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**Friday, 27 April 2018**

**Chairman: Councillor D Payne  
Vice-Chairman: Councillor P Handley**

**Members of the Committee:**

**Councillor Mrs K Arnold  
Councillor R Blaney  
Councillor Mrs C Brooks  
Councillor B Crowe  
Councillor Mrs M Dobson  
Councillor J Lee  
Councillor N Mison**

**Councillor Mrs P Rainbow  
Councillor Mrs S Saddington  
Councillor Mrs L Tift  
Councillor I Walker  
Councillor B Wells  
Councillor Mrs Y Woodhead**

**MEETING: Planning Committee**

**DATE: Tuesday, 8 May 2018 at 4.00 pm**

**VENUE: Civic Suite, Castle House, Great North Road,  
Newark, Notts, NG24 1BY**

**You are hereby requested to attend the above Meeting to be held at the time/place  
and on the date mentioned above for the purpose of transacting the  
business on the Agenda as overleaf.**

If you have any queries please contact Catharine Saxton on [catharine.saxton@newark-sherwooddc.gov.uk](mailto:catharine.saxton@newark-sherwooddc.gov.uk).



## AGENDA

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1. Apologies for Absence	
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19. Exclusion of the Press and Public

To consider resolving that, under section 100A (4) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraphs 1, 2, 3 and 7 of part 1 of Schedule 12A of the Act.

None

#### **NOTES:-**

A Briefing Meeting will be held in Room F1, Castle House at 3.00 pm on the day of the meeting between the Business Manager – Growth & Regeneration, the Chairman and Vice-Chairman of the Committee to consider late representations received after the Agenda was published.



## NEWARK AND SHERWOOD DISTRICT COUNCIL

Minutes of the Meeting of the **PLANNING COMMITTEE** held in the Civic Suite, Castle House, Newark on Tuesday, 3 April 2018 at 4.00pm.

PRESENT: Councillor D.R. Payne (Chairman)  
Councillor G.P. Handley (Vice-Chairman)

Councillors: Mrs K. Arnold, R.V. Blaney, Mrs A.C. Brooks, R.A. Crowe, Mrs M. Dobson, J.D. Lee, N.B. Mison, Mrs P.J. Rainbow, I. Walker, B. Wells and Mrs Y. Woodhead.

ALSO IN

ATTENDANCE: Councillors: R.J. Jackson and T. Wendels

### 224. APOLOGY FOR ABSENCE

An apology for absence was received on behalf of Councillor Mrs L.M.J. Tift.

### 225. DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS

NOTED that no Member or Officer declared any interest pursuant to any statutory requirement in any matter discussed or voted upon at the meeting.

Prior to the commencement of the meeting, the Chairman advised those in attendance that Agenda Item No. 6 (Land North of Petersmith Drive, Ollerton (17/00595/FULM)) and Agenda Item No. 10 (Land at Junction with Beckingham Road, Brownlows Hill, Coddington (18/00168/FUL)) had been withdrawn from the Agenda.

### 226. DECLARATION OF ANY INTENTIONS TO RECORD THE MEETING

The Chairman informed the Committee that the Council was undertaking an audio recording of the meeting.

### 227. MINUTES OF THE MEETING HELD ON 6 MARCH 2018

Minutes of Meeting held on 6 February 2018 - Minute No. 191 – Land Off Sandhills Sconce, Tolney Lane, Newark (17/00954/FUL)

The proposed amendment to Minute No. 191 as referred to above remained incorrect and the wording of the preamble to the decision should be as follows:

“Members considered the application and referred to the Gypsy and Traveller accommodation discussions that took place at the Plan Review Examination In Public which had taken place the previous week. The position on need and supply would be clarified in the coming months when the position of the GTAA was clarified. The Planning Inspector following a previous hearing regarding this site had reported that they could not justify permanent planning permission and as nothing had changed regarding the flood risk and as there was still some eight months to run on the existing temporary permission it was considered that **neither a temporary or** a permanent permission should not be granted.

AGREED that subject to the above amendment the Minutes of the meetings held on 6 February 2018 and 6 March 2018 be approved as a correct record and signed by the Chairman.

228. J. HARRISON LTD., SOUTHWELL ROAD, LOWDHAM (17/01616/FUL)

The Committee considered the report of the Business Manager – Growth & Regeneration following a site visit prior to the meeting which sought full planning permission for the change of use of the existing car workshop/showroom and outdoor sales to local convenience store (Retail A1) incorporating relocation of Gonalston Farm Shop (Retail A1), ancillary coffee shop franchise and new local allotment provision. It was reported that the local convenience store building would contain the following: spar market 259sqm; café 81sqm; Gonalston Farm Shop 108sqm; communal entrance 35sqm; and preparation/storage/office area 117sqm.

Councillor T. Wendels, the local Ward Member for Lowdham spoke in support of the application.

A schedule of communication was tabled at the meeting which detailed correspondence received after the Agenda was published from the applicant.

In considering the application Members noted that the section in relation to the Gonalston Farm Shop was for an A1 Retail use which was unrestricted and, if approved, would allow the future usage to be changed without the need for further planning permission. It was also noted that a Retail Impact Assessment had not been undertaken by the applicant as they had been advised by their agents that this was not necessary in accordance with the Council's current planning policy. It was, however, noted that the planning policy was under review and the square metre threshold for a development requiring that an assessment be carried out had been reduced with Members stating that should the application be approved without receipt of the assessment it would signal that they did not support their own policy.

Following consideration of the application the Chairman advised Members that the Applicant's Agents had indicated that they were willing to undertake a proportionate Retail Impact Assessment.

AGREED (unanimously) that the application be deferred pending the submission of a proportionate Retail Impact Assessment.

229. 7 LANDSEER ROAD, SOUTHWELL (17/02136/FUL)

The Committee considered the report of the Business Manager – Growth & Regeneration following a site visit prior to the meeting which sought planning permission for the demolition of the existing single garage and its replacement with a two storey garage/annexe building set back approximately 11m from the roadside.

A schedule of communication was tabled at the meeting which detailed correspondence received after the Agenda was published from the Applicant, a Planning Officer and a near neighbour.

In considering the application Members felt that the proposed development was of poor design, wrongly situated on the site and should have been attached to the host property.

AGREED (with 12 votes for and 1 vote against) that planning permission be refused for the reasons contained within the report.

230. LAND ADJACENT TO MANOR FARM, MOOR LAND, EAST STOKE (17/01986/FUL)

The Committee considered the report of the Business Manager – Growth & Regeneration following a site visit prior to the meeting which sought full planning permission for the erection of a 2-bedroomed bungalow and garage (in the form of a detached car port).

In considering the application a Member commented that although the Conservation Officer had not supported the proposal, damage had already been done to the area from previous developments. Other Members indicated that the situation should not be further exacerbated by approving the application before them.

AGREED (with 10 votes for and 3 votes against) that planning permission be refused for the reasons contained within the report.

231. MANOR FARM COTTAGE, MAIN STREET, THORPE (17/02052/FUL)

The Committee considered the report of the Business Manager – Growth & Regeneration following a site visit prior to the meeting which sought full planning permission for the demolition of the existing dwelling and outbuildings at the site and the erection of a detached 4-bedroomed, 2 storey dwelling with a link attached double garage and shed.

Councillor Mrs M. Cherry-Downes representing East Stoke with Thorpe Parish Council spoke in support of the application.

In considering the application Members agreed that the proposed demolition of the existing dwelling and outbuildings was to be welcomed and that the design of the replacement dwelling, garage and shed was to be welcomed. Members noted that the hamlet of Thorpe was not within a conservation area and considered that the proposal would not be of detriment to the area.

AGREED (with 12 votes for and 1 vote against) that full planning permission be approved subject to conditions considered appropriate by Planning Officers.

In accordance with paragraph 12.5 of the Planning Protocol, as the motion was against Officer recommendations, a recorded vote was taken as follows:

<b>Councillor</b>	<b>Vote</b>
Mrs K. Arnold	For
R.V. Blaney	For
Mrs A.C. Brooks	Against
R.A. Crowe	For

Mrs M. Dobson	For
G.P. Handley	For
J. Lee	For
N. Mison	For
D.R. Payne	For
Mrs P. Rainbow	For
Mrs S.E. Saddington	For
Mrs L.M.J. Tift	For
I. Walker	For
B. Wells	For
Mrs Y. Woodhead	For

232. 10 CRAB LANE, NORTH MUSKHAM (18/00015/FUL)

The Committee considered the report of the Business Manager – Growth & Regeneration following a site visit prior to the meeting which sought full planning permission for a revised scheme for the erection of a three bedroomed dormer bungalow and the creation of a passing space at the front of the site.

A schedule of communication was tabled at the meeting which detailed correspondence received after the Agenda was published from a neighbour; NCC Highways; and the Parish Council.

In considering the application Members felt that the proposal was acceptable.

AGREED (unanimously) that full planning permission be approved subject to the conditions and reasons contained within the report.

233. LAND AT CHURCH LANE, MAPLEBECK (17/02337/FUL)

The Committee considered the report of the Business Manager – Growth & Regeneration which sought full planning permission for the erection of a detached 4 bedroomed single storey dwelling with basement level accommodation in an up-side down arrangements with bedrooms and bathroom located within the basement level and living accommodation within the ground floor level.

In considering the application a Member commented that the whole of the basement was below ground level and did not appear to make use of the falling levels of land with earth having been scooped out to allow the installation of windows in the bedrooms. Other Members felt that the design of the proposed dwelling was acceptable.

*Councillor J. Lee was absent for the Officer presentation and did not vote on this application.*

AGREED (with 8 votes for and 4 against) that full planning permission be approved subject to the conditions contained within the report.

234. KEEPERS COTTAGE, GREAT NORTH ROAD, NEWARK (18/00436/FUL)

The Committee considered the report of the Business Manager – Growth & Regeneration which sought full planning permission for the change of use of the building to offices: from A2 Use Class (financial and professional services) to Use Class B1 offices.

A schedule of communication was tabled at the meeting which detailed correspondence received after the Agenda was published from Newark Town Council.

In considering the application Members felt that the proposal was acceptable.

AGREED (unanimously) that planning permission be approved subject to the conditions and reasons contained in the report and subject to no additional consultation responses being raised which raise any new material matters not already discussed within the Officer report being received. The consultation period expires on 5 April 2018.

235. FIELD REFERENCE NO. 7108, EAKRING ROAD, BILSTHORPE (17/01139/OUTM)(MAJOR)

The Committee considered the report of the Business Manager – Growth & Regeneration which sought outline planning permission for a mixed use development comprising up to 85 residential units and up to 280m<sup>2</sup> of Class A1 retail space as well as associated access works.

In considering the application Members noted that the matter had been deferred from the previous meeting in order to allow negotiations to take place with the applicant regarding the viability of the proposal. Following such negotiations the applicant had confirmed that they were willing to increase the proportion of affordable dwellings from 5% to 10%.

Members discussed the issue in relation to the applicant's position in terms of the support for the A614 and Mickledale Lane junction being delivered early through the CIL 123 list and noted that any variation to that list would need to be approved by the Economic Development Committee. It was further noted that the Council's single identified priority for use of the CIL monies was the footbridge over the A1.

A Member commented that whilst she was not opposed to the development she had concerns about the amount of additional traffic using the A614 and the associated problems this may create.

AGREED (with 12 votes for and 1 abstention) that planning permission be granted subject to the conditions contained in the report and the completion of a Section 106 Agreement.

236. LAND AT EASTFIELD CLOSE, CLIPSTONE (18/00401/FUL)

The Committee considered the report of the Business Manager – Growth & Regeneration which sought to vary conditions 2 and 7 of Planning Permission 16/02172/FUL granted in February 2017 for the erection of 2 dwellings and the provision of replacement public parking spaces.

A schedule of communication was tabled at the meeting which detailed correspondence received after the Agenda was published from Clipstone Parish Council.

In considering the application Members felt that the proposal was acceptable.

AGREED (unanimously) that full planning permission be approved subject to the conditions contained in the report.

237. APPEALS LODGED

AGREED that the report be noted.

238. APPEALS DETERMINED

AGREED that the report be noted.

The meeting closed at 6.17pm

<b>Application No:</b>	<b>17/01266/OUTM (MAJOR)</b>
<b>Proposal:</b>	<b>Outline planning application for the construction of up to 350 dwellings; formal and informal open space, structural green space, surface water drainage infrastructure and access from the B6326. All other matters to be reserved</b>
<b>Location:</b>	<b>Land At Fernwood Meadows South Great North Road Fernwood Newark</b>
<b>Applicant:</b>	<b>Mrs Hannah Guy – Larkfleet Homes</b>
<b>Registered:</b>	<b>19.07.2017</b>
	<b>Target Date: 08.11.2017 Extension of Time Agreed in Principle</b>

**The application is being referred to Planning Committee in acknowledgement of the scale and strategic nature of the development. In addition the Parish Council object to the application which differs to the professional officer recommendation.**

### Existing Site Context

The existing settlement of Fernwood lies south of Balderton and comprises approximately 1133 dwellings on the site of the former Balderton Hospital and its extensive grounds. Some of the dwellings, Dale Crescent (to the north-west) and those on Spring Drive were already in existence and were originally associated with the former hospital but the majority (c1,099) are modern, newly built dwellings designed and constructed as part of the new village that was conceived in the early 1990's and delivered over various phases since. The main spine round that loops around the estate has now been adopted by the County Council, albeit some of the estate to the north-east is not yet adopted.

There is an existing local centre within Fernwood village which is located centrally. This comprises a Village hall, Children's Day Nursery, 'One Stop' Convenience Store with some smaller retail units adjacent. There is also an Annexe of Chuter Ede Primary School (built in 2012) located to the north-eastern corner of the site which originally catered for 75 pupils and had 3 classrooms. This has been extended (known as Phase 2) and now has capacity for 210 pupils (single form entry). Balderton Hall, a former private banker's residence dated 1840 and now commercial offices remain on site as does the former water tower, a local landmark building which remains unconverted.

The development is set amongst areas of public open space, punctuated by mature trees (many of which are protected by preservation orders) and there is recreational space on site which includes a football pitch, 3 tennis courts and children's play areas.

The existing settlement is accessed off the B6326 Great North Road (which leads from the A1 Trunk Road towards Balderton) via two roundabouts. The existing settlement is bound to the east by Spring Lane, to the south by Hollowdyke Lane and to the west by the B6326 Great North Road. To the north there is an open field and beyond this is the A1.

To the west of the B6326 is a site identified as a high quality B1 Business Park. Development that has taken place so far includes some offices to the north-west, a public house (The Tawny Owl) and Lancaster Care Home.

### The Application Site

The application site comprises approximately 22.61 hectares of agricultural land situated to the south of the existing village of Fernwood on the south eastern edge of the administrative boundary for District. The existing built form of Fernwood village is situated immediately adjacent to the northern boundary of the site separated by Hollowdyke Lane. Other nearby settlements include the village of Claypole to the south east of the site. The site forms part of the wider Fernwood allocation and as such land immediately to the south is subject to an application for further residential development as discussed at length below.

The site comprises two agricultural fields with a mix of arable crops. Boundaries are defined by the Shire Dyke to the east (which also forms the administrative boundary of Newark and Sherwood and South Kesteven District Councils, the latter of which falls under Lincolnshire County Council); the existing road network to the west (namely the B6326 Great North Road) and the aforementioned neighbouring land uses to the north and south.

The red line site location plan incorporates areas of the highway network to allow the development to apply appropriate mitigation measures. To the north western corner of the site there is an existing balancing pond which is excluded from the red line site location plan.

There are a number of constraints which affect the site including the existence of a gas pipeline which runs north to south towards the east of the site. The smaller field towards the east of the site falls within Flood Zone 3 according to the Environment Agency maps. There is also a small element of the site towards the eastern boundary which falls within Flood Zone 2. This is owing to the flood plain extremities of the River Witham which runs south to north further east of the site. The majority of the site is within Flood Zone 1. The topography of the site is relatively flat.

The Shire Dyke is classified as a site of local interest in nature conservation on the basis of being a representative stretch of a species rich drain. Other nearby designations include Cowtham House 'arable weeds' along a field margin on the opposite side of the A1 and the Bantycok Gypsum pit recognized for its geological contributions in terms of showing a complete geological succession of the area.

There are no public rights of way within the site itself. There is however a footpath on the south side of the Shire Dyke. There are belts of trees protected by Tree Preservation Orders in the existing village of Fernwood to the north of the site (but not within the site itself).

### Relevant Planning History

The application site is primarily greenfield and therefore there is no formal planning history in relation to the application site in terms of individual planning applications other than the request for a scoping opinion which the LPA responded to in April 2017 (reference 17/SCO/00001). The application has also had pre-application discussions with the LPA.

There are however relevant planning applications on land surrounding the site. The most relevant of which are summarised below:



14/00465/OUTM - Proposed residential development for up to 1050 dwellings and associated facilities (Education & Recreation) infrastructure and utilities; application for outline planning permission (including access) – *Application approved December 2017. Application by Barratts/David Wilson Homes (BDW) Reserved matters application currently pending consideration reference 18/00526/RMAM.*

16/00506/OUTM - Outline planning application for a phased residential development of up to 1,800 dwellings; a mixed use Local Centre of up to 0.75ha to include up to 535sqm of A1 food retail (not exceeding 420sqm) and non-food retail (not exceeding 115sqm), A3 food and drink uses (not exceeding 115sqm), D1 community uses (not exceeding 1,413sqm); sports pavilion up to 252sqm; primary school (2.2ha) with school expansion land (0.8ha); formal and informal open space including sports pitches, pocket parks, structural landscaping / greenspace and drainage infrastructure; principal means of access, internal roads and associated works. All other matters to be reserved. – *Application pending (Members were minded to approved the application at Committee in September 2016 however it is likely that the application will come before Members again on the basis of a revised viability position). Application by Persimmon Homes.*

Background

The land around Fernwood is identified as a strategic site (NAP 2C) as part of Newark’s Growth Point status which is set out in the Council’s Core Strategy. This strategic site has been identified for a mixed use development for in the region of 3,200 dwellings, a business park, local centre comprising retail, service, employment and community uses and associated green transport and other infrastructure.

In 2006 the Council secured Growth Point status, with Greater Fernwood (the expansion of the existing Fernwood including this application site), Land South of Newark, and Land East of Newark being allocated in the Core Strategy (2011) as Strategic Urban Extension (SUE) sites to accommodate the majority of Growth across Newark and Sherwood District. Each of the SUE sites remains critical to this Authority delivering on the housing numbers committed to (and the associated infrastructure).

The Proposal

Outline consent is sought for a residential scheme of up to 350 dwellings with associated areas of public open space; green and drainage infrastructure. The proposal would include a mix of open market and affordable dwellings. The application has been submitted on the basis of all matters except access being reserved. Access to the site would be by a new roundabout from the B6326. Despite the outline nature of the proposals, the Planning Statement has allowed for the following mix of land uses:

Land Use	Land Area (ha)
<i>Developable Housing Area (up to 350 units)</i>	9.67
<i>P.O.S</i>	2.95
<i>Infrastructure (Roads)</i>	3.68
<i>SUDS</i>	1.35
<i>Wild Flower Meadow</i>	2.9
<i>Allotments</i>	0.41
<i>Total Area</i>	20.99

The development is intended to be delivered over four phases in a west to east direction across the site.

The application has been accompanied by a full Environmental Statement of three volumes comprising a Non-technical summary, the main report and associated figures and appendices. Other submissions include the following documents:

- A suite of Parameters Plans:
  - Application Boundary
  - Land Use
  - Green Infrastructure
  - Access and Connectivity
  - Phasing
  - Masterplan
- Planning Statement;
- Design and Access Statement (D&AS);
- Transport Assessment;
- Residential Travel Plan;
- Statement of Community Involvement;
- Arboricultural Report;
- Phase 1 Habitat Survey;
- Built Heritage Assessment;
- Flood Risk Assessment;
- Air Quality Assessment; and
- Affordable Housing Statement.

#### Departure/Public Advertisement Procedure

Letters have been sent notifying of the application to all existing residents of Fernwood village as well as neighbouring properties in close proximity to the site. Site notices have been placed at varying locations around the site. An advert has also been placed in the local press.

#### Planning Policy Framework

##### The Development Plan

##### **Fernwood Neighbourhood Plan (made October 2017)**

- NP1: Design Principles for New Development
- NP2: Housing Type
- NP3: Residential Parking on New Development
- NP5: Green Spaces, Landscaping and Biodiversity
- NP7: Supporting Better Movement and Connections
- NP8: Enhancing the Provision of Community Facilities

##### **Newark and Sherwood Core Strategy DPD (adopted March 2011)**

- Spatial Policy 1            Settlement Hierarchy
- Spatial Policy 2            Spatial Distribution of Growth
- Spatial Policy 5            Delivering Strategic Sites
- Spatial Policy 6            Infrastructure for Growth

- Spatial Policy 7 Sustainable Transport
- Spatial Policy 8 Protecting and Promoting Leisure and Community Facilities
- Core Policy 1 Affordable Housing Provision
- Core Policy 3 Housing Mix, Type, and Density
- Core Policy 6 Shaping our Employment Profile
- Core Policy 9 Sustainable Design
- Core Policy 10 Climate Change
- Core Policy 12 Biodiversity and Green Infrastructure
- Core Policy 13 Landscape Character
- Core Policy 14 Historic Environment
- Area Policy NAP 2C Land Around Fernwood

#### **Allocations & Development Management DPD**

- Policy DM1 Development within Settlements Central to Delivering the Spatial Strategy
- Policy DM2 Development on Allocated Sites
- Policy DM3 Developer Contributions
- Policy DM4 Renewable and Low Carbon Energy Generation
- Policy DM5 Design
- Policy DM7 Biodiversity and Green Infrastructure
- Policy DM9 Protecting and Enhancing the Historic Environment
- Policy DM10 Pollution and Hazardous Materials
- Policy DM12 Presumption in Favour of Sustainable Development

#### **Other Material Planning Considerations**

- Newark and Sherwood Affordable Housing SPD (June 2013)
- Newark and Sherwood Developer Contributions SPD (December 2013)
- Newark and Sherwood Landscape Character Assessment SPD (December 2013)
- National Planning Policy Framework 2012 and its Technical Guidance.
- National Planning Policy Guidance, March 2014.

#### Consultations

##### **Fernwood Parish Council – Comments received 18<sup>th</sup> September 2017:**

‘Object to the proposal (unanimously)

The current road infrastructure is not adequate to serve 350 extra houses (as well as the 2850 other houses planned for Fernwood - 1800 houses being built by Persimmon and 1050 by BDWH.) – adverse impact on B6326.

In line with Fernwood Parish Council’s strategy, we do not support this application with a residents’ management company.

The lack of amenities and retail units for this proposal is also a concern.’

##### *Further comments received 22<sup>nd</sup> September 2017:*

‘The Parish Council Resolved to Object to the above application at its meeting on 18<sup>th</sup> September 2017 for the following reasons:

## 1. Traffic

The current road infrastructure is not adequate to serve 350 extra houses (as well as the 2850 other houses planned for Fernwood – 1800 houses being built by Persimmon and 1050 by Barratts/David Wilson Homes). This will have an adverse impact on B6326. The Core Strategy acknowledges strategic highway infrastructure improvements will be required at various locations on the rural highway network within the District.

## 2. Community

The National Planning Policy Frameworks states ‘decisions should plan positively for the provision and use of shared space, community facilities.... Ensure an integrated approach to considering the location of housing, economic uses and community facilities and services. If each development in Fernwood has a different management company this will not give an integrated approach. In line with Fernwood Parish Council’s strategy, we do not support this application with a residents management company.

## 3. Amenities

The lack of amenities and retail units for this proposal is also a concern for the Parish Council.

**Barnby Parish Council** – No comments received.

**Balderton Parish Council** – No comments received.

**Newark Town Council** - No Objection was raised to this application at Newark Town Council's Planning Meeting held on 2nd August, 2017.

**Hawton Parish Council** - No comments received.

**Farndon Parish Council** - No comments received.

**Cotham Parish Council** - No comments received.

**Coddington Parish Council** – *Comments received 18<sup>th</sup> September 2017:*

‘Coddington Parish Council (CPC) supports the Proposal for Fernwood Meadows South and has studied with particular interest the various Transport or Highways documents which discuss Hollowdyke Lane. It is a matter of record that CPC has regularly raised concerns, since the 2010/11 Growth Point consultation, regarding the use of the C83 (Main Street/Coddington Road/Balderton Lane) as a “rat-run” between Balderton/Fernwood, via Coddington, and the A1, A17 and A46; CPC engaged its own consultants to study the issue. The use of Hollowdyke Lane, Fernwood, as an entry/exit point for the C83 was always a leading concern and CPC forwarded the applicant, as part of the Public Consultation, a letter summarising our responses to the two most recent Fernwood applications (14/00465/OUTM-Fernwood North/BDW) and 16/00506/OUTM-Fernwood South/PEMH). In those responses CPC had welcomed the provision to convert the northern end of Hollowdyke Lane to a ‘bus-only’ link-up to Coddington Road in Balderton, as part of the development’s sustainable transport package. This would allow only pedestrian, cyclist, public transport and, if required, agricultural vehicle access on to Hollowdyke Lane from the C83. The current application’s TA has no reference to this area of concern.

The applicant (Statement of Community Involvement pp 22-23 responses) stated that there would be no direct [vehicle] access to Hollowdyke Lane, *subject to future local authority requirements*. That caveat has already been broached in the Nottinghamshire County Council (NCC) letter (Mr Portman) dated 30 August 2017 where on page 4 (4<sup>th</sup> para) the requirement for greater intra-Fernwood north/south connectivity (in our view an essential need) will entail linkage to Hollowdyke Lane. Separately, and most reassuringly for CPC, NCC also wrote, on 5 September 2017, regarding 14/00465/OUTM(BDW) and Section 106 Agreement conditions, with Condition No 5 requiring, in essence, to restrict Hollowdyke Lane – Main Street access to buses and cycles only “*unless otherwise agreed in writing*” (CPC italics). Generally, CPC is wary of caveats and will continue to monitor, and challenge as necessary, in respect of Hollowdyke Lane. Coddington village has already experienced a substantial increase in traffic on its roads, arising from the C83 route and the growth of Fernwood hitherto. Sustained, growth-associated, open use of the Hollowdyke Lane/C83 junction, after completion of the BDW development, would exacerbate these conditions, damaging the living environment of residents, creating congestion for all road users, and causing danger, particularly to children and parents entering and leaving Coddington School.’

**South Kesteven District Council** – ‘The above proposal has been considered by this Authority and on the 23<sup>rd</sup> August it was resolved that this Council wishes to make the following comments:’

1. It is considered that having regard to the nature and scale of the proposed development and the development already agreed on adjacent sites South Kesteven District Council has no fundamental objection to the proposal.

However, as the site is adjacent to the district boundary we would request that NSDC carefully considered the following points:

- (i) The impact on the setting of grade I listed St Peters Church Claypole must be carefully considered as it is a very prominent landmark and has an extensive landscape setting, especially when viewed from the west, northwest and south west. NSDC must be satisfied that any harm to the setting is adequately mitigated.
- (ii) The proposal is likely to lead to a significant increase in traffic through Claypole and other villages in SK beyond Claypole, particularly on occasions when the A1 is blocked. NSDC must be satisfied that adequate provision is made to mitigate the impact. We would advise that LCC Highways be consulted if they haven’t already.
- (iii) The edge of the development which runs along the boundary with SK should be sensitively landscaped to ensure that visual impact (from views within SK) is minimised.

**Claypole Parish Council** - No comments received.

**Highways England** – ‘Referring to the planning application referenced above, consultation dated 20 July 2017, regarding the outline planning application for the construction of up to 350 dwellings; formal and informal open space, structural green space, surface water drainage infrastructure and access from the B6326, located at Fernwood Meadows South, Great North Road, Fernwood, Newark, notice is hereby given that Highways England’s formal recommendation is that we:

- b) recommend that conditions should be attached to any planning permission that may be granted (see Annex A – Highways England recommended Planning Conditions);

Highways Act Section 175B is not relevant to this application.

This represents Highways England's formal recommendation and is copied to the Department for Transport as per the terms of our Licence.

Should you disagree with this recommendation you should consult the Secretary of State for Transport, as per the Town and Country Planning (Development Affecting Trunk Roads) Direction 2015, via [transportplanning@dft.gsi.gov.uk](mailto:transportplanning@dft.gsi.gov.uk).

HIGHWAYS ENGLAND ("we") has been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

This response represents our formal recommendations with regard to planning application 17/01266/OUTM and has been prepared by Scarlett Griffiths.

The proposed site is located at land approximately 400m to the east of the A1 at Fernwood, Newark-on-Trent, and is situated immediately to the south of the Fernwood North site (14/00465/OUTM) and north of the Fernwood South site (16/00506/OUTM). All development traffic from these sites are expected to impact on the SRN at the A1 off-slip / Goldstraw Lane roundabout and the at-grade priority B6326 / A1 junction to the south of Fernwood, however we are content that the cumulative impacts from the wider allocation can be accommodated by the package of mitigation works previously agreed and conditioned to the Fernwood North and Fernwood South applications, detailed as follows:

The Fernwood North relevant condition states that:

- *No more than 100 dwellings of the proposed development hereby approved shall be occupied until improvements to the B6326 / Goldstraw Lane roundabout as shown in Waterman drawing Goldstraw Lane Roundabout dated 24/07/2015 are complete and open to traffic...*

The Fernwood South relevant conditions state that:

- *Prior to the occupation of 100 dwellings, improvements to the A1 / B6326 junction (as shown in Milestone drawing 14106/037) are complete and open to traffic...*
- *Prior to the occupation of 900 dwellings, improvements to the A1 / B6326 junction (as shown in Milestone drawing 14106/027 revision C) are complete and open to traffic...*

From review of the Transport Assessment (TA) submitted in support of this application, the impacts of the Fernwood Meadows South development at the southern A1 junction are acknowledged in Paragraph 8.7 where it is proposed that should occupation of 100 dwellings be reached prior to Fernwood South site reaching its 100 dwelling trigger for mitigation works, the Fernwood Meadows South development shall deliver these works. This is welcomed, however no reference is made to the impacts on the Goldstraw Lane roundabout which TA Figure 10 predicts will result in an increase of 240 two-way trips in the worst case AM peak.

The risk exists that should this development progress prior to the adjacent sites reaching their trigger point for delivering mitigation, resulting impacts on the A1 in terms of network capacity and safety concerns may not be addressed.

To address this risk, Highways England would wish to better understand the agreement between the developers through further discussion with the LPA to ensure the continued safe and effective operation of the SRN whilst best supporting the progress of the developments.

In order to support the LPA in determining this outline application, unless further details are provided by the applicant to support alternative trigger points for delivery of the agreed mitigation, Highways England recommends the following planning conditions be attached to any grant of consent:-

1. No more than 100 dwellings of the proposed development hereby approved shall be occupied until improvements to the B6326 / Goldstraw Lane roundabout in broad accordance with that shown in Waterman drawing Goldstraw Lane Roundabout dated 24/07/2015 are submitted to and agreed by the Local Planning Authority in consultation with Nottinghamshire County Council (acting as Local Highway Authority) and Highways England, subject to Detailed Design and Road Safety Audit, and are complete and open to traffic.
2. No more than 100 dwellings of the proposed development hereby approved shall be occupied until improvements to the A1 / B6326 junction in broad accordance with that shown in Milestone drawing 14106/037 are submitted to and agreed by the Local Planning Authority in consultation with Nottinghamshire County Council (acting as Local Highway Authority) and Highways England, subject to Detailed Design and Road Safety Audit, and are complete and open to traffic.

Reason: To ensure that the A1 Trunk Road continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10(2) of the Highways Act 1980, in the interests of road safety.

**Nottinghamshire County Council Highways – Comments dated 13<sup>th</sup> September 2017:**

‘The transport implications of the proposed Greater Fernwood development which includes this proposed development of 350 houses by Larkfleet Homes have been looked at in the recent past and modelled using the Newark Traffic Model. A package of highway mitigation measures was identified for the whole Greater Fernwood development proposals and trigger points set for developers to meet to deliver those improvements. Included in the measures is the improvement to the B6326 bridge over the A1 which will be delivered via the District Council using CIL contributions.

In respect of this planning application the applicant will be required to fund an improvement of the London Road/ B6326 Great North Road / A1 northbound slip road roundabout identified within the submitted Transport Assessment.

The developer will clearly be responsible for providing the site access roundabout, too, on to the B6326. The B6326 roundabout access is acceptable *in principle* but is still undergoing a design check. However, given that the site frontage is sufficient to allow any modifications to the design to take place, it is expected that an acceptable access arrangement can be agreed, particularly since pre-application advice has been acted upon.

*The Planning Authority may wish to consider whether this requirement should be presented in more detail as part of this outline application where access is to be determined, or suitably conditioned given that the main access off the B6326 is acceptable in principle.*

The access roundabout drawing submitted (TR-001-S2-P2) shows this roundabout tying in with an agreed proposal to narrow the B6326 Great North Road to 7.3m to allow the construction of a shared-use cycle/footway on its eastern side. This improvement was agreed as part of the Persimmon development to the south (App. 16/00506/OUTM). Should the development subject to this application come forward before the Persimmon development, then it is reasonable to expect Larkfleet Homes to carry out the same improvement between their site and the Dale Way junction to cater for pedestrian and cycle trips generated by their development.

Notwithstanding the submitted Masterplan (assumed to be indicative only) it is imperative that, subject to a specified trigger, full access (including that for motor vehicles) be provided off Hollowdyke Lane.

In addition, given the standard of Hollowdyke Lane as a single track lane (with possible passing places, subject to other permissions) it is reasonable to expect this Lane to be closed off to motor vehicle traffic once a new road link between Hollowdyke Lane and the B6326 Great North Road, through this development, is made available. Associated with this is the need to set a trigger for the delivery of this road link. Also, it will be necessary to impose a Traffic Regulation Order to prohibit motor vehicles using Hollowdyke Lane at its junction with B6326 Great North Road, or a similar scheme to be agreed with the Highway Authority. For the sake of clarity, such a restriction would need to be implemented at the discretion of the Highway Authority and will take account of the use of Hollowdyke Lane for construction vehicles associated with this or other development in the area, and the delivery of an alternative route through the development. The proposed introduction of a Traffic Regulation Order can only be made by the Highway Authority, Nottinghamshire County Council, and the legal and implementation costs associated with it need to be met by the developer under a Section 106 Agreement. This will include signs, bollards, minor kerb works, etc. to the satisfaction of the Highway Authority.

Full road/vehicular links should also be provided between this development and the adjacent, planning- approved Persimmon development to the south.

The Travel Plan is still being finalised for agreement. Meanwhile a condition may be applied for revised submissions to be made and agreed (*example below*).

Suggested Conditions:

*No part of the development hereby permitted shall be occupied until a Travel Plan has been submitted to and approved in writing by the local planning authority. The Travel Plan shall set out proposals (including targets, a timetable and enforcement mechanism) to promote travel by sustainable modes which are acceptable to the local planning authority and shall include arrangements for monitoring of progress of the proposals. The Travel Plan shall be implemented in accordance with the timetable set out in that plan unless otherwise agreed in writing by the local planning authority.*

Reason: To promote sustainable travel.

No part of the development hereby permitted shall take place until details of the new development road layout have been submitted to and approved in writing by the Local Planning Authority including drainage and outfall proposals. The development shall be implemented in



accordance with these details to the satisfaction of the Local Planning Authority. Such details shall include for potential bus routes, and full access connections with Hollowdyke Lane and adjacent land to the south.

Reason: To ensure the development is constructed to adoptable standards.

No more than 300 dwellings forming part of the development hereby approved shall be occupied unless and until a road link catering for vehicles and pedestrians is constructed in accordance with a scheme which shall be firstly submitted to an approved in writing by the LPA and made available for public use between Hollowdyke Lane and the B6326 Great North Road.

Reason: To provide connectivity and permeability between areas of development and promote sustainable travel.

No more than 100 dwellings forming part of the development hereby approved shall be occupied unless and until improvements to the B6326 Great North Road between the main access roundabout and the Dale Way junction have been made to reduce the carriageway to 7.3m, provide street lighting, and a cycle/footway on the east side of the B6326 in accordance with details to be first submitted to and agreed in writing by the LPA.

Reason: To promote sustainable travel.

No more than 300 dwellings forming part of the development hereby approved shall be occupied unless and until improvements to the B6326 Great North Road/London Road/A1 Slip Road have been made to improve capacity in accordance with details to be first submitted to and agreed in writing by the LPA, but shown *indicatively* on Waterman's drawing 210354-010.

Reason: In the interests of highway safety and capacity.

Prior to the occupation of 100 dwellings, improvements to the A1 / B6326 junction (*as shown in Milestone drawing 14106/037*) are complete and open to traffic, subject to Detailed Design and Road Safety Audit.

Reason: To ensure that the A1 continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10(2) of the Highways Act 1980 by minimising disruption on the motorway resulting from traffic entering and emerging from the application site and in the interests of road safety.

Notes to Applicant:

The applicant should note that notwithstanding any planning permission that if any highway forming part of the development is to be adopted by the Highways Authority. The new roads and any highway drainage will be required to comply with the Nottinghamshire County Council's current highway design guidance and specification for roadworks.

The Advanced Payments Code in the Highways Act 1980 applies and under section 219 of the Act payment will be required from the owner of the land fronting a private street on which a new building is to be erected. The developer should contact the Highway Authority with regard to compliance with the Code, or alternatively to the issue of a Section 38 Agreement and bond under the Highways Act 1980. In order to carry out the off-site works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works

you will need to enter into an agreement under Section 278 of the Act with the Highway Authority.

**NCC Highways Travel Plan** - The residential travel plan for Fernwood Meadow, Newark has been reviewed and the comments are below:

The main concern is the statement in para 7.1 that this is a sustainable location: the TP seems to place great emphasis on the Persimmon Homes East Midlands (PHEM) development – Fernwood South, both in terms of walking and cycling connections, but also in terms of bus services. There is a para showing how bus services could serve the site without PHEM in terms of infrastructure, but not in terms of the actual buses serving the site. What is the likelihood of the PHEM development and how does the timing work? It could be that the Fernwood site comes first and has limited walking / cycle connections, and no bus service??

- Section 8.8 and 8.14 refers to the offer of Public Transport vouchers. These are not referred to within the ‘incentives’ section. For a site of its size, we would recommend that the offer of Public Transport taster tickets be explored (as have been secured in TPs securing other developments of similar size), particularly considering the PHEM plans to extend the public transport network.
- Any traffic counts should be undertaken in ‘Neutral’ months (i.e. March, April, May, September, October), and should be conducted in Years 1, 3 and 5 of the Travel Plan according to the SAM methodology.
- Whilst it is understood that a permanent Travel Plan Coordinator has not been appointed at this stage, details of an interim TPC should be included within the Travel Plan now and sent to NCC. This could be a representative of the developer or their agent. Once a permanent TPC is appointment, NCC should be informed of the change of details.

**Nottinghamshire County Council Strategic Planning** – ‘Thank you for your letter dated 20 July 2017 requesting strategic planning observations on the above informal enquiry. I have consulted with my colleagues across relevant divisions of the County Council and have the following comments to make. Please note that these are officer level comments awaiting committee chair approval and on approval being provided these comments will be updated to reflect this. (Confirmation received 13<sup>th</sup> November 2017 that the comments have been Chair approved).

#### *National planning context*

In terms of the County Council’s responsibilities the following elements of national planning policy and guidance are of particular relevance.

#### *Waste*

The National Planning Policy for Waste (NPPW) sets out the Government’s ambition to work towards more sustainable and efficient resource management in line with the waste hierarchy. Positive planning is seen as key to delivering these waste ambitions through supporting sustainable development. This includes ensuring that waste management is considered alongside other spatial planning concerns and helping to secure the re-use and recovery of waste wherever possible.

Paragraph 8 of the NPPW states that:

*‘When determining planning applications, all planning authorities should ensure that:*

*- the likely impact of proposed non-waste related development on existing waste management facilities, and on sites and areas allocated for waste management, is acceptable and does not prejudice the implementation of the waste hierarchy and/or the efficient operation of such facilities;*

*- new, non-waste development makes sufficient provision for waste management and promotes good design to secure the integration of waste management facilities with the rest of the development, and, in less developed areas, with the local landscape. This includes providing adequate waste storage facilities at residential premises, for example by ensuring that there is sufficient and discrete provision for bins, to facilitate a high quality, comprehensive and frequent household collection service;*

*- the handling of waste arising from the construction and operation of development maximises reuse/recovery opportunities and minimises off-site disposal.'*

In Nottinghamshire, relevant policies are set out in the Nottinghamshire and Nottingham Replacement Waste Local Plan: Part 1 – Waste Core Strategy (December 2013).

### *Minerals*

Section 13 of the National Planning Policy Framework (NPPF) covers the sustainable use of minerals. Paragraph 142 points out that minerals are *'essential to support sustainable economic growth and our quality of life.'*

Paragraph 143 requires that, in preparing Local Plans, local planning authorities should:

*- 'define Mineral Safeguarding Areas and adopt appropriate policies in order that known locations of specific minerals resources of local and national importance are not needlessly sterilised by non-minerals development, whilst not creating a presumption that resources defined will be worked; and define Mineral Consultations Areas based on these Minerals Safeguarding Areas;*

*- set out policies to encourage the prior extraction of minerals, where practicable and environmentally feasible, if it is necessary for non-mineral development to take place'.*

In Nottinghamshire, these areas are defined in the emerging Nottinghamshire Minerals Local Plan and supported by Policy DM13, which also covers prior extraction.

In terms of the role of local planning authorities in planning for minerals, paragraph 144 of the NPPF states that:

*'When determining planning applications, local planning authorities should:*

*- not normally permit other development proposals in mineral safeguarding areas where they might constrain potential future use for these purposes'.*

The national Planning Practice Guidance provides further information on the role of district councils in this regard, stating that *'they have an important role in safeguarding minerals in 3 ways:*

- *having regard to the local minerals plan when identifying suitable areas for non-mineral development in their local plans. District Councils should show Mineral Safeguarding Areas on their policy maps;*
- *in those areas where a mineral planning authority has defined a Minerals Consultation Area, consulting the mineral planning authority and taking account of the local minerals plan before determining a planning application on any proposal for non-minerals development within it; and*
- *when determining planning applications, doing so in accordance with development policy on minerals safeguarding, and taking account of the views of the mineral planning authority on the risk of preventing minerals extraction.'*

#### *Transport*

Paragraphs 29-41 of the NPPF address the issue of sustainable transport. The NPPF requires all developments which generate significant amounts of movement to be supported by an appropriate Transport Assessment and a Travel Plan. It also states that it should be ensured that such developments are *'located where the need to travel will be minimised and the use of sustainable transport modes can be maximised'*.

#### *Education provision*

Paragraph 72 states that:

*'The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:*

- *give great weight to the need to create, expand or alter schools; and*
- *work with schools promoters to identify and resolve key planning issues before applications are submitted.'*

#### *County Planning Context*

##### *Transport and Flood Risk Management*

The County Council as Highway Authority and Local Lead Flood Authority is a statutory consultee to Local Planning Authorities and therefore makes separate responses on the relevant highway and flood risk technical aspects for planning applications. In dealing with planning applications the Highway Authority and Local Lead Flood Authority will evaluate the applicants proposals specifically related to highway and flood risk matters only. As a consequence developers may in cases where their initial proposal raise concern or are unacceptable amend their initial plans to incorporate revisions to the highway and flood risk measures that they propose. The process behind this can be lengthy and therefore any initial comments on these matters may eventually be different to those finally made to the Local Planning Authority. In view of this and to avoid misleading information comments on planning applications made by the Highway Authority and Local Lead Flood Authority will not be incorporated into this letter. However should further information on the highway and flood risk elements be required contact should be made directly

with the Highway Development Control Team and the Flood Risk Management Team to discuss this matter further with the relevant officers dealing with the application.

### *Minerals and Waste*

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

### *Waste*

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

### *Minerals*

The site is not located within a Minerals Safeguarding and Consultation Area. The application site is within close proximity to a Gypsum MSA/MCA; however there is no anticipated impact.

To the west of the application site, beyond the A1, Bantycok Quarry and Jericho Works are located. Both these facilities are at a distance from the proposed development whereby it would be unlikely that there would be any risk to the operation of these facilities.

### *Strategic Highways*

Nottinghamshire County Council (NCC) advises that it has been working closely with NSDC and a number of prospective developers to establish the transport implications of the proposed Greater Fernwood development, which includes the proposed development of 350 houses by Larkfleet Homes (application 17/01266/OUTM). NCC advises that in strategic transport terms a package of highway mitigation measures are required to support the District Council's growth agenda at Balderton / Fernwood. This has been established following detailed traffic modelling using the VISUM traffic model of Newark and immediate surrounds. In order to share the cost of these highway improvements it has been suggested that individual developers are directly responsible for specific junction improvement works and cumulatively all developments will contribute to the NSDC CIL which will collectively, among other schemes, address the improvement of the B6326 bridge over the A1 which will need widening to cater for the future forecast traffic volumes. The CIL contributions will also be used to improve other highway junctions in Newark town centre, as listed on the NSDC CIL Regulation 123 list of schemes. In respect of this planning application the

applicant will be required to fund an improvement of the London Road/ Great North Road / A1 North Bound slip roads roundabout, in addition to the CIL contributions, and the cost of the formation of the proposed site access roundabout with the B6326. The timing of the off- site junction improvements are to be subject of further discussion with the applicant and the district council.

NCC also advises that the applicant will need to ensure that the development provides on-site highway infrastructure capable of accommodating public transport routing and provides vehicular connections to both Hollowdyke Lane to the north and the land to the south of the application site (Persimmon development). In this way, wider north-south connectivity and accessibility will be secured which will allow a proportion of the 'internal' trip making to be contained within the Greater Fernwood development without the need for unnecessary vehicle trips onto and off the B6326 Great North Road.

### *Public Transport*

NCC has conducted an initial assessment of this site in the context of the local public transport network. Discussions regarding the public transport contribution required to support a substantial increase in the number of dwellings at a number of pre-existing development sites in the Fernwood area have been held between NCC and local bus operators.

At this time it is envisaged that NCC will wish to negotiate with the developer and Highway Development Control regarding the provision of appropriate bus service enhancements to serve the site.

### *Infrastructure*

The plans should include provision for public transport vehicles to access the site. It is recommended that the developer considers how public transport links to the development will co-ordinate with public transport provision to the other proposed adjacent developments and other sites in the Fernwood area, including through the provision of 'bus only' access.

NCC requires new bus stop infrastructure to be installed close to or within the development through Section 38 and Section 278 agreements where appropriate. This includes the below standards at all relevant bus stops:

- Bus Stop Pole including Flag
- Bus Shelter
- Solar Lighting in Bus Shelter
- Raised Kerb
- Real Time Displays and Associated Electrical Connections
- Bus Stop Clearway
- Additional Hard Stand (if required)

It is noted that the site masterplan does denote the location of two bus stops. Transport & Travel Services request that the proposed new bus stop locations and accessibility isochrones meeting 6Cs design guidelines are marked on all relevant plans going forward.

The Council specification for bus stop facilities should be complemented by Automatic Vehicle Location (AVL) and Traffic Light Priority (TLP) where appropriate.

The provision of detailed bus stop locations will mean that this information is in the public domain for comment from adjacent properties / prospective buyers, and therefore avoiding objections from residents about the location for new bus stop infrastructure.

Transport & Travel Services request that both bus service support and bus stop infrastructure are introduced throughout the build-out phases of the development to allow employees to access public transport as early as possible to help increase sustainability and reduce the use of the private car.

Transport & Travel Services will wish to negotiate with the developer and Highway Development Control regarding new bus stop infrastructure that will need to be installed throughout the development.

### *Current Infrastructure*

The current infrastructure observations from Transport & Travel Services photographic records are as follows:

NS0895 Collinson Lane - Bus Stop Pole including Flag

### *Infrastructure Improvements – New Stops on existing highway adjacent to the site*

New Stop 1 Great North Road - Bus Shelter; Solar Lighting in Bus Shelter; Raised Kerb; Real Time Displays; and Associated Electrical Connections; Bus Stop Clearway; Additional Hard Stand (if required).

New Stop 2 Great North Road - Bus Shelter; Solar Lighting in Bus Shelter; Raised Kerb; Real Time Displays; and Associated Electrical Connections; Bus Stop Clearway; Additional Hard Stand (if required).

In addition to new bus stop infrastructure within the site, which will be subject to separate discussions, Transport & Travel Services would request that a planning condition be issued that states the below:

No part of the development hereby permitted shall be brought into use unless a pair of stops are installed on Great North Road to the satisfaction of the Local Planning Authority and shall include a bus stop pole and flag, a raised boarding kerb, polycarbonate bus shelter, additional hardstanding (if required), solar lighting, real time information display and associated electrical connections and an enforceable bus stop clearway.

### *Justification*

The specified new bus stops are necessary to ensure accessible bus stop facilities are provided close to the development for bus services passing long the Great North Road. Therefore, the new stops are directly relevant to the development, and the specification is precise and reasonable in relation to the scale and location of the development (350 dwellings).

Nottinghamshire County Council, Transport and Travel Services request public transport funding contributions from the proposed development. The rationale for funding set out in this document represents the current position, and is based on a baseline costs and assumptions.

Further information can be supplied through developer contact with Transport & Travel Services.

### *Ecology*

This application is accompanied by an EIA; this does not cover Ecology (which was scoped out). However, there is no form of ecological assessment evident (such as a Preliminary Ecological Appraisal) to support the application, which is required irrespective of whether Ecology is included in the EIA or not (given, for example, that protected species are known to be present in the wider area). Therefore NCC is unable to comment on the ecological implications of this application, or request that specific mitigation measures are put in place, until such a time that this has been submitted (which must be prior to the determination of the application, in accordance with paragraph 99 of Government Circular 06/2005).

It is also not possible to comment on the layout or landscaping, as it is not known what, if any, ecological mitigation is required. Nevertheless, it is pleasing to see that large areas of wildflower meadow and native tree and shrub planting form part of the landscaping proposals. NCC requests that a condition requires the submission of a detailed landscaping scheme, to include species mixes, establishment methods and maintenance regimes, and that another condition requires a Landscape and Habitat Management Plan to be produced, setting out how areas of retained and created habitat will be maintained.

### *Landscape and Visual Impact*

These are the comments on Landscape and Visual Impact Issues only, and are prepared by Via East Midlands Ltd acting as consultant to Nottinghamshire County Council Planning. Because of resource constraint, the comments have been prepared on the basis of existing site knowledge and desk top information only, without a specific site visit.

The following information presented by the applicant has been considered: -

- Boundary Plan
- Phasing Plan
- Land use plan
- Masterplan and illustrative landscape masterplan
- Scoping report
- Design and Access Statement
- Environmental Assessment (missing relevant figures from chapter 7)
- GI Strategy

### *Existing site*

The existing 20ha site is currently agricultural land immediately south of the existing Fernwood development on the site of the former Balderton hospital. It is bounded by hedge and mature trees to the north, with Hollowdyke Lane and beyond the well treed former parkland setting of the existing Fernwood development. To the east is Shire Dyke with agricultural fields beyond. To the



western boundary is a hedge which is intermittent in places beyond which is the old Great North Road.

### *Proposed Development*

The site lies within the wider Strategic Sustainable Housing site as referenced in policy NAP2C of the Core Strategy; Land Around Fernwood. To the north east of the site there is an outline application of 1050 houses pending consideration and to the south a proposed development of 1800 houses to the south submitted in 2016.

