

PLANNING COMMITTEE – 30 JUNE 2020

Application No:	20/00579/FUL		
Proposal:	Proposed change of use from Residential Institution (class C2) to large House in Multiple Occupation (class - Sui-Generis)		
Location:	Friary Fields Residential Nursing Home, 21 Friary Road, Newark On Trent, Nottinghamshire, NG24 1LE		
Applicant:	Mr B Pottiwall, Mr J Singh, Mr U Singh & Mr B Singh		
Agent:	Access Architects Ltd - Mr Christopher Bayly		
Registered:	17.04.2020	Target Date: 12.06.2020	Extension of Time Agreed Until 03.07.2020
Link to Application:	https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=Q8IUXILBGRP00		

This application is being referred to the Planning Committee for determination by the local ward member Cllr Gill Dawn on the grounds that the application will result in highways safety impacts (insufficient parking and an increase in traffic on congested roads) and represents over intensification.

The Site

The application site comprises no. 21 Friday Road, a former 34 bed residential nursing home located within the defined main built up urban area of Newark as defined within the Adopted Allocations & Development Management DPD. The host Victorian style villa building is a large detached property of local heritage interest. The property has been extended most notably with a three storey wing and a single storey conservatory and garage conversion which are understood to have been part of the conversion from residential use into a residential nursing home. Internally the building has been altered significantly to accommodate its later use and little of the historic features remain.

The site lies outside, but on the edge of, the Newark Conservation Area (which lies to the south). The building is situated on a cross roads in a large corner plot with residential properties only directly adjacent to the north, east and south-east across the highway. Newark Collage lies to the west, the Bowling Green/Tennis Courts lie to the south, a recreation/children's park lies to the south west. Along the southern and western boundaries of the site are a number of mature trees which are protected by Tree Preservation Orders (TPOs)

Relevant Planning History

18/00863/TPO - Works to trees – permission granted 11.05.2018

03/00833/FUL - Proposed extension and conservatory – permission granted 29.05.2003

02/01498/FUL – Proposed single storey extension and conservatory - permission refused
20.09.2002

93/51044/FUL – Extension to form additional toilet, lobby and conservatory – permission granted
27.01.1994

01910502 - Erection of new nursing home – permission refused

01880958 - Extension to house to form ten bedrooms, bathrooms, kitchen and lift – permission granted

01890132 - Change of use from residential home for the elderly to geriatric nursing home – permission granted

01850991 - Convert double garage to staff bedsit/warden assisted flat for elderly – permission granted

0181682 - Change of use from existing offices to residential home – permission granted

The Proposal

For the avoidance of doubt, revised plans have been received throughout the course of this application. The documents and plans assessed throughout this appraisal are detailed below and for clarity the appraisal will consider only the amended plans submitted.

The application seeks permission for the change of use of the building from a Residential Institution (Use Class C2) to Large House in Multiple Occupation (Use Class Sui-Generis) (HMO).

The building is proposed to be converted into clusters of HMOs, each cluster would be served by its own separate entrance and have a communal kitchen, living and dining room areas as well as laundry facilities. The conversion proposes 33 single occupancy bedrooms spread across 6 clusters/units (which is 1 habitable bedroom less than the last use as a residential nursing home which is understood to have 34 bedrooms).

Ground Floor Level – HMO Unit A - would comprise 7 no. bedrooms (3 with en-suites), two shared shower rooms, a communal kitchen, living and dining room and a shared communal laundry room.

Ground Floor Level – HMO Unit B – would comprise 5 no. bedrooms (5 with en-suites), two shared shower rooms, a communal kitchen, living and dining room and a shared communal laundry room.

Ground Floor Level – HMO Unit C – would comprise 5 no. bedrooms (5 with en-suites), one shared shower room, a communal kitchen/dining room and a shared communal laundry room.

First Floor Level – HMO Unit D – would comprise 6 no. bedrooms, two shared shower rooms, a communal kitchen/living/dining room and a shared communal laundry room.

First Floor Level – HMO Unit E – would comprise 5 no. bedrooms (3 with en-suites), one shared shower room, a communal kitchen/ dining room and a shared communal laundry room.

Second Floor Level – HMO Unit F – would comprise 5 no. bedrooms (1 with en-suite), two shared shower rooms, a communal kitchen/ dining room and a shared communal laundry room.

Communal private amenity space is proposed to the SW of the site measuring c. 230m².

Total Bedrooms: 33

Maximum occupancy in total: 33

The scheme predominately includes internal alterations to the building which do not require planning permission, however the following external alterations are proposed:

South Facing Elevations:

- Addition of window in place of door.

West Facing Elevations:

- Demolition of modern conservatory (on the southern end of the western (principal) elevation)
- Addition of external entrance door in existing location of internal door opening.
- Additional steps to provide access to new entrance.

North Facing Elevations:

- 3no. enlarged windows using existing window reveals as start of one side of opening. The windows are to serve bedrooms.

Southern and Western Boundary with Friary Road and Beacon Hill Road – alterations to the existing brick wall boundary to remove the close boarded fence and replace with black painted metal railings throughout the length of the boundary.

Materials

New brickwork to match the existing (it is proposed to use salvaged brickwork taken from the enlargement of bedroom windows to north elevation to be used for blocking up to cill height of door on south elevation). Windows to match existing windows on the same elevations. Doors to match existing.

Parking

An on-site car park is proposed with 13 spaces as well as refuse and secure cycle storage. The fence to the northern side of the access is proposed to be removed to improve visibility.

Existing Spaces: 5 car

Proposed Spaces: 13 car, 36 cycle spaces

Cycle spaces are proposed to the eastern and southern sides of the site adjacent to the building and on the base of an existing shed to the south, the car parking spaces are proposed to the front of the site and are proposed to be surfaced with a permeable paving on a cellweb system.

Trees

As part of the proposal 5 no. trees are proposed to be removed from the site to allow the expansion of the car park area. A Mitigation Planting Strategy has also been proposed which shows additional hedging and shrubs to be planted.

Documents Submitted as Part of this Application (superseded documents not included):

- Site Location Plan - 635/01 Rev. B
- Existing Basement Plan - 635/02 Rev. A

- Existing Ground Floor Plan 635/03 Rev. A
- Existing First Floor Plan - 635/04 Rev. A
- Existing Second Floor Plan - 635/05 Rev. A
- Existing Roof Plan - 635/06 Rev. A
- Proposed Basement Floor Plan - 635/07 Rev. A
- Proposed Ground Floor Plan - 635/08 Rev. C
- Proposed First Floor Plan - 635/09 Rev. B
- Proposed Second Floor Plan - 635/10 Rev. A
- Proposed Roof Plan - 635/11
- Existing Site Plan - 635/12
- Proposed Site Plan and Landscaping - 635/13 Rev. J
- Existing Elevations - 635/14 Rev. A
- Proposed Elevations - 635/15 Rev. B
- Design and Access Statement Rev. A
- Room Area Schedule Rev. A
- Arboricultural Report & Impact Assessment by EMEC Arboriculture – dated March 2020
- Arboricultural Method Statement by Hellis Solutions Ltd. – dated June 2020 V1.0 Ref: 20/06/98/NH
- Trees, RPAs and Percentages - 21 Friary Road document
- Residential/Dwelling Units – Supplementary Information Form
- TRANSPORT STATEMENT by SCP Transport dated April 2020 Ref: LB/200164/TS/1
- Covering Letter regarding Consultation Comments 21.05.20

Departure/Public Advertisement Procedure

Occupiers of 5 properties were individually notified by letter. A site notice has also been displayed near to the site.

All commenters on the application were also re-consulted on amended plans/documents submitted throughout the course of the application.

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy DPD (adopted March 2019)

Spatial Policy 1 - Settlement Hierarchy

Spatial Policy 2 - Spatial Distribution of Growth

Spatial Policy 7 - Sustainable Transport

Core Policy 3- Housing Mix, Type and Density

Core Policy 9 -Sustainable Design

Core Policy 12 – Biodiversity and Green Infrastructure

Core Policy 14 – Historic Environment

Area Policy NAP1 – Newark Urban Area

Allocations & Development Management DPD

DM1 – Development within Settlements Central to Delivering the Spatial Strategy

DM5 – Design

DM7 – Biodiversity and Green Infrastructure

DM9 – Protecting and Enhancing the Historic Environment

DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework (NPPF) 2019
- Planning Policy Guidance 2014
- Amenities and Space in HMOs – Decent and Safe Homes East Midlands: A Landlords Guide
- Newark and Sherwood District Council HMO Amenity and Space Standards – May 2018
- Equality Act 2010

Consultations

Newark Town Council – “This application provides for a change of use from a Nursing Home to a HMO, it whilst it would appear that this would result in a similar number of people residing in the property, the Town Council is concerned that the impacts on neighbours and the surrounding area will be very different. The application provides for only 12 car parking spaces to accommodate a maximum occupancy of some 37 residents. The application assumes that most residents will use cycles thus a provision of 38 such spaces. The application provides very little in the way of any highway/traffic assessment either on the immediate vicinity or on surrounding streets

Friary Road is already a designated residents parking area any significant additions to the number of cars requiring on street parking has the potential to bring gridlock to this road.

In conclusion the Town Council OBJECTS to this application on the following grounds:

- (1) There is insufficient onsite parking provision to cater for the number of proposed residents.
- (2) Friary Road is a designated Residents Parking area and there is little, if any, spare capacity to cater for an increase in on street parking.
- (3) The application doesn't include a substantive Traffic Impact Assessment; this should be required before any formal consideration of the application.”

