

PLANNING COMMITTEE – 8 OCTOBER 2019

Application No:	19/01225/FUL
Proposal:	Demolish existing structures on the site and replace with 4 apartments and one separate dwelling
Location:	Renaissance, Kirkby House, 29A Albert Street, Newark On Trent, Nottinghamshire, NG24 4BJ
Applicant:	Ogon Homes Ltd - Mr Jason Templeman
Agent:	Guy St John Taylor Associates
Registered:	01.07.2019 Target Date: 26.08.2019
	Extension of Time Agreed Until: 11.10.2019
Link to Application Documents:	https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PTTDWJLBK5N00

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

The Site

The application site is situated within the within the sub-regional centre of Newark and within the Newark Conservation Area, the site is on the east side of Albert Street and close to the junction with Clinton Street. The site is currently derelict and vacant and was previously used as three storage units. The buildings are currently in a state of disrepair. There are terraced residential dwellings to the left of the site, a house of multiple occupation to the right (no. 31) and an auction house opposite. The street is prominently residential with small commercial units scattered along the length of the street. The building is primarily situated within a residential area with a variety of styles of dwelling visible. There are currently 4 trees on the site which have recently received permission to be felled, application reference number 19/00883/TWCA.

Relevant Planning History

02/00301/CAC - Demolition of corrugated tin, glass outbuilding and the wood/pvc outbuilding to the rear of the shop – Permitted 23.04.2002

01791373 Two dwellings – Outline – permission 15.01.1980

The Proposal

Full planning permission is sought for the demolition of the existing buildings on the site and the erection of 4 no. 1 bed apartments and one two bedroom dwelling. The proposal has been

amended during the lifetime of the application from 6 units to 5 during discussions regarding the over intensification of the plot, the amenity impacts on the occupiers of no. 31 Albert Street and the amenity of the future occupiers of the former unit 6. The proposal includes the rear garden area of no.31 Albert Street which currently serves as the private amenity space for 4 no. apartments (albeit this area was not secured via condition to remain solely for these existing apartments). This proposal would see the amalgamation of this garden area with the rear garden area of the application site to serve the 5 new units and 4 existing apartments.

The proposed apartment block would appear as an infill terrace between no. 29 and 31 Albert Street. The building is proposed to be 11 m wide, 7.7 m deep, 7.5m to the ridge, 5.1 m to the eaves (each unit would be 5.8 m wide), between no. 31 Albert Street the ground floor would appear as a narrow garden wall element and would reduce at first floor to allow the side elevation to no. 31 to remain unaffected by the proposal.

The block would have a simple ridge roof with gable end chimneys and its front elevation has traditional architectural details which match the vernacular of the street scene. The apartments would comprise an open plan kitchen/dining/living room with a bedroom and shower room/bathroom.

On the NW principal elevation proposed materials are cited as red brick and pantiles, windows are proposed to be powder coated Aluminium sash windows with brick arched heads and a blank window at first floor. At ground floor the three doors are proposed, 1 each to enter into units 1 and 2 and the third central door to access the stairwell to units 3 and 4. The rear SE elevation is proposed to have render at ground floor and red facing brick to the first floor. The ground floor is proposed to have rear access doors.

The proposed two bed dwelling would be sited to the rear of the proposed apartment block; the dwelling would have an open plan kitchen/dining/living room area, two bedrooms and a bathroom and externally would comprise two elements:

- A flat roof element would adjoin the apartment block and follow the NE boundary line measuring 8.6 m long, 4.4 m wide, 3.1 m to flat roof height. The range would have a flat green roof and materials include render and timber cladding with two powder coated Aluminium casement windows on the SW elevation – the NE elevation is proposed to be blank. Two rooflights are proposed.
- A gabled element would adjoin onto the flat roof structure and follow the SE rear boundary of the site measuring 8.3 m long, 4.5 m wide, 4.6 m to the ridge and 2.9 m to the eaves. Materials include red brick and pantile and the range is proposed to have traditional architectural detail such as arched door headers, a timber door pinned back at the front door and a further blind door opening. One Aluminium casement door is proposed on the NE elevation facing into the communal amenity area and the SW elevation is proposed to have a set of patio doors with flanking sidelights – the SE elevation is proposed to be blank however two rooflights are proposed in this roof slope.