The application seeks consent for the construction of 350 new dwellings, with associated open space and infrastructure including new access roundabout to the Great North Road. As stated in the Environmental Assessment, the impact of the proposed development on the wider area requires to be considered as part of the surrounding wider proposed development, the cumulative impact of which is considerable.

At the site level, the development comprises housing blocks surrounded by perimeter of existing hedge, augmented by buffer planting. Avenue planting of small to medium size street trees is proposed through the development on residential roads, interlinking 4 play areas. A substantial area of open space is proposed to the east of the site, to include allotments and suds ponds. The indicative layout shows the potential this eastern area offers to help integrate the development into the wider landscape and open countryside to the east, particularly when considered in tandem with the proposed open space within the development to the south. It offers the opportunity to create a parkland type area to emulate the parkland setting of the former hospital to the north. The rather scattered blocks of trees and lack of integration in terms landscape planting of the allotment site means that this potential is not fully realised in the masterplan provided.

### *Physical landscape Impact of proposals on site features*

The majority of existing landscape features appear to be retained and enhanced. The landscape structure will be strengthened through proposed planting, albeit now containing an urban rather than agricultural land use.

### *Impact of development on Landscape Character*

As stated the completed development will have a 'further urbanising element into the local landscape' (Environmental Statement vol. 2 7.8.9), although as also stated offers the potential to characteristic features to be restored and enhanced including hedgerows, and characteristic ditches. I am in agreement with the conclusion reached by the applicant regarding scale of effect at construction and at a time point of 11 years at which point the new landscape elements will have had opportunity to mature to some extent.

The proposed landscape and green infrastructure structure is effective in achieving mitigation for the construction effects particularly in relation to impact on landscape character and views from the open countryside to the east. The success of the proposed mitigation will be reliant on effective high quality and robust landscape proposals being developed at detail design, with resourced and managed establishment and ongoing management of landscape elements. This will be considered through submission of reserved matters.

### *Visual impact of the proposals*

The applicant states that feedback from Nottinghamshire County Council on proposed viewpoints was sought May 2017. Unfortunately lack of available resource prevented response at the time. Via Landscape (on behalf of NCC) is in agreement with the nature and magnitude of effect assessed for visual receptors so far as is possible to judge from the written elements of the assessment.

The applicant appears to have identified all the main receptors, and to have assessed potential effects during construction and operation using an appropriate methodology undertaken in line with the Guidelines for Landscape and Visual Impact Assessment' (GLVIA3).

### *Cumulative Landscape Effects*

The applicant summarises how the proposed development site comprises part of wider mixed use strategic sites, primarily the 'land around Fernwood' and adjacent 'land south of Newark'. The proposed development will form approximately 10% of the Land around Fernwood strategic site.

These 2 sites lie wholly within the South Notts. Farmlands Character area, and will experience potential adverse effects as large areas of agricultural land are developed to become urban areas. The greatest cumulative effect will be on Policy zone SN08 Cotham Village Farmlands, which has been assessed as having moderate adverse effect on completion reducing to negligible /minor beneficial post establishment. The policy requirements for the strategic allocations in terms landscape character including retention hedges, trees and water features will be achieved by this particular development, if implemented as proposed.

### *Cumulative Visual Impact*

As stated, development of the wider strategic site allocation for land around Fernwood will have a significant effect on views for higher ground to the east and A1, in close proximity to the site, as well as receptors on the rights of way network. However, the application site forms a relatively modest proportion of wider strategic site, and is largely contained within the proposed development. The 'exposed boundary with open countryside to the east is mitigated' by the proposed landscape treatment, particularly the eastern open space.

### *Summary*

The proposed development is supported, subject to:

- Consideration of missing plan and figures relating to landscape and visual impact assessment and arboriculture assessment

Submission of detailed landscape proposals and management plan at reserved matters stage.

There has been discussion with NSDC staff who have confirmed that the development to the north (1800 units approx.) has been approved subject to agreement s106 and is going to committee 15th September. NSDC understood the issue flagged relating to the potential problems relating to the fact that the strategic site is being developed through 3 different but abutting applications in terms landscape elements, these being:

- Potential lack connectivity and coherence of the open spaces and landscape structure and access and circulation as a result of this split development responsibility.
- Potential inconsistency in future management and maintenance approaches.

This is particularly the case for the open space on eastern side of all 3 developments. This has the potential to create a coherent parkland landscape structure which interfaces with the countryside and could mitigate urbanising influence of the development on the wider landscape and also provide a valuable Green Infrastructure resource for the development residents.

Therefore I think it would be appropriate to add a requirement for provision of an integrated approach across all 3 developments address to landscape structure, landscape management and Green infrastructure/ access at the reserved matter stage.

### *Archaeology*

NCC have had discussions with the applicant's archaeological consultant on the results of the geophysical survey and we have agreed that the necessary further archaeological works can be undertaken as a phased programme post consent. NCC suggests the following condition:

No development shall take place within any phase of the site until the applicant has secured the implementation of a programme of archaeological work for the relevant part in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority. The WSI shall include:

- the results of the geophysical survey
- the statement of significance and research objectives
- the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works
- the programme for further mitigation, post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material.

### *Public Health*

The local health report found in Appendix 1 identifies that many of the health indicators are: *similar to but not better than the England average.*

The National Planning Policy Framework (NPPF) seeks to promote healthy communities. Paragraphs 69-78 of the NPPF sets out ways in which the planning system can play an important role in facilitating social interaction and create healthy inclusive environments. Planning policies should in turn aim to achieve places which promote:

- Safe and accessible environments
- High quality public spaces
- Recreational space/sports facilities
- Community facilities
- Public rights of way

The Nottinghamshire Joint Strategic Needs Assessment (JSNA) provides a picture of the current and future health needs of the local population:

<http://jsna.nottinghamcity.gov.uk/insight/Strategic-Framework/Nottinghamshire-JSNA.aspx>. This states the importance that the natural and build environment has on health.

The Nottinghamshire Health and Wellbeing Strategy sets out the ambitions and priorities for the Health and Wellbeing Board with the overall vision to improve the health and wellbeing of people in Nottinghamshire:

<http://www.nottinghamshire.gov.uk/caring/yourhealth/developing-health-services/health-and-wellbeing-board/strategy/>

The 'Spatial Planning for Health and Wellbeing of Nottinghamshire' document approved by the Nottinghamshire Health and Wellbeing Board in May 2016 identifies that local planning policies play a vital role in ensuring the health and wellbeing of the population and how planning matters impact on health and wellbeing locally. In addition a health checklist is included to be used when developing local plans and assessing planning applications:

<http://www.nottinghamshireinsight.org.uk/insight/news/item.aspx?itemId=44>. It is recommended that this checklist is completed to enable the potential positive and negative impacts of the pre application on health and wellbeing to be considered in a consistent, systematic and objective way, identifying opportunities for maximising potential health gains and minimizing harm and addressing inequalities taking account of the wider determinants of health.

Obesity is a major public health challenge for Nottinghamshire. Obesity in 10-11 year olds in this area is similar to not better than the England average Obesity levels for this It is recommended that the six themes recommended by the TCPA document 'Planning Health Weight Environments' – [http://www.tcpa.org.uk/data/files/Health\\_and\\_planning/Health\\_2014/PHWE\\_Report\\_Final.pdf](http://www.tcpa.org.uk/data/files/Health_and_planning/Health_2014/PHWE_Report_Final.pdf) are considered to promote a healthy lifestyle as part of this application. The six themes are:

- Movement and access: Walking environment; cycling environment; local transport services.
- Open spaces, recreation and play: Open spaces; natural environment; leisure and recreational spaces; play spaces.
- Food: Food retail (including production, supply and diversity); food growing; access.
- Neighbourhood spaces: Community and social infrastructure; public spaces.
- Building design: Homes; other buildings.
- Local economy: Town centres and high streets; job opportunities and access.

Due to the size of the development it is recommended that planners discuss this development as part of the Mid Nottinghamshire Local Estates Forum and also consult with Newark and Sherwood Clinical Commissioning Group to consider any additional healthcare requirements e.g. S106 / CIL.

### *Developer Contributions*

Should the application proceed, the County Council will seek developer contributions in relation to its responsibilities in line with the Council's adopted Planning Obligations Strategy and the Developer Contributions Team will work with the applicant and the Local Planning Authority to ensure all requirements are met. Please contact Andrew Norton, Developer Contributions Practitioner in the first instance ([andrew.norton@nottsc.gov.uk](mailto:andrew.norton@nottsc.gov.uk) or 0115 9939309) with any queries regarding developer contributions.

### *Education Provision*

A multiple site solution is being adopted to deliver education provision in Fernwood which needs to be master planned. A contribution will be required from this development and we are in discussions with education colleagues regarding the specific amount required.

### *Libraries Provision*

In respect of libraries I can confirm that should this scheme come forward as a formal application the County Council may require library contributions and we will provide a response as to what this will be at this stage. The calculation of contributions will be based on the content of the County Council's Planning Obligations Strategy which can be viewed at <http://www.nottinghamshire.gov.uk/planning-and-environment/general-planning/planning-obligations-strategy> or any superseding document which may be prepared.

It is anticipated that details of any developer contributions sought by the County Council will be provided *as soon as possible*. Any developer contributions sought will be necessary in order for the proposed development to be considered acceptable and as such the County Council will wish to raise objections to this application unless these contributions will be secured.

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

### *Conclusion*

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

### *Additional comments from NCC Landscape Team received 17<sup>th</sup> August 2017:*

The consultant has now sent through the missing information, which is fine so please remove the 'proviso' in relation to my support of the application in my letter of the 9<sup>th</sup> August.

I have also talked to NSDC planning officer who confirms that the development to the north (1800 units approx.) has been approved subject to agreement s106 and to the north is going to committee 15<sup>th</sup> September. She understood the issue I had flagged relating to the potential problems relating to the fact that the strategic site is being developed through 3 different but abutting applications in terms landscape elements I

- Potential lack connectivity and coherence of the open spaces and landscape structure and access and circulation as a result of this split development responsibility
- Potential inconsistency in future management and maintenance approaches

This is particularly the case for the open space on eastern side of all 3 developments. This has the potential to create a coherent parkland landscape structure which interfaces with the countryside

and could mitigate urbanising influence of the development on the wider landscape and also provide a valuable Green Infrastructure resource for the development residents.

Therefore I think it would be appropriate to add a requirement for provision of an integrated approach across all 3 developments address to landscape structure, landscape management and Green infrastructure/ access at the reserved matter stage.

I am in support of the proposed development, subject to:

- Submission of detailed landscape proposals and management plan at reserved matters stage. This should show how access, landscape proposals and landscape management across the 3 adjacent developments will be addressed with the aim of maximising access, habitat and landscape interconnectivity, and ensuring uniformly high standard of future management.

*Additional comments received from NCC Ecology 7<sup>th</sup> September 2017:*

With regards to the Extended Phase 1 Survey Report – Hollowdyke Land, Fernwood – Area A (dated September 2016), I have the following comments:

- The application site is dominated by arable farmland of low ecological value; small areas of habitat of higher ecological value, including boundary hedgerows, semi-improved grassland and standing water are also present.
- No designated sites would be affected by the proposals, with the Local Wildlife Site which forms the eastern boundary of the site being incorporated into the open space.
- The report recommends further surveys for both great crested newts and reptiles (grass snake). Such surveys are seasonally constrained (great crested newt surveys now cannot be carried out until April 2018), and planning guidance (paragraph 99 of Government Circular 06/2005) indicates that they should not be conditioned, i.e. the results of such surveys would be required prior to the determination of the application.
- I believe that surveys were carried out of the wider Fernwood site in 2010 although I haven't got a copy of relevant reports; they are referred to, for example, in the Aspect Ecology Baseline Ecological Assessment dated February 2014. These surveys found no evidence of great crested newt (including in the pond on the current application site), but did record low numbers of reptiles (both grass snake and grass snake).
- Acknowledging that this survey data is rather out of date, I would nevertheless suggest that the applicant's ecologist review their recommendation for great crested newt surveys given the delay that requiring these will cause (although noting that such recommendations were made a year ago so sufficient time has been available to do them), and that they do this with reference to other ecological surveys which have been undertaken in and around the area relating to the Fernwood development.
- Furthermore, given the limited extent of suitable habitat for reptiles, and the likelihood that only a low population would be present, I suggest that the applicant's ecologist consider whether the development of reasonable avoidance measures/precautionary methods of working are more appropriate to avoid the accidental killing of reptiles, especially as the development will give rise to the creation of much more extensive areas of suitable habitat as part of the landscaping.

Please note that as per my previous comments (submitted via NCC's strategic planning team), I would request a condition requires the submission of a detailed landscaping scheme, to include species mixes (selected with reference to the relevant Landscape Character Area species list

available at:  
<http://cms.nottinghamshire.gov.uk/home/environment/landimprovements/landscapecharacter.htm>), establishment methods and maintenance regimes, and that another condition requires a Landscape and Habitat Management Plan to be produced, setting out how areas of retained and created habitat will be maintained.

In addition, a condition should be used to control vegetation clearance during the bird nesting season, which runs from March to August inclusive. I would also welcome a condition requiring the installation of integrated bird and bat boxes into the fabric of a proportion (at least 20%) of the new dwellings, or their garages.

*Additional comments from NCC Developer Contributions 18<sup>th</sup> September 2017:*

In terms of education contributions, the County Council would be seeking a financial contribution to provide primary provision to accommodate the additional pupils that would arise from this development. It should be noted that this will not be based on the formula contained within the Planning Obligations Strategy but the build cost which is subject to further confirmation and which will be related to that of the adjoining school site which is proposed.

It is considered that this development cannot proceed unless adequate provision of a new school is provided either within this site or, as currently envisaged as part of the Persimmon site to the south which incorporates a new school (2.2.ha) and expansion land (0.8ha) which takes account of the other sites which are proposed for development within the area.

In addition I can confirm that in the event that this scheme is granted permission, the County Council would wish to be a signatory to any legal agreement which may be prepared.

*Additional comments received from NCC Ecology 10<sup>th</sup> October 2017:*

Further to my comments dated 7 September 2017, an Ecological Summary document dated 21 September 2017 (incorporating Reptile Survey Report and a Great Crested Newt Survey Report) has now been supplied. This confirms that:

- A single grass snake, indicating a low population of this species, was recorded during reptile surveys. A condition should therefore require the production of, and compliance with, a Precautionary Method of Working for reptiles, based on paragraph 5.5. of the Reptile Survey Report, and adding that phased vegetation removal should progress from the centre of the site towards the retained boundaries
- No evidence of great crested newt was found at the site, although small populations of smooth newts were encountered. Mitigation is proposed in section 6 of the Great Crested Newt Survey Report, and the production of an Amphibian Mitigation Strategy, based on these recommendations, should be conditioned.

*Additional comments from NCC Developer Contributions received 5<sup>th</sup> December 2017:*

I am contacting you in response to your email below in which you sought clarification about whether a library contribution is being requested by the County Council as part of the above application. I have discussed this matter with my colleague and can confirm that based on the current stock level of Newark Library the County Council will not be seeking a library contribution from this development.

**Nottinghamshire County Council Rights of Way** – No comments received.

**Lincolnshire County Council Rights of Way** – No comments received.

**Ramblers Association** –

‘We have no problem with this development and welcome the green spaces at its eastern edge.

It appears that fields both to the north and south of this area are scheduled for development. It would be ideal if the west bank of Shire Dyke could be turned into a footpath. This would then extend southwards to Shire Lane (and even beyond) and northwards to link with rights of way going to the current Fernwood site and to Claypole.’

**Lincolnshire County Council Planning** – No comments received.

**Sport England** – ‘Thank you for consulting Sport England on the above application. Sport England provides the following comments for your consideration.

The site is not considered to form part of, or constitute a playing field as defined The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595), therefore Sport England has considered this a non-statutory consultation.

It is understood that Newark and Sherwood district Council is a Community Infrastructure Levy (CIL) charging authority and as such, the proposed development is required to provide CIL contribution in accordance with the Councils adopted CIL Charging Schedule.

It is acknowledged that there is no requirement to identify where those CIL monies will be directed as part of the determination of any application. That said, Sport England would encourage the Council to consider the sporting needs arising from the development as well as the needs identified in its Infrastructure Delivery Plan (or similar) and direct those monies to deliver new and improved facilities for sport.

It is noted however that the councils S123 list does not include indoor or outdoor sports facilities in addition no such facilities are proposed for the site.

The occupiers of new development, especially residential, will generate demand for sporting provision. The existing provision within an area may not be able to accommodate this increased demand without exacerbating existing and/or predicted future deficiencies. Therefore, Sport England considers that new developments should contribute towards meeting the demand that they generate through the provision of on-site facilities and/or providing additional capacity offsite.

The level and nature of any provision should be informed by a robust evidence base such as an up to date Sports Facilities Strategy, Playing Pitch Strategy or other relevant needs assessment. The applicants submission states that they are prepared to contribute to off-site community facilities we assume that this includes outdoor and indoor sports facilities.

The Councils Playing Pitch Strategy (currently under review) should be used to establish the outdoor formal sports needs arising from this development.



The population of the proposed development is estimated to be around 840 new residents. This additional population will generate additional demand for sports facilities. If this demand is not adequately met then it may place additional pressure on existing sports facilities, thereby creating deficiencies in facility provision. In accordance with the NPPF, Sport England seeks to ensure that the development meets any new sports facility needs arising as a result of the development.

You may be aware that Sport England's Sports Facilities Calculator (SFC) can help to provide an indication of the likely demand that will be generated by a development for certain facility types.

The SFC indicates that a population of 840 in this local authority area will generate a demand for around 100 additional visits to sports facilities per week equating to a financial contribution of around £300,000 to new or improvements to existing facilities to cope with that demand. A copy of the SFC report is attached Sport England, in conjunction with Public Health England, has produced 'Active Design' (October 2015), a guide to planning new developments that create the right environment to help people get more active, more often in the interests of health and wellbeing.

The guidance sets out ten key principles for ensuring new developments incorporate opportunities for people to take part in sport and physical activity. The Active Design principles are aimed at contributing towards the Government's desire for the planning system to promote healthy communities through good urban design. The applicants have used active design in the development of the site which is supported by Sport England

The comments made in response to this application and the absence of an objection to this application in the context of the Town and Country Planning Acts, does not in any way commit Sport England's or any National Governing Body of Sport's support for any related application for grants funding.

We can confirm therefore support the principle of a contribution to off-site indoor and out-door sports facilities. Sport England would be happy to comment further once the details of the contribution are known.

**NSDC Community Sports and Arts** – 'I would consider this site to be of strategic importance and therefore I would welcome the opportunity to discuss the proposed community infrastructure to ensure that it is complimentary to the other two development sites in the Fernwood Extension.'

*Further comments received 6<sup>th</sup> December 2017:*

The contribution would indeed be directed to projects which would link to the existing Fernwood although details are not absolute, when we responded to the Fernwood extension we suggested that an additional community hall would not be the most practical and cost effective solution and that investment in the existing facilities would be more practical, meaningful and complementary to the existing facilities. It is recognised that the existing Fernwood Village Hall is very well used and does not have the capacity to meet increasing demand generated through the proposed new strategic sites therefore it was suggested that enlargement of this community resource would be a preferred option. In addition it was suggested that further community facilities could be developed adjacent to the tennis courts, petanque terrain, sports pitch and children's play space to provide ancillary facilities to enhance the sporting and recreation offer that currently exists. The precise details have not been developed as they will need to be progressed in discussion with

the Parish Council and wider Fernwood community in order to get the right mix and quantum of provision that will serve the community in the future.

**NSDC Emergency Planner** – ‘I have noted the flood risk assessment and maps highlighting the proposed site being in a flood zone (full information as per the mapping section). Following the proposer’s consultation with the Environment Agency a number of mitigating/recommended measures have been highlighted and detailed in section 8 to prepare the development for a flooding eventuality. It would be prudent for those measures to meet the lifespan of the property taking cognisance of persons who may reside there at any time in the future and variables surrounding the RA (e.g. vulnerability/disability/age etc.)

I have not had sight of a specific emergency/evacuation plan for the proposed site. As per the National Planning Policy Framework (NPPF) I would draw attention to Section 3 highlighting emergency/evacuation plans; Developers are advised to have flood emergency plans in place for developments in flood risk areas to ensure that evacuation and flood response procedures for the development are documented and agreed. These plans should include:

- Aims and objectives of the plan
  - Maps showing development and flood risk areas, including depth and velocity of flooding
  - Evacuation or containment procedures, including evacuation routes
  - Flood warnings (EA Flood Warning Service) and identification of local flood warden.
  - Safe refuge information
  - Identification of vulnerable residents
  - Utility services
  - Procedures (including details of any stores containing flood defences e.g. sandbags)
  - Emergency contact information
- Media information e.g. local radio stations and warning processes for residents.

I would also highlight the following:

New developments in flood risk areas must not increase the burden on emergency services.

New developments must have access and egress routes that allow residents to safely exit their property during flood conditions. This includes vehicular access to allow the emergency services to safely reach the development during flood conditions’

**NSDC Parks and Amenities** – ‘I note from the Planning Statement and Green Infrastructure plan that this development of up to 350 dwellings will include a range of public open space types including children’s playing space, amenity open space, natural and semi-natural green space and allotments. There appear to be sufficient areas of all of these green spaces included to satisfy the requirements of the Council’s Supplementary Planning Document covering Developer Contributions and Planning Obligations.

I welcome the retention of existing trees and hedgerows and the inclusion of wildlife friendly open spaces across the development. The inclusion of small natural play spaces is also to be welcomed. However all of these areas will require sensitive and regular maintenance and this needs to be agreed as part of the planning process. The numerous SUDs features also have the potential to be areas of significant biodiversity but again their maintenance will need to be properly agreed and implemented.

There is no on-site provision of outdoor sports facilities as is required for a development of this size but I note that para 7.7 of the Planning Statement suggests that these will be met via an off-site contribution.'

**NSDC Strategic Housing** – No comments received.

**NHS Newark and Sherwood CCG** – No comments received.

**National Planning Casework Unit** - No comments received.

**Historic England** – 'Thank you for your letter of 20 July 2017 regarding the above application for planning permission. We refer you to the following published advice which you may find helpful in determining the application.

Historic Environment Good Practice Advice in Planning Note 2, page 11: paragraph 37, provides a model archaeological condition should your authority be minded to grant consent (unless the County Council Archaeological Officer has given bespoke advice).

<https://historicengland.org.uk/images-books/publications/gpa2-managing-significance-in-decision-taking/>

We also suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals. If you would like detailed advice from us, please contact us to explain your request.'

**NSDC Conservation** – 'Many thanks for consulting Conservation on the outline scheme for the above.

The proposal represents a large development on the southern side of Fernwood, which is in itself a large urban extension. Fernwood South is a strategic housing site identified in the Council's Core Strategy LDF DPD. The submitted scheme seeks outline permission for up to 350 dwellings with informal open space. Other than access, all matters are reserved. By virtue of its potential scale, form and layout, the proposal is capable of affecting the historic environment.

#### Heritage asset(s) affected

Annex 2 of the National Planning Policy Framework (NPPF) defines the 'historic environment' as comprising all aspects of the environment resulting from the interaction between people and places through time, including all surviving physical remains of past human activity, whether visible, buried or submerged, and landscaped and planted or managed flora. A 'heritage asset' is defined as a building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage asset includes designated heritage assets such as listed buildings, conservation areas and scheduled monuments, as well as assets identified by the local planning authority, including local interest buildings and other non-designated heritage assets. Heritage assets with archaeological interest are so defined if they hold, or potentially may hold, evidence of past human activity worthy of expert investigation at some point. Heritage assets with archaeological interest are the primary source of evidence about the substance and evolution of places, and of the people and cultures that made them.

There are no designated heritage assets within the proposal site. There is an area of archaeological interest (non-designated) however. There are various heritage assets within the wider landscape.

### Legal and policy considerations

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 heritage assets, furthermore, is expressed in section 12 of the 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 within their setting (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. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral. All heritage assets have a setting, irrespective of the form in which they survive and whether they are designated or not (see paragraph 13 of the PPG for example (ref: 18a-013-20140306)). The extent and importance of setting is often expressed by reference to visual considerations. Although views of or from an asset will play an important part, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust and vibration from other land uses in the vicinity, and by our understanding of the historic relationship between places. For example, buildings that are in close proximity but are not visible from each other may have a historic or aesthetic connection that amplifies the experience of the significance of each. In addition, please note that the contribution that setting makes to the significance of the heritage asset does not depend on there being public rights or an ability to access or experience that setting.

Additional advice on considering development within the historic environment is contained within the Historic England Good Practice Advice Notes (notably GPA2 and GPA3). In addition, 'Historic England Advice Note 2: making changes to heritage assets' advises that the main issues to consider in proposals for additions to heritage assets, aside from NPPF requirements such as social and economic activity and sustainability, are proportion, height, massing, bulk, use of materials, durability and adaptability, use, enclosure, relationship with adjacent assets and definition of spaces and streets, alignment, active frontages, permeability and treatment of setting. Replicating a particular style may be less important, though there are circumstances when it may be appropriate. It would not normally be good practice for new work to dominate the original asset or its setting in either scale, material or as a result of its siting (paragraph 41).

The proposal site does not contain any designated heritage assets. There are a number of designated heritage assets within the wider area, however, including the important landmark Church of St Giles in Balderton (Grade I listed), the Church of St Mary Magdalene in Newark (Grade I), and the Church of St Peter at Claypole (also Grade I; within South Kesteven District). Impact on the setting and significance of such nationally significant landmark buildings is an important consideration. In accordance with section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act'), special regard must be given to the desirability of preserving listed buildings, including their setting. In this context, the objective of preservation means to cause no harm, and is a matter of paramount concern in the decision-taking process.

## Discussion

The indicative details submitted show a network of streets linked by a spine road running perpendicular to the Great North Road. The main access includes a new roundabout. Buildings would have a maximum height of 2 storeys.

Given the existing built form of Balderton and Fernwood, it is felt that the proposal is not likely to compromise designated heritage assets in Balderton or Newark, and I am satisfied that topography and relative distances between receptors and the proposal site ensure that impact in the wider landscape is not likely to result in any specific material harm to the setting or significance of the Church of St Giles in Balderton or Church of St Mary Magdalene in Newark. No harm is perceived, furthermore, to the setting of Balderton CA or non-designated heritage assets such as Fernwood Tower.

It is recognised that the Church of St Peter at the western edge of Claypole could be impacted by the proposal due to the open rural landscape between. Whilst I would defer to Conservation colleagues in South Kesteven for their view on this matter, I am satisfied that the indicative proposed layout of the scheme and the limitation of new dwellings to 2 storeys in height is likely to ensure that the setting of St Peter will not be harmed. There are also opportunities to help reinforce and improve green infrastructure at the eastern portion of the proposal site which would help mitigate impact on the wider setting of the church.

The development site contains archaeological interest. The County Historic Environment Record (HER) and National Monuments Record (NMR) identifies potential within the overall Fernwood NE site, including an undated cropmark enclosure (possibly prehistoric in origin), a ring ditch feature and various linear features identified on aerial photographs. The effect of the proposed development on the significance of any non-designated heritage assets should be taken into account in determining the application in accordance with paragraph 135 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. In addition, given the archaeological interest of these identified heritage assets, appropriate regard must be given to their potential for higher significance, noting that assets of archaeological interest that are demonstrably of equivalent significance to scheduled monuments should be considered subject to the policies for designated heritage assets (as required under paragraph 139 of the NPPF). The submitted desk-based assessment recommends that a scheme of investigation and recording should be secured via a suitably worded condition. I would concur with this assessment.

We note the application for development on the adjoining site to the south (ref 16/00506/OUTM) which has not yet been decided. We have considered the impact of this proposal in conjunction with the submitted scheme and do not find any cumulative impact which might give rise to concerns.'

**CBA** - No comments received.

**The Georgian Group** - No comments received.

**Victorian Society** - No comments received.

**Society of the Protection of Ancient Buildings** - No comments received.

**Twentieth Century Society** - No comments received.

**NCC Archeology** - No comments received.

**Natural England** – ‘Natural England has no comments to make on this application.

Natural England has not assessed this application for impacts on protected species. Natural England has published Standing Advice which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice.

Natural England and the Forestry Commission have also published standing advice on ancient woodland and veteran trees which you can use to assess any impacts on ancient woodland.

The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process. We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.

We recommend referring to our SSSI Impact Risk Zones (available on Magic and as a downloadable dataset) prior to consultation with Natural England. Further guidance on when to consult Natural England on planning and development proposals is available on gov.uk at <https://www.gov.uk/guidance/local-planning-authorities-get-environmental-advice>

**Nottinghamshire Wildlife Trust** – ‘Thank you for consulting Nottinghamshire Wildlife Trust on the planning application detailed above.

Having carefully studied the Extended Phase 1 Survey Report Hollowdyke Lane, Fernwood – Area A & Area B (Lockhart Garratt 2016) we draw your attention to the following recommendations by the applicant’s ecologist:

Further survey work in respect of reptiles is recommended due to the extent of suitable habitat on Site.

Further survey work in respect of great crested newts is recommended due to the extent of suitable habitat on Site and the number of ponds within the local area

Clearance and construction works should be scheduled outside of the main bird breeding season (March to August inclusive). If in the event works need to proceed within this period, then specialist advice from a suitably qualified ecologist should be sought.

Landscape planting should incorporate native species that are characteristic of the South Nottinghamshire Farmlands Landscape Character Area.

<http://www.newark-sherwooddc.gov.uk/media/newarkandsherwood/imagesandfiles/planningpolicy/pdfs/landscapeandbiodiversity/landscapecharacterassessment/6.%20South%20Notts.pdf>

I hope that you find our comments helpful. I would be grateful if you would keep me informed of any progress relating to this planning application.

**RSPB** - No comments received.

**Sustrans** - No comments received.

**Network Rail** – *Email dated 14<sup>th</sup> September 2017:*

‘Thank you for your letter of 4 September 2017 providing Network Rail with an opportunity to comment on the abovementioned application.

With reference to the protection of the railway, Network Rail has no objection in principle to the development, but below are some requirements which must be met,

We note that whilst the Transport Assessment and Travel Plan mention rail travel, only the briefest consideration is given to the potential impact on Newark North Gate Station and we are disappointed to note that no mention appears to be made of Newark Castle Station. This station is a similar distance from the development and provides mainline services to Nottingham and Lincoln.

Given the size and proximity of the development in relation to the railway it is considered that there may be significant impacts on both Newark North Gate and Newark Castle Railway stations. It is therefore appropriate that a contribution is sought from the developer towards station facility improvements. This could include improvements to passenger information and waiting facilities, cycle parking, access improvements etc. We are happy to discuss possible improvements to the station with the council as part of any S106 package as the application is processed.

I trust full cognisance will be taken in respect of these comments. If you have any further queries or require clarification of any aspects, please do not hesitate to contact myself I would also be grateful if you could inform me of the outcome of this application, forwarding a copy of the Decision Notice to me in due course.’

**NSDC Environmental Health (Contaminated Land)** – ‘The following comments relate to air quality and not contaminated land which we have been consulted on. There are no observations in relation to contaminated land. I have now had the opportunity to review the Air Quality Assessment report submitted by RPS dated 23rd May 2017.

This document provides a robust assessment of the potential impact on air quality as a result of the proposed development both during construction and operational phases.

The report goes on to determine that the modelled first year operational phase impact on air quality to be negligible.

In addition it is suggested that providing that the proposed mitigation measures are adhered to (Section 7 of the report) that the impact from dust during construction will be not significant. The report concludes that there are no restraints on the proposed development in terms of air quality.

I would generally concur with the findings of the assessment but would re-iterate my previous comments in relation to the scoping report that we would welcome the incorporation of electric vehicle charging points (EVC) throughout the development where possible.’

**NSDC Environmental Health (Noise)** – No concerns in respect to noise.

**NSDC Emergency CCTV** - No comments received.

**NSDC Access and Equalities Officer** - 'As part of the considerations of inclusive access and facilities for all, with particular reference to disabled people, it is recommended that the developer's 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 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 with reference to the topography of the site and an obstacle free suitably surfaced firm level and smooth 'traffic free' accessible pedestrian pavement route is essential to and into the dwellings from facilities such as car parking and from the site boundary. External footpaths to and around the site should be incorporated and carefully designed to accepted standards to ensure that they provide an integrated network of 'traffic free' pedestrian pavements around the site without pedestrians being required to walk along roadways. It is recommended that inclusive step free access be considered to garden areas, open spaces, parks, amenity spaces and external features. Car parking provision for disabled motorists should be considered. BS8300 gives further information regarding design, layout and proportion. Carefully designed 'step-free' approach, ramps, level flush thresholds, generous doorways, suitably wide corridors etc. all carefully designed to facilitate easy access and manoeuvre on all floors are important considerations. Switches and sockets should be located at suitable heights and design to assist those whose reach is limited to use the dwellings together with suitable accessible WC and sanitary provision etc.

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

**DEFRA** - No comments received.

**Fisher German LLP (re Government Pipelines and Storage Systems GPSS)** - No comments received.

**National Grid** – 'Thank you for your enquiry which was received on 26/07/2017.

Please note this response and any attached map(s) are valid for 28 days.

An assessment has been carried out with respect to Cadent Gas Ltd, National Grid Electricity Transmission plc's and National Grid Gas plc's apparatus. Please note it does not cover the items listed in the section "Your Responsibilities and Obligations", including gas service pipes and related apparatus.

For details of Network areas please see the Cadent website (<http://cadentgas.com/Digging-safely/Dial-before-you-dig>) or the enclosed documentation.



## Are My Works Affected?

Searches based on your enquiry have identified that there is apparatus in the vicinity of your enquiry which may be affected by the activities specified.

Can you please inform Plant Protection, as soon as possible, the decision your authority is likely to make regarding this application.

If the application is refused for any other reason than the presence of apparatus, we will not take any further action.

Please let us know whether Plant Protection can provide you with technical or other information that may be of assistance to you in the determination of the application.

As your proposed activity is in close proximity to National Grid's Transmission assets we have referred your enquiry/consultation to our Asset Protection team for further detailed assessment. We request that you do not commence work or take further action with regards to your proposal until you hear from us.

Due to the presence of Cadent and/or National Grid apparatus in proximity to the specified area, the contractor should contact Plant Protection before any works are carried out to ensure the apparatus is not affected by any of the proposed works.

### *Your Responsibilities and Obligations*

The "Assessment" Section below outlines the detailed requirements that must be followed when planning or undertaking your scheduled activities at this location.

It is your responsibility to ensure that the information you have submitted is accurate and that all relevant documents including links are provided to all persons (either direct labour or contractors) working for you near Cadent and/or National Grid's apparatus, e.g. as contained within the Construction (Design and Management) Regulations.

This assessment solely relates to Cadent Gas Ltd, National Grid Electricity Transmission plc (NGET) and National Grid Gas plc (NGG) and apparatus. This assessment does NOT include:

- Cadent and/or National Grid's legal interest (easements or wayleaves) in the land which restricts activity in proximity to Cadent and/or National Grid's assets in private land. You must obtain details of any such restrictions from the landowner in the first instance and if in doubt contact Plant Protection.
- Gas service pipes and related apparatus
- Recently installed apparatus
- Apparatus owned by other organisations, e.g. other gas distribution operators, local electricity companies, other utilities, etc.

It is YOUR responsibility to take into account whether the items listed above may be present and if they could be affected by your proposed activities. Further "Essential Guidance" in respect of these items can be found on the National Grid Website (<http://www2.nationalgrid.com/WorkArea/DownloadAsset.aspx?id=8589934982>).

This communication does not constitute any formal agreement or consent for any proposed development work; generally or with regard to Cadent and/or National Grid's easements or wayleaves nor any planning or building regulations applications.

Cadent Gas Ltd, NGG and NGET or their agents, servants or contractors do not accept any liability for any losses arising under or in connection with this information. This limit on liability applies to all and any claims in contract, tort (including negligence), misrepresentation (excluding fraudulent misrepresentation), breach of statutory duty or otherwise. This limit on liability does not exclude or restrict liability where prohibited by the law nor does it supersede the express terms of any related agreements.

*Further letter dated 8<sup>th</sup> October 2017:*

National Grid has no objections to the above proposal which is in close proximity to a High Voltage Transmission Overhead Line.

I have enclosed a location map to show the location of National Grid's Overhead Lines within the vicinity of your proposal and associated information below

**Health and Safety Executive – Comments received 24<sup>th</sup> July 2017:**

HSE is a statutory consultee on relevant developments within the consultation distance of a hazardous installation or a major accident hazard pipeline. Planning Authorities should use the HSE's Planning Advice Web App to consult HSE on such applications and produce a letter confirming HSE's advice. This service replaces PADHI+ HSE's on-line software decision support tool.

The Web App can be found here; <http://www.hsl.gov.uk/planningadvice>

All planning authorities were contacted prior to the launch of the Web App with log in details to set up an administrator. This administrator will be able to set up other users within the organisation. If you require details of the administrator for your organisation please contact us.

Planning Authorities should use the Web App to consult HSE on certain developments including any which meet the following criteria, and which lie within the consultation distance (CD) of a major hazard site or major hazard pipeline.

- residential accommodation;
- more than 250m<sup>2</sup> of retail floor space;
- more than 500m<sup>2</sup> of office floor space;
- more than 750m<sup>2</sup> of floor space to be used for an industrial process;
- or which is otherwise likely to result in a material increase in the number of persons working within or visiting the notified area.

*Following completion of the above tool:*

HSE's Advice: Do Not Advise Against, consequently, HSE does not advise, on safety grounds, against the granting of planning permission in this case.

As the proposed development is within the Consultation Distance of a major hazard pipeline you should consider contacting the pipeline operator before deciding the case. There are two particular reasons for this:

- The operator may have a legal interest (easement, wayleave etc.) in the vicinity of the pipeline. This may restrict certain developments within a certain proximity of the pipeline.
- The standards to which the pipeline is designed and operated may restrict occupied buildings or major traffic routes within a certain proximity of the pipeline. Consequently there may be a need for the operator to modify the pipeline, or its operation, if the development proceeds.

HSE's advice is based on the situation as currently exists; our advice in this case will not be altered by the outcome of any consultation you may have with the pipeline operator.

**British Gas PLC** - No comments received.

**The Environment Agency** – ‘Thank you for referring the above application which was received on 20 July 2017.

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment at Land South of Hollowdyke Lane Fernwood by Larkfleet Homes dated June 2017 for the proposed residential development of 350 units and the following mitigation measures detailed within the FRA:

1. The finished floor level shall be set as per the drawing titled “Provisional Foul and Surface Water Drainage Strategy Sheet 2 of 2” (Drawing Number MA10402/200-2).
2. All dwellings within flood zones 2 and 3 should be two storey dwellings.
3. The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To reduce the risk of flooding to the proposed development and future occupants.

We strongly recommend that emergency procedures are put in place in the event of a flood which is mentioned within the flood risk assessment as a flood evacuation plan. The NPPF places responsibilities on local authorities to consult their Emergency Planners and the Emergency Services with regard to specific emergency planning issues relating to new development.

It is not our role to comment on or approve the adequacy of these plans and we would expect local planning authorities, through their Emergency Planners, to formally consider the implication of this in making their decision.

Please note that the Local Planning Authority must be satisfied with regard to the safety of people (including those with restricted mobility), the ability of such people to reach places of safety including safe refuges within buildings and the ability of the emergency services to access such buildings to rescue and evacuate those people.

**Nottinghamshire County Council Flood Team** – Thank you for inviting the Lead Local Flood Authority (LLFA) to comment on the above application. Having considered the application the LLFA have no objection provided the surface water drainage system is in compliance with the Flood Risk Assessment dated June 2017 MA10402-FRA-R01 by Millward Consultants.

**Severn Trent Water** – With reference to the above planning application the Company's observations regarding sewerage are as follows.

*Condition*

1. 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 by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.
2. The development proposed should not be occupied until the need for public sewerage improvements has been identified and the necessary improvements to the public sewerage system have been fully implemented by Severn Trent Water.

*Reason*

To ensure that the development is provided with a satisfactory means of drainage as well as reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

*Suggested Informative*

Severn Trent Water advise that although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.

*Additional Drainage Requirements*

- The developer must produce a comprehensive drainage strategy for the site.
- This strategy must include how surface water is to be dealt with. In particular showing how no surface water will be allowed to enter the foul or combined system through any means.
- Surface water should be drained using sustainable techniques.
- Where a sustainable drainage scheme is to be provided, the submitted details shall:
  - i) Provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
  - ii) Include a timetable for its implementation; and
  - iii) Provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
- The strategy will also demonstrate how any land drainage issues will be resolved.
- The developer may have to commission a hydraulic modelling study to determine if the proposed flows can be accommodated within the existing system. And if not, to identify what improvements may be required. If the surface water is drained sustainably, this will only apply to the foul drainage.

- Severn Trent may need to undertake a more comprehensive study of the catchment to determine if capital improvements are required.
- If Severn Trent needs to undertake capital improvements, a reasonable amount of time will need to be determined to allow these works to be completed before any additional flows are connected.

Should you require any further information please contact us on the telephone number or email below.

**Anglian Water** – No comments received.

**Trent Valley Internal Drainage Board** – ‘The site is outside of the Board’s district and catchment. There are no Board maintained watercourses in close proximity to the site. Please note part of the site is located within the Upper Witham IDB and you may wish to invite them to comment on the application’

**Upper Witham Drainage Board** – ‘Thank you for the opportunity to comment on the above application. The site is partly within the Upper Witham Internal Drainage Board district. The Board maintained Balderton Fen Drain flows through the site and Shire Dyke is on the Eastern boundary.

The Board Objects to the proposed development in Zone 3 and Zone 2 on the Environment Agency flood maps. However it is up to Newark and Sherwood District Council as the planning Authority grant planning permission. It is noted that a Flood Risk Assessment is included in the Application that contains appropriate mitigation. Finished floor level are proposed to be 850mm above ground level in the lowest areas, all finished floor levels and critical infrastructure should be above the design flood levels in the Environment Agency system. Land raising would potentially remove the area from the Flood Zone.

No development should be commenced until the Local Planning Authority, in consultation with the Lead Local Flood Authority has approved a scheme for the provision, implementation and future maintenance of a surface water drainage system. It is noted SUDS are proposed and the attenuated discharge for the site is 24 l/s.

Under the terms of the Board's Byelaws, the prior written consent of the Board is required for any proposed temporary or permanent works or structures in, under, over or within 6m of the top of the bank of a Board maintained watercourse. Balderton Fen Drain flows through the site a clear unobstructed 6m access is required BOTH sides, Shire Dyke on the Eastern boundary requires site a clear unobstructed 6m access. There appears to be proposed planting within this area that is unacceptable. Consent will be required for any outfalls, the foul sewer and any other works within the 6m byelaw distance.

Further consents may be required for other works within the Board’s district. Under the terms of the Land Drainage Act. 1991 the prior written consent of the Board is required for any proposed temporary or permanent works or structures within any watercourse including infilling or a diversion. A map is attached to show the Board’s boundary.

**Police Architect** - No comments received.

**East Midlands Ambulance Service** – No comments received.

**Fire Brigade Headquarters** - No comments received.

**British Horse Society** – No comments received.

**Representations have been received from 11 local residents/interested parties which can be summarised as follows. For the avoidance of doubt this includes comments received through an additional round of re-consultation through a bespoke letter outlining the viability position demonstrated through the life of the application.**

#### *Support*

- Support new houses in principle but should be a greater proportion of affordable

#### *Affordable Housing*

- Larkfleet figure of 13% seems reasonable as it is a smaller developer
- The Prime Minister and local MP have explicitly voiced that affordable housing is at the forefront of social inclusion
- The Planning Committee has the political muscle to increase social housing not decrease

#### *Character*

- The application site is a breathing space for communities providing highly valued open space
- This is large scale Greenfield development outside the existing built up area

#### *Highways and Parking*

- If the A1 has traffic problems surrounding villages already come to a halt
- Road networks will not cope and neither will emergency services
- The road network should be improved to accommodate extra traffic before any build begins
- Decision makers have chosen to ignore the fact that all the homes will be using the B6326 which is basically the A1 slip road
- There is no other access to the site apart from Spring Lane which has been designated as a cycle track only

#### *Impact on Wildlife*

- The land is rich in local wildlife – major development is likely to encroach on this delicate habitat
- Tree and hedgerows to the south / south east of Fernwood are recognized for their wildlife quality
- The hedgerows provide a legitimate public interest because they border Hollowdyke Lane and Shire Lane and may in fact need to be maintained forever, given current legislation. I would refer you to the Enclosure Act 1765 which confirms that hedgerows should be protected and maintained forever.
- Hollowdyke Lane should be maintained as a country single track road

#### *Facilities*

- There is no provision for a convenience store which will put more pressure on existing Fernwood
- There is a lack of provision for suitable public amenity space
- There is no provision for young people or teenagers to expend energy at all
- No football, cricket, netball which will put pressure on existing facilities

### *Flood Issues and Drainage*

- Existing residents have no reassurance that the building plans will not increase flood risk
- Much of the proposed development is low lying and the southern and eastern edge of the Parish either side of the Shire Dyke is in a flood zone

### *Management Company*

- The old question of a Management Company has not been adequately answered – it should be made plain to new buyers

### *Comments relating to other planning applications on the Strategic site*

- Existing communities are being overcrowded putting too much strain on road networks, schools, local enterprises and community management systems, emergency services and drainage infrastructure
- Existing properties were sold on the basis of being in an attractive rural environment

### *Other Matters*

- The period of disruption for existing residents will be 10years +
- The council should enter into partnership with farmers and smaller builders to provide the houses

### Comments of the Business Manager

#### The Principle

The NPPG acknowledges that Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area, thus providing a powerful set of tools for local people to ensure that they get the right types of development for their community where the ambition of the neighbourhood is aligned with the strategic needs and priorities of the wider local area.

Following public consultation and independent examination, at its council meeting on 10<sup>th</sup> October 2017 Newark and Sherwood District Council adopted the Fernwood Neighbourhood Plan. The Neighbourhood Plan now forms part of the development plan for the district and its policies are a material consideration alongside other policies in the development plan and carry weight in the determination of planning applications in Fernwood. In this instance the most relevant policies in the Neighbourhood Plan are listed above and are considered against the relevant aspects of the proposal in the assessment below.

Fernwood, along with Newark and Balderton forms the 'Sub Regional Centre' identified in Spatial Policy 1 and is expected to accommodate 70% of the district's overall growth over the Development Plan period according to Spatial Policy 2. It is noted that the Development Plan is currently under review, albeit the need for this site, along with the other two SUE's around Newark remains.

Core Strategy Policy NAP 2C sets out that land around Fernwood has been identified as a Strategic Site for housing (for in the region of around 3,200 dwellings, 2,200 of which were envisaged to be constructed in the Plan Period up to 2026) a high quality business park of 15 hectares, a local centre comprising retail, service, employment and community uses together with associated green, transport and other infrastructure.

NAP2C envisaged, amongst other things, that the development for housing would come forward in 3 phases of between 750-1000 dwellings with average density levels of 30-50 dwellings per hectare. Higher levels were potentially envisaged in areas of greater accessibility. In addition it is anticipated that affordable housing in line with CP1 will be delivered and the incorporation of sustainable development principles and construction methods.

The current application promotes a scheme of 350 units, split into 4 no. phases. Whilst phasing is not as envisaged in the Core Strategy this need not be fatal in itself. The rate at which a build out can be achieved is, of course, market driven. Further, overall quantum's of development, even when this site is considered alongside other land parcels (including the Barratt David Wilson (BDW) Homes and Persimmon Homes East Midlands (PHEM) schemes) do not significantly exceed those originally envisaged.

The issue of assessing likely cumulative impacts remains important in planning terms, but this is particularly true for the Fernwood allocation. Unlike the other strategic sites (which have/are being progressed by a single site promotor/developer), the Fernwood site has come forward in tranches, each promoted by different landowners/developers. This application is the third to be submitted on Land around Fernwood, noting the first was submitted by BDW Homes (approved subject to associated conditions and S106 agreement December 2017) and the second by PHEM (currently pending). The current application site is positioned between the existing village and the Persimmon site and thus presents an opportunity to consolidate the overall strategic site providing a comprehensive settlement as envisaged by Policy NAP2C.

The principle of residential development is established by the Strategic Site status, subject to detailed consideration regarding the various impacts of the development which are discussed in turn below in applying and overall planning balance.

### 5 Year Housing Land Supply

Members will be fully aware of the Council's position with regards to its 5 year housing land supply. I will not rehearse the full details as these are set out in the Council's Statement of Five Year Housing Land Supply dated 1<sup>st</sup> April 2017. This concludes that the council can demonstrate a 5 year supply of housing land when assessed against the OAN figure of 454 dwellings per annum with supply as at 31 March 2017 being shown to be 6.2 years. The LPA consider that the OAN (and the Council's required supply), undertaken via the Duty to Cooperate, is robust and defensible albeit it can only carry full weight following the outcome of the Examination of the Plan Review. The OAN of 454 dwellings per annum is currently the only available robust OAN figure against which to assess whether the Authority can achieve its 5 year land supply. Multiple recent appeals have accepted that the Council has a 5YLS. I am therefore confident that the plan can be considered up-to-date and that appropriate weight can be afforded to the Development Plan policies. Notwithstanding that the Council has a 5YLS the delivery of this site (and the wider Fernwood SUE) forms an important contribution to this Council being able to demonstrate its 5YLS position, a matter which carries significant weight in an overall planning balance.

### Environmental Impact Assessment

The proposal constitutes an Urban Development Project with a site area in excess of 0.5 ha and therefore it falls within Schedule 2 Part 10(b) of the Environmental Impact Assessment (EIA) Regulations 1999. Due to the scale, nature and location of the development, in the context of Schedule 3 of the same regulations, it is considered to be EIA development. The EIA Regulations



were amended on 15<sup>th</sup> April 2015 to change the threshold for developments constituting an EIA. However for the avoidance of doubt the project would still constitute an EIA development given its size.

An Environmental Statement (ES) has been submitted as part of this Outline Planning Application. The aim of an ES (also referred to as an Environmental Impact Assessment) is to protect the environment by ensuring that a local planning authority when deciding whether to grant planning permission for a project which is likely to have significant effects on the environment, does so in the full knowledge of the likely significant effects, and takes this into account in the decision making process.

The ES covers the following environmental issues associated with the proposed development:

- Socio-Economic Factors
- Traffic and Transport
- Air Quality
- Landscape and Visual Impact
- Flood Risk and Surface Water Drainage
- Heritage
- Cumulative Effects
- Alternatives

For awareness a number of terms to assess impact (e.g. 'slight adverse') are used throughout this report. Such terms follow the language of how an ES categorises both positive and negative impacts.

It is noted that there are some drafting errors within the submitted ES (including reference to a Primary School and Local Centre to which it is assumed has been lifted from the ES at the Persimmon site given that the ES was undertaken by the same consultants) however I still consider that the ES (including its Addendums) provides sufficient information to enable a proper assessment of likely significant impacts, including cumulative impacts upon the environment.

### *Alternatives*

The EIA regulations stipulate that the ES must include an outline of the main alternatives studied by the applicant and an indication of the main reasons for the choices, taking into account the environmental effects. Appropriate consideration of alternative sites is a material consideration in the determination of the application. The principle of development on the site has already undergone a rigorous testing and independent examination as part of the preparation of the Core Strategy. It is therefore agreed that the consideration of alternatives in this instance is most appropriately focused on the alternative land use arrangements within the site.

