

PLANNING COMMITTEE – 5 JUNE 2018

Application No:	18/00357/FUL	
Proposal:	Erection of 4no. One and a half storey dwellings	
Location:	Land To Rear 90 Main Street, Balderton, NG24 3NU	
Applicant:	Mr & Mrs K. Smith	
Registered:	19/02/2018	Target Date: 16/04/2018
		Extension of Time: 06/06/2018

This application is being presented to the Planning Committee in line with the Council's Scheme of Delegation because the recommendation differs from the Parish Council's views.

The Site

The Old Hall (90 Main Street) is a substantial and attractive period dwelling located on the south side of Main Street within the urban area of Balderton. It is situated within a Conservation Area. It was previously used by Nottinghamshire Healthcare NHS Trust as a care home but was recently converted to flats (application number 14/00579/FUL).

Whilst it is not a listed building, it is regarded as a positive building within the Conservation Area and a non-designated heritage asset. The Hall is two storey and rendered with a slate roof with sashed and bay windows. It is set within an extensive south facing garden containing a number of mature trees. Additional structures within the site include an air-raid shelter, ice house and a row of 3 single storey outbuildings.

The application site itself relates to the garden to the rear of the Old Hall, utilising the existing access off Main Street. The garden contains a number of trees which are protected by Tree Preservation Order. The boundaries of the garden contain a mix of close boarded fences, trees and hedge.

Relevant Planning History

14/01908/OUT Outline Application with Some Matters Reserved for Construction of 4 no. detached houses to the rear of the Old Hall – permission 08.07.2015

14/00579/FUL Proposed conversion of The Old Hall into 8 no. flats with an additional 1 no. new dwelling and demolition of outbuildings and air-raid shelter – permission June 2014. This relates to a scheme on land to the north of the application site and shares the same access.

06/01541/CAC Demolition of glasshouse – consent Jan 2007

00/50040/FUL Retention of entrance porch – permission May 2000

97/50106/CAC Demolish existing porch – consent Sep 1997

92/50054/FUL Refurbishment to form residential home for mentally ill and community workers office – withdrawn Oct 1992

03920358 Refurbishment to form residential home for mentally ill and community workers office – withdrawn Oct 1992

03911072 Residential development for two detached dwellings – withdrawn Apr 1992

The Proposal

The application seeks full planning permission for the erection of 4 no. one and a half storey dwellings with detached garages.

The plans have been amended during the lifetime of the application to overcome the concerns of the Conservation Officer, in relation to the design and of the scheme, and the Tree Officer in relation to the impact on protected trees. Amendments include the deletion of the garages and re-massing plots 1-3. The resulting application now proposes a scheme which is similar to a scheme which received outline planning permission in 2015 (14/01908/OUT).

Each dwelling would be detached and have 4/5 bedrooms and a relatively small area of private garden space. The dwellings have been sited so as to avoid the root protected areas of the protected trees on site. Each dwelling would be roughly rectangular in shape with widths varying between 8-11 metres and depths of approximately 17-20 metres. Proposed materials comprise facing brickwork with stone cills and brickwork or timber lintels, timber fenestration and pantile roofs.

The proposed access would utilise the existing access to the Old Hall from Main Street and off street parking would be provided for each dwelling.

The application is accompanied with the following:

- Tree Survey
- Protected Species and Ecology Survey
- Design, Access and Heritage Statement

Public Advertisement Procedure

23 neighbours notified individually by letter and reconsulted.

Site notice posted 08.03.2018

Press notice published 01.03.2018

Planning Policy Framework

The Development Plan

Newark and Sherwood District Council Core Strategy DPD (adopted March 2011)

- Spatial Policy 1 – Settlement Hierarchy
- Spatial Policy 2 – Spatial Distribution of Growth
- Spatial Policy 7 – Sustainable Transport

- Core Policy 1 – Affordable Housing Provision
- Core Policy 3 – Housing Mix, Type and Density
- Core Policy 9 – Sustainable Design
- Core Policy 10 – Climate Change
- Core Policy 12 – Biodiversity and Green Infrastructure
- Core Policy 14 – Historic Environment
- NAP1 – Newark Urban Area

Allocations and Development Plan Development Plan Document (DPD) Adopted July 2013

- Policy DM1 - Development within Settlements Central to Delivering the Spatial Strategy
- Policy DM5 Design
- Policy DM7 Biodiversity and Green Infrastructure
- Policy DM9 Protecting and Enhancing the Historic Environment
- Policy DM12 Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework (NPPF) 2012
- Planning Practice Guidance (PPG) 2014
- Newark and Sherwood Amended Core Strategy DPD 2017

Consultations

Balderton Parish Council –

Comments received 16.03.2018:

Object – Though pleased to see that the garages are now single storey only, the amended plans do not alter the committee's original objections to this application. This style of properties are seemed to be out of character for the Conservation Area and members still consider that highways issues are a concern.

