

PLANNING COMMITTEE – 3 MARCH 2020

Application No:	19/01947/FULM (MAJOR)	
Proposal:	Demolition of existing buildings. Erection of 4 bungalows (1 bedroom), 10 apartments (2 No. 2 bedroom and 8 No. 1 bedroom), access road, parking courtyard and associated infrastructure (Re-submission of 19/01060/FULM).	
Location:	2 Jubilee Street, Newark On Trent, Nottinghamshire , NG24 4DA	
Applicant:	Mrs Allsop - Minster Building Co	
Agent:	Mr Dawid Kornata - Jackson Design Associates	
Registered:	26 November 2019	Target Date: 25 February 2020 Ext. of Time: 4 March 2020
Link to application documents:	https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=Q08MTJLBM0I00	

The application is referred to Planning Committee due to an objection received from Newark Town Council which is contrary to the views of the Officer.

The Site

The application site is located within the Main Urban Area of Newark as defined by the Proposals Map of the Allocated and Development Management Plan DPD. The site lies to the south of a residential property known as Green Home and represents the extensive and private garden currently serving this property. It forms a rectangular shaped parcel of land that sits to the rear of properties fronting Jubilee Street to the south, and Bowbridge Road to the east and further to the west is Lime Grove.

The majority of the 0.35 ha area site is a garden that is mostly flat, grassed land although there are mature trees along the boundaries of the site. The garden boundary planting appears to have been left unmanaged for some years but there are a variety of trees and planting around the boundaries of the site.

Green Home is a two storey white washed property probably dating back to the 1930's with some charm and character and it is currently accessed from a narrow road to the north of the property that leads from Bowbridge Road. Newark Conservation Area is located on the other side of Green Home, more than 20 metres away from the application site. No 2 Jubilee House is a detached 2 storey dwelling of red brick and concrete roof tiles probably erected in the mid-20th century. Between Nos 8 and 10 Jubilee Street is a pedestrian access that runs between Jubilee Street and the application site but it does not appear to have been used for many years.

Relevant Planning History

19/01060/FULM - Demolition of existing building and erection of 4 bungalows (1 bedroom), 10 apartments (2 No. 2 bedroom and 8 No. 1 bedroom), access road with connection to the public highway, parking courtyard and associated infrastructure - withdrawn.

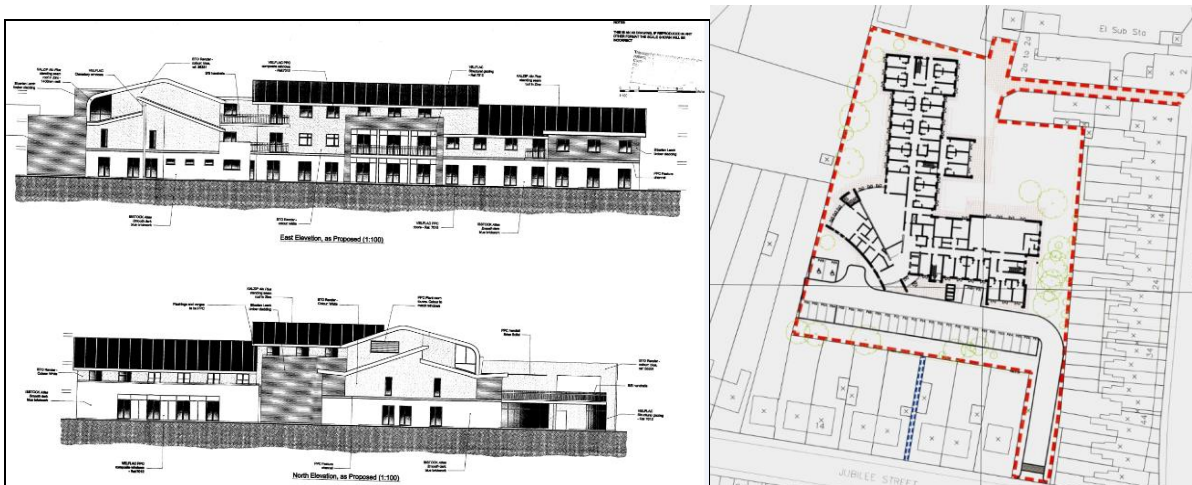
17/02213/FULM - Demolition of No.2 Jubilee Street and erection of 9 No. two storey residential family houses incorporating new access from Jubilee Street – permission 08.03.2019 which remains extant until 07.03.2022.



Approved Block Plan 17/02213/FULM

16/00748/FUL - Erect 9 two storey residential family houses - Withdrawn.

08/02210/FULM - Demolition of existing 'Green Home', 'The Stables' and No. 2 Jubilee Street. Proposed development of new 97 bedroom Residential Care Home with associated new vehicular and pedestrian access. (Re-submission) - approved 08.01.2009



Approved Plans 08/02210/FULM

08/01722/FULM - Demolition of existing 'Green Home', 'The Stables' and No. 2 Jubilee Street. Proposed development of new 110 bedroom Residential Care Home. Proposed new vehicular and pedestrian access from Jubilee Street. – Refused 03.10.2008 on grounds of impact on neighbours from parking, inappropriate car parking design, pedestrian link impacts to neighbours, lack of cycle provision and lack of bin store.

The Proposal

Full planning permission is sought for the demolition of No 2 Jubilee Street, the erection of four 1-bed bungalows, 10 apartments (two 2-bed and eight 1-bed), access road, parking courtyard and associated infrastructure. The description of development and supporting documentation submitted with the application states that these dwellings would be affordable homes comprising supported living units for rent being leased/managed by a registered provider. Albeit, in the event that 100% affordable scheme is not deliverable, the applicant also proposes that a minimum of 30% of the units will be provided as affordable with the type and tenure to be agreed with the Council prior to occupation.

The new buildings would be located around a cul-de-sac layout with central car parking area. The two sets of bungalows would be located opposite each other. Each bungalow would have an internal floorspace of 48.36m² and a shared communal area with a floorspace of 17.48m² would be located between and shared by each set of bungalow (to enable supported living). The ridge height would be 4.8 metres and 2.5 metres to the eaves.

The design of the apartment block has been amended during the lifetime of the applications so that it is 2-storey as opposed to 2.5/3 storey as originally submitted. It is largely rectangular in shape with a rear gable feature and hipped roof. The ground floor would contain the two 2-bed units and two 1-bed units with the remaining 1-bed units being provided at 1st floor level. An internal lobby/lift area and staff room would also be provided internally. The overall internal floorspace would be 794m² with a ridge height of 9m and eaves height of 5.3 metres. Further revised plans amending the apartment design to break up the frontage by applying some contrasting recessed bricks to create vertical emphasis with pitched roof aspects to break up the roof/eaves lines have also been submitted during the lifetime of the application.

Proposed materials would comprise traditional red facing brickwork and dark grey concrete roof tiles.