Chapter 11 of the ES deals addresses Alternatives and acknowledges that the land uses envisaged by the indicative layout are in part driven by the constraints of the site such as the positioning of the Flood Zone. It is acknowledged that access arrangements have evolved throughout the design prior to submission to ensure that wider connections to the adjacent developments and sustainable means of transport could be incorporated. The proposed roundabout has evolved from first iterations of a traffic light junction through discussions with the Highways Authority. It is also stated that the drainage solutions; planting areas; and allotment spaces proposed have been carefully considered to take account of the design objectives set out in Policy NP1 of the Fernwood Neighbourhood Plan (FNP). Indeed the first requirement of Policy NP1 refers to the need for

development to integrate with the village. The connections demonstrated by the indicative layout submitted are considered to achieve this.

The final masterplan submitted appears to represent a logical, but more importantly, deliverable solution to development within the site. Officers are satisfied that there are no other, more suitable, alternatives which would present the opportunity to deliver the development envisaged through the allocation of the strategic site.

### Disposition and Appropriateness of Uses

Given that the scheme is outline, many of the details are for consideration at reserved matters stage. However the disposition of land uses is shown on the Illustrative Master Plan with indicative phasing shown on the Phasing Plan enabling a broad assessment regarding the disposition of land uses and timings.

The Phasing Plan demonstrates that the development would be split into 4 phases along a west to east trajectory from the roundabout. Each of the phases appears to include residential development but no specific figures are stated to confirm the split of residential delivery throughout the phases. (It is noted that the Planning Statement refers to three phases split equally but this is assumed to be an earlier iteration given that the Phasing Plan clearly demonstrates 4 phases). Each phase also includes areas of open space and play areas with the final phase including allotments and a wildflower meadow. Initial estimations suggest that the delivery would be through around 85 dwellings per phase.

The total area of housing would be within an area of 9.67 hectares which for a development of 350 dwellings equates to an average density of roughly 36 dwellings per hectare. This is compliant with the density requirements as set out in Policy NAP2C in line with CP3 of the Core Strategy. It is stated that the majority of the dwellings would be 2 storeys; up to 9m in height. The D&AS confirms that the development will have a mix of accommodation types including detached, semi-detached and terraced properties (albeit exact details are to be agreed through reserved matters).

The delivery of the phasing in a broadly west to east direction is considered the most logical route for development. It would be a nonsense to start development at the east of the site as this would mean that occupiers of the earlier phases would have to essentially pass through a construction site as later phases are built out. Given that there are no community or sporting facilities for delivery on this specific site (noting the intention to rely on the facilities within the existing Fernwood and those delivered through the larger developments within the strategic site) there is no requirement to ensure such facilities are delivered early in the build process. The delivery of areas of public open space within each Phase is considered to be a beneficial to the scheme.

In some respects the positioning of the land uses has been dictated by the constraints of the site in terms of the greater flood risk to the eastern side of the site in acknowledgement that uses such as areas of public open space are less vulnerable. In any case the incorporation of a wildflower meadow along the eastern boundary is considered beneficial in terms of mitigating the visual impacts of the development and forming an appropriate transition to the open countryside. The positioning of the wildflower meadow also assists in the creation of a 6m exclusion zone along the Shire Dyke to enable access for maintenance works as agreed with the Upper Witham Internal Drainage Board. It would also broadly align with the 'green corridor' which is intended to be delivered as part of the Persimmon scheme to the south.

In conclusion I consider the broad disposition of land uses and phasing to be appropriate and it is recommended that the development should be conditioned to require that the reserved matters applications broadly reflect the illustrative phasing plan and illustrative Master Plan.

### Impact on Highways Network

Assessing highway impacts are a well-established material planning consideration. In policy terms such a requirement is underpinned in the NPPF, NPPG, and Core Strategy Policy NAP2C which sets out that transport measures should maximise opportunities for sustainable travel and increasing non car use, achieve suitable access to local facilities and minimise the impact of the development on the existing transport network. It goes on to say that these will include high quality passenger transport links to Newark and Balderton town centres and safe, convenient pedestrian and cycle routes within and adjoining the development.

As detailed above it remains a requirement of the planning system to have regard to cumulative impacts, including in the case of Fernwood given its location upon both the local and strategic highway network. It was clear to the Local Planning Authority early on in negotiations with both BDW and Persimmon that there was a need for not only a cumulative approach, but equally a collaborative one. Within this part of Newark Urban Area there are local highways offering access into Claypole and Balderton, the strategic access to and from the A1, and the access east that would follow upon completion of the Phase 1 of the Newark Southern Link Road connecting the A1 end with the A46.

Since late 2014 the LPA has led and coordinated transport discussions between the highway authorities (NCC and HE), the developers/land owners (Persimmon, BDW, and Strawsons/Knightwood Group), and unusually for a District Council like ourselves (bearing in mind that we are not the highway authority) our own highway consultants WYG Environment Planning Transport Ltd (WYG). Unusually the Council also has sole control and ability to use the Newark Highway Model (NHM), a strategic tool for allowing highway scenarios and impacts to be tested. Baseline traffic conditions on the highway network traffic flow data has been obtained from this model. A brief summary of the discussions and conclusions is contained within the WYG letter attached as Appendix 1 to this report. What is important to note in this instance is that the developers have been asked to design and mitigate for traffic flows which have been presented to them by the highways authorities and WYG. This is based on an absolute worst case scenario if all developments were to come forward at the very upper limits of quantum's that could be accommodated within the land area available.

It is important to note that any highways mitigation sought must be necessary and attributable to the impacts of the development being promoted. Provision of infrastructure must also be viable (NPPF) and include an assessment of the quality and capacity of existing infrastructure for transport (NPPF).

### **Construction Traffic Impacts and Mitigation**

The construction phase of the development will give rise to traffic and transport impacts. It is anticipated that a realistic expectation is for the development to be completed in 2027 (based on an annual build out of 40 dwellings per year). Taken in combination with the other applications within the strategic site there will undoubtedly be a major construction project in the local area potentially creating disturbance to the local community and other road users. Understandably this has been raised as a concern by during consultation on the application.

The ES, at Chapter 5 confirms the intentions for a 9 year build program with all construction traffic accessing the site via Great North Road. The ES uses broad assumptions (based on HGV movements per 10m<sup>2</sup> of residential development) concluding that there will be 7,000 HGV arrivals and departures which over the entire build out would equate to an average of 3 HGV vehicles arriving and departing each working day. When including light vehicles associated with these HGVs, the assumption is made that a total of 18 vehicles will be arriving and departing from the site per day. Para. 5.7.6 of the ES concludes that the maximum increase would be a 0.02% increase in traffic flows during construction.

In pragmatic terms it would not be desirable for the traffic to reach the site through existing residential development. Nevertheless it is confirmed that the HGV traffic would be routed via the A1 through a routing plan. No other mitigation measures are proposed.

I concur with the ES that the likely impacts of the construction traffic would be indiscernible. The difficulty is that this assessment is made purely in the context of the current application which as Members will be acutely aware will not be the reality noting that there is likely to be three significant housing developments being built out at the same time. I am mindful that it is not for the current application to mitigate the effects of other schemes in the overall strategic site but I nevertheless consider that it would be proportionate and reasonable to condition the preparation of a Construction Management Plan (CEMP) to ensure that all reasonable steps are taken to minimise and mitigate adverse effects from construction traffic. This will be required to include, details of vehicle routing as discussed; hours of construction; construction noise and dust management and details of proposed site compounds.

### **Impacts from Operational Development and Mitigation on Wider Strategic Network**

Firstly, it is noted that the current application submission does not follow the structure of level of detail that officers have been presented with for the BDW and PHEM schemes. Notably, the Traffic Assessment (TA) does not discuss increases in % traffic flow at specific junctions. The extent of the study area is limited to Great North Road with the development considered to have a minor adverse impact.

The TA does however include details of vehicular trips generated from the proposed development. In this regard, it is estimated that the occupation of 350 dwellings could generate an additional 208 two-way trips in the morning peak and 197 two-way trips in the evening peak (not taking into account the effect of the Travel Plan). This equates to an average of four vehicle trips every minutes. Officers acknowledge that the current proposal for 350 dwellings is a significantly lesser quantum than the BDW (1050 dwellings) and PHEM (1800 dwellings) schemes and thus the evidence provided is considered proportionate to the level of development. Particularly when it is acknowledged that the current application site has always been factored in to the wider strategic highways implications.

Members have been presented with the wider highways works which are required to make the strategic site acceptable in highways impacts overall. For the avoidance of doubt the works agreed thus far are as follows:

Table of Works for BDW (14/00465/OUTM) in Isolation:

Highway Work	Proposed Mitigation	Drawing No./ Location	Trigger for Delivery
<p>Goldstraw Lane/B6326 Roundabout &amp; between Goldstraw Roundabout and Dale Way Roundabout</p>	<p>Works involve:</p> <ul style="list-style-type: none"> <li>• Increased flare length on Goldstraw Lane to extend the 2 lane entry;</li> <li>• Increased flare length on the B6326 southern arm to extend 2 lane exit;</li> <li>• Widening of the B6326 on the norther arm to provide a 2 lane exit;</li> <li>• Increase flare length on the A1 slip road with 40m taper to provide a 2 lane entry</li> </ul>	<p>Watermans; 210354/06/008/A03</p> <p><i>Appendix 1 of Barratt/DWH Transport Assessment (application submission 14/00465/OUTM)</i></p> <p>210354/06/016 <i>(Overall Network Improvements)</i></p> <p>Milestone: 14106/038</p> <p><i>Annex 2 of Technical Note from Milestone Transport 28.06.2016</i></p>	<p>Triggered on commencement of development for the Barratt/DWH scheme with completion required prior to first occupation of the 100<sup>th</sup> dwelling on the Barratt/DWH scheme</p>
<p>Hollowdyke Lane/B6326 Great North Road Junction</p>	<p>Improvements to visibility;</p> <ul style="list-style-type: none"> <li>• Widening of HDL at its junction with the B6326 to 6m wide for a distance of approx.30m</li> <li>• Increasing the corner radii on HDL to 10m</li> </ul> <p>Hollowdyke wider works including passing bays</p>	<p>Watermans: 210354/03/005.4 Rev E</p> <p><i>Appendix C of Barratt/DWH Transport Assessment (application submission 14/00465/OUTM)</i></p>	<p>Prior to occupation of 51 units.</p>

Table of Works for PHEM (16/00506/OUTM) in Isolation:

Highway Work	Proposed Mitigation	Drawing No. / Location	Trigger for Delivery
A1 South/B6326 Fernwood South	Various works including <ul style="list-style-type: none"> <li>• Creation of left-slip from A1 (south)</li> <li>• Banning right turn from B6326 to A1 north</li> <li>• Roundabout to serve Phase 3 of the Persimmon development</li> </ul>	14106/027 C <i>Appendix 11 of Persimmon Transport Assessment</i>	1a) banning right turn out and extension of the right turn filter will be completed prior to first occupation of the 100 <sup>th</sup> dwelling on the Persimmon scheme; 1b) Creation of left slip road from A1 will be completed prior to occupation of the 900 <sup>th</sup> dwelling on the Persimmon scheme
B6326 Great North Road/Sylvan Way	Works proposed include improving existing footway and pedestrian crossing facilities around the bell-mouth of the junction and give way sign	14106/026 Rev A <i>Appendix 14 of Persimmon Transport Assessment</i>	Works to be completed prior to occupation of Phase 2 of Persimmon scheme
B6326 Great North Road/C421 Shire Lane junction	Change existing give way controlled junction to a new roundabout	14106/025 D <i>Appendix 16 of Persimmon Transport Assessment</i>	Works to be commenced on commencement of Phase 1 of Persimmon scheme and completion prior to first occupation of the 50 <sup>th</sup> dwelling on the Persimmon scheme
C421 Shire Lane Corridor improvements	Reconstruction of carriageway between the roundabout junction with the GNR and the County boundary at the bridge at the Shire dyke giving; <ul style="list-style-type: none"> <li>• continuous carriageway of 6.75m wide</li> <li>• including the provision of a continuous shared 3m footway/cycleway on the northern side of the carriageway</li> <li>• including a 2m</li> </ul>	14106/018 rev E <i>Appendix 20 of Persimmon Transport Assessment</i> 14/106/025 Rev D <i>Appendix 16 of Persimmon Transport Assessment</i>	Works to be started on commencement of Phase 1 of Persimmon scheme and finished prior to completion of Phase 1 of Persimmon scheme

		footway on the southern side of the carriageway		
B6326 Great North Road Corridor Improvements (Shire Lane to Dale Way)		Narrowing of carriageway to facilitate construction of a 3m shared footway/cycleway	14106/016 Rev D <i>Appendix 19 of Persimmon Transport Assessment</i>	Works to be completed prior to first occupation of the 50 <sup>th</sup> dwelling of the Persimmon development

The detail of the above works has been the subject of lengthy previous discussions to ensure that the mitigation measures represent measures attributable, on a proportionate basis, to each developer within the overall strategic site. For the avoidance of doubt highway junctions between the Balderton roundabout and the A1 South can be attributed to each of the developments on the basis of a clear majority impact. This is not the case for the A1 over-bridge (which requires a 2 lane northbound solution) given that all developments have an impact on this part of the network. Members will be aware following the full Council resolution on 12 July 2016 that the A1 over-bridge is now on the CIL 123 List, with CIL receipts from Fernwood developments expecting to more than provide for the capital costs of works.

Again acknowledging the much lower quantum of the current application, it is only proportionate that the current applicant will be attributed a lower quantum of works. The TA accepts that it falls to Larkfleet Homes to implement the improvement scheme at the A1/B6326 London Road roundabout. This involves a scheme for minor improvements to the London Road north approach to the roundabout (the TA includes plans demonstrating such works).

Rightly so, relevant consultees have raised the issue of what would happen if the other development do not come forward as envisaged and therefore their associated highways works are not triggered. There is an acceptance within the TA that the current application cannot necessarily rely on the mitigation measures secured by third parties in respect of the other developments. Specifically, in the event that the current proposal is built out to 100 units occupation before the other developers are on site, then the first phase of the A1/B6326 junction would fall to Larkfleet Homes. In the unlikely event that this occurs, conditions could be imposed on the current application to ensure that the highways implications of this development alone remain acceptable.

I note the comments of Highways England in respect to the need for a similar fall back condition for the works agreed to the Goldstraw Lane roundabout given that the current development would result in an increase of 240 two-way trips in the worst case AM peak. This is deemed to be a reasonable approach and indeed appears to be accepted by the applicant as demonstrated through the costings in the viability assessment (discussed in detail below).

The mitigation measures attributed to the applicant would be secured through conditions and an accompanying S106 agreement. This will ensure that any off site mitigation measures are implemented at the appropriate trigger points subsequently ensuring that any potential adverse effects of the additional traffic arising from the development are addressed and that any cumulative impacts are not unacceptable.

## **Internal Highways Network**

The proposed development would be accessed by a new roundabout from the Great North Road. This has been the subject of pre-application discussions with NCC Highways and has reached the level of design that has allowed NCC to conclude that the roundabout is acceptable in principle and that the site frontage is sufficient to allow any modifications to the design to take place. I note the comment that the LPA should consider whether or not the final design should be formally agreed as part of the outline proposals. The agent has confirmed that the design presented is as proposed and there are no further intentions to revise this. This has been subject to further discussions with NCC Highways who have since confirmed that the reference to the final design in their comments was in respect to the technical design process which would follow any planning approval and thus there is no objection to the design of the roundabout as currently presented.

The proposed roundabout would consequently tie in to the agreed proposal to narrow the B6326 Great North Road to 7.3m to allow the construction of a shared-use cycle/footway on its eastern side. This improvement was agreed as part of the Persimmon development to the south (App. 16/00506/OUTM). Should the development subject to this application come forward before the Persimmon development, then it is reasonable to expect Larkfleet Homes to carry out the same improvement between their site and the Dale Way junction to cater for pedestrian and cycle trips generated by their development.

The exact internal road layout would be the subject of the final design at reserved matters stage. Nevertheless, the indicative layout demonstrates the principle of diverting Hollowdyke Lane as requested by NCC. However, it is understood that BDW Homes are proposing to use Hollowdyke Lane for construction vehicle access for their proposed residential development to the northeast of the site the subject of this report. As a result, any re-routing of Hollowdyke Lane will not be accepted by the applicant until such activity is complete. Officers consider this to be a reasonable stance and would seek to secure the appropriate arrangements through a condition as suggested by NCC Highways.

## **Sustainable Movement including Public Transport**

One of the core planning principles outlined by paragraph 17 of the NPPF states that planning should actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.

The TA confirms that connections will be incorporated into the proposed development for pedestrians and cyclists to both existing and committed infrastructure. This includes connections to both the existing Fernwood village as well as allowances for connections to the Fernwood South development (and its associated infrastructure). This is considered to represent a major benefit of the proposal in that it will allow integration of the overall strategic site.

I note the comments of NCC Highways (Travel Plan team) in respect of the emphasis which the TA places on the public transport provision agreed through the PHEM scheme. Indeed paragraph 4.11 details the bus services intended through the PHEM development with the subsequent paragraph going on to state that the proposed services would pass the current development site via the B6326. However, the TA does go on to confirm that the masterplan has been designed such that the buses could route through the proposed development before connecting through to Fernwood South. It is fully acknowledged that there is no guarantee of these services coming



forward. However, in any case there are bus stops proposed in the vicinity of the access roundabout such that any bus routes servicing the north of the site within existing Fernwood could extend their route and U-turn at the access roundabout. Despite the legitimate concerns of NCC Highways, I consider this to be a proportionate approach to public transport provision based on the quantum of development to which the current application relates.

The application has been accompanied by a Residential Travel Plan with the overall objective to minimize the number of new car trips generated by residents and visitors. There is the opportunity to control the sustainable movement patterns associated with the development through conditions. For example, an approach taken in previous developments has been for other measures such as free four week bus season tickets and a commitment to provide every household with a Travel Information Pack to increase the likelihood of public transport usage. The commitment to this is already alluded to through the content of the Residential Travel Plan.

### Impact on Trees, Ecology and Nature Conservation

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. Policy DM7 states that new development should protect, promote and enhance green infrastructure to deliver multi-functional benefits and contribute to the ecological network.

The NPPF incorporates measures to conserve and enhance the natural and local environment and requires at para. 118 that, in determining planning applications, the following principles are applied to conserve and enhance biodiversity:

- Significant harm resulting from a development should be avoided, adequately mitigated, or, as a last resort compensated for; and
- Opportunities to incorporate biodiversity in and around developments should be encouraged.

### **Trees**

The application has been accompanied by an Arboricultural Report and Impact Assessment dated January 2017. The tree survey revealed 19 items of woody vegetation, comprised of 10 individual trees and 9 groups of trees or hedge groups. Of the surveyed trees: 1 tree is retention category 'U'; 4 hedge groups are retention category 'B'; and the remaining 14 trees and hedge groups are retention category 'C'. The survey confirms that the significant woody vegetation forms the boundaries of the site with the central area of the site not featuring any tree specimens. It is considered that the species diversity within the site is relatively poor with the dominant species being Hawthorn with several Sycamore and occasional Ash and Elder.

Whilst no trees or hedgerows will require removal to facilitate the new development, it is likely that small sections of two of the hedge groups (G12 and G15) will require removal to allow for new access routes. I appreciate that hedgerow loss has been raised as a concern during the consultation process but it is noted that the hedges already have gaps and small missing sections and thus the impact of this visually is not considered to be significant. In any case, the provision of the access is an evitable consequence of the development and therefore the small loss of hedgerow is considered to be reasonable to the overall delivery of the development. I would also concur with the stance of the Arboricultural Report in that the proposed development offers the opportunity for additional tree planting as part of the overall landscaping delivery of the site.

Subject to conditions in respect to further landscaping details and the protection of trees indicated for retention, the development is not considered to amount to a harmful impact in respect of trees.

## **Ecology**

The application submission includes an Extended Phase 1 Survey Report undertaken by Lockhart Garratt and dated September 2016. A further ecological summary was submitted during the life of the application dated 21<sup>st</sup> September 2017. A desktop study was undertaken for existing ecological data regarding both statutory and non-statutory protected species, designated sites and habitats of nature conservation interest. There are no statutory designations within 2km of the Site and 10 non-statutory designations, the closest being the Shire Dyke, Balderton Local Wildlife Site (LWS) located adjacent to the Site to the east. A range of protected mammal and bird species were identified within 2km of the Site by the desk study.

Original field surveys were undertaken in August 2016. The survey has been assessed in detail by relevant consultees, notably NCC Ecology and Nottinghamshire Wildlife Trust (NWT) with their full comments listed above. Both parties recognise that the original surveys recommended further works in respect of both great crested newts and reptiles. It is on this basis that the additional survey works were submitted.

## **Protected Species Impacts**

Standing advice from Natural England has been used to assess the impacts upon protected species arising from the proposed development.

### *Badgers*

Although records exist for the wider area, no evidence of the presence of badgers was noted on the site. Consequently no adverse impact upon local badger populations is anticipated as a result of the development.

### *Bats*

All species of British bats and their resting places are specially protected under the terms of the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010.

The current Site lacks bat roosting potential in the majority of the trees on Site but there is potential for bats to be utilising the Site for foraging and commuting. There is opportunity to erect bat boxes on some of the trees to be retained to offer bat roosting.

Measures such as controlled lighting and construction practices are suggested which can be addressed through conditions.

### *Amphibians*

There is standing water adjacent to the Site and suitable habitat in the form of semi-improved grassland and ditches on Site. An assessment was completed for the standing water adjacent to the Site, with an average suitability score for great crested newts. Following further survey works

no evidence of great crested newt was found at the site, although small populations of smooth newts were encountered. Mitigation is proposed in section 6 of the Great Crested Newt Survey Report, and the production of an Amphibian Mitigation Strategy.

### *Reptiles*

The original survey report acknowledged the potential for reptiles to be utilising the semi-improved grassland and ditches on site thus recommending further surveys which have been submitted during the life of the application.

A single grass snake, indicating a low population of this species, was recorded during reptile surveys. A condition should therefore require the production of, and compliance with, a Precautionary Method of Working for reptiles, based on paragraph 5.5. of the Reptile Survey Report, and, in line with the comments of NCC Ecology, adding that phased vegetation removal should progress from the centre of the site towards the retained boundaries.

### *Nesting Birds*

All nesting birds are protected under the Wildlife and Countryside Act, 1981 (as amended). Under this legislation all birds, their nests and eggs are protected by law. Species listed on Schedule 1 of the Act are specially protected at all times.

There is potential for birds to be using the intact hedgerows and scattered trees for foraging and commuting. Despite the retention of the majority of existing trees and hedgerows, it is considered reasonable to attach a condition in respect to works affecting these habitats to take place outside of the bird breeding season.

### **Biodiversity Enhancements**

It is acknowledged that there are numerous potential detrimental impacts to the ecological value of the site which could arise during the construction and operational phases. These include, but are not limited to, the direct loss of habitats and their associated flora; degradation of retained habitats through soil compaction or changes to drainage etc.; pollution through either airborne or waterborne means; directly killing of species during site clearance; disturbance through increased artificial light; increased visitor pressure and degradation of retained or created habitats through mismanagement. However, this must be taken in the context of the overall benefits which the development, once constructed, has the potential to deliver.

The area of wildflower meadow along the eastern boundary of the site will serve as a buffer between the Shire Dyke and the built form of the proposed development. Moreover the provision of native species structural planting, comprising linear corridors of woodland, hedgerow and tree grouping will provide ecological benefits as high quality community, foraging and nesting habitat. In addition to this, further benefit will be provided through the creation of the surface water retention basins required for drainage purposes.

The nature of the existing site being intensively managed arable land provides a significant opportunity to provide enhancement. It is considered that the habitat creation and enhancement opportunities presented by the indicative masterplan would be appropriate to compensate for very minor loss of habitat necessitated by the development.

Subject to consideration further landscaping details and other mitigation measures secured by condition, the proposal is considered compliant with the relevant ecological paragraphs of the NPPF, as well as Policies CP12, DM5 and DM7.

### **Soils and Agricultural Land Quality**

Unlike the other applications with the overall Strategic site, Natural England have not provided specific comments in respect of soil and land quality. Equally unlike the other applications previously considered, the current application has not been accompanied by an Agricultural Land Classification survey. Based on the results of surveys at the adjacent site, it is considered likely that there may be some land considered as being Grade 3a and thus defined as being the 'best and most versatile' agricultural land (Grades 1, 2, and 3a land in the Agricultural Land Classification system).

Para. 112 of the NPPF is clear in stating that:

*'Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality'.*

It is accepted that all agricultural land within the site would be lost. This would undoubtedly negatively impact upon the existing land use. Whilst this must be weighed in the overall balance it is considered that the LPA have applied the duty required by the NPPF in allocating the site through thorough consideration of the economic and other benefits associated by the allocation of a strategic site of this scale. It is therefore not considered reasonable to resist the proposal purely on the basis of the loss of agricultural land.

### Visual and Landscape Impact

Core Policy 13 (Landscape Character) sets out a framework for assessing landscape character and sets expectations that development proposals should positively address the implications, aims and objectives of each landscape policy zone. The adopted Landscape Character Assessment (SPD) is a district level assessment of landscape character (that sits hand in hand with CP13) and is a useful tool in assessing local landscape character in relation to specific sites.

The site lies within the South Nottinghamshire Farmlands character area crossing two policy zones; Policy Zone 08: Cotham Village Farmlands and Policy Zone 09: Trent and Belvoir Vale. The latter zone forms part of an extensive alluvial flat characterized by a level to gently rolling landform. It is acknowledged that this area may form part of a separate regional character area that is more fully represented within Lincolnshire however it has been included within the South Nottinghamshire Farmlands area because the landscape priorities are similar.

It is accepted that the South Nottinghamshire Farmlands contain some of the highest quality agricultural land in the County with around 80% of the farmland under arable cropping. Nevertheless it is also conceded that urban and industrial development, including residential development through site allocation forms a future pressure to the existing landscape.

The ES deals with matters of Landscape and Visual Amenity with Chapter 7 forming the LVIA to the application. The purpose of the LVIA is to assess the landscape character and visual amenity of the

site and the resulting landscape and visual effects of the Development. The LVIA has followed the relevant guidelines in preparation ('Guidelines for Landscape and Visual Impact Assessment' GLVIA3) and has been assessed by both officers and relevant landscape expertise at NCC.

The assessment includes viewpoints located up to 3.5km from the site boundary using a combination of quantitative and qualitative information. 24 viewpoints have been selected and grouped into three categories; near distance constituting 500m or less; middle distance at 500m to 1.5km; and long distance at greater than 1.5km from the site boundary. Each viewpoint is assessed in respect to their principal receptors and sensitivity.

Detailed assessment begins with the construction phase before moving to assessment of the operational effects of the development. It is acknowledged that the site is visually contained by the existing village of Fernwood to the north; the topography and vegetation along the A1 to the west and the railway embankment to the north east. It is equally acknowledged that the site forms part of a wider housing allocation such that the intention is for the land to the south to also bound the site with residential development.

The majority of effects attributable to the operational phase of the development are identified as negligible or minor adverse. Some moderate adverse effects are however recognized in respect to the permanent change in the land use and the immaturity of the planting at Year 1 of the development. The LVIA goes on to contend that in respect of Landscape Effects the development will incorporate a high level of planting and open space which in the longer term will have a significant beneficial effect on vegetation cover.

The most significant visual effects of the development are identified to occur close to the site along Hollowdyke Lane; the public right of way FP4 to the west of the site; and to residents of Collinson Lane, on the southern edge of the existing Fernwood. Effects will decrease from significant adverse to being insignificant by Year 11. Clearly this will be heavily dependent on the efficient delivery of the mitigation proposed; a point raised through the comments of NCC Landscape Team:

*'The success of the proposed mitigation will be reliant on effective high quality and robust landscape proposals being developed at detail design, with resourced and managed establishment and ongoing management of landscape elements.'*

The overall comments of NCC are noted in respect to the discussions on the wider strategic allocation and the need for careful consideration of a strategic landscape delivery despite the involvement of numerous land owners. It remains for the LPA to consider the exact details of landscape delivery (for all sites within the allocation) at reserved matters stage. Clearly officers will need to be mindful of potential connectivity and coherences of all proposed open spaces and landscape structures. The proposal has taken lead from the requirements of Policy NAP 2C in terms of allowance for a landscape buffer along the eastern boundary of the site. In allocating the site for a mixed use residential development of this scale, it has already been implicitly accepted that there will be landscape impacts arising from the proposal. Nevertheless, the outline scheme as presented is considered appropriate in maximizing the opportunities to appropriately screen the development where possible. The identification of adverse impacts summarised above are noted, and indeed will be weighed in the overall balance of the proposal.

## Archaeology and Cultural Heritage

Core Policy 14 (Historic Environment) seeks to ensure that continued preservation and enhancement of the character, appearance and setting of the district's heritage assets and historic environment, including archaeological sites. Policy DM9 (Protecting and Enhancing the Historic Environment) echoes this and with regard to archaeology specifically states that proposals should take account of their effect on sites and their settings with the potential for archaeological interest. Where proposals are likely to affect known important sites, sites of significant archaeological potential, or those that become known through the development process, will be required to submit an appropriate desk based assessment and, where necessary, a field evaluation. This will then be used to inform a range of archaeological mitigation measures, if required, for preservation by record and more occasionally preservation in situ.

Heritage is addressed through Chapter 9 of the ES confirming that there are no designated heritage assets within the site. The assessment does however identify one possible focus of archaeological activity within the site and more widespread evidence of former strip cultivation of the site.

The scheme has been fully assessed by internal colleagues in conservation with their comments listed in full in the above consultation section of the report. Nevertheless, given the level of expertise offered by these comments, their repetition is deemed appropriate in the context of the appraisal of the proposal.

*Given the existing built form of Balderton and Fernwood, it is felt that the proposal is not likely to compromise designated heritage assets in Balderton or Newark, and I am satisfied that topography and relative distances between receptors and the proposal site ensure that impact in the wider landscape is not likely to result in any specific material harm to the setting or significance of the Church of St Giles in Balderton or Church of St Mary Magdalene in Newark. No harm is perceived, furthermore, to the setting of Balderton CA or non-designated heritage assets such as Fernwood Tower.*

*It is recognised that the Church of St Peter at the western edge of Claypole could be impacted by the proposal due to the open rural landscape between. Whilst I would defer to Conservation colleagues in South Kesteven for their view on this matter, I am satisfied that the indicative proposed layout of the scheme and the limitation of new dwellings to 2 storeys in height is likely to ensure that the setting of St Peter will not be harmed. There are also opportunities to help reinforce and improve green infrastructure at the eastern portion of the proposal site which would help mitigate impact on the wider setting of the church.*

*The development site contains archaeological interest. The County Historic Environment Record (HER) and National Monuments Record (NMR) identifies potential within the overall Fernwood NE site, including an undated cropmark enclosure (possibly prehistoric in origin), a ring ditch feature and various linear features identified on aerial photographs. The effect of the proposed development on the significance of any non-designated heritage assets should be taken into account in determining the application in accordance with paragraph 135 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. In addition, given the archaeological interest of these identified heritage assets, appropriate regard must be given to their potential for higher significance, noting that assets of archaeological interest that are demonstrably of equivalent significance to scheduled monuments should be considered subject to the policies for designated heritage assets (as required under paragraph 139*

*of the NPPF). The submitted desk-based assessment recommends that a scheme of investigation and recording should be secured via a suitably worded condition. I would concur with this assessment.*

The proximity of the site to the Grade I listed Church of St Peter is acknowledged and the comments of South Kesteven District Council are noted in this regard. The comments direct assessment towards NSDC and in this respect I would concur with the above conclusion that the indicative proposed layout is unlikely to harm the setting of the Church. I am conscious that any specific impacts, such as those arising from the built form within the site, will be a matter for assessment at reserved matters stage when the full details of the scheme are before Members for consideration. On this basis no conflict with the aspirations of CP14 and DM9 have been identified in respect of designated heritage assets.

In addition to the aforementioned designated heritage assets, regard must also be had to non-designated assets present within the site, notably the identification of archaeological potential. It is fully acknowledged that the primary impact of construction works will be from the ground work associated with the development directly impacting upon the archaeological resource. Equally it is acknowledged that the impact is likely to result in substantial or total destruction of any archaeological remains. As a consequence, subject to an appropriately worded condition requiring a suitable scheme of mitigation and programme of archaeological work the importance of the archaeological remains identified thus far is not considered sufficient to prevent development on the site.

## Impacts on Environment

### **Flooding**

Policy NAP2C requires the provision of flood mitigation; provides that residential development should not be located in flood zone 3; provides that development may be accepted in Zone 2 (subject to appropriate mitigation) and states that where appropriate a Sustainable Urban Drainage scheme (SUDs) should be incorporated. This policy remains in compliance with the NPPF and its technical guidance.

Paragraph 100 of the NPPF confirms that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. In the context of the allocated nature of the site, paragraph 104 is also of relevance. This confirms that for individual developments on sites allocated in development plans, applicants need not apply the sequential test.

Chapter 8 of the ES and the accompanying Flood Risk Assessment (FRA) deals with matters of Flood Risk and Surface Water Drainage (the latter discussed separately in the following section). The application has also been accompanied by a standalone Flood Risk Assessment undertaken by millward and dated June 2017.

In the context of the proposed development, the two most important watercourses in the area are the Shire Dyke and the River Whitham. The former is located approximately 0.3km east of the site and there is a field ditch to the eastern boundary cutting through the site and a further drainage ditch to the northern boundary running parallel to Hollowdyke Lane. Areas to the east of the site are recognized as being within Flood Zones 2 and 3 (estimated within the ES as being 2.3ha and

6ha respectively) for fluvial flooding with the remainder (and indeed the majority of the site) within Flood Zone 1.

The ES confirms that the areas within Flood Zone 3 will not feature residential dwellings with the residential development proposed restricted to Flood Zone 1 and a small proportion of Flood Zone 2. The basis of the FRA is on the latest depth mapping for flooding in the area which takes into account the flood defences on the River Whitham. It is accepted that these details supersede the Strategic Flood Risk Assessment Level 1 report published by NSDC in July 2009.

Members will note that the NPPF does not require the application of the sequential test given that the site has been allocated for development of the nature proposed. However, it is equally noted that Policy NAP2C only accepts the potential for residential development in Flood Zone 2 on the basis that it incorporates appropriate flood mitigation measures in line with national policy. This conforms with the requirement of national policy for the decision taker to apply the exception test in the case where the sequential test has been passed.

The proposal has been assessed by the relevant consultees including NCC Flood Team as the Lead Local Flood Risk Authority and the Environment Agency. Both comments are outlined in full above, neither raising an objection to the application. Both parties have suggested that the development should be conditioned in line with the submitted FRA including in respect to finished floor levels.

The wider sustainability benefits of the proposal are acknowledged (and indeed afforded the appropriate weight in the overall balance undertaken below) and thus it remains for the authority to be satisfied that the development will be safe for its lifetime and not increase flood risk elsewhere. Given the outline nature of the proposal, exact mitigation measures such as raising floor levels for the eastern portion of the residential development and incorporating flood resilient construction technique cannot be considered in detail at this stage. Nevertheless, I am confident that these could be agreed through a suitably worded condition such as that recommended by the EA. On this basis the proposal would be compliant with the relevant elements of Policy NAP2C and the NPPF.

### **Surface Water Drainage**

The NPPG is clear of the importance of sustainable drainage systems as a means of control for surface water run off to mimic natural drainage as closely as possible. Consideration of sustainable urban drainage (SUDs) is also required by Policy NAP2C.

As has already been acknowledged, the development will impose a fundamental change to the character of the site introducing built form to existing agricultural land. This will undoubtedly lead to an increase in surface water runoff in correlation to the increase in impermeable surfaces. Given the proximity to surrounding watercourses there is potential for this to lead to increased instances of flooding if not addressed. Surface Water Drainage has been addressed in the application submission through Chapter 8 of the ES and the associated FRA.

It is acknowledged that there is an existing field drain to the northern boundary of the site which serves the highway drainage from Hollowdyke Lane. However, given the site contours it is confirmed that there is little field run off expected to currently drain into the existing drain. The existing scenario for drainage is partial infiltration to the existing topsoil before generally following the topography west to east towards the existing drainage ditch to the east of the site and ultimately outfalling into the Shire Dyke.



The FRA confirms that the volume of attenuation which is estimated to be required to accommodate the development is between 6,000m<sup>3</sup> and 7,963m<sup>3</sup>. The indicative site layout demonstrates three separate SUDs ponds throughout the site which are capable of accommodating circa 6,600m<sup>3</sup>. The discrepancy between this and maximum figure of 7,963m<sup>3</sup> (i.e. 1,363m<sup>3</sup>) is expected to be accommodated in the under-drained swale areas and permeable paving. Given the outline nature of the proposal the actual final attenuation requirements will be confirmed as part of the detailed design of the scheme. The FRA states that drainage provisions are intended to be adopted and maintained by a private management company which will be funded through the residents of the development through their deeds.

Relevant consultees have assessed the development as proposed. Specifically NCC Flood Team has commented as the Lead Flood Authority and have raised no objection provided that the surface water drainage system is carried out in compliance with that submitted through the FRA. Provided that this is secured by condition I am satisfied that the proposal as submitted accords with the requirements of NAP2C.

The comments of the Upper Whitham Drainage Board are listed in full above. These confirm that the Board maintained Balderton Fen Drain flows through the site and the Shire Dyke is on the eastern boundary. The comments raise an objection to the development in Flood Zones 2 and 3 but go on to acknowledge that it falls for the LPA to assess the acceptability of the development principle (as has been done in the above discussion on matters of flooding). The Board confirm that their prior written consent would be required for any works within 6m of the top of the bank and raises concern that the current indicative layout appears to show planting within that area which would be potentially unacceptable. Given the outline nature of the proposal which will require exact details of landscaping to be submitted at reserved matters stage, I do not consider this to be a fundamental issue which would affect the determination of the outline proposals presented.

The site is located very close to the operational boundaries of Anglian Water and Severn Trent Water and thus both have been consulted on the proposed development (noting that the applicant has also undertaken pre-development consultations with both parties). Comments have been received from Severn Trent confirming that no objections to the development subject to the imposition of conditions. However, officers have concerns in respect to the condition suggested as drafted:

*The development proposed should not be occupied until the need for public sewerage improvements has been identified and the necessary improvements to the public sewerage system have been fully implemented by Severn Trent Water.*

The consequence could be that the development is delayed on the basis of implementation of sewerage improvements which would be beyond the control of the applicant. On this basis, the condition is not considered to meet the 6 tests outlined by the NPPF in that it would not be reasonable. Severn Trent Water are not a statutory consultee to the planning process and any comments made to applications are advisory. Moreover, Severn Trent have a duty to accommodate flows from new development. This is a matter which has previously been debated by this LPA; notably a scheme at Ash Farm in Farnsfield where a legal opinion confirmed that it was not possible for the developer to be prevented from making a connection to Severn Trent's sewers on the basis of inadequacy in their capacity. So much was made clear in the Supreme Court decision in *Barratt Homes Ltd v Dwr Cymru Cyfyngedig (Welsh Water)*. On this basis officers do not consider it reasonable to attach the second condition as suggested by Severn Trent Water.

## **Water Quality**

Impacts on the natural environment including water quality are addressed through paragraph 109 of the NPPF and the associated online guidance of the NPPG. This is addressed within Chapter 8 of the ES. It is acknowledged that there is the potential for the development to result in water pollution from silt laden runoff if it is allowed to drain to the surrounding watercourse untreated. There is also potential from spillages and leaks from plant and machinery during the construction phase.

The site is in close proximity to the Shire Dyke which is recorded as having a moderate ecological status and good chemical status. Any effects arising from the construction of the development would be short term, non-permanent impacts which would more importantly be reversible. I therefore do not consider that the potential impacts on water quality identified above would be significant enough to warrant a resistance of the proposal.

## **Air Quality**

Chapter 6 of the ES and its associated Appendix has assessed matters of air quality based on findings of the existing air quality conditions, potential air quality impacts during the construction phase of the development and the predicted impacts on local air quality resulting from road source emissions generated by the development once it is fully operational.

For the construction stage, the most important consideration is dust which without appropriate mitigation could cause temporary soiling of surfaces such as windows and cars. The ES acknowledges that the LPA may require 'desirable' mitigation measures including a Dust Management Plan and monitoring. Other measures such as imposing maximum speed limits for construction vehicles are referenced. I am satisfied that any potential air quality impacts arising from the construction phase of the development could be agreed through the discharge of a Construction Environmental Management Plan (CEMP) condition.

For the operational stage, the most important consideration is the changes in road vehicle emissions arising from the arrivals and departures from the proposed development. The assessment identifies the key pollutants associated with the development traffic as being Nitrogen Dioxide and Particulate Matter. A number of receptors have been assessed including nearby existing residential properties and surrounding land uses such as the Lancaster Grange Care Home. Overall, the impact on the surrounding area is considered to be 'negligible.'

The assessment then moves to the operational phase in the context of the future occupiers of the proposed development. Relevant objectives from the National Air Quality Strategy (AQS) are likely to be met at the facades of the Development and on that basis, future occupants of the Development will be exposed to acceptable air quality effects. On the basis of the outcomes of assessment, no further mitigation measures are considered necessary. This stance is supported by the comments of Environmental Health colleagues with their comments stating a general concurrence with the findings of the assessment.

## **Noise and Vibration**

The NPPF is clear in identifying matters of noise as a material consideration in the planning process. Specifically paragraph 123 states that decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life.

It is noted that, unlike the PHEM site to the south, the current application site is not boarded by the A1 or existing industrial uses. On this basis, officers accepted at scoping stage that matters of noise and vibration need not be covered through the submitted ES. As a general stance, the site is not considered to be subject to potential levels of noise pollution that would be unusual to any other greenfield site. However, it is noted that the site forms part of a wider strategic allocation which could amount to cumulative impacts particularly at the constructions stage which would be ongoing for a number of years.

There would undoubtedly be noise impacts to existing properties and early occupiers during the general earthworks, construction and fit out phases of the development. Whilst this is an undesirable impact of the proposal it is unfortunately one considered difficult to overcome. It can, of course, be minimized as far as possible by ensuring that site compounds on each phase(s) are sited as far as practicable from any existing and early receptors and by controlling this, working practices, and hours of operation via a Construction and Environmental Management Plan (CEMP).

Exact details of noise mitigation would be agreed at the reserved matters stage. I am satisfied that the applicant has done enough to satisfy the potential for appropriate mitigation such that the proposal would not cause conflict with the relevant elements of the NPPF.

### **Land Contamination**

Paragraph 120 of the NPPF requires the LPA in their decision making to ensure that new development is appropriate for its location to prevent unacceptable risks from pollution and land instability. It is noted that the site comprises an agricultural land use and as such no significant contaminative land uses are considered to be present within the site. The Council's EHO has raised no concerns in respect to matters of land contamination. Aforementioned conditions for a CEMP would be appropriate to mitigate any potential adverse impacts arising from construction and could be readily mitigated by appropriate planning and design.

### **Utilities and Services**

Residential development of the scale proposed will implicitly have implications on service infrastructure and utilities. Paragraph 162 of the NPPF relates to infrastructure confirming that LPA's should work with other authorities and providers to assess the quality and capacity of local infrastructure services. Policy NAP2C follows this stance by requiring the provision of necessary infrastructure in relation to the progression of the development.

Consultation has been undertaken with relevant statutory undertakers to establish the location of existing apparatus and the means of supplying the development with new service supplies. As existing, the site essentially has no provision for service supplies albeit various services cross the site. The site is constrained by the existence of service provision including overhead power lines which cross the site and a gas main running through the eastern side of the site.

Given the existence of the High or Intermediate pressure (above 2 bar) gas pipeline within the site, the development requires the undertaking of a PADHI+ assessment. The comments of the Health and Safety Executive (HSE) are listed in full in the above consultation section. The comments confirm no objection on safety grounds.

The ES confirms that there is no capacity within Claypole treatment works to take the foul flows from the development of 350 dwellings. The ES goes on to contend that Anglian Water are

obligated to provide storage for any development with the benefit of a planning permission and that Balderton sewerage treatment works does have the capacity. Unfortunately no comments have been received from Anglian Water to confirm whether or not this is the case. Notwithstanding the lack of comment received, the same judgement as referred to above would apply in that it does not fall for the developer to address existing capacity issues.

Details of any potentially required diversionary works for the existing services which cross the site will be provided at detailed design stage with the intention for works to be undertaken as part of the development. No objections have been raised by statutory consultees and I am therefore satisfied that the necessary infrastructure can be provided in accordance with the requirements of Policy NAP2C.

### Developer Contributions

Core Strategy Spatial Policy 6, Policy DM3 of the Allocations & Development Management DPD and the Developer Contributions and Planning Obligations Supplementary Planning Document present the policy framework for securing developer contributions and planning obligations.

In the case of outline applications, some contributions cannot be fixed until overall numbers are known. The S106 will therefore be set out, where relevant, as a series of formulas to be applied to each separate obligation dependent on details submitted in the reserved matters stage. The following discussion provides the requirements of the SPD and consultee responses for a scheme of up to 350 dwellings (which has also been summarised by the table at Appendix 2). For each potential contribution I have set out the policy position, the developers offer and our position/commentary on each.

To clarify the applicant has presented a viability case during the life of the application (received on December 22<sup>nd</sup> 2017). This case presents that the application cannot be fully policy compliant specifically in respect of affordable housing. For the avoidance of doubt, all other requested contributions and the relevant CIL contributions have been factored into the viability case in full.

The National Planning Policy Framework says that plans should be deliverable and that the sites and scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. The NPPG makes clear that this policy on viability also applies for decision taking and makes clear that decisions must be underpinned by an understanding of viability, ensuring realistic decisions are made to support development and promote economic growth. Where the viability of a development is in question, local planning authorities should look to be flexible in applying policy requirements wherever possible. It is further noted that the Government has specifically sought comments on a separate Viability document as part of the ongoing draft NPPF which demonstrates the direction of travel from a national perspective (albeit is solely in draft form and cannot be afforded weight at the current time).

In line with the approach taken in the determination of the adjacent scheme submitted by BDW (reference 14/00465/OUTM) the Council has commissioned an independent review to critically appraise the applicant's submission and to provide independent advice to the Council in respect of viability. Given that the viability case presented rests on the premise that the only contribution which would not be policy compliant is affordable housing, the conclusions of viability discussions are incorporated within the following section.

## Affordable Housing

Core Policy 1 requires that 30% on-site affordable housing is provided which should reflect local housing need and viability on individual sites, overall reflecting a mix of 60% social rent and 40% intermediate. For 350 dwellings this equates to 105 dwellings.

The position presented by report dated 20<sup>th</sup> December 2017 was that the proposed development does not show sufficient financial viability to allow for the provision of full target policy Affordable Housing and S106 contributions. This is presented on the basis of a 17.5% developer return when expressed as a percentage profit against the gross development value of the scheme. The offer as at December 2017 was that the development would deliver an 'optimum blend' regarding policy aspirations and developer assumptions by providing 13% on site affordable housing (at a 52% intermediate and 48% affordable rent) and be policy compliant in all other respects. In order to achieve this, contingency has been reduced to an 'optimistic' 2.5% and finance costs have been omitted on the intention that the applicant is hopeful of funding the project from cash reserves. It is stated that this would demonstrate a marginal negative viability of -£3,362 (acknowledged as being effectively de minimis).

It is fully understood that the split referenced above has been previously accepted by the LPA in the consideration of the Persimmon Homes application (16/00506/OUTM) in September 2016 and the BDW application (14/00465/OUTM) in September 2017. In respect of the latter application, this was in the context of a non-policy compliant scheme (i.e. 11.5% affordable housing delivery on site). Given that the LPA have accepted this approach as broadly reflecting the tenure needs of the Authority in terms of split, it is considered unreasonable to dispute this split in the determination of the current application (particularly noting that due to S106 discussions the BDW application was not determined until the end of December 2017). As with previous approvals, it would follow that the Section 106 would need to incorporate a reappraisal mechanism to allow flexibility in the event that circumstances change during the life of the build out. This does not diminish the importance of the delivery of affordable housing but is intended to give both the developer and the LPA comfort that the right housing is being delivered at the right time to meet potentially changing needs.

The requirements of such a review would need to reflect the scale of the current application in respect of timescales (i.e. the Larkfleet application is for a significantly lesser number of dwellings than the Persimmon and BDW applications).

The independent viability review report confirms that, on the whole, the assumptions made the applicants appraisal are fair. There are however a number of differences identified through the independent review. These are:

- *Land Value: The approach in principle is acceptable. The BLV as stated is above usual benchmark and above recent viability assessments carried out in Newark. In terms of consistency of approach and reasonableness testing the BLV basis should equate to £100,000 per gross acre.*
- *The average unit size is considered relatively small once factored to an average density per acre.*
- *Shared ownership values are potentially too low at 49% the usual benchmark capital value attributed to the tenure type is c67%-70%, as is affordable rent at 30% of OMV.*

It is accepted that the applicants submissions are mathematically sound and more crucially that a 30% Policy Compliant scheme would not be viable. The Councils Independent Consultant has applied further sensitivity to ascertain the level at which affordable housing could be considered viable. A model demonstrating 15% affordable housing has been found to be viable but only if larger units are assumed. It is therefore considered more reasonable that the scheme could deliver **14% affordable housing** as a compromise to the extent of increasing unit sizes. This is based on a developer profit of 18%. The applicant has accepted this position albeit the actual site delivery could potentially increase to 15% as explored in further detail in the Transport section below depending on whether some infrastructure will be delivered by others, as its envisaged as likely to be the case.

Officers are satisfied that the Independent assessment demonstrates a robust review which should be afforded appropriate weight. Whilst it is undesirable to accept less than 30% affordable housing on site delivery, in the context of the NPPF's requirement for a pragmatic approach to viability it is considered that it would be unreasonable to resist the application purely on this basis, especially in the context of securing part of this SUE site and all other contributions, including CIL.

### **Community Facilities**

As defined by the Developer Contributions and Planning Obligations SPD, community facilities include (but are not limited to), Community Halls; Village Halls and Indoor areas for sport. In the interest of comprehensive development, the District Council will seek the collective provision of new infrastructure (where necessary). It is noted that the current application would be delivered in alliance with the remainder of the wider site allocation which includes the provision of new community facilities (including a local centre on the adjacent Persimmon site). On this basis it is considered appropriate that the current application does not include on site provision of community facilities but would instead rely on an off-site financial contribution. Based on 2016 indexing, for a development of 350 dwellings this would equate to a financial contribution of **£484,424,50**.

Discussions have been ongoing with relevant parties regarding where it would be appropriate for these monies to be spent and indeed whether they are necessary given the wider context of intended delivery on the other sites within the allocation. The following additional comments have been received from NSDC Communities and Arts Manager:

*It is recognised that the existing Fernwood Village Hall is very well used and does not have the capacity to meet increasing demand generated through the proposed new strategic sites therefore it was suggested that enlargement of this community resource would be a preferred option (in the context of the BDW scheme). In addition it was suggested that further community facilities could be developed adjacent to the tennis courts, petanque terrain, sports pitch and children's play space to provide ancillary facilities to enhance the sporting and recreational offer that currently exists.*

Officers consider that the contribution towards facilities in existing Fernwood Village would be appropriate on the basis that the Larkfleet development would have a much shorter build out time than the adjacent Persimmon scheme (with its associated facilities). Therefore assuming that the developments commence on site at similar times, the pressure on community facilities for the majority of the Larkfleet occupation would be predominantly towards the existing facilities.

## Health

Policy NAP2C states a requirement for a three GP facility for the whole allocation for the Land around Fernwood (circa 3,200 dwellings). At this stage, discussions are still ongoing as to where the proposed health facilities will be delivered. The S106 for the Persimmon scheme (16/00506/OUTM) is currently drafted to allow flexibility and the ability for a healthcare review throughout the life of the development to ensure that the contributions sought are appropriate to the evolving needs of the health providers and ultimately the local community.