The dwelling would have a separate garden area c. 40m² surrounded by a c.1.3 m high brick wall

The land to the rear of the site and the rear of no. 31 Albert Street is proposed to comprise the private residential amenity space for all proposed and existing units measuring c.103m². The rear garden area would be landscaped to provide areas of grass, planters and paved areas. Bin storage would be provided in the SW corner of the site to the rear of the garden area to unit 5.

The application is accompanied by the following plans and supporting information:

- Revised Proposed Floor Plans and Elevations – Ref. 812.1016.6.3B
- Existing Floor Plans and Elevations - Ref. 812.1016.6.2
- Site Location Plan
- Design & Access Statement

Departure/Public Advertisement Procedure

Occupiers of 20 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.

Earliest decision date: 23.09.2019

Planning Policy Framework

The Development Plan

NSDC Amended Core Strategy Adopted 2019

Spatial Policy 1 – Settlement Hierarchy
Spatial Policy 2 - Spatial Distribution of Growth
Spatial Policy 7 - Sustainable Transport
Core Policy 9 – Sustainable Design
Core Policy 14- Historic Environment
Area Policy NAP1 – Newark Urban Area

NSDC Allocations and Development Management DPD Adopted July 2013

Policy DM5 – Design
Policy DM9- Protecting and Promoting the Historic Environment
Policy DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2019
- Planning Practice Guidance

Consultations

Newark Town Council – “Objection was raised to this application due to the lack of parking provision in the application.”

NCC Highways Authority – “This proposal is for residential dwellings with the site located on the edge of town centre, close to local amenities. There are no parking facilities available for the site; however, there are good public transport facilities in close proximity. In view of this, there are no highway objections to this proposal.”

NSDC Archaeology Advisor – “This site is within an area of Newark that could contain information regarding the development of Newark from the medieval period onwards. The nature of the deposits here may be deeply buried which means essentially that they are preserved in situ below the current development.

Given this I recommend that the site should be recorded during development, and this recording should be maintained during the grubbing up of any foundations.

Recommendation: Prior to any groundworks the developer should be required to commission a Scheme of Archaeological Works (on the lines of 4.8.1 in the Lincolnshire Archaeological Handbook (2016)) in accordance with a written scheme of investigation submitted to and approved in writing by the local planning authority. This should be secured by an appropriate condition to enable heritage assets within the site to be recorded prior to their destruction. Initially I envisage that this would involve monitoring of all groundworks, with the ability to stop and fully record archaeological features. 'Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publically accessible.' Policy 199 National Planning Policy Framework (2018)'.

An outline of the required work produced by this department which will lay out the details above, and the specification for the work should be approved by this department prior to the commencement of works. Please ask the developer to contact this office for further details."

NSDC Conservation – “Site analysis

29A Albert Street is within the Newark on Trent Conservation Area, last designated February 1995. The site is within the setting of several Listed Buildings, including 7-11 and 13-17 Albert Street, and the former Castle Brewery Offices, all grade II.

The site contains a row of 3 single storey retail units, unused for a number of years. At the rear is a range of single storey structures. Both the retail units and the rear structures are considered to have a neutral impact on the character and appearance of the Conservation Area. Nearby are a range of 19th century buildings, including a large number of 2 storey terraces, mostly red brick with clay pantile or natural slate roofs.

Prior to the construction of these retail units in the 1940s/50s, this site contained the side garden to the adjacent 19th century villa.

Assessment of proposal

The scheme would see the present retail units and rear structures demolished. These would be replaced with 4 apartments at the front of the site (resembling a traditional pair of semi-detached dwellings of the same height as the existing terrace adjacent). To the rear, a further two residential units would be provided, one attached to the rear of the front building, and the other detached.