17 car parking spaces are proposed in total (3 of which would be visitor spaces). The access road from Jubilee Street provides for a bin storage facility and narrow areas of green/planting space. There is a pedestrian footway on one side of the access road.

Documents considered by this application comprise:

- Covering Letter Dated 31.10.2019
- Biodiversity Survey and Report
- Design and Access Statement
- Tree Survey
- Affordable Housing Statement
- 19/2213/LP Site Location Plan
- 19/2213/(02)001 Rev A Existing Site Layout
- 19/2213/(02)003 Proposed Bungalow Layout and Elevations
- 19/2213/(02)002 Rev H Proposed Site Layout (amended plan received 19/02/2020)
- 19/2213/(02)004 Rev C Proposed Apartments Layouts and Elevations (amended plan received 19/02/2020)

Departure/Public Advertisement Procedure

Occupiers of 40 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.

Planning Policy Framework

The Development Plan

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

Spatial Policy 1 – Settlement Hierarchy
Spatial Policy 2 – Spatial Distribution of Growth
Spatial Policy 6 – Infrastructure for 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
Core Policy 14 – Historic Environment
NAP1 – Newark Urban Area

Allocations & Development Management DPD (adopted July 2013)

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

Other Material Planning Considerations

- National Planning Policy Framework 2019
- Planning Practice Guidance
- Developer Contribution and Planning Obligations SPD (2013)
- Affordable Housing SPD (2013)

Consultations

Newark Town Council – It was decided to sustain this Committee's original Objections but with a slight amendment regarding traffic impact as follows:

- i) Traffic impact in an already congested area; a revised Traffic Impact Assessment should be completed before the application is considered, to include and taking into account, all existing and future traffic flows along Bowbridge Road. This should include the impact arising from the developments on land South of Newark and the Southern Link Road.
- ii) All future applications should be subject to a moratorium until (i) above is complete.
- iii) Loss of mature trees on the site and the detrimental amenity impact on existing adjacent properties and residents.
- iv) The application should not be considered further until the District Council's new Green Spaces Strategy has been approved.
- v) Now that the nearby old Bearings site has approval for the construction of 62 dwellings, the traffic impact will be increased significantly on Bowbridge Road which already suffers from congestion. This should be taken into account in a Traffic Impact Assessment.

NCC Highways Authority – This proposal is acceptable on the understanding that the access road will remain privately owned and maintained.

Details of the access construction, lighting and drainage should be submitted and agreed prior to commencement of the development. Furthermore, in order to ensure that adequate and appropriate maintenance is provided for the life of the development, it is recommended that a Section 106 Agreement is entered into to cover the access and associated lighting, drainage, etc.

At the junction with Jubilee Street, the access will need to be constructed to the requirements of the Highway Authority.

Whilst sufficient parking appears to be provided, suitable signage and/or management is required to ensure that where visitor spaces are to be shared between properties then these are protected for anyone's free use to avoid neighbour disputes.

In conclusion, no objections are raised subject to the following conditions:

No part of the development hereby permitted shall be commenced until a dropped vehicular footway crossing is available for use and constructed in accordance with the Highway Authority specification to the satisfaction of the Local Planning Authority.

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

No part of the development hereby permitted shall be occupied until the access is constructed with provision to prevent the unregulated discharge of surface water from the access road to the public highway in accordance with details first submitted to and approved in writing by the LPA. The provision to prevent the unregulated 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.

No part of the development hereby permitted shall commence until details of the access road have been submitted to and approved in writing by the Local Planning Authority including cross sections, street lighting, drainage and outfall proposals, & construction specification. The development shall be implemented in accordance with these details to the satisfaction of the Local Planning Authority.

Reason: To ensure the access is constructed to appropriate standards commensurate with the scale and type of development; in the interests of safety; to avoid localised flooding, and; to protect the amenity of residents.

Note to Applicant:

The development makes it necessary to construct a vehicular crossing over a footway/verge of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact the County Council's Agent, Via East Midlands to arrange for these works to be carried out. Email: licences@viaem.co.uk Tel. 0300 500 8080 and further information at:

<https://www.nottinghamshire.gov.uk/transport/licences-permits/temporary-activities>

As a private street, the Advance Payments Code under the Highways Act 1980 will apply unless exemption is made. To be exempt the following conditions should be met:

- The deposit of a map with the Highway Authority under Section 31 (6) of the Highways Act 1980 identifying the roads which are to remain private.
- The erection and maintenance of a road sign(s) indicating that the road is private.
- The provision of evidence that potential purchasers of the dwellings have been/will be made aware of the unadopted status of the road and what this will mean to them in practice;
- The provision of evidence that future maintenance of the road has been secured. For example, a unilateral undertaking under Section 106 of the Town and Country Planning Act to set up a maintenance company; The boundary between the private road and the publicly-maintained highway should be clearly marked by a concrete edging, boundary posts or similar.

NCC Planning Policy –

Transport and Flood Risk Management

The County Council as Highway Authority and Local Lead Flood Authority is a statutory consultee to Local Planning Authorities and therefore makes separate responses on the relevant highway and flood risk technical aspects for planning applications. Should further information on the highway and flood risk elements be required contact should be made directly with the Highway Development Control Team and the Flood Risk Management Team to discuss this matter further with the relevant officers dealing with the application.

Minerals and Waste

The adopted Nottinghamshire and Nottingham Replacement Waste Local Plan, Part 1: Waste Core Strategy (adopted 10 December 2013) and the saved, non-replaced policies of the Waste Local Plan (adopted 2002), along with the saved policies of the Nottinghamshire Minerals Local Plan (adopted 2005), form part of the development plan for the area. As such, relevant policies in these plans need to be considered. In addition, Minerals Safeguarding and Consultation Areas (MSA/MCA) have been identified in Nottinghamshire and in accordance with Policy SP7 of the emerging Publication Version of the Minerals Local Plan (July 2019). These should be taken into account where proposals for non-minerals development fall within them.

Minerals

In relation to the Minerals Local Plan, there are no Minerals Safeguarding and Consultation Areas covering or in close proximity to the site. There are no current or permitted minerals sites close to the application site. Therefore, the County Council does not wish to raise any objections to the proposal from a mineral's perspective.

Waste

In terms of the Waste Core Strategy, there are no existing waste sites within the vicinity of the site whereby the proposed development could cause an issue in terms of safeguarding existing waste management facilities (as per Policy WCS10). As set out in Policy WCS2 'Waste awareness, prevention and re-use' of the Waste Core Strategy, the development should be 'designed, constructed and implemented to minimise the creation of waste, maximise the use of recycled materials and assist the collection, separation, sorting, recycling and recovery of waste arising from the development.' In accordance with this, as the proposal is likely to generate significant volumes of waste through the development or operational phases, it would be useful for the application to be supported by a waste audit. Specific guidance on what should be covered within a waste audit is provided within paragraph 049 of the Planning Practice Guidance.