For a development of 350 dwellings the off-site contribution would total **£343,917**. It is considered reasonable to take a similar approach to that in the Persimmon S106 in that the off-site contributions would be capped at this amount pending the conclusion of the healthcare review which would confirm where the contribution would be spent.

## Education

There is no dispute that a development for 350 dwellings would put a strain on the existing education provision. Indeed education provision within an urban extension is a key component of sustainability. In this respect, Policy NAP2C requires the Greater Fernwood allocation to deliver a new primary school. Both the BDW and Persimmon proposals incorporate primary schools of sufficient size to 'wash the face' of their quantum's of development. In the case of the latter Officers have also negotiated the provision of 'school expansion land' such that the remaining developers in Fernwood SUE can build an extension on any site in due course.

When one is looking to extend a school (as oppose to build a new one) the starting point is the Councils Developer Contributions SPD. This seeks commuted payment for such provision off-site following an adopted formula. For 350 units this would provide for a maximum contribution of £842,100 which rises to £948,500 current indexation levels (a matter agreed by the applicant in their viability calculations). Members will note the comments of County Council suggesting that the appropriate calculation in this case would instead be based on relevant build costs (the SPD calculations are based on delivery of pupil places), which they estimate for a half from entry school extension as £1,250,000. There is, however, an acknowledgment that Larkfleet would be making a proportionate financial contribution to such provision which has been calculated by NCC as follows:

- Cost per pupil place: £11,905 (£1,250,000 divided by 105)
- Cost per dwelling: £2,501 (£11,905 divided by 4.76 number of dwellings per pupil place)

If Larkfleet built the 350 dwellings which they are proposing their contribution would be £875,350 (£2,501 x 350). This approach does not apply indexation.

Having discussed with NCC it is clear that whether one takes a SPD formula or capital cost approach that the overall value of contribution is similar. On this basis, and with the applicants agreement a maximum contribution of **£948,500** will be sought.

Officers, as with the highways matters, are required to carefully consider what would happen if the 'school expansion land' did not come forward, essentially if the Persimmon proposals did not take place. In this circumstance NCC Education state that there are no other school sites in the area that could accommodate a primary expansion of sufficient size to accommodate pupils from

this development (notwithstanding that the applicant are still agreeing to pay a sufficient commuted payment to cover the cost of any school extension). Moreover, they say a solution would not be appropriate or feasible. What NCC are essentially stating is that if the Persimmon scheme and 'school expansion land' does not come forward that this, or any other development should not come forward either. That includes even if this developer were to build a half form entry on their own site to accommodate school children.

The proposal for a stand-alone half-form entry school is clearly unviable and non-sensical, one of the few matters upon which NSDC and NCC education agree. It equally cannot be the case that one cannot determine or must resist this application for housing, at a time of a national housing crisis, on a SUE site which makes a significant contribution to this Council's 5YHLS, until such time as the 'school expansion land' comes forward via another development. NCC have known of this site and the various landowners involved for many years. What is required in this case is for Members and this Council to carefully consider whether the likely impacts of the development upon education numbers has been adequately considered in the unlikely event that the Persimmon proposals do not come forward. Officers are of the opinion that securing the requested contribution in full, early on in each phase of development (and with longer than normal pay back periods), will allow sufficient funds to assist county in meeting their education challenge for Fernwood and Newark as a whole. It is not considered, in an overall planning balance, that securing such monies for NCC to access would be an unreasonable or unacceptable approach. NCC education will be entitled to draw down any education monies as soon as they are received as part of such an approach.

Members will note that secondary school provision is to be delivered through CIL.

### **Libraries**

The Council's SPD allows for contributions towards library stock at a cost £47.54 (based on 2016 indexation). This would equate to **£16,639** based on a development of 350 dwellings. However, as is outlined by the revised comments of NCC Developer Contributions, there is no requirement for contributions in this respect.

### **Public Open Space**

#### *Allotments and Community Gardens*

The Council's SPD provides that 12m<sup>2</sup> should be provided per dwelling. Based on 350 dwellings this would amount to 4,200m<sup>2</sup> (0.42ha). The D&AS confirms the delivery of 0.41ha of allotments to be delivered towards the east of the site. The very slight shortfall from policy aspirations is considered negligible in the context of the whole development. As such the proposal is deemed appropriate in this respect. Delivery of the allotments would be secured by the S106.

#### *Amenity Green Space and Provision for Children and Young People*

The SPD requires provision of 14.4m<sup>2</sup> per dwelling for amenity green space and 18m<sup>2</sup> per dwelling for provision for children and young people. The indicative site plan demonstrates numerous areas of public open space and play areas with the D&AS confirming the total area for public open space would be **2.95ha**. The application has therefore demonstrated the ability to far exceed the policy requirements. These facilities will be secured through the Section 106 Agreement.



### *Natural and semi-natural Green Space*

The SPD suggests that 10ha per 1000 population should be provided (which would be 8.4ha) but recognises that due to difficulties in achieving this residents should live within 300m of an area of natural and semi-natural green space. It is noted that it would be somewhat unrealistic for a site of circa 22ha to deliver 8.4ha of natural and semi-natural green space (and be able to achieve the residential development proposed). The proposal includes extensive areas of natural and semi-natural green space totaling **2.9ha**. This is considered commensurate to the development proposed and there is therefore no requirement for off-site contributions in this respect.

### *Outdoor Sports Facilities*

Noting that on-site provision for sports facilities are not incorporated within the development, the fallback position of the SPD would be to seek off-site contributions where necessary. As per the calculations of the SPD, a scheme for 350 dwellings would warrant a maximum request of **£258,202**. Noting that the level of provision intended for delivery through the delivery of the wider strategic site, officers have sought further confirmation as to where the off-site contributions could be reasonably directed towards. This would need to be carefully considered and factored into the wording of any associated legal agreement.

### *Other on-site provision*

A SUDs scheme would also come forward early within the development and the locations are indicated on the master plan. This ultimately would form part of the public open space and have some ecological value. Its maintenance and management would be included within the S106 Agreement.

### **Maintenance of Public Open Space**

The District Council has confirmed that it would not take on the maintenance of the POS. The POS amounts to a total of approximately 2.95 hectares with the proposed Allotments covering an additional 0.41 hectares and includes a range of facilities including, equipped areas of play, allotments and attenuation ponds which would require an able and sophisticated maintenance regime.

It is understood that the management of public open space is a contentious issue and one that has caused concern in the past on the existing Fernwood development.

It is acknowledged that the applicant has a duty of care to new customers which extends far beyond the initial point of sale. Managing the delivery of communal facilities for a large sustainable urban extension requires careful programming and constitutes highly specialized, resource intensive work. Equally it is acknowledged that the use of Management Companies (ManCos) is common practice across the UK.

A ManCo is a company set up to specifically maintain and manage communal areas and services within a development which do not belong to nor are the responsibility of a specific person (for instance an individual leaseholder or home owner).

The ManCos will be non-profit and set up by the developers solely to administer the management and financial obligations associated with the communal facilities and infrastructure of a development. The ManCos will be limited by guarantee.

Communal areas might include areas such as bin stores, access roads and forecourts, car parks, nature walks, wildlife trails and allotments as well as the main structure of community buildings and sporting facilities. The ManCo effectively becomes the legal body charged with looking after such areas and services.

It is anticipated that Larkfleet Homes will carry out the implementation of the Management Strategy by establishing a site wide ManCo. This will be funded by annual service charge secured by way of a covenant on their title.

These charges should be made readily available to prospective purchasers in an upfront and transparent manner. The brochure for prospective purchasers outlining associated charges could be secured by a suitably worded condition.

During stakeholder engagement, Fernwood Parish Council has expressed an interest in taking over management responsibilities of infrastructure and facilities. Whilst the applicant remains of the view that the ManCo framework is the most effective way to implement the management of the development, opportunities for management responsibilities of targeted infrastructure and facilities to be transferred to the Parish could be considered. It is envisaged that this would be in the later stages of the development once the infrastructure has been delivered and management arrangements are established and sustainable.

These options would be written into the S106 Agreement to allow flexibility. It would be ultimately at the discretion of the developer to decide which option to pursue (as they are legally entitled to do) albeit it falls to the LPA to agree a precise schedule of maintenance/management prior to development commencing. Maintenance would be paid for by the developer through either by them front loading the ManCo with subsidies and/or applying service charges to the dwellings they sell.

## **Transport**

The highways mitigation works discussed above in the Highways Impact section of the report (and incorporated within Appendix 1) would be secured through conditions and the associated S106 agreement. However, the case presented by the attributable tables above (i.e. what would fall solely to each developer) is clearly in the scenario that all developments as intended come forward in a timely manner. Officers acknowledge that this is somewhat an 'ideal world' position and that in reality, unknown factors may intervene which prevent this from happening. That said there is more certainty that all sites are now promoted by national housebuilders with a track record, with BDW in for reserved matters and Permission due to be presented to Planning Committee in the coming months. Officers have carefully considered the potential that, if Larkfleet were to be approved, it would be beyond their control as to when and if BDW and Persimmon (again subject to approval) build out as intended. The highways mitigation measures requiring delivery have clearly been considered in the overall cumulative context of the site allocation. There is a potential scenario that if neither of the other developers were to come forward, Larkfleet would hit highways triggers requiring them to do additional works. As is already referenced, this has been factored into the wording of the conditions.

In the context of the discussion of Developer Contributions (and indeed the viability position presented) the delivery of transport infrastructure could have wider implications. This has been discussed with Larkfleet and it has been confirmed that they have already considered the risk of having to deliver wider highways improvements through obtaining quotes for the highways works from a civil engineering company. Costs have been split between highways costs attributable to the applicant irrespective of whether BDW and Persimmon come forward but also in the 'worst case' scenario that they are not delivered as envisaged. It is stated that if the savings of other developers delivering the highways works are added to the viability case, the affordable housing would increase (in their submission) from 13% to 14%. In line with the above discussion in the Affordable Housing section, Officers have already negotiated an increase to 14% (49 units) on site delivery. It is considered reasonable that subject to a clause within the S106 to review the highways infrastructure costs actually required at time of delivery, this offer could rise to 15% (52 units). This position has been agreed by the applicant.

As previously discussed within the relevant sections, the intentions of the Travel Plan would be secured through condition.

The applicant has demonstrated an intention to deliver two additional bus stops on Great North Road which would serve the connectivity of the development. This is advocated by NCC with the suggestion of a condition to secure the appropriate delivery of these bus stops. The applicant has requested that the trigger for the delivery of these bus stops be after the occupation of the 20<sup>th</sup> unit. Officers consider this to be a reasonable request which has been factored into the wording of the conditions.

In addition to the above, Members attention is drawn to the comments of Network Rail which are listed in full in the above consultation section of the report. The initial response sought contributions towards station facility improvements suggesting works such as improvements to passenger information; waiting facilities; cycle parking etc. These requests have been subject to further negotiations during the life of the application in order to ascertain a more specific request which could be considered CIL compliant.

No further comments have been received from Network Rail since the request at the end of November and given the viability position presented during the life of the application, Officers consider that, in this instance, it would not be reasonable to require the applicant to make the original contribution requested by Network Rail. As such this has not been incorporated within the S106. Members may recall that unfortunately this was also an approach which was adopted through the determination other proposals within the wider site allocation including the Persimmon scheme.

### Other Matters

#### **Amenity**

Consideration of amenity impacts is required through Policy DM5 which states that development proposals should have regard to their impact on the amenity or operation of surrounding land uses and where necessary mitigate for any detrimental impact. Environmental impacts arising from the development upon residential dwellings (both existing and proposed) has been assessed through the ES in various chapters such as Air Quality. These matters have been discussed separately above and subject to the suggested conditions it is not considered that the

development will lead to detrimental amenity impacts which would warrant a resistance of the proposal.

Given the outline nature of the proposal it is not possible to assess all amenity impacts such as overbearing or loss of privacy through overlooking. These factors will be fully assessed at reserved matters stage.

### **Cumulative Matters**

EIA regulations require the submitted ES to examine possible cumulative impacts arising for development. In the case of the current submission, this is dealt with both through chapters on specific matters and through Chapter 10 which deals solely with Cumulative Effects presented in the tabulated form in relation to the following sites:

- Land south of Newark – Allocation NAP 2A – strategic mixed use development comprising up to 3,100 dwellings, employment land, two local centres, and associated green, transport and other infrastructure
- Land East of Newark – Allocation NAP 2B – strategic mixed use development comprising up to 1,650 dwellings, and a local centre, comprising retail, service, employment and community uses, and associated green, transport and other infrastructure
- Greater Fernwood – Allocation NAP 2C – the allocation to which the current application comprises part of. In addition, there is the currently pending application submitted by Barratt / David Wilson Homes.

The ES identifies that; whilst there may be some short term impacts (principally due to overlapping construction periods) overall the combined impacts of all developments are unlikely to give rise to significant adverse impacts. When taken in the context of the level of mitigation proposed by this application, and indeed the mitigation which will be secured by other applications, officers consider this to be an appropriate conclusion in respect of cumulative impacts.

### Overall Planning Balance and Conclusions

This planning application represents an opportunity to deliver part (over 10%) of one of the Council's allocated Strategic Urban Extension sites. The delivery of housing, in this case promoted by a regional housebuilder is a material planning consideration which must be afforded significant positive weight. That said it is equally necessary to ensure that an acceptable form of development takes place, including required mitigation. A development of this scale will inevitably have impacts and will undoubtedly change the existing character of the location. This includes through the loss of agricultural land and the irreversible change to the landscape character through the introduction of residential built form of this scale. However, it does not follow that a significant change must equate to unacceptable harm.

It is notable that the applicant (indeed in line with other developers on the overall strategic site) has presented a viability case during the life of the application which confirms that the development would not be able to make a full 30% affordable housing on site delivery. The negotiated offer, as assisted by independent advice, is that the proposal would deliver 14% affordable housing on site (albeit with a potential for this to increase to around 15% pending the delivery of highways infrastructure required). Whilst this shortfall is undesirable, given the content of the NPPF in this regard, and through assurances from independent advice that 30% would not

be viable, it is considered unreasonable to resist the application solely on this basis.

Following extensive negotiations the Local Planning Authority is satisfied that subject to conditions and an appropriate S106 Agreement, appropriate mitigation can be secured which makes the development acceptable in overall terms. I am satisfied that the suite of parameter and framework documents submitted can be conditioned to govern any future reserved matters submissions, which in themselves will require more detail and supporting information. On the basis of all matters detailed above approval is recommended.

### **RECOMMENDATION**

**That outline planning permission is approved subject to the conditions appended at Appendix 3; the completion of an associated Section 106 agreement; and the finalization of conditions in substantive accordance with those Appended above (this can include conditions being moved into the Section 106 subject to legal advice).**

### **Background Papers**

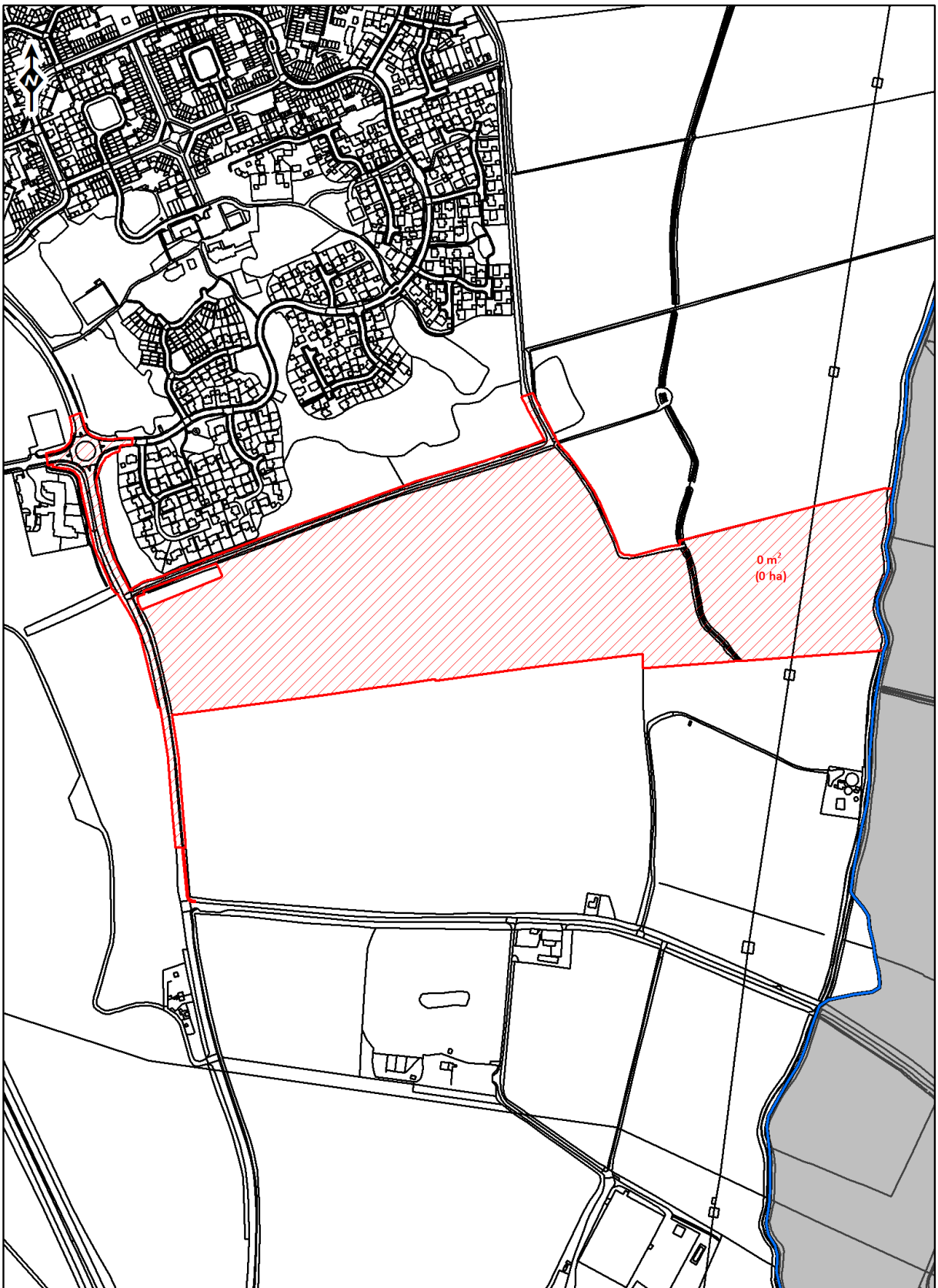
Application case file.

For further information, please contact Laura Gardner on ext. 5907.

All submission documents relating to this planning application can be found on the following website [www.newark-sherwooddc.gov.uk](http://www.newark-sherwooddc.gov.uk).

**Matt Lamb**

**Business Manager – Growth & Regeneration**





Ref: LT090462-01/RJW/220816

For the attention of:

**Matthew Lamb MRTPI**

Business Manager - Development  
Newark and Sherwood District Council  
Kelham Hall  
Kelham  
Nottinghamshire  
NG23 5QX

18<sup>th</sup> August 2016

## Greater Fernwood Transport Modelling

Dear Matt,

I am writing in regards to the above project and our conversation on 15th August 2016. The details below set out the transport modelling carried out by WYG on behalf of Newark and Sherwood District Council to date and based on these model outputs, comment on the suitability of the package of transport measures proposed by the developers for the Greater Fernwood area.

Please note that the details below include the main steps in modelling and descriptions of some sub phases of the modelling process have been omitted for clarity where their description would not significantly aid understanding of the overall process.

### Background

WYG was appointed by Newark & Sherwood District Council (NSDC) to maintain and operate the Newark-on-Trent VISUM transport model on behalf of the Council. The VISUM transport model was used to advise the District-Wide Transport Study that was produced in May 2010 in support of the Council's Core Strategy. The model was originally built by consultants acting on behalf of the developers promoting the Land South of Newark strategic development site. N&SDC purchased the right to use the VISUM model "to fulfil their statutory obligations".

The models cover peak hour periods for the morning and evening weekday peaks. The model is a highways model incorporating the vehicle types of Light and Heavy vehicles.

Since the base model was originally created it has been updated in the course of assessment work commissioned by NSDC to produce a validated model in accordance with recommended best practice that was 'fit for purpose' for use as a forecasting tool.





## Reference Case Modelling

The validated base year model was updated to a reference case model by adding details of committed infrastructure schemes and committed land-use developments. This included the land use trip generation and infrastructure associated with the Land South of Newark development which includes the Southern Link Road (SLR).

No other committed infrastructure schemes were identified within the District that would result in material changes to existing transport conditions within Newark-on-Trent that had sufficient certainty in the form of design and timetable of their completion to be included.

Information was obtained from Newark and Sherwood District Council regarding committed land-use developments within the District and in adjacent Districts/Boroughs (proposed developments with planning permissions yet to be implemented, or developments already under construction but yet to be completed or occupied). Further developments that do not yet have planning permission but could be assigned a 'likelihood' of development were also assessed to produce an uncertainty log which was used to define a 'core' scenario of developments that could be considered likely to proceed within the time frame to be assessed.

Trip distribution for the committed developments is based on a compound distribution pattern created from existing modelled zones by existing development type e.g. the sum of the distribution pattern for a number of existing residential zones is used to provide the distribution for the residential element of a new development. A bespoke additional module then assesses the relative sizes of new developments compared to the existing residential/employment areas and allows assignment of trips between different new development areas e.g. a new residential trip to a new employment area.

Please note that the full quantum of development proposed for the Newark area is in excess of that predicted by TEMPRO for the local area by the end of the plan period as TEMPRO predicts the growth spread over a larger geographical area. Therefore, TEMPRO growth predictions do not take into account the aggregated affect of the developments that are proposed in the local area. Constraining the matrices to specific TEMPRO forecast year growth predictions would hence lead to a reduction in background traffic that could be considered unreasonable. As such, no attempt was made to incorporate TEMPRO predictions of growth. This is considered a robust approach.

The reference case forecasts assumed no new residential or employment development in the Greater Fernwood area over and above the employment area development proposals consented prior to this study.

This reference case scenario provided predicted background traffic conditions in the future forecast year modelled (2031) for the AM and PM peak hour periods.







## Greater Fernwood Development No Mitigation Modelling

Initial modelling of the Greater Fernwood Development site was added to the reference case modelling to produce a no mitigation development case scenario. This included any links/junctions required for the development trips to access the road network but did not include any proposed mitigation measures to address the impact of the additional trips on the highway network.

Traffic flows from the initial and reference case models were provided to the developers to assist in the design of the mitigation measure package.

## Greater Fernwood Development With Mitigation Modelling

Details of the mitigation were provided by the developer's consultants and included in the model. This was an iterative process with flows fed back to the developer and designs updated in order to produce the full mitigation package.

The final mitigation package tested consisted of the following:

Highway Work	Proposed Mitigation
A1 South/B6326 Fernwood South	Various works including <ul style="list-style-type: none"> <li>• Creation of left-slip from A1 (south)</li> <li>• Banning right turn from B6326 to A1 north</li> <li>• Roundabout to serve Phase 3 of the Persimmon development</li> </ul>
B6326 Great North Road (GNR)/ Sylvan Way	Works proposed include improving existing footway and pedestrian crossing facilities around the bell-mouth of the junction. (Works do not require inclusion in the model.)
B6326 Great North Road/C421 Shire Lane junction	Change existing give way controlled junction to a new roundabout
C421 Shire Lane Corridor improvements	Reconstruction of carriageway between the roundabout junction with the GNR and the County boundary at the bridge at the Shire dyke giving; <ul style="list-style-type: none"> <li>• continuous carriageway of 6.75m wide</li> <li>• including the provision of a continuous shared 3m footway/cycleway on the northern side of the carriageway</li> <li>• including a 2m footway on the southern side of the carriageway</li> </ul> (Includes access points to Persimmon Phases 2 and 3)
B6326 Great North Road Corridor Improvements (Shire Lane to Dale Way)	Narrowing of carriageway to facilitate construction of a 3m shared footway/cycleway
B6326 Great North Road/Dale Way Junction	Improvements to existing roundabout including widening on northbound approach and northbound exit to 2 lanes





Goldstraw Lane/B6326 Roundabout	Works involve: <ul style="list-style-type: none"> <li>• Increased flare length on Goldstraw Lane to extend the 2 lane entry;</li> <li>• Increased flare length on the B6326 southern arm to extend 2 lane exit;</li> <li>• Widening of the B6326 on the northern arm to provide a 2 lane exit;</li> <li>• Increase flare length on the A1 slip road with 40m taper to provide a 2 lane entry</li> </ul>
A1 Over-bridge	Widening to provide to 2 lanes north bound towards Newark
B6326/London Road Balderton Roundabout	Widening of the B6326 southern arm to create two lanes to accommodate continuous 2 x 3.3m lane approach
B6326 between Dale Way and Goldstraw Lane junctions	Continuous 2 lanes northbound between the two roundabout junctions.
Hollowdyke Lane/B6326 Great North Road Junction	Junction improvements including widening on the Hollowdyke Lane approach and provision of northbound ghost island right turn. Carriageway widening and standard improvements to Hollowdyke Lane.

The models were reassigned to provide with mitigation traffic flows on the network.

In addition to the above, the traffic flows generated indicated that in order for the new B6326/SLR junction to operate within capacity, the turning movements at the junction would require a two lane right turn from the B6326 south to B6326 north. In agreement with NSDC and Nottinghamshire County Council (the Highways Authority for the area), this double right turn has been included in all further scenarios.

The traffic flows from the model were provided to the developers to allow capacity assessments of the proposed junctions to be carried out.

### Modelled Flows Points of Interest

Traffic flows in the model are allowed to assign to the perceived least cost path using an iterative equilibrium assignment. This means that where there is an alternative route that is close to the most direct route in travel time terms, some vehicles will use the alternative route with the volume of traffic on each route reaching a balance so that no vehicle could reduce their travel time by switching to another route. In this model, the above assignment leads to two significant routing patterns discussed at length between NSDC, NCC and the developers. These were:

1. Use of the A1/B6326 south junction to turn right onto the A1 to travel into Newark/further north on the A1; and
2. Use of the Greater Fernwood employment area internal links to avoid using the B6326.

For the first point, the revision of the A1/B6236 south junction to ban the right turn out of the B6326 was included as part of the iterative process of mitigation design. However, this movement was desirable due to the travel times experienced travelling north on the B6326 through the Goldstraw and SLR roundabout





junctions. Once the right turn ban was included in the model, the numbers of vehicles using the A1/B6326 south junction to travel north decreased significantly although some vehicles were seen to travel south onto the A1 and u-turn at the next available junction.

The second point also relates to the travel time northbound on the B6326 through Fernwood. Due to the travel times experienced in the model, vehicles 'saved' time by diverting off the B6326 at the Dale Way roundabout or junctions south of Dale Way and using the internal links through the employment site to access the Goldstraw roundabout to continue northbound. This is likely due to the delay caused at the B6326 southern entry onto the Goldstraw Roundabout. Part of this delay was caused by traffic accessing the employment site from the A1 southbound off slip at Goldstraw roundabout. As such, the employment site was modelled in more detail as part of the iterative process to allow the inbound flows to balance more realistically between the access points of Goldstraw roundabout and Dale Way roundabouts. Although this reduced the volume of diverting trips, it did not eradicate it and it was recommended that sensitivity tests be carried out on the capacity assessments which manually rerouted this diverting traffic onto the B6326 in order to test the impact were measures put in place to deter rat running through the employment site.

## Capacity Assessments

Capacity assessments of the existing and proposed junctions were carried out by the developer using the Arcady and Picady software in line with current guidance. These assessments were submitted to WYG for review.

No issues were found with the assessments of the full mitigation/full development capacity assessments carried out. Please note that some queries were raised with the intermediate level of development scenarios tested but these are not discussed/assessed as part of this letter as they do not affect the overall mitigation package proposed.

## Reduced Package of Works

Based on the capacity assessments mentioned above, the developers have proposed a reduced package of works. This is due to the capacity assessment of the existing layout for the B6326 Dale Way roundabout showing that no improvements are needed in order to handle the additional development traffic. This also means that the B6326 northbound carriageway between Dale Way and Goldstraw Lane is no longer proposed as two lanes for the whole length but widened on the approach to Goldstraw Lane only.

Similarly, the Hollowdyke Lane junction and link proposals and the London Road junction improvements were not seen as required until the full development at Greater Fernwood goes ahead. The current planning applications do not cover the full development area but consist of the Barratts/David Wilson and Persimmon areas. Therefore, although the mitigation package proposed by these two developers includes these schemes, they are proposed as delivered by third parties once any additional applications come forward.





The transport modelling has not been tested without the inclusion of the developments over and above the Barratts/David Wilson and Persimmon areas or with the reduced package of works and as such no conclusions can be made regarding this scenario in the event that no other developers come forward although the capacity assessments do not indicate any issues with this 'intermediate' stage.

### Provision of Mitigation

It is understood that there is a schedule of works proposed for the mitigation package that relates to the phasing of the development proposed by the developers. This has been discussed with NSDC at a meeting held on 15<sup>th</sup> August 2016 and the following suggested trigger points and completion points proposed:

<b>Highway Work</b>	<b>Trigger for Delivery</b>
A1 South/B6326 Fernwood South	1a) banning right turn out and extension of the right turn in filter will be completed prior to first occupation of the 100 <sup>th</sup> dwelling (Persimmon development); 1b) Creation of left slip road from A1 will be completed prior to occupation of the 900 <sup>th</sup> dwelling (Persimmon development)
B6326 Great North Road/ Sylvan Way	Works to be completed prior to occupation of Phase 2 of Persimmon scheme.
B6326 Great North Road/C421 Shire Lane junction	Works to be commenced on commencement of Phase 1 of Persimmon scheme and completion prior to first occupation of the 50 <sup>th</sup> dwelling.
C421 Shire Lane Corridor improvements	Works to be started on commencement of Phase 1 of Persimmon scheme and finished prior to completion of Phase 1 of Persimmon scheme.
B6326 Great North Road Corridor Improvements (Shire Lane to Dale Way)	Works to be completed prior to first occupation of the 50 <sup>th</sup> dwelling of the Persimmon development.
B6326 Great North Road/ Dale Way Junction	Please refer to agreement with Nottinghamshire County Council (NCC). Although it is understood that no works will be required by either party.
Goldstraw Lane/B6326 Roundabout	Triggered on commencement of development with completion required prior to first occupation of the 100 <sup>th</sup> dwelling.  In the event that the Barratt/DWH scheme does not come forward then Persimmon to undertake suitable works prior to first occupation of the 630 <sup>th</sup> dwelling subject to NCC approval.
A1 Over-bridge	For NSDC to take forward through CIL.
B6326/London Road Balderton Roundabout	This improvement is not triggered until the much later in the Great Fernwood Allocation delivery.
B6326 between Dale Lane and Goldstraw Lane junctions	Triggered on commencement of Barratt/DWH development with completion required prior to first occupation of the 100 <sup>th</sup> dwelling (to tie in with B6326/Goldstraw Lane Roundabout). No trigger for Persimmon.
Hollowdyke Lane/B6326 Great North Road Junction	Final works to Hollowdyke Lane and it's junction with the B6326 is triggered later in the Great Fernwood Allocation delivery. Interim improvements still under discussion.





No testing of the phased proposed mitigation works has been carried out within the model and, as such, WYG cannot confirm the suitability of the trigger points and completion points of the phases in modelling terms. However, based on our experience with the model and with reference to the discussions with NSDC, it is our professional opinion that this phasing represents a reasonable and suitable approach for phasing of the works.

## Conclusions

Based on the transport modelling carried out to date, review of the capacity assessments and experience; it is our professional opinion that the full mitigation package proposed for the Greater Fernwood area is appropriate and sensible with the caveat that the reduced package of works or the phasing of mitigation works has not been tested in the model. However, the capacity assessments results support the reduced package based on the current applications by Barratts/David Wilson and Persimmon and the trigger and completion points for the phased works are considered reasonable.

Yours Sincerely

A handwritten signature in black ink, appearing to read 'Rachael Walker'.

Rachael Walker Bsc MSc(Eng) FIMA MIHT  
Associate  
For and on behalf of WYG



**Planning Application 17/01266/OUTM – Developer Contributions**

<i>Contribution</i>	<i>Formula (if required) based on Policy</i>	<i>Anticipated contribution</i>	<i>Trigger Point/Delivery</i>
<b>Affordable housing</b>	30% on site  60%/40% tenure split	Minimum 14% (49 units) of affordable housing with a tenure split of 52% intermediate/48% affordable rent; [ability to rise to 15% depending on infrastructure timings]	Affordable Housing Scheme to be submitted prior to the commencement of development of each phase.  Subject to suitable controls to ensure that there is flexibility but to ensure that an appropriate proportion of affordable housing is delivered alongside the market housing and is completed and transferred to an affordable housing provider.  <b>Option would require Review Mechanism</b>
<b>On site open space</b>	<b><i>Natural and Semi Natural Green Space</i></b>  Policy = 10ha per 1,000 population or all residents to live within 300m.  350 dwelling =8.4 ha policy requirement	Majority Delivered on site with the exception of Outdoor Sports:  <b><i>Natural and Semi Natural Green Space – 2.9ha</i></b>  <b><i>Amenity Green Space and Children and Young People –</i></b>	All POS to be delivered through each phase and controlled by condition  <b>Children &amp; Young People</b>  Prior to 1 <sup>st</sup> occupation of each phase developer to obtain approval of on-site open space and play space scheme including LEAP and NEAP and these shall be provided to a timetable to be agreed with the LPA prior to first occupation of each phase or sub phase.  <b>Allotments/Community Gardens</b>  Will be delivered alongside dwellings (controlled by condition) but with a long-stop date

<p><b>Amenity Green Space</b></p> <p>Policy = 14.4m<sup>2</sup> per dwelling</p> <p>350 dwellings= 0.504ha</p> <p><b>Children and Young People</b></p> <p>Policy = 18m<sup>2</sup> per dwelling</p> <p>350 dwellings = 0.63ha</p> <p><b>Allotments and Community Gardens</b></p> <p>Policy = 12m<sup>2</sup> per dwelling</p> <p>350 dwellings = 0.42ha</p> <p><b>Outdoor Sports</b></p>	<p><b>2.95ha</b></p> <p><b>Allotments and Community Gardens – 0.41ha</b></p> <p><b>Outdoor Sports Facilities - £258,202</b> off site contribution</p>	<p><b>Management of POS</b> to be agreed through S106; developer to agree with the LPA a precise schedule of maintenance/management in perpetuity prior to first occupation of any dwelling. Other details that will need to be submitted for approval include the details as to the financial sustainability of any corporate or other body as may be established to carry out such maintenance; arrangements/ timetabling for the transfer of the public open space and play areas to either the relevant parish council, to a management company or any combined arrangements as approved by the LPA and the details of any transfer in ownership or control of any part of the site.</p> <p>Brochure outlining management arrangements and associated charges will be provided with the approved brochure by the developer prior to completion of sale.</p>
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	<p><b>Facilities</b></p> <p>Policy = 52.8m<sup>2</sup> per dwelling</p> <p>Off-site Contributions £737.72 per dwelling</p> <p><b>350 dwellings = £258,202</b></p>		
<b>Community Facilities</b>	<p>Policy = £1,384.07 per dwelling (when indexed at 2016) x  350 dwellings</p>	<p>£1,384.07 per dwelling up to maximum of <b>£484,424,50</b></p>	<p>To be spent towards existing facilities in Fernwood Central. Suggested that further community facilities could be developed adjacent to the tennis courts, petanque terrain, sports pitch and children’s play space to provide ancillary facilities to enhance the sporting and recreational offer that currently exists.</p>
<b>Highways Infrastructure</b>		<p>On-site Bus infrastructure (including bus stops, timetable information, level kerbs and works for future real time passenger information)</p> <p>Travel initiatives such as free bus passes within Travel Plan</p>	<p>Matters contained within the Travel Plan will be included in the S106 including scheme for timings and implementation</p> <p>Numbers of bus stops should reference the 6 C’s Design Guidelines (or any subsequent replacement) given that quantum of stops is not known.</p>



<p><b>Education</b></p>	<p>The Developer Contributions SPD requires a contribution of £2,406 per dwelling.</p> <p>£2,406 per dwelling would equate to a contribution of £842,100 (at 2013 indexing)</p> <p>NCC refer to capital costs of extending school rather than SPD contribution:</p> <p>If Larkfleet built the 350 dwellings which they are proposing their contribution would be</p>	<p>Contribution of <b>£948,500</b> (indexed from SPD contribution) and agreed as appropriate by applicant within viability appraisal</p>	<p>Contribution towards the provision of a half form entry extension to school provision in Fernwood. Triggers for discussion but will be early on in each phase of the development with longer than normal pay back periods.</p>
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	£875,350 (£2,501 x 350).		
<b>Healthcare</b>	<p>Core Strategy Policy requirement for strategic site to provide facilities for 3 GPs.</p> <p>The Developer Contributions SPD requires a contribution of £982.62 per dwelling.</p> <p>£982.62 per dwelling would equate to a contribution of <b>£343,917</b></p>	Provision off site through a contribution of <b>£343,917</b>	To be spent towards the construction of or improvement of new healthcare facilities within the Parish of Fernwood or Newark Urban Area.

**Conditions for Fernwood 17/01266/OUTM**

Commencement	01	<p>The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved on any phase, whichever is the later.</p> <p>Reason: To conform with Section 92 (2) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.</p>
Time Period	02	<p>The reserved matters application for the first phase or sub phase of the development shall be made to the Local Planning Authority before the expiration of two years from the date of this permission and all subsequent reserved matters applications shall be submitted before the expiration of seven years from the date of this permission.</p> <p>Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.</p>
The Reserved Matters	03	<p>Details of the appearance, landscaping, layout (including internal accesses) and scale ('the reserved matters') for each phase or sub phase of the development pursuant to Condition 4 (Phasing) of the development shall be submitted to and approved in writing by the local planning authority before development in that phase or sub phase begins and the development shall be carried out as approved.</p> <p>Reason: This is a planning permission in outline only and the information required is necessary for the consideration of the ultimate detailed proposal to comply with the requirements of Section 92 of TCP Act 1990, as amended by Section 51 of the Planning &amp; Compulsory Purchase Act 2004 and in the interests of highway safety, sustainable travel and highway capacity issue.</p>
Phasing	04	<p>The development hereby approved shall be implemented in accordance with the Indicative Phasing Plan (drawing no. PP-02) and each reserved matters application shall be accompanied by an up to date phasing plan and phasing programme which includes details as follows:</p> <ol style="list-style-type: none"> <li>I. Site accesses and major internal infrastructure including internal roads, pedestrian and cycle crossings, footpaths and cycleways;</li> <li>II. Confirmation of the timescale for the implementation of the off-site highway infrastructure including highway improvements/traffic management and any restoration;</li> </ol>

		<p>III. Timing and delivery of the associated green infrastructure (as indicated on the Green Infrastructure Strategy drawing no. JBA 16/268 Figure 7.21) with that phase (including public open space, allotments, NEAPs, LEAPs and associated parking facilities).</p> <p>unless otherwise agreed in writing by the Local Planning Authority.</p> <p>Reason: To ensure that the site is developed in a satisfactory manner and for the avoidance doubt.</p>
Plans	05	<p>Reserved matter submissions for any phase or any use shall be substantively in accordance with the following plans:</p> <ul style="list-style-type: none"> <li>• Illustrative Master Plan (drawing no. MP-02)</li> <li>• Proposed Access Roundabout (drawing no. FRN-BWB-GEN-XX-DR-TR-001 Status S2 Rev. P1)</li> <li>• Green Infrastructure Strategy (drawing no. JBA 16/268)</li> <li>• Illustrative Landscape Masterplan for Plots and POS (drawing no. JBA 16/268-SK01)</li> <li>• Application Site Boundary (drawing no. Master01)</li> <li>• Phasing Plan (drawing no. PP-02)</li> </ul> <p>unless otherwise agreed in writing by the Local Planning Authority.</p> <p>Reason: To ensure that the site is developed in a satisfactory manner and for the avoidance doubt.</p>
Design Statement to accompany RMA	06	<p>Each reserved matters application shall be broadly in accordance with the Illustrative Master Plan (drawing no. MP-02) and the approved Design and Access Statement dated June 2017, subject to revisions agreed in writing by the Local Planning Authority.</p> <p>Reason: To ensure consistency with the Masterplan and Design and Access Statement and ensure the site is developed in a satisfactory manner.</p>
Overarching Construction Environmental Method Statement	07	<p>No development shall take place on any phase or sub phase until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by, the local planning authority. The approved CEMP shall be adhered to throughout the construction period. The CEMP shall set the overall strategies for:</p> <ul style="list-style-type: none"> <li>• the parking of vehicles of site operatives and visitors;</li> <li>• loading and unloading of plant and materials;</li> </ul>

		<ul style="list-style-type: none"> <li>• storage of plant and materials used in constructing the development;</li> <li>• the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;</li> <li>• wheel and vehicle body washing facilities;</li> <li>• provision of road sweeping facilities;</li> <li>• measures to control the emission of noise, dust and dirt during construction</li> <li>• a scheme for recycling/disposing of waste resulting from demolition and construction works;</li> <li>• the means of access and routing strategy for construction traffic;</li> <li>• details of construction traffic signage;</li> <li>• a strategy to control timings of deliveries to avoid the morning and evening peak travel times (such as being co-ordinated by a logistics manager in order to prevent queuing on the surrounding highway network);</li> <li>• a construction Travel Plan;</li> <li>• management of surface water run-off, including details of a temporary localised flooding management system;</li> <li>• the storage of fuel and chemicals;</li> <li>• the control of temporary lighting;</li> <li>• measures for the protection of retained trees, hedgerows and watercourses;</li> </ul> <p>Reason: To ensure appropriate mitigation for the impact on residential amenity caused by the construction phases of the development and to reflect the scale and nature of development assessed in the submitted Environmental Statement and to accord with the objectives of the NPPF and Newark and Sherwood Core Strategy Policies CP9, CP12, CP13 and NAP2C and in line with the ES.</p>
Site Waste Management Plan	08	<p>No development shall be take place on any phase or sub phase until a Site Waste Management Plan (SWMP) has been submitted to and approved in writing by the Local Planning Authority. The SWMP shall set out the volumes and types of waste that are likely to be produced during the development within that phase or sub phase and shall set out actions for the recycling, recovery, re-use and disposal of each waste stream. The development within that phase or sub-phase shall thereafter be carried out in full accordance with the approved SWMP.</p> <p>Reason: In the interests of the environment.</p>
Phased Archaeology	09	<p>No development shall take place within any phase or sub phase pursuant to Condition 4 until an Archaeological Written Scheme of Investigation (WSI) for the relevant phase or sub phase is submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved WSI unless</p>

		<p>otherwise agreed in writing by the Local Planning Authority. The scheme shall include:</p> <ul style="list-style-type: none"> <li>• the results of the geophysical survey</li> <li>• the statement of significance and research objectives</li> <li>• the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works</li> <li>• the programme for further mitigation, post-investigation assessment and subsequent analysis, publication &amp; dissemination and deposition of resulting material.</li> </ul> <p>Reason: In order to ensure that satisfactory arrangements are made for the investigation, retrieval and recording of significant archaeological remains of the site and to accord with the with the objectives of the NPPF and Newark and Sherwood Core Strategy Policies CP14 and NAP2C.</p>
Overarching, Removal of hedgerow	10	<p>No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive. Where this is not possible, areas should be cleared of vegetation only if they have first been surveyed by a suitably qualified ecologist and the area has been found to be clear of nests immediately prior to the destructive works commencing and these findings have been submitted to and confirmed in writing by the Local Planning Authority. If an active nest is identified, confirmation of this shall be submitted to and confirmed in writing by the Local Planning Authority then the area will need to be retained until the young have been deemed, by a suitably qualified ecologist, to have fledged and a five meter buffer around the nest should be maintained. Only once this has happened can the area be cleared from site.</p> <p>Reason: To safeguard protected species and to accord with the objectives of the NPPF and Newark and Sherwood Core Strategy Policies CP12 and NAP2C.</p>
Update of Tree Survey and Mitigation	11	<p>Prior to commencement of development in any phase or sub phase pursuant to Condition 4, an updated Arboricultural Survey and Impact Assessment shall be submitted to and approved in writing by the Local Planning Authority. This shall include measures to protect trees and hedgerows to be retained within that phase or sub phase and details of mitigation measures where necessary. The approved mitigation measures shall be implemented on site in accordance with an agreed timetable and shall be retained during the development of the site, unless otherwise agreed in writing by the local planning authority.</p> <p>Any trees/shrubs (planted by way of mitigation) which, within a period of five years of being planted die, are removed or become seriously damaged or diseased shall be replaced in the current or next planting season with others of similar size and species unless otherwise agreed in writing by the local planning authority.</p>

		Reason: To ensure that existing trees and hedges to be retained are protected, in the interests of visual amenity and nature conservation in line with the measures identified in the Addendum to the AIA.
Both strategic landscaping and landscaping of individual plots	12	<p>The first reserved matters submission for the landscaping of each phase (as required by condition 3) shall include the submission of a updated Landscape Masterplan and full details of both hard and soft landscape works (both in the public realm/strategic landscaping works and for individual plots) for that phase and a programme for their implementation. This submission shall include:</p> <ul style="list-style-type: none"> <li>• Provision for hedgerows and tree planting in line with Illustrative Landscape Masterplan for Plots and POS (drawing no. JBA 16/268-SK01) or any updated version that shall be agreed through the relevant reserved matters approval</li> <li>• Hard landscaping details which shall include car parking layouts and materials, materials for other vehicle and pedestrian access and circulation areas, minor artefacts and structures for example, furniture, refuse or other storage units, signs, lighting etc.</li> <li>• Soft landscaping details which shall include planting plans, written specification (including cultivation and other operations associated with plant and grass establishment) and schedules of plants, including species, numbers and densities together with clear annotations as to existing trees and hedgerows that would be retained plus proposed finished ground levels or contours. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species.</li> </ul> <p>Reason: In the interests of visual amenity and biodiversity, to ensure that trees and hedgerows to be lost as a result of development is properly and commensurately mitigated with replacements, to reflect the scale and nature of development addressed in the Environmental Statement and to ensure accordance with the objectives set out in the NPPF and the Newark and Sherwood Core Strategy Policies CP12, CP13 and NAP2C.</p>
Implementation scheme for landscaping	13	<p>All hard and soft landscape works for each phase or sub phase shall be carried out during the first planting season following commencement of that phase/ in accordance with the approved implementation and phasing plan for each phase including as approved by the associated reserved matters approval. The works shall be carried out before any part of the phase or sub phase is occupied or in accordance with a programme which shall first be agreed in writing with the local planning authority.</p> <p>Reason: To ensure the work is carried out within a reasonable period and thereafter properly maintained, in the interests of visual amenity and biodiversity.</p>
Phased Update of	14	Prior to commencement of development within any phase or sub phase pursuant to Condition 4, a scheme to update the

<p>Ecological Surveys and Mitigation</p>		<p>Extended Phase 1 Habitat Survey and any associated protected species surveys will be submitted to and approved in writing by the Local Planning Authority. The updates shall then be provided in accordance with an agreed timetable. Where protected species are identified as being present on site, a scheme of mitigation shall be submitted to and approved in writing by the Local Planning Authority. This scheme of mitigation shall include a working design, method statement and timetable of works to mitigate any adverse effects to protected species. The mitigation measures should follow the principles of Section 6 of the Great Crested Newt Survey Report dated July 2017 and carried out by Lockhart Garratt and para. 5.5 of the Reptile Survey Report dated August 2017 and carried out by Lockhart Garratt. The development shall be implemented in accordance with the approved schemes unless otherwise agreed in writing by the Local Planning Authority.</p> <p>Reason: To ensure that decisions regarding the details of the scheme are made in accordance with up to date ecological information and so that any mitigation which may be required can be put in place in a timely manner in the interests of ecology and to accord with the objectives of the NPPF and Newark and Sherwood Core Strategy Policies CP12 and NAP2C.</p>
<p>Phased Update of Tree Survey</p>	<p>15</p>	<p>The first reserved matters application for each phase pursuant to Condition 4, that involves any works to trees and/or hedgerows shall be accompanied by an updated Tree Survey and Arboricultural Impact Assessment (AIA).</p> <p>Reason: To ensure that decisions regarding the details of the scheme are made in accordance with up-to-date arboriculture information and to accord with the objectives of the NPPF and Development Plan policies CP12 and NAP2C.</p>
<p>Habitat Creation &amp; Management Plan</p>	<p>16</p>	<p>No development shall be commenced in respect of each phase or sub phase pursuant to Condition 4, unless a detailed Habitat Creation and Management Plan associated with that phase or sub phase has been submitted to and approved in writing by the Local Planning Authority. The Habitat Creation Plan may form part of the Construction Environmental Management Plan (identified at condition 07) and shall include details of the following within each phase, as appropriate:</p> <ul style="list-style-type: none"> <li>• The location and extent of all new habitats including all works required for the creation;</li> <li>• For the creation of new habitats, these details shall identify target habitats with reference to the Nottinghamshire Local Biodiversity Action Plan and shall include details of all tree, woodland, scrub and hedgerow planting, and wetland and grassland establishment, and will provide information regarding ground preparation; cover material; soil profiles; sources of tree and shrub stock (which should be of local provenance – seed zone 402 or 403), seed mixes for grassland, woodland and wetland areas (to be used in grassland establishment methods, and which shall be of certified native origin); proportions; size; spacing; positions; densities; sowing rates; methods of</li> </ul>



		<p>establishment; areas left for natural regeneration; creation of wetland areas; and fencing off of planting areas. For the management of created and retained habitat, these details shall include the identification of management objectives; annual work programmes; and monitoring</p> <ul style="list-style-type: none"> <li>• Measures to enhance retained habitats;</li> <li>• How public access will be controlled to limit disturbance to wildlife;</li> <li>• Ecological enhancements to include bird, bat boxes and the creation of artificial hibernaculae for reptiles at appropriate points within the site which should offer immediate enhancements and longer term enhancements where appropriate;</li> <li>• Opportunities to enhance the proposed drainage features on site to benefit biodiversity;</li> <li>• Details of a habitat management plan for existing and new habitats during the establishment phase including details/arrangements for on-going management and monitoring for not less than 5 years;</li> <li>• An implementation timetable for all elements.</li> </ul> <p>The approved Habitat Creation and Management Plan shall be implemented on-site as approved, in accordance with the agreed timetable unless otherwise agreed in writing by the Local Planning Authority.</p> <p>Reason: To safeguard protected species and their habitats and in order to provide ecological enhancements in a timely manner in line with the CP12, NAP2C of the Development Plan and the advice contained in the NPPF as well to take account of the Nottinghamshire Local Biodiversity Action Plan.</p>
Operational phase external lighting scheme to accompany RMA	17	<p>First applications for reserved matters approval for each phase shall be accompanied by a detailed external lighting scheme (for the operational phase) designed to ensure the impacts of artificial light are minimised and that light spill onto retained and created habitats, particularly around the site periphery and green corridors through the site are avoided. Any security lighting / floodlighting to be installed, shall be designed, located and installed so as not to cause a nuisance to users of the highway. The details of any such lighting shall be submitted to and approved by the Local Planning Authority (together with a lux plot of the estimated luminance). The development shall proceed within each phase or sub phase in accordance with the agreed external lighting scheme.</p> <p>Reason: This condition is necessary to ensure that the impacts of external lighting on nocturnal wildlife, particularly bats are minimised in accordance with CP12 and the NPPF and to protect drivers from uncontrolled light sources near the public highway.</p>
Foul Sewage Disposal	18	<p>No development shall be commenced within each phase or sub phase (pursuant to Condition 4) until drainage plans for the disposal of foul sewage for that phase or sub phase have been submitted to and approved in writing by the Local</p>