Loss of existing buildings

The existing retail units date to the 1940s/50s. They currently appear as an incongruous element in the streetscene, being single storey and with a flat roof, very much at odds with the prevailing 19th century character of this part of the street. The building appears to be in a poor condition and has been unused for a number of years. Whilst lower parts of the shopfront are of a historic design, they have been much altered and are somewhat plain. For these reasons, it is considered that their loss would have no impact on the character and appearance of the Conservation Area and on the setting of nearby Listed Buildings.

The rear buildings are hidden from view and are of a mid-20th century construction. They are also considered to have a neutral impact on the Conservation Area's character. With this in mind, there are no Conservation concerns with their removal.

Proposed 2 storey building

This would be of a traditional design, similar in form to 19th century terraces and semi-detached dwellings nearby. The building would be faced on Albert Street with red brick and pantiles to match the adjacent building. Aluminium sash windows would be used on the frontage, together with 6-panel doors (material unspecified). The rear of the building would be rendered and timber panelled. At the side would be a narrow flat-roofed element, appearing as a garden wall.

Overall, the design of the building when viewed from Albert Street would reflect well the traditional 19th century industrial and residential architecture of this part of the Conservation Area. The use of traditional brick arches, '1 over 1' sash windows, panelled doors and eaves corbelling, together with red bricks and pantiles, would also help produce a scheme that does not appear incongruous with its surroundings. The only element required is the addition of chimney stacks of an appropriate scale and design, fixed to the roof at each gable.

With regard to the rear elevations, whilst the use of render and timber panelling is not common, Conservation acknowledges that this part of the site is not prominent and in fact, only a small part would be visible from public vantage points. With the above in mind, Conservation considers that subject to the addition of chimney stacks*, the proposal would help to preserve the character of the Conservation Area and the setting of nearby Listed Buildings. Therefore, Conservation has no concerns, subject to the above amendment* and the conditions set out below.

Single storey dwellings

These would be of a single storey and the majority would not be visible from the surrounding roads.

It is acknowledged that the rear area currently has several buildings, and in floor area the new buildings would be similar. In addition, it is common to have linear buildings at the rear of villas, normally containing stables, coach houses, etc. Whilst Conservation accepts this might appear somewhat cramped in layout, that is an amenity matter and not unacceptable from a heritage point of view. With this in mind, Conservation has no concerns with this part of the scheme.

Required amendments

The addition of chimney stacks at each end of the 2 storey building.

Conditions

1. Scheme to accord with amended plans*;
2. Before the windows and doors hereby approved are installed, details of their material, design, specification, method of opening, method of fixing and finish, in the form of drawings and sections of no less than 1:20 scale, shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out only in accordance with the agreed details. Reason: Inadequate details of these matters have been submitted with the application and to

ensure the development preserves the character and appearance of the Conservation Area and the setting of nearby Listed Buildings.

3. In relation to the above condition, trickle vents shall not be inserted into the windows/doors hereby permitted. Reason: To ensure the development preserves the character and appearance of the Conservation Area and the setting of nearby Listed Buildings.

4. Before any construction occurs above damp proof course (DPC) level, samples or detailed specifications of the new facing bricks to be used in the development hereby permitted shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out only in accordance with the agreed brick details. Reason: To ensure the development preserves the character and appearance of the Conservation Area and the setting of nearby Listed Buildings.

5. Before any construction occurs above damp proof course (DPC) level, details of the brick bond to be used on the north west (Albert Street) facing elevation of the two storey building hereby permitted shall be submitted to and agreed in writing by the Local Planning Authority. The completed development shall only be in accordance with the agreed brick bond. Reason: To ensure the development preserves the character and appearance of the Conservation Area and the setting of nearby Listed Buildings.

6. The roof of the two storey building hereby approved shall be finished in non-interlocking natural red clay pantiles only. Reason: To ensure the development preserves the character and appearance of the Conservation Area and the setting of nearby Listed Buildings.

7. Before the rainwater goods hereby permitted are installed, samples or detailed specifications of them (including the method of fixing) shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out only in accordance with the agreed rainwater goods details. Reason: To ensure the development preserves the character and appearance of the Conservation Area and the setting of nearby Listed Buildings.

