

Application No:	17/02249/FUL
Proposal:	Demolition of existing garages/outbuildings and erection of four 3 bedroomed residential dwellings
Location:	Land to the rear of 20 Hill Vue Gardens, Newark, Nottinghamshire
Applicant:	Mrs C Baker
Registered:	11 December 2017
	Target Date: 2 February 2018
	Extension of Time Agreed Until 7 March 2018

This application is presented to the Planning Committee as the Town Council raise objections to the scheme on the grounds of impacts to neighbours which differs from the officer recommendation.

The Site

The site comprises approximately 0.13ha of land within the defined Newark Urban Area. This wedge shaped parcel of land comprises a garage court laid with hardstanding that is accessed off a private driveway. The site is closed off, gated and padlocked and is bound by fencing. There appear to be c22 garages on site which are constructed of brick with corrugated metal sheets to their gently sloping mono-pitch roofs and timber side opening doors. All garages appear to be in a good state of repair and the site itself is well kept indicating that it remains in use.

Access is via a private tarmacked drive that also serves no. 20 Hill Vue Gardens a bungalow (there are no openings on its side elevation facing the drive) which is to the east. No. 1 Hill Vue Gardens to the west of the access point. The driveway is bound by a wall (c1m high with pillars) to the east and black metal railings to the west.

The dwellings to the west are two storey dwellings that back onto the drive and/or the access road. Dwellings to the south of the site are bungalows whilst to the north and north-east is a railway line (east coast mainline). The site lies within a predominantly residential area within a relatively high density area within the suburbs of the town.

Relevant Planning History

01781234 – Two proposed garages, approved 15/12/1978.

02/02239/OUT – Outline permission for residential development with all matters reserved was refused by the Authority on 16th December 2002. However this was later allowed on appeal (APP/B3030B/A/03/1109790) on 22nd July 2003. The Inspector considered the main issues related to 1) the effect of the loss of existing car parking facilities and impact on the safety and convenience of traffic on nearby highways; and 2) the ability of the site to accommodate development with satisfactory living conditions for its future residents with particular reference to noise. He found no conflict with either issue in allowing the appeal.

The Proposal

This application seeks full planning permission for the erection of 4 detached dwellings each with 3 bedrooms and an integral single garage. In order to facilitate the proposed development all of the existing garages on site would need to be demolished which also forms part of the proposal.

All of the plots are detached dwellings of the same design (2 of which are handed) with a hipped roof that has an attached single garage with accommodation above set down at a lower ridge height than the bulk of the dwelling. Accommodation at ground floor comprises an entrance hall, kitchen, w.c storage and living area whilst at first floor is a master bedroom with en-suite, two further bedrooms and a bathroom.

The dwellings have been arranged on site to all front the approaching access drive and a turning head which would be created and each would back onto the railway line to the north and north-east.

The application is accompanied by the following:

- Design and Access Statement by TF Architectural Services Ltd
- Existing site plan 259_2017_01
- Site Location Plan 259_2017
- Proposed Elevations Plot 2 & Plot 3 handed (259_2017_04)
- Proposed Plans Plot 1 & Plot 4 handed (259_2017_05)
- Proposed Elevations Plot 1 & Plot 4 handed (259_2017_06)
- Proposed Plans Plot 2 & Plot 3 handed (259_2017_03)
- Proposed Site Plan (259_2017_02)

Departure/Public Advertisement Procedure

Fourteen neighbours were notified with a consultation expiry date of 3rd January 2018.