Officer Comment: Following clarification with NTC they have confirmed that they have read the submitted Transport Statement which contains more detail than they had originally thought when making their comments. However they do not wish to alter their previous comments in objection.

Newark Civic Society – “The proposal to redevelop the house into six self-contained units with a total of 37 bedrooms (12 of which have no private toilet facilities) is in our opinion an over-development of the site which is out of keeping with the area. Parking provision for residents, guests and service vehicles is inadequate and is likely to have dangerous repercussions. Negative effects of an HMO of this size are likely to be:

- Fire hazards. The number of public and private appliances will be considerable and smoking will add to the possibility of fire
- Anti- Social behaviour
- Noise nuisance
- Car parking. Only twelve spaces are provided for 37 tenants
- Traffic hazard for cars exiting into Friary Road and turning right having to negotiate two lanes of fast moving traffic

Although we look forward to the development of this site, taking the above factors into consideration it is our conclusion that the proposed development will result in an unreasonable impact upon the adjoining residential area and that planning permission should therefore be rejected.”

NSDC Conservation Officer – “The application is for a site adjacent to Newark Conservation Area. From a site visit and a review of the plans we do not wish to make any formal observations in this case, but refer you to advice and guidance contained within CP14 and DM9 of the Council's LDF DPDs, section 16 of the NPPF (revised 2019). If you have any specific concerns or queries, please do not hesitate to ask.”

29.5.20 – In response to a query regarding the potential impact on the Conservation Area as a result of the landscaping/tree removal proposed - “The green boundary does contribute to the setting of the conservation area, however with the proposed mitigation it does not result in harm to the conservation area.”

NSDC Environmental Health Officer – 11.5.20: “I refer to the above application. I have looked in detail at the plans and the room sizes and amenities and would have no objections in principle. The bathroom requirements and room sizes are met however the kitchen areas must be compliant with the amenity standards as attached as currently the details are not sufficient. In addition the fire safety details are also not sufficient to provide comment, however I am uncertain whether this would be picked up at planning stage or following the determination is successful.”

Officer Comment: Following receipt of amended plans the EHO was re-consulted on the application. The EHO has also clarified that matters relating to Fire Safety are for Building Regulations approval at a later date. The EHO has also been specifically asked whether they have any comments in relation to potential noise disturbance and the intensification of use of the site.

EHO 12.5.20: “Thanks for your email. It looks fine to me thank you for asking. I’m sure if there are any alterations/changes [required due to building regulations] these can be dealt with during the licensing stage”

NCC Highways Authority – Initial comments 30.4.20 – “The Highway Authority understand that this is a full planning application proposing the change of use of the former Friary Fields Residential Nursing Home at 21 Friary Road in Newark to a large House in Multiple Occupation containing 6 cluster units with a total of 33 bedrooms. The Highway Authority provided pre application guidance earlier this year, detailing the type of information which would need to be submitted in relation to trip generation, car, and cycle parking.

The application has been supported by a SCP Transport authored Transport Statement dated April 2020 which included a chapter with regards to traffic generation. Whilst the Nursing Home is no longer operational, it could be brought back into use tomorrow as one without the need for any further permissions and thus this is the accepted starting position for assessing the difference in traffic generation between the extant and proposed uses. Having considered the assessment undertaken using the TRICS database, which recognises that the proposed use is not specifically categorised and thus, a worst case scenario based on privately owned flats has been used, it is accepted that when accounting for the likely occupier of the development, the site should not generate significantly more traffic, than it could currently do if it were operating as a nursing home.

The site has an extant vehicular access onto Friary Road which is proposed to be retained but an existing timber fence is proposed to be removed to make it easier for two vehicles to pass through the access, as well improve visibility for exiting vehicles both of which are welcomed.

In the immediate vicinity of the development site, there are very few opportunities for on street parking owing to parking restrictions, and residents' parking schemes. Limited on-site car parking is however proposed; the spaces, surfacing and manoeuvring space are in accordance with Part 3 of the Nottinghamshire Highway Design Guide. Two disabled parking spaces have been proposed; it is not usual to propose specific disabled parking provision at residential developments and therefore it would be useful if these reverted to standard spaces to maximise the number of spaces available for all residents unless any of the cluster units are designated as accessible. It is noted that even with this revision, the number of on plot spaces will not enable every resident to park a vehicle. The Authority does not have specific parking standards for this type of residential accommodation but given the site's location in terms of easy accessibility to numerous amenities and facilities by foot, cycle or public transport and the specifics of the accommodation being sought, the provision is considered acceptable. The on-site cycle park is particularly welcomed and will allow every resident the opportunity for secure cycle parking; however, it is disappointing that it is not proposed to be sheltered from the elements.

Finally, there appears to be no plans to install gates across the vehicular access; this appears to be the only access for vehicles or pedestrians on Friary Road as the rest of the site boundary comprises of a fence topped wall which goes around onto Beacon Hill Road. There however appears to be a pedestrian gate on the Beacon Hill Road boundary, but it is not clear from the submitted documents as to what the plans are for it. Therefore, if gates are indeed proposed for the vehicular access in the interests of site security, they should not open outwards, and should be set back 5m from the highway boundary.

Conditions: -

1) Notwithstanding the submitted plans, no part of the development shall be brought into use until such time a revised plan has been first submitted and approved in writing by the Local Planning Authority that demonstrates: -

- a) The disabled parking spaces are omitted, and replaced with standard parallel spaces; and,
- b) The cycle park is sheltered.

Thereafter the on-site parking provision shall be implemented and maintained in accordance with the approved plans.

Reason:- To maximise the availability of adequate off-street parking provision to reduce the possibility of the proposed development leading to on-street parking problems in the area and enable vehicles to enter and leave the site in a forward direction, all in the interests of Highway safety and To promote sustainable travel."

Officer comment: The applicant has amended the plans to reflect the comments of NCC Highways and clarified that no access gates are proposed at the access with the highway.

Final comments 16.6.20 – "The Highway Authority understand that this is a full planning application proposing the change of use of the former Friary Fields Residential Nursing Home at 21 Friary Road in Newark to a large House in Multiple Occupation containing 6 cluster units with a total of 33 bedrooms. During the life of the application, the occupancy has been subsequently reduced to 33, from 37.

The Highway Authority provided pre application guidance earlier this year, detailing the type of information which would need to be submitted in relation to trip generation, car, and cycle parking.

The application has been supported by a SCP Transport authored Transport Statement dated April 2020 which included a chapter with regards to traffic generation. Whilst the Nursing Home is no longer operational, it could be brought back into use tomorrow as one without the need for any further permissions and thus this is the accepted starting position for assessing the difference in traffic generation between the extant and proposed uses. Having considered the assessment undertaken using the TRICS database, which recognises that the proposed use is not specifically categorised and thus, a worst case scenario based on privately owned flats has been used, it is accepted that when accounting for the likely occupier of the development, the site should not generate significantly more traffic, than it could currently do if it were operating as a nursing home.

The site has an extant ungated vehicular access onto Friary Road which is proposed to be retained but an existing timber fence is proposed to be removed to make it easier for two vehicles to pass through the access, as well improve visibility for exiting vehicles both of which are welcomed. There are no plans for this to be gated.

In the immediate vicinity of the development site, there are very few opportunities for on street parking owing to parking restrictions, and residents' parking schemes. Limited on-site car parking is however proposed; the spaces, surfacing and manoeuvring space are in accordance with Part 3 of the Nottinghamshire Highway Design Guide. The number of on plot spaces will not enable every resident to park a vehicle. The Authority does not have specific parking standards for this type of residential accommodation but given the site's location in terms of easy accessibility to numerous amenities and facilities by foot, cycle or public transport and the specifics of the accommodation being sought, the provision is considered acceptable. The on-site cycle parks are particularly welcomed and will allow every resident the opportunity for secure, sheltered cycle parking.

- *Officer comment: A condition is then requested which is included in the recommendation section of this report.*

Tree Officer – 11.5.20: “Submitted tree survey plan does not indicate full RPAs of trees on site. It is likely that the proposed car parking hard surface coverage will be in excess of the recommended percentage note in Industry best practice recommendations contained within BS5937- 2012.

Additionally canopy spreads are not shown although it is likely that pruning will be required to allow sufficient clearances in parking bays. Request amended plan indicating full RPAs and canopy spread of all trees overlaid onto site proposal plan.

T8 is a large B cat walnut, apparently with minor defects that is to be removed rather than seen as potentially retained specimen.

Although mitigation planting is suggested within the submitted tree report there appears little remaining room on site to allow this to be facilitated.”

21.5.20: “The RPAs shown do not take into account of the existing boundary wall and public highway which would offset the rooting area further into the site than indicated. Proposed hard standing would result in the loss of TPO tree T8 and additional impact on the favorable rooting areas of trees T9 and T10-also subject to TPO. TPO tree T11 which also likely to have further hard surface incursion into the rooting area beyond that already

existing. Trees G02, T4 and T3 are also subject to TPO with similar issues of rooting areas not offset and hard surfacing incursion into rooting areas. T4 is shown to be removed which would ideally require a replacement tree to be planted. Consideration has not been given to the likely requirements for initial and ongoing pruning requirements needed for the use of parking without detriment to vehicles. Although mitigation planting is noted in the tree report it is unclear where all of this will be within the site and proposals are unlikely to fully develop on the north side due to constraints of the existing building.”