8. Notwithstanding those windows and doors permitted by way of this permission and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any order revoking and re-enacting that Order), no new window or door openings shall be inserted, no window and door openings shall be altered and no windows or doors shall be replaced (other than on a like-for-like basis) in the buildings hereby permitted, without the prior approval of the Local Planning Authority. Reason: The site is prominently located within the Newark on Trent Conservation Area and in the setting of several Listed Buildings. The unsympathetic extension or alteration to the approved two storey building may cause harm to the character and appearance of the Conservation Area and the setting of nearby Listed Buildings.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or and order revoking or re-enacting that order), no dormer windows, roof lights or solar panels shall be placed on the north west (Albert Street) facing roof slope of the two storey building hereby permitted, without the prior approval of the Local Planning Authority. Reason: The site is prominently located within the Newark on Trent Conservation Area and in the setting of several Listed Buildings. The unsympathetic extension or alteration to the approved two storey building may cause harm to the character and appearance of the Conservation Area and the setting of nearby Listed Buildings.

In reaching these views, Conservation has had regard to Sections 66(1) & 72(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990, Policy CP14 of the Amended Core Strategy (March 2019), Policy DM9 of the Allocations & Development Management DPD (July 2013), Section 16 of the Revised NPPF (Feb 2019) and guidance contained in the Newark on Trent Conservation Area Appraisal.”

NSDC Environmental Health – “I refer to the above planning application and have no objections in principle. I would be grateful if would condition the proposal as follows:

1. Ensure that noisy building work is only carried out between the following hours:
 - Monday to Friday, 8am to 6pm
 - Saturday, 8am to 1pm
 - At no time on a Sunday or Bank Holiday

In addition, the 'Best Practicable Means' (BPM) of controlling noise should be employed at all times.

2. Builders should avoid causing a nuisance to neighbouring properties or public areas from dust, and should therefore take adequate dust control. Such measure can include reducing dust at source, damping down and screening.
3. No burning of demolition waste must take place on site.”

Comments of the Business Manager

Principle of Development

The Council is of the view that it has and can robustly demonstrate a 5 year housing land supply. This has been rehearsed many times before and as such I do not intend to rehearse this in full other than to say that the policies of the Development Plan are considered up to date for the purposes of decision making.

The Allocations & Development Management DPD was adopted in July 2013 and together with the Amended Core Strategy DPD (Adopted 2019), forms the Local Plan for Newark & Sherwood. The site lies within the defined urban area of Newark and Balderton, a ‘Sub - Regional Centre’ as defined by the Core Strategy settlement hierarchy where the principle of residential development is acceptable subject to site specific impacts. The proposal therefore accords with Spatial Policies 1 and 2 of the Core Strategy as a matter of principle.

Given the above I am therefore satisfied that the principle of residential development in this location is acceptable. This is however subject to the impact upon the character of the local area, design and impacts upon amenity and highways safety. Given that the site is located within the Newark Conservation Area, regard must also be given to the distinctive character of the area and seek to preserve and enhance the Conservation Area.

I note that currently the site has a retail use class and this proposal would see the loss of this retail function; the site lies within the urban boundary of the sub-regional centre and within Newark Urban Area (NAP1). This policy discusses how Newark Town Centre is the focus for retail provision within the Newark Urban Area and the wider District and to ensure the vitality of the town centre NAP1 states that planning proposals should promote the re-use of vacant and underused shops and

secure the redevelopment of sites for appropriate main town centre uses. To help achieve the aims of this policy a town centre boundary and primary shopping areas has been defined as well as primary and secondary shopping frontages – the application site does not lie within any of these designated areas such that it is not considered inappropriate in this instance that a retail unit would be replaced with a residential unit as a result of this proposal.

Impact on Character & Appearance of the Conservation Area

Policies CP14 and DM9 of the Council's LDF DPDs, amongst other things, seek to protect the historic environment and ensure that heritage assets are managed in a way that best sustains their significance. The importance of considering the impact of new development on the significance of designated heritage assets, furthermore, is expressed in section 16 of the National Planning Policy Framework (NPPF).