		<p>Planning Authority. The scheme for each phase or sub phase shall be implemented in accordance with the approved details before the development in that phase or sub phase is first brought into use.</p> <p>Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce of creating or exacerbating a flooding problem and to minimise the risk of pollution.</p>
<p>Detailed Surface Water Drainage Scheme as required by LLFRA and STW</p>	<p>19</p>	<p>No development shall be commenced within each phase or sub phase pursuant to Condition 4 until a detailed surface water drainage scheme for that phase or sub-phase, in accordance with the approved Flood Risk Assessment and based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. In addition to dealing with surface water drainage this scheme shall also be designed to maximize biodiversity opportunities. The scheme shall subsequently be implemented prior to first occupation of any dwelling within that Phase or sub phase unless otherwise agreed in writing with the Local Planning Authority. The scheme to be submitted shall include the following:</p> <ul style="list-style-type: none"> <li>• Information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;</li> <li>• Detailed site levels designs for the site. This information should be accompanied by a contour plan and a flood routing plan. The site should be designed to retain all surface water flows within the site and route these to the attenuation ponds. Flows crossing the site boundary onto 3<sup>rd</sup> party land are not acceptable.</li> <li>• Detailed drainage layout including building/plot drainage where possible. This is to include a fully referenced network plan with supporting calculations and documentary evidence of infiltration coefficients if used. The performance specification should follow the guidance within Sewers for Adoption 6<sup>th</sup> edition (or any later edition as may be published) in terms of the criteria for pipe-full flows, surcharge and flooding;</li> <li>• Full drainage simulation outputs to demonstrate that the drainage system can fulfil the design criteria and that failure of the drainage system during short-duration high-intensity events does not automatically mean that properties flood. The management of accumulations of water on the site should be clearly defined and the potential flow routes considered. The designers should consider how exceedance flow routes may be maintained and not blocked by fences, garden sheds and the like. In this regard they should be designed where possible to avoid reliance on 3<sup>rd</sup> party properties and should use public open space and highways.</li> <li>• All infiltration areas with supporting specification, calculations and construction details where applicable.</li> <li>• Attenuation pond/tank details including volumetric calculations, geotechnical &amp; slope-stability calculations as appropriate, specification of materials used to construct any berms.</li> </ul>

		<ul style="list-style-type: none"> <li>• Full specification &amp; general arrangement drawings for inlet/outlet structures and flow control structures. The details should also include the access arrangements for clearing and maintenance including in times of flood/failure of the infrastructure.</li> <li>• Full documentary evidence for consideration by the LPA/LLFA legal advisors of the rights to discharge to any watercourse.</li> <li>• All calculations should be provided using contemporary drainage software (Windes or similar). If possible electronic files should be provided to support paper and pdf outputs. Information can be provided in common software packages and formats including PDS, Windes, xyz, genio, word/excel/autocad etc. All documents should be referenced with a unique identifier – drawing number, document number/revision etc. Calculations and drawings should be cross-referenced and issue sheets provided to enable tracking of revisions to information;</li> <li>• Timetable for its implementation;</li> <li>• Provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.</li> </ul> <p>Reason: To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures.</p>
FRA	20	<p>The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment at Land South of Hollowdyke Lane Fernwood by Larkfleet Homes dated June 2017 for the proposed residential development of 350 units and the following mitigation measures detailed within the FRA:</p> <ol style="list-style-type: none"> <li>1. The finished floor level shall be set as per the drawing titled “Provisional Foul and Surface Water Drainage Strategy Sheet 2 of 2” (Drawing Number MA10402/200-2) unless otherwise agreed in writing by the LPA.</li> <li>2. All dwellings within flood zones 2 and 3 should be two storey dwellings.</li> <li>3. The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.</li> </ol> <p>Reason: To reduce the risk of flooding to the proposed development and future occupants.</p>

FFL Condition	21	<p>Each reserved matters application (that involves the erection of dwellings) shall be accompanied by details of the proposed finished floor levels of the proposed residential dwellings. The development shall thereafter be carried out in accordance with the approved finished floor levels. For the avoidance of doubt, the finished floor level shall be set no lower than the drawing titled “Provisional Foul and Surface Water Drainage Strategy Sheet 2 of 2” (Drawing Number MA10402/200-2) unless otherwise agreed in writing by the LPA.</p> <p>Reason: To reduce flood risk to the proposed development.</p>
Suspended Solids Condition	22	<p>Prior to the commencement of any phase or sub phase (pursuant to Condition 4) of the development hereby approved a scheme detailing treatment and removal of suspended solids from surface water run-off during construction works shall be submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented within that phase or sub phase as approved.</p> <p>Reason: To reduce the risk of surface water pollution.</p>
Highways England Conditions	23	<p>No more than 100 dwellings of the proposed development hereby approved shall be occupied until improvements to the B6326 / Goldstraw Lane roundabout in broad accordance with that shown in Waterman drawing Goldstraw Lane Roundabout dated 24/07/2015 are submitted to and agreed by the Local Planning Authority in consultation with Nottinghamshire County Council (acting as Local Highway Authority) and Highways England, subject to Detailed Design and Road Safety Audit, and are complete and open to traffic.</p> <p>Reason: To ensure that the A1 Trunk Road continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10(2) of the Highways Act 1980, in the interests of road safety.</p>
	24	<p>No more than 100 dwellings of the proposed development hereby approved shall be occupied until improvements to the A1 / B6326 junction in broad accordance with that shown in Milestone drawing 14106/037 are submitted to and agreed by the Local Planning Authority in consultation with Nottinghamshire County Council (acting as Local Highway Authority) and Highways England, subject to Detailed Design and Road Safety Audit, and are complete and open to traffic.</p> <p>Reason: To ensure that the A1 Trunk Road continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10(2) of the Highways Act 1980, in the interests of road safety.</p>

NCC Highway Conditions	25	<p>No part of the development hereby permitted shall take place until details of the new development road layout intended for adoption have been submitted to and approved in writing by the Local Planning Authority including drainage and outfall proposals. The development shall be implemented in accordance with the agreed details to the satisfaction of the Local Planning Authority. Such details shall include for potential bus routes, and full access connections with Hollowdyke Lane and adjacent land to the south.</p> <p>Reason: To ensure the development is constructed to adoptable standards.</p>
	26	<p>No more than 300 dwellings forming part of the development hereby approved shall be occupied unless and until a road link catering for vehicles and pedestrians is constructed in accordance with a scheme which shall first be submitted to and approved in writing by the LPA and made available for public use between Hollowdyke Lane and the B6326 Great North Road.</p> <p>Reason: To provide connectivity and permeability between areas of development and promote sustainable travel.</p>
	27	<p>No more than 100 dwellings forming part of the development hereby approved shall be occupied unless and until improvements to the B6326 Great North Road between the main access roundabout and the Dale Way junction have been made to reduce the carriageway to 7.3m, provide street lighting, and a cycle/footway on the east side of the B6326 in accordance with details to be first submitted to and agreed in writing by the LPA.</p> <p>Reason: To promote sustainable travel.</p>
	28	<p>No more than 300 dwellings forming part of the development hereby approved shall be occupied unless and until improvements to the B6326 Great North Road/London Road/A1 Slip Road have been made to improve capacity in accordance with details to be first submitted to and agreed in writing by the LPA, but shown <i>indicatively</i> on Waterman's drawing 210354-010.</p> <p>Reason: In the interests of highway safety and capacity.</p>
	29	<p>No more than 20 dwellings on the development hereby approved shall be occupied unless a pair of bus stops are installed on Great North Road to the satisfaction of the Local Planning Authority and shall include a bus stop pole and</p>

		<p>flag, a raised boarding kerb, polycarbonate bus shelter, additional hardstanding (if required), solar lighting, real time information display and associated electrical connections and an enforceable bus stop clearway.</p> <p>Reason: To promote sustainable travel.</p>
Travel Plan	30	<p>No development shall commence within each phase or sub phase until a scheme of implementation for the details within the 'Transport &amp; Infrastructure Planning Residential Travel Plan' dated June 2017 has been submitted to an approved in writing by the local planning authority. The Travel Plan shall be updated if required as part of each Reserved Matters submission for each phase or sub phase of development. The scheme shall be implemented as approved. For the avoidance of doubt the scheme shall include provisions for the delivery of the 'Developer Commitments' outlined by para. 7.6 of the document.</p> <p>Reason: In the interests of sustainable transport and to ensure the development takes the form agreed by the authority and thus results in a satisfactory form of development.</p>

**Notes to Applicant**

01 (Conditions)

The applicant's attention is drawn to those conditions on the decision notice, which should be discharged before the development is commenced. It should be noted that if they are not appropriately dealt with the development may be unauthorised.

02 (S106)

A S106 Agreement (Planning Obligation) accompanies this permission and should be read in association with the legal agreement made under Section 106 of the Town and Country Planning Act 1990.

03 Construction hours)

The developer is advised that in respect of the CEMP condition, hours of construction would be expected to be along the lines of between the hours of 07:30 and 18:00 on Mondays to Fridays; 07:30 to 13:00 Saturdays, and at no time on Sundays and Bank Holidays unless specifically agreed in writing by the Local Planning Authority beforehand.

04 (NEAP expectations)

The developer is advised that in respect of the **NEAP**, it is expected that this should be provided in accordance with the specification for a 'Neighbourhood Equipped Area for Play' taken from the Fields in Trust publication 'Planning and Design for outdoor Sport and Play'.

Specifically it should include the following elements:(1) The NEAP should occupy a well-drained site, with both grass and hard surfaced areas, together with impact absorbing surfaces beneath and around play equipment or structures as appropriate; (2) it should include an activity zone of at least 1000 square metres, comprising an area for play equipment and structures, and a hard surfaced area of at least 465 square metres (the minimum needed to play 5-a-side football); (3) a buffer zone of 30 metres minimum depth should separate the activity zone and the boundary of the nearest property containing a dwelling. A greater distance may be needed where purpose-built skateboarding facilities are provided. The buffer zone should include varied planting to provide a mix of scent, colour and texture; (4) it should provide a stimulating and challenging play experience that includes equipment and other features providing opportunities for balancing, rocking, climbing, overhead activity, sliding, swinging, jumping, crawling, rotating, imaginative play, social play, natural play, ball games, wheeled sports or other activities. There should be a minimum of nine play experiences included; (5) seating for accompanying adults and siblings should be provided, together with one or more litter bins (6) the older children's/youth element should be either through the provision of a tarmac surfaced, fenced and marked out Multi-use Games Area or a tarmac surfaced skate/wheeled sport park containing at least 4 separate ramps (7) there should be a sign indicating that the area is for children and young people's play and that dogs are not welcome. The name and telephone number of the facility operator should be provided, together with an invitation to report any incident or damage to the NEAP.

#### 05 (Highways England)

The highway mitigation works associated with this consent involves works within the public highway, which is land over which you have no control. The Highways Agency (the Agency) therefore requires you to enter into a suitable legal Section 278 agreement to cover the design check, construction and supervision of the works. Contact should be made with the Agency's Section 278 Business Manager David Steventon to discuss these matters on [david.steventon@highways.gsi.gov.uk](mailto:david.steventon@highways.gsi.gov.uk)

#### 06 (EHO)

NSDC Environmental Health (Land Contamination) advise that an advisory booklet is available – “Developing Land in Nottinghamshire: A guide to submitting planning applications for land that may be contaminated”. This is available from Planning Services, the Proactive Team of Environmental Services or the NSDC website using the following link:

<http://www.newark-sherwooddc.gov.uk/pp/gold/viewGold.asp?IDType=Page&ID=7895>.

Prior to undertaking an intrusive site investigation the applicant is advised to consult with:

#### **Natural England**

Block 6 & 7 Government Buildings  
Chalfont Drive  
Nottingham

NG8 3SN

Tel: 0115 929 1191

Fax: 0115 929 4886

Email: [eastmidlands@naturalengland.org.uk](mailto:eastmidlands@naturalengland.org.uk)

**Heritage England**

Ancient Monuments Inspector

44 Derngate

Northampton,

NN1 1UH

Tel: 01604 735400

Fax 01604 735401

E-mail: [eastmidlands@english-heritage.org.uk](mailto:eastmidlands@english-heritage.org.uk)

**Heritage Planning Specialists**

Nottinghamshire County Council

Trent Bridge House

Fox Road

West Bridgford

Nottingham

NG2 6BJ

**Tel:** +44 (0)115 977 2162

**Fax:** +44 (0)115 977 2418

**E-mail:** [heritage@nottscc.gov.uk](mailto:heritage@nottscc.gov.uk)

to prevent damage or harm to the historic environment.

Where the presence of contamination is found or suspected the developer and/or his contractor should have regard to Health and Safety Executive guidance - "The Protection of workers and the general public during the development of contaminated land".

07 (STW)



Severn Trent Water advise that although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.

#### 08 (NCC HWA)

The applicant should note that notwithstanding any planning permission that if any highway forming part of the development is to be adopted by the Highways Authority. The new roads and any highway drainage will be required to comply with the Nottinghamshire County Council's current highway design guidance and specification for roadworks.

The Advanced Payments Code in the Highways Act 1980 applies and under section 219 of the Act payment will be required from the owner of the land fronting a private street on which a new building is to be erected. The developer should contact the Highway Authority with regard to compliance with the Code, or alternatively to the issue of a Section 38 Agreement and bond under the Highways Act 1980. In order to carry out the off-site works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act with the Highway Authority.

#### 09 (Pro-Active)

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).

#### 010 (CIL)

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/](http://www.newark-sherwooddc.gov.uk/cil/)

The proposed development has been assessed and it is the Council's view that CIL IS PAYABLE on the development hereby approved. The actual amount of CIL payable will be calculated when a decision is made on the subsequent reserved matters application.

<b>Application No:</b>	<b>17/00595/FULM</b>		
<b>Proposal</b>	<b>Residential development of 305no 2, 3 and 4 bed dwellings and associated open space and ancillary works</b>		
<b>Location</b>	<b>Land North Of Petersmith Drive, Ollerton, Nottinghamshire</b>		
<b>Applicant</b>	<b>Gleeson Regeneration Ltd</b>		
<b>Registered</b>	<b>10.04.2017</b>	<b>Target Date: 10.07.2017</b>	<b>Extension of time: Agreed until 11<sup>th</sup> May 2018</b>

**This application has been referred to Planning Committee for determination due to the officer recommendation being contrary to the comments of the Town Council.**

**The application was previously withdrawn from the agenda for Planning Committee on 3<sup>rd</sup> April 2018 to allow Officers to address unresolved issues detailed in the report and the Late Items schedule.**

**For the avoidance of doubt additional text is shown in bold.**

### The Site and Surroundings

The site relates to land at the rear of Petersmiths Drive which has been allocated in the Development Plan for mixed use development. The site area measures approximately 20.18ha (based on the revised red line boundary received during processing of this application), is irregular in shape and sits adjacent to the existing settlement edge to the north west of New Ollerton. Properties to the southern end of Petersmiths Drive are situated at a higher level to the site and the rear boundary of these properties adjoins a vegetated bank with an existing footpath closely aligned with the northern boundary of the settlement edge. Maun Infant and Nursery School and Forest View Junior School are situated adjacent to the south eastern boundary of the allocated site as well as the existing sports ground on Walesby Lane. To the north west of the proposed development site the land is characterised by open fields and the River Maun. Boughton Conservation Area and the Grade II Listed buildings at Boughton Pumping Station are situated in close proximity to the north eastern edge of the site. Ollerton Conservation Area is located some 530m to the south west of the site. Parts of the Northern and western edges of the site within Flood Zones 2 and 3 with the remainder of the site being situated within Flood Zone 1. The nearest Local Wildlife Site is Whinney Lane Grassland situated immediately to the north east of the site within the Boughton Conservation Area. The Birklands and Bilhaugh biosinc, an extensive remnant of the historic Sherwood Forest including excellent examples of the characteristic heathland and woodland communities, is located approximately 500m to the west of the site.

The application site is located within the Sherwood Policy Zone 15 (S PZ 15) as identified in the Newark and Sherwood Landscape Character Assessment (LCA) SPD. This Policy Zone is described as 'River Maun Meadowlands with Plantations' and the landscape is defined as being in 'good' condition and as having 'moderate' sensitivity. The LCA describes views as being generally contained by the low landform and intermittent tree cover. The landscape actions for this area within the LCA are to 'Conserve and Reinforce.'

### Relevant Planning History

There is no planning history of relevance to the site albeit the applicant has sought pre-application advice prior to submission.

### Environmental Impact Assessment Screening

Prior to submission of the application, the applicant sought a screening opinion under Regulation 5 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. The Council applied the selection criteria set out by Schedule 3 of the Regulations. Taking all matters into account, the Council confirmed its opinion that the proposal is unlikely to have complex or significant environmental effects and thus a formal Environmental Statement was not required in this instance.

In reaching this conclusion, the Council was satisfied that the proposal would not constitute a major development that would have more than local significance. Particular regard was also given to the location of the site which is outside of any designated environmentally sensitive areas and the scale and characteristic of development which would be residential seen in context with the existing settlement of New Ollerton.

### The Proposal

Full planning permission is sought for residential development of the site for 305 dwellings with associated open space and ancillary works.

The quantum of dwellings has remained constant through the consideration of this application, however the extent of the application site has changed through the process to accommodate the proposed drainage solution.

The submitted drawings show the application site to be split in to two distinct phases. Vehicular access is taken from Whitewater Lane to the eastern end with a spine road then running through the site to join a second point of access to the western end linking in to Petersmith Drive. The spine road serves several cul-de-sacs in each phase of the development. The first phase to the eastern end consists of 145 dwellings. There is then a distinct break to the centre of the application site where the site narrows and land is shown to provide public open space and a N.E.A.P. The second phase to the western end would provide a further 160 dwellings. Further open space is shown at the site entrance to the eastern end of the site including a L.A.P, and to the western end where a L.A.P. and land for sports pitches adjoining the existing Ollerton Miners Welfare Sports Ground which is situated to the south of the site. Two SUDS attenuation ponds are shown with one serving each phase of housing and situated immediately to the north of the residential parcels. Footpaths are shown alongside the proposed vehicular access spanning the site east to west from Whitewater Lane to Petersmith Drive as well as an additional footpath link to the east to the site frontage and another via a proposed cul-de-sac on the eastern parcel linking through to Petersmith Drive.

A suite of supporting plans and documents have been submitted with the application. Drawings include housing layouts, dwellings types, garage plans, materials elevations and schedule, details of boundary treatments, phasing plan, landscape plans, engineering plans and an indicative section plan. Supporting documents include a Landscape and Visual Impact Assessment, Air Quality Assessment, Economic Impact report and Viability Appraisal, Affordable Housing

Statement, Heritage Statement, Archaeological Statement, Planning Statement, Residential Travel Plan, Tree and Hedgerow Survey, Design and Access Statement, Ecological Impact Assessment, Flood Risk Assessment, Maximising Security Through Design report, Transport Statement, Geophysical Survey and Planning Obligation Statement.

### Departure/Public Advertisement Procedure

Occupiers of 194 properties have been individually notified by letter on the revised plans. The application has also been publicised by a site notice displayed at the site and an advert placed in the local press. All properties previously consulted and those that had previously made comments on the application were reconsulted in January 2018 following the submission of revised plans which included a second point of access providing a link to the western end of the site with Petersmith Drive and revised landscape proposals.

### Planning Policy Framework

#### **The Development Plan**

##### **Newark and Sherwood Core Strategy DPD (adopted 29 March 2011)**

- Spatial Policy 1 Settlement Hierarchy
- Spatial Policy 2 Spatial Distribution of Growth
- Spatial Policy 6 Infrastructure for Growth
- Spatial Policy 7 Sustainable Transport
- Core Policy 1 Affordable Housing Provision
- Core Policy 3 Housing Mix, Type, and Density
- Core Policy 9 Sustainable Design
- Core Policy 10 Climate Change
- Core Policy 12 Biodiversity and Green Infrastructure
- Core Policy 13 Landscape Character

##### **Newark and Sherwood Publication Allocations & Development Management DPD**

- Policy OB/MU/1 Ollerton & Boughton – Mixed Use Site 1
- Policy DM1 Development within Settlements Central to Delivering the Spatial Strategy
- Policy DM2 Development on Allocated Sites
- Policy DM3 Developer Contributions and Planning Obligations
- Policy DM5 Design
- Policy DM7 Biodiversity and Green Infrastructure
- Policy DM12 Presumption in Favour of Sustainable Development

#### **Other Material Planning Considerations**

National Planning Policy Framework (2012)

National Planning Practice Guidance (Web based resource)

Newark and Sherwood Affordable Housing SPD (June 2013)

Newark and Sherwood Developer Contributions and Planning Obligations SPD (December 2013)

Newark and Sherwood Landscape Character Assessment SPD (December 2013)

## Consultations

**Ollerton and Boughton Town Council** – Original comments on the application stated:

‘Object to the proposal on the following grounds:

### 1 - Highways – Access

The only access to this large development is from a small road which is already in a state of disrepair.

There could be in excess of 500 vehicles regularly accessing & exiting the site.

The main route to the site access is along a busy residential road which already has speed humps and passes two schools.

The alternative route is through a large estate where the bus service has already been cancelled as buses and also emergency vehicles struggle to get through due to the amount of parked cars.

The third route is from the A614 and uses a small bridge and would require a right turn at a dangerous junction. In addition there is no footpath on this route which puts pedestrians at risk.

### 2 - Environmental issues

The development is on a flood plain and members were concerned that the issue of flood risk has not been addressed. This would put both existing dwellings and the new properties at risk.

Due to the over development of the site wildlife has been put at risk. Previous investment of time and funding to enhance a footpath through the countryside would now be wasted.

### 3 - Infrastructure

Ollerton roundabout is already at full capacity and the addition of 500+ cars regularly travelling to and from the development would cause further strain at this busy junction.

The original Allocation was for approximately 200 dwellings and not the proposed 300+ properties causing over intensification of the site.

Members also felt that levels of unemployment would be affected as the increase in residential development is not reflected in the provision of local jobs.

### 4 - Services

Members were of the opinion that as the local Primary and Senior schools are already at full capacity, with the introduction of more families to the area this would be detrimental to the children’s education.

The small GP surgery is currently struggling to cope with the number of existing patients. Other services such as the dentist etc. are also oversubscribed. There appears to be no mention of contributions to address these problems. It was felt that an additional GP Surgery offering other healthcare provision plus measures to increase educational facilities should be considered as a priority.

The members of Ollerton & Boughton Town Council strongly request that these comments be

taken into account when the application is considered by members of NSDC Planning.'

Further comments on the revised plans in January 2018 stated:

'At the meeting of the Town Council's Planning Committee last night, following careful consideration the members agreed that their original grounds for objection were still valid:

#### 1 - Highways - Access

Despite the addition of a second access this does not address the original concerns and in fact causes additional problems.

Both access routes lead from a small road which is already in a state of disrepair.

There could be in excess of 500 vehicles regularly accessing & exiting the site.

The additional access will cause further disruption to traffic flow on Forest Road and result in an increase in vehicles turning on to Forest Road from busy junctions at Beech Avenue and Walesby Lane close to the roundabout.

The main route to the site accesses is along a busy residential road which already has speed humps and passes two schools.

The alternative route is through a large estate where the bus service has already been cancelled as buses and also emergency vehicles struggle to get through due to the amount of parked cars.

The third route is from the A614 and uses a small bridge and would require a right turn at a dangerous junction. In addition there is no footpath on this route which puts pedestrians at risk.'

The additional comments reiterated the points 2 – 4 from the original response and added further:

'Noise, pollution, access/traffic issues, health and safety regards will have a cumulative effect on the existing residents of the town'

**NATS** – 'The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.'

These comments were repeated following reconsultation in January 2018.

**NSDC Emergency Planner** – 'I've taken a look at the flood report attached to the application and there appears to be a risk of flooding in the event of extreme weather through the centre of the proposed development. Flood mitigation measures have been factored in which should reduce the impact of any potential flood - this will not fully cancel out the impact however and it will be down to planning to assess whether the potential risk is acceptable.

I am not willing to support/decline to support any application as I am not a planning officer in respect of building/development and do not feel qualified to do so.'

**NSDC Environmental Health** – No comments to make.

**NSDC Environmental Services (Contamination)** – ‘With reference to the above development, I have received a Phase 1 Geotechnical and Geo-Environmental Site Investigation Report submitted by Eastwood & Partners acting on behalf of the developer.

This document includes an environmental screening report, an assessment of potential contaminant sources, a brief history of the site’s previous uses and a description of the site walkover.

The report then recommends that further work is required in the form of an intrusive investigation. I shall look forward to receiving the subsequent phase 2 report in due course.’

Following this the Phase 2 report was submitted by the applicant and Environmental Services were reconsulted. A further response was received confirming:

‘I have now had the opportunity to review the Phase 2 Geotechnical And Geo-Environmental Site Investigation report submitted by Eastwood & Partners (Project No 39505, dated 18<sup>th</sup> August 2016) conducted at the above site.

I can generally concur with the findings of the report and am therefore in a position to be able to recommend discharge of the contamination condition.’

The case officer confirmed with the Environmental Health Officer that as a consequence of the above, the Environmental Health Officer was satisfied that the standard phase contamination condition was not required as the applicant has done enough to justify that such a condition is not needed in this instance.

**NSDC (Parks and Amenities)** – ‘As a major housing scheme of 305 dwellings this development will need to include public open space provision in the form of provision for children and young people (18m<sup>2</sup>/dwelling), amenity green space (14.4m<sup>2</sup>/dwelling), outdoor sports facilities (52.8m<sup>2</sup>/dwelling) and natural and semi-natural green space. In addition, as a development within a 5km radius of the Birkland and Bilhaugh SAC there is a need for the provision of Suitable Alternative Natural Green Space.

According to the Planning Statement a ‘significant amount of public open space will be provided throughout the development’ however there is no layout plan within the submitted documentation showing the disposition of this and I am thus unable to comment on the proposed provision. However a development of this size should provide on-site provision for children and young people in the form of at least 1 Neighbourhood Equipped Area for Play and additional Local Equipped Areas for Play such that both areas of housing are covered and there is provision for older children and teenagers as well as younger children. Amenity green space should be provided on site as should natural and semi-natural green space. The SANGS element could either be provided on site or as an off-site contribution to improve existing areas of accessible natural green space in the vicinity of the development.

I note that the Housing Layout plan shows a single football pitch and that this is located adjacent to the existing Ollerton Welfare sports ground. Whilst the provision of pitch space is to be welcomed I believe that to properly reflect the scale of the development there should be an accompanying off-site contribution towards the improvement of the existing Welfare facilities. I note also that the pitch is partly located on a 1 in 100 year floodplain which may adversely affect its usability.’

## **NCC (Strategic Planning)**

### National Planning Context

In terms of the County Council's responsibilities the following elements of national planning policy and guidance are of particular relevance.

### Waste

The National Planning Policy for Waste (NPPW) sets out the Government's ambition to work towards more sustainable and efficient resource management in line with the waste hierarchy. Positive planning is seen as key to delivering these waste ambitions through supporting sustainable development. This includes ensuring that waste management is considered alongside other spatial planning concerns and helping to secure the re-use and recovery of waste wherever possible.

Paragraph 8 of the NPPW states that:

'When determining planning applications, all planning authorities should ensure that:

- the likely impact of proposed non-waste related development on existing waste management facilities, and on sites and areas allocated for waste management, is acceptable and does not prejudice the implementation of the waste hierarchy and/or the efficient operation of such facilities;
- new, non-waste development makes sufficient provision for waste management and promotes good design to secure the integration of waste management facilities with the rest of the development, and, in less developed areas, with the local landscape. This includes providing adequate waste storage facilities at residential premises, for example by ensuring that there is sufficient and discrete provision for bins, to facilitate a high quality, comprehensive and frequent household collection service;
- the handling of waste arising from the construction and operation of development maximises reuse/recovery opportunities and minimises off-site disposal.'

In Nottinghamshire, relevant policies are set out in the Nottinghamshire and Nottingham Replacement Waste Local Plan: Part 1 – Waste Core Strategy (December 2013).

### Minerals

Section 13 of the National Planning Policy Framework (NPPF) covers the sustainable use of minerals. Paragraph 142 points out that minerals are 'essential to support sustainable economic growth and our quality of life.'

Paragraph 143 requires that, in preparing Local Plans, local planning authorities should:

- 'define Mineral Safeguarding Areas and adopt appropriate policies in order that known locations of specific minerals resources of local and national importance are not needlessly sterilised by non-minerals development, whilst not creating a presumption that resources defined will be worked; and define Mineral Consultations Areas based on these Minerals Safeguarding Areas;
- set out policies to encourage the prior extraction of minerals, where practicable and environmentally feasible, if it is necessary for non-mineral development to take place'.

In Nottinghamshire, these areas are defined in the emerging Nottinghamshire Minerals Local Plan and supported by Policy DM13, which also covers prior extraction.



In terms of the role of local planning authorities in planning for minerals, paragraph 144 of the NPPF states that:

‘When determining planning applications, local planning authorities should:

- not normally permit other development proposals in mineral safeguarding areas where they might constrain potential future use for these purposes’.

The national Planning Practice Guidance provides further information on the role of district councils in this regard, stating that ‘they have an important role in safeguarding minerals in 3 ways:

- having regard to the local minerals plan when identifying suitable areas for non-mineral development in their local plans. District Councils should show Mineral Safeguarding Areas on their policy maps;
- in those areas where a mineral planning authority has defined a Minerals Consultation Area, consulting the mineral planning authority and taking account of the local minerals plan before determining a planning application on any proposal for non-minerals development within it; and
- when determining planning applications, doing so in accordance with development policy on minerals safeguarding, and taking account of the views of the mineral planning authority on the risk of preventing minerals extraction.’

### Transport

Paragraphs 29-41 of the NPPF address the issue of sustainable transport. The NPPF requires all developments which generate significant amounts of movement to be supported by an appropriate Transport Assessment and a Travel Plan. It also states that it should be ensured that such developments are ‘located where the need to travel will be minimised and the use of sustainable transport modes can be maximised’.

### Healthy Communities

The NPPF seeks to promote healthy communities. Paragraphs 69-78 of the NPPF set out ways in which the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. It states that planning policies and decisions should:

- plan positively for the provision and use of community facilities in order to enhance the sustainability of communities;
- ensure an integrated approach to considering the location of housing, economic uses and community facilities.

Paragraph 171 of the NPPF relates to health and well-being and encourages local planning authorities to work with public health leads and organisations to understand and take account of the health status and needs of the local population, including expected future changes, and any information about relevant barriers to improving health and well-being.

With regard to public rights of way, paragraph 75 points out that they should be protected and enhanced, and ‘local authorities should seek opportunities to provide better facilities for users’.

## Education Provision

Paragraph 72 states that:

‘The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:

- give great weight to the need to create, expand or alter schools; and work with schools promoters to identify and resolve key planning issues before applications are submitted.’

## Public Health

Appendix 1 sets out the local health report for the site and identifies that many of the health indicators are: worse than the England average) with Healthy Life and Disability Free expectancy, All causes of death for all ages Standardised Mortality Ratio (SMR) and Causes of premature mortality for under 75 years SMR causes is statistically worse than the England average.

The National Planning Policy Framework (NPPF) seeks to promote healthy communities. Paragraphs 69-78 of the NPPF sets out ways in which the planning system can play an important role in facilitating social interaction and create healthy inclusive environments.

Planning policies should in turn aim to achieve places which promote:

- Safe and accessible environments
- High quality public spaces
- Recreational space/sports facilities
- Community facilities
- Public rights of way

The Nottinghamshire Joint Strategic Needs Assessment (JSNA) provides a picture of the current and future health needs of the local population:

<http://jsna.nottinghamcity.gov.uk/insight/Strategic-Framework/Nottinghamshire-JSNA.aspx>.

This states the importance that the natural and build environment has on health.

The Nottinghamshire Health and Wellbeing Strategy sets out the ambitions and priorities for the Health and Wellbeing Board with the overall vision to improve the health and wellbeing of people in Nottinghamshire:

<http://www.nottinghamshire.gov.uk/caring/yourhealth/developing-health-services/healthand-wellbeing-board/strategy/>

The ‘Spatial Planning for Health and Wellbeing of Nottinghamshire’ document approved by the Nottinghamshire Health and Wellbeing Board in May 2016 identifies that local planning policies play a vital role in ensuring the health and wellbeing of the population and how planning matters impact on health and wellbeing locally. In addition a health checklist is included to be used when developing local plans and assessing planning applications:

<http://www.nottinghamshireinsight.org.uk/insight/news/item.aspx?itemId=44>.

It is recommended that this checklist is completed to enable the potential positive and negative impacts of the pre application on health and wellbeing to be considered in a consistent, systematic and objective way, identifying opportunities for maximising potential health gains and minimizing harm and addressing inequalities taking account of the wider determinants of health.

Obesity is a major public health challenge for Nottinghamshire. Obesity in 10-11 year olds in this area is not significantly worse than the England average. It is recommended that the six themes recommended by the TCPA document 'Planning Health Weight Environments' –

[http://www.tcpa.org.uk/data/files/Health\\_and\\_planning/Health\\_2014/PHWE\\_Report\\_Final.pdf](http://www.tcpa.org.uk/data/files/Health_and_planning/Health_2014/PHWE_Report_Final.pdf)

are considered to promote a healthy lifestyle as part of this application. The six themes are:

- Movement and access: Walking environment; cycling environment; local transport services.
- Open spaces, recreation and play: Open spaces; natural environment; leisure and recreational spaces; play spaces.
- Food: Food retail (including production, supply and diversity); food growing; access.
- Neighbourhood spaces: Community and social infrastructure; public spaces.
- Building design: Homes; other buildings.
- Local economy: Town centres and high streets; job opportunities and access.

Due to the size of the development it is recommended that planners discuss this development as part of the Mid Nottinghamshire, Local Estates Forum and also consult with Newark & Sherwood Clinical Commissioning Group to consider any additional healthcare requirements e.g. S106 / CIL. Given that limiting long term illness or disability is significantly worse than the England average, the development needs to ensure that it is age friendly providing good access to health and social care facilities.

#### Minerals Planning Issues

The adopted Nottinghamshire and Nottingham Waste Core Strategy (adopted 10 December 2013) (full title Nottinghamshire and Nottingham Replacement Waste Local Plan, Part 1:Waste Core Strategy) and the saved, nonreplaced policies of the Nottinghamshire and Nottingham Waste Local Plan (adopted 2002), along with the Nottinghamshire Minerals Local Plan (adopted 2005) (and emerging replacement plan) form part of the development plan for the area. As such relevant policies in these plans need to be considered.

In terms of the Waste Core Strategy, there are no existing waste management facilities in the vicinity of the proposed development to raise any issues in terms of safeguarding our existing waste management facilities (as per PolicyWCS10 of the Waste Core Strategy). The County Council would be keen to see the best practice of waste management for the development. As set out in Policy WCS2 of the Waste Core Strategy, the development should be 'designed, constructed and implemented to minimise the creation of waste, maximise the use of recycled materials and assist the collection, separation, sorting, recycling and recovery of waste arising from the development.

#### Strategic Highways

NCC have concerns relating to the cumulative impact of this development and others on the A614/A616/ A6075 Ollerton Roundabout junction. The TA supporting the application identifies 35% of the development traffic heading towards the Ollerton roundabout but does not consider the significance of this impact. In the same way that NCC are negotiating a S106 contribution from Thoresby Estates towards the cost of the Ollerton Rbt improvement scheme a proportional

contribution from this development should also be sought.

#### Rights of Way

This application may impact on Ollerton & Boughton Parish Public Bridleways No 7 & 8, which run alongside the north western boundary of the site as shown on the attached working copy of the definitive map.

Whilst not an objection this Office would require that the availability of the above path(s) is not affected or obstructed in any way by the proposed development at this location unless subject to appropriate diversion or closure orders. That we are consulted in any re surfacing or gating issues, also developers should be aware of potential path users in the area who should not be impeded or endangered in any way.

Any required path closure or diversion application should be made via consultation with this office.

#### Transport and Flood Risk Management

Comments to be provided separately by the Highway Development Control Team and the Flood Risk Management Team.

#### Archaeology

This application is accompanied by an unusually thorough desk based archaeological assessment, which is good. However, the document concludes the site to have low archaeological potential. This is based upon a lack of recorded archaeology in the vicinity. Unfortunately, this argument is a circular one, which has persisted across the Sherwood area. Little has been found, therefore we do not look, therefore we do not find. This issue has been specifically addressed in "Aggregates and Archaeology in Nottinghamshire", and while the application is for housing not quarrying, the principle nevertheless applies. There are more than a few hints that the conclusion may not be correct. For instance, the report notes the presence of palaeochannels but comments that it is unlikely that these will be affected by the development. Palaeochannels may contain data about the changing climate and ecosystems of the Forest as well as well-preserved organic remains. Not a single one of the rivers in the Sherwood area have had any modern archaeological investigation, which is staggering when one thinks of the amount of work which has been done on the Trent and its larger tributaries. It is noted that the ground condition report mentions peat deposits, offering further indications of the site's potential. The Maun has been manipulated from at least the Medieval period; indeed just a little to the South NCC have only recently become aware of an extensive water management system associated with the Cistercian monks at Rufford. From the plans for this application it is clear that the different phases of the site require substantial engineering works, including the creation of balancing ponds which appear to go right over the palaeochannels.

The normal NCC response to large developments proposed for the Sherwood sandstones is to recommend geophysical investigation, as this will usually provide corroboration or otherwise of assumptions of low archaeological potential. However, NCC recommend this here too, but with the knowledge that it may only work well on the higher ground, away from alluviated areas. In addition, NCC recommend that there needs to be sampling of the palaeochannels through augering or other geotechnical methods, so that we can determine their potential to contain good environmental or archaeological data. Both types of work need to be done before the application is determined, and they may well indicate that further evaluation is required before we can fully understand the impacts of the proposed development on buried archaeological remains. NCC cannot stress too strongly the fact that the palaeoenvironmental potential of the site needs

addressing. NCC cannot think of another development site in the Sherwood area so likely to impact on potentially well preserved riverine deposits.

### Ecology

In support of the application, an Ecological Impact Assessment conducted by SLR Consulting Ltd. has been submitted, dated March 2017, which includes an Extended Phase 1 Habitat Survey and protected species surveys. A separate Confidential Badger Report, dated March 2017, has also been produced.

The Ecological Impact Assessment indicates that the site is dominated by arable farmland, with additional strips of ruderal scrub vegetation and a number of hedgerows. There are no existing buildings on the site (with the exception of a small substation).

Overall, the site is of limited nature conservation value, however it does lie within the Impact Risk Zone for the Birklands West and Ollerton Corner SSSI, and within c.1.5km of the Birklands and Bilhaugh SAC, and as such, Natural England should be consulted on the application.

In terms of protected species:

- None of the trees on site have been identified as having potential for roosting bats, and the site appears to be of limited importance for foraging and commuting bats. Nevertheless, parts of the site are of higher importance, so measures mitigation should be required such that any artificial lighting is designed to be sensitive to bats, in accordance with the Bat Conservation (2014) publication – ‘Artificial lighting and wildlife – Interim Guidance: Recommendations to help minimise the impact of artificial lighting’ . **This should be conditioned.**
- At the time of surveying the field was identified as having the potential for skylarks or lapwings to nest within it. We request a standard **condition** controlling vegetation clearance during the bird nesting season (which runs from March to August inclusive).
- The majority of the site is not considered to have potential for reptiles; those areas which do have any potential are not being significantly affected.
- The badger survey identified the presence of active badger setts on the southern section of the site. Whilst this area is not proposed for housing development, the landscaping works for the area should be undertaken in a sensitive manner. In addition, we request a **condition** specifying that prior to the commencement of the development, the site be resurveyed for badgers.
- It appears that a new outfall from the development site into the River Maun may be required. It is requested that the location of this is surveyed for water voles and otters prior to construction, secured through a **condition**. The landscaping plan attached to the development proposal highlights the creation of wildflower areas, which is welcomed as it has the potential to enhance the site, alongside amenity grassland areas. NCC request a **condition** providing further details of the landscaping plan, in particular:
- A more detailed plan labelling the specimen trees with the proposed species. In particular, we recommend that only native trees are planted within the proposed wildflower areas (i.e. Field Maple, Birch, Rowan or Oak).
- A more detailed outline of the intended species proportions for use within the mixed native hedgerows and shrub planting areas. These should be in keeping with the Sherwood Landscape Character Area  
(<http://www.nottinghamshire.gov.uk/EasysiteWeb/getresource.axd?AssetID=253003&servicetype=Attachment>).

- Specification of the wildflower mix to be used for planting.
- Details of establishment methods.
- A landscape management plan (or equivalent) for the area, to guide the ongoing management of retained and created habitats. In order to deliver further enhancements, NCC would welcome the inclusion of integrated bird and bat boxes (the former targeting house sparrow, starling and swift) within the fabric of a proportion of the proposed dwellings. A **condition** to this effect would be welcomed.

It is also queried whether the proposed SuDS feature is intended to be dry for most of the time, or to hold water permanently. The latter has more wildlife value, and would be welcomed. Alternatively, several wildlife ponds could be dug in the open space areas. Comment on this would be welcomed.

### Landscape

These comments have been provided by Via East Midlands Ltd on behalf of Nottinghamshire County Council through Via's continuing role of providing operational services on behalf of the County Council.

The Environmental Management and Design Team (formerly Landscape and Reclamation Team) were consulted on a pre-application consultation for this site for 220 240 residential development for this site in September 2017. Refer to planning reference PreApp/00235/15 Whinney Lane Ollerton and memo dated 17th September 2015 from Mike Elliot to the Planning Policy Team.

With regard to landscape design issues the following drawings have been submitted:

- Landscape Proposals 2639/1 1 of 3, 2 of 3, 3 of 3 Revision G September 2016 produced by Rosetta Landscape Design

The preapplication consultation recommended a Landscape and Visual Impact Assessment (LVIA) and a soft landscaping plan both of which do not accompany this application.

Policy OB/MU/1 Ollerton and Boughton Mixed Use Site 1 of Newark and Sherwood Allocations and Development Management DPD requests the "provision of a landscape scheme to assimilate the development into the surrounding countryside in accordance with the landscape character." An LVIA would assess the impact on landscape character and help to inform the master plan for this development which is sited on the visible north western edge of Ollerton close to the River Maun.

To summarise in order to make more detailed comments on this application further information should be provided by the applicant on the impact to both landscape character and visual receptors. Additional information should also be provided on the maintenance and long term management of the sites blue and green infrastructure.

### Developer Contributions

Should the application proceed, the County Council will seek developer contributions in relation to its responsibilities in line with the Council's adopted Planning Obligations Strategy and the Developer Contributions Team will work with the applicant and the Local Planning Authority to ensure all requirements are met. Please contact Andrew Norton, Developer Contributions Practitioner in the first instance (andrew.norton@nottsc.gov.uk or 0115 9939309) with any queries regarding developer contributions.

## Conclusion

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

Following confirmation from the applicant that the proposed SuDS features would be designed, in normal circumstances, to be wet (approx. 300mm water in base in normal rainfall conditions), the County Ecologist advised:

‘Thanks for the clarification regarding the SuDS ponds; the comment provided by the applicant is welcomed, as SuDS which are designed to hold water on an at least semi-permanent basis are better for wildlife than those which are dry most of the time.’

**NCC (Landscape)** – Following the initial response as part of NCC’s Strategic Planning comments, the Landscape Team commented further after the submission of the applicant’s LVIA and landscape drawings:

‘These comments are based on a desk based review of the site using aerial photographs, Google Earth Images, map data available to Nottinghamshire County Council and the following documents on Newark and Sherwood District Councils website accessed on the 17.10.2017

- Existing situation - Drawing No. 2693/4 Rev A
- Mitigation Measures - Drawing No. 2693/6 Rev B
- Visual Impact Analysis - Drawing No. 2693/5 Rev B
- Landscape Proposals 1 of 3 (Drawing No. 2693/1 Rev G) 2 of 3 (Drawing No. 2693/2 Rev G) 3 of 3 (Drawing No. 2693/3 Rev G)
- Landscape and Visual Impact Assessment (Rosetta Landscape Design) 2017

Due to time constraints a site visit has not been carried out in preparing these comments.

## Existing Site

The application area (approx. 19 hectares) lies on the north western edge of Ollerton within Newark and Sherwood District. The site is part of a large open low lying agricultural field, set within the wider floodplain of the River Maun that runs to the west of the site. Existing residential housing to the north of Petersmith Drive lies to the south east of the site on slightly higher ground. Ollerton and Boughton bridleway (BW8) runs along the western edge of the site following the course of the River Maun along its western bank.

## Designations and Planning Policies

Boughton Conservation area lies to the eastern edge of the site east of Whinney Lane. Boughton Pumping Station (Grade II listed building) lies to the north of this beyond which is mature tree cover of Boughton Brake. The southern tip of this area is a Local Wildlife Site (LWS), Whinney Lane Grassland (Ref: 5/2174) described as ‘An open area with remnant areas of acid grassland.’ Immediately west of the A614, approximately 0.5km west of the site is Birklands and Bilhaugh SSSI and Local Wildlife Site described as ‘An extensive remnant of Sherwood Forest including excellent examples of the characteristic heathland and woodland communities.’

Newark and Sherwood Allocation and Development Management Development Planning Document show this site as a Mixed Use Allocation (OB/MU/1) to accommodate 225 houses.

### Proposed Development

The proposed development is for the construction of:

- 305 no. units comprising a mixture of detached/semi-detached 2, 3 and 4 bedroom houses. 2 storeys high (The overall height to ridgelines has not been stated)
- Access road from Whinney Lane.
- Associated green infrastructure , sports field and SUDs features

### Physical Landscape Impact

The majority of existing vegetation which will screen this development is off site. The removal of existing vegetation though minimal should be quantified and any trees and hedgerows to be removed should be shown in the drawing (e.g. for new road junction with Whinney Lane). On site trees and hedgerows to be retained should be protected to BS 5837:2012 Trees in Relation to Design, Construction and Demolition.

### Impact on Landscape Character

The site lies within the National Character Area NCA 49 Sherwood as defined by Natural England. At a county level the Nottinghamshire Landscape Character Assessment 2009 describes the site lying within the Sherwood character area and the Newark and Sherwood District Council Landscape Character Assessment SPD 2013 shows the site within the policy zone SPZ 15: River Maun Meadowlands with Plantations. The landscape condition is defined as good and the landscape sensitivity moderate giving a landscape action of conserve and reinforce.

The following actions are appropriate to this development:

- Conserve and reinforce the pastoral character of the river valley. (Development largely meets this requirement with the exception of the close proximity of built development within the southern phase)
- Promote measure for restoring arable lands to past and flood meadow (Development largely meets this requirement .Wildflower grassland is shown on the landscape drawings)
- Conserve and reinforce river channel diversity and marginal riverside vegetation. (Some tree planting is shown along sections of the river. Marginal wetland planting has not been shown. There is potential for more tree planting and wetland planting associated with the SUDs feature.)
- Conserve the sparsely settled character of the river corridor by avoiding development within the immediate flood plain of the River Maun. (Not met for the proposed housing area to the south)
- Reinforce the sense of place of the built environment by using materials and design that reflect the local character of the area. (Met)

The applicant has assessed the overall impact on landscape character as minor / moderate adverse impact following construction stage. (Refer to Table 2 page 10 LVIA for the definition of this impact) At year 15 this has been assessed as an overall minor adverse potentially beneficial due to the planting have matured. I consider that this would be minor adverse as it will be



dependent on the treatment of the north western boundary which has not been shown on the drawings. This requires clarification.

### Visual Impact

The surrounding topography, pattern of existing vegetation on and offsite, heights of these buildings and proximity of visual receptor will determine the visibility of this development. The visual assessment has been described for the construction period and post construction viewpoints assessed during the summer months when trees are in full leaf. I generally agree with the findings of the visual impact assessment. The greatest impact will be properties that are to the immediate south of the development along Petersmith Drive which has been assessed as substantial by the applicant. There is very limited scope for reducing this impact due to the proposed layout other than planting within rear gardens. Had this LVIA been carried out at the master planning stage this could have been at least partially mitigated against. The rest of the site has been assessed as moderate to minor moderate on completion and a reduction again following planting maturing. This will be dependent on the amount of planting along the north and western edges of the site and proposed lighting. Will the sports pitch shown at the southern end of the site be flood lit?

### Design Proposals

The planting shown on the Mitigation drawing (No. 2693/6 Rev B) does not reflect the proposals as shown on the Landscape Proposals drawings (No. 2693/1, 2693/2, 2693/3).

Inconsistencies include:

- A narrow belt of proposed tree planting adjacent to the River Maun is shown on the Mitigation drawing but not on the Landscape Proposals drawing 2 of 3
- There is an unlabelled hatched area on Landscape Proposals 3 of 3 (Drawing No. 2693/3 Rev G) Is this proposed planting as it is not shown on the Mitigation drawing?
- Two attenuation basins are shown on the Mitigation drawing and only one on the Landscape proposals drawings. The latter also show these features in different positions. Are these SUDs features to be wetland areas or a dry feature to accommodate surface water only during periods of heavy rainfall? Is there any wetland planting proposed? Will the water discharge into the River Maun and could wetland planting help to improve water quality entering the Maun catchment? Whilst functioning on a hydrological basis the proposed basins should be designed to appear as naturalistic features in this landscape rather than being over engineered with uniform gradients and profile to the margins.

The planting design does not appear to be informed by a clear planting strategy. This is important given the wider landscape context of the site which includes proximity to both designated sites of heritage and nature conservation interest.

There is insufficient provision of planting to the northern boundary which is contrary to bullet point 4 (page 73) of the Allocation and Development Management Development Planning Document. Planting along the northern and western edges will help to integrate the new settlement edge of Ollerton into the landscape and impact on receptors that use the A614 which is an important recreation/tourist route through the county. There is scope for more planting across the site. Intermittent gaps in hedgerows should be identified marked on the plan and gapped up on site and planting protected until they have grown out to fill the space. Native tree and shrub planting would provide shelter to adjacent sports pitches and provide connectivity for biodiversity

with the River Maun.

Detail planting design should be native planting suitable for the Sherwood Character area and this conditioned to show the size, species, density, tree protection using plant material from local provenance. The new planting works area described under paragraph 6.3 of the LVIA. Sycamore is not a native species and should be omitted from the mix. (Acer campestre, Field maple is and would be suitable) Plant species for the structure/screen planting should be native to the Sherwood Character Area. Due to the current problems with Chalara dieback of Ash (Hymenoscyphus fraxineus) Ash should not be planted.

### Summary

I am generally supportive of the principle of development but consider that the application lacks a robust landscape strategy. The density of housing is higher than the allocation by 80 houses and the proposed planting seems minimal by comparison.

Although a landscape and visual assessment has now been carried out for this application it unfortunately has been carried out retrospectively when it is least able to inform and shape the proposed design which is set out in the site layout. This is unfortunate as there are missed opportunities where visual impacts (substantial for properties to the north of Petersmith Drive) could have been reduced.

I recommend:

- Inconsistencies between the landscape drawings should be resolved.
- The density /housing layout be reviewed to allow for additional space for screening and filtering of views
- Further information is provided on the location and the design of the SUDs features that incorporates wetland planting

The following points should be conditioned should planning permission be granted.

- A landscape masterplan/proposals plan should be submitted together with detailed planting proposals including specification, species, size at planting, spacing, ground preparation/tree pit details etc. Proposals for establishment maintenance and long term management should also be provided by the applicant.
- Appropriate management proposals and a funding mechanism for future softworks maintenance within the public open space should be agreed before construction works start on site.'