Comments received 16.03.2018:

Object - Members consider the visual appearance of the proposed dwellings are not in keeping with the Conservation Area. Highways issues are a concern from the generation of extra traffic and vehicular access to the site.

NSDC Conservation Officer –

Comments received 14.05.2018:

Following further revision (removal of the 1800mm featherlap fencing and replacing with 900mm post and rail fencing with planted hedging), my concerns in relation to the extent of proposed panel fences have been addressed.

Comments received 14.05.2018:

We raised a number of concerns with the proposals, including mass and scale of new dwellings and garages, as well as design detailing. We are pleased to see that plots 1-3 have been reduced in mass, and that plots 2 and 3 have been revised in accordance with our advice, incorporating matching gables. The reduction in scale of the garages is also welcomed.

Overall, we consider that the revisions sufficiently address our concerns so as not to cause harm to the character and appearance of the Balderton Conservation Area. We recognise that the proposal will have an impact on the setting of the former Hall, an important building within the conservation area. However, this matter was addressed in the recent outline approval for residential development (ref 14/01908/OUT), and the revised scheme before us is materially similar to the indicative details included within that scheme. The retention of trees and a sense of openness within the site will help sustain the positive contribution made by the former gardens to the Hall. Nevertheless, the extent of panel fences indicated to the front of properties should be amended. Post and rail fences and/or hedges will better reflect the landscape setting of the former Hall.

If approved, suitably worded conditions will be required covering all facing materials, joinery details (timber, to be retained), full height glazing, roof lights and architectural detailing such as opening headers/sills, eaves, verges, chimneys, dormers, rainwater goods, services and other external accretions. A brick panel showing masonry construction should be erected on site before walls above the footings are constructed, showing brick, bond, mortar and pointing. As above, and notwithstanding the submitted details, the scheme will benefit from using primarily soft landscaping for boundaries, noting our preference for post and rail fences and hedges instead of panel fences. In addition, pantiles shall be natural red clay of a non-interlocking variety, and slate shall be natural and not artificial, samples of both to be submitted and agreed.

Comments received 12.04.2018:

Legal and Policy Considerations:

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') requires the Local Planning Authority (LPA) to pay special attention to the desirability of preserving or enhancing the character and appearance of the CA. Such matters are of paramount concern in the planning process. In this context, case-law has established that 'preservation' means to cause no harm.

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. Key issues to consider in proposals for additions to heritage assets, including new development in conservation areas, are proportion, height, massing, bulk, use of materials, land-use, relationship with adjacent assets, alignment and treatment of setting.

The importance of considering the impact of new development on the significance of designated heritage assets, furthermore, is expressed in section 12 of the National Planning Policy Framework (NPPF). Paragraph 132 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 7). LPAs should also look for opportunities to better reveal the significance of heritage assets when considering development in conservation areas (paragraph 137). The setting of heritage assets is defined in the Glossary of the NPPF which advises that setting is the surroundings in which an asset is experienced. Paragraph 13 of the Conservation section within the Planning Practice Guidance (PPG) advises that a thorough assessment of the impact on setting needs to take into account, and be proportionate to, the significance of the heritage asset under consideration and the degree to which proposed changes enhance or detract from that significance and the ability to appreciate it. Additional advice on considering development within

the historic environment is contained within the Historic England Good Practice Advice Notes (notably GPA2 and GPA3).

Assessment of Proposal

The proposal seeks to erect 4 dwellings. Outline approval was granted for 4 residential units in 2014 (ref 14/01908/OUT). This established the principle of redevelopment of the site, and agreed the layout and access. The scale of the dwellings was to be limited to one and a half storeys. The submitted scheme is for full planning permission and not reserved matters, although the layout and scale is similar to that indicated in the approved outline approval.