Relevant Planning Policies

The Development Plan

Newark and Sherwood Core Strategy Adopted March 2011

Spatial Policy 1 – Settlement Hierarchy

Spatial Policy 2 – Spatial Distribution of Growth

Spatial Policy 7 – Sustainable Transport

Spatial Policy 8 – Protecting and Promoting Leisure and Community Facilities

Core Policy 3 – Housing Mix, Type and Density

Core Policy 9 – Sustainable Design

Core Policy 12 – Biodiversity and Green Infrastructure

NAP1 – Newark Urban Area

Allocations and Development Management DPD Adopted July 2013

Policy DM1 – Development within Settlements Central to Delivering the Spatial Strategy

Policy DM5 – Design

Policy DM7 – Biodiversity and Green Infrastructure
Policy DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework
- Planning Practice Guidance 2014

Consultations

Newark Town Council – 02/02/18: Newark Town Council's previous comments regarding this application were as follows: 'No Objection was raised to this application provided that on-looking neighbours on both sides of the development do not raise objections'.

At Newark Town Council's Planning Meeting held on 31st January, 2018, the Chairman informed Members that objections had been received by NSDC, from neighbouring properties of the site, therefore altering the previous 'No Objection' to an Objection on these grounds. This change was AGREED.

NCC Highways Authority – 'This application is for the erection of 4 dwellings following demolition of the existing garages/outbuildings. There are no alterations proposed to the existing access onto Hill Vue Gardens.

There are two parking spaces per dwelling, including the integral garaging, as shown on dwg. no. 259.2017.02. It would be beneficial if a bin collection point could be provided near to, but not upon, the public highway.

The Highway Authority would not wish to raise objection to this proposal subject to the following:

1. No part of the development hereby permitted shall be brought into use until the parking areas are provided in accordance with the approved plan. The parking areas shall not be used for any purpose other than the parking of vehicles.

Reason: In the interests of highway safety.

2. Prior to the occupation of any dwelling hereby permitted, a wheelie bin collection point shall be provided near to but not upon the public highway to serve the development, to be located in a position to be agreed in writing with the LPA, which shall be retained for the life of the development.

Reason: In the interests of highway safety.'

NSDC – Environmental Health - 'I refer to the above application and would suggest that due to the proximity of the main East Coast railway line that a condition is placed on any approval to erect noise screening to reduce noise from the railway. I would also suggest the requirement to maintain any screening is also conditioned'.

NSDC – Access and Equalities Officer – General observations

Network Rail – No objection but set out requirements which must be met in respect of **drainage**, use of fail safe use of crane and plant, excavations/earthworks, security of mutual boundary, **fencing**, **method statements/fail safe/possessions**, **OPE**, demolition, vibro-impact machinery, encroachment, noise, **soundproofing**, **landscaping**, **lighting** (the ones on bold they say need to be subject to condition albeit no suggested working is provided).

Ten neighbours/interested parties have made comments which are summarised as follows; 2 neighbouring properties support the scheme. The remaining 8 neighbours object on the following summarised grounds:

- Loss of privacy through overlooking;
- Overshadowing and overbearing impact due to insufficient distances between dwellings;
- Loss of light;
- Loss of view;
- Right of way (Access) - The entrance to this proposed site is a narrow driveway which runs along the side of properties to which there is a right of way;
- Although there are a number of garages they have not caused any problems with a minimum amount of vehicles being used on a daily basis. As some of the garages are used for storage i.e. goods and vintage vehicles, so the traffic flow and noise have always been minimal;
- The proposed family houses would mean extra daily traffic and would turn this private driveway into a busy thoroughfare;
- Where will visitors park?
- If there were children in these houses and they were to play on the drive this could be dangerous;
- Who will maintain the driveway, would it be adopted?
- Concerns that construction traffic could damage foundations (a concrete raft given clay soils) of adjacent property;
- Street parking in this area is very congested, people park cars on both sides of the road and some residents rent these garages and they will have to try and park there too if the garages are demolished;
- Would the tree to the rear of the garages need to be felled?
- Adverse on the character of the area through its design, scale and use;
- Represents over-development - the proposed site density is very high in comparison with the surrounding existing plots;
- Detailed comments regarding the relationship between the new dwellings;
- Question if there a safeguarded area for the local rail line?
- Has impact on local flooding been considered? What would the impact be on finished flood levels? Concerns as flooding has occurred of gardens in recent years. There is a dyke /stream that runs along the site;
- Request for clarity on boundary treatments;
- What does the hatched area to the north west of the proposed entrance signify? Is this to be resurfaced? Are levels impacted?
- Are trees outside the site to be safeguarded during construction? Does the driveway of plot 1 require the partial removal of a tree?
- Poor communication - due to the Christmas break only had 2 weeks to comment
- There will 25/30 cars trying to park on already blocked streets if the garages go;
- Application is unwanted by residents;
- General Disturbance - There would be unacceptable intrusion in the form of noise nuisance, general disturbance, and so on for residents;
- Concerns relating to rat infestation and any potential displacement