Strategic Highways

The County Council does not have any strategic transport planning observations to make.

Built Heritage

The proposal site is adjacent to a designated conservation area and the nature of the development is such that it will be visible from within the conservation area. In accordance with the NPPF paragraph 189 the County Council would expect the applicant to provide an assessment of the potential impact on the setting of the conservation area. No such assessment seems to be available, either as a stand-alone document or within the Design and Access Statement.

Planning Obligations

The following sets out the Planning Obligations that are being sought by Nottinghamshire County Council to mitigate the impact of the above development. These are detailed in appendix one and summarised below.

Transport and Travel Services

The County Council would request a bus stop infrastructure contribution of £4,000. This would be used to provide improvements to the bus stop on Winchilsea Avenue (NS0569), and shall include a bus shelter, subject to highways safety approval.

Education

A development of 14 dwellings would yield an additional 3 primary and 2 secondary aged pupils. Primary Based on current data there is projected to be sufficient capacity to accommodate the additional primary aged pupils projected to arise from the proposed development. As a result, the County Council will not be seeking any contributions towards primary education.

The delivery of secondary education within the district is via the Council's Community Infrastructure Levy (CIL). Based on current data there is projected to be sufficient places to accommodate the additional secondary aged pupils projected to arise from the proposed development.

As developer contributions are being sought in relation to the County Council's responsibilities it is considered essential that the County Council be a signatory to any legal agreement arising as a result of the determination of this application.

Further information about the County Councils approach to planning obligations can be found in its Planning Obligations Strategy which can be viewed at: <https://www.nottinghamshire.gov.uk/planning-and-environment/general-planning/planning-obligations-strategy>

Conclusion

It should be noted that all comments contained above could be subject to change, as a result of ongoing negotiations between the County Council, the Local Planning Authority and the applicants. These comments are based on the information supplied and are without prejudice to any comments the County Council may make on any future planning applications submitted for this site.

NCC Lead Local Flood Authority – No objections subject to the following:

- 1.1 Drainage from the site should be via a sustainable drainage system that aligns with the CIRIA Suds Manual and non-statutory technical guidance. The hierarchy of drainage options should be infiltration, discharge to watercourse and finally discharge to sewer subject to the approval of the statutory utility. If infiltration is not to be used on the site, justification should be provided including the results of infiltration tests (compliant with BRE365).
- 1.2 For greenfield areas, the maximum discharge should be the greenfield run-off rate (Qbar) from the area.
- 1.3 The site drainage system should cater for all rainfall events upto a 100year + 30% climate change allowance level of severity. The underground drainage system should be designed not to surcharge in a 1 year storm, not to flood in a 30 year storm and for all flooding to remain within the site boundary without flooding new buildings for the 100year + 30% cc event. The drainage system should be modelled for all event durations from 15 minutes to 24 hours to determine where flooding might occur on the site. The site levels should be designed to direct this to the attenuation system and away from the site boundaries.
- 1.4 Consideration must be given to exceedance flows and flow paths to ensure properties are not put at risk of flooding.
- 1.5 Any proposals to use SUDS must include details showing how these will be maintained to ensure their effectiveness for the lifetime of the development.
- 1.6 This site is also shown to have an area at risk of surface water flooding. The applicant should familiarise themselves with the risk this poses to the development and also show how the existing risk will be mitigated as part of the development proposals.

NSDC Strategic Housing Officer – The proposal concerns the resubmission of an application withdrawn in August 2019 (19/01060/FULM). The application was withdrawn due to concerns in respect of the height of the proposed apartment block and the over domination of parking/hardstanding.

The proposal is made on the basis that, if secured through a S106 Agreement or way of condition, it would meet the requirements of CP1 and the Affordable Housing SPD with the provision of a 100% affordable housing scheme comprising of supported living units for rent being leased/managed by a registered provider. In the event that 100% affordable scheme is not deliverable, the applicant proposes that a minimum of 30% of the units will be provided as affordable with the type and tenure to be agreed with the Council prior to occupation. This acceptable in policy terms.

Should the above 100% affordable scheme not meet the requirements of the Council, the following affordable housing will be required on site:-

	Rent	Shared Ownership	Total
1 Bed Bungalows	2	2	4
Total	2	2	4

For management purposes the Council will seek 4 bungalows on site. Registered Providers will not be comfortable with part ownership of a leasehold property and in this respect the 4 bungalows should form 100% of the affordable housing contribution.

I refer to the evidence the Council can call upon to determine the levels of housing need in the location. The DCA Housing Needs Assessment 2014 (to be revised 2020) describes a significant shortfall of 1 and 2 bedroom properties and in this respect I support the application. In terms of evidence of the demand for supported housing, the applicant has not provided any substantiation for supported housing. It is usual to deliver this type of accommodation through a registered provider but not solely.

Conclusion

The proposal as it stands aligns closely with the housing need in the area, however, the applicant has not provided any justification for supported housing in this location and therefore the application should be considered as a market housing scheme with 30% affordable housing on site to meet the Council's current policy requirements.

NSDC Parks and Amenity Officer – Although this development is for a total of 14 properties 12 of these are 1 bedroomed and there is thus no requirement for a contribution towards children's playing space.

NSDC Tree Consultant –

Comments received 14.02.2020:

The revised layout will result in further loss of existing green infrastructure, particularly in the south section which is now closer to the boundary of adjacent properties.

There is little room remaining to enable a wide landscape buffer as a result, although the impact on adjacent dwellings will be reduced by a reduction of building height.

I would recommend retained infrastructure is protected during all demolition/construction activities and that a robust soft landscaping scheme is considered to mitigate tree loss and provide substantial replacement green screening.

Comments received 02.12.2019:

The updated tree survey clarifies tree loss and impact from development.

After assessing this application I would recommend any approval has attached conditions:

1. No works or development shall take place until an arboricultural method statement and scheme for protection of the retained trees/hedgerows has been agreed in writing with the District Planning Authority. This scheme shall include:
 - a. A plan showing details and positions of the ground protection areas.
 - b. Details and position of protection barriers.
 - c. Details and position of underground service/drainage runs/soakaways and working methods employed should these runs be within the designated root protection area of any retained tree/hedgerow on or adjacent to the application site.