Following the applicants' submission of revised landscape drawings, the following further comments were provided:

'I have had a look at the revised drawings in line with my comments and your notes below and I am generally fine with the amended proposals that you describe. The only comment that I have is the loss of the hedge along Whitewater Lane, presumably to allow for visibility splays for site access, is regrettable. I know that the Wildlife Discovery Survey (Aug 2016) did not identify this as a concern but the outgrown hawthorn trees do provide a linking habitat between existing tree cover to the north of Petersmith Drive to Whinney Lane Grassland LWS (ref 5/2174) and the woodland associated with Boughton Brake beyond this. I acknowledge that the hedge will be removed at the site entrance and several metres beyond this but there appears to be scope to

retain some existing vegetation.

The extent of the visibility splay should be shown on the drawing.

Work to retain the northern/southern ends of the hedge should include:

- reduction in canopy height of hawthorn trees and laying of existing hawthorn to promote regeneration
- infill planting to gap up along the boundary to include occasional hedgerow trees'

A revised plan was submitted showing the hedgerow to the front boundary to be retained but trimmed back to the rear of the visibility splay and gaps filled with new hedgerow planting. The case officer confirmed this to the County Council's Landscape Team and advised if acceptable to them any favourable recommendation could also include conditions requiring precise details of the works to retain the hedge as bullet pointed above. The County Council confirmed by email on 14<sup>th</sup> March 2018 that this was acceptable.

**NCC (Developer Contributions)** – 'In terms of education; a proposed development of 305 dwellings would yield an additional 64 primary and 49 secondary places. Nottinghamshire County Council would therefore wish to seek an education contribution of £733,120 (64 x £11,455) to provide primary provision to accommodate the additional pupils projected to arise from the proposed development. In terms of secondary education; the proposed development is within the catchment of The Dukeries Academy for which any contributions would be covered under CIL regulations. Further information about the contributions sought and the justification for this can be found in the attached document.

In respect of libraries; we would seek a developer contribution for the additional stock that would be required to meet the needs of the 732 population that would be occupying the new dwellings. This is costed at 732 (population) x 1.532 (items) x £12.50 (cost per item) = £14,018'

This initial request was accompanied by projections data for the primary catchment area of Maun Infant School and Forest View Junior School.

Following this request the County Council discussed their request with the applicant's representatives who queried the need for additional places given spare capacity at the nearby Parkgate Academy. The County Council provided their final comments on 30<sup>th</sup> January 2018, stating as follows:

'This full planning application sits in the Ollerton planning area. The area comprises the following schools:

School	PAN	Net Capacity
Maun Infants	60	180
Forest View Junior	60	240
Parkgate academy	50	350
Walesby Primary	20	140
St Joseph's Catholic Primary & Nursery	30	210

The composite first admissions capacity is 160, which is made up of the above PAN figures added together (minus 60 at Forest View – which is a junior and admits children from Yr. 3).

Projections data for 2017/ 18 show that 165 are required at first admission and at year 1 across the planning area with this number set to continue during the projections period.

Projections data for 2018/19 and 2019/20 point towards the area providing more potential applicants than places available.

The projections data that we currently reviewing does not include the DfE recommendation for a 1.2% in-year movement which equates to 13.44 (14) pupils. Also projections do not include a full planning application for the Ollerton and Bevercotes Miner's Welfare which on formula would generate an additional 18 primary aged students.

During the projections period 2017/18 – 2021/22 Walesby Primary school data shows that the school is full in all year groups with several infant year groups being full beyond the planned admission number of 20 – which given the rigour of the application of infant class size regulations (yr. Reception/ 1 and 2) – this would suggest that the excess of pupils will to be allocated a place at the only school in the planning area with capacity – Parkgate Academy.

Data for St Joseph's Catholic Primary, Ollerton is very similar to that of Walesby. Infant year groups are oversubscribed and older year groups also full for the plan period. Unsuccessful applications will be allocated a place at a school in the area where there may be places.

Maun Infant School, Ollerton has only 3 year groups; they are full throughout the plan period and unsuccessful applications would in all likelihood be allocated a place at Parkgate Academy.

When the pre-application was made in 2015 for 250 units the LA response was that a full education contribution would be required. The circumstances surrounding the situation in the Ollerton planning area have not changed materially since that response; if anything the situation is more challenging in terms of the provision of school places.

In our discussion before Christmas you alluded to the suggestion that the developer was of the view that Parkgate Academy had surplus capacity and that children coming from the Petersmith Drive development would push back children to fill these places. Our data would suggest that during the plan period the numbers of children in the area will mean that this "surplus" will not exist and that additional capacity will need to be created through the agency of section 106 funded development.

Finally, I would suggest that Gleeson's design statement (February 2017), paras. 6.5 & 6.6 , referring to the "305 dwellings making best use of the land available ensuring the site is viable," somewhat confounds the view that viability is at issue.

In summary NCC is of the view that full education contributions should be sought in relation to this and any future developments and would commend NSDC to seek these.'

**NCC (Flood Team)** – 'No objections in principle subject to the following comments:

1. No construction shall start until a detailed surface water design and management proposal has been submitted to and approved by the LPA.
2. A significant proportion of the site is shown in Flood Zones and it is critical to get the Environment Agency's views on the proposals.'

***Following a request for confirmation as to whether the submitted drainage solution is acceptable the following comments were received on 26.03.2018:***

***'When we consider the suitability of a surface water proposal for a development we look at it as though it has a free outfall and consider its merits on a stand-alone basis. This allows us to understand if the proposals will prevent the development flooding from surface water and also ensure areas outside of the development are not put at an increased risk of flooding due to the development.'***

***Having looked at the proposals I feel they are suitable and, if covered by the condition I suggested, we will carry out more detailed checks of the proposals at DISCON stage. This is our usual approach as it prevents us doing detailed checks of a proposal that may need to change prior to construction starting. If you would like me to do a full check of the surface water proposals at this stage please let me know and I will arrange for that to happen and provide you with formal comments'***

***After a request from the applicant for the Lead Local Flood Authority to approve the surface water proposals submitted the LLFA responded as follows on 24.04.2018:***

***'As discussed the surface water drainage proposals submitted all look acceptable and give me no real concerns. There are a couple of details that I would like to discuss with the developer that may require some tweaks to the design but nothing that should result in any significant changes.'***

***Ultimately the site is in / adjacent to a flood zone and as such the liaison with the EA is critical, I notice that they have done a lot of work with the developer and are happy with the proposals too which is reassuring.'***

***I trust the above is of use to you, please let me have contact details for the developer and I will work with them over the next couple of weeks regarding the detail behind their design.'***

**Ramblers Association** – 'It looks as if this site will share a boundary on its SW aspect with Ollerton & Boughton Bridleway 7, an important right of way giving access from the town to the far bank of the River Maun. As long as this bridleway remains open and safe to use during and after the construction process we have no objection.'

Further comments were provided during reconsultation:

'I have no comment to make further to my submission of 26th April. As long as the integrity of Ollerton & Boughton Bridleway 7 (on the SW boundary of the development) is respected we have no objection.'

**Natural England** – 'Insufficient information provided

There is insufficient information to enable Natural England to provide a substantive response to this consultation as required under the Town and Country Planning (Development Management Procedure) (England) Order 2015. Please provide the information listed below and re-consult Natural England. Please note that you are required to provide a further 21 day consultation period, once this information is received by Natural England, for us to respond.

Internationally and nationally designated sites

The application site is within 1.5 km of a European designated site (also commonly referred to as

Natura 2000 sites), and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). The application site is within the stated distance of the Birklands & Bilhaugh Special Area of Conservation (SAC) which is a European site. The site is also notified at a national level as Birklands & Bilhaugh Site of Special Scientific Interest (SSSI). Please see the subsequent sections of this letter for our advice relating to SSSI features.

In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have<sup>1</sup>. The Conservation objectives for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

The interest features of the site(s) listed above may be sensitive to impacts from aerial pollutants, such as those emitted from this proposed development. The consultation documents provided do not include any assessment of air quality impacts. There is, therefore, currently insufficient information for you to undertake a Habitats Regulation Assessment of the proposed development and we advise you to obtain an Air Quality Assessment.

Natural England is concerned with the lack of information provided on air pollution in this application, since nitrogen deposition is already exceeding critical background thresholds in this area which is in close proximity to the designated sites listed above. The impacts of air pollution need to be assessed both in terms of the increase in traffic volumes and direct pollution (e.g. emissions from central heating boilers) that will be generated by this proposal. These emissions will contribute to the nitrogen deposition and NO<sub>x</sub> concentrations on the designated sites and at the moment no in-combination effects can be ruled out since no information has been provided on emissions. We would require information to confirm whether the development, as currently proposed, will have a significant negative impact on both the SSSIs and SAC, either alone or in-combination. Such impacts may require off-setting measures either specifically as part of the development or as a contribution to wider measures needed to address in-combination effects.

Sites of Special Scientific Interest (SSSI)

No assessment has been provided of the potential impacts the proposal will have on the Birklands & Bilhaugh SSSI and Birklands West & Ollerton Corner SSSI. We advise you to obtain the following information in order to assess potential impacts of the proposal on this designated site:

- An air quality assessment (see above)

Please note that we are not seeking further information on other aspects of the natural environment, although we may make comments on other issues in our final response.'

Following the submission of an Air Quality Assessment Natural England provided the following further comments:

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.

Natural England's advice on other natural environment issues is set out below.

European sites – Birklands & Bilhaugh Special Area of Conservation

Based on the plans submitted and the further information now received, Natural England

considers that the proposed development will not have likely significant effects on the Birklands & Bilhaugh Special Area of Conservation (SAC) and has no objection to the proposed development.

To meet the requirements of the Habitats Regulations, we advise you to record your decision that a likely significant effect can be ruled out. The following may provide a suitable justification for that decision:

- Air Quality Assessment - Natural England has reviewed the air quality assessment which has now been submitted following our request for this information in our letter of 8th May (ref: 213769). We consider that the air quality assessment satisfactorily demonstrates that the Critical Loads for nitrogen contribution to acid deposition arising from additional development trips associated with the proposed housing scheme is less than 1% increase of the Critical Load at all considered ecological designations and units. We are also satisfied that no further assessment of 'in-combination' effects is required at the Birklands & Bilhaugh SAC designation.
- Green Infrastructure - Natural England does not consider there is a measurable impact from this proposed development on the SAC, however new residential developments mean more people, which can put increased recreational pressure on sensitive sites. Therefore it is important that new housing development is supported by adequate investment in the Green Infrastructure (GI) network in order to increase its accessibility and quality, helping to protect the more ecological sensitive sites, including Birklands & Bilhaugh SAC, from potential detrimental impacts.
- We note that policy OB/MU/1 of the Allocations & Development Management Development Plan Document applies to this housing allocation, which requires the identification of measures to protect and enhance features of biodiversity value and species within and adjoining the site, including the River Maun, and mitigate or compensate for any potential adverse impacts. In addition policy 12 of Core Policy requires the provision of Suitable Alternative Natural Green Space to reduce visitor pressure on the District's ecological, biological and geological assets for 5kms around the Birklands and Bilhaugh SAC.
- We therefore encourage you to ensure the proposed measures are sufficient to meet the requirements of the policy and contribute towards the overall functioning of the GI network by helping to implement the priorities identified in the GI Strategy. We recommend any evidence to demonstrate successful implementation of the GI Strategy, obtained through a review of the Strategy or monitoring of outcomes, should be used in support of the HRA.

Consideration of the likely impacts from this development on breeding nightjar and woodlark within the Sherwood Forest area

We note the proposed development is located in the Sherwood Forest area, in proximity to habitats identified as important for breeding nightjar and woodlark and therefore we refer you to Natural England's Advice Note (March 2014) on this matter which provides more information and outlines Natural England's recommended 'risk based approach'.

In view of the current situation we would encourage the Authority to ensure the information provided in support of the application is sufficient for you to assess the likelihood of potential impacts arising from the development on the breeding nightjar and woodlark population and has addressed the potential direct, indirect and cumulative impacts which may include, but may not be limited to, the following;

- disturbance to breeding birds from people, their pets and traffic
- loss, fragmentation and/or damage to breeding and/or feeding habitat
- bird mortality arising from domestic pets and/or predatory mammals and birds
- bird mortality arising from road traffic and/or wind turbines
- pollution and/or nutrient enrichment of breeding habitats

As part of a risk-based approach, we would also suggest your Authority consider the use of appropriate mitigation and/or avoidance measures to reduce the likelihood of significant impacts which might adversely affect breeding nightjar and woodlark populations occurring.'

Natural England's final comments on the proposals were as follows:

Thank you for your consultation of 22nd January 2017 regarding the additional information relating to the above planning application concerning the following: site location plan, phasing plan, landscaping, engineering and housing layout.

Natural England acknowledges that the landscaping plans describe the proposed planting regime for green space located along the western boundary of the development. We note that a wildflower mix will be included and planting of native tree species. We suggest that the trees should be of local provenance where possible. We have no objection to the additional information and have no other comments to make further to our response of 17th July 2017.'

**Environment Agency – Initially commented as follows in May 2017:**

'We object to this application because the proposed development falls into a flood risk vulnerability category that is inappropriate to the Flood Zone in which the application site is located. We recommend that the application should be refused planning permission on this basis.

#### Reasons

Planning Practice Guidance to the National Planning Policy Framework classifies development types according to their vulnerability to flood risk and gives guidance on which developments are appropriate in each Flood Zone. In this case part of the application site lies within Flood Zone 3b functional floodplain defined by the Planning Practice Guidance to the NPPF as having a high probability of flooding.

The development type in the proposed application is classified as more vulnerable category in line with table 2, Planning Practice Guidance to the NPPF. Tables 1 and 3 of the Planning Practice Guidance to the NPPF make clear that this type of development is not compatible with this Flood Zone and should not therefore be permitted.

#### Overcoming our objection

The FRA has confirmed that the surface water attenuation pond has been located within the functional floodplain. This should be located outside of the floodplain to comply with the NPPF and avoid increasing flood risk to third parties.

Once this has been achieved the FRA requires the following amendments:

- Assess the impact of a 100 year plus 50% climate change flood event.
- Ensure finished floor levels must be placed at least 300mm above the minimum 100 year plus climate change level, in particular plots 174-190 and 191-211. Please note we can provide



- additional model nodes to support the FRA
- Floodplain compensation must be provided to a level for level standard. This should be detailed in the FRA and included on application drawings of the site.'

In September 2017 the following further comments were provided:

'I refer to the above application and additional information more recently received.

Please note that the Environment Agency understands that you are still working with the LPA to determine whether or not the principle of locating the drainage feature in FZ3b is acceptable in terms of the appropriateness to the Flood Zone. However, we have reviewed the document and have the following comments:

- We recommend that losses and gains of floodplain storage are provided in 200mm bands. We need to ensure level for level floodplain compensation has been provided.
- We note that the 2016 Waterco modelling has been used. We thought this modelling has a 2D floodplain representation. Floodplain heights could be used to provide a more accurate assessment of the loss of floodplain storage

Once we have details of the proposed level for level compensation we will be able confirm the adequacy of the scheme.'

The above comment relates to the applicants suggestion that the development should be considered in its component parts and that the housing being proposed would not be located on land at higher risk of flooding. I have considered the principle of this aspects of the scheme alongside the other Flood Risk and drainage considerations within the appraisal below.

Following further discussions on the technical aspects of flood risk and drainage between the Environment Agency and the applicant, a revised Flood Risk Assessment (Report No.16/022.01 Rev 02 – 14 Feb 2018) and engineering drawings were submitted on 21 February 2018. The Environment Agency has now provided the following further comments:

'I refer to the above application and additional information received on the 22 February 2018.

Environment Agency Position

As discussed with the LPA and the applicant, and as per our previous response, the surface water attenuation pond is located within an area highlighted within NSDC's Strategic Flood Risk Assessment (SFRA) as Flood Zone 3b (functional floodplain). Notes to Table 3 of the Planning Practice Guidance to the National Planning Policy Framework explains that some developments may contain different elements of vulnerability and the highest vulnerability category should be used and therefore the surface water pond should be considered as More Vulnerable, and therefore not appropriate in Flood Zone 3b. We consider that the surface water attenuation is intrinsically linked to the development and would not be a standalone development without the more vulnerable development it is serving and therefore we object to this application because the proposed development is inappropriate to the Flood.

However, the note to Table 3 does continue to explain that the development can be considered under their component parts. We understand that this approach is being recommended by the applicant and that the surface water pond can be considered as water compatible (flood control

infrastructure). The LPA must therefore consider whether the surface water attenuation can be considered as a separate component and consider the precedent this may set for future applications.

If the LPA are minded to accept the compartmentalisation of this development and recommend approval of this application, then the proposed development will only meet the requirements of the National Planning Policy Framework (NPPF) policy to ensure the development is safe and there is no increase in flood risk to third parties if the following planning conditions are included.

#### Condition

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) 16/022.01 revision 02 (February 2018) compiled by JOC Consulting and the following mitigation measures detailed within the FRA:

1. No dwellings located within the 1 in 100 year plus upper estimate of climate change and floor levels set in accordance with appendix F of the FRA.
2. Provision of compensatory flood storage as detailed in Section 7.1 and appendix F of the FRA.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

#### Reason

1. To reduce the risk of flooding to the proposed development and future occupants.
2. To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided.

#### Condition

The development hereby permitted shall not be commenced until such time as a scheme to ensure no development or ground works within 8m of the top of bank of the River Maun and an unobstructed easement maintained during the lifetime of the development has been submitted to, and approved in writing by, the local planning authority.

#### Reason

To reduce the risk of the development impacting on the banks of the watercourse, allow for exceedance flows and future maintenance for removal of channel blockages and watercourse improvements. The easement can be an opportunity for environmental/biodiversity enhancements and access for the public.'

The applicant's drainage consultant challenged the Environment Agency's objection on the following grounds:

*'I have received a copy of the Environment Agency's latest response dated 13th February 2018 and I am very surprised that the EA is maintaining its objection which appears to be solely in relation to the flood zone 3b issue. I note that the letter leaves it to the LPA to decide whether the development can be considered under its component parts but this misses the point. As noted in paragraph 6.4.3 of the FRA rev. 02, the 2016 River Maun Study by Waterco; the findings of which have been accepted by the Environment Agency; clearly shows that no part of the site is affected by the 4% AEP flood outline. This is the most recent and 'best available information' which supersedes the flood maps in the SFRA which were produced in 2009. The Environment Agency*

*requires site specific flood risk assessment to use the best available information but, in this instance it does not appear to have followed its own advice.*

*As no part of the site is within an area at risk of flooding from a 4% AEP (1 in 25 years) event, it cannot realistically be considered to be in the Functional Floodplain, whatever the 2009 SFRA map indicates and the question of considering the development in its component parts does not therefore arise.'*

The Environment Agency then provided a further response advising:

This is a fair question and the Waterco modelling shows no flooding of the site in a 4% (1 in 25) Annual Exceedence Probability (AEP). We have been working from the definition of Functional Floodplain (Flood Zone 3b) from the NPPF:

Zone 3b The Functional Floodplain This zone comprises land where water has to flow or be stored in times of flood. Local planning authorities should identify in their Strategic Flood Risk Assessments areas of functional floodplain and its boundaries accordingly, in agreement with the Environment Agency. (Not separately distinguished from Zone 3a on the Flood Map)

The NPPF does not define a specific return period, but often the 4% (1 in 25) or 5% (1 in 20) AEP has been used in SFRAs. Some LPAs identify more conservative FZ3b, particularly considering land where water has to flow or be stored in times of flood definition (e.g. some LPAs have used a 1 in 100 year outline). Your level 1 and 2 SFRA provides the defined 'functional floodplain' for the area here:

<http://www.newark-sherwooddc.gov.uk/media/newarkandsherwood/imagesandfiles/planningpolicy/pdfs/floodingandwaterinfrastructure/strategicfloodriskassessmentlevel2part2/Appendix%20E%20-%20Flood%20Maps,%20Flood%20Maps%20for%20Surface%20Water.pdf>

However, if it is simply as explained in paragraph 6.4.3 of the FRA that "the SFRA maps will be updated in due course" and the 1 in 25 year outline from the updated modelling will be used to update Flood Zone 3b then please take this into your consideration and our comments regarding the appropriateness of the development to Flood Zone 3b should be disregarded.

**Further comments were received on 03.04.2018:**

***'We note that the new modelling is the best available information for the site. It is considered that the 1 in 25 year modelled extent is the appropriate outline to be considered as FZ3b now and in the future. We anticipate that any future SFRA updates will use this (or an updated model) and the FZ3b extent will be reduced in extent and none of the proposed development is located within the 1 in 25 year modelled extent. Therefore, we recommend that the appropriateness of the development to Flood Zone 3b should be disregarded.'***

**NSDC Planning Policy** – Initial comments provided in respect of Flood Risk:

'In flood risk terms the allocation of the site was guided by the Strategic Flood Risk Assessment (SFRA) Level 2 Part 2 (prepared in 2012), with the assessment informing the setting of the relevant requirements in Policy OB/MU/1. Subsequently the SFRA has been updated earlier this year to support the ongoing Plan Review, and with respect to this particular site hydraulic modelling was undertaken.

I note that the application is supported by a Flood Risk Assessment (FRA) which seeks to address the flood risk requirements of Policy OB/MU/1. The Planning Practice Guidance (PPG) advises that such assessments should be proportionate to the degree of flood risk and make optimum use of information already available, including information in a SFRA. The purpose of the FRA, again as outlined by the PPG, is to demonstrate to the decision-maker how flood risk will be managed now and over the development's lifetime, taking climate change into account, and with regard to the vulnerability of its users.

I would defer to the EA for detailed consideration of the submitted FRA and note their current objection. However it is important that flood risk is considered with the benefit of the most up-to-date information, in this respect the applicant's FRA has drawn from the Level 2 Part 2 SFRA and the River Maun Flood Risk Mapping Study (2007) prepared by the EA. As previously stated the Level 2 Part 2 study has now been reviewed and updated earlier in the year. This work also considered the suitability of using the EA River Maun Study to assess the impacts of climate change. Ultimately it was felt that disproportionate effort would be required to generate climate change allowance flood extent mapping from the model, and that this would ultimately be of limited reliability. Accordingly a more accurate assessment of flood zone impacts on the deliverability of the site was deemed necessary, and so this was the focus of the hydraulic modelling. As I understand it the EA are now content with this work, however the comments provided from the EA on the application don't appear to have taken account of it.

Importantly the modelling shows the entire site to be dry during the 4% AEP (Annual Exceedance Probability) event (i.e. a 1 in 25 year fluvial event) and whilst the Maun overtops its banks in places during this event flood waters do not reach the site. During a 1% AEP event (i.e. a 1 in 100-year fluvial event) a very small area of the site to the north experiences shallow flooding, whilst the remainder remains flood free. With the addition of a climate change allowance of +30% flow on the 1% AEP event the flood extent in the north slightly increased to approximately 0.4ha (2% of the site area). Maximum flood depths also increase but the majority of the site remains flood free. When a +50% climate change allowance is considered flood extents and depths in the north increase a small amount relative to the +30% scenario with approximately 3ha (16% of the site) experience flooding. The extreme 0.1% AEP event (i.e. a 1 in 1000-year fluvial event) shows similar extents to the 1% AEP + 50% climate change scenario with approximately 77% of the site remaining flood free.

Notwithstanding the EA's current objection I would question whether the applicant's FRA can be considered robust. However the critical question is whether our hydraulic modelling is sufficiently detailed to support the determination of the application, and if so what the implications of this are for the development as proposed. So I would suggest that we go back to the EA on these points. My reading of this (which may be incorrect) is that our modelling shows the site to be at lesser flood risk, and that applying the sequential test at site level the flood sensitive residential development appears to be located in areas at lesser flood risk.

The update to the SFRA and the hydraulic modelling can be viewed through the link below.

[http://www.newark-sherwooddc.gov.uk/planningpolicy/strategicfloodriskassessmentupdate/#d.en.76911'](http://www.newark-sherwooddc.gov.uk/planningpolicy/strategicfloodriskassessmentupdate/#d.en.76911)

These comments were forwarded to the Environment Agency on 15<sup>th</sup> May 2017.

Comments were subsequently provided on other elements of the proposal (Note comments  
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provided prior to the amended layouts submitted in January 2018):

'The application seeks full consent for 305 dwellings and open space, with the principle of development having been established through the allocation of the site. Whilst the principal may be acceptable it still however remains important that the detail of the proposal is acceptable.

### Flood Risk

Comments have been previously provided over fluvial flood risk. In addition this the positive management of surface water is also sought through OB/MU/1. We are however yet to receive comments from the Lead Local Flood Authority and so I would defer to the body for guidance on this aspect.

### Level of Development

The level of development exceeds that anticipated through the site allocation policy. When the capacity of allocated sites was calculated it was based on an average density of 30 dwellings per hectare with any necessary adjustments for site characteristics. Without detailed layouts available at the time of allocation it was anticipated that some sites would yield less and some more than the average density figure. The main aim of the allocations process was to deliver the minimum number of dwellings to satisfy the requirements of the Core Strategy and this was endorsed by the Inspector who conducted the examination of the DPD. Where site owners and promoters made the case that their sites could accommodate a greater level of development then the Inspector made it clear that this was a matter for the planning application process, the test of soundness was satisfying the targets of the Core Strategy.

The key aspect in considering the greater level of development is therefore whether the proposal remains able to satisfy relevant policy requirements and whether it would give rise to any unacceptable local environmental, highway or amenity impacts. Where the policy requirements can be met and no unacceptable impacts are identified then there is no reason to resist more development, and particularly not for statistical reasons alone. As explained above the figures quoted within the DPD were minimum estimates, not maximum capacities. Where sites can deliver a greater amount of development this will benefit both the settlements in which they lie and the whole district. Developer contributions for use within the settlement will be proportionally higher and there may be less need to find new sites in future rounds of site allocation. District-wide, a greater amount of development helps to maintain the 5 year land supply and thereby provide protection from inappropriate development.

### Affordable Housing Provision

The applicant has put forward that meeting the affordable housing contributions required by Core Policy 1 is not viable, so we will need to be content that this has been robustly demonstrated. It is also suggested that the applicant's 'help to buy' product meets the definition of intermediate affordable housing, which I would defer to Strategic Housing for guidance on. However should the product fall within the definition then it is reasonable to question whether this is an appropriate affordable housing product for the locality, or whether an alternative product or mix of products would be more suitable. Again Strategic Housing would be able to advise on this.

The mix within this element of the scheme is focussed on 2 and 3 bed units. However the Sub-Area Report to the Housing Market & Needs Assessment (2014) shows demand within the social sector

to be overwhelmingly focussed on one and two bed units. The affordable mix would therefore be improved through inclusion of one bed units, and so in my view as currently proposed the mix requires justification. Such justification can include the presenting of a viability case, however as set out above this will need to be robust in order to be satisfactory.

### Housing Mix

According to the Sub-Area report to the Housing Market & Needs Assessment (2014) market sector demand within the Sherwood Area is weighted in the following way:

- 2 bed 51.8%
- 3 bed 38.2%
- 4 bed 10%

As far as I am aware the applicant has not provided detailed settlement level housing needs information so it would not be unreasonable to expect a mix within the market sector which approaches the above split. The mix as proposed includes 2, 3 and 4 bed units which would be in line with our housing needs evidence; however the respective weightings within the mix are not. 3 bed units would make up the bulk of the scheme at 175 units (roughly 57%), 2 bed dwellings make up the next largest element at 105 units (approximately 34%) and 4 bed units contribute a small portion at 25 units (around 8%). Consequently the mix would better reflect local housing needs if the number of 2 bed units was increased at the expense of some of the 3 bed units. Justification in line with Core Policy 3 will therefore be required to support the mix as proposed.

### Design & Layout

The site allocation policy requires a design and layout which respects and enhance the setting of the nearby Boughton Pumping Station Conservation area and Listed Buildings. I note that a 'break' between the proposed residential development and the designation(s) has been factored into the scheme, I would however defer to colleagues in Conservation for consideration of this aspect.

The site is linear form and location results in a high level of prominence; consequently OB/MU/1 requires provision of a landscaping scheme to assimilate the development with the surrounding landscape character. Whilst the applicant has provided landscaping plans I would agree with the comments from the County Council which highlights the need for a Landscape and Visual Impact Assessment. It is crucial that we have sufficient information before us to allow for proper consideration to be made.

Through Core Policy 3 densities of no lower than 30 dph are sought, with those lower than this needing to be justified. The scheme comes in at 16 dph, however there are significant amounts of open space within the overall site area as well as areas subject to flood risk which are non-developable both of which will affect the calculation. Accordingly in my view the matter ought to come down to whether you consider that the proposed density within the developable areas is acceptable and contributes towards an appropriate design and layout.

### Open Space

The proposal appears to make provision for the strategic open space referred to within Policy OB/MU/1 which is to be welcomed. Through the site allocation policy the importance of appropriate phasing mechanisms between the residential development and strategic sports

infrastructure and open space uses is underlined. The applicant has proposed delivery of the site be split across two phases (which on a purely visual assessment appear to constitute roughly half the scheme each). In my view this does not appear unreasonable though we will need to use an appropriately worded condition to ensure that delivery occurs at an appropriate juncture (i.e. whether this occurs on commencement of the second phase etc.). To guide this I would suggest that input be sought from the Community Sports and Art Development team over the timing of delivery.

Given the scale of the proposal it will however attract other open space requirements, as set out in the response from the Business Manager Parks & Amenities. Ultimately it may be that given the scale of strategic open space requirements a lesser level of provision in other forms of open space is, on balance, acceptable (particularly when set against other competing developer contribution priorities). However in order to come to that conclusion we will need to better understand the proposed approach, and should a viability case be presented be comfortable that this is robust.

### Biodiversity & Ecology

Policy OB/MU/1 refers to the need for protection and enhancement of features of value within and adjoining the site and of mitigation / compensation for any adverse impacts. The applicant has provided an Ecological Impact Assessment with NCC being satisfied that overall the site is of limited nature conservation value.

In terms of wider ecological impacts I note that the assessment has considered and concluded that the site does not have the potential to support either woodlark or nightjar in its present stated. I would however defer to relevant stakeholders for guidance on this.

Whilst the proposal has sought to take account of its potential impact on the breeding population of nightjars and woodlarks there is nonetheless a holding objection from Natural England. This highlights that there is currently insufficient information to allow a Habitats Regulations Assessment of the likely effect of the proposed development on the Birklands & Bilhaugh Special Area of Conservation. Given that nitrogen deposition is already exceeding critical background thresholds in the area the body advises that an Air Quality Assessment be sought. Whilst with regards to the Birklands & Bilhaugh SSSI and Birklands West & Ollerton Corner SSSI no assessment has been provided over the potential impacts of the proposed development.

To relieve visitor pressure on the Birklands & Bilhaugh SAC Core Policy 12 and Policy DM7 both require provision of SANGS on sites within 5km of the designation, with the quantity and quality to be developed and agreed in conjunction with the District Council and Natural England. I am unaware of any input having been provided by Natural England on this specific matter. Nonetheless the proposal does appear to have made allowance for a significant level of open space provision which may well address this requirement.

### Highways

The site allocation policy requires the submission of a Transport Assessment, through which the impact on the local highway network and importantly Ollerton Roundabout needs to be considered. I note that the Highways Authority have placed a holding response, and in respect of Ollerton Roundabout have raised concerns. The TA identifies 35% of development traffic using the roundabout but with the significance of this impact not being considered. The Authority has indicated that a proportionate S106 contribution towards its improvement should be sought. The

proposal appears to have a single point of access, so we will need to be content that this is acceptable.

### Developer Contributions

Spatial Policy 6, Policy DM2 and Policy DM3 set out the approach for delivering the infrastructure necessary to support growth. This infrastructure will be provided through a combination of the Community Infrastructure Levy, developer contributions and planning obligations and where appropriate funding assistance from the District Council. It is critical that the detailed infrastructure needs arising from development proposals are identified and that an appropriate level of provision is provided in response to this. The Developer Contributions and Planning Obligations SPD provide the methodology for the delivery of appropriate infrastructure and so I would direct you to this document in the first instance.

### Conclusion

There remain significant outstanding matters and whilst these matters may be capable of remedy the proposal as it stands does not comply with the Development Plan. Without the positive resolution of these issues strong material considerations would be required to determine the application positively.'

### **NSDC (Conservation) – Introduction**

The proposed development seeks permission for 305 dwellings at the edge of Ollerton (to the north of Petersmiths Drive).

There are no designated heritage assets within the proposal site. Nevertheless, by virtue of its layout, scale and form, the proposed development could affect the setting of a number of heritage assets. The proposal site at its eastern limit is, for example, located directly adjacent to three listed buildings forming Boughton Pumping Station (all Grade II listed; designated 1974). The Pumping Station complex falls within Boughton Conservation Area (CA) (designated 1993).

In the wider landscape, approximately 1km to the west and northwest of the proposal site is Thoresby Park, a Grade I registered Park and Garden. Less than 1km to the south is Ollerton CA, encapsulating the historic core of the settlement and including the landmark Ollerton Hall.

In addition, the Grade II listed Church of St Paulinus sits within the heart of the early 20th century planned colliery settlement and is located approximately 500m to the south of the proposal site.

We provided pre-application advice on a scheme for residential development on this site in 2015 (ref PREAPP/00235/15). This proposal was for 250 dwellings. It is acknowledged that the general layout of the submitted scheme is similar to that shown in the concept masterplan submitted to the Council in the pre-application enquiry, comprising two distinct clusters of development to the north east and south west.

### Main issue(s)

Key issues to consider in this case:

- i) Whether the proposal would preserve the setting of the listed buildings comprising Boughton Pumping Station;



- ii) What impact the proposal has on the setting of Boughton CA; and
- iii) What impact the proposal has on the character and appearance of the area, taking into account the wider landscape setting of Thoresby Park and Garden and other heritage assets.

### Legal and Policy Considerations

The proposal site is allocated in the NSDC Allocations and DM Policies DPD (ref OB/MU/1). In accordance with the approved policy for that allocation, any proposals should seek to incorporate sensitive design to respect the setting of the listed building complex at Boughton Pumping Station, as well as Boughton Conservation Area.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') require the Local Planning Authority (LPA) to pay special regard to the desirability of preserving listed buildings, their setting and any architectural features that they possess. In this context, the objective of preservation is to cause no harm, and is a matter of paramount concern in the planning process. Section 72 also requires the LPA to pay special attention to the desirability of preserving or enhancing the character and appearance of conservation areas.

Policies CP14 and DM9 of the Council's Local Development Framework (LDF) Development Planning Documents (DPD), 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 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 in Planning (notably Notes 2 and 3). In addition, 'Historic England Advice Note 2: making changes to heritage assets' advises that the "main issues to consider in proposals for additions to heritage assets, including new development in conservation areas, aside from NPPF requirements such as social and economic activity and sustainability, are proportion, height, massing, bulk, use of materials, durability and adaptability, use, enclosure, relationship with adjacent assets and definition of spaces and streets, alignment, active frontages, permeability and treatment of setting. Replicating a particular style may be less important, though there are circumstances when it may be appropriate. It would not normally be good practice for new work to dominate the original asset or its setting in either scale, material or as a result of its siting" (paragraph 41).

The decision-maker should be mindful of the need to give great weight to the conservation of designated heritage assets (para. 132). This is consistent with the LPA's duty to consider the desirability of preserving listed buildings (and their setting), as well as conserving or enhancing the character and appearance of the conservation area. The Judicial Review concerning *The Forge Field Society vs Sevenoaks District Council* presents some timely reminders of the importance of giving considerable weight to the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990. Mr Justice Lindblom reminds us: "As the Court of Appeal has made absolutely clear in its recent decision in *Barnwell [Barnwell Manor Wind Energy Ltd v East Northamptonshire District Council (2014)]*, the duties in sections 66 and 72 of the Listed Buildings Act do not allow a local planning authority to treat the desirability of preserving the settings of listed buildings and the character and appearance of conservation areas as mere material considerations to which it can simply attach such weight as it sees fit. If there was any doubt about this before the decision in *Barnwell* it has now been firmly dispelled. When an authority finds that a proposed development would harm the setting of a listed building or the character or appearance of a conservation area, it must give that harm considerable importance and weight. This does not mean that an authority's assessment of likely harm to the setting of a listed building or to a conservation area is other than a matter for its own planning judgment. It does not mean that the weight the authority should give to harm which it considers would be limited or less than substantial must be the same as the weight it might give to harm which would be substantial. But it is to recognize, as the Court of Appeal emphasized in *Barnwell*, that a finding of harm to the setting of a listed building or to a conservation area gives rise to a strong presumption against planning permission being granted. The presumption is a statutory one. It is not irrebuttable. It can be outweighed by material considerations powerful enough to do so. But an authority can only properly strike the balance between harm to a heritage asset on the one hand and planning benefits on the other if it is conscious of the statutory presumption in favour of preservation and if it demonstrably applies that presumption to the proposal it is considering" (paras 48-49).

In heritage conservation, therefore, there are two key legal requirements that apply to decisions concerning listed buildings and conservation areas. Simply put, these legal objectives require special regard to the desirability of preserving these types of designated heritage asset (sections 66 and 72 of the Act). The courts have said that these statutory requirements operate as a paramount consideration, 'the first consideration for a decision maker'. Planning decisions require balanced judgement, but in that exercise, there must be a sense of the weight society, through parliament, wishes to place on an objective such as heritage asset conservation. The protection of listed buildings and conservation areas is regarded as highly important, and that should not be undervalued out of respect for both the law and democratic will.

#### Significance of the heritage asset(s)/appraisal of site and surrounding area

The proposal site itself does not include any designated heritage assets. Sanderson's 1835 map (extract attached) reveals a brick pattern field system parallel to the water course (River Maun) with extensive hop fields. The proposal site has the potential for archaeological interest.

Boughton Pumping Station comprises 2 pump houses which were opened in 1905. The station was designed by W. B. Starr in a renaissance revival style, comprising red brick with rockfaced stone, ashlar dressings and Westmoreland slate roofs. The Blackburn Engine House (the principal pump house) possesses a distinctive brick chimney. The site also includes a superintendent's house and workers' cottages, as well as boundary walls and railings.

The Pumhouse was commissioned by the Nottingham Corporation Water Department. There

were two Manhattan-type 'triple-expansion steam engines' from Ashton Frost of Blackburn.

Boughton Pumping Station later passed into the hands of Severn Trent Water and was listed Grade II in 1974. By 1980, the pumping station was obsolete and in need of major repair, and in 1988 suffered structural problems from mining subsidence. Boughton Pumping Station Partnership Trust secured funding to restore the buildings and by 1998 the works were complete. Since then, the Station has been operated as a business centre by several previous owners, Boughton Pumping Station Trust, Nottinghamshire County Council and NE Group. In April 2010 it was privately purchased by Horizon Investments and re-launched as Blackburn House (named after the Blackburn pumping engines).

The land to the north of the former Pumping Station was known as Boughton Brecks and is an important landscape feature (note the 1871 Enclosure Plan attached).

The 1938 OS map (see extract attached) reveals housing emerging along Whinney Lane. The bulk of the housing off Petersmiths Drive is later 20th century. Housing stock in the vicinity is predominantly 2 storey with some single storey bungalows.

Boughton Conservation Area was designated in 1993. There is no current Appraisal for the area. The CA boundary follows the historic enclosure of the Station complex. Historic mapping reveals that the site has always been well-wooded (see 1920 extract for example), and the trees are therefore an important element of significance. The apex of land to the south is currently open, but is now encroached upon by modern housing development to the southeast, as well as the eastern termination of Petersmiths Drive.

### Assessment of Proposals

The proposal site's north-east boundary is directly opposite Boughton CA and the historic building complex of Boughton Pumping Station. Designed by W.B. Starr, the main Station buildings were constructed in baroque and renaissance revival styles in 1905 and have group value with the former station superintendent's house, workers' housing and walls and railings forming the site boundary. The curtilage and immediate setting of the Station complex is encapsulated within the CA boundary, but the site also enjoys a relationship with an ostensibly rural landscape setting due to its historic independence from Ollerton and Boughton. The proposed development will expand the existing urban extension along Petersmiths Drive, and due to the intensity of units proposed, will impact upon this rural setting.

As a result of extensive tree coverage within the CA and further trees and hedges along the north-east boundary of the proposal site, much of the historic building complex enjoys significant screening from the proposed development. It is accepted that the rural context of the Pumping Station has much changed in the post-War period, furthermore, with modern housing now located in close proximity at its southern and eastern edges. The proposal site itself has limited individual interest beyond contributing to general rural setting of the CA (notwithstanding any archaeological potential). In this context, Conservation considers that the reinforcement of landscaping and a large element of public open space at the eastern edge of the proposal site shall broadly help maintain the existing character of the CA and its immediate setting. Furthermore, as the development will broadly follow the pattern of urban grain to the south, and that extensive rural landscape setting remains to the northwest of the CA, it is felt that the proposal will not unduly harm the setting of the CA or listed buildings forming the Station complex.

It is also noted that the proposed development will allow for a softer approach along the River Maun edge, helping to integrate development into its rural context. Individual houses will be limited to 2 storeys in height, furthermore, which is consistent with the existing pattern of development on Petersmiths Drive. The use of red brick from the local Ollerton brickworks is also beneficial.

In addition, it is also felt that the proposal will cause no harm to the setting of Thoresby Park. The Park is a significant distance from the proposal site, and it is otherwise felt that the development will follow the existing character of development along Petersmiths Drive, ensuring that the proposal is not unduly prominent when seen in aspect from or on approach to the Park.

On balance, the development will have no discernible impact on any other heritage assets. Ollerton CA is sufficiently distant and screened by existing modern settlement expansion, and key buildings such as Ollerton Hall will not be intervisible from any material receptor. Similarly, the Church of St Paulinus will be unaffected.

Having reviewed the submitted plans and details, Conservation therefore has no objection to the proposed development and finds that the setting and significance of designated heritage assets within the vicinity and wider landscape of the proposal site are not fundamentally harmed. The proposal therefore accords with heritage objectives contained within the Act, as well as policy and advice contained within the Council's LDF DPDs and section 12 of the NPPF.'

The Conservation Officer provided further comments in respect of Archaeology in September 2017:

'The desk based archaeological report advises that potential on the site is low, although acknowledges that previously unrecorded archaeological remains cannot be ruled out.. The geophysical report appears to show no archaeological interest, although notes that the high magnetic disturbance might be masking archaeological potential below (a similar outcome has been recorded on similar sites).

In light of this, I would recommend asking the developer to re-consult their archaeological specialist and make a recommendation for condition purposes. With the unknown potential for archaeological interest below the modern farmed top soils, I wonder whether the model condition for a WSI should be considered. At the very least, a watching brief condition should be used.'

Following this the applicants consultant confirmed in December 2017:

'The main features of potential archaeological interest are palaeochannels in the valley bottom. It is suggested that a targeted trial trenching programme is undertaken to investigate and record any archaeological remains associated with palaeochannels. This would consist of a couple of, roughly east west aligned, lines of trenches (maybe 3 in each line) targeted to sample from the valley bottom across to the higher ground. If palaeochannel deposits with good preservation potential are identified these should be sampled, assessed and analysed for archaeological and palaeoenvironmental remains. Depending on the results of the trial trenching further works may be required if archaeological remains are identified.

The attached plan identifies the areas to be targeted in the proposed trenching. The base plan is from Lidar data, The green shows the valley bottom where palaeochannels may survive and the proposed locations of the lines of sample trenches.

It is proposed that the works are undertaken as a condition of planning.

A possible wording for a condition is:

The programme of archaeological works will comprise initial evaluation with the potential for mitigation works if justified by the results of the evaluation. The initial evaluation will investigate the potential for archaeological and palaeoenvironmental remains associated with former palaeochannels and on adjacent higher ground. The evaluation works will comprise targeted trial trenching and palaeoenvironmental sampling to evaluate if archaeological and palaeoenvironmental remains exist and their preservation conditions.'

Following liaison with the case officer for this application, the Conservation Officer then confirmed they the proposed methodology was acceptable and that any condition would need to include wording requiring confirmation in writing of the results of your initial evaluation and then, should this necessitate further archaeological work, a written schedule of how such work would be undertaken including timescales and results/mitigation (to be submitted to and confirmed as acceptable in writing by the LPA).

Following submission of the revised layout plans in January 2018, the Conservation Officer confirmed:

'I am of the understanding that the revised plans relate to the red line boundary, building layout, phasing plan, landscaping, and engineering works. Having reviewed the amended details, we have no historic environment observations.'

**NHS Newark and Sherwood Clinical Commissioning Group** – Confirmed a request for a health contribution of 305 (no. of dwellings) x £982.62 in accordance with the Developer Contributions and Planning Obligations SPD (2013) and Updated Indexation Calculations 2016. This equates to a contribution of £299,699.10. The contribution would be spent on improvements/extensions to and/or staffing/training resources within the administrative boundary of Ollerton and Boughton. There is ongoing work to assess the requirements for health facilities in the area of Ollerton and Boughton. The following data was also provided:

Healthcare Provision for Ollerton

Currently the population in Ollerton receives its Primary Care services from one GP practice with an existing list size of 12,594 patients employing seven GPs. Any additional residential or commercial development will see an increase in the GP's patient list although the practice is very close to Public Health England's benchmark of 1,750 patients per GP. Depending on the developers who are interested in the surrounding sites in accordance with the authorities earmarked land for further development, along with their start dates for building, the full catalogue of developments are likely to be completed post 2020 and will add additional pressure if collaborative alignment is not planned now. The ongoing existing developments associated with Thorsby Colliery will also have an additional impact to this development.

Newark & Sherwood CCG are working with health partners who will help provide existing data on demographics. The data will help further to assess the need for the right healthcare estate to be best placed to help serve the local healthcare needs, especially with the unknown quantum of need which will result from the developments coming into the area.

It must be noted also that there is a local issue in recruiting GP's, so the need for better utilisation of existing healthcare estate to deliver the right healthcare within its existing estate is a major priority. This will mean the reconfiguration of existing healthcare sites to enable more flexible delivery which may not mean direct assessment per patient by a GP. This data is assessed through high impact healthcare needs for the area which suggests on initial data that Ollerton has a higher prevalence in key disease areas than the CCG and England average.

QOF						
Indicator	Practice 15/16			Prevalence 15/16		
	Register	Year on year change	Exception rate	Practice	N&S Average	England average
COPD	350	0.1%	7.7	2.8	2.1	1.9
Diabetes	811	0.4%	12.0	8.0	5.7	5.3
CHD	615	0.1%	7.6	4.9	4.0	3.2
Stroke	348	0.1%	5.4	2.8	2.1	1.7
Hypertension	2,238	0.4%	7.1	18.0	15.1	13.8
Mental Health	83	0%	13.8	0.7	0.7	0.9
Dementia	93	-0.1%	10.2	0.7	0.9	0.8
Depression	946	1.2%	31.2	9.5	6.2	6.6
Heart Failure	178	0.0%	6.8	1.4	0.9	0.8
Cancer	390	0.1%	20.6	3.1	3.0	2.4

Rates per 1,000 population

Therefore, based on current estimates, and in line with the Section 106 requirements of the developer, the following would be requested: s.106 monies to be formally phased in collaboration and alignment with ongoing health planning works which are jointly being led with Newark and Sherwood District Council.

#### **NCC Highways –**

Initial comments were provided on 5 May 2017 stating:

‘Further to my holding response of 28 April 2017 work is continuing to assess the Transport Assessment and Layout drawings.

In the meantime, the impact on the junction of Whinney Lane/Forest Road/Tuxford Road has been assessed and the following issues need to be addressed:

- There are issues with the results and conclusions drawn in the Arcady modelling that offer the common theoretical ‘fix’ which won’t translate into real improvements in practice. This relates to the balance of flows between the lanes on a multi-lane approach. Arcady distributes incoming flows equally across the full give-way width. Where lane flows are balanced this is a reasonable assumption to make. Where lane flows are not balanced e.g. Forest Road west 134 pcus in left turn lane versus 670 pcus in ahead + right turn lane in am peak, this does not hold true. The dominant ahead movement will choke off the left turn lane and the discharge over the give-way line will be equivalent to a single lane flow. Consequently, the quoted results are overly optimistic. The same will be true to a lesser degree for the Whinney Lane north approach.
- I would refer to the paper ‘Arcady Health Warning’ by Barbara Chard of JCT Consultancy for a way to work around this lane usage issue and suggest rerunning the model incorporating the

recommendations described in the paper.

- The short length of widening of the Forest Road east approach by 300mm will not achieve anything in practical terms. In practice it will offer no benefit.
- The geometry from Forest Road west is poor. The widening will encourage cars to try to peel off for the left turn lane earlier, encroaching into the cycle lane. The left turn from this approach is very acute with drivers almost having to look over their right shoulder to see the circulating flow. The repositioned refuge in Whinney Lane north is now opposite the left turn lane from Forest Road making it much more difficult for pedestrians to cross here.

In addition, it has been assessed that the proposed development would add about 2.5% to traffic flows at the A614/A616/A6075 Ollerton Roundabout which is congested at most times of the day. An improvement scheme for this roundabout has been formally identified by the County Council at a cost of approximately £5million. Therefore, a financial contribution towards this scheme is sought at £125,000 and could be secured via a Section 106 Agreement.

Further comments will be submitted in due course.'

Further comments dated 30<sup>th</sup> May 2017 stated:

Further to comments made on 5th May 2017 further assessment of the transport submission has taken place, and the following comments made:

Sustainable transport provision and linkages are poor:

- a) It is quoted that the nearest bus stops are 350m from the site. This appears to be measured from the mouth of the main access point, when the development itself stretches over 800m from this point; making the bus stops over 1 km away from some properties. For almost all dwellings the bus stops are far in excess of the Highway Authority guidance (6C's Deign Guide) that states that walking distances to bus stops should be a maximum of 400m, and desirably no more than 250m. Proposals for new bus stop provision should be made.
- b) A footway along the Whinney Lane (Whitewater Lane?) site frontage should be provided and shown on all drawings. Pedestrians are led from the proposed development to the junction mouth with no link to the existing footway system. In addition the pedestrian desire line will cross the public open space in this area and a footpath route should be provided to match this desire line.
- c) The plans suggest pedestrian linkage to Petersmiths Drive via two points; one near 115 Petersmiths Drive and the other via Petersmiths Close. Neither of these connections appear to be fully formed and do not connect directly with the public highways; crossing third party land. Therefore the new development neither integrates well with the surrounding development nor promotes use of sustainable transport.
- d) Similarly links between the existing housing development and the proposed open space provision and sports pitch towards the western end of the proposed development are not provided.

It is noted that an extension to the 30mph speed restriction is proposed to enable 2.4m x 43m junction visibility splays to be justified. A drop in speeds may be expected but it may not necessarily reduce them to 30mph. It would be useful to know what splays may be achieved in

practice, since I expect that these may extend beyond the 43 metres quoted.

Street lighting improvements on Whinney Lane (Whitewater Lane?) will be expected as part of the highway works surrounding formation of the new access. As it stands it is considered that the submission does not meet the requirements of Spatial Policy 7 and should therefore be refused.

However, the applicant may wish to review and revise the submission to address the above concerns and those matters raised in the previous correspondence.

On 11 August further comments were provided:

'Further to comments made on 30 May 2017 'Technical Note 1' dated July 2017 has been received which attempts to address previously raised issues. The following comments respond to that submission.

