~~

~~Reason: In the interests of residential amenity.~~

**14 ~~13~~**

**The works/development hereby permitted shall be undertaken in full accordance with the drainage layout and construction details approved under application (received 18 December 2023) approved under application 23/02239/DISCON as set out in drawings:**

- **Drainage layout ref: BSP-XX-XX-D-C-0240\_P01 received 18 December 2023**
- **Drainage construction details ref: BSP-XX-XX-D-C-0240\_P01 received 18 December 2023**

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

~~Prior to any works commencing on the construction of the foundations of the dwelling, full details of the manner in which surface water is to be disposed of from the site shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use and shall be maintained for the lifetime of the development.~~

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

**15 ~~14~~**

The bin storage facilities/area shown on the approved plan reference **529-SGA-35-SL-DR-A-00010 P5 received 12 January 2024** ~~529-SGA-35-SL-DR-A-00010 Rev P3 received on 14 October 2022~~ shall be provided prior to first occupation of any of the dwelling hereby approved and retained for the lifetime of the development.

Reason: To ensure that adequate bin storage is provided for occupiers in the interests of residential and visual amenity.

**16 ~~15~~**

Notwithstanding the provisions of the Town and Country planning (General Permitted Development Order 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 AA: Enlargement of a dwellinghouse by construction of additional storeys.~~

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

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: Buildings etc incidental to the enjoyment of a dwellinghouse.

Unless consent has firstly be granted in the form of a separate planning permission.

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)

### **Informative**

01

The application as submitted is acceptable. In granting permission without unnecessary delay the District Planning Authority is implicitly working positively and proactively with the applicant. This is fully in accordance with Town and Country Planning (Development Management Procedure) Order 2015 (as amended).

02

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/](http://www.newark-sherwooddc.gov.uk/cil/)

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

03

Highway works including access reinstatement:

In order to carry out the off-site works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works, you will need to enter into an agreement under Section 278 of the Act or obtain a licence from the Highway Authority, depending on the scale of works required. Please contact [hdc.north@nottscc.gov.uk](mailto:hdc.north@nottscc.gov.uk) or contact the Highway Authority by calling Nottinghamshire County Council's Customer Services on 0300 500 8080 and ask for a Principal Officer for Newark and Sherwood area for more details.

04

Building Works shall not project over the highway:

No part of the proposed building/wall or its foundations, fixtures and fittings shall project forward of the highway boundary.

05

Prevention of Mud on the Highway:

It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it occurring.

06

Traffic Regulation Orders:

The proposed off-site highway works referred to in condition 8 above require a Traffic Regulation Order (TRO) before the development is occupied to provide off-site mitigating works. The developer should note that the Order can be made on behalf of the developer by Nottinghamshire County Council at the expense of the developer. This is a separate legal process and the Applicant should contact [businessdevelopment@viaem.co.uk](mailto:businessdevelopment@viaem.co.uk) or alternatively you can contact Nottinghamshire County Council's Customer Services on 0300 500 8080 and ask for the Improvements Team in Via EM Ltd. Please note that this is a process due to public consultation being part of the procedure; therefore, the applicant is advised to arrange for the TRO process to commence at an early stage of the site redevelopment.

07

Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist.

If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting [cadentgas.com/diversions](http://cadentgas.com/diversions)

Prior to carrying out works, including the construction of access points, please register on [www.lineearchbeforeudig.co.uk](http://www.lineearchbeforeudig.co.uk) to submit details of the planned works for review, ensuring requirements are adhered to.

08

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 Consultancy 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](mailto:info@eastmidlandsbc.com) via phone on 0333 003 8132 or via the internet at [www.eastmidlandsbc.com](http://www.eastmidlandsbc.com).

#### BACKGROUND PAPERS

Application case file.



Committee Plan - 24/00082/S73