- d. Details of any special engineering required to accommodate the protection of retained trees/hedgerows (e.g. in connection with foundations, bridging, water features, hard surfacing).
 - e. Details of construction and working methods to be employed for the installation of drives and paths within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
 - f. Details of working methods to be employed with the demolition of buildings, structures and surfacing within or adjacent to the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
 - g. Details of any scaffolding erection and associated ground protection within the root protection areas
 - h. Details of timing for the various phases of works or development in the context of the tree/hedgerow protection measures.
2. All works/development shall be carried out in full accordance with the approved arboricultural method statement and tree protection scheme.
3. Prohibited activities
The following activities must not be carried out under any circumstances.
 - a. No fires to be lit on site within 10 metres of the nearest point of the canopy of any retained tree/hedgerow on or adjacent to the proposal site.
 - b. No equipment, signage, fencing etc shall be attached to or be supported by any retained tree on or adjacent to the application site,
 - c. No temporary access within designated root protection areas without the prior written approval of the District Planning Authority.
 - d. No mixing of cement, dispensing of fuels or chemicals within 10 metres of any retained tree/hedgerow on or adjacent to the application site.
 - e. No soak- aways to be routed within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
 - f. No stripping of top soils, excavations or changing of levels to occur within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
 - g. No topsoil, building materials or other to be stored within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
 - h. No alterations or variations of the approved works or protection schemes shall be carried out without the prior written approval of the District Planning Authority.
4. No works or development shall take place until the District Planning Authority has approved in writing the 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.
5. The approved landscaping scheme shall be carried out within 6 months of the first occupation of any building or completion of the development, whichever is soonest, unless otherwise agreed in writing with the District Planning Authority. If within a period of 7 years from the date of planting any tree, shrub, hedgerow or replacement is removed, uprooted, destroyed or dies then another of the same species and size of the original shall be planted at the same place. Variations may only be planted on written consent of the District Planning Authority.

NSDC Environmental Health Officer (Contamination) – No observations

NSDC Environmental Health Officer (Reactive) – No development shall commence on site (including any site clearance/preparation works), until a Construction Method Statement has been submitted to the Local Planning Authority for approval in writing. Details shall provide the following, which shall be adhered to throughout the construction period:

- The parking of vehicles of site operatives and visitors
- Loading and unloading of plant and materials
- Storage of oils, fuels, chemicals, plant and materials used in constructing the development
- The erection and maintenance of security hoarding, including any decorative displays and facilities for public viewing
- Wheel-wash washing facilities and road-cleaning arrangements
- Measures to control the emission of dust and dirt during construction
- A scheme for recycling/disposing of waste resulting from site preparation and construction works
- Measures for the protection of the natural environment
- Hours of work on site, including deliveries and removal of materials
- Full details of any piling technique to be employed, if relevant
- Location of temporary buildings and associated generators, compounds, structures and enclosures, and
- Routeing of construction traffic.
- Measures to limit noise emissions and vibration levels from the site and from plant machinery

Restriction on hours of operation:

The hours of operation on site should be limited to Monday to Friday 08:00 to 18.00hrs, 08:00 to 13.00hrs Saturday and no works on site on Sundays/Bank Holidays.

Reason: To protect the amenity of the locality, especially for people living and/or working.

Hours of delivery:

No deliveries shall be received or dispatched from the site outside the hours of Monday to Friday 08:00 to 18.00hrs, Saturday 08.00 to 13.00 hrs nor at any time on Sundays and Bank Holidays.

Reason: To protect the amenity of the locality, especially for people living and/or working.

Limit hours of operation of machinery:

No piling to be undertaken or vibrating rollers to be used on site Saturday, no works Sundays or Bank Holidays. The local Authority should be notified of any Piling technique to be employed on site in advance.

Reason: To protect the amenity of the locality, especially for people living and/or working.

Dust: The development shall not be commenced until a scheme specifying the provisions to be made to control dust emanating from the site and all access and egress roads has been submitted to and approved in writing by the local planning authority. The agreed scheme shall then be implemented in full before the proposed development is started, including demolition and site clearance.

Reason: To protect the amenity of the locality, especially for people living and/or working.

Representations have been received from 8 local residents/interested parties which can be summarised as follows:

Trees/Ecology:

- Loss of trees
- Detrimental impact on the environment including wildlife
- Trees have low life expectancy
- Loss of green area

Highways:

- Access to the site would be dangerous as parked cars reduce visibility. It crosses a busy footpath used by children and adults with disabilities
- Limited parking in the area that would be made worse by the proposal. A loss of 3 spaces on Jubilee St.
- Increased congestion
- No plans to upgrade road or infrastructure in an already overcrowded urban space
- Difficulty for emergency vehicles

Residential Amenity:

- Impact on the privacy of adjacent properties
- The 3 story block would overlook the rear of dwelling on Lime Grove and would dominate and overshadow existing properties
- The loss of privacy would be a breach in human rights
- Noise pollution/disturbance from a 24 hr working building with toxic waste disposal and staff movements
- Light pollution would be intrusive to neighbouring properties
- Disruption during construction works

Visual Amenity:

- The apartment block is out of character and detrimental to the general nature of the area
- The development should be restricted to 2 storey as with 17/02213/FULM

Other:

- Garden grabbing should be prevented;
- Waste pollution from planned collection of toxic human waste
- Conflict with NSDC Cleaner, Safer and Greener' approach
- The plans are worse than the last ones
- The proposed site layout plan shows an existing public footpath – there has never been a public footpath. Use of this footpath would permit easy access to thieves and would be a breach of privacy
- Too far for residents to take bins to the end of the road – waste could be a health hazard if this can't be done. Who will be responsible?
- Inaccuracies in relation to the description of the surrounding area in the submitted Design and Access Statement

6 additional representations has been received in response to consultation on the revised plans raising additional issues summarised as follows:

- The revised plans are worse
- Previous objections have not been addressed

- Amended plans bring the two storey apartment building closer to the neighbouring boundaries and overlooking from windows would now occur
- Is there enough room for the proposed trees?
- Bin storage area is too close to boundary
- Overdevelopment of the site/density is too high
- There is a tawny owl nesting on site

Comments of the Business Manager

Principle of Development

The National Planning Policy Framework promotes the principle of a presumption in favour of sustainable development and recognises that it is a duty under the Planning Acts for planning applications to be determined in accordance with the development plan.

The Council can robustly demonstrate that it has a 5 year housing land supply and for the purposes of decision making the Development Plan is up to date.

The proposal site is located in Newark, a Sub Regional Centre, allocated for development in the Core Strategy (adopted 2019) under Spatial Policy 1 and Spatial Policy 2. As such, the site is located in a sustainable location for new development.

The site currently forms part of a private garden serving Green Home. As such, it is likely that the site would not fall within the definition of 'previously developed land,' as defined by the NPPF, which excludes "land in built-up areas such as residential gardens." However, this space is not protected as a greenfield site or indeed any form of open space under current legislation. Moreover, the site benefits from planning permission for 9 two storey houses which is extant until March 2022 (17/02213/FULM). The site also had a previous 97 bedroom residential care home permission 08/02210/FULM) albeit this consent is now expired.

As such, the residential development of this site is considered acceptable in principle subject to an assessment of all site specific considerations set out in detail below.