Comments of the Business Manager

Principle of Development

The LPA is well advanced in the process of a plan review with examination taking place in February 2018. For the avoidance of doubt the Council considers that it has a 5 year housing land supply against the only objectively assessed need (OAN) available and produced independently by consultants and colleague Authorities. Therefore for the purposes of decision making, the Development Plan is considered to be up to date.

Spatial Policy 1 of the Core Strategy outlines the settlement hierarchy for the District identifying the Newark Urban Area as the sub-regional centre. It is intended that the Newark Urban Area be the focus for housing and employment growth in the District. This site lies within the defined urban area for Newark and as such residential development is broadly acceptable in principle subject to a site specific assessment in relation to other impacts.

Impact on Character of the Area

Core Policy 9 requires that developments 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 and requires developments make the most efficient use of land at a level suitable to local character. Policy DM5 provides that the district's landscape and character of built form should be reflected in the scale, form, mass, layout, design, materials and detailing of proposals.

Visually the garages appear to be well kept but they are of no merit so their loss on a visual basis is considered to be acceptable. The proposal is for the erection of four detached two storey dwellings in what is a residential area. Being set down a private access drive, away from the public highway the visibility of the site is more limited from public vantage points albeit I accept that two storey dwellings set behind bungalows (numbers 20 to 22) would be seen from the roadside. However, I do not consider that development on this site would be out of character or harm the appearance of the area. The dwellings are sited to make efficient use of the land but I do not agree with some neighbours that these would appear cramped or represent an overdevelopment of the site.

The bulk and massing of the proposed plots has been reduced through breaking up the heights of the ridge line and the heights would not be overly dominant. The design is in my view adequate.

Mix, Type and Density

Core Policy 3 sets out an average density of 30 dwelling or more are generally expected and lower densities need to be justified. It also sets out that family housing of 3 bedrooms or more, smaller housing of 2 bedrooms or less and housing for the elderly is needed and that the LPA would seek to secure a mix to reflect the local housing need.

The density proposed in this case is almost 29dph and whilst slightly below what is normally expected, I consider it to be acceptable in this context. All 4 dwellings would have 3 bedrooms which meets an identified need for family housing in the district generally. Whilst all units are the same in terms of accommodation, given the mix of dwelling in the area I do not consider that this is fatal to the application and thus it broadly accords with the requirements of this policy.

Impact on Highways Network and Railway

Spatial Policy 7 indicates that proposals should minimise the need for travel, through measures such as travel plans or the provision or enhancement of local services and facilities and provides that proposals should be appropriate for the highway network in terms the volume and nature of traffic generated and ensure the safety, convenience and free flow of traffic using the highway are not adversely affected; and that appropriate parking provision is provided. Policy DM5 echoes this. SP8 seeks to protect against the loss of community facilities unless it can be demonstrated that the facility is no longer feasible or needed and that there is sufficient provision elsewhere.