1. Despite a pedestrian link being proposed at the western end of Petersmiths Drive, bus stops are still far in excess of the distances from the development recommended by the Highway Authority guidance (6C's Design Guide) i.e. walking distances to bus stops should be a maximum of 400m, and desirably no more than 250m. For the western portion of the site, the nearest bus stop is around 850m away, and for the eastern portion it is around 600m. The site layout (cul-de-sac) does not lend itself to bus penetration so there is little likelihood that these distances will be reduced. Perhaps the developer should once again consider providing a loop road development with a carriageway connection to the western end of Petersmiths Drive.
2. Drawing No. 1604.04.03 rev. D suggests that pedestrian linkage can be made to Petersmiths Drive via four points. Three of these connections do not appear to be fully formed and do not connect directly with the public highways; crossing third party land. Therefore the new development does not integrate well with the surrounding residential area.
3. Direct pedestrian access to the Maun Infants School should be considered to minimise walking distances.
4. The pedestrian footpath route leading to the western end of Petersmiths Drive should be reviewed and could provide a shorter & more convenient direct route for many if it were to run close to the site's southern boundary.
5. It is noted that the extension to the 30 mph speed limit and street lighting are proposed.
6. The residential travel plan is still being assessed, but if this aspect needs the application of a condition to allow permission prior to resolution, then this may be an option.
7. The justification of the contribution of £85,806 toward the improvement to the A614/A616/A6075 Ollerton Roundabout is based on a reduced amount of development-generated traffic using this junction on the grounds that some traffic will use A616 Back Lane at the A6075 Forest Road/A616 Ollerton Road roundabout based on traffic turning proportions at this junction. This is flawed. Any traffic related to the proposed development will not tend to use A616 Back Lane to travel to or from Wellow and beyond, since the easier and quicker route will be via Whinney Lane & Newark Road, Ollerton. Therefore the earlier sought contribution of £125,000 remains justifiable under a Section 106 Agreement.
8. Technical Note 1 provides revised details of proposed mitigation works to the A6075 Forest Road/Whinney Lane mini-roundabout. A road safety audit of the junction proposals is being carried out and is awaited. Further consideration is also being given over whether or not the theoretical improvements to capacity will be achieved in practice.

Currently there remain too many issues for the Highway Authority to raise no objection to this proposed development and the applicant should be asked to further review & revise their



submission.

On 31<sup>st</sup> August 2017 further comments relating to the Travel Plan were provided:

‘Please find below comments on the Travel Plan (dated February 2017):

- It would be useful to show a walking and cycling isochrones, to show the areas accessible within a 2km walk and 5km cycle.
- Section 4.6 refers to a lifespan up to the point of “full occupation”. The Travel Plan (TP), and indeed the role of the Travel Plan Coordinator (TPC) should be in place from initial occupation to a point 5 years following 50% occupation. The TPC should be prepared to extend this period (and their role) beyond this point should the TP not be reaching its targets.
- There is no reference to the planned number of car parking spaces per dwelling, nor a mention of cycle spaces.
- For a development of this size, we would expect developers to consider the provision of Public Transport ‘taster tickets’ to be offered to households upon initial occupation, as an incentive to try out bus services.
- There is a minor discrepancy in the number of dwellings used in the targets calculation.
- We would usually expect that the Travel Plan is monitored via the collection of traffic counts (as are included in the TP), but still supplemented by travel surveys. A suggested timetable of monitoring is given below (taken from the Nottinghamshire County Council’s ‘Guidance for the Preparation of Travel Plans in support of planning applications’ guidance document - attached). The travel surveys can then pick up qualitative issues that wouldn’t be evident from the counts. The form of the survey should be agreed with Nottinghamshire County Council, with an example given in the Nottinghamshire County Council’s guidance document. A revised draft of the TP should set out a review timetable in more detail.

Year	SAM	Residential Travel Survey
Baseline	No	Yes
1	Yes	Yes
2	No	Yes
3	Yes	Yes
4	No	Yes
5	Yes	Yes
Etc...		

- Secondary monitoring may include the uptake of public transport taster tickets and the number who sign up to the car sharing website etc.
- The Travel Plan does not refer to any remedial measures. Should the TP fail to reach its targets, at minimum the lifespan of the TP (and that of the TPC) should be extended and a new approach adopted to meet targets.

Further comments on a Revised Travel Plan were provided on 22 September 2017:

‘Please find below comments on the attached travel plan (dated September 2017):

- Our comments on the previous version of the travel plan (dated February 2017) included:
- For a development of this size, we would expect developers to consider the provision of Public Transport ‘taster tickets’ to be offered to households upon initial occupation, as an incentive to try out bus services. This comment still stands.

- Secondary monitoring may include the uptake of public transport taster tickets and the number who sign up to the car sharing website etc. This comment still stands
- The Travel Plan does not refer to any remedial measures. Should the Travel Plan fail to reach its targets, at a minimum the lifespan of the TP (and that of the TPC) should be extended and a new approach adopted to meet targets. This comment still stands.
- section 4.6 of the February 2017 version referred to a lifespan up to the point of “full occupation”; our previous comments were: ‘The Travel Plan (TP), and indeed the role of the Travel Plan Coordinator (TPC) should be in place from initial occupation to a point 5 years following 50% occupation. The TPC should be prepared to extend this period (and their role) beyond this point should the TP not be reaching its targets.’ In relation to the September 2017 version of the travel plan:
  - The monitoring section has been updated, although a commitment should be given to producing an annual monitoring report for the Newark and Sherwood District Council and Nottinghamshire County Council.
  - The TPC must be in post for the length of the monitoring period, the wording of the TP indicates that the TPC function (stated as being undertaken by TPS Consultants Ltd) may cease before the end of the monitoring period. If the TPC function is no longer undertaken by TPS Consultants Ltd, then the responsibility for the TPC functions should revert to the developer until the end of the monitoring period and the developer must inform Nottinghamshire County Council of any changes to the name and/or contact details of the TPC.’

Confirmation was then received on 5 October 2017 that a Revised Travel Plan submitted on 29 September 2017 addressed these points and was acceptable.

Following the reconsultation of the revised plans submitted in January 2018 showing two points of access, the Highway Authority provided the following comments in February 2018:

‘Further to comments made on 11 August 2017 ‘Technical Note 2’ dated November 2017 has been received which attempts to address previously raised issues. In addition, in January 2018, revised drawings were submitted that provide a road link through to Petersmith Drive.

In response I would comment as follows:

1. The submissions fail to address the issue of the excessive walking distances to bus stops. Bus stops are far in excess of the maximum 400m walking distance, and desirable 250m distance, recommended by the Highway Authority guidance (6C’s Deign Guide). In addition, the latest drawings have reduced the carriageway width from 6.75m to 5.5m. Whilst under normal circumstances this would be acceptable given that there are two proposed points of access, this would not be a sufficient width over a long length to cater for any potential bus route. If a bus route could be established linking through to the existing route on Whitewater Road, then walking distances to bus stops would no longer be an issue. Reverting back to either a 6.75m carriageway, or a 6.0m carriageway with widening on bends to take account of bus swept paths could potentially resolve this point. However, it has not yet been assessed how feasible it is for a service to run through the new estate. For this proposal to become acceptable, enhancements to service provision and/or bus stop infrastructure would be required at the developers expense. I understand that correspondence between the applicant’s agent and the County Council Passenger Transport Team has taken place but matters remain unresolved.
2. Technical Note 2 still refers to four points of pedestrian linkage, when only 2 of these, to the

far east and to the far west of the residential area, are publicly available without crossing third party land. The link(s) across third party land are not safeguarded for future use; they are not controlled by the applicant nor lie within the public highway. In the most recent submission these 'third party' links appear to have been removed although it is not altogether clear that this is the case, and confirmation would be helpful. Either way, this leaves poor pedestrian connectivity to the adjacent and existing development including housing, church, shops and facilities. Table 4.1 of the submitted Transport Assessment offers recommended walking distances taken from national guidance. Other than for school or commuting trips, a preferred maximum walking distance is 1200m. However the town centre facilities are 1500m or more away.

It is concluded that the proposal is contrary to Spatial Policy 7 in that it fails to provide adequate, safe and convenient access by non-car modes.

Potentially the bus issue may be resolved through further negotiation and a Section 106 Agreement.

Should the Planning Authority be inclined to grant permission, then further advice from the Highway Authority should be sought in terms of applying suitable conditions to protect the interests of highway safety, capacity and sustainability.

In the meantime it should be pointed out that since previous correspondence, a revised estimate has been prepared for the Ollerton Roundabout A614/A616/A6075. Improvement costs are now understood to be £7,984,000. Therefore, on the calculated basis that this development would add 2.5% to the traffic flows, a contribution of £199,600 should be sought via a S106 Agreement towards the improvement costs.'

On 23 February comments were provided in respect of bus service provision:

We've reviewed the requirements for a bus service contribution for Petersmith Drive, Ollerton and comment as follows:

The closest served bus stops are on Whinney Lane and are approximately 700-800m from the centre of the proposed development, which exceeds 6Cs accessibility guidelines. It is estimated that the development will generate in excess of 140 public transport trips per day. Additional resources will be required to serve the development to provide access to public transport which meets the 6Cs guidelines for all residents.

Operations colleagues have assessed the options for serving the development by bus. A diversion of the Stagecoach services 14 and 15 is not feasible. A more appropriate and cost effective solution would be a bespoke town service offering links to employment, education, shopping and leisure facilities. It is suggested that this development could be served with an extension of an existing Nottinghamshire County Council Fleet service i.e. 333, 334 or 335, with an additional vehicle, using the planned accesses to the north and/or south of the development.

An indicative Public Transport contribution of £147,000 would provide a service to serve the development, subject to review based on projected usage and revenue. The proposed level of contribution should be considered as indicative, pending receipt of more detailed information about the mix of housing types and build out rates, which will impact upon the service revenue.

No contingency or inflation is applied.

Infrastructure costs will be in addition to the above.

Further information can be supplied through developer contact with Transport & Travel Services.'

The Highway Authority provided their final comments on the latest layout plans on 16 March 2018:

Further to comments made on 11 August 2017 'Technical Note 2' dated November 2017 has been received which attempts to address previously raised issues. In addition, in January 2018, revised drawings were submitted that provide a road link through to Petersmith Drive.

In response I would comment as follows:

1. The submissions fail to address the issue of the excessive walking distances to bus stops. Bus stops are far in excess of the maximum 400m walking distance, and desirable 250m distance, recommended by the Highway Authority guidance (6C's Deign Guide). In addition, the drawings in that report reduced the carriageway width from 6.75m to 5.5m. Whilst under normal circumstances this would be acceptable given that there are two proposed points of access, this would not be a sufficient width over a long length to cater for any potential bus route. If a bus route could be established linking through to the existing route on Whitewater Road, then walking distances to bus stops would no longer be an issue. Reverting back to either a 6.75m carriageway, or a 6.0m carriageway with widening on bends to take account of bus swept paths could potentially resolve this point. It is understood however that a later revised drawing, 16/314/TR/009/C has been submitted that takes account of this issue and provides a 6m carriageway with localised widening to cater for a bus swept path. Notwithstanding the above, it has not yet been assessed how feasible it is for a service to run through the new estate. For this proposal to become acceptable, enhancements to service provision and/or bus stop infrastructure would be required at the developers expense. I understand that correspondence between the applicant's agent and the County Council Passenger Transport Team has taken place and a S106 contribution is sought.
2. Technical Note 2 still refers to four points of pedestrian linkage, when only 2 of these, to the far east and to the far west of the residential area, are publicly available without crossing third party land. The link(s) across third party land are not safeguarded for future use; they are not controlled by the applicant nor lie within the public highway. In the most recent submission these 'third party' links appear to have been removed although it is not altogether clear that this is the case, and confirmation would be helpful. Either way, this leaves poor pedestrian connectivity to the adjacent and existing development including housing, church, shops and facilities. Table 4.1 of the submitted Transport Assessment offers recommended walking distances taken from national guidance. Other than for school or commuting trips, a preferred maximum walking distance is 1200m. However the town centre facilities are 1500m or more away.

It is concluded that the proposal is contrary to Spatial Policy 7 in that it fails to provide adequate and convenient access by non-car modes. Therefore a recommendation **to refuse this application is made.**

However, potentially the bus issue may be resolved through further negotiation and a Section 106

Agreement.

It should be pointed out that since previous correspondence; a revised estimate has been prepared for the Ollerton Roundabout A614/A616/A6075. Improvement costs are now understood to be £7,984,000. Therefore, on the calculated basis that this development would add 2.5% to the traffic flows, a contribution of £199,600 should be sought via a S106 Agreement towards the improvement costs, if the application were to be approved.

In addition, should the Planning Authority be inclined to grant permission, then it is requested that the following conditions should be applied to protect the interests of the Highway Authority:

No dwelling forming part of the development hereby permitted shall be occupied until its associated drive is surfaced in a hard bound material (not loose gravel) for a minimum of 2 metres behind the [prospective] Public Highway boundary. The surfaced drive shall then be maintained in such hard bound material for the life of the development.

Reason: To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc.).

Any garage doors shall be set back from the highway boundary a minimum distance of 5 metres for sliding or roller shutter doors, 5.5 metres for up and over doors or 6 metres for doors opening outwards.

Reason: To enable a vehicle to stand clear of the highway whilst the garage doors are opened/closed and to protect the free and safe passage of traffic, including pedestrians, in the public highway.

The development spine road shall be laid out in accordance with drawing 16/314/TR/009/C.

Reason: For the sake of clarity and to ensure the highway infrastructure can potentially cater for public transport in the interests of sustainability.

No part of the development hereby approved shall be occupied unless or until improvements to Whinney Lane, fronting the site, have been made and include new street lighting, footways and visibility splays in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of highway safety

No dwelling forming part of the development hereby permitted shall be occupied until its associated driveway is constructed with provision to prevent the unregulated discharge of surface water from the driveway to the public highway in accordance with details first submitted to and approved in writing by the LPA. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.

Reason: To ensure surface water from the site is not deposited on the public highway causing dangers to road users.

No part of the development hereby permitted shall be occupied until a Travel Plan has been

submitted to and approved in writing by the local planning authority. The Travel Plan shall set out proposals (including targets, a timetable and enforcement mechanism) to promote travel by sustainable modes which are acceptable to the local planning authority and shall include arrangements for monitoring of progress of the proposals. The Travel Plan shall be implemented in accordance with the timetable set out in that plan unless otherwise agreed in writing by the local planning authority.

Reason: To promote sustainable travel.

No part of the development hereby approved shall commence until application has been made to the Highway Authority for the proposed extension of the 30mph speed restriction on Whinney Lane, fronting the site.

Reason: In the interests of highway safety.

Notes to Applicant:

The applicant should note that notwithstanding any planning permission that if any highway forming part of the development is to be adopted by the Highways Authority under Section 38 of the Highways Act 1980, the new roads and any highway drainage will be required to comply with the Nottinghamshire County Council's current highway design guidance and specification for roadworks.

In order to carry out the off-site works required (footways and street lighting, etc) you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act. Please contact david.albans@nottscc.gov.uk for details.

This consent requires an application for a Traffic Regulation Order before the development commences to restrict waiting. The developer should note that the Order can be made on behalf of the developer by Nottinghamshire County Council at the expense of the developer. This is a separate legal process and the Applicant should contact mike.barnett@viaem.co.uk . Please note this process can take 6-12 months.

**The following comments were also received on 03.04.18 in response to the applicant regarding bus provision:**

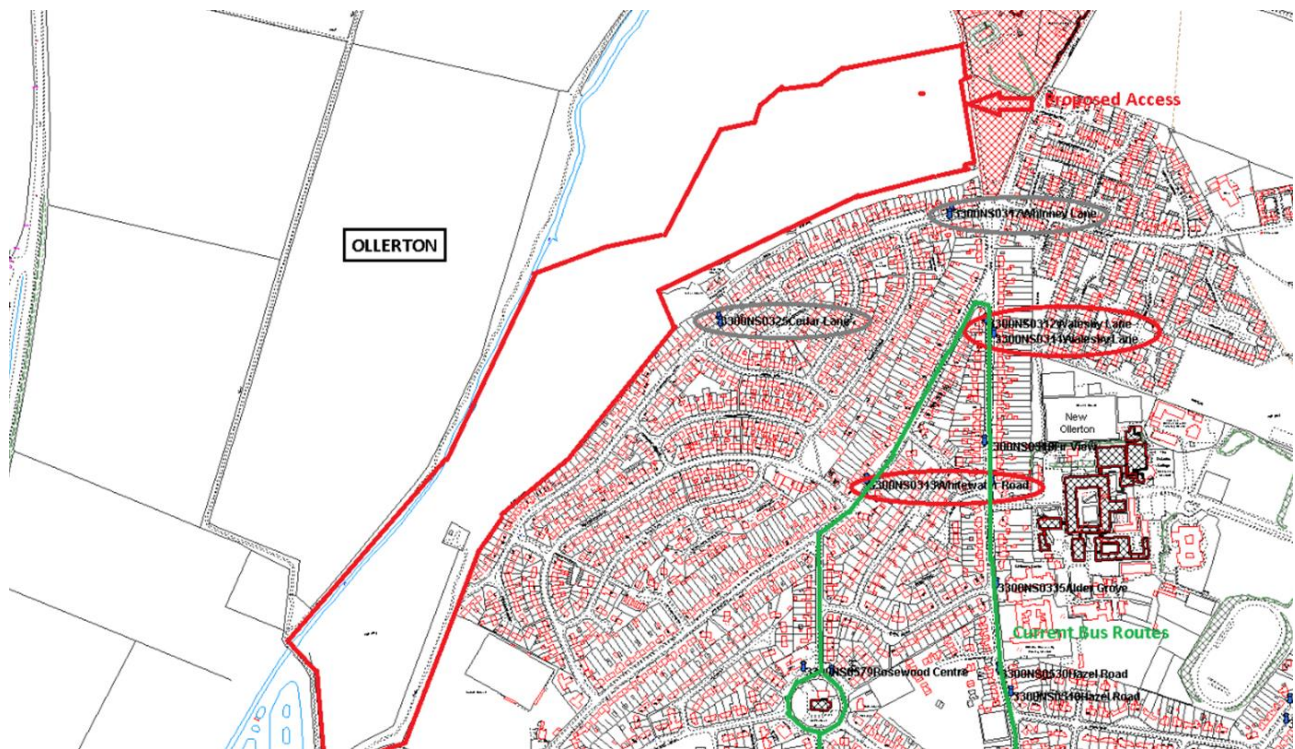
***'Gleeson's comments: "Firstly the bus stop distances could be reduced by providing a new bus stop at the junction of Whitewater Road and Walesby Lane. This would reduce the walking distance from the edge of the site by some 150-200m depending on exactly where the current bus stop is. Likewise a new bus stop could be positioned at the junction of Walesby Lane and Whinney Lane again reducing walking distances by a similar distance."***

***Transport & Travel Services Response: The attached map shows the current closest bus stops to the site and the current bus routes. Transport Facilities colleagues are unable to identify any locations for new bus stops closer to the site on those routes. Please can the developer to mark on the attached map their suggested locations?***

***Gleeson's comments: "However, the problem will be resolved by the potential provision of a bus service through the site which as you know we have now catered for with our road widening and the provision of a second access point"***

**Transport & Travel Services Response:** To support the Bus Service Contribution, the proposed Bus Stop Contribution would be used to fund new bus stops within the site and, where appropriate, to fund upgrades to the closest existing bus stops to the site in order to encourage residents to travel via public transport.

**Bus Stops Location Plan Provided:**



**Further comments on this matter are set out in the appraisal section of this report.**

**Notts. County Council (Rights of Way)** – ‘The comments submitted by my predecessor in response to the original application are still valid. In addition to the previously submitted comments, the applicants should be advised of the following.

The absence of recorded public rights of way across the development site does not preclude unrecorded rights being proven to exist at a later date. The applicants should be made aware that there is a route that appears to be used by members of the public, linking the end of Petersmiths Drive to Ollerton and Boughton Public Bridleway No. 7, along an existing track. There is also anecdotal evidence via aerial photographs that members of the public may be using the field edge on the South Eastern boundary of the site. If provision is not made to accommodate these routes within the development then the landowner is at risk of claims being submitted by users of the routes for public rights to be recorded, on the basis that public rights have been acquired through usage, in the belief that the use is public (without force, secrecy or the landowners permission). Should a claim ever be made then the routes would need to be made publicly available.

In view of this, it would be prudent for the developer to amend their proposed design to create appropriate rights of way links, in particular the link from Petersmiths Drive to Ollerton and Boughton Public Bridleway No. 7, which would create a useful off-road link to the nearby school. I have enclosed a copy of the Working Copy of the Definitive Map, with the approximate alignment of the routes indicated, for your reference.

These comments have been provided by Via East Midlands Limited on behalf of Nottinghamshire County Council through Via's continuing role of providing operational services on behalf of the County Council.'

(Nb. Previous Rights of Way comments were provided as part of NCC's comprehensive Strategic Planning comments above)

**Access & Equalities Officer** – 'It is recommended that disabled persons and wheelchair users' access to, into and around the 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 with reference to the topography of the site and an obstacle free suitably surfaced firm level and smooth 'traffic free' accessible pedestrian pavement route is essential to and into the dwellings from facilities such as car parking and from the site boundary. External footpaths to and around the site should be incorporated and carefully designed to accepted standards to ensure that they provide an integrated network of 'traffic free' pedestrian pavements around the site without pedestrians being required to walk along roadways. It is recommended that inclusive step free access be considered to garden areas, open spaces, parks, amenity spaces and external features.

Carefully designed 'step-free' approach, ramps, level flush thresholds, generous doorways, suitably wide corridors etc. all carefully designed to facilitate easy access and manoeuvre on all floors are important considerations. Switches and sockets should be located at suitable heights and design to assist those whose reach is limited to use the dwellings 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** – 29no. written representation has been received objecting to the proposals and raising the following issues (6no. of these were received following the reconsultation exercise undertaken in January 2018):

#### Highway issues

- Severe traffic implications.
- Roads in the area will not be able to accommodate extra traffic. Congestion will increase including at Ollerton roundabout. These issues need to be resolved before any new housing is approved.
- Highway safety will be unduly impacted upon from extra traffic with schools on Whinney Lane and Walesby Lane in close proximity.
- Existing roads in the area are not wide enough for emergency vehicles, pedestrians to pass with parked cars mounted on pavements.
- Many properties on Petersmith Drive (on the north side) have no off road parking due to slope of the land. New properties are unlikely to have parking to cater for all residents and where will visitors park?
- Single access road to serve the whole development appears grossly inadequate.
- Nearby Gleasons development already causing parking issues.



- Roads are not well maintained with pot holes
- Road safety will be an issue particularly for children.
- The school is on a neighbouring road and existing problems at school pick up times will only increase.
- The access point is on a derestricted highway and within 30 metres of a sharp bend.
- Vehicles use Petersmith Drive as a rat run to avoid traffic calming measures on Whinney Lane
- Local bus service has ceased to use Petersmith Drive as was deemed unsafe for large vehicles
- The developer refers to internet shopping will help keep traffic to a minimum. Such a claim cannot be made as the number of residents to use this cannot be guaranteed and cars would only be replaced by delivery vehicles.
- Lack of traffic calming on Whitewater Road which often has cars parked on both sides and the road from Boughton Brake is also in a poor state and narrow. These roads are not equipped for extra traffic.
- Impact on traffic using other roads including Chestnut Drive.
- When the M1 or A1 is shut the local roads come to a standstill.
- More heavy lorries means more danger.

#### Impact on the Environment

- Land to the rear of Petersmith Drive is a natural rural boundary and those living there do so for the outlook and rural feel.
- Noise and car pollution from at least another 610 vehicles (2 cars per household).
- Light pollution from new homes.
- Ollerton has seen enough new development.
- Brownfield sites should be used before green field such as at the end of Cinder Lane and next to the old Ollerton railway station.
- There are alternative sites on higher ground that would be more suitable for development.
- Shortly after the colliery closed in 1994 plans were drawn up for 250+ dwellings to build on the pit site 20+ years on there are approx. only 20 - why not finish that development first before throwing money at something else?
- Other sites in Ollerton are in need of redevelopment such as land near Tesco and the old Thoresby pit.
- Surprised that seismic disturbance is considered minimal given tremors felt along Petersmith Drive in recent years as often as every day at one point with New Ollerton branded the most seismically active town in the British Isles – given the movements are suspected to be connected to mining, heavy earth moving would not improve the situation.
- Impact on walkers and cyclists who use the area
- The soil on the site is very sandy and when wet behaves like quicksand.
- Spoiling the scenery and outlook of neighbouring properties.

#### Flood Risk and Drainage

- The FRA states the site is low risk so why are future residents being recommended to sign up to the Environment Agency Flood Warning Service?
- The site has a main sewer pipe leading to the river.
- Increased flood risk - The fields have flooded on many occasions.
- Negative impact of the development on local drainage.
- Building on the flood plain of the River Maun / Whitewater is unwise – no management of the watercourse which continues to silt up, have debris washed downstream

- If permission is given adequate flood protection measures should be included and should not increase the risk of flooding elsewhere.
- How will the drains cope, the local drains block all the time.
- Impact on flood risk and drainage will increase neighbours insurance premiums making properties less attractive to buy.
- Existing properties are already liable to flooding and adjacent pavements have lifted because of this. Works to the drains regularly have to be undertaken.

### Ecology

- Adverse impact on wildlife including loss of habitat.
- Impact on wildlife including foxes and hobby hawks.
- Light pollution – it is not only bats and other wildlife that will suffer.
- Birds and squirrels come back every year and trees where they nest are to be cut down.
- Nature walk by the river currently enjoyed by residents and visitors. The traffic and air pollution will effect wildlife and nature which is a characteristic of the town.

### Neighbouring Amenity

- Impact on amenity of existing houses by way of overlooking and overshadowing/loss of light and increased noise.
- Impact on neighbouring amenity due to loss of privacy
- The development will be overbearing on existing residents on Petersmith Drive.
- Increased foot, bicycle and vehicular traffic will have an unacceptable impact on existing residents.

### Infrastructure

- Inadequate facilities. The Town does not have the infrastructure to cope.
- Impact on schools (they are full with some pupils having to travel out of the village), local health service (doctors is already over stretched), lack of dentist facility and council (struggling to provide services with cut backs).
- There are no parks or play areas for children.
- Overdevelopment of the site with no sports facilities provided.
- Impact on public transport facilities.
- The only dental practice specialises in mentally and physically disabled patients with no new patients not suffering from these conditions in years.
- Detrimental to the overall wellbeing of the Town.
- There must be a better location for new housing.
- Potential for just over 1000 new residents.
- New Ollerton does not benefit from a local Fire Station and no full time Police station
- New residents will struggle to find employment locally
- The plan includes a children's play area. There is already a play area on land to the rear of Petersmith Drive, Cedar Lane and Birklands Ave which has been locked and inaccessible for years due to misuse and inability of the local authority to effectively maintain. Any new play area would be the same.
- The claim that Center Parcs as a leisure facility is within walking distance is inaccurate. The head office is within walking distance but there are no public leisure facilities and the holiday village a few miles away is for holiday makers staying on the site.

- Local Council struggle to provide services with the cut backs, roads need resurfacing (not just pot holes filled in) and in winter the roads hardly get gritted.
- The bus service serving Petersmith Drive has been stopped due to buses not being able to get through.

#### Policy and Procedure

- The community was not correctly notified of any change to the boundaries of Ollerton.
- The proposals are contrary to the Local Plan recommendations
- Site density is recommended at 225 units so why is permission being sought for 305 units?
- The letters of objection / support should be available on the Council's website

#### Other

- The proposals are nonsensical and in no-one's interests but those of money grabbing developers.
- The developer has said that the proposed houses are a "done deal".
- Concerns of increased noise, being overlooked and overshadowed with reference to the Human Rights Act.
- Potential damage to vehicles given lack of parking in the area and increased traffic.
- Impact of building work on exiting residents.

Comments have also been received from the Ollerton Village Residents Association (OVRA) stating as follows:

'Ollerton Village Residents Association (OVRA) object to such a large development on the following grounds.

#### Traffic Issues.

No further significant housing developments should be approved in the area until traffic flow problems (especially Ollerton roundabout) are resolved. We note that the developer claims that any increase in traffic at Ollerton roundabout will be small in relation to traffic flow forecasts for the early 2020s which is when they expect this development to be completed. Such a claim fails to recognise the increase in construction traffic from the onset of development and residents moving in during the phased development.

#### Health Care.

There are already problems getting GP and dental appointments. Significant improvements need to be made in this area need to be made before any approval is granted. The health care impact of the Thoresby colliery site must also be taken into consideration as there is no guarantee that additional medical facilities will be included in this development.

#### Flooding.

The proposed development is on a flood plain. If NSDC are likely to approve this application, they should ensure that adequate flood protection measures are included and that any such measures will not increase the risk of flooding both upstream and downstream.'

## Comments of the Business Manager

### Principle of Development

Members will be aware that 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 application site is located within the urban boundary of Ollerton and comprises a mixed use allocation site (Policy OB/MU/1). The allocation envisages a mixed use development providing around 225 dwellings, enhanced Strategic Sports Infrastructure and Open Space. Specific requirements of Policy OB/MU/1 include that no flood sensitive development takes place in areas identified as being in Flood Zones 2 and 3, incorporation of sensitive design to respect and enhance the setting of the nearby Boughton Pumping Station Conservation Area and Listed Buildings, provision of a landscaping scheme in order to assimilate the development into the surrounding countryside and the identification of measures which maximise opportunities to protect and enhance features of biodiversity value and species within and adjoining the site, including the River Maun, and mitigate or compensate for any potential adverse impacts.

Despite the acceptance of the development in principle on the basis of this site allocation, it is noted that the current application before the LPA for determination seeks a greater quantum of residential development than the originally envisaged 225 dwellings (the application seeking consent for 305 dwellings). As is clarified through the comments of Planning Policy; the main aim of the allocations process was to deliver the minimum number of dwellings to satisfy the requirements of the Core Strategy and thus a greater delivery of housing is not necessarily resisted in principle subject to the proposal being able to satisfy the relevant policy requirements.

Members are aware of the current position in respect to the Council's ability to demonstrate a five year housing land supply. It is not considered necessary to rehearse the full position in the context of the current application save to say that the Authority is confident that it is able to demonstrate a five year housing supply against what it and the other authorities in Nottinghamshire to be an appropriate OAN figure of 454 dwellings per annum. Nevertheless, in line with the recently published Housing White Paper which promotes a requirement to boost housing supply, the positive determination of housing schemes on allocated sites remains fundamental to sustaining a healthy housing land supply position.

### Housing Mix, Type and Density

Paragraph 50 of the Framework states that local authorities should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community. Core Strategy Core Policy 3 indicates that housing developments should be no lower than an average 30 dwellings per hectare and that sites should provide an appropriate mix of housing types to reflect local housing need. The housing mix, type and density will be influenced by the council's relevant development plan policies at the time and the housing market at the time of delivery.

Core Policy 3 also states that the Council will seek to secure new housing development which adequately addresses the housing need of the District namely:

- Family housing of 3 bedrooms or more
- Smaller houses of 2 bedrooms or less
- Housing for the elderly and disabled population.

The development proposes a total of 305 dwellings and the schedule of accommodation on the submitted plans confirms this would be a mix of 2, 3 and 4 bed roomed dwellings with the split being:

- 113 x 2 bed roomed semi-detached;
- 79 x 3 bed roomed semi-detached;
- 89 x 3 bed roomed detached; and
- 24 x 4 bed roomed detached.

I note the comments of Policy colleagues regarding the weighting of properties for the Sherwood Area in the Sub-Area report to the Housing Market & Needs Assessment (2014) which are weighted in the following way:

- 2 bed 51.8%
- 3 bed 38.2%
- 4 bed 10%

The original mix was even more heavily weighted towards 3 bed units and a request was made to the developer to increase the number of 2 bed units. A small increase was made from 105 2 bed units to the current proposal of 113 and the number of 3 bed units was reduced accordingly. The developer was also pointed towards the element of Core Policy 3 which seeks housing for the elderly and disabled population and it was queried whether any of the properties might be designed to meet this need for example lifetime homes that are easily adaptable or the provision of bungalows.

In response to the requests to consider more smaller units to correspond with the weighting in the Housing Market and Needs Assessment the developer has confirmed that whilst we understand the Housing Market Needs Assessment suggests that 2 beds are most required in the area, their product is geared towards first time buyers and their house type range makes it possible for 3 beds to be affordable to a large range of first time buyers utilising Help to Buy or other shared equity schemes available from Gleeson. As of July 2017 their existing site at Whinney Lane had sold 48 homes, out of 58 sold so far, to first time buyers, with many of these being 3 bed houses, indicating this affordability and the ability to acquire a larger 3 bed as opposed to being limited to a 2 bed property. Therefore the developer saw no reason to increase the number of 2 beds in this development to those set out in the HMA as they assume that affordability is the driving force behind it and, as demonstrated, even the Gleeson 3 bed is affordable to first time buyers on their developments due to the nature of the product offered. Equally no single bed units have been provided within the revised scheme and mix.

Overall I note the housing mix includes family housing of three beds or more and that more than a third of the dwellings would be smaller houses in the form of 2 bed roomed dwellings both of which accord with Core Policy 3. Given that the development would still make a significant

contribution to the dwelling types most needed in the area and taking the developers comments in to consideration, I am satisfied that the proposed mix is acceptable in this instance.

305 dwellings would result in a net density of 15 dwellings per hectare based on the wider site area of 20.5 hectares. However, I concur with my Policy colleagues that what is more relevant in this instance is whether the density on the developable areas makes effective and efficient use of the allocated land and contributes towards an appropriate design and layout. I am conscious that, notwithstanding the latest modelling undertaken as part of this application, the allocation policy requires that no flood sensitive development takes place in areas identified as being in flood zones 2 and 3. Equally the site requires a suitable drainage solution and the site allocation requires provision of landscaping to assimilate the development in to the surrounding countryside and the provision of onsite strategic sports facilities and it has been acknowledged by various statutory consultees that whilst the public open space is extensive, it is required to meet the various objectives including addressing ecological and landscape character matters within the site allocation. I have calculated that the developable area in Phase 1 is approximately 4.56 Hectares and 145 dwellings within this Phase would equate to approximately 31 dwellings per hectare. The developable area on Phase 2 is approximately 4.58 Hectares. 160 dwellings would equate to approximately 34 dwellings per hectare. The site narrows between the two proposed phases and is only suitable for provision of the access road and has therefore been discounted from these calculations. Based on the density of dwellings on the developable area within each phase, this demonstrates that the density would be just over the minimum 30 dwellings per hectare set out in the Core Strategy.

On balance, I am satisfied that the housing mix, type and density proposed meets the overall objectives of Core Policy 3 whilst also providing the ability to address the other detailed design matters set out below.

### Design, Layout and Amenity

The NPPF states that good design is a key aspect of sustainable development and new development should be visually attractive. CP9 states that new development should achieve a high standard of sustainable design that is of an appropriate form and scale to its context complementing the existing built and landscape environments. Policy DM5 of the DPD states that local distinctiveness should be reflected in the scale, form, mass, layout, design and materials in new development.

A Design and Access Statement has been submitted as part of the application and this recognises the location and setting of the site and the relationship with existing properties on Petersmith Drive which are situated at a higher level and separated by a strip of existing vegetation. The predominant housing in the area of two-storey semi-detached and terraced housing in red brick and/or render with concrete roof tiles is noted.

The housing layouts submitted shows two distinct parcels or phases of development and plans have been provided to illustrate each phase. Public open space is indicated adjacent to the site entrance and this provides an opportunity to soften the appearance of the development and assist the transition from the Boughton Pumping Station Conservation Area opposite. Initial plots are also shown to overlook this area which I consider will provide a suitable outlook for these dwellings whilst also providing some natural surveillance for the open space. Similarly, the drainage attenuation ponds to the western end of Housing Layout 1 would be overlooked by the proposed dwellings (particularly on the first phase of development). The overlooking of these

public areas will have benefits in terms of crime prevention and site safety. The relative position of housing and public open space on the proposed layouts also responds to the requirements within the site allocation policy including the need to avoid housing within areas at potential risk of flooding, incorporate sensitive design to respect nearby heritage assets and the landscape character of the area and preservation and enhancement of the River Maun and associated footpaths, walkways and cycle facilities through the design and layout.

A mix of house designs is proposed, all fairly traditional in style, all two storey. Features include brick corbeling and soldier course headers and sills. Comments were provided to the developer in respect of the original layout raising issues including where plots appeared tight within the layout, setting these properties in from boundaries. Where properties include blank facades which would be prominent within the street scene, the applicant was advised to consider dual front properties such as to corner plots or the provision of additional fenestration or delineation in terms of materials to add visual interest. Some properties within the original layout were set forward of neighbouring properties to the extent that they would obstruct views down the relevant section of street to the detriment of the appearance of the scheme and advice was given to realign these properties to improve the sense of place within the development.

As a result of the above comments the applicant provided revised plans. These plans addressed some of the issues raised including the introduction of corner turner units where possible with more space afforded to some corner units. Whilst some issues remain with regards to the positioning of some corner plot dwellings forward of the alignment of properties fronting adjacent cul-de-sacs (plots 141, 96, 41, 137, 282, 278, 258) I am satisfied that the spacing between these particular properties is sufficient to ensure the corner property can be accommodated without having such a significant impact on the character of the scheme to warrant a refusal of permission in these instances.

Given the number of properties proposed and to assist legibility through the development use of materials will be critical in breaking up the development and adding visual interest within the street scene. This was not clear from the original drawings and the developer was asked to consider different character areas. The use of alternative elevational treatment e.g. render to key plots for example to corner properties to provide some focal points was also suggested. A materials layout plan was requested indicating where different materials are to be applied as per Gleeson's rural style and urban style elevations. Proposed materials are a mix of buff and red brickwork and terracotta red and dark grey roof tiles. Different elevation treatments in terms of the application of brickwork is used dependant on the 'rural' or 'urban' style applied. Having considered this on the plan the groupings of material and elevational styles should assist in breaking up the development and assisting with legibility through the site. Whilst this may have gone further to provide some visually distinct properties at key locations, I consider that overall the approach to materials is acceptable.

Whilst 1.8m high close boarded fencing is proposed to rear boundaries and to corner plots (with regards to the latter this is in limited locations and I am satisfied it will not unduly impact upon the street scene), I note the plans suggest post and wire fencing to boundaries between neighbouring plots. I am concerned that this will not provide adequate means of screening between properties to provide a suitable level of amenity. ~~A query has been raised with the applicant and an update can be provided to the Planning Committee.~~ ***The applicant has suggested that if the Council is concerned about the potential impact of the post and wire fencing, a condition be attached to any permission requiring a more substantial boundary treatment. I consider this would be***

***appropriate in this instance. I note the surfacing to rear gardens has not been specified on the submitted plans and consider this should also be a requirement of such a condition.***

***I have also raised concerns with regards to the proposed crushed stone driveways and that these were a less than desirable solution in terms of the appearance of the scheme and that they would also be likely to result in several surface treatments being applied by residents in the longer term having an impact on the appearance of the scheme. The applicant has referred to the same approach being employed at Gleeson's other site in Ollerton on Whinney Lane. This is true but I consider it is still not the optimum design solution for developments moving forward. However, the applicant has advised that they see no reason why the proposed drive finish is unacceptable and would maintain that it is accepted by many other LPA's and therefore a condition requiring an alternative means of surfacing is unnecessary. On balance I consider the proposed finish would not be so detrimental to the character of the area so as to warrant a prescriptive condition in this instance being particularly mindful that the proposed driveway surfacing would not be out of character with driveway finishes on recent developments close by in the Ollerton area.***

In terms of garages proposed, internal measurements are 2.6m wide by 5.1m depth which is sufficient to park a vehicle. I am aware of other housing developments where garages have been increased to 6.0m in depth to accommodate a storage area and to encourage their use for the parking of vehicles. This option was put to the developer but garage depths have not been subsequently amended. However, the Highway Authority has not raised concerns with regards to the level of parking proposed or garage depths.

Generally driveways within the development will be interspersed with lawns/planted areas and this will help to ensure there is not a dominance of parking and hard surfacing to frontages.

With regards to amenity the back to back interface distance are generally acceptable with distances generally between 20 and 24 metres. Private amenity spaces are also of suitable proportions. The eastern first phase of development is set away from boundaries with properties on Petersmiths Drive and I am satisfied therefore that there will be no undue impact on the amenity of these existing properties.

With regards to the western second phase of development, the proposed dwellings would share boundaries with properties on Petersmiths Drive. Interface distances on the original layout were particularly constrained at the plot backing on to 55c and concerns in terms of the potential for overbearing and overlooking impacts were raised with the applicant. The amended plans submitted include the reorientation of the dwellings closest to 55c so that the side elevation of Plot 154 is now closest to the rear elevation of this existing dwelling and its immediate neighbours at 55a and 55b Petersmiths Drive. A detailed section has also been provided which demonstrates how the proposed dwellings would be situated at a slightly lower level to these neighbouring properties. The dwelling type proposed has a first floor side elevation window, however this could be conditioned to be obscure glazed and fixed with a top opening light only.

I also note that the distance between the rear elevation of no.57 Petersmith Drive and Plot 153 is relatively close at 20 m between rear elevations. However no.57 Petersmith Drive is set at an angle to this proposed dwelling and taking this angle and comparative levels in to consideration, I consider the distance is acceptable in this particular instance to maintain an acceptable level of amenity between dwellings.



I also note the existing dwellings at nos. 45 and 47 Petersmith Drive are set back towards the boundary with the application site. Having checked the potential relationship between these dwellings and the proposed properties I note Plot 161 has a side elevation with no windows facing no.47 at an angle and distance of some 13.0m from the nearest existing dwelling. The rear elevation of Plot 162 is some 21.5m from the rear elevation of no.45 Petersmith Drive. I am satisfied that the distance involved will ensure a suitable level of amenity is retained for existing and proposed dwellings.

On balance, whilst there remain some relatively minor alterations that could be made to the position of dwellings and the materials and façade treatment could be improved in some areas to create landmarks within the development and improve legibility, overall the proposed layout appropriately responds to the existing character of the area in terms of the design and scale of development and materials used. The development is also acceptable in terms of amenity both for the proposed users and the relationship with the nearest existing properties at Petersmith Drive. The proposals therefore meet the objectives of Policy DM5.

### Impact on Landscape Character

Following the initial consultation work with the County Council and advice from their Landscape Team a Landscape and Visual Impact Assessment (LVIA) has been submitted in support of the application. The submitted landscape drawings have also been updated during the application process incorporating suggestions received from statutory consultees.

Core Policy 13 of the Core Strategy addresses issues of landscape character. It states that development proposals should positively address the implications of the Landscape Policy Zones in which the proposals lie and demonstrate that such development would contribute towards meeting the Landscape Conservation and Enhancement Aims for the area.

It has been accepted through allocation of the site that the site characteristics will be fundamentally changed through the introduction of a mixed use development. The site allocation policy (OB/MU/1) seeks to mitigate any impact requiring proposals for the site to include the 'provision of a landscaping scheme in order to help assimilate the development into the surrounding countryside in accordance with the landscape character'.

Policy DM5 requires the rich 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.

The District Council has undertaken a Landscape Character Assessment to assist decision makers in understanding the potential impact of the proposed development on the character of the landscape. The LCA provides an objective methodology for assessing the varied landscape within the District and contains information about the character, condition and sensitivity of the landscape. The LCA has recognised a series of Policy Zones across the 5 Landscape Character types represented across the District.

The Council's Landscape Character Appraisal (LCA) provides an objective methodology for assessing the varied landscape within the District and contains information about the character, condition and sensitivity of the landscape. The application site is situated within Sherwood Policy Zone S PZ 15 'River Maun Meadowlands with Plantations'. The Policy Zone is characterised by a narrow meandering river valley, low lying fields to the north and steeper wooded valley side to the south, occasional sandstone outcrops to the southern bank, arable farming on flatter areas to the

east, some willow, alder and riparian vegetation along the banks adjacent to the river and some views out to built edges, railway embankments, and woodland edges. The Policy Zone is defined as having a good landscape condition, moderate landscape sensitivity and a policy action to 'Conserve and reinforce'. Landscape actions for built features include conserving the sparsely settled character of the river corridor by avoiding development within the immediate flood plain of the River Maun and reinforcing the sense of place of the built environment by using materials and design that reflect the local character of the area.

The applicant's LVIA includes within its summary:

'The local landscape is assessed to have a medium sensitivity to change since, although it possesses some attractive individual elements, these do not necessarily complement each other fully. At year 15 it is assessed that the level of impact would be 'Minor'. In view of the enhanced planting proposed along the north western site boundary – which will provide a setting for (and which will visually contain to some extent) both existing and new built development – this change may be regarded as an improvement on the present situation; in this case it would be seen as beneficial rather than adverse.'

The County Council's Landscape Team have provided comments on the LVIA and the submitted drawings including the landscape proposals. They noted the LVIA assessment but considered the impact at year 15 to be minor adverse as it will be dependent on the treatment of the north western boundary.

In considering how soft landscaping will assist in assimilating the proposals into the wider landscape, whilst generally supportive of the proposals, the Landscape Team were initially concerned that the application lacked a robust landscape strategy and provided comments on the landscape drawings submitted. These comments are set out in full in the Consultation responses detailed earlier in this report. Their main concern was the housing density being somewhat higher than the figure in the site allocation, yet planting appeared minimal by comparison.

Since these comments, revised landscape drawings have been submitted responding to the points raised as follows:

- NCC suggested trees and hedgerows to be removed / protected should be shown -  
The latest landscape drawings indicate areas of vegetation to be removed / retained and refer to the Tree and Hedgerow Survey submitted and that any to be protected shall be to BS5837:2012
- NCC noted marginal wetland planting was not shown and potential for more tree planting –  
The Suds features have been repositioned and the applicant has confirmed that the features will be designed, in normal circumstances, to be wet. A condition could be attached to any permission requiring precise details of the design/grading of attenuation ponds including wetland planting.
- NCC were concerned that there was insufficient planting to the northern boundary –  
Additional planting is now indicated to the northern boundary particularly to the middle section between the 2 housing phases and north of the 2nd phase attenuation pond.

- NCC suggested planting to northern and western edges to help integrate dev and across site inc gapping up of hedgerows - A band of native woodland mix is also indicated on the revised plans to the northern and western edges as well as a mixed native hedge
- NCC suggested native tree and shrub planting to sports pitches – Planting in close proximity to the pitches would be likely to impact on maintenance and the ability to alternate the pitch layout. However any permission could include the requirement for a masterplan of the composition of the sports pitches which may allow for further planting.
- NCC noted a reference in the LVIA (para 6.3) that proposed tree species included Sycamore and that this is not native and should be removed from the mix. Ash should also not be planted – the revised drawings do not show Sycamore or Ash amongst the proposed planting.

The case officer also confirmed to the County Council’s Landscape Team that in line with their requests a condition could be attached to any permission requiring a precise planting strategy, for example to clarify the band of native woodland mix indicated to the northern and western edges. The case officer also confirmed that appropriate management could be secured through a legal agreement. On this basis the Landscape Team has confirmed that they are comfortable with the amended proposals. They made a further suggestion that there appeared to be scope to retain some of the existing hedgerow to the site entrance on Whitewater Lane and suggested changes to the submitted plans to show work to retain the northern/southern ends of the hedge to promote regeneration and planting up of any gaps.

A revised plan was submitted showing the hedgerow to the front boundary to be retained but trimmed back to the rear of the visibility splay and gaps filled with new hedgerow planting. The case officer confirmed this to the County Council’s Landscape Team and advised any favourable recommendation could also include conditions requiring precise details of the works to promote regeneration and planting up. The County Council confirmed by email on 14th March 2018 that this was acceptable.

I also note an earlier query from the County Council’s Landscape Team as to the potential impact of lighting from the sports pitches. The application does not propose any floodlighting and any such lighting would require separate planning permission and would be considered on its own merits.

The residential development would alter the existing character of the site through the built form of the dwellings and the internal infrastructure such as the road network and boundary treatments between dwellings. However, the scheme would be seen in context with existing dwellings to the south which sit in close proximity to the site. An LVIA assessment has been submitted and the County Council, have given regard to this and have concluded that the overall visual impact would not exceed minor adverse. The advice of the County’s Landscape Team has been taken into account in revised plans including increased planting to the northern boundary and the retention and enhancement of the hedgerow on Whitewater Lane. Taking into account the scale of development and landscape mitigation proposed, I am satisfied that the visual impact of the proposed development will be acceptable in this instance and the landscaping scheme will help assimilate the development within the surrounding landscape. This is subject to suitable conditions being attached to ensure the landscape proposals are appropriately implemented and maintenance and long term management of the sites blue and green infrastructure is secured. On

this basis the proposal complies with Core Policy 13 and Policies OB/MU/1 and DM5 in terms of its impact on the landscape.

### Impact on Ecology

#### **Habitat Regulations Assessment:**

The Habitats Directive requires competent authorities to decide whether or not a plan or project can proceed having undertaken the following “appropriate assessment requirements” to:

- Determine whether a plan or project may have a significant effect on a European site
- If required, undertake an appropriate assessment of the plan or project;
- Decide whether there may be an adverse effect on the integrity of the European site in light of the appropriate assessment.

Natural England have identified that the application site is within 1.5 km of a European designated site, the Birklands & Bilhaugh Special Area of Conservation (SAC), and therefore has the potential to affect its interest features. The site is also notified at a national level as Birklands & Bilhaugh Site of Special Scientific Interest (SSSI). Regard needs to be given to any potential impacts in terms of the Conservation objectives for the European site with consideration as to how the site would be restored and/or maintained. Natural England initially advised that the interest features of the site may be sensitive to impacts from aerial pollutants, such as those emitted from this proposed development and further information was required to enable consideration as to whether any impacts required off-setting measures.

Following the above, the applicant submitted an Air Quality Assessment. Having considered this additional information, Natural England have confirmed as follows:

- Air Quality Assessment - Natural England has reviewed the air quality assessment which has now been submitted following our request for this information in our letter of 8th May (ref: 213769). We consider that the air quality assessment satisfactorily demonstrates that the Critical Loads for nitrogen contribution to acid deposition arising from additional development trips associated with the proposed housing scheme is less than 1% increase of the Critical Load at all considered ecological designations and units. We are also satisfied that no further assessment of ‘in-combination’ effects is required at the Birklands & Bilhaugh SAC designation.
- Green Infrastructure - Natural England does not consider there is a measurable impact from this proposed development on the SAC, however new residential developments mean more people, which can put increased recreational pressure on sensitive sites. Therefore it is important that new housing development is supported by adequate investment in the Green Infrastructure (GI) network in order to increase its accessibility and quality, helping to protect the more ecological sensitive sites, including Birklands & Bilhaugh SAC, from potential detrimental impacts.

To relieve visitor pressure on the Birklands & Bilhaugh SAC Core Policy 12 and Policy DM7 both require provision of SANGS (Suitable Alternative Natural Green Space) on sites within 5km of the designation. The significant level of open space has been noted by the County Council’s Ecologist and I am satisfied this will provide the development with a suitable recreational resource to relieve pressure on the SAC.

On the basis of the plans submitted and the further information now received, Natural England have confirmed that the proposed development will not have likely significant effects on the Birklands & Bilhaugh Special Area of Conservation (SAC) and they have no objection to the proposed development.

On the basis of the above, I confirm that having regard to the Habitat Directive, the proposal can proceed without having a significant effect on a European site.

#### Sherwood Special Protection Area (SPA)

The site is located within the 5km buffer zone identified in Natural England's Indicative core area & RSPB's IBA boundary for those parts of Sherwood Forest which meet the primary criterion for designation as an SPA, by virtue of the population of nightjar and woodlark exceeding 1% of the national total and that the Council must pay due attention to potential adverse effects on birds protected under Annexe 1 of the Birds' Directive and undertake a "risk-based" assessment of any development, as advised by NE in their guidance note dated March 2014.