Having reviewed the submitted plans and details, Conservation objects to the proposed development in its current form. We have a number of concerns with the proposals:

- The increase in mass of some of the units beyond that envisaged in the original scheme results in a greater impact on the setting of the Old Hall and has the potential to dominate the former polite gardens, in turn harming the character of the CA. Although it is recognised that impact on the street is negligible, impact on the Old Hall is a relevant material consideration in the context of its contribution to the CA;
- The appearance of the proposed units is significantly different from that indicated in the outline approval. The small scale units in the outline referenced both cottage vernacular, appropriate to the setting of the former walled garden whereas the proposal before us includes extensive full height gable glazing and more individuality. This is best typified in units 2 and 3. In the original scheme, the indicative details suggest homogeneity between these two units unlike the proposal before us;
- Detailing in general terms would benefit from simplification, with less variety in fenestration sizes and styles, and perhaps less rooflights and no dormers;
- The extent and scale of the garages goes well beyond that originally envisaged. Nevertheless, the applicant has suggested that this concern could be addressed by reducing the garages to single storey open cart shed type structures.

If the scheme was amended to address the concerns above, we are likely to support the proposal. In particular, we urge the applicant to reconsider the massing of the units, particularly units 1 and 2 and recommend that they are reduced to the indicative details of the original outline approval. The appearance of the units would also need to be closer to that originally envisaged, notably units 2 and 3, with a greater similarity in appearance when viewed on approach (e.g. perhaps matching gables with subservient elements to side and rear). The garages should also be reduced in scale, and where possible consolidated so as not to be scattered throughout the site.

Recommendation

In its current form, we object. The proposal does not accord with the objective of preservation required under section 72 of the Act, and contradicts heritage policies within the Council's LDF DPDs and section 12 of the NPPF. The harm identified is moderate, and therefore falls within paragraph 134 of the NPPF. Although we recognise that some public benefit might be achieved through a positive contribution to housing stock, we recommend that the decision-maker pays special attention to the preservation of the CA in weighing the balance. In effect, the public benefit must outweigh the harm identified convincingly.

NSDC Tree Officer –

Comments received 02.05.2018:

Amended plan indicating revisions to proposed garages and a reduction in the impact of the rooting areas of T11 are acceptable. Other issues previously noted are still a concern albeit I am aware that previous approval has probably limited any response to my other comments. Proposed landscaping plan noting Terram geocell root protection load platform shows both areas of drive and also ground protection areas for construction. It is likely that different specifications will be required as I would expect a no dig drive permanent construction for hard surfaced areas while ground protection measures would be a temporary solution.

It is recommended that any approval should have the following conditions to protect existing trees and potentially request additional soft landscaping.

1. No works or development shall take place until a scheme for protection of the retained trees/hedgerows has been agreed in writing with the District Planning Authority. This scheme shall include (include pertinent sections)
 - a. A plan showing details and positions of the ground protection areas.
 - b. Details and position of protection barriers.
 - c. Details and position of underground service runs and working methods employed should these runs be within the designated root protection area of any retained tree/hedgerow on or adjacent to the application site.
 - d. Details of any special engineering required to accommodate the protection of retained trees/hedgerows (e.g. in connection with foundations, bridging, water features, surfacing).
 - e. Details of working methods to be employed for the installation of drives and paths within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
 - f. Details of working methods to be employed with the demolition of buildings, structures and surfacing within or adjacent to the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
 - g. Details of any scaffolding erection within the root protection areas
 - h. Details of timing for the various phases of works or development in the context of the tree/hedgerow protection measures.
2. All works/development shall be carried out in full accordance with the approved tree/hedgerow protection scheme.
3. 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 soakaways to be routed within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.

- f. No stripping of top soils, excavations or changing of levels to occur within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
 - g. No topsoil, building materials or other to be stored within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
 - h. No alterations or variations of the approved works or protection schemes shall be carried out without the prior written approval of the District Planning Authority.
4. No works or development shall take place until the District Planning Authority has approved in writing the full details of every tree, shrub, hedge to be planted (including its proposed location, species, size and approximate date of planting) and details of tree planting pits including associated irrigation measures, tree staking and guards.
 5. The approved landscaping scheme shall be carried out within 6 months of the first occupation of any building or completion of the development, whichever is soonest, unless otherwise agreed in writing with the District Planning Authority. If within a period of 7 years from the date of planting any tree, shrub, hedgerow or replacement is removed, uprooted, destroyed or dies then another of the same species and size of the original shall be planted at the same place. Variations may only be planted on written consent of the District Planning Authority.