Loss of garages and the impact

Indeed I note that residents have raised concerns that the loss the 22 garages would displace parking and lead to issues with much sought after on-street parking. Further information has been sought from the applicant regarding the current useage which is summarised as follows:

- 21 of the garages are rented out. The remaining garages are a wood store, a maintenance store and the office.
- The garages are rented out solely as vehicle storage including two classic cars and 2 motorbikes however some tenants do store items there.
- The garages are rented out to tenants covering the whole of Newark. Approximately 10 or 11 local tenants are from the surrounding streets (Wood Street, Hill View Gardens, Cross Street and Kingsnorth Close.)

The garages are not particularly large and I would suggest it would be difficult to park some modern cars (and allow for exiting) within them. The useage for the parking of cars therefore appears to be relatively modest. Indeed I also note the comments from local residents that suggest that the garages haven't caused any problems with a minimum amount of vehicles being used on a daily basis and that the traffic flow has always been minimal thus being an indicator of a low level use as garages. Notwithstanding this, I note that this was a matter that was rehearsed at the previous appeal which was ultimately allowed. The Inspector states at paragraph 6:

"The appeal site lies within a densely developed area of predominantly late Victorian and early 20th century housing with few off-street parking facilities. The development nearer to the appeal site is more modern and comprises a mixture of bungalows, detached and semi-detached houses which all have provisions for off-street parking. Most of these newer houses have been built on land near the appeal site and close to the railway line."

He goes on to say at para 7;

"...There are currently some 22 lock up garages on the site arranged around a surfaced garage court. At the time of my site visit, which was in the early evening, all the garages were locked and there were no cars present on the site. Also the local streets close to the appeal site were relatively free of parked cars, and even within the more densely developed older housing area nearby there were a significant number of spaces..."

He goes on to conclude in para 8 that:

“...I consider that that the existing car park is of community benefit but that it is necessary to establish any harm that would result from the loss of the facility. In my opinion there is no evidence that local streets are so congested that there would be any harm to the highway safety arising from the loss of the garages within the appeal site.”

Having been to site during the early evening and early morning, I also conclude this to be the case. It appears to me that there is sufficient on street parking for the displaced vehicles within garages and visitors of the new home on the surrounding streets.

The Highways Authority have raised no objection to the scheme subject to two conditions being imposed to 1) require the provision of the parking spaces and 2) require a wheelie bin collection area to be provided which I consider are reasonable, albeit the wording of the conditions has been amended where appropriate.

For all of these reasons I consider that the proposal accords with SP7 and DM5 and there are no grounds to refuse the planning application.

Impacts to the Railway

Network Rail raise no objections to this application subject to the applicant meeting their requirements which can be dealt with via conditions where they have expressed requested this. On this basis I take the view that there would be no detrimental impact to the railway from this development.

Impact on Amenity (including noise)

Policy DM5 requires development to be acceptable in terms of not having a detrimental impact on residential amenity both in terms of existing and future occupiers. Indeed ‘always seeking to secure a good standard of amenity for existing and future occupants of land and buildings’ is one of the 12 core planning principles set out in the NPPF.

I note there are various objections in relation to residential amenity from local neighbours which I address below:

The side elevation of Plot 1 would be located close to (c0.4m) the rear boundary of numbers 9 & 11 Hill Vue Gardens. The dwellings are more elevated (by c1.5m) than the garage site. No. 11 has a conservatory that is not shown on the proposed site plan which extends out approximately 3m closer to the shared boundary. The distance between the main rear elevation of these dwellings and the side of this proposed dwelling would be 15.95m (and so would be c13m taking into account the conservatory). No side windows are proposed so there would be no direct overlooking. I note comments from neighbours that these would be appear dominating and spoil their outlook. Loss of view is a not a planning issue albeit overbearing and overshadowing is. I note there is already a large and mature tree within the ownership of Network Rail to the east which when in leaf would potentially block out some sunlight. Plot 1 which is closer than the tree would also have the potential to obscure some sunlight to nos 9 & 11 during the morning. However I do not consider that this would constitute an unacceptable impact that could sustain a reason for refusal; plot 1 straddles the gardens of both 9 and 11 so the impact on each dwelling is lessened and together with the distances involved I consider that this relationship is acceptable and not dissimilar to many others in sub-urban areas.