Housing Mix, Type and Density

Core Policy 3 provides that development densities should normally be no lower than 30 dwellings per hectare net. Core Policy 3 also states that the LPA will seek to secure new housing which adequately addresses the housing need of the district, namely family housing of 3 bedrooms or more, smaller houses of 2 bedrooms or less and housing for the elderly and disabled population. It goes on to say that the LPA will secure an appropriate mix of housing types to reflect the local housing need.

Section 11 of the NPPF is entitled "Making effective use of land" (para 117) states 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 122 of the NPPF refers to achieving appropriate densities and support for development that makes efficient use of land, taking into account a range of criteria including, the desirability of maintaining an area's prevailing character and setting (including residential gardens) or of promoting regeneration and change, and the importance of securing well designed, attractive and healthy places.

The proposed development comprises a mix of twelve 1-bed and two 2-bed dwellings. Whereas the extant scheme proposes three 3-bed and six 4-bed dwellings. A comparison of this housing mix against the market housing demand for the Newark sub-area in 2014 Housing Market and Needs Assessment identifies is as follows:

Property size	Market Demand (in Nos)	Extant Scheme (17/02213/FULM)	Current Scheme
1 bed	79	0	12
2 bed	722	0	2
3 bed	863	3	0
4 bed	309	6	0
5 bed or more	171	0	0

It is clear from the above that the 3-bed market houses are in most demand, with 2-bed second in demand, followed by 4-bed. Whilst it is acknowledged that the mix on this site does not exactly reflect the market demand, the mix proposed is still considered to comply with Core Policy 3 as the policy gives particular emphasis on providing smaller houses. It is also considered to represent a more favourable mix of house sizes to the scheme within extant permission (17/02213/FULM) as the mix and density more closely aligns with the aspirations of Core Policy 3.

The extant permission (17/02213/FULM) has a density of 26 dwellings per hectare ('dph'), below the policy requirement of at least 30dph on all housing developments. The current scheme is proposing a density of 40dph which is compliant with Core Policy 3 in this regard.

Overall, I have no concerns with regards to the density or mix of development as the proposal would contribute to the need for smaller units that is required in this district as acknowledged by Core Policy 3.

Impact on Character and Appearance of the Area

Core Policy 9 requires new development proposals to demonstrate a high standard of sustainable design that both protects and enhances the natural environment. Policy DM5 requires the local distinctiveness of the District's landscape and character of built form to be reflected in the scale, form, mass, layout, design, materials and detailing of proposals for new development. It also states that proposals creating backland development will only be approved where they would be in-keeping with the general character and density of existing development in the area, and would not set a precedent for similar forms of development, the cumulative effect would be to harm the established character and appearance of the area. The NPPF supports development that makes efficient use of land, taking into account a number of factors including the identified need for different types of housing and the importance of securing well-designed, attractive and healthy places. Policies CP14 and DM9, amongst other things, seek to protect the historic environment and ensure that heritage assets are managed in a way that best sustains their significance. Local planning authorities need to have special regard to the desirability of preserving or enhancing the character or appearance of Conservation Areas and their setting.

No 2 Jubilee Street is a 20th century property of no historic or architectural merit and its loss would not result in any unacceptable impact on the character and appearance of the area. The opening up of this part of Jubilee Street to create the access road would represent a significant change, however, it is not considered to unacceptably harm the area.

The surrounding area to the east and south is predominantly high density 2 storey terraced properties, with 2 storey semi-detached dwellings fronting Jubilee Street, the long gardens of which are situated to the west of the application site. Development to the north has a lower density, looser layout of development albeit containing a number of detached buildings with larger footprints. Whilst cul-de-sac layouts are not typical to the area, the site is not prominent in the public realm or readily visible from it. In addition the principle of development on this site is already established through the extant permission (17/02213/FULM).

The proposed buildings would be relatively bland in design albeit I note through a combination of the proposed scale (a max. of 2 storey), use of facing brickwork and hipped roofs that this would assist in harmonising the development with other surrounding properties.

The Conservation Officer has no objection to the proposed development which is considered not to have any impact on the character or appearance of the nearby Conservation Area.

Overall, I am satisfied that the proposal would not result in a development which would be detrimental to the visual amenity or character of the area including the setting of the Conservation Area in accordance with Core Policy 9 and 14 of the Core Strategy and Policies DM5 and DM9 of the DPD.

Impact on Trees and Ecology

Core Policy 12 of the Core Strategy seeks to secure development that maximises the opportunities to conserve, enhance and restore biodiversity. Policy DM5 of the DPD states that natural features of importance within or adjacent to development sites should, wherever possible, be protected and enhanced. Paragraph 175 of the NPPF includes that opportunities to incorporate biodiversity in and around developments should be encouraged.

A tree survey undertaken in October 2019 has been submitted with the application. 54 individual trees and 13 groups of trees were identified. Of the surveyed trees: 10 trees and 1 group are retention category 'B', and the remaining 56 trees and groups are retention category 'C'.

The survey recognises a number of trees (which include a mix of Category B and C trees) to have value/group value or increased value as they mature including:

- Poplars T8, T13, T18, T19, T28, T29, T36 and T41
- Fir T14
- Tree of Heaven T35, T38, T40 and T42)
- Lime tree, T46

The proposed layout seeks to retain all of the trees listed above.

The report further highlights a linear group of large Poplar trees, G52 located to the east of the site along the proposed site access which 'form a significant landscape feature, providing reasonable amenity value'. The proposed layout means that all of this group would be removed. This is a negative factor to be weighed in the overall planning balance. However, the removal of this group is largely unavoidable due to the location of the vehicular access to the site which can only be achieved at this point. In addition, I attach significant weight to the fall-back position in this regard as extant scheme (17/02213/FULM) authorises full removal of all trees on site with the exception of T32 and T46.

The remaining trees and shrubs within the site are generally of low value, retention category 'C'. None of these trees should pose a significant constraint on future development particularly when regard is given to the fall-back position of the extant planning permission. It should be noted that the current proposal would retain many more trees than the extant scheme. 26 trees, 6 groups and sections of 2 further groups would require removal as they are situated in the footprint of the proposed development. The Tree Officer raises no objection to this loss and recommends conditions be imposed requiring tree protection measures.

This loss would be mitigated to some extent by some new but more limited planting within a landscaping scheme that would provide planting predominantly along the boundaries of the site and along the sides of the central access road to soften the otherwise hard surfacing and built form.

An Extended Phase 1 Habitat Survey (May 2019) has been submitted with the application. This report concludes that *'this parcel of land does not support a significant range of plant or animal biodiversity as a result of its management and location. It is considered likely that development of the site area surveyed could be carried out in a manner that does not have any significant impact on local biodiversity. The inspection completed in April 2019 has not identified any physical evidence of protected species on this site and the records reviewed indicate that the potential for such species is limited to nesting birds and foraging bats. There is potential for these species to access and utilise the land for nesting and foraging'*.