Paragraph 200 of the National Planning Policy Guidance states that, 'Local planning authorities should look for opportunities for new development within Conservation Areas...to enhance or better reveal their significance.' Section 72 of the Planning (Listed Building and Conservation Areas Act) 1990 states, in relation to the general duty as respects conservation areas in exercise of planning functions that, 'special attention shall be paid to the desirability of preserving or enhancing the character and appearance of that area'.

Paragraph 194 of the NPPF, for example, advises that the significance of designated heritage assets can be harmed or lost through alterations or development within their setting. Such harm or loss to significance requires clear and convincing justification. The NPPF also makes it clear that protecting and enhancing the historic environment is sustainable development (paragraph 8.c).

The NPPF states that good design is a key aspect of sustainable development and new development should be visually attractive. Core Policy 9 states that new development should achieve a high standard of sustainable design that is of an appropriate form and scale to its context complementing the existing built and landscape environments. Policy DM5 of the DPD states that local distinctiveness should be reflected in the scale, form, mass, layout, design and materials in new development.

The development proposes to demolish the existing buildings on the site and construct an infill terrace block between no. 29 and 21 Albert Street which would comprise four apartments in addition to the construction of a single dwelling in the rear courtyard area resulting in a mews development. The rear unit would be accessed via an existing gated access currently used by 31 Albert Street residents. This proposal has been revised from the original submission which saw two additional units to the rear of the proposed terrace infill; however this was omitted following negotiations surrounding over intensification and amenity impacts.

Chapter 11 of the NPPF refers to making effective use of land, advising that planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions (para. 117). This chapter goes on to state how planning decisions should also promote and support the development of under-utilised land especially if this would help to meet identified needs for housing (para.118.d). Para. 119 explains how LPA's should take a proactive role in identifying and helping to bring forward land that may be suitable for meeting development needs, such as the supply of affordable housing with para 120 reiterating that planning decisions "need to reflect changes in the demand for land".

This site currently comprises a vacant modern single storey retail unit fronting onto Albert Street which is currently in a poor state of repair. The units are predominantly timber paneled with columns dividing the units into three, there is through access into the rear yard of the site where a small flat roofed brick structure abuts 31 Albert St. A further range of brick outbuildings about the boundary to 29 Albert St – all are in a poor state of report and possess no historic or architectural merit that would warrant their preservation such that I have no objection to the buildings on the site, which ultimately given their current state and configuration do not contribute positively to the character of the area. I therefore consider the proposal would present an opportunity to enhance the site and wider area in replacing some disused and low value buildings with a terrace infill block.

Given the historic importance of the area the Conservation Officer has been consulted and their comments can be read in full above. They have concluded that the replacement two storey building along Albert Street is acceptable; the traditional design is complementary to the 19th century terraces and semi-detached properties nearby and will assimilate well within the streetscene, the architectural details reflect the character of the conservation area and the addition of chimneys fixed at either end of the gables, at the request of the Conservation Officer (CO), now results in an acceptable scheme that will enhance the current site and the character and appearance of the Conservation Area (CA).

Turning to the rear range proposed, the building would follow the side and rear boundaries of the site and would be rendered and timber paneled on one range and red brick on the rear return. This part of the proposal constitutes backland development although is not dissimilar to other forms of mews type of development seen in town centres. In accordance with Policy DM5, proposals that create backland development should only be approved where they would be in-keeping with the general character and existing density of the area and would not set a precedent for similar forms of development in the area. I am satisfied that the proposed development would reflect the tighter urban grain that is historically characteristic of this part of the CA and would not set a harmful precedent.

Aesthetically, the middle range appears more modern in design with a flat green roof proposed and render and timber paneling. The CO has noted that the use of these materials is not common in the CA however, this part of the site is not prominent and in any event I consider this range juxtaposes the more historic rear range that is proposed which would not result in a harmful impact on the character and appearance of the CA. The rear range represents a traditional dual pitched red brick and pantile range which would abut the rear boundary of the site, this has been designed sympathetically to the character of the area and utilises historic architectural detailing such as pinned back timber doors and a blind door opening which will give the impression of a former stable range that would have historically been a typical form of development in this location.