22.5.20: “I would suggest that try and re-align or reduce parking to minimise impact on trees. T4 is poor condition so not too fussed about that but the walnut is TPO and B cat so retention would be desirable”

22.5.20: “They need to look at replacements for the walnut and beech on the mitigation scheme (I would accept fastigate hornbeam as replacement for the beech) Also not keen on the sorbus. Quite a few upright cherry which could be diversified with different fastigate tree species. Full planting specifications would need clarifying i.e. size root stock support etc. but this can be conditioned I suppose. Proposed works to remaining trees and a full arb method statement would also be required to ensure minimal impact on trees. I have concerns that any no dig car parking areas will be of a different height to the existing so not sure how that will be achieved? If we can get some answers to the above I can look at recommendations for some robust conditions.”

15.6.20 – “I have gone through the Arb Method Statement and protection plan now. There still does not appear any site specifics for removal of existing hard surfacing or proposed cell web and finished surfacing.

The proposed 3.5m crown lifts proposed for G2, G3 and T9 will be quite severe given heights of 12/13m—I have some concern that major branches may be removed in order to facilitate—a side prune may be more appropriate but without photos or a site visit I cannot fully assess this option.

The tree protection plan only shows initial fencing during change of use construction activity.

Phasing of barriers during all activities needs to clearly set out.

Soft landscaping options will still need defining fully.

I would suggest conditioning [the above] options noted are attached to any approval.”

Support the application subject to the following conditions...

- *Officer comment: The tree officer then lists a number of protective conditions which are included in the recommendation section of this report.*

Nottinghamshire Fire and Rescue Service (Informal Advice) – “Fire and Rescue Services are not a statutory consultee as part of the planning process and therefore are unable to agree with or object to issues that relate to a planning application. Once an application has been approved by the local authority and material changes are required to either change the use or develop a property, Building Control must be consulted.

At this stage NFRS will become statutory consultee and will be able to provide comment on areas of the premises to ensure that it complies with The Building Regulations 2010. In the main this will ensure compliance against Approved Document B which covers such issues as appliance access, water supplies building construction to ensure the safety of residents within the premises and

direct vicinity as well as firefighters who may need to attend a deal with an incident at this premises.

Consultation is currently being sought on changes to this process which may in the future see fire and rescue services consulted at a much earlier stage for in-scope buildings. One of the concerns with this is the number of planning application that don't get approved, we would be spending time and resources consulting on application that don't get approved by the local authority.

If the planning application is approved by the local authority, we will then become involved as statutory consultants. At this stage the only requirement is to consult us but there is no requirement to follow our advice, although most do. Once it is occupied we can then enforce the RRO. The letter dated 12th May requesting comment if we support or object to the proposal is not part of the statutory process. I have looked at the plan for this site on the local authority website and they are designed, at this stage, to give an overview for interested parties to comment.

Unfortunately, as we are not statutory consultees at this stage of the process, the plans do not contain any of the detail we would need to pass comment. If the planning application gets to the next stage, more detailed plans and proposals will need to be created for building regulations, where we would become statutory consultees and have the detail design plans and supporting information required to make an informed comment."

Representations have been received from 32 local residents/interested parties (1 of which is not a resident within Newark & Sherwood District) which can be summarised as follows:

Highways Impact

- The street is a rat run for congestion in the town when the A1 and A46 are congested any further parking or intensification of cars will make this worse. The speed limit is also ignored here;
- The proposal will increase traffic congestion;
- The access is steep and hazardous on the junction which will increase risk for pedestrians;
- There will be a significant increase in traffic movements which will increase likelihood of accidents;
- The site is at a very busy junction close to a play area and college;
- Removal of fencing to improve the visibility splay will not work and therefore entering the property will remain dangerous/hazardous;
- The number of car parking spaces proposed is insufficient for the number of bedrooms and the target age group;
- Car ownership is a priority for young people;
- Public transport isn't good in the area linking to nearby cities meaning more people will have a car and the trips from the site will be increased than projected in the traffic assessment;
- Parking will be displaced onto nearby streets which are already congested and controlled by parking permits - there is no spare capacity on surrounding streets for additional cars and it will impact Friary Road, Wellington Road, Beacon Hill Road, and Magnus Street;
- There's no provision for visitor or delivery parking;
- Displacement of parking will make surrounding roads dangerous;
- There are no electric car charging points which is against sustainability aims;
- The bike racks won't prevent people wanting to have a car;

- The assertions made about the previous care home use are incorrect and there were never many cars attending the site;
- Residents reversing in and out of the site will result in more traffic congestion and a risk to pedestrians;
- Access gates have been refused adjacent to the site due to highways impacts;
- The parking and turning area within the property will be difficult to negotiate for more than 1 car at any time and is not large enough to allow the turning of delivery vehicles

Amenity Issues

- There would be overlooking issues if new windows were added to the building on the north side;
- Concerns over amenity overlooking issues;
- The HMO will create substandard living conditions;
- The intensification of use will impact local peoples amenity through noise disturbance and will change the family character of the area;
- The communal area will result in noise disturbance to residents when they have parties/enjoy the communal areas;
- Concerns over how noise will be mitigated from open bedroom windows;
- Concern raised that the plans are not accurate in depicting window locations;
 - o *Officer Comment: Revised Plans have been submitted to address this error on the original plans*
- Applications of this nature have been previously refused in the local area ref. 15/02302/FUL on grounds of impact on amenity of local residents and character of the area.

Trees

- The car park planned will threaten the mature trees and damage their roots - concerns over how these will be impacted/pressured in the future;
- Loss of any trees will impact the character of the area, the visual attractiveness, quality of life, air quality, ambiance;
- TPOs should be placed to protect the trees;
- Any replacement trees would not be sufficient to replace such mature trees that contribute to the ecosystem.

Conservation Considerations

- The Victorian house is a unlisted heritage asset and should be improved aesthetically and this scheme threatens the property;
- The minor alterations to the building are not sufficient and identify a weakness in the scheme itself as the building needs a lot of modification to allow this use in order to be safe
- Disappointed with the level of conservation comments submitted;
- The roof is in poor condition and repairs should be restricted to welsh slate and lead flashings;
- The building needs repairs works carried out: stripping of paint from stone sills and architectural details;
- Windows should be replaced like for like;
- The boundary treatment needs enhancing – the fence should be replaced with railings.

Fire Safety/Building Condition/Disability Consideration

- Fire escape from the building is inadequate;

- There are issues with the building in terms of fire safety, drainage and water supply which forced the closure of the nursing home ;
- Disabled Access accommodation and parking – concerns that there isn't disabled access into the building and parking places are not designated for disabled tenants and visitors ;
- Concerns that NCC Highways have requested the omission of the disabled car parking spaces in favour of increasing 'regular parking' on site (Document HDC LC 30-04-2020);
- This scheme represents a "disturbing and retrograde step in the campaign for disability rights" and the Council has a responsibility for the disabled;
- The site will be occupied by inexperienced young tenants that will not have regard to fire safety precautions;
- Concerns raised in relation to the fire/smoke detector system that will be installed and whether this would be sufficient;

Other

- Antisocial behaviour is already a problem here and with this proposal where tenants will have limited space the likelihood of increased noise and antisocial behaviour in the surrounding area is likely;
- The bike storage is in view of the road and this will increase the likelihood of theft, tenants will therefore take bikes into the corridors which will impede access in fire events;
- Over concentration of HMO's in the area impacts the 'feel' of the area;
- This will impact housing sales in the area;
- The proposed use will increase vandalism to cars parked along the street;
- Concerns raised with the consultation procedure of the application and not having long enough to comment;
- The agent and applicant are not local so don't understand the local context/issues and there won't be proper management of the site;
- As the Care home was closed by a compulsory closure order it is not a 'fall back' position that the site could reopen as a care home immediately;
- The applicant has no experience in managing a HMO;
- It is not comparable to compare the previous care home use and the proposed use in terms of intensification;
- This is too high density for the location;
- This proposal looks like student accommodation not for young professionals as in the planning statement;
- The occupants of the HMO 'wouldn't fit' with the local family area;
- The units should be reduced by half and they should have their own en-suites and kitchens to attract young professionals;
- This would be better suited for offices;
- The applicants are naive and won't be able to conduct effective management of a large HMO;
- There will be overflowing bins;
- The proposal is unethical;
- The nature of the application could result in litter and drug challenges;
- Concern whether the Council would compensate local residents for consequential impacts on house prices;
- The application could have a significant detrimental impact on existing local parks;
- The suggested number of occupants is underestimates as all bedrooms are shown with double beds;
- How will CCTV be monitored;

- There is no provision for any on-site / resident caretaker/manager and no information on how this HMO will be managed;
- There will be an increased pressure on the sewerage system and Friary Road is susceptible to flooding already.

Comments on Amended Plans (in addition to reiterating the above comments)

- The reduction in occupancy and car parking spaces does not address concerns relating to pressure on on-street parking facilities/highways safety;
- The amended plans continue to ignore the concerns of local residents regarding increased traffic from the HMO and impact on local parking permit schemes;
- There remains a danger of shared domestic facilities;
- Smaller self-contained flats would be safer even if the profit ratio for owners is less;
- Disagreement with the idea that the site is not within a residential area;
- Reliance on the TRICS database cannot take into account the specific conditions relating to 21 Friary Road.
- Welcome the amendments from a fence to metal railings along the boundary.
- There remains a lack of disabled parking.
- Concerns regarding statements made in the applicants submission in relation to: internal works, landlord experience, crime prevention, parking provision, residential nature of the site.