In relation to bats, a low intensity of bat foraging by individual Pipistrelle has been established by the survey completed on the site in 2018. No further surveys are recommended. The report advises that any lighting associated with the proposal should be low level and shielded so that there is no significant increase in artificial light in this location. In relation to nesting birds, it recommends avoiding disturbance to this boundary area during the nesting season.

Conditions requiring the insertion of bat and bird nesting boxes to enhance the opportunities for biodiversity within the new development and any works/removal of vegetation to take place outside of the bird nesting season are recommended.

Overall, subject to conditions relating to boundary treatments, landscaping details and ecology enhancements the proposed development would not adversely impact on the potential habitat of a protected species and would result in improved impact upon trees (when compared to the current fall back position), in accordance with the guidance within Core Policy 12 and Policies DM5 and DM7 of the DPD.

Impact on residential amenity

Policy DM5 of the DPD states that development proposals should ensure no unacceptable reduction in amenity including overbearing impacts and loss of privacy upon neighbouring development. The NPPF promotes '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'.

The site is immediately adjoined by residential properties on all sides, although adjoining the site to the west are the rear sections of long residential gardens serving properties fronting Jubilee Street.

There would be a distance of 24m between the original rear elevations of the houses fronting Jubilee Street to the side elevation of the proposed apartments. This is considered to be in accordance with acceptable standards for rear to side relationships. I note that 3 windows are proposed in the south facing elevation of the proposed apartments. The two closest windows would serve a shower room and as a secondary window to a kitchen/diner window. It is recommended that a condition is imposed to ensure that these two windows are obscure glazed and non-opening below 1.7 metres in room height. The 3rd window would be located on the side elevation of the projecting gable feature and would serve a bedroom. Given that there would be a separation gap of 22 metres to the south boundary and only an oblique angle achievable to the gardens to the west, it is not considered that a material adverse increase in levels of overlooking would result from this window.

The properties to the east of the site fronting Bowbridge Road are traditional terraced houses with deep lightwells in their rear elevations and deep single storey projections that extend into the rear gardens. The side elevation of the Plot 4 bungalow would be closest to the rear elevations of these terraces and given its low height and separation distance of approx. 3 metres to the boundary and 9.4 metres to the closest single storey projection. Having carefully considered this and having regard to the current fall-back position (a two storey dwelling located closer to the boundary), it is considered that this relationship is acceptable and would ensure no adverse impact upon the living conditions by virtue of any overbearing or loss of privacy impact.

Green Home contains a 1st floor dormer window facing the application site. There would be a distance of 18m approx. between the proposed rear elevation of Plot 3 bungalow. This is considered to be on the limits of acceptability in terms of overlooking impacts as the dormer window has the potential to overlook the private amenity area of the proposed bungalows in particular. I note that 1.5 metres less separation gap was achieved in this location between the two storey dwellings proposed here on the extant scheme. There would be a 14 metre separation gap between the corner of Green Home and the nearest corner of the proposed apartments and a separation distance of just less than 21 metres between main habitable room windows which is considered acceptable. Part of the private garden area of Green Home is likely to be overlooked by the proposed apartment window albeit the garden is considered to be of a sufficient size to enable a more than sufficient non-overlooked area of private amenity space to remain.

Overall, having carefully considered the orientation relationships, it is considered that the proposed development would not result in undue or unacceptable over-shadowing impacts.

The relationships between the proposed dwellings are acceptable. The proposed bungalow would be served by private amenity areas proportionate to their size and the proposed apartments would be served by an adequate area of shared amenity space.

Having carefully assessed the scheme it is considered that the proposal would have no unacceptable impacts upon the amenity of future occupiers of the proposed dwelling or dwellings adjacent to the application site in accordance with the Policy DM5 of the Allocations and Development Management DPD.

Impact on Drainage/Flooding

Policy DM5 and Core Policy 9 require that proposals pro-actively manage surface water and Core Policy 10 seeks to mitigate the impacts of climate change through ensuring that new development proposals taking into account the need to reduce the causes and impacts of climate change and flood risk.

The site lies in Flood Zone 1 which is at lowest risk of fluvial flooding.

In relation to surface water flooding, the development would result in a significant increase in the amount of hardstanding on the site when compared to the existing situation and the area is known to be at risk of surface water flooding. However, it is considered that surface water run-off can be adequately controlled through the careful design of a drainage scheme which can be required by planning condition. Subject to condition, the proposal would accord with Core Policy 9, Core Policy 10 of the Core Strategy and DM5 of the Allocations and Development Management DPD.

Highway Safety

Spatial Policy 7 of the Core Strategy seeks to ensure that vehicular traffic generated does not create parking or traffic problems. Policy DM5 of the DPD requires the provision of safe access to new development and appropriate parking provision.

The comments received from third parties with regards to highway safety and parking issues are acknowledged, particularly in relation to the current demands for on-street parking in the area.

The Highway Authority has been consulted on the proposals and have carefully assessed the number of on-site car parking spaces provided (21 spaces total), together with the new junction that would be created on Jubilee Street. The Highway Authority have concluded that, subject to conditions, all these matters are acceptable and would not result in any detrimental impact on highway safety.

The road to be constructed is not up to adoptable standards and so will remain in private ownership, as such, it is essential that the lighting, drainage and construction is acceptable (as it would not be provided by the Highway Authority) and that its future maintenance is secured moving forward through a legal agreement.

It is therefore considered that the proposed development would not result in any significant parking issues or lead to a significant impact on highway safety subject to the approval of details reserved by condition in accordance with the requirements of Spatial Policy 7 of the Core Strategy and DM5 of the Allocations and Development Management DPD.

Developer Contributions

Spatial Policy 6 'Infrastructure for Growth' and Policy DM3 'Developer Contributions and Planning Obligations' set out the approach for delivering the infrastructure necessary to support growth.

The Developer Contributions and Planning Obligations Supplementary Planning Document (SPD) provides additional detail on the Council's policy for securing planning obligations from new developments and how this operates alongside the Community Infrastructure Levy (CIL). The main areas for which development contributions are sought are considered below:

Affordable Housing

The Council's Core Strategy (2019), Affordable Housing SPD (June 2013) and Developer Contributions and Planning Obligations SPD (2013) seek to secure the provision of 30% on site affordable housing where the thresholds are met.

The proposal is made on the basis that, if secured through a S106 Agreement or by way of condition, it would meet the requirements of CP1 and the Affordable Housing SPD with the provision of a 100% affordable housing scheme comprising of supported living units for rent being leased/managed by a registered provider. In the event that 100% affordable scheme is not deliverable, the applicant proposes that a minimum of 30% of the units will be provided as affordable with the type and tenure to be agreed with the Council prior to occupation. This is considered acceptable in principle in policy terms. The application would therefore meet or exceed the policy requirement to secure the required level of affordable housing on site in relation to the total number of dwellings proposed albeit both options are considered to carry equal weighting in the overall planning balance given that the 100% affordable scheme would not necessarily be fully compliant with the 60% social rented/40% affordable home ownership tenure split required by Core Policy 1.