The CO has concluded that they support the proposal subject to precise joinery and materials conditions and therefore I consider that the proposal to demolish the existing low quality building on the site and construct a new terrace block comprising 4 no. apartments and one rear range will materially enhance the character of the area, the dwellings are of a suitable scale and density for the location and have been designed suitably so that they will not appear incongruous within the streetscene or have an undue impact on the character and appearance of the Conservation Area. The proposal therefore accords with the objective of preservation set out under sections 66 and 72, part II of the 1990 Listed Building and Conservation Areas Act, as well as complying with heritage policies and advice contained within the Council's LDF DPDs and section 16 of the NPPF.

Impact on Amenity

Policy DM6 of the DPD states that development proposals should ensure no unacceptable reduction in amenity upon neighbouring development. The NPPF seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

Existing occupiers include the 4 apartments in no.31 Albert Street to the SW, occupiers of no. 29 to the NE and properties to the SE. I note that given the existing first floor window on the side elevation of no. 31 Albert Street (SW) the townhouse block is proposed to be stepped away at first floor to maintain light to this window. The first floor window would still inevitably be impacted through the proximity of the proposed two storey element to this window; however I note that the window serves a staircase and therefore the proposal would not unduly overshadow a main habitable room or result in an unacceptable amenity impact in this regard. To the rear I note that no. 31 has a number of windows in its rear elevation and it is proposed to construct two new structures as part of the application which wrap around the side and rear boundaries to the site. The proposed built form for the rear gabled range of unit 5 would terminate before side of no. 31 Albert Street such that I do not consider the built form would impact this dwelling through overbearing or overshadowing. I also note that the garden wall proposed to enclose unit 5's garden area is proposed to be low level. Windows are proposed in the NW elevation of this outshot which would be opposite the rear elevation of no. 31, however given the positioning there would be no direct overlooking as a result of the dwelling. This is an element of the proposal which was specifically negotiated out as part of the revised submission.

To the NE, no 29 Albert Street has no windows in its side elevation that would be impacted by this proposal and to the rear I note this neighbouring property has outbuildings that flank the SW common boundary such that the proposed rear outshot forming unit 5 would not result in any overbearing, overshadowing or overlooking issues. Similarly to the rear, residential properties are present on Castle Brewery Court. These dwellings are set approx. 13 m SE of the rear boundary of the application site and are separated across a communal car parking area, by virtue of separation and the single storey nature of the proposal the proposed gabled rear outshot along the rear SE boundary of the site will not result in any overbearing or overshadowing issues and given it is proposed to be blank there would be no overlooking impact either.

Turning now to consider the impact on the private amenity space of no. 31, I note that this property has 4 apartments and the proposal would see four further apartments share this communal space (noting that unit 5, the new dwelling has its own private 40m² of residential amenity space which is considered to be an appropriate size commensurate for the dwelling in a town centre location). The current rear amenity space of no. 31 and the application site is graveled and low quality; the proposal would see the landscaping of this rear area (which is c. 103m²) with areas of grass, paving and planting. The permission for the existing 4 apartments in no. 31 did not secure this existing amenity space solely for the use of the occupiers of these apartments and the intention is that this area would now be shared between the occupiers of no. 31 and the new units proposed as part of this application. I consider for a town centre environment, where there is access to recreational green space the provision of c. 103m² of private amenity space to effectively serve 9 apartments is sufficient and would not give rise to unacceptable amenity conditions.

The Environmental Health Officer has given comments regarding the impact of the demolition and construction on the site and has advised that they have no objection to the scheme provided that a time restriction is conditioned to prevent any noisy building works being conducted in

unsociable hours and that construction is managed to mitigate noise and any impact on neighbours. Subject to these conditions I therefore conclude that there would not be an unacceptable amenity impact on surrounding neighbouring properties as a result of this proposal.