Plots 2 and 3 are orientated so it would have oblique views of the rear gardens of properties to its west; however the distance involved are a minimum of 24m so again I do not consider this would amount to unacceptable loss of privacy through overlooking or overshadowing.

The blank side elevation of Plot 4 would be located 11.5m from the bungalow to its south; no. 22 Hill Vue Gardens. This is at the limits of acceptability. However I also note that Plot 4 would straddle the boundaries of numbers 21 and 21 so there would only be a partial impact on both properties such that I do not consider that it would justify a reason for refusal on the grounds of overbearing or overshadowing etc.

I note that concerns have been raised regarding general disturbance to neighbours. Vehicular access would be taken between numbers 1, 3, 5, 7 and 9 HVG and no 20 HVG. In the case of the former their rear gardens act as a buffer distance to protect from noise and general disturbance. NO. 20, a bungalow has its side elevation facing the access with no main habitable windows. In any event I am mindful that the existing site could house up to 22 cars (if at full capacity) and I do not consider that the volume of traffic arising from 4 dwellings is such that this would amount to any detrimental impact upon the neighbours such that could be substantiated on appeal. Indeed this was a matter that appears to have been considered at the previous appeal which was allowed.

In terms of noise from the railway line for the future occupiers, no noise assessment has been provided. However, I consider that the proximity to the railway line is similar to those associated with other dwellings and that if approved a condition to require details to protect future occupiers (for example triple glazed windows could be used to assist and sound dulling fencing along the boundaries) from this would be reasonable. I consider that the proposed dwellings all have adequate areas of outdoor space given the urban context to serve the needs of the eventual occupiers and that the relationship between the new dwellings is acceptable.

Impact on Trees

Policies CP12 and DM5 seek to protect and enhance natural features where possible. Policy CP9 requires proposals *'to demonstrate a high standard of sustainable design that both protects and enhances the natural environment and contributes to and sustains the rich local distinctiveness of the District.'*

There are some trees outside of the application that appear to overhang the boundaries such that some trees could be affected by this proposal. No tree survey have been provided with the application and I consider it unreasonable to request one given that the trees are not within the applicants control and gaining access for such a survey would not be either. The trees affected do appear to be reasonably represented on the layout plan and relate to trees within the garden of a dwelling to the west and trees within the control of Network Rail (the elater of whom themselves have not objected to the scheme). I think it would be reasonable to impose a condition on any permission to require that prior to commencement of development tree protection measures are installed to protect these from harm, and this would be in accordance with the identified policies. I note that no tree is proposed to be removed to facilitate this development and overall its impact on trees can be safeguarded.

Flood Risk/Drainage

Core Policy 9 (Sustainable Design) provides that development should 'through its design, proactively manage surface water, where feasible, the use of Sustainable Drainage Systems.' CP10 seeks to mitigate the impacts of climate change whilst Policy DM5 also seeks to ensure development is safe for the intended users without increasing flood risk elsewhere. This broadly reflects the advice in the NPPF.

The site lies in Flood Zone 1 which is at lowest risk of flooding but is within an area prone to surface water flooding. I have also noted that concerns have been raised regarding flood risk by local residents. This application would not attract the comments from the Lead Local Flood Authority as it is not an area of high risk and it is below the threshold for their comments. However I consider that it would be reasonable to impose a condition relating to a scheme for surface water drainage which could be submitted prior to commencement of development in order to ensure this matter is dealt with and mitigated where necessary. This is also the case for finished floor levels.