Community Facilities

The SPD sets out that a net increase in 13 dwellings would equate to a community facilities contribution of £17,993 plus indexation which the Applicant has agreed to (to improve facilities at Sherwood Avenue Pavilion). This is considered acceptable in principle in policy terms.

Open Space

In relation to amenity green space, the SPD states that 14.4m² is required per dwelling. The net increase in 13 dwellings proposed therefore requires an area of 187.2m² and the proposed site layout plan demonstrates that an area of 350m² (the majority of this would be amenity space provided specifically for the apartments). This is considered acceptable in principle in policy terms.

Education

The County Council have advised that there is projected to be sufficient capacity to accommodate the additional primary aged pupils projected to arise from the proposed development. As such, no contributions are sought in this regard.

Transport

The County Council would request a bus stop infrastructure contribution of £4,000. This would be used to provide improvements to the bus stop on Winchelsea Avenue (NS0569), and shall include a bus shelter, subject to highways safety approval.

Summary S106 Requirements

A summary of the developer contributions/S.106 requirements is set out below:

Developer Contributions/S106 Requirements	Requirement based on 13 net additional dwellings	Monitoring Fee	Trigger Points
Affordable Housing	30% on site provision which equates to 4 units (2 shared ownership and 2 social rented)	£66 x 4 = £264	No occupation of more than 50% of the individual completed properties constructed on the site until at least 50% of the affordable housing has been completed.

	OR 100% on site provision which equates to 14 units (tenure to be agreed)		No occupation of more than 80% of the individual completed properties constructed on the site until at least 100% of the affordable housing has been completed.
Open Space (for 10+ dwellings)	Amenity Green Space requirement 14.4m ² /dwelling = 187.2m ² . On site physical provision and maintenance of 350m² proposed .	£66 x 1 =£66	No occupation of more than 40% of the individual completed dwellings.
Community Facilities (for 10+ dwellings)	£1384.07 per dwelling = £17,993 + indexation to improve facilities at Sherwood Avenue Pavilion.	£240 x 1 =£240	Full payment due before occupation of more than 80% of the individual completed properties.
Maintenance of access road	The road to be constructed would remain in private ownership, as such, it is essential that the lighting, drainage and construction is acceptable and that its future maintenance by a Management Company is secured.	n/a	Not to occupy any of the dwellings until the access road is substantially completed.
Transport	£4000 to provide improvements to the bus stop on Winchilsea Avenue (NS0569).	n/a	Full payment due before occupation of more than 80% of the individual completed properties.

Table 1: Summary of S.106 requirements

Other Issues

Path Connection – the originally submitted proposed site layout plan showed a link to a path into the site shown between Nos 8 and 10 Jubilee Street. I note the concern raised by neighbours that this is not a public footpath – it is agreed that it is not a definitive footpath according to the Councils records. The path itself falls outside of the application site. Clarification has been sought from the Agent regarding the ability of the development to utilise this link and a revised proposed layout plan has been submitted which no longer annotates this path as a linkage through to the site. Whether or not a right of access exists here is not considered to be a material planning consideration, rather a separate civil issue.

Bins/Waste – the concerns raised in relation to waste disposal are noted. Bin storage facilities are proposed on site and would be located 3 metres approx. away from the boundary with neighbouring dwellings and enclosed by a 1.8 metres high timber fence which is considered acceptable. Concern regarding any health and safety issues with regards to waste disposal that may arise in the future are not material planning consideration and are separate matters for environmental health.

Conclusion and Planning Balance

The site is located within Newark Urban Area and the principle of residential development on this site is considered to be acceptable. The delivery of housing in a sustainable location weighs in favour of the scheme due to the presumption in favour of sustainable development within the NPPF which is also reflected in Policy DM12. The application would meet or exceed the policy requirement to secure the required level of affordable housing on site in relation to the total number of dwellings. Significant weight is also afforded to the fall back position in relation to extant planning permission for the development of 9 2-storey dwellings on the site (application no. 17/02213/FULM).

The loss of “space” and 2 Jubilee Street is acknowledged and impact on the character of the area and natural environment (including loss of mature trees) has been carefully considered and found not to be so harmful to outweigh the benefits in the planning balance, subject to conditions.

Impacts on residential amenity and highway safety have also been weighed in the balance and overall the proposal is recommended for approval, subject to conditions and the securing of road maintenance and other contributions set out in Table 1 above through a legal agreement.

RECOMMENDATION

That planning permission is approved subject to:-

- (a) the conditions and reasons shown below; and**
- (b) a S106 legal agreement to secure the future maintenance of the private access road serving the development and the contributions set out in Table 1 above.**

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 complete accordance with the following approved plans, reference:

- 19/2213/LP Site Location Plan
- 19/2213/(02)001 Rev A Existing Site Layout
- 19/2213/(02)003 Proposed Bungalow Layout and Elevations
- 19/2213/(02)002 Rev H Proposed Site Layout (amended plan received 19/02/2020)
- 19/2213/(02)004 Rev C Proposed Apartments Layouts and Elevations (amended plan received 19/02/2020)

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

Reason: To define this permission and for the avoidance of doubt.

03

No development above damp proof course shall take place until details of the materials identified below 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.

All external facing materials
Bricks
Roofing materials

Reason: In the interests of visual amenity.

04

No part of the development shall be brought into use until details of all the boundary treatments proposed for the site (including that around the bin storage areas and perimeter of the site) including types, height, design and materials, have been submitted to and approved in writing by the local planning authority. The approved boundary treatment shall be implemented prior to the occupation of the dwellings and shall then be retained in full for a minimum period of 5 years unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of residential and visual amenity.

05

No development above damp proof course shall take place 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. The lighting scheme shall thereafter be carried out in accordance with the approved details prior to the occupation of the dwellings 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.

06

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:

- 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.
- details of tree planting pits including associated irrigation measures, tree staking and guards, and structural cells.
- An implementation and phasing plan.
- All hard surfacing materials including parking areas and other vehicle and pedestrian circulation areas.
- Minor artefacts and structures, for example, furniture, refuse or other storage units, signs, lighting etc.
- proposed finished ground levels or contours.

Reason: In the interests of visual amenity and biodiversity.

07

All hard and soft landscape works shall be carried out in accordance with the approved implantation and phasing plan. The works shall be carried out before any part of the development is occupied or in accordance with the programme agreed with the local planning authority. Any trees/shrubs which within a period of seven years from being planted die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species unless otherwise agreed in writing by 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.

08

No trees, shrubs or hedges within the site which are shown as being retained on the approved plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed without the prior consent in writing of the local planning authority. Any trees, shrubs or hedges which die, are removed, or become seriously damaged or diseased within seven years of being planted, shall be replaced with trees, shrubs or hedge plants in the next planting season with others of similar size and species unless otherwise agreed in writing by the local planning authority.