Comments of the Business Manager

Principle of Development

The Council has a 5 year housing land supply and the development plan is 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 a mixed use area in Newark well served by bus and rail transport links in addition to good cycling and walking routes. Given the site lies within the defined urban area of Newark and Balderton, a 'Sub - Regional Centre' as defined by the Core Strategy settlement hierarchy, 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 satisfied that the principle of residential use in this location is acceptable. However the key issues to consider in this case are the acceptability of this *type and density* of residential development in this location, particularly in relation to the amenities and character of the existing neighbouring residential properties; the amenities of any future occupants of the proposed HMO; the impact on the host building, the surrounding ecology of the site and the highways impacts.

In terms of housing need, NSDC's Strategic Housing Officer has advised that the results from the draft 2020 Housing Needs Survey (which is currently under review) show that in the Newark town centre there is the greatest need for 1 and 2 bed properties and particularly a need for flats. As such, I am mindful that the development proposed would also go some way to meet the prevailing housing need for the area in addition to meeting the demands in general for additional housing in light of the national housing crisis.

Impact on the Non-Designated Heritage Asset and Setting of the Conservation Area

The application site lies just outside of the Newark conservation area and is therefore considered with awareness of the implications the development could have on the setting of the Conservation Area (CA). Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the LPA to pay special attention to the desirability of preserving or enhancing the character and appearance of the CA. In this context, the objective of preservation is to cause no harm. The courts have said that these statutory requirements operate as a paramount consideration, 'the first consideration for a decision maker'. 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 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). I consider the most important considerations in this application to be the heritage impact.

The site also contains a Local Interest Building and as such Annex 2 of the National Planning Policy Framework (NPPF) is relevant which states that Local Interest buildings are non-designated heritage assets. The impact of a proposal on the significance of a non-designated heritage asset is a material consideration, as stated under paragraph 197 of the NPPF. In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

The proposal includes limited external alterations to the building overall to facilitate the change of use proposed. The alterations include the removal of the modern conservatory on the western (principal) elevation and the insertion of an external entrance door on this elevation in its place with steps to serve it, the addition of a window in place of an existing door on the southern elevation and the enlargement of 3 no. windows on the northern elevation (one on each floor broadly centrally on the building). The building, whilst a non-designated heritage asset, has been greatly altered and extended over time and has a number of unsympathetic additions to it. There would be some enhancement to the building through the removal of the modern conservatory and the removal of the close boarded fencing along the boundary wall and replacement with black metal railings and I have no concerns with the new apertures proposed which are in proportion with the existing openings on the building and are proposed in materials to match. The Conservation Officer has not raised any objection to the proposed alterations and overall I consider, given the overall limited scope of the external alterations proposed, they would not result in a detrimental impact or harm on the character or architectural merit of the non-designated heritage asset. Similarly I have considered the impact of the proposed development on the Newark Conservation Area to the south and conclude that, given the limited scope of physical alterations and the enhancement of removing the modern conservatory and improving the site boundary, that the proposal will have no material impact on the Conservation Area or impact upon its setting.

I note that a number of comments have been received from local residents/interested parties which have been duly taken on board, notably in relation to the impact on the non-designated

heritage asset and the character of the area comments referring to the current state of repair of the building and the limited scope of external alterations proposed. The building at present is currently vacant and boarded up for its security – as a result of this the building does appear to be neglected. Some comments received state that this building should be improved aesthetically. To this I would note that the proposal does seek to improve the current state of the building by bringing it back into use, removing an unsympathetic modern addition that detracts from the character of the building and improving the boundary of the site within the public realm. As part of the wider scheme landscape works are proposed and overall improvements to the building that will materially enhance the site. It would not be reasonable to require the applicant to undertake further works to the building over and above those proposed in this application and the application must be assessed as it stands. I have concluded that it would not result in harm to the non-designated heritage asset or setting of the Newark Conservation Area. Bringing the building back into use will ultimately improve the overall aesthetic of the site and I see no reason to conclude that the lack of alterations proposed to the building should weigh negatively in the overall planning balance.

Turning now to the works proposed relating to the trees along the southern and western boundary of the site. A number of these trees have TPO's (and the principle of removal will be discussed further in the ecology section below) in addition to contributing positively to the character of the Conservation Area. Having discussed the works proposed with the Conservation Officer they have clarified that the green boundaries along this site do contribute to the setting of the Conservation Area, however with the proposed mitigation planting the scheme would not result in harm to the character and appearance or setting of the Newark Conservation Area and as such they do not raise any objection.

On the basis of the above, I am satisfied that the proposal complies with Core Policies 9 and 14 of the Core Strategy and Policies DM5 and DM9 of the ADMDPD. In this context, it is felt that the proposal will cause no harm to the setting of the Conservation Area. The proposal therefore accords with the objective of preservation set out under section 72, part II of the 1990 Listed Building and Conservation Areas Act, as well as complying with section 16 of the NPPF.

Impact on the Character of the Area and Amenity (Living Conditions)

Whilst usually the impact of a proposal on the character of the area and amenity would be considered separately I consider given the nature of this application the two considerations are inextricably linked. I have already considered the physical impact on the building itself and the character of the area in the previous section so instead this section of the appraisal will consider the impact of the change of use on the amenity of existing and future occupiers and the character of the area as a result of the proposed use. I am mindful that comments have been received from a number of interested parties which raise concerns relating to the impact this proposal could have on the character and 'feel' of the area and impact on local residents amenity as a result of the proposed use which I intend to explore fully below.

Core Policy 9 and Policy DM5 set out the requirement for development proposals to (amongst other things) protect the amenities of existing neighbouring land users and to ensure that the proposed development itself affords an acceptable standard of amenity to future occupiers. It is therefore necessary to assess both the level of amenity for the proposed occupants of the property and the impacts on the amenities of the existing neighbouring residential properties. Both policies also require new development to complement and reflect the character of the surrounding area in terms of form and scale. Policy DM5 of the DPD states that development

proposals should ensure no unacceptable reduction in amenity including loss of privacy upon neighbouring development. The NPPF, as revised, continues to seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

Amenity of Future Occupiers

I turn firstly to the amenities of proposed occupiers. Whilst not forming part of the development plan, the documents *Amenities and Space in HMOs - Decent and Safe Homes East Midlands: A Landlords Guide (DASH)* and the Newark and Sherwood District Council *HMO Amenity and Space Standards* are material considerations to the assessment of proposals for HMOs. These documents have been referred to by the authority's Environmental Health Officer in his comments on the scheme which can be read in full in the consultation section above. Both documents set out the minimum amenity and space requirements in relation to Houses in Multiple Occupation (HMO) and are therefore a useful guide in the assessment of the acceptability of the proposed development on the amenities of potential future occupiers. The change of use would effectively result in the creation of 6 flats, one with 7 bedrooms and the remainder 5 bedrooms with communal facilities totalling 33 bedrooms. The plans submitted have been reviewed by the EHO who has concluded that they have no objection in principle to the scheme which has also been amended to reflect their initial comments in relation to the required kitchen areas and utilities for HMOs.

The guidance mentioned above, whilst material, does provide a guide to the assessment of the acceptability of the proposed development on the amenities of potential future occupiers, a theme that is reflected within policies CP9 (which seeks to ensure the proposed development affords an acceptable standard of amenity to future occupier) and DM5 (which seeks to resist development which creates an unacceptable standard of amenity). The proposal accords with the requirements of the HMO Amenity Space Standards and DASH guidance, which is also used when determining HMO licenses, as such I consider that given the prescribed amenity standards have been met in this scheme and that a HMO license could potentially be granted based on the plans provided, and that the application accords with policy CP9 and DM5 in respect of the amenity of future occupiers of the premises.

Comments have been received from interested parties that not all rooms have en-suites or their own kitchen facilities, however I note that neither is a requirement for HMOs. The proposal meets the bathroom and kitchen requirements set by the NSDC HMO Amenity and Space Standards for the proposed number of occupiers. Nevertheless 17 out of the 33 bedrooms would have en-suite bathroom facilities and the maximum occupiers sharing a kitchen area would be 7.

The proposed site plan includes 230 sq. m of communal private amenity space for future occupiers. Whilst I am mindful that for the level of proposed occupiers this amount of communal external space is relatively small, I am equally conscious that given the town centre location there are areas of recreational green space that would be available to residents, notably the public play park/grounds immediately to the south-west of the site across the highway and the bowling and tennis courts to the south. As such I consider the level of amenity space provided for future residents to be adequate in this location.

Amenity of Existing Neighbouring Occupiers and 'Character' of the Area

In considering the impact on neighbouring amenity it is important to understand the potential nature of the proposal, the character and context of the area, and any fall-back position in

planning terms. It is clear from case law and the Town and Country Planning (General Permitted Development) Order 2015 (as amended) that a HMO need not always constitute a material change of use requiring planning permission. It is equally clear that whether a change of use is material is dependent on a number of factors, including the particular details of the proposal, and not simply the number of bedrooms provided.