Turning now to the impact upon the future occupiers of the scheme it is important to note that in order to prevent adverse amenity impacts the scheme has been revised to remove a 6th unit in the rear garden area of the site. The provision of adequate amenity space has been discussed in the section above and has concluded to be acceptable in this context. The units themselves proposed are considered to be appropriate for this town centre location and have no window arrangements proposed that would result in unacceptable overlooking issues – additional glazing has been incorporated into unit 5 to remedy concerns raised regarding the lack of outlook and natural lighting into this unit and the unit now includes a glazed front door and a number of rooflights which are considered to be acceptable in this instance and will result in a better amenity condition for the future occupiers of this unit.

With regard to noise and the close arrangement of the dwellings I note that the Environmental Health Officer has not commented in this regard and it is considered that the proposal would be no worse than the existing tight urban grain in this location and the existing interrelationship between properties.

I therefore conclude that the revised development would result in a satisfactory level of residential amenity for both the occupants of the proposed development and the occupants of the existing properties and therefore the application accords with DM5 of the ADMDPD.

Impact on Highway Safety

Spatial Policy 7 provides that developments should minimise the need for travel, provide safe convenient and attractive accesses for all including the elderly and disabled, provide appropriate and effective parking provision and ensure that the traffic generated does not exacerbate existing on-street parking problems nor materially increase other traffic problems. This is echoed in Policy DM5.

In this case no vehicular access or off-street car parking would be provided. Access would be pedestrian only via the building entrances off Albert Street and a passageway between no. 31 and 33 Albert Street. I note the Town Council have raised a concern regarding the traffic and parking impacts. However I also note that the County Council's Highways Authority raise no objection to this approach given its location on the edge of the town centre.

This scheme is not dissimilar to other mews development in the town and there is nothing in policy that requires that a vehicular access must be provided. Implicitly any occupiers or visitors would need to park in public car parks nearby or on-street. Albert Street itself is subject to parking restrictions (double yellow lines). Occupiers would be well aware of the parking position before occupying the proposed dwelling. Equally there are no requirements through the planning system to provide an emergency access to the site. The applicant has however agreed to include bicycle storage facilities within the site for the future occupants to promote the uses of sustainable transportation methods which is considered to be acceptable in this location.

Given the site is located close to the town centre, with adequate public transport and public car parks nearby it is deemed to be a sustainable development whereby the provision of off-street

parking is not essential to the scheme. For these reasons it is considered that the proposal would accord with SP7 and DM5 in terms of highway and parking impacts.

Conclusion

In conclusion, the proposal is considered to be acceptable in principle and would not harm the character or appearance of the Conservation Area. It would not have any significant adverse effects arising from the level of development on the site, would protect the amenity of existing and future occupants and provide a satisfactory standard of living for both, it would not result in and adverse highways impacts and would result in the creation of 5 units that would help to meet the district Council's housing 5 year land supply and the need for smaller houses in a highly sustainable location. For these reasons the proposal is considered to be in accordance with the Development Plan and therefore I recommend the application is approved.

RECOMMENDATION

That full planning permission is approved subject to the conditions and reasons shown below.

Conditions

01

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

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

- Revised Proposed Floor Plans and Elevations – Ref. 812.1016.6.3B
- Site Location Plan

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

No development above damp proof course shall take place until manufacturers details (and samples upon request) of all external facing materials (including colour/finish) have been submitted to and approved in writing by the local planning authority. For the avoidance of doubt these details include (but are not limited to): bricks, pantiles, render, timber cladding, windows and doors, green roof, pinned back timber doors, coping stones. Development shall thereafter be carried out in accordance with the approved details.

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

04

No development shall be commenced in respect of the features identified below, until details of the design, specification, fixing and finish in the form of drawings and sections at a scale of not less than 1:10 have been submitted to and approved in writing by the local planning authority. Development shall thereafter be undertaken and retained for the lifetime of the development in accordance with the approved details.

External windows including roof windows, doors and their immediate surroundings, including details of glazing and glazing bars.