Other Matters Raised through the Consultation Process

It is noted that bungalow east of the access to the garage site must have a right of way in order to access their dwelling. This is a civil matter not a planning issue. In any event there is no indication that the right of way would be extinguished if permission is granted. The access drive would not be adopted but would continue to be privately managed as it has previously been, albeit again this is not a planning matter. It is noted that there are concerns that construction traffic could damage the foundations of the adjacent property and whilst I can see no reason why this would be the case, it would also be a private civil matter for the owners to pursue if the need arose. Finally rat infestation is not a planning matter, albeit an unpleasant one. There is other environmental legislation available should this become an issue that a homeowner is unable to resolve for themselves.

Planning Balance and Conclusion

It is considered that residential development is acceptable in principle on this site as it occupies a sustainable location and indeed the principle of residential development has previously been accepted on this site albeit this consent is no longer extant.

The impact upon the character and appearance of the area is considered acceptable with density being comparable with the development in the area. Impact upon residential amenity has been carefully considered and found to be acceptable with is also the case in terms of the impact on trees and flood risk, which can be mitigated. The loss of the garages is regrettable. However it appears that these have a low usage for the parking of local resident's cars such that the impact of their loss would not place an intolerable burden upon the public highway and there would be no harm. The Highways Authority raise no concern in relation to highway safety.

It is acknowledged that the Council's 5YHLS position cannot yet attract full weight until such time as the OAN has been ratified through the Plan Review process. However the Council is of the opinion that it can robustly demonstrate a 5 year land supply and consequently it attracts significant weight in my view and for the purposes of decision making the Plan is up-to-date.

Taking all matters into account I consider that the proposal accords with the Development Plan and subject to the conditions set out below I recommend approval.

RECOMMENDATION

That full planning permission be granted subject to the conditions set out below:

Conditions:

01 (Time for Implementation)

The development hereby permitted shall not begin later than 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 (Approved Plans)

The development hereby permitted shall not be carried out except in complete accordance with the following approved plans referenced below:

- Proposed Elevations Plot 2 & Plot 3 handed (259_2017_04)
- Proposed Plans Plot 1 & Plot 4 handed (259_2017_05)
- Proposed Elevations Plot 1 & Plot 4 handed (259_2017_06)
- Proposed Plans Plot 2 & Plot 3 handed (259_2017_03)
- Proposed Site Plan (259_2017_02)

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.

03 (Method Statements/Fail Safe/Possessions)

No development (including demolition) shall be commenced until a Demolition and Construction Method Statement has been submitted to and has been approved in writing by the Local Planning Authority in conjunction with Network Rail. This shall include an outline of the proposed method of demolition and construction, risk assessment in relation to the railway and construction traffic management plan. Where vibro-compaction machinery is to be used in the development, details of the use of such machinery shall be included. The development shall thereafter be undertaken in full accordance with the approved method statement.

Reason: In order to protect the safety, operational needs and integrity of the railway.

04 (Tree Protection Measures)

No development shall be commenced until the trees that overhang the application site boundaries (as indicated on drawing Proposed Site Plan (259_2017_02)) have been protected by the following measures:

- a) a chestnut pale or similar fence not less than 1.2 metres high shall be erected at either the outer extremity of the tree canopies or at a distance from any tree or hedge in accordance with details to be submitted to and approved in writing by the local planning authority;

- b) no development (including the erection of site huts) shall take place within the crown spread of any tree;
- c) no materials (including fuel and spoil) shall be stored within the crown spread of any tree;
- d) no services shall be routed under the crown spread of any tree
- e) no burning of materials shall take place within 10 metres of the crown spread of any tree.

The protection measures shall be retained during the development of the site, unless otherwise agreed in writing by the local planning authority.

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

05 (Finished Floor Levels)

The development hereby permitted shall not be commenced until details of the finished floor levels of the dwellings proposed in relation to the existing and finished ground levels of the site have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interests of residential amenity and in the interests of flood risk mitigation.

06 (Noise protection)

No development shall be commenced until a scheme for protecting future occupiers of the dwellings hereby approved against noise from the adjacent railway through noise mitigation measures has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include;

- Noise screening to the north-eastern site boundary of the site; and
- Additional measures to the dwellings such as triple glazed windows, or similar.