The GPDO allows changes without the need for planning permission from a dwellinghouse (Use Class C3) to a use falling within Class C4, houses in multiple occupation. However such a permitted change is on the basis that the Class C4 use relates to small shared houses occupied by between three and six unrelated individuals, as their only or main residence, who share basic amenities such as a kitchen or bathroom. Houses in multiple occupation for more than six unrelated individuals are generally classed as large houses in multiple occupation and are *sui generis*, that is, they don't fall within any specific use class. Equally it is important to consider the current use of the premises and the site context this creates. The property was converted to a residential nursing home (use class C2) following approval in 1989 as such, based upon permitted change of uses consent is therefore required to change the use to Sui Generis for a large HMO.

Comments have been received from interested parties relating to the existing use of the building (C2) not being a 'fall-back' position because of matters pertaining to the closure of the nursing home, however, in planning terms the building lawfully has C2 use (residential institutions), having last operated as a 34 bed nursing home. This use class includes the use of the premises for the provision of residential accommodation and care to people in need of care (other than a use within class C3 (dwelling houses)); use as a hospital or nursing home and use as a residential school, college or training centre. Notwithstanding matters relating to building regulations or fire safety, which I note are not material planning considerations and are subject to their own separate legislation, the building could be brought back into a C2 use without any further planning permission and thus that is the starting point for the proposed change of use.

The proposal would see a reduction of 1 bedroom from its lawful use as a nursing home. The amended information submitted to support this application states that all units would be single occupancy, resulting in a maximum occupancy of 33 residents. Currently the premises is not in operation, however in its previous use as a residential nursing home the intensity of the use of the site was likely to be less than proposed in this HMO as *generally* the elderly population are likely to have a more sedentary lifestyle than people likely to occupy this site as a HMO. It is also *less likely* that residents of the residential nursing home would have had the associated levels of comings and goings at peak commuting/work times. I am however mindful that, whilst local residents may have enjoyed a low level of comings and goings from the site as a result of its previous use and occupiers of the residential institution, the property could re-open with up to 34 residents residing in the premises with no *guarantee* that they would have a more sedentary lifestyle or reduced movements from the site. Therefore, in reality, having regard to this fall-back position, there would be a reduction in occupation by 1 occupier as a result of this proposal (not accounting for staff members or visitors associated with the residential institution which would have resulted in their own associated comings and goings).

In my view this proposed change of use therefore would not result in such an 'intensification' of occupiers of the site that would result in an unacceptable impact on the overall character of the area to warrant the refusal of this application. Whatever the occupation or background of occupants (which is not for the planning system to control) I accept that it is likely that the associated movements at AM and PM peak times would be increased with this proposed HMO, however given there are many residential properties further north, east and south of the site, in

addition to a College to the west I would not consider these additional movements to be out of character with the area such to be fatal to the application at hand which is sited within the Newark Town Centre.

Whilst the amenities of nearby neighbouring properties is an important consideration I am of the view that the given the site context there are likely to be more irregular comings and goings in this area than purely residential areas given the proximity to Newark Collage and other surrounding recreational uses. I am therefore of the view that the change of use of this premises would not be unacceptable in this context and consider that this proposal would not cause such a nuisance to neighbouring dwellings amenity and consequentially a detrimental impact upon the character of the area such that would warrant the refusal of the application.

The submitted details with this application and comments from interested parties refer to a case (ref. 15/02302/FUL) for a large HMO at no. 13 Friary Rd that was refused on the grounds of the proposal resulting in unacceptable and detrimental impacts to the amenities of nearby neighbouring properties and the character of the area by virtue of increased comings and goings creating general noise and disturbance which would cause a nuisance to neighbouring dwellings amenity in an otherwise predominantly residential street which contains families living as single households (in addition to matters of amenity standards within the premises). In my view, this proposal and the aforementioned case are materially different in that no. 13 Friary Road is within a defined and denser row of residential properties c. 110 m north whereas this application site is opposite Newark Collage (W), the Bowling Green/Tennis Courts (S), a recreation/sports ground (SW) in a large corner plot on the cross roads with residential properties only directly adjacent to the N, E and SE across the highway. It is not to say that I do not consider the area to retain some residential character, more that the cluster of uses directly surrounding the site is more diverse than the predominately residential character surrounding no. 13 Friary Road. As such, I consider that in this town centre environment and given the context of the site the principle of using this building as a large HMO would not be detrimental to the overall character or 'feel' of the area as cited by local residents.

Comments have been received in relation to the proposal being too high density for the area, however I am mindful of the town centre location of the site where typically housing density is higher. Chapter 11 of the NPPF (2019) discusses the Effective Use of Land, para 122 onwards explains the National policy approach to achieving appropriate densities and explains that planning decisions should support development that makes efficient use of land, taking into account (amongst other things) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it and the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change. In my view, the application presents an opportunity to utilise a currently vacant building for much needed housing at a density that would not be out of character with this town centre location. The proposal would therefore make an effective use of the site at an appropriate density in accordance with Chapter 11 of the NPPF and one which is appropriate in respect of CP3 of the Development Plan.

With regard to the physical alterations and any potential amenity implications I note that the closest residential neighbouring occupiers lie to the north (20 Friary Road) and east (1 Beacon Hill Road). Given the arrangement of the property and separation from neighbours across the highway I do not consider the alterations proposed to the south and west facing elevations would result in any overlooking impacts that would warrant the refusal of this application. No alterations are proposed to the eastern facing rear elevation that require further consideration and I note that at

present these rooms could operate as bedrooms to serve the nursing home such that their use as bedrooms in the proposed application would not result in any greater overlooking impact than could be currently experienced.

However alterations to enlarge 3 windows on the northern facing elevation that faces 20 Friary Road (one on each floor, to serve bedrooms) are proposed. Firstly it is important to note that following an interrogation of the plans and receipt of a comment from an interested party it was identified that there was an error on the original plans incorrectly depicting window locations which has since been corrected. I am mindful that the relationship that currently exists between the application property and 20 Friary Road is close (at c. 3 m between elevations), however equally I am mindful that no windows exist in the side elevation of 20 Friary Road (save for a roof light) that would be impacted through direct overlooking. Similarly, given the arrangement of this dwelling, with a projecting range to the rear enclosing its private amenity space, I am satisfied that the alterations to the building would not materially impact this neighbouring properties private amenity space through overlooking either, particularly when compared to the existing arrangement that exists between this dwelling and the applications site's current use.

Comments have been received about the potential impact on no. 19 Friary Road which lies c. 15 m to the north of the application site, however I do not consider there would be an unacceptable impact on the amenity of this occupier by virtue of the separation distance, the presence of some boundary screening along the properties southern boundary and the presence of no. 20 Friary Road between this dwelling and the application site. Similarly I do not consider an unacceptable overlooking impact would be present with properties to the NE on Wellington Road given separation distances, the current site context, and the oblique line of site between properties and the application site.

Comments received from interested parties also refer to potential amenity impacts on surrounding residents through noise disturbance as a result of the increased number of occupants – these comments refer to potential noise nuisance from occupants using the proposed amenity area to the rear and noise from open bedroom windows. I have referred these comments to the Environmental Health Officer and they have raised no objection to the scheme on the grounds of potential noise implications. The site could currently operate with 34 residents using the site in a residential capacity and what is put forward in this case would see up to 33 residents using the site in a residential capacity. Many of the comments received in objection to this application raise concerns regarding noise nuisance from music/parties/group gatherings and anti-social behaviour in assumption as to the potential future occupiers of the site. However given the conclusion of the EHO I do not consider the proposed use would result in an unacceptable impact on neighbouring occupiers through noise disturbance.

Whilst I sympathise with the concerns and fears raised by a significant number of local residents, I conclude that the proposal would not have an unacceptable impact on the amenity of existing or future occupiers by way of general noise and disturbance or the fear of anti-social behaviour or unacceptable overlooking implications. Nor would the proposal result in such a nuisance to neighbouring dwellings amenity and consequentially a detrimental impact upon the character of the area such that it would warrant the refusal of the application, particularly when considering the fall back position of the existing lawful use and the context of the immediately surrounding area. As such I consider the proposal to accord with Core Policy 9, Policy DM5 and the provisions of the NPPF.

Impact on Highways Safety

Policies SP7 and DM5 of the Development Plan set out the policy context for considering development that may be impacted by highway matters and parking issues.

Out of the many comments received from neighbouring residents and interested parties a continuous theme is the concern raised regarding the highways impact of the development. The comments received refer to the proposal having insufficient parking for the scale of the use proposed which would displace cars onto the public highway that is already congested and controlled by a residents permit parking scheme in the vicinity; the change of use resulting in an increase in traffic congestion; having an access arrangement that is unsafe for cars and pedestrians; increasing the risk of vehicle/pedestrian collisions; being inadequately serviced by public transport etc as set out in the consultation section.

The applicant has submitted a Transport Assessment to accompany this application in addition to a proposed site plan which shows an on-site car park with 13 spaces as well as refuse and secure cycle storage for 36 bicycles. The fence to the northern side of the access is proposed to be removed to improve visibility splays. The existing car park arrangement provides 5 car parking spaces (noting the current occupancy level could resume with 33 occupants, visitors and staff), therefore there would be a net increase in 8 vehicle spaces and 36 secure cycle spaces on site.