Reasons: 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.

Comments received 16.04.2018:

After reviewing the submitted plan I have the following comments. Trees T4/T7 are likely to require significant pruning works in order to enable sufficient room for access into the site along the proposed access. Construction traffic is likely to require the use of larger vehicles of a size that requires additional clearances and upgraded root protection within rooting areas. Garage to plot 4 is likely to require additional ground protection areas in order to protect adjacent trees T3,5,6.

Proposed hard surfacing within the RPA of T11 is excess of the 20% recommendation within BS5837-2012 and could result in excessive adverse impact on tree roots. Plot 3 and to a lesser extent plot 4 will be dominated by adjacent retained trees. Plot 3 also has the close proximity of plot 2 resulting in very little natural light or useable amenity space. Similar issues of limited garden area for plot 2 is also a concern.

Comments received 28.03.2018:

Request tree survey/constraints plan in accordance with recommendations within BS5837-2012 in order to evaluate potential issues with trees on proposed development.

NCC Highways – No objection subject to the following conditions:

1. Occupation of the proposed dwellings shall not take place until the parking/turning areas shown on drawing KS533-A103 Rev P3 have been provided. The parking and turning areas shall not be used for any purpose other than the parking and turning of vehicles, and shall be retained for the lifetime of the development.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking in the area.

2. Occupation of the proposed dwellings shall not take place until a refuse collection point has been provided in accordance with details first submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent bins from being obstructing the public highway.

Severn Trent Water – no comment received.

NSDC Access Officer – As part of the developer's considerations of inclusive access and facilities for all, with particular reference to disabled people, it is recommended that their attention be drawn to Approved Document M of the Building Regulations, which contain useful standards in respect of visitable, accessible and adaptable, and wheelchair user dwellings, and that consideration be given to incorporating 'accessible and adaptable' dwellings within the development. The requirements of a dwelling's occupants can change as a result of illness, accident such as sports injury for example, disability or ageing giving rise to reduced mobility or increasing sensory loss. In order to meet these changing requirements, homes need to be accessible to residents and visitors' alike as well as meeting residents' changing needs, both temporary and longer term. Similarly, inclusive access improves general manoeuvrability for all including access for those with push chairs and baby buggies as well as disabled people etc.

It is recommended that disabled persons and wheelchair users' access to, into and around the new dwellings on all floors be carefully examined. External pathways to and around the site should be carefully considered and designed to accepted standards to ensure that they provide suitable clear unobstructed access to the proposals. In particular, step-free access to and into the dwellings is important and an obstacle free suitably surfaced firm level and smooth 'traffic free' accessible route is essential to and into the dwellings from facilities such as car parking and from the site boundary. Any loose laid materials, such as gravel or similar, can cause difficulty for wheelchair users, baby buggies or similar and should be avoided. It is recommended that inclusive step free access be considered to garden areas, amenity spaces and external features.

Carefully designed 'step-free' approach, ramps, level flush thresholds, generous doorways, all carefully designed to facilitate easy access and manoeuvre are important considerations. Switches and sockets should be located at suitable heights and design to assist those whose reach is limited to use the dwelling together with suitable accessible WC and sanitary provision etc.

It is recommended that the developer make separate enquiry regarding Building Regulations matters.

Neighbours/Interested Parties - One letter of representation received. Main issues raised include increasing the areas' population, not in keeping with area and impact on wildlife including birds and squirrels

Comments of the Business Manager

The Principle of Development

The starting point for development management decision making is S.38(6) of the Planning and Compulsory Purchase Act 2004, which states that determination of planning applications must be made in accordance with the development plan unless (emphasis added) material considerations indicate otherwise.

Notwithstanding the current process of Plan Review, at the current time the Adopted Development Plan for the District is the Core Strategy DPD (2011) and the Allocations and Development Management Policies DPD (2013). The Council is of the view that it has and can robustly demonstrate a 5 year housing land supply and policies of the Development Plan are considered up to date for the purposes of decision making. This has been confirmed by an Inspector through recent appeal decisions dated April 2018.