Treatment of window and door heads and cills

Verges and eaves

Rainwater goods

Coping

Extractor vents

Flues

Meter boxes

Airbricks

Soil and vent pipes

Chimney(s)

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

05

In relation to condition 04, trickle vents shall not be inserted into the windows/doors hereby permitted.

Reason: To ensure the development preserves the character and appearance of the Conservation Area and the setting of nearby Listed Buildings.

06

Before any construction occurs above damp proof course (DPC) level, details of the brick bond, mortar and pointing technique to be used in the construction of the buildings hereby permitted shall be submitted to and agreed in writing by the Local Planning Authority. The development shall then be carried out only in accordance with the agreed details.

Reason: To ensure the development preserves the character and appearance of the Conservation Area and the setting of nearby Listed Buildings.

07

Prior to any groundworks a Scheme of Archaeological Works (on the lines of 4.8.1 in the Lincolnshire Archaeological Handbook (2016)) shall be provided in accordance with a written scheme of investigation which shall first be submitted to and approved in writing by the local planning authority. Thereafter, the scheme shall be implemented in full accordance with the approved details.

Reason: To enable heritage assets within the site to be recorded prior to their destruction.

08

Demolition or construction works shall only take place within the following hours:

8am to 6pm Monday - Friday

8am to 1pm Saturdays

Not at any times on Sundays, Bank or Public Holidays

And in accordance with the 'Best Practicable Means' (BPM) of controlling noise unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of residential amenity.

09

There shall be no burning of demolition waste on any part of the site.

Reason: In the interests of residential amenity.

10

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:

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;

proposed finished ground levels or contours;

means of enclosure;

pedestrian access and circulation areas;

hard surfacing materials;

proposed and existing functional services above and below ground (for example, drainage power, communications cables, pipelines etc. indicating lines, manholes, supports etc.);

retained historic landscape features and proposals for restoration, where relevant.

Reason: In the interests of visual amenity and biodiversity.

11

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

Notwithstanding those windows and doors permitted by way of this permission and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any order revoking and re-enacting that Order), no new window or door openings shall be inserted, no window and door openings shall be altered and no windows or doors shall be replaced (other than on a like-for-like basis) in the buildings hereby permitted, without the prior approval of the Local Planning Authority.

Reason: The site is prominently located within the Newark on Trent Conservation Area and in the setting of several Listed Buildings. The unsympathetic extension or alteration to the approved two storey building may cause harm to the character and appearance of the Conservation Area and the setting of nearby Listed Buildings.

13

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or and order revoking or re-enacting that order), no dormer windows, roof lights or solar panels shall be placed on the north west (Albert Street) facing roof slope of the two storey building hereby permitted, without the prior approval of the Local Planning Authority.

Reason: The site is prominently located within the Newark on Trent Conservation Area and in the setting of several Listed Buildings. The unsympathetic extension or alteration to the approved two storey building may cause harm to the character and appearance of the Conservation Area and the setting of nearby Listed Buildings.

14

The bin storage facilities and communal grass/paved areas as shown on plan 'Revised Proposed Floor Plans and Elevations' Ref. 812.1016.6.3B shall be provided prior to the first occupation of the development hereby permitted in accordance with the approved details and retained for the lifetime of the development unless otherwise agreed in writing by the local planning authority.

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

15

No part of the development hereby permitted shall be occupied until bicycle storage facilities have been provided for the development in accordance with design, siting and materials details, which have been first submitted to and approved in writing by the local planning authority. The bicycle storage facilities shall be provided prior to occupation of the development in accordance with the approved details and retained for the lifetime of the development unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of promoting sustainable transportation methods.

Notes to Applicant

01

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

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

02

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

03

Construction workers should avoid causing a nuisance to neighbouring properties or public areas from dust, and should therefore take adequate dust control. Such measure can include reducing dust at source, damping down and screening.

BACKGROUND PAPERS

Application case file.

For further information, please contact Honor Whitfield on ext 5827

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

Lisa Hughes
Business Manager - Planning Development

Committee Plan - 19/01225/FUL