The Council does not have any set local parking standards for developments, changes of use or HMOs and therefore relies on a case by case assessment of the potential implications of the development and the advice of the Highways Authority as technical experts. The Transport Statement advances that car ownership levels within HMO accommodation and associated trip generations are much lower than conventional residential development due to a number of factors, but mainly that HMO accommodation is an attractive tenure option for young professionals who, due to financial constraints, tend not to have cars. As has been discussed above, the occupation or background of potential occupants is not for the planning system to control, however, I am mindful that any future occupiers would be aware of the town centre location of the site and the parking constraints prior to choosing to live here. In this case the need for a car is likely to be reduced as the site lies within very close proximity to town centre facilities and bus and train stations where facilities are within walking distance. Newark Bus Station is approximately 1km walk to the south-west of the site providing frequent bus service links. Newark North Gate Railway Station is a c. 800m walk from the site and Newark Castle Railway Station c.1.1km, the former providing frequent cross-country rail services and the latter regular services to Nottingham, Leicester and Lincoln. Both rail stations have secure and sheltered cycle parking facilities. I am therefore satisfied that the site is accessible by non-car modes of transport and is located to encourage these non-car transport modes such that the lack of a one to one ratio of parking spaces need not be fatal to the proposal.

In order to fully understand the potential impact on the highways network it is important to understand the extant permission's operation in terms of how much traffic and parking demand it could generate in comparison to the proposed used over a 24 hour period. The Transport Assessment uses the industry-standard TRICS database to estimate the trip generating potential of the existing nursing home use, the assessment concludes that the daily (00:00 to 24:00) the average estimated trip generation of a 34 bed residential institution is 31 vehicular arrivals and 32 departures. I am mindful that local residents say that this is not reflective of the actual trips generated previously from the site, however, my view is that this data should be viewed as the average trips that *could* occur from the site as a result of its current lawful use. In terms of comparing with the proposed HMO, the Transport Assessment sets out that there are no HMO

comparator sites in the TRICs database, as such ‘privately owned flat’ sites contained in TRICS have been used to provide a robust assessment – it is considered suitable to use ‘privately owned flats’ as a comparison as car ownership levels within HMO accommodation and associated trip generations are accepted to be lower than privately owned residential developments, as such this data presents a *worst case* scenario. The Transport Assessment (which was undertaken based upon a 37 person occupancy HMO before the amended plans were submitted) concludes that daily (00:00 to 24:00) the average estimated trip generation of a 33 bed HMO is 36 vehicular arrivals and 32 departures – given the amendment to the scheme to remove double occupancy rooms this figure would be lower.

The following table from page 14 of the Transport Survey compares the Net Trip Generation between the existing use and the proposed HMO:

Mode	Weekday AM Peak Hour (08:00 to 09:00)		Weekday PM Peak Hour (17:00 to 18:00)		Daily (00:00 to 24:00)	
	Arrivals	Departures	Arrivals	Departures	Arrivals	Departures
Vehicles	-1	2	2	-1	5	0
Cycles	0	0	-1	0	-1	-1
Pedestrians	-2	0	3	0	0	1
Pub. Trans.	-1	0	2	0	0	0

The analysis demonstrates that the proposed HMO use would generate a similar amount of traffic than the existing use *could* in both peak hours and over the course of a typical weekday. Given this comparison the technical traffic impact of the scheme is considered to be limited. NCC Highways have reviewed this Transport Assessment and have acknowledged that whilst the site is currently not in operation, it could be brought back into use without further regard to the LPA and thus this is the accepted starting position for assessing the difference in traffic generation between the extant and proposed uses. NCC Highways have agreed that the use of ‘Private Residential flats’ as a comparison with HMO use does present a worst case scenario and have accepted that when accounting for the likely occupier of the development, the site should not generate significantly more traffic than it could currently do if it were operating as a nursing home. The Highways Authority has therefore raised no objection to the proposal in this regard.

NCC Highways have commented on the amended proposed parking arrangement advising that whilst the number of on plot spaces would not enable every resident to be able to park the spaces, surfacing and manoeuvring spaces are in accordance with Part 3 of the Nottinghamshire Highway Design Guide. The Highways Authority has acknowledged that in the immediate vicinity of the development site, there are very few opportunities for on street parking owing to parking restrictions, and residents’ parking schemes, however given the site’s location in terms of easy accessibility to numerous amenities and facilities by foot, cycle or public transport and the specifics of the accommodation being sought, the provision is considered acceptable. The on-site cycle park, which has been amended to be covered and secure in line with the Highways Officers previous advice, is particularly welcomed as it will allow every resident the opportunity for secure, sheltered cycle parking to promote this mode of transport.

As such, whilst it is acknowledged that there would not be sufficient car parking spaces for the number of residents that could occupy this site, when compared with the existing use of the building the proposed HMO use would generate a similar amount of traffic than the existing use *could* in both peak hours and over the course of a typical weekday and as such the proposal would

not have a materially worse impact on the highways network. Whilst I sympathise with the concerns of local residents surrounding parking provision and the pressure on surrounding streets which are permit controlled, on the basis of the technical details contained within the Transport Assessment comparing the existing and proposed use and based on the comments from NCC Highways which raise no objection to the proposal given the site context and proximity to public transportation, I see no credible reason to conclude that the proposal would result in a detrimental impact on the local highway network such to warrant the refusal of this application. In coming to this conclusion I am mindful of para.109 of the NPPF which states that “Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”, neither of these conclusions have been drawn in this case.

In relation to the current access arrangement to the site and the comments regarding danger to highway users/pedestrians, as part of the scheme it is proposed to remove the existing timber fence to the northern side of the access to improve visibility splays and ensure two vehicles can pass through the access. Comments received from interested parties raise concerns about the current access being too steep and being hazardous for pedestrians if the use of the access is to be intensified. However NCC they have welcomed the alterations to the access which will improve the current situation. The Transport Assessment has interrogated the road safety record of the local highway network within the most recently available 5-year period which has not demonstrated that highways safety in relation to collisions represents a material concern in the context of the proposed development.

Comments raised have highlighted that there is no provision for visitor or delivery parking at the site, however I would highlight that this is the case for all surrounding residential properties along Friary Road (and surrounding streets) where there is no off street parking facilities. In this case there would be a place for delivery vehicles to pull into the parking area for the premises and refuse collection would be the same for all surrounding properties such that I do not consider these comments materially alter my previous assessment of the potential highways implications of the development. Concerns have been raised that the cycle storage is in view of the highway and thus occupiers will not use it for fear of theft, however I would highlight the storage proposed is to be ‘secure’ for storage and has been placed to the front of the site in view for optimum natural surveillance to reduce the potential for theft.

Comments have been submitted regarding the lack of electric charging points on site and this being against sustainability aims. Whilst I accept that there is a national and local policy emphasis on adapting to climate change and moving to a low carbon economy I would highlight that there is no planning policy *requirement* for electric charging points to be included within development proposals and given my aforementioned commentary on the sustainable location of the site supporting non-car modes of transport, an insistence on provision is not justified.

In relation to comments received regarding the omission of the two disabled parking spaces at the request of the Highways Authority I would highlight that NCC Highways advice was *“it is not usual to propose specific disabled parking provision at residential developments and therefore it would be useful if these reverted to standard spaces to maximise the number of spaces available for all residents unless any of the cluster units are designated as accessible”*. I am mindful of the aims of SP7 and DM5 which require that attractive accesses for all are provided, including the disabled, and others with restricted mobility and I would highlight that ramped access to the building is provided on the northern side of the principal elevation via an existing ramped access leading into HMO Unit A with a parking space adjacent to it. On the basis of the comments made by NCC

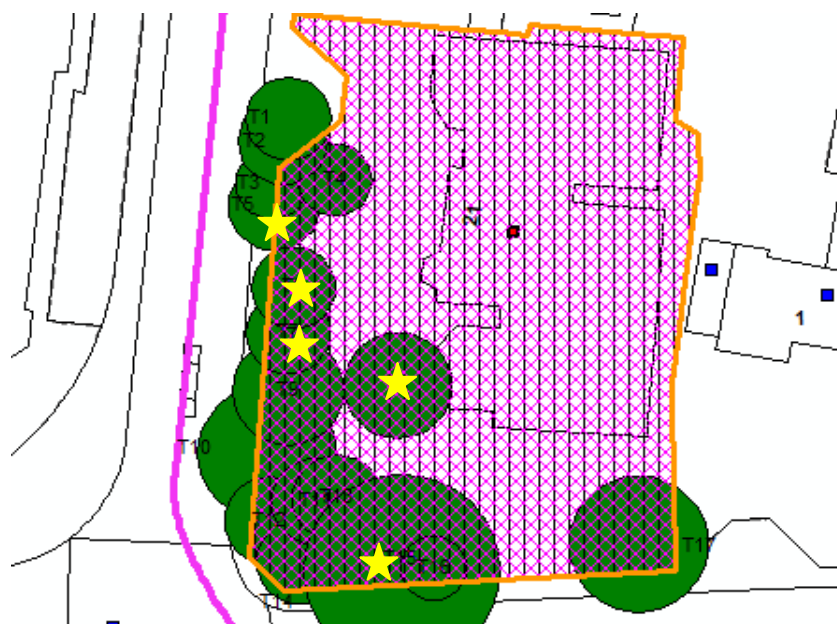
Highways and in the interest of ensuring all spaces are 'unallocated' I have not requested any disabled parking spaces be added back onto the proposed site layout plan. However following discussion with the agent I am advised that there remains sufficient space within the site layout plan to accommodate a disabled parking space such that, should Members consider it preferential that a disabled parking space is included with 12 standard access spaces rather than all 13 being standard access spaces then this could be controlled by a condition through the submission of a scheme for disabled access parking.