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

09

No works or development shall take place until an arboricultural method statement and scheme for protection of the retained trees/hedgerows has been agreed in writing with the District Planning Authority. This scheme shall include

- a. A plan showing details and positions of the ground protection areas.
- b. Details and position of protection barriers.
- c. Details and position of underground service runs and working methods employed should these runs be within the designated root protection area of any retained tree/hedgerow on or adjacent to the application site.
- d. Details of any special engineering required to accommodate the protection of retained trees/hedgerows (e.g. in connection with foundations, bridging, water features, hard surfacing).
- e. Details of construction and working methods to be employed for the installation of drives and paths within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- f. Details of working methods to be employed with the demolition of buildings, structures and surfacing within or adjacent to the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- g. Details of any scaffolding erection and associated ground protection within the root protection areas
- h. Details of timing for the various phases of works or development in the context of the tree/hedgerow protection measures.

All works/development shall be carried out in full accordance with the approved tree/hedgerow protection scheme.

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

10

The following activities must not be carried out under any circumstances.

- a. No fires to be lit on site within 10 metres of the nearest point of the canopy of any retained tree/hedgerow on or adjacent to the proposal site.

- b. No equipment, signage, fencing etc shall be attached to or be supported by any retained tree on or adjacent to the application site,
- c. No temporary access within designated root protection areas without the prior written approval of the District Planning Authority.
- d. No mixing of cement, dispensing of fuels or chemicals within 10 metres of any retained tree/hedgerow on or adjacent to the application site.
- e. No soak- aways to be routed within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- f. No stripping of top soils, excavations or changing of levels to occur within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- g. No topsoil, building materials or other to be stored within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- h. No alterations or variations of the approved works or protection schemes shall be carried out without the prior written approval of the District Planning Authority.

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

11

Construction works shall not take place outside the following hours:

8am to 6pm Monday to Friday

9am to 1pm Saturday

And not at all on Sundays or bank or public holidays unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of residential amenity.

12

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 scheme for recycling/disposing of waste resulting from demolition and construction works.

Reason: In the interests of residential amenity.

13

No part of the development hereby permitted shall be commenced until a dropped vehicular footway crossing is available for use and constructed in accordance with a scheme that shall first be 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.

14

No part of the development hereby permitted shall be occupied until the access is constructed with provision to prevent the unregulated discharge of surface water from the access road to the public highway in accordance with details first submitted to and approved in writing by the Local Planning Authority. The approved provision to prevent the unregulated 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.

15

No part of the development hereby permitted shall commence until details of the access road have been submitted to and approved in writing by the Local Planning Authority including cross sections, street lighting, drainage and outfall proposals, & construction specification. The development shall be implemented in accordance with these details to the satisfaction of the Local Planning Authority. The development shall be implemented in full accordance with these approved details prior to the first occupation of any of the dwellings hereby approved.

Reason: To ensure the access is constructed to appropriate standards commensurate with the scale and type of development; in the interests of safety; to avoid localised flooding, and; to protect the amenity of residents.

16

The two first floor windows in the south elevation of the apartment building (which serve a shower room and as a secondary window to a kitchen/diner) shall be obscured glazed to level 3 or higher on the Pilkington scale of privacy or equivalent and shall be non-opening up to a minimum height of 1.7m above the internal floor level of the room in which it is installed. This specification shall be complied with before the development is occupied and thereafter be retained for the lifetime of the development unless otherwise agreed in writing by the local planning authority.

Reason: To safeguard against overlooking and loss of privacy in the interests of amenity of occupiers of neighbouring properties.

17

No building on site shall be occupied until details of the number, design and location of bat and bird boxes or bricks have been submitted to and approved in writing by the local planning authority. The nest boxes/bricks shall then be installed, prior to occupation, in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason: In the interests of maintaining and enhancing biodiversity.

18

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

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

19

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.

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

The proposed development has been assessed and it is the Council's view that CIL IS PAYABLE on the development hereby approved as is detailed below. Full details about the CIL Charge including, amount and process for payment will be set out in the Regulation 65 Liability Notice which will be sent to you as soon as possible after this decision notice has been issued. If the development hereby approved is for social housing you may be able to apply for relief from CIL. Further details about CIL are available on the Council's website: www.newark-sherwooddc.gov.uk/cil/ or from the Planning Portal: www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil

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

03

The development makes it necessary to construct a vehicular crossing over a footway/verge of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact the County Council's Agent, Via East Midlands to arrange for these works to be carried out. Email: licences@viaem.co.uk Tel. 0300 500 8080 and further information at:

<https://www.nottinghamshire.gov.uk/transport/licences-permits/temporary-activities>

04

As a private street, the Advance Payments Code under the Highways Act 1980 will apply unless exemption is made. To be exempt the following conditions should be met:

- The deposit of a map with the Highway Authority under Section 31 (6) of the Highways Act 1980 identifying the roads which are to remain private.
- The erection and maintenance of a road sign(s) indicating that the road is private.
- The provision of evidence that potential purchasers of the dwellings have been/will be made aware of the unadopted status of the road and what this will mean to them in practice;
- The provision of evidence that future maintenance of the road has been secured. For example, a unilateral undertaking under Section 106 of the Town and Country Planning Act to set up a maintenance company; The boundary between the private road and the publicly-maintained highway should be clearly marked by a concrete edging, boundary posts or similar.

05

Please note that the District Council no longer provides wheeled bins for residential developments free of charge. Wheeled bins can be purchased from the District Council or any other source provided they conform to appropriate standards and requirements of the Council. If you wish to purchase wheeled bins or discuss this matter further please contact the Waste Management Officer on 01636 655677 or email: waste.management@nsdc.info.

06

All bat species are protected by the Wildlife and Countryside Act 1981 (as amended) and the Conservation (Natural Habitats, &c.) Regulations 1994. This legislation makes it illegal to intentionally or recklessly kill, injure or disturb any bat, or destroy their breeding places. If bats are disturbed during the proposed works, the legislation requires that work must be suspended and Bat Conservation Trust notified so that appropriate advice can be given to prevent the bats being harmed. The Bat Conservation Trust can be contacted on (tel: 0345 1300 228).

07

Nesting birds are protected by the Wildlife and Countryside Act 1981 (as amended). It is an offence to intentionally or recklessly kill, injure or take any wild bird; take, damage or destroy its nest whilst in use or being built; and/or take or destroy its eggs. Normally it is good practice to avoid work potentially affecting nesting birds during the period 1st March to 31st August in any year, although birds can nest either side of this period.

08

The applicant is advised that the decision notice should be read in association with the legal agreement made under Section 106 of the Town and Country Planning Act 1990.

Background Papers

Application case file.

For further information, please contact Helen Marriott on Ext 5793.

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 - 19/01947/FULM