The site is located within Newark Urban Area as set out in the Settlement Hierarchy defined by Spatial Policy 1. New housing and employment growth should be focused in this area as it is considered to be a sustainable location for new development subject to consideration of the site specific issues which are set out further below.

Housing Numbers, Density and Mix

Core Policy 3 states that the District Council should seek to secure an appropriate mix of housing types to reflect local housing need. The need to achieve a wide choice of quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities is also reflected in the NPPF.

In terms of what the local demand is, evidence of this is contained within the Newark and Sherwood Housing Needs Survey Sub Area Report 2014 by DCA. Balderton falls within the Newark Sub-Area from the perspective of our Housing Market & Needs Assessment (2014), with the Sub-Area Report showing demand within the market sector to be predominantly focussed on 40% 3-bed and 34% 2-bed unit types, with lesser demand shown for 4+ bed (22%) and 1-bed (4%).

The proposed plans indicate the provision of four 4/5 bed detached dwellings (with bedrooms provided at ground and first floor level). As such, the proposal would not necessarily deliver an appropriate mix of housing. The proposed density is also lower than the average recommended density of 30 dwellings per hectare or more. However, this shortfall is still considered to represent efficient use of the land when balanced against the specific characteristics of this site. This includes the need to preserve the character and appearance of the Conservation Area including the setting of the Old Hall and the preservation of the most important trees which required a reduction in the overall number of units proposed. The assessment of these impacts is set out below with the overall balancing exercise set out in the conclusions at the end of the Appraisal.

Impact on Visual Amenity including the Character and Appearance of the Conservation Area

Core Policy 9 requires new development proposals to demonstrate a high standard of sustainable design that both protects and enhances the natural environment. Policy DM5 requires the local distinctiveness of the District's landscape and character of built form to be reflected in the scale, form, mass, layout, design, materials and detailing of proposals for new development. It also states that backland development will only be approved where they would be in-keeping with the general character and density of the existing development in the area.

Core Policy 14 of the Core Strategy and Policy DM9 of the DPD requires the preservation of the special character of Conservation Areas. The NPPF states that good design is a key aspect of sustainable development and new development should be visually attractive as a result of good architecture and appropriate landscaping. It also states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

As a building of local interest, the Old Hall is considered to contribute positively to the character and appearance of the Conservation Area. Paragraph 137/138 of the NPPF goes on to say that Local Planning Authorities should look for opportunities for new development within Conservation Areas to enhance or better reveal their significance. The loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area should be treated either as substantial harm or less than substantial harm. The site is also located within Balderton Conservation Area. As such, the local planning authority must have regard to the desirability of preserving or enhancing the character and appearance of the area in accordance with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

The Conservation Officer raises no objection to the most recent set of revised plans which ensure that the site layout is similar to the indicative site layout approved in outline form in 2015 (14/01908/OUT). This revised layout is considered to take account of the linear form of the Old Hall, and sits more comfortably within the historic garden by ensuring the retention of protected trees. The scale and form of the development would not be unduly prominent and would maintain the primacy of the Old Hall. I therefore concur with the Conservation Officer view that the development would preserve the character and appearance of the Balderton Conservation Area in accordance with section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Whilst the development represents a form of backland development, the layout proposed is considered to be in-keeping with the general character and density of the existing development in the area.

Subject to a number of conditions relating to details and materials, it is considered that the proposed development would enhance the character and appearance of the Conservation Area in the interests of visual amenity and in accordance with the NPPF, Core Policy 14 of the Core Strategy and Policy DM9 of the Allocations and Development Management Development Plan Document (DPD).

Provision of Affordable Housing

Core Policy 1 of the Core Strategy states that the District Council will seek to secure 30% of new housing provision as affordable housing on all housing proposals of 10 or more dwellings or on sites of 0.4 ha or above (irrespective of dwelling numbers) inside the Newark Urban Area. However, an order of the Court of Appeal dated 13 May 2016, gave legal effect to the policy set out in the written ministerial statement of 28 November 2014 which required that contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floorspace of no more than 1,000 square metres (gross internal area). In this case, the floorspace exceeded 1,000 square metres prior to the submission of amended plans to remove the detached garages from the scheme. However the revised overall floorspace is now 999.67m² and it is no longer considered reasonable to seek a contribution towards affordable housing provision in this instance.