Overall, it is acknowledged that there would not be sufficient car parking spaces for the all residents that could occupy this site, however when compared with the existing use of the building the proposed HMO would not have a materially worse impact on the highways network. Whilst comments of local residents have been taken on board, on the basis of the technical comparative assessment contained within the Transport Assessment and the comments from NCC Highways which raise no objection to the proposal given the site context and proximity to public transportation, I see no reason to conclude that the proposal would result in a detrimental impact on the local highway network such to warrant the refusal of this application. The site is sustainably located in Newark Town Centre with primary facilities within walking distance and strong public transport links. The site plan allows for secure cycle storage to promote non-car modes of transport in addition to increasing on site car parking provision for future occupiers. I am therefore satisfied that the proposal accords with the provisions of SP7 and DM5 of the LDF and the intentions of the NPPF which is a material consideration.

Impact on Ecology/Trees

The policy context for securing development that conserves and enhances biodiversity is set out in Core Policy 12 and DM5. Paragraph 118 of the NPPF includes that opportunities to incorporate biodiversity in and around developments should be encouraged.

For this application an assessment of the impact on ecology relates purely to the impact on existing trees on the site. Comments received from local residents raise concerns that the trees on site should be protected with TPOs, that the car park planned will threaten mature trees, damage their roots, result in an impact on the visual attractiveness of the area; quality of life; air quality; ambiance and that any replacement trees would not be sufficient to mitigate the impact on the ecosystem as a result of the loss of mature trees. Firstly I would highlight that along the southern and western boundaries of the site are a number of mature trees which are protected by Tree Preservation Orders (TPOs).



TPOs shown in Green Circles. Application Site edged orange and hatched purple. Trees to be removed shown with yellow stars.

As part of the proposal 5 no. trees are proposed to be removed from the site to allow the expansion of the car park area (trees to be removed are T04 – Common Beech, Category U, T05 – Common Holly ‘Ornamental’, Category C2, T06 – Cypress species, Category C2, T07 – Common Holly ‘Ornamental’, Category C2 and T08 – Black Walnut, Category B2,3). A Mitigation Planting Strategy has also been proposed which shows additional hedging and shrubs to be planted (T20-24) along with 6 no. trees (T12, T15-T19 on the proposed site plan, 1 Upright Hornbeam, 1 Black Walnut, 1 Fastigate Beech, 2 no. Upright Crab Apple Tree and 1 Sweet Gum Tree).

The trees along these boundaries are mature specimens which visually appear to be in good structural and physiological health. The wider group contributes positively to the overall street scene and add to a sense of 'green space' in an otherwise built-up location. The works proposed to support the change of use application will not increase the footprint of the building but do include reconfiguration works to the car park to provide more on-site spaces and manoeuvring space. T04 it is a large tree, directly visible from the adjoining street. However, due to the decline in the trees' health, and the health and safety risk to the site and the adjoining street, removal is recommended - the Tree Officer has raised no objection to its removal given it is in poor condition overall (category U).

T05, 06 and 07 are all category C2 trees which means they are of 'low quality to retain' and have 'mainly landscape qualities' rather than arboricultural qualities. These trees are small overall and given their positioning clustered within the other trees in the site their removal is unlikely to significantly affect the outlook of the site. T08 however is category B2,3 which means it is of 'moderate quality to retain' and has 'mainly landscape qualities' and 'cultural value including conservation'. The removal of T08 is stated in the survey as being unlikely to change the view of the site from the public realm given its size and setback and due to its reduced crown the tree report states that it will not reduce the crown volume of the site significantly.

The survey concludes that the overall arboricultural impact of the scheme is considered to be low. New trees are proposed to be planted to mitigate the loss of trees and enhance the arboricultural value of the site - mostly to compensate for the loss of tree T08 which is in better condition than the others proposed for removal. Ideally the retention of T08 would be desirable given its condition, however owing to the site constraints it would not be possible to retain this tree without reducing the number of parking spaces provided on site.

The Tree Officer has reviewed the Tree Report submitted and after ongoing discussions and the submission of an additional Arboricultural Method Statement (AMS) and amended site plan has raised no objection to the scheme subject to conditions. Discussions have been ongoing regarding the amount of hardstanding proposed on the site within the Root Protection Areas (RPAs) of the trees which, in accordance with the British Standard 5837:2012 hardstanding cover should not exceed 20% within RPAs. The amended site plan submitted does not exceed this 20% maximum which is considered to be acceptable and the AMS details how the existing surfacing should be left in situ during construction to prevent any damage to tree roots during the construction phases. Ultimately the proposed site plan proposes a permeable paving solution with a cellweb tree root protection system to prevent compaction and allow water and air to reach the roots of

surrounding trees, subject to the submission of a more detailed arboricultural method statement the Tree Officer has raised no objection to this.

A mitigation planting strategy is also proposed to mitigate the loss of the trees to be removed from the site. Through negotiations with the Tree Officer more suitable species have been detailed which are considered to be acceptable and will mitigate for the loss of T08. Nevertheless a full landscaping scheme (including precise locations, species, size and timescales for planting) will be required to be submitted prior to the commencement of the development. Having reviewed the AMS the Tree Officer has advised that the proposed pruning details are likely to be too severe given the heights of the trees surrounding the parking areas and has suggested that side pruning may be more appropriate in this case, however he has agreed that this can be captured with the requirement to submit further details as part of the conditions suggested in the consultation section above.

Overall given the conclusions of the Tree Survey, the mitigation planting proposed and the positive conclusion drawn by the Council's Tree Officer subject to conditions, I consider the proposal accords with CP12 and DM5 in addition to the provisions of the NPPF in relation to the ecological impact of the scheme. Whilst ultimately trees are proposed to be removed from the site, the survey has concluded that overall arboricultural impact of the scheme is considered to be low, subject to more precise information the mitigation planting proposed is considered to be sufficient to outweigh the harm of the tree removal proposed and in the absence of any objection from the Tree Officer who is our technical expert I see no reason to come to a different conclusion.

Other Matters

I will now consider the remaining comments raised by local residents/interested parties, many of which I would highlight are not issues that can be *material planning considerations* in the assessment of this proposal.

Management & Landlord Experience

For example, the management of a HMO is not a material consideration, neither is the origin of the applicant, whether they are 'local to the area' or have experience in managing HMOs. 'Large' HMOs are subject to HMO licensing under 'The Housing Act 2014'. A license will only be granted after a site inspection is undertaken to assess the property under the housing health and safety rating system and any hazards identified are required to be addressed before the building can be occupied by tenants. The following documentation will need to be referenced to meet requirements:

- Building Regulation Approved Documents.
- NSDC HMO Amenity Standards – May 2018
- Housing Act 2004 – Newark and Sherwood District Council Guidance
- A Guide to the Management of HMO's and Other Shared House – Decent and Safe Homes East Midlands

In addition to the above the landlord/landlords will need to demonstrate the following to Newark and Sherwood District Council before a HMO licence can be granted:

- They are a 'fit and proper person'
- The property is suitable for occupation by the number of persons specified in the license.
- The landlord has suitable management arrangements in place.

- The property is being kept to the required standards and there are adequate means of escape if there is a fire.

Given the aforementioned procedures are in place to ensure the suitability of the HMO and its management I would reiterate that these issues fall outside of the planning process and are therefore not material to the application at hand. Nevertheless the applicant has submitted additional information to support this planning application to reassure local residents of their experience in property management.

Building Condition

Many comments received from local residents raise concerns with the condition of the current property, fire safety issues resulting in the closure of the former Nursing Home, the fire safety experience of prospective tenants and the ability of a smoke/fire detection system to be sufficient in this property. Firstly, matters relating to Building Regulations and Fire Safety Regulation are not material to the determination of a planning application, neither is the occupation or age of future tenants. Whilst I appreciate local people are concerned that fire escape from the building is inadequate, as part of the HMO licensing and building regulations process this matter will be fully addressed. Nevertheless I accept that it would not be proactive to approve plans that are incapable of being granted licenses or building regulations approval, as such this matter has been highlighted to the applicant and their agent who have advised that full consideration has been given to compliance with building and fire regulations in the plans put forward in this application. In the consultation section at the beginning of this report comments can also be read from Nottinghamshire Fire and Rescue who reiterate that they are not a statutory consultee during this planning process and are engaged at licensing stage with building regulations approval. Comments received in relation to the age and fire safety experience of prospective tenants are also not material considerations and are purely generalised assumptions. Similar matters relating to water supply and legionnaires disease risk are also not material to the planning process.

Anti-social Behaviour

Comments have been received stating that the proposed HMO use will increase vandalism to cars parked along the surrounding streets and will result in overflowing bins, both of which are prejudiced assumptions based on the perceived reputation of HMO occupiers and are not material to my assessment of the application.

Consultation Process

Local residents have also raised concern with the consultation process for this application being carried out incorrectly. Local planning authorities are required to undertake a formal period of public consultation, prior to deciding a planning application. This is prescribed in Article 15 of the Development Management Procedure Order (as amended) – the relevant part for this application is part 5 which states that the application must be publicised (emphasis added) “(a) by site display in at least one place on or near the land to which the application relates for not less than 21 days; **or** (b) by serving the notice on any adjoining owner or occupier.” For this planning application the LPA sent out consultation letters on 20.04.2020 to five addresses of adjoining owners or occupiers (including those directly across the highway where relevant in this case) meeting the legislative requirement for this application type. However, it is understood that throughout the application process duplicate letters of the original Neighbour Consultation letters were distributed by an interested party to local residents one day before the closing date for the consultation period

marked on the letter itself, leading to many comments criticising the consultation process. In response to this and a number of residents raising concerns it was decided that a site notice would be displayed close to the site to advertise the application further. I am satisfied that the consultation process has been adequate in order to determine this application.