The approved mitigation details for each dwelling shall be implemented on site prior to its first occupation and the measures shall be retained for the lifetime of the development unless otherwise agreed in writing.

Reason: In the interest of ensuring an adequate standard of residential amenity to future occupiers by mitigating against noise from the adjacent railway line.

07 (Foul and Surface Water Drainage)

No development shall be commenced until details of the means of foul drainage and surface water disposal have been submitted to and approved in writing by the local planning authority. The development shall be carried out thereafter in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Reason: To ensure the provision of satisfactory means of foul sewage/surface water disposal.

08 (External Materials)

No development shall be commenced until full details of the external facing materials (bricks, tiles render etc including samples to be provided upon request) have been submitted to and approved in writing by the local planning authority. Development shall thereafter be carried out 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.

09 (External Lighting Scheme)

No development shall be commenced until details of any external lighting have been submitted to and approved in writing by the local planning authority. The details shall include location, design, levels of brightness and beam orientation, together with measures to minimise overspill and light pollution to visual and residential amenity as well considering the impact on the adjacent railway line. The lighting scheme shall thereafter be carried out in accordance with the approved details and the measures to reduce overspill and light pollution 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 railway safety.

010 (Provision of Car Parking Spaces)

Prior to first occupation of each dwelling hereby approved, the vehicle parking for that dwelling shown on drawing no. 259_2017_02 shall be provided on site and thereafter be retained for parking for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that sufficient parking provision is made in the interests of highway safety and to avoid on street parking in the vicinity.

011 (Hard and Soft Landscaping Scheme)

No development shall be commenced until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include:

a schedule (including planting plans and written specifications, including cultivation and other operations associated with plant and grass establishment) of trees, shrubs and other plants, noting species, plant sizes, proposed numbers and densities. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species.

proposed finished ground levels or contours;

means of enclosures (except for the north-eastern boundary which is dealt with by condition 6);

all hard surfacing materials;

Reason: In the interests of visual amenity and biodiversity.

012 (Landscaping Implementation)

The approved soft landscaping shall be completed during the first planting season following the commencement 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 current or next planting season with others of similar size and species unless otherwise agreed in writing by the local planning authority. The approved hard landscaping scheme shall be implemented on site prior to first occupation unless otherwise agreed in writing 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.

013 (Wheelie Bin Provision)

Prior to the occupation of any dwelling hereby permitted, a wheelie bin collection point shall be provided near to but not upon the public highway to serve the development, to be located in a position to be agreed in writing with the LPA, which shall be retained for the life of the development.

Reason: In the interests of highway safety.

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 2010 (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/

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.

03

Network Rail wish to make the developers aware of the following matters:

Drainage

In respect of the Drainage Condition, the applicant is advised that all surface and foul water arising from the proposed works must be collected and diverted away from Network Rail property. In the absence of detailed plans all soakaways must be located so as to discharge away from the railway infrastructure. The following points need to be addressed:

1. There should be no increase to average or peak flows of surface water run off leading towards Network Rail assets, including earthworks, bridges and culverts.
2. All surface water run off and sewage effluent should be handled in accordance with Local Council and Water Company regulations.
3. Attenuation should be included as necessary to protect the existing surface water drainage systems from any increase in average or peak loadings due to normal and extreme rainfall events.

Fail Safe Use of Crane and Plant

All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a fail safe manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports.

Excavations/Earthworks

All excavations/ earthworks carried out in the vicinity of Network Rail property/ structures must be designed and executed such that no interference with the integrity of that property/ structure can occur. If temporary works compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Project Manager should be undertaken. Network Rail will not accept any liability for any settlement, disturbance or damage caused to any development by failure of the railway infrastructure nor for any noise or vibration arising from the normal use and/or maintenance of the operational railway. No right of support is given or can be claimed from Network Rail's infrastructure or railway land.