Impact on Residential Amenity

Policy DM5 of the DPD states that development proposals should ensure no unacceptable reduction in amenity including overbearing impacts and loss of privacy upon neighbouring development. The NPPF seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

The application site includes part of the rear garden area of No. 6 Wetsyke Lane and No. 94 Main Street. Both of these gardens are over 30 metres in length and it is not considered that any adverse impact upon these dwellings would result. For the same reason, it is not considered that any adverse impact would result upon the amenity of the occupiers if any other properties which share the east boundary of the application site.

The frontages of dwellings to the south of the application site are separated from the application site by Steeles Drive. It is considered that the separation distances proposed are sufficient so as not to cause any adverse impact upon amenity.

The garden of 88b Main Street is located immediately to the west of the site. Overall, it is not considered that the proposed development would create an overbearing impact upon the occupiers of No. 94 given the large size of the garden and distance of more than 25 metres to the dwelling itself.

Access to the site would be past the apartments within the Old Hall. Given that this access is/would be shared by the occupants of the apartments themselves, it is not considered that any adverse impact upon amenity would result.

Having carefully assessed the scheme I am satisfied that the proposal would have no significant detrimental impacts upon the amenity of future occupiers of the proposed dwelling or dwellings adjacent to the application site in accordance with the Policy DM5 of the DPD.

Impact on Ecology and Trees

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

A Protected Species and Ecology Survey (by Scarborough Nixon Associates March 2014) was submitted with the application (and is the same survey submitted with the extant outline consent 14/01908/OUT). This concluded that *'the mature pine trees on site had features with some limited potential for use by bats. In order to comply with the latest guidelines, further survey work in the active season for bats will be required in order to fully establish the status of the site (including the trees) for bats'*. Notts Wildlife Trust raised no objection to the application at the time due to the further emergence surveys undertaken which confirmed that no bat roosts were identified in the trees or outbuildings, but the ecologist advised as many trees and hedgerows as possible to be retained.

I note that this survey is now considered out of date in accordance with best practice guidance and site circumstances may have changed. However, I also note that the outline planning consent is still extant and that the submitted Tree Survey also includes an assessment on the potential for protected species on site. On this basis, it is not considered essential to request an up to date survey. All trees were considered to have negligible or no roost potential albeit conditions requiring the provision of bat boxes and details of lighting in the interests of maintaining/encouraging biodiversity are recommended. An informative note advising the Applicant of their legal responsibilities in relation to protected species is also advised.

The site contains a number of significant mature trees and an up to date Tree Survey has been submitted with the application. Various tree works have already taken place on site under application no. 17/01408/TPO. All protected trees would be retained as part of the proposed development and the Tree Officer raises no objection to the development subject to the imposition of conditions relating to tree retention/protection and the submission of a landscape scheme.

Overall, the proposed development is unlikely to have an adverse impact upon ecology and it is not considered that the proposed development would result in the loss of natural features of importance in accordance with the aims of Core Policy 12 and Policy DM5. This is subject to conditions requiring mitigation for any loss in the form of a landscape scheme which would include tree and hedgerow planting and reinforcement.

Highways and Parking

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

The Highways Officer raises no objection to the proposal subject to conditions relating to the provision of the parking/turning areas and a bin collection point. Whilst the proposals would result in increased traffic movements in and out of the site, these movements are not considered to be so significant as to cause any adverse impact upon highway safety. As such, it is unlikely that the proposed development would result in any adverse impact upon highway safety and the proposals are therefore in accordance with the aims of Spatial Policy 7 and Policy DM5 of the DPD.

Drainage and Sewage

Core Policy 9 requires new development proposals to pro-actively manage surface water. The application proposed the disposal of foul sewage by mains sewer and connection to the existing drainage system, however no specific details have been provided at this stage. As such, it is recommended that a condition be imposed requiring the submission and approval of drainage plans for the disposal of surface water and foul sewage. This would ensure that the development is provided with a satisfactory means of drainage in accordance with the aims of the NPPF and Core Policy 9 of the Core Strategy and Policy DM10 of the DPD.

Conclusion

As a site located within Newark Urban Area, the principle of residential development on this site is considered acceptable. Subject to planning conditions, the proposed development would not result in any adverse impact upon the character and appearance of the Conservation Area or setting of any heritage assets including the Old Hall. In my view, this requirement tips the balance in favour of a development that does not fully comply with the density and housing mix requirement set out in policy. Nor is it considered that the proposal would result in any adverse impact upon residential amenity, highway safety, ecology or any important trees. Subject to the conditions below, the recommendation is for approval.