Disability and Disabled Access Consideration

Comments from an interested party have questioned why the Council does not have an Officer in charge of appraising the accessibility of development proposals, however this duty falls to the Planning Officer when considering the acceptability of a development proposal.

The Equality Act 2010 (which replaced the Disability Discrimination Act 1995) cements the requirement to make reasonable adjustments in relation to accessibility when providing access to goods, facilities, services and premises. In practice, this means that due regard must be given to any specific needs of likely building users that might be reasonably met. The Building Regulations 2000 Part M 'Access to and use of buildings' sets minimum standards of design to enable reasonable access to and use of buildings by disabled people, however compliance with the requirements of Part M does not of itself signify compliance with the much broader obligations and duties set out in The Equality Act. The duty Section 149 of the Equality Act places on local authorities in the exercise of their functions, including planning, means having due regard to the three aims of general equality, i.e. needing to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act, to advance equality of opportunity, and to foster good relations.

Nationally, a key theme of the NPPF, as set out in section 8, is 'Promoting healthy and safe communities'. Here it is stated that "Planning [...] decisions should aim to achieve healthy, inclusive and safe places." To help achieve this aim the Government expects planning policies and decisions to secure accessible environments and developments. Accessibility is a part of the social dimension of sustainable development for which national planning policy presumes in favour. In respect of residential development specifically, section 5 of NPPF is concerned with 'Delivering a sufficient supply of homes'. Paragraph 60 of this section states that to achieve this local planning authorities should plan for a mix of housing to meet the needs of different groups in the community, including people with disabilities.

In this case I have considered the proposal in relation to the three aims of general equality and would highlight that the building, in part, is accessible for disabled people. Ramped access is retained to the northern side of the building where access into HMO Unit A on the ground floor is achievable, similarly there remains space on site for disabled parking facilities. I therefore do not consider that this application could be considered to discriminate or victimise people with disabilities and consider the scheme to advance equality of opportunity for access to housing. Access to, into and around the proposal will also be carefully considered from the edge of the site together with provision of suitable accessible facilities and features as part of the Building Regulations process which as discussed above, the applicant has advised they have had regard to when putting together the proposed plans submitted for consideration. On the basis of this and my assessment above, I am satisfied that whilst the comments from interested parties have been duly taken on board, that the proposal is acceptable in this regard and would not conflict with the foregoing accessibility and inclusivity aims.

Overall Planning Balance and Conclusion

I have concluded that the principle of this development in this location is acceptable in accordance with Spatial Policies 1 and 2 of the Core Strategy and would meet a local housing need. I have also

concluded that given the overall limited scope of the external alterations proposed, they would not result in a detrimental impact or harm on the character or architectural merit of the non-designated heritage asset or the setting of the Newark Conservation Area.

Whilst I acknowledge the concerns and fears raised by a significant number of local residents in relation to the impact on residential amenity and the character of the area, I have concluded that the proposal would not have an unacceptable impact on the amenity of existing or future occupiers by way of general noise and disturbance or the fear of anti-social behaviour or unacceptable overlooking implications. Nor would the proposal result in such a nuisance to neighbouring dwellings amenity or consequentially a detrimental impact upon the character of the area such that would warrant the refusal of the application, particularly when considering the fall back position of the existing lawful use and the context and character of the immediately surrounding area.

In terms of highways safety, it is acknowledged that there would not be sufficient car parking spaces for the number of residents that could occupy this site. However when compared with the existing use of the building the proposed HMO would not have a materially worse impact on the highways network. Whilst comments of local residents have been taken on board, on the basis of the technical TRICs comparative assessment contained within the Transport Assessment and the comments from NCC Highways which raise no objection to the proposal given the site context and proximity to public transportation I see no reason to conclude that the proposal would result in a detrimental impact on the local highway network such to warrant the refusal of this application. The site is also sustainably located in Newark Town Centre with primary facilities within walking distance and strong public transport links. The site plan allows for secure cycle storage to promote non-car modes of transport in addition to increasing on site car parking provision for future occupiers. I therefore do not consider there would be an unacceptable highways impact as a result of this proposal.

With regard to ecological/tree impact I am mindful that there would be some immediate harm on the ecology of the area through the loss of five tree. However given the conclusions of the Tree Survey, I am satisfied that this harm can be adequately mitigated.

In addition, whilst all comments made by local residents have been duly taken on board throughout this appraisal, they have not raised any further material planning considerations that have required further assessment or weighted negatively in the balance of the scheme.

Overall I therefore conclude that the development would be in accordance with Spatial Policies 1, 2 and 7, Core Policies 9, 12 and 14 of the Amended Core strategy, Development Management policies 1, 5, 7, 9 and 12 of the Allocations and Development Management DPD, the objective of preservation set out under section 72, part II of the 1990 Listed Building and Conservation Areas Act, as well as complying with the relevant sections of the NPPF which is a material consideration and the guidance contained within the Newark and Sherwood District Council HMO Amenity and Space Standards. I therefore recommend that planning permission is granted.

RECOMMENDATION

That full planning permission is approved subject to the conditions shown below;

Conditions

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:

- Site Location Plan - 635/01 Rev. B
- Proposed Basement Floor Plan - 635/07 Rev. A
- Proposed Ground Floor Plan - 635/08 Rev. C
- Proposed First Floor Plan - 635/09 Rev. B
- Proposed Second Floor Plan - 635/10 Rev. A
- Proposed Roof Plan - 635/11
- Proposed Site Plan and Landscaping - 635/13 Rev. J
- Proposed Elevations - 635/15 Rev. B

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

The development hereby permitted shall be constructed entirely of the materials details submitted as part of the planning application unless otherwise agreed in writing by the local planning authority through an application seeking a non-material amendment.

Reason: In the interests of visual amenity.

04

No development shall be commenced in respect of the metal railings 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.

Reason: In the interests of visual amenity and in order to preserve or enhance the setting of the Newark conservation area.

05

No part of the development shall be brought into use until precise details of the covered refuse storage (in the location shown on the approved plan ref. 'Proposed Site Plan and Landscaping - 635/13 Rev. J') have been provided including the design and materials details. The bin storage facilities shall be provided prior to the occupation of the building 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 is provided for occupiers in the interests of residential and visual amenity.

06

No part of the development shall be brought into use until precise details of the sheltered secure bicycle storage (in the location shown on the approved plan ref. 'Proposed Site Plan and Landscaping - 635/13 Rev. J') have been provided including the design and materials details. The bicycle storage facilities shall be provided prior to the occupation of the building 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 bicycle storage is provided for occupiers in the interests of highways safety and visual amenity.

07

No part of the development shall be brought into use until such time that the on-site parking provision has been implemented and maintained in accordance with the Proposed Site Plan on drawing number 635/13 revision J.

Reason: To maximise the availability of adequate off-street parking provision to reduce the possibility of the proposed development leading to on-street parking problems in the area and enable vehicles to enter and leave the site in a forward direction, all in the interests of Highway safety and to promote sustainable travel.

08

No trees within the site which are shown as being retained on the approved plans shall be pruned, felled, uprooted, wilfully damaged, destroyed or removed without the prior consent in writing of the local planning authority.

Reason: To preserve and protect existing trees and new trees which have and may have amenity value that contribute to the character and appearance of the area.

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/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 timing for the various phases of works or development in the context of the tree/hedgerow protection measures.

All works/development shall thereafter be carried out in full accordance with the approved arboricultural method statement and tree/hedgerow protection scheme unless otherwise agreed in writing by the local planning authority.

Reason: To preserve and protect existing trees and new trees which have and may have amenity value that contribute to the character and appearance of the area.

10

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.

Reason: To preserve and protect existing trees and new trees which have and may have amenity value that contribute to the character and appearance of the area.

11

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. 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;

car parking layouts and materials;

other pedestrian access and circulation areas;

hard surfacing materials;

Reason: In the interests of visual amenity and biodiversity.

12

The approved soft landscaping scheme shall be carried out within 6 months of the first occupation of the building or completion of the development, whichever is soonest, unless otherwise agreed in writing by the Local 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 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.

13

Prior to any development/ commencement of activities, no pruning or other works shall be carried out to any retained tree without written approval from the Local Planning Authority.

Reason: To preserve and protect existing trees and new trees which have and may have amenity value that contribute to the character and appearance of the area.

Notes to Applicant

01

As part of the consideration of access to and use of the building, with particular reference to

access and facilities for all people including disabled people, it is recommended that the developer's attention be drawn to Approved Document M of the Building Regulations which contains useful guidance in this regard. To this end it is recommended that access to, into and around the proposals be carefully examined from the edge of the site together with provision of suitable accessible facilities and features and that consideration be given their incorporation as far as is reasonably practicable to ensure that the proposals are equally convenient to access and use. It is recommended that the developer make separate enquiry regarding Building Regulations matters.

02

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

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

03

This application has been the subject of pre-application discussions and has been approved in accordance with that advice. 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).

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 - 20/00579/FUL