Security of Mutual Boundary

Security of the railway boundary will need to be maintained at all times. If the works require temporary or permanent alterations to the mutual boundary the applicant must contact Network Rail's Asset Protection Project Manager.

Fencing

Because of the nature of the proposed developments we consider that there will be an increased risk of trespass onto the railway. The Developer must provide a suitable trespass proof fence adjacent to Network Rail's boundary (minimum approx. 1.8m high) and make provision for its future maintenance and renewal. Network Rail's existing fencing / wall must not be removed or damaged.

ENCROACHMENT

The developer/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail and its infrastructure or undermine or damage or adversely affect any railway land and structures. There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail air-space and no encroachment of foundations onto Network Rail land and soil. There must be no physical encroachment of any foundations onto Network Rail land. Any future maintenance must be conducted solely within the applicant's land ownership. Should the applicant require access to Network Rail land then they must seek approval from the Network Rail Asset Protection Team. Any unauthorised access to Network Rail land or air-space is an act of trespass and we would remind the council that this is a criminal offence (**s55 British Transport Commission Act 1949**). Should the applicant be granted access to Network Rail land then they will be liable for all costs incurred in facilitating the proposal.

Noise/Soundproofing

The Developer should be aware that any development for residential use adjacent to an operational railway may result in neighbour issues arising. Consequently every endeavour should be made by the developer to provide adequate soundproofing for each dwelling. Please note that in a worst case scenario there could be trains running 24 hours a day and the soundproofing should take this into account.

Trees/Shrubs/Landscaping

Where trees/shrubs are to be planted adjacent to the railway boundary these shrubs should be positioned at a minimum distance greater than their predicted mature height from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary. We would wish to be involved in the approval of any landscaping scheme adjacent to the railway. Where landscaping is proposed as part of an application adjacent to the railway it will be necessary for details of the landscaping to be known and approved to ensure it does not impact upon the railway infrastructure. Any hedge planted adjacent to Network Rail's boundary fencing for screening purposes should be so placed that when fully grown it does not damage the fencing or provide a means of scaling it. No hedge should prevent Network Rail from maintaining its boundary fencing. Lists of trees that are permitted and those that are not permitted are provided below:

Acceptable:

Birch (Betula), Crab Apple (Malus Sylvestris), Field Maple (Acer Campestre), Bird Cherry (Prunus Padus), Wild Pear (Pyrus Communis), Fir Trees, Pines (Pinus), Hawthorne (Cretaeagus), Mountain Ash, Whitebeams (Sorbus), False Acacia (Robinia), Willow Shrubs (Shrubby Salix), Thuja Plicatata, Zebrina

Not Acceptable:

Acer (Acer pseudoplatanus), Aspen Poplar (Populus), Small-leaved Lime (Tilia Cordata), Sycamore Norway Maple (Acer), Horse Chestnut (Aesculus Hippocastanum), Sweet Chestnut (Castanea Sativa), Ash (Fraxinus excelsior), Black poplar (Populus nigra var, betulifolia), Lombardy Poplar (Populus nigra var, italica), Large-leaved lime (Tilia platyphyllos), Common lime (Tilia x europea)

A comprehensive list of permitted tree species is available upon request.

Lighting

Where new lighting is to be erected adjacent to the operational railway the potential for train drivers to be dazzled must be eliminated. In addition the location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. Detail of any external lighting should be provided as a condition if not already indicated on the application.

The method statement will need to be agreed with:

Asset Protection Project Manager
Network Rail (London North Eastern)

Floor 3B
George Stephenson House
Toft Green
York
YO1 6JT

Email: assetprotection@networkrail.co.uk

BACKGROUND PAPERS

Application case file.

For further information, please contact Clare Walker on ext 5834.

All submission documents relating to this planning application can be found on the following website www.newark-sherwooddc.gov.uk

Matt Lamb
Business Manager – Growth and Regeneration

Committee Plan - 17/02249/FUL