RECOMMENDATION

That full planning permission is approved subject to the conditions set out below:

Conditions

01

The development hereby permitted shall not begin later than three years from the date of this permission.

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

02

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

KS 533 – A106 Rev P4 Proposed Site Landscaping (revised plan received 21.05.2018)

KS 533 – A103 Rev P7 Proposed Site Block Plan and Site Visuals (revised plan received 21.05.2018)

KS 533 – A111 Rev P1 Proposed Plot 1 Dwelling (revised plan received 01.05.2018)

KS 533 – A112 Rev P1 Proposed Plot 2 Dwelling (revised plan received 01.05.2018)

KS 533 – A113 Rev P1 Proposed Plot 3 Dwelling (revised plan received 01.05.2018)

KS 533 – A114 Rev P1 Proposed Plot 4 Dwelling (revised plan received 01.05.2018)

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

Occupation of the proposed dwellings shall not take place until the parking/turning areas shown on drawing KS533-A103 Rev P7 have been provided. The parking and turning areas shall not be used for any purpose other than the parking and turning of vehicles, and shall be retained for the lifetime of the development.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking in the area in accordance with the aims of Spatial Policy 7 and Policy DM5 of the DPD.

04

Prior to the occupation of any dwelling hereby approved, details of a wheelie bin collection point to serve the development shall be submitted to the local planning authority. The wheelie bin collection point shall be located near to but not upon the adopted highway. Once approved in writing by the local planning authority, the wheelie bin collection point shall be provided in accordance with the approved details prior to the occupation of any of the dwellings hereby approved and shall thereafter be retained indefinitely.

Reason: To prevent wheelie bins obstructing the public highway, in the interests of highway safety in accordance with Spatial policy 7 and Policy DM5 of the DPD.

05

Prior to the occupation of the development, a scheme for the provision of external lighting shall be submitted to and approved in writing by the local planning authority. The scheme shall include full details of the locations, design, luminance levels, light spillage and hours of use of, and columns for all external lighting within the site and once approved in writing the approved scheme shall be implemented in full prior to the occupation of development.

Reason: To safeguard the amenity of the area and in the interests of biodiversity in accordance with Core Policy 12 of the Newark and Sherwood Core Strategy DPD (2011) and Policies DM5 and DM7 of the Newark and Sherwood Allocations and Development Management DPD (2013).

06

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

Reason: In the interests of maintain and enhancing biodiversity in accordance with the aims of the NPPF and Core Policy 12 of the Core Strategy and Policy DM7 of the A&DMDPD.

07

No development shall be commenced until samples of the materials for all aspects of the development identified below have been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be carried out in accordance with the approved details.

Facing materials

Bricks

Roofing materials

For the avoidance of doubt, pantiles shall be natural red clay of a non-interlocking variety.

Reason: In the interests of the character and appearance of the Conservation Area in accordance with the aims of the NPPF and Core Policy 14 of the Core Strategy and Policy DM9 of the DPD.

08

Prior to the construction of walls above the footings, a brick work sample panel showing brick work, bond, mortar mix and pointing technique shall be provided on site for inspection by and subsequent written approval by the local planning authority. The brick work shall be flush jointed using a lime based mortar mix. Development shall thereafter be carried out in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of the character and appearance of the Conservation Area in accordance with the aims of the NPPF and Core Policy 14 of the Core Strategy and Policy DM9 of the DPD.

09

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

External windows including roof windows, doors and their immediate surroundings, full height glazing, dormers including details of glazing and glazing bars. For the avoidance of doubt, all joinery shall be timber and the use of timber joinery shall be retained in perpetuity.

Chimneys

Treatment of window and door heads and cills

Verges and eaves

Rainwater goods

Any other external accretion including extractor vents, flues, meter boxes, airbricks and soil and vent pipes

Reason: In the interests of visual amenity and in order to safeguard the character and appearance of the Conservation Area in accordance with the aims of the NPPF and Core Policy 14 of the Core Strategy and Policy DM9 of the DPD.

10

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (and any order revoking, re-enacting or modifying that Order), other than development expressly authorised by this permission, there shall be no development under Schedule 2, Part 1 of the Order in respect of:

Class A: The enlargement, improvement or other alteration of a dwellinghouse, including extensions to the property and the insertion or replacement of doors and windows.

Class B: Additions etc. to the roof of a dwellinghouse.

Class C: Any other alteration to the roof of a dwellinghouse.

Class D: The erection or construction of a porch outside any external door of a dwellinghouse.

Class E: Development of building etc. incidental to the enjoyment of a dwellinghouse.

Class F: The provision or replacement of hard standing within the curtilage of a dwellinghouse.

Class G: The installation, alteration or replacement of a chimney, flue or soil and vent pipe on a dwellinghouse.

Class H: The installation, alteration or replacement of a microwave antenna on a dwellinghouse or within the curtilage of a dwellinghouse.

Or Schedule 2, Part 2:

Class A: The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure.

Class B: Means of access.

Class C: The painting of the exterior of any building.

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

Reason: To ensure that any proposed further alterations or extensions preserve the character and appearance of the Conservation Area in accordance with Policy CP 14 of the Core Strategy and Policies DM5 and DM9 of the Allocations and Development Plan Development Plan Document (DPD).

11

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

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

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

Reason: To preserve and protect existing trees and new trees which have and may have amenity value that contribute to the character and appearance of the Conservation Area in accordance with Policy CP 14 of the Core Strategy and Policies DM5 and DM9 of the Allocations and Development Plan Development Plan Document (DPD).

12

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 Local 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 soakaways 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 Conservation Area in accordance with Policy CP 14 of the Core Strategy and Policies DM5 and DM9 of the Allocations and Development Plan Development Plan Document (DPD).

13

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

a schedule (including planting plans and written specifications, including cultivation and other operations associated with plant and grass establishment) of trees, hedgerow, shrubs and other plants, noting species, plant sizes, proposed numbers, densities and approximate date of planting). For the avoidance of doubt, new planting should consist of native species only;

details of tree planting pits including associated irrigation measures, tree staking and guards.

car parking layout and materials;

other vehicle and pedestrian access and circulation areas;

hard surfacing materials including bin storage area.

Reason: In order to preserve the character and appearance of the Conservation Area and enhance biodiversity in accordance with Policy CP 14 of the Core Strategy and Policies DM5, DM7 and DM9 of the Allocations and Development Plan Development Plan Document (DPD).

14

The approved landscaping scheme shall be carried out within 6 months of the first occupation of any building or completion of the development, whichever is soonest or such longer period as may be agreed in writing by the Local Planning Authority. Any trees/shrubs which, within a period of seven years of being planted die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless otherwise agreed in writing by the local planning authority.

Reason: To ensure the work is carried out within a reasonable period and thereafter properly maintained and in order to preserve the character and appearance of the Conservation Area in accordance with Policy CP 14 of the Core Strategy and Policies DM5, DM7 and DM9 of the Allocations and Development Plan Development Plan Document (DPD).

15

Any clearance works of vegetation (lopped, topped, felled or otherwise removed), shall not be undertaken during the bird nesting period (beginning of March to end of August inclusive) unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that adequate provision is made for the protection of nesting birds on site in accordance with the aims of the NPPF and Core Policy 12 of the Core Strategy.

16

The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Reason: To ensure that the development is provided with a satisfactory means of drainage and to minimise the risk of pollution in accordance with the aims of the NPPF and Policy Core Policy 9 of the Core Strategy and Policy DM10 of the DPD.

Note to Applicant

01

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

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

02

This application has been the subject of 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 2010 (as amended).

03

In the event that any bat/s are found during demolition, work must stop immediately. If the bat/s does not voluntarily fly out, the aperture is to be carefully covered over to provide protection from the elements whilst leaving a small gap for the bat to escape should it so desire. The Bat Conservation Trust should be contacted immediately on (0845) 1300228 for further advice and they will provide a licensed bat worker to evaluate the situation and give advice. Failure to comply is an offence under the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2010 which makes it an offence to kill, injure or disturb a bat or to destroy any place used for rest or shelter by a bat (even if bats are not in residence at the time). The Countryside and Rights of Way Act 2000 strengthens the protection afforded to bats by covering 'reckless' damage or disturbance to a bat roost.

Background Papers - Application Case File

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

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

Matt Lamb

Business Manager – Growth & Regeneration

Committee Plan - 18/00357/FUL