There is a 5km buffer zone around the combined Indicative Core Area (ICA) and proposed Important Bird Area (IBA), as agreed by Natural England, within which possible adverse effects of any development should be properly considered. This application is situated within that area. The Ecological Impact Assessment submitted with the application assesses the relationship of the proposal with the pSPA. The Assessment notes the good connections of the site with an extensive Public Bridleway network and notes the landscape proposals will include 'an enhanced access route from the southern edge of Petersmiths Drive to the existing bridge crossing point over the River Maun, and beyond. This will be tied in with a network of mown footpaths within areas of Public Open Space (POS) and around the edges of the proposed SUDS, in order to create a range of walking and dog-walking opportunities within the site itself. Access to the southern side of the River Maun along the northern site boundary will be retained, and formalised, and access east to Boughton Brake through the site will also be enhanced by improving the visibility splays, over Whitewater Lane.' The Assessment identifies Boughton Brake as being likely to accommodate much of the recreational activity from the development and notes the formal recreational activity will be accommodated on site as well as the existing adjacent outdoor sports facilities. The proximity of Clumber Park, Sherwood Forest Country Park and Sherwood Pines Country Park are all noted. I would concur with the Assessment that the development has been sensitively designed to accommodate as much recreational pressure as possible, and to retain and enhance existing links to the wider bridleway and footpath network, with an enhanced access to Boughton Brake.

On this basis, I am satisfied that there would be no significant impact upon any statutory protected areas, or the possible Sherwood Forest pSPA and therefore that any potential impacts arising from the development on the breeding nightjar and woodlark population are addressed.

#### Other Ecology Matters

Nationally, the paragraphs under Section 11 of the NPPF relating to 'Conserving and enhancing the natural environment' are relevant. At the local level Core Policy 12 and Policy DM7 relate to 'Biodiversity and Green Infrastructure' and seek to secure development that maximises the opportunities to conserve, enhance and restore biodiversity.

The relevant site allocation policy OB/MU/1 requires the identification of measures which maximise opportunities to protect and enhance features of biodiversity value and species within and adjoining the site, including the River Maun, and mitigate or compensate for any potential adverse impacts.

The proposed development has been designed so as to utilise the proposed open space including attenuation ponds, tree planting and wildflower mix to create a buffer between the new dwellings and hard landscaped infrastructure and the River Maun. Not only will this space assist in softening the appearance of the proposal and providing recreational space helping to reduce visitor pressure on more sensitive sites, but it will also provide an opportunity to enhance features of biodiversity value on the site with proposed planting providing new habitat. The applicant has taken on board the advice of the County Council's Landscape Team and Natural England and to the northern and western boundaries has incorporated wildflower/grass mix and native tree planting in to the proposals.

Whilst NCC Ecology have acknowledged the site appears to be of limited importance for foraging and commuting bats, they have recommended mitigation measures should be incorporate in the form of integrated bird and bat boxes (the former targeting house sparrow, starling and swift) within the fabric of a proportion of the proposed dwellings. I am mindful that Paragraph 118 of the NPPF states opportunities should be taken to incorporate biodiversity enhancements and I consider it would be prudent to include a condition on any planning permission with regards to these details. Any planning permission could also include a condition requiring confirmation of external lighting details to ensure any artificial lighting is designed to be sensitive to bats as suggested by the County's Ecologist.

I also consider it reasonable to attach the County Ecologist's other suggested conditions controlling vegetation clearance during the bird nesting season, that the southern section of the site be resurveyed for badgers prior to commencement of development and that where outfalls are proposed to the River Maun, this be surveyed for water voles and otters prior to construction, secured through a condition.

In considering the landscape proposals submitted, consultation has been undertaken with the County Council's Landscape Team and they have commented on the proposed tree species to ensure the amended plans have incorporated native trees are incorporated in keeping with the Sherwood Landscape Character Area. The precise specification for the areas indicated as wildflower mix, amenity grasslands and native woodland mix have not been provided and will need to be conditioned. Details of establishment methods and ongoing management of retained and created habitats would need to be secured via a landscape management plan as part of any Section 106 Agreement.

Finally, I note the query from the County Council as to whether the proposed SuDS feature is intended to be dry for most of the time, or to hold water permanently and that the latter has more wildlife value, and would be welcomed. This point is covered under the landscape section above and it has been confirmed that the features will be designed, in normal circumstances, to be wet. Precise details are to be conditioned in order to maximise the ecology potential of the drainage features.

Taking in to account the above considerations, I am satisfied that the proposals will not unduly impact on the biodiversity of the area and opportunities to conserve and enhance biodiversity can

be secured through conditions. The proposals therefore comply with the aims of Core Policy 12, Policy DM7 and the guidance in the NPPF.

### Impact on Heritage Assets

Core Policy 14 relates to the historic environment and states that the District has a rich and distinctive historic environment and that the Council seeks, 'the continued preservation and enhancement of the character, appearance and setting of the Districts heritage assets and historic environment....including archaeological sites...(and) Conservation Areas...' Paragraph 5.71 states that the Council will ensure that any proposals concerning these heritage assets will secure their continued protection and enhancement, contributing to the wider vitality, viability, regeneration of an area, reinforcing a strong sense of place.

Policy OB/MU/1 requires that the development incorporates sensitive design to respect and enhance the setting of the nearby Boughton Pumping Station Conservation Area and Listed Buildings.

The Council's Conservation Officer has considered the proposals and has considered the site's proximity to Boughton Conservation Area and the historic building complex of Boughton Pumping Station which are situated opposite the site. The extensive tree coverage within the Conservation Area and further trees and hedges along the north-east boundary of the proposal site, ensures that much of the historic building complex will enjoy significant screening from the proposed development. The Conservation Officer considers that the reinforcement of landscaping and a large element of public open space at the eastern edge of the proposal site will help to maintain the existing character of the Conservation Area and its immediate setting. Furthermore, as the development will broadly follow the pattern of urban grain to the south, and that extensive rural landscape setting remains to the northwest of the Conservation Area, they consider the proposal will not unduly harm the setting of the Conservation Area or listed buildings forming the Station complex and I concur with this conclusion.

The proposed landscaping, scale of development being 2 storey and proposed materials are also considered to assist the integration of the proposal into the rural setting.

The Conservation Officer has also confirmed the proposal will cause no harm to the setting of Thoresby Park given the significant distance to the application site.

On balance, the Conservation Officer has confirmed that the development will have no discernible impact on any other heritage assets.

### Archaeology

Policy OB/MU/1 also requires pre-determination archaeological evaluation submitted as part of any planning application and any necessary post-determination mitigation measures to be secured by conditions.

I note the County Council's comments concern that the desk based archaeological assessment submitted concludes the site to have low archaeological potential. The County recommended geophysical investigation, but with the knowledge that it may only work well on the higher ground, away from alluviated areas. In addition, NCC recommended that there needs to be

sampling of the palaeochannels to determine their potential to contain good environmental or archaeological data and that this work should be done before the application is determined.

The Council's Conservation Officer also noted the conclusions of the report submitted and that it appears to show no archaeological interest, although that high magnetic disturbance might be masking archaeological potential below. The Conservation Officer liaised with the applicant's archaeology consultant in respect of the unknown potential for archaeological interest below the modern farmed top soils, with the view that a pre-commencement condition might be appropriate. The applicant has identified that the main features of potential archaeological interest are palaeochannels in the valley bottom and a targeted trial trenching programme could be undertaken to investigate and record any archaeological remains associated with palaeochannels. If palaeochannel deposits with good preservation potential are identified these should be sampled, assessed and analysed for archaeological and palaeoenvironmental remains. Depending on the results of the trial trenching further works may be required if archaeological remains are identified.

The applicant provided a plan identifying the areas to be targeted in the proposed trenching and the wording for a potential condition has been suggested as set out under the consultation responses from the Conservation Officer earlier in this report. The condition includes a requirement for the investigation of the potential for archaeological and palaeoenvironmental remains associated with former palaeochannels and on adjacent higher ground as recommended by the County Council with targeted trial trenching and palaeoenvironmental sampling.

Following discussions with the case officer, the Conservation Officer has confirmed that the basis of the condition is acceptable and that any condition would need to include wording requiring confirmation in writing of the results of the initial evaluation and then, should this necessitate further archaeological work, a written schedule of how such work would be undertaken including timescales and results/mitigation (to be submitted to and confirmed as acceptable in writing by the LPA).

On the basis of the advice received from the Council's Conservation Officer, I am satisfied that the suggested pre-commencement condition would appropriately address the potential for archaeological remains on the site. ***The condition has been refined following the provision of plans showing the proposed areas of trial trenching to sit within Phase 2 of the development.***

On the basis of the above considerations and suggested condition to address the potential for archaeology on the site, the proposal therefore accords with heritage objectives contained within the Act, as well as policy and advice contained within the Council's LDF DPDs and section 12 of the NPPF.

#### Impact on Highways Network

Core Policy 9 requires proposals to be accessible to all and Spatial Policy 7 sets out the criteria for assessing whether a development encompasses a sustainable approach to transport. Policy DM5 of the DPD states that provision should be made for safe and inclusive access to new development. Where practicable this should make use of Green Infrastructure and as many alternative modes of transport as possible.

Policy OB/MU/1 states that development of the site will be subject to the preparation of an appropriate Transport Assessment (TA) as part of any planning application(s) to identify any



negative impact of the development on the highway network including Ollerton roundabout, and the provision of appropriate mitigating measures.

The application has been accompanied by a Transport Assessment, Travel Plan and detailed layout drawings. Initial comments from the Highway Authority raised issues with the results and conclusions drawn in the TA and the potential impact on the Highway. The Highway Authority also assessed the potential impact of the development on traffic flows to Ollerton Roundabout which it estimates will add about 2.5% to traffic flows and refers to the improvement scheme to this roundabout identified by the County Council for which they request the applicant would make a financial contribution to be based on the proportionate increase in traffic attributed to this development.

Early on in the application process, when the proposed layout indicated a single point of access from Whinney Lane/Whitewater Lane, the Highway Authority raised concerns in respect of sustainable transport provision and advised that linkages were poor with the nearest bus stops are 350m from the access point on Whinney Lane/Whitewater Lane, with the development itself stretching over 800m from this point. This distance would be far in excess of 6C's Guidance which recommends that walking distances to bus stops should be a maximum of 400m, and desirably no more than 250m. The initial suggestion was that proposals for new bus stop provision should be made.

In order to improve access and linkages for residents and responding to the concerns relating to sustainability raised by the Highway Authority, the applicant has submitted amended plans during the application process to provide a second point of access to the western end of the development (Phase 2) linking through to the existing highway on Petersmiths Drive. This includes a footpath linking through to Petersmith Drive at this end of the development. Alterations have also been made to accommodate a footway along the Whinney Lane/Whitewater Lane site frontage and a pedestrian link across the Public Open Space to it. However the concern remains that walking distances to bus stops are still far in excess of the recommended distances. The Highway Authority noted that previous drawings did not lend themselves to bus penetration meaning there was little opportunity to reduce these distances. They suggested that if a bus route could be established linking through to the existing route on Whitewater Road, then walking distances to bus stops would no longer be an issue. I note the latest drawings include the second point of access and the widening of the main access road to 6.0m to future proof the site for a potential bus service to operate through the proposed development **and the Highway Authority have now confirmed this has been checked and is acceptable in terms of being suitable for a bus service.** ~~The Highway Authority have advised that the widened access has not yet been assessed to see how feasible it is for a service to run through the new estate although I note the widening of the access to 6.0m is in direct response to the previous suggestions of the Highway.~~ The applicant ~~has also~~ responded noting the bus stop distances could be reduced by providing a new bus stop at the junction of Whitewater Road and Walesby Lane reducing the walking distance from the edge of the site by some 150-200m depending on exactly where the current bus stop is. They also suggested ~~a~~ **suggested** a new bus stop could be positioned at the junction of Walesby Lane and Whinney Lane again reducing walking distances by a similar distance. The applicant has confirmed that they would be prepared to pay for the minimal cost of these new bus stops. ~~This suggestion has been put to the Highway Authority and an update can be provided to Planning Committee.~~

**The Highway Authority has now responded to the applicant's suggestion of additional bus stops being provided and have confirmed Service 32 has been withdrawn and no service runs along Walesby Lane. The nearest stops on Petersmith Drive are not served either. Therefore the**

**additional bus stop would not resolve the lack of bus service provision. The applicant has advised that they have offered as much as they can towards transport provision and point to the site being future proofed with regard to bus services being able to access it. They offered to provide new bus stops where appropriate and whilst the latest highway comments have been put to the applicant in this respect the applicant has responded to say they have assumed that, as with any other bus route, the bus companies will provide a service when it is profitable to do so and self-sufficient.**

The applicant has responded to various points made by the Highway Authority on the submitted Travel Plan and following the submission of a Revised Travel Plan on 29th September 2017 the Highway Authority have confirmed that this aspect of the proposal is acceptable.

**The Highway Authority have confirmed that the previously submitted details of the junction works and visibility splays are acceptable therefore removes the need for a condition requiring these details. Any technical detail would also be picked up in the Legal Agreement the developer would need to enter in to with the County Council in respect of works to the highway.**

#### Footpath Links

Spatial Policy 7 requires development to provide safe, convenient and attractive accesses for all, including the elderly and disabled, and others with restricted mobility, and provide links to the existing network of footways, bridleways and cycleways, so as to maximise opportunities for their use.

The Highway Authority notes the suggestion in the original plans that as well as the footway to the eastern and western ends of the development, pedestrian linkage to Petersmiths Drive would be available at two other points; one near 115 Petersmiths Drive and the other via Petersmiths Close. However, the Highway Authority do not consider that these access points can be relied upon given they do not connect directly with the public highway and cross third party land. The Highway Authority are therefore concerned that the only connections through to the existing settlement are via the proposed footpaths at the eastern and western ends. The Highway Authority are concerned this leaves poor pedestrian connectivity to the adjacent and existing development including housing, church, shops and facilities with the town centre facilities 1500m or more away. The applicant has commented that whilst they can't control the 2no. internal points of connection, they have been used for many years, they consider it likely they will continue to be used 'informally' in future. These links were removed from the drawing following previous Highway Authority comments but it remains the case they are currently in situ.

The Rights of Way Officer has commented that there is a route that appears to be used by members of the public, linking the end of Petersmiths Drive to Ollerton and Boughton Public Bridleway No. 7, along an existing track. There is also anecdotal evidence via aerial photographs that members of the public may be using the field edge on the South Eastern boundary of the site. I am mindful that part of the potential other route used by the public sits within what would be rear gardens on Phase 2 of the development. The applicant has been made aware of the potential risk of claims being submitted by users of the routes for public rights to be recorded, and that the routes would need to be made publicly available. The plans have not been amended to take development outside the line of this route. The footpath sat alongside the proposed vehicular access road and this would retain the ability for pedestrians to walk through the site and link up with Bridleway No.7. In the event that a claim were made and accepted the applicant would need

to apply to divert the route and this could delay implementation should planning permission be forthcoming.

### Conclusion on Highway Matters

~~Subject to the subsequent~~ **Following** confirmation from the Highway Authority that the road dimensions do facilitate bus access, the outstanding issues ~~would be~~ **are** the cost the Highway Authority have set out for provision of a bus service through the proposed development and lack of pedestrian links to the existing settlement and whether these matters should be prohibitive to the development coming forward. The applicant has advised they are not in a position to meet the bus service provision cost as is evidenced through the viability assessment undertaken as part of this application set out later in this report. The distances to bus services and facilities in the town centre are in excess of the recommended distances. However the developer has confirmed they would be willing to explore costs of additional bus stops closer to the site. This has been put to the Highway Authority and their response is ~~awaited~~ detailed above. Access through to Petersmiths Drive is also available at either end of the development for pedestrians and consideration needs to be given as to whether these distances make the development so unsustainable so as to warrant a refusal of planning permission bearing in mind the other infrastructure contributions that could be achieved and the way the development has addressed all other requirements set out in this report.

It is noted that the Highway Authority are not objecting on road safety grounds and the matter of concern relates solely to walking distances and access to public transport. Sustainability is a key requirement of Spatial Policy 7 but it needs to be weighed in the planning balance as to whether this matter is fatal to the development coming forward in this instance.

### Flood Risk and Drainage

Core Policy 10 (which is in line with the NPPF) states that through its approach to development, the Local Development Framework will seek to, amongst other criteria; locate development in order to avoid both present and future flood risk. Policy DM5 states that the Council will aim to steer new development away from areas at highest risk of flooding and that development proposals within Environment Agency Flood Zones 2 and 3 and areas with critical drainage problems will only be considered where it constitutes appropriate development and it can be demonstrated, by application of the sequential test, that there are no reasonably available sites in lower risk Flood Zones.

Policy OB/MU/1 states that proposals for the site should set out the broad location for development on the site including a phasing strategy. This should ensure that no flood sensitive development takes place in areas identified as being within Flood Zones 2 and 3.

The residential element of the proposal is located within Flood Zone 1 and therefore within an area at least risk of flooding. However the open space element of the proposal including the proposed SuDs feature in the form of two attenuation ponds is **shown on the Environment Agency's Flood Map data to be** located within Flood Zone 3b.

The applicant ~~has~~ referred to the NPPF and notes it includes the option of splitting a development in to component parts when considering flood risk.

The applicant has liaised with the Environment Agency throughout the application process and

submitted a Revised Flood Risk Assessment (Report No.16/022.01 Rev 02 – 14th Feb 2018) and engineering drawings in February 2018. The Environment Agency reiterated at the time that the surface water attenuation pond was shown to be located within Flood Zone 3b (functional floodplain) and that in accordance with the Planning Practice Guidance to the National Planning Policy Framework the highest vulnerability category should be used and therefore the surface water pond should be considered as More Vulnerable, and therefore not appropriate in Flood Zone 3b. They considered that the surface water attenuation is intrinsically linked to the development and would not be a standalone development without the more vulnerable development it is serving and therefore they objected to this application because the proposed development would be inappropriate when referring to national flood risk guidance.

However, the Environment Agency also noted the approach being advocated by the applicant in terms of the development being considered in its component parts and put the onus on the Council to consider whether the surface water attenuation could be considered as a separate component whilst considering the precedent this may set for future applications.

I understand the Environment Agency's position with regards to strictly applying the guidance on assessing flood risk. As they have suggested the option to consider a development in its component parts would usually be more appropriate when considering mixed use development (e.g. a mixed use site of residential, offices, roads and sports facilities) and that a proposal in those circumstances might be acceptable if the water compatible use (e.g. the sports facilities) were located within the functional floodplain. In this instance however the proposal includes residential development and associated open space including the attenuation ponds which are intrinsically linked to the development.

I accept that if the guidance in the NPPF were to be strictly applied, and it was accepted that the attenuation ponds and open space are located within the functional floodplain, the higher vulnerability category would be applied to the whole development and the proposal would be considered inappropriate in flood risk terms. Alternatively, if it could be demonstrated that:

1. the dwellings as located on the proposed housing layout would not be at risk of flooding
2. the drainage scheme with attenuation ponds is suitable to serve the proposed development
3. the drainage scheme with attenuation ponds would be able to function even in times of flood
4. any loss of flood storage could be appropriately mitigated and flood risk would not be increased outside the application site

it could then be argued that the development could acceptably address any potential drainage and flood risk matters and therefore there would be no demonstrable harm in terms of the flood risk impact of the development in this particular instance.

In respect of points 1 and 4 the Environment Agency confirmed by email on 14<sup>th</sup> March 2018 that the latest FRA and engineering drawings demonstrate that the dwellings proposed would not be at risk of flooding and that the mitigation proposed would ensure there is no increase in flood risk to third parties (inclusive of their recommended conditions). The Environment Agency has advised that the Lead Local Flood Authority (LLFA) would need to provide confirmation of points 2 and 3. In respect of point 3 the EA note a bund has been built around the ponds above the design flood height and therefore should not be inundated by fluvial water. However, they have not reviewed the surface water design or if the outfall could be surcharged in flood conditions, which may affect the function of the site drainage. A further consultation ~~was has been~~ sent to the County Council's Flood Team as LLFA and **they have confirmed that the principles behind the surface water**

drainage scheme are acceptable but that they will need to have further discussions with the applicant on the finer detail of the drawings which they are confident will ensure the drainage scheme is acceptable a response is awaited at the time of writing this report and an update will be provided to the Planning Committee as a Late Item. Subject to the LLFA confirming that the attenuation ponds are appropriate and could function during a flood event all the above points would have been met. In those circumstances g

The Environment Agency has now confirmed categorically that their previous comments regarding the site's location within Flood Zone 3b can be disregarded. In any case, I still consider the assessment of the proposal against the 4 points above to be a useful exercise and the EA's comments in this regard are noted. The Lead Local Flood Authority (LLFA) has also confirmed that the surface water drainage scheme is generally satisfactory and they will work with the applicant to ensure the finer detail is suitable. If Members are minded to grant planning permission, Officers seek delegated authority to oversee the conclusion of these discussions to enable the final surface water drainage plans to be included within the approved plans condition, or in the absence of this, for a condition to be attached to any planning permission requiring further details to be submitted and agreed with the Council in liaison with the LLFA.

Turning now to the Environment Agency's previously suggested pre-commencement planning condition affecting land within 8m of the River Maun. The applicant has contacted the Environment Agency to suggest that the condition is unnecessary because any such works will require an Environmental Permit for Flood Risk Activities, thereby providing the EA with the required level of control and oversight. The outfall pipe, which is shown on the site layout plan, is 300mm diameter and its construction is not therefore an activity exempt from the requirement to have a permit. As it is a statutory requirement, the developer is bound in law to obtain a permit which should not unreasonably be withheld. The EA has responded advising that they want to ensure that there is an 8 metre unobstructed easement from the top of bank during construction and on completion of the scheme. Whilst they appreciate that Flood Risk Activity Permits provide some assurance to this, a condition in planning secures this in a clear and precise position for the site and has worked well on other sites. Further discussions have resulted in the Environment Agency and the applicant agreeing a revised condition referencing a 'Construction Exclusion Zone' plan to be complied with as detailed in the recommended conditions below.

Given the very specific characteristics of the site and that **the EA and LLFA (subject to the finer detail being agreed) are satisfied that** the proposals could effectively manage drainage and flood risk within the site without increasing flood risk elsewhere, I consider that in this particular instance there would be no planning harm in this respect and therefore subject to the suggested conditions I am satisfied that the proposal would effectively manage flood risk and drainage on the site in accordance with Core Policy 10 and Policy DM5.

~~Notwithstanding the above, the developers' consultant has queried the Environment Agency's objection on the basis of the site being located in Flood Zone 3b. They stressed that the Environment Agency have accepted the findings of the revised FRA which clearly shows that no part of the site is affected by the 4% AEP flood outline (1 in 25 years event) and given this is the best available information supersedes the flood maps in the Strategic Flood Risk Assessment (SFRA) produced in 2009. On this basis the site could not realistically be considered to be in functional flood plain and the question of considering the development in its component parts does not arise. The Environment Agency have advised that the NPPF does not define a specific return period but often the 4% (1 in 25) or 5%(1 in 20) AEP has been used in SFRA's. The~~

~~Environment Agency have advised that if the SFRA is to be updated with the latest modelling incorporated that the Council can take this in to consideration and the Environment Agency's comments regarding the appropriateness of the development to Flood Zone 3b should be disregarded.~~

~~At the time of writing Policy colleagues are currently liaising with the Environment Agency to clarify their position. If the sites location outside the flood zone is confirmed, I consider that the development would be acceptable in flood risk terms. Confirmation of the Lead Local Flood Authority in respect of the acceptability of the detailed drainage design is still required and an update on these matters can be provided to Planning Committee.~~

~~Taking the above matters in to consideration, provided that either the Lead Local Flood Authority confirms that the drainage solution is acceptable as per the questions set out above, or alternatively that the application site is confirmed as not being situated on land at high risk of flooding the development would be acceptable in flood risk and drainage terms and would comply with Core Policy 10 and Policy DM5.~~

### Other Matters

Following the submission of a Phase 2 Geotechnical and Geo-Environmental Site Investigation report the Council's Environmental Health Officer has confirmed that they generally concur with the findings of the report and that there are no further requirements in terms of addressing any potential contamination on the application site. The proposals therefore comply with NPPF paragraph 121 which states that planning decisions should ensure that the proposed site is suitable for its new use taking account of ground conditions, including pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation.

I note the comments received from the community, the majority of which relate to the material considerations considered under the above appraisal. Issues raised relating to the inability of local infrastructure to cope with the additional dwellings are considered under the Developer Contributions section of the report below. The site allocation was appropriately advertised under the consultations prior to adoption of the Allocations and Development Management DPD and the requirements relating to the site allocation have been factored in to this report. Letters of objection / support are not available to view on the Council's website but are available to view at the Council's offices on request. The proposal is not a "done deal" as has been suggested and the various planning considerations need to be weighed in the balance before a recommendation can be made. Potential damage to vehicles given lack of parking in the area and increased traffic is not a material planning consideration and any such damage would be a police matter. The Highway Authority have not raised concerns with regards to the latest plans in terms of the width of the highway or parking provision. The impact of building work on existing residents is not a material planning consideration, although it would be reasonable to attach a condition to any permission restricting hours of work to usual working days and hours.

### Developer Contributions

Policy DM3 relates to 'Developer Contributions and Planning Obligations' and sets out that the infrastructure required to support growth will be provided through a combination of the Community Infrastructure Levy (CIL), Planning Obligations, Developer Contributions and where

appropriate funding assistance from the Council. Planning applications will be expected to include appropriate infrastructure provision in line with the Developer Contributions SPD.

A viability appraisal has been submitted by the applicant and the Council appointed an independent viability assessor to scrutinise the findings. The conclusions reached are set out below. However I consider it first useful to set out the contributions requested:

### Open Space

Through the site allocation policy OB/MU/1 the importance of appropriate phasing mechanisms between the residential development and strategic sports infrastructure and open space uses is underlined.

The Parks and Amenities Officer has confirmed that the development will need to include public open space provision in the form of provision for children and young people (18m<sup>2</sup>/dwelling), amenity green space (14.4m<sup>2</sup>/dwelling), outdoor sports facilities (52.8m<sup>2</sup>/dwelling) and natural and semi-natural green space. The development would need to provide Suitable Alternative Natural Green Space given the proximity to the SAC and on-site provision for children and young people in the form of at least 1 Neighbourhood Equipped Area for Play and additional Local Equipped Areas for Play.

The layout plans and landscape drawings now provided confirm that a significant amount of public open space will be provided throughout the development. The open space indicates the various elements of open space referred to above including provision for older children and teenagers as well as younger children, amenity green space and natural and semi-natural green space would be provided and the extent of open space and opportunities it provides for recreation on site would address the requirement for SANGS. The open space requirements are therefore provided on site and discussions between the applicant and the Parks and Amenities Officer have taken place throughout the application process to assist design of the final open space landscape scheme. The developer has also confirmed that the open space would be maintained by the Town Council if appropriate maintenance contributions can be agreed, or alternatively by a management company and therefore the need for a maintenance contribution would not be required within any S106 Agreement in this instance and would be a private agreement between the developer and the Town Council or alternative maintenance company.

The latest detailed landscape proposals include details on the precise composition of the proposed play equipment to be provided on the LAPS and NEAP on the site. The Parks and Amenities Officer has advised that the plans appears to show a reduction in the number of pieces of equipment in the NEAP (from 9 to 7) compared to a previous plan submitted. A NEAP should include play facilities suitable for older children and teenagers and the Parks and Amenities Officer is not convinced that the proposals do this. The Fields in Trust guidance Chapter 6 gives further details of what should be provided in a NEAP. The NEAP should provide at least 9 play opportunities, some of which should be suitable for older children and teenagers. Details of the safety surfacing and fencing and any proposed landscaping are also required. Should planning permission be forthcoming, conditions need to indicate that the latest plans showing equipment on the proposed LAPS and NEAP are taken as indicative only and that the final details need to be agreed as part of the Landscape Masterplan secured via a S106 Agreement.

Policy OB/MU/1 requires as part of the development of this allocated site, the provision of on-site strategic sports facilities to enhance the existing provision within Ollerton & Boughton. The

proposed sports pitches are shown to be located to the western end of the development. The location of the proposed sports pitches to this end provides opportunities for cohesion with the existing sports facilities at Ollerton Welfare Sports ground **(to the south east)** which sits immediately to the north of this part of the application site. Whilst joint management of the existing and proposed sports facilities is dependent on future responsibilities for management of the existing sports ground being confirmed, clearly there would be benefits in these areas being managed by one party not least increasing the opportunities for sports provision if the areas were joined with appropriate links between. ~~At the time of writing there is still uncertainty as to whether this is a possibility, however I am conscious that the proposed sports pitches are situated adjacent to Phase 2 of the development meaning there is time, following any planning permission being granted, for further discussions towards agreeing this matter.~~

In the event that the Town Council were responsible for the existing sports ground and that a mutually acceptable agreement could be reached between the developers and the Town Council for the future management of the open space on the application site, this would potentially maximise sports and recreation facilities both on and adjoining the site with a consistent management approach across these areas and links between. ~~In order to allow for this potential opportunity to be realised, I would suggest that any S106 Agreement would need to put the onus on the developer to fully explore the future management of public open space on the site with the Town Council first before considering any other management entity. Furthermore, notwithstanding the layout of the sports pitches on the submitted layout and landscape plans, that a detailed Landscape Management Plan be submitted and agreed which includes the management arrangements for the sports pitches and explores links between the proposed sports pitches and facilities to the north.~~

**However, whilst the Council sought assurances from the applicant that they remained open to this possibility (being aware that discussions had taken place with the Town Council specifically on this issue), the applicant has now confirmed that their intention is to use a management company to maintain the entirety of the open space including the sports pitches. They have advised that they hoped the Town Council might be able to apply a much reduced maintenance figure for the upkeep of the POS, and the sports pitches in particular, allowing it to be transferred to them. However, Gleesons advise it soon became clear that the same figures as set out in the NSDC developer contributions SPD would be applied and that this was not an option for them. Gleesons also state that the meeting took place prior to their increased offer towards infrastructure payments under a S106 Agreement as well as the additional costs incurred in addressing consultation comments over the last 4 months. They advise that although there was a possibility of them transferring the Public Open Space to the Town Council and to pay a modest commuted sum at the time, this has fallen away as a result of the increase in costs attributable to the site. Gleesons have also advised that they could still transfer the sports pitches to the Town Council on completion at nil cost, but that any contribution would need to come out of the existing pot. Clearly this would be at the expense of other developer contribution requests.**

**Given the above, I consider that an alternative means of securing the use of the pitches for the community and the potential for links with the adjacent sports ground to the south east need to be protected by other means to ensure the requirement in the allocation policy for on-site strategic sports facilities to enhance existing provision in Ollerton and Boughton is met. Should Members be minded to approve the application, I would advise that a clause is included within a S106 Agreement requiring the sports pitches to be kept available for public use (the applicant has confirmed that the pitches would be available for the wider public at all times). The legal**



agreement should also require a plan to be produced prior to the commencement of the development to show access proposals (e.g. a ramp) which negotiate the change in levels between the sports pitches on the application site and the adjacent sports pitches to the north and that this be provided by the developer with a suitable trigger for its provision. The applicant has also confirmed that they would provide a gated access on the site boundary adjacent to the existing sports facilities on Walesby Lane and this is indicated on the submitted landscape drawings. The Legal Agreement should also confirm funding to be put aside for this gate to be provided in agreement with the adjacent landowner.

### Education

The County Council have confirmed a proposed development of 305 dwellings would yield an additional 64 primary and 49 secondary places and on this basis have sought an education contribution of £733,120 (64 x £11,455) to provide primary provision to accommodate the additional pupils projected to arise from the proposed development. In terms of secondary education; the proposed development is within the catchment of The Dukeries Academy for which any contributions would be covered under CIL regulations.

I am mindful that the applicant's representatives have queried the need for additional places given they suggest that the nearby Parkgate Academy appears to have some spare capacity and if the new pupils derived from the proposed development were to be allocated places at their in catchment schools (Maun Infants and Forest View) this might push any out of catchment pupils back to Parkgate Academy. However, the County Council's final comments set out the Published Admission Number (PAN) for the primary schools in the Ollerton primary schools planning area and argue that existing schools in the Ollerton area are at capacity or in the case of Parkgate academy any spare capacity will need to take any surplus demand from first admissions at the other primary schools in the Ollerton area. On this basis the County Council are convinced that the full education contributions set out above should be sought in this instance. There have been several comments made and there are some inconsistencies on both sides. However, as decision maker the Council needs to arbitrate. Erring on the side of caution I am inclined to support the County Council's argument in this instance and based on the evidence presented it appears reasonable to see the contribution requested.

### Health

The Clinical Commissioning Group have confirmed a request for a health contribution of 305 (no. of dwellings) x £982.62 in accordance with the Developer Contributions and Planning Obligations SPD (2013) and Updated Indexation Calculations 2016. This equates to a contribution of £299,699.10. The contribution would be spent on improvements/extensions to and/or staffing/training resources within the administrative boundary of Ollerton and Boughton. There is ongoing work to assess the requirements for health facilities in the area of Ollerton and Boughton. Data on existing healthcare provision for Ollerton has been provided in support of this request.

### Highways

The Highway Authority notes the proportion of traffic from the proposed development which would be likely to use the Ollerton roundabout Ollerton Roundabout A614/A616/A6075. A revised estimate has been prepared for the improvement scheduled for this piece of highway infrastructure and costs are now understood to be £7,984,000. On the calculated basis that this

development would add 2.5% to the traffic flows, a contribution of £199,600 is sought towards the improvement costs.'

I note the County Council have also raised concerns about the distance to bus stops with the closest served bus stops on Whinney Lane approximately 700-800m from the centre of the proposed development. In this instance the County Council do not consider the diversion of existing services is feasible and suggest a bespoke service would be suitable. The County Council has confirmed that an indicative Public Transport contribution of £147,000 plus infrastructure costs would provide a service to serve the development, subject to review based on projected usage and revenue. The County Council have suggested that the proposed level of contribution should be considered as indicative, pending receipt of more detailed information about the mix of housing types and build out rates, which will impact upon the service revenue. However, I note that no information has been provided to evidence how this sum has been calculated and whether or not this contribution would be required as a lump sum or to fund a service over a defined period. Furthermore the mix of housing types is known as are average build out rates yet this does not appear to have been factored in. The overall sustainability of the proposal in terms of the plans submitted and accessibility is considered under the Highways section of this report. Whilst it could not be argued that the development is ideally situated or that it provides the optimum solution in terms of transport links, nor could it be suggested that the development is isolated and the developer has submitted a revised layout plan to provide a 6.0m wide spine road in order to future proof the site for possible bus use. The developer has also confirmed that they would consider the provision of bus stop infrastructure, dependent on costs although at the time of writing discussions are not ongoing and such costs have not been agreed. However, the developer has confirmed that they are not able to provide a subsidy to the bus company to enhance the service as the figures quoted are significant and in their view are not viable.

The figure quoted for bus service provision could potentially form part of the package of developer contributions covered by the figure now put forward by the developer (see below) but this would be at the expense of some of the other requests made and needs to be considered in the planning balance.

### Affordable Housing

The site would usually trigger a requirement for 30% of the housing to be affordable housing in line with the Core Strategy and the Developer Contributions DPD and that this would equate to 92 units of affordable housing on the site. The ability to make this contribution in light of the viability situation is considered further below and the conclusion is that the development cannot support any contribution towards affordable housing if it is to remain viable.

### Libraries

The County Council has confirmed it would seek a developer contribution for the additional stock that would be required to meet the needs of the 732 population that would be occupying the new dwellings. This is costed at  $732 \text{ (population)} \times 1.532 \text{ (items)} \times £12.50 \text{ (cost per item)} = £14,018$ .

### Community Facilities

The SPD states a contribution of £1,384.07 per dwelling would be required for a residential development of 10 units or more. For the proposed development of 305 units this would therefore equate to a contribution of £422,141.35. I am mindful of the viability situation set out

below and that at the time of writing information has not been provided from the Community Facilities Officer as to where such a contribution might be spent. Clearly any request would need to be evidence based and given the situation in terms of the viability of the scheme (set out below) and that there are other requests here which have been evidenced, I do not consider the community facilities contribution could be prioritised in this instance.

CIL

Reference to the Council’s Community Infrastructure Levy Charging Schedule (1st January 2018) confirms that the site is situated within the Housing Low Zone 1 where residential development is charged at £0m².

Viability

The applicant has sought to challenge the level of developer contributions by way of Affordable Housing and Infrastructure provision on the basis that the level of contributions proposed would render the development economically unviable.

An independent viability assessment has been commissioned to determine whether the policy based contributions are viable and, if not, the level of contributions that can be delivered whilst maintaining economic viability.

The main premise of the viability appraisal, following advice contained in the NPPF, is that the development should be deliverable, taking account of the full cost impact of planning policies (including affordable housing, CIL and other infrastructure contributions) whilst maintaining a reasonable return to the landowner and developer.

Background

The Applicant has submitted a viability assessment which concludes that it is only viable to offer a S106 contribution of £400,000 towards infrastructure provision.

Key Assumptions of NSDC Viability Appraisal

GENERAL		
Net Developable Site Area		8.27Ha
Development Scenario		Greenfield
Total Unit Numbers		305
AREAS		
Net Residential Sales Area	Houses	21653qm
	Apartments	0sqm
AFFORDABLE HOUSING		
Affordable Housing Delivery Test Parameters		0-30%
Affordable Housing Tenure Mix		60% Social Rent
		40% Intermediate
SALES VALUES		
	2 Bed Houses	£1935qm
	3 – 5 Bed Houses	£1885sqm

<b>CONSTRUCTION COSTS</b>		
	2 Storey Semi- Detach Houses	£1029sqm
	2 Storey Detached Houses	£1246sqm
<b>ABNORMAL DEVELOPMENT COSTS</b>		
Abnormal Construction Cost Allowance		£718,283
<b>LAND VALUE ALLOWANCE</b>		
Residual Land Value with Planning Permission		£3,377,945
Existing Land Use Value		£165,400
Share of Uplift in Land Value to Landowner		50%
Land Value Allowance in Viability Appraisal		£1,771,674
<b>OTHER FEES &amp; COSTS</b>		
Professional Fees		8.0%
Legal Fees		0.5%
Statutory Fees (Planning, Build Regs, Warranties)		1.1%
Sales/Marketing Costs		2.0%
Contingencies		5.0%
<b>FIXED DEVELOPER CONTRIBUTIONS</b>		
CIL		£0
Planning Obligations	Education	£733,120
	Libraries	£14,018
	Community (SPD Calculation)	£360,281
	Health (SPD Calculation)	£289,750
<b>FINANCE COSTS</b>		
Interest		5.0%
Arrangement Fee		0%
<b>DEVELOPMENT PROFIT</b>		
Development Profit Return on GDV		20%

#### Assumptions Comments

The standard fee and cost assumptions adopted by NSDC have been used in the appraisal carried out by the independent viability consultant.

The applicant has submitted its own projected sale values and build costs.

An assessment of Construction Costs has been undertaken based on comparable BCIS data. This concludes total 'normal construction costs' of £24,254,096 – which is similar to the applicants's projected figure.

The principal difference between the applicant and the Council is based on Sales Values. The applicant projects sales values of £1582 (average) for 2 bed houses, £1685 (average) for 3 bed houses and £1614 for 4+bed houses (giving a range of sale prices for 2 bed properties of £97,000, 3 bed properties £113,000-£131,000 and 4+bed properties of £160,000-£171,000)

The Council has adopted the sales values produced by HEB Chartered Surveyors relevant to the Ollerton area used to update the CIL Viability study in 2016. These assume 2 Bed house sale values of £1935sqm and 3-5 bed values of £1885sqm (giving a range of sale prices for 2 bed properties of £117,000 - £120,000, 3 bed properties £132,000-£142,000 and 4+bed properties of £183,000-£205,000).

The applicants total projected sale value is £35,838,000. The Council's total sale value allowance, based on the HEB Valuation figures, is £41,137,000.

The applicant has included the purchase price of £2,269,000 in its appraisal. Based on the land value benchmark methodology adopted by the Council, a land value allowance of £1,771,674 has been made.

The S106 contributions set out in the above table are based on requests for Education and Library Contributions from Notts County Council. The Community Facility and Health Contributions are based on per dwelling rates set out in the NSDC S106 Contributions SPD based on 305 dwellings. (Note this independent appraisal was carried out prior to the full raft of developer requests being received including contributions requested by the Highway Authority)

The following allowances have been made based on the Applicants projected abnormal costs:-

Site Strip/Demolition	£57,933
Strategic Landscaping Eo Cost	£40,000
Off Site Highways Costs	£30,000
Abnormal Foundation Costs	£370,350
Abnormal Services (pumping station, substation, sewer diversion)	£220,000
The total abnormal cost allowance is	£718,283

### Viability Results & Conclusions

The independent viability assessment has confirmed that if the development is to make a full contribution towards S106 Infrastructure Costs, it would not be viable to deliver any affordable housing.

The viability appraisal indicates that based on the full S106 Contribution allowance of £1,397,169, the development demonstrates negative viability of -£78,000. As such it is recommended that the development is capable of providing S106 Contributions of approximately £1.3 Million without threatening the economic viability of the scheme.

Since receiving this advice negotiations have continued to take place with the developer. It is noted that the education (£733,120), Ollerton roundabout (£199,600) and health (£299,699.1) requests alone equate to a total of £1,232,419.1 which is similar to the figure provided by the independent assessor. After some consideration, the developer has agreed to meet these costs should planning permission be forthcoming on the basis that the site is strategically important to the company with them being able to move on from their Whinney Lane site which sits close by. It

is acknowledged that this figure would not cover the remaining developer contribution requests in terms of bus service provision, community facilities and library contributions although the independent assessor has already confirmed that the development could not cater for any significantly greater contribution than the developer's latest offer. The developer has also advised that since the original viability work was completed, they have had to incur significant extra costs, namely the additional access road to the western end of the proposed development, additional land purchase for the proposed drainage works and the additional play area. They estimate that this additional works would equate to a further £300k for the length of road (and spine road widening as discussed above), a further £50k for the play area and £30k for the additional drainage land. The developer has also referred to the need to lay out the sports pitches to specific standards which adds further cost. Whilst these costs have not been independently verified, it is clear they are additional costs nonetheless that would further impact on the viability of the proposal if reassessed.

In addition to the above, the developer has also offered to build in a viability re-test scenario in to any S106 agreement to ensure that a proportion of any uplift in values is captured. They suggest that this would give the Council added confidence that their 'low cost housing' which is 'the main stay of their development philosophy, will remain low cost'.

**Pressed further on the fact that the latest offer still falls short of the £1.3 Million suggested by the independent assessor and why this shortfall could not be offered up towards meeting part of the remaining requests, the applicant has advised that following a meeting in October 2017, they believed they had agreed an uplifted S106 contribution of c£860k, on the basis that the education contribution had not been justified. Some months later following the provision of further information by the Local Education Authority, this was deemed not the case and the applicant was advised to consider whether they could revise their offer to meet key infrastructure requirements. They reluctantly agreed to do this which the applicant states meant them taking a reduced profit margin as a result which they say was a considered commercial decision at the time, despite significant additional costs being incurred since the original appraisal was carried out. On that basis, the applicant advises they are unable to offer any further contributions and would ask that the committee consider not only the significant contribution already offered but also the huge benefits that they say this site will bring to the community by way of much needed low cost housing, jobs, investment into the area and open space/community sports facilities. They ask that the additional extra costs incurred in meeting consultation response requests should also be factored in to considerations.**

#### Overall Conclusions and Planning Balance

The application proposes mixed use development consisting of 305 dwellings, enhanced sports infrastructure (with the potential to link in to existing sports facilities) and open space. The sports provision and large proportion of the open space is located to the south western end of the allocated site as per the requirements of the allocation policy and significant further open space is provided along the River Maun corridor to the northern boundary of the application site, as well as between the two distinct residential parcels and to the site frontage on Whinney Lane/Whitewater Lane. The design approach taken helps to address several of the key requirements within the allocation policy OB/MU/1 including the need to provide a suitable drainage solution with flood sensitive development kept away from areas at potential risk, sensitive design with a visual break between the residential development proposed and existing heritage assets and suitable landscaping to assimilate the development in to the surrounding countryside and provide opportunities to protect and enhance features of biodiversity value.

~~At the time of writing there remains a question mark over the flood status of the site. When the site was allocated it was recognised parts of the site had the potential to flood hence the requirement to ensure that flood sensitive development took place outside areas identified as being within Flood Zones 2 and 3. The applicant therefore located the open space and sports pitches within this area including the proposed SUDs attenuation ponds to serve the proposed residential development. The Environment Agency have called into question the appropriateness of locating the ponds in the area potentially at risk given they are inextricably linked to the residential element of the scheme and the need to look at the development comprehensively in accordance with NPPF guidance. They have now advised that their comments as to the appropriateness of the development in relation to Flood Zone 3b can be disregarded. It may be that in this particular instance the development could be considered in its component parts if it is confirmed the dwellings are not at risk of flooding, that the proposals do not increase flood risk elsewhere (both of which have been confirmed by the EA) and that the surface water drainage scheme including attenuation ponds are fit for purpose is acceptable and that they would still be functional during a flood event (awaiting subject to confirmation on the finer detail from the LLFA). Confirmation from the LLFA would confirm whether there is any planning harm in this regard, equally this point may be immaterial if it is confirmed the latest modelling takes the site out of the flood zone. It is therefore possible that in either scenario the development is therefore acceptable in flood risk and drainage terms.~~

The Highway Authority has raised no concerns relating to highway safety. However, an objection has been raised in respect of the sustainability of the proposal based on the lack of suitable bus provision, the limited provision of pedestrian links through to the existing settlement and the distance between the proposed dwellings and the nearest bus stops and town centre facilities. I note the applicant is constrained in terms of the funds available to meet the Highway Authority's request for provision of a new bus service and in any case evidence to demonstrate how the bus service contribution has been calculated has not been provided by the County Council. Additional links between the site and the existing settlement are prevented to much of the southern boundary given the intervening third party land and the existence of existing dwellings and curtilages on Petersmiths Drive. Careful consideration therefore needs to be given as to whether the delivery of an allocated site should ultimately be prevented on this basis. Further queries have been put to the Highway Authority in terms of an alternative solution through the provision of new bus stops on existing routes closer to the site and a response is awaited.

The viability of the proposal has been independently assessed and it has been confirmed the development could deliver around £1.3M of developer contributions although this would not support the delivery of any affordable housing. The key requests towards education, health and the Ollerton roundabout improvements have all been evidenced in terms of how figures have been reached and where the contributions would be spent. The three requests come to a total of £1,232,419.1 which is close to the level of contributions which could be afforded if the application is to remain viable. The developer has agreed to meet these costs but remains concerned about the viability of the scheme and that any further costs would render the development unviable. Other contributions requested could be considered less critical in terms of the key priorities for infrastructure in the area and what has been evidenced as part of this application.

Whilst it is regrettable that the bus service provision cannot be met and it is acknowledged walking distances would exceed those usually sought, in attaching weight to a scheme which would boost housing numbers through development of an allocated site and therefore in accordance with the anticipated delivery of housing in the Development Plan, which is acceptable

in most respects save for the Highway objection and the lack of ability to deliver affordable housing (the latter of which Local Planning Authorities are encouraged to be flexible upon seeking where viability is an issue), I am minded, in this particular context, to recommend a balanced approval. This is subject to appropriate conditions for implementation and an appropriate legal agreement to secure the contributions towards primary school provision, health and the Ollerton roundabout improvements as well as a Landscape Masterplan with appropriate provision, specification, phasing and management of the proposed public open space and sports pitches **(including being made available to the wider public and provision of a suitable link to the existing adjacent sports ground to the south east).**

## **RECOMMENDATION**

**Approve, subject to the following conditions to ensure appropriate implementation of the development and the completion of a S106 Agreement to secure the developer contributions sought towards primary school provision, health and improvements at Ollerton roundabout and to secure a Landscape Masterplan with appropriate provision and phasing of the proposed public open space and sports pitches and management thereof *(including being made available to the wider public and provision of a suitable link to the existing adjacent sports ground to the south east).***

Conditions

01

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

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

02

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

- Drawing no.1604.01.01 REVA REVISED SITE LOCATION PLAN
- Drawing no. 1604.04.01 REV J REVISED HOUSING LAYOUT (SHEET 1 OF 2)
- Drawing no. 1604.04.02 REV J HOUSING LAYOUT (SHEET 2 OF 2)
- Drawing no. 1604.04.03 REV J - REVISED HOUSING LAYOUT (1-1250)
- Drawing no. 1604 15 01 REV **B** AMENDED PHASING PLAN
- Drawing no. 2693-8C REVISED LANDSCAPE PLANS 1 OF 10
- Drawing no. 2693-9C REVISED LANDSCAPE PLANS 2 OF 10
- 2693-10C REVISED LANDSCAPE PLAN 3 OF 10 Public
- Drawing no. 2693-11C REVISED LANDSCAPE PLAN 4 OF 10
- Drawing no. 2693-12C REVISED LANDSCAPE PLAN 5 OF 10
- Drawing no. 2693-13C REVISED LANDSCAPE PLAN 6 OF
- Drawing no. 2693-14C REVISED LANDSCAPE PLAN 7 OF 10
- Drawing no. 2693-15C REVISED LANDSCAPE PLAN 8 OF 10
- Drawing no. 2693-16C REVISED LANDSCAPE PLAN 9 OF 10
- Drawing no. 2693-17C REVISED LANDSCAPE PLAN 10 OF 10
- Drawing no. 2693-7E REVISED LANDSCAPE PLANS - CHILDRENS PLAY (For indicative purposes only – final details of the Play areas to be agreed as part of a S106 Agreement)



- Drawing no. 2693-18-DRP-A0-1000 LANDSCAPE DRAWING REF PLAN
- Drawing no. 201-1F 201 DWELLING TYPE
- Drawing no. 13/201-8F 201 (RURAL 13) DWELLING TYPE
- Drawing no. 202-1F 202 DWELLING TYPE
- Drawing no. 212-1 212 DWELLING TYPE
- Drawing no. 301-1G 301 DWELLING TYPE
- Drawing no. 13/301-8D 301 (RURAL 13) DWELLING TYPE
- Drawing no. 302-1G 302 DWELLING TYPE
- Drawing no. 303-1E 303 DWELLING TYPE
- Drawing no. 304-1E 304 DWELLING TYPE
- Drawing no. 307-1B 307 DWELLING TYPE
- Drawing no. 309-1E 309 DWELLING TYPE
- Drawing no. 310-1D 310 DWELLING TYPE
- Drawing no. 311-1A 311 DWELLING TYPE
- Drawing no. 313-1 313 DWELLING TYPE
- Drawing no. 314-1 314 DWELLING TYPE
- Drawing no. 13/313/314-9 313(SEMI) 314 (DETACHED) (RURAL 13) DWELLING TYPE
- Drawing no. 401-1G 401 DWELLING TYPE
- Drawing no. 403-1H 403 DWELLING TYPE
- Drawing no. 405-1E 405 DWELLING TYPE
- Drawing no. SD-100 BOUNDARY TREATMENTS 1800MM HIGH TIMBER FENCE
- Drawing no. SD-700 DETACHED GARAGE DETAILS - SINGLE
- Drawing no. SD-701 DETACHED GARAGE DETAILS – DOUBLE
- Drawing no. 1604.11.01 INDICATIVE SECTION A-A
- Drawing no. 1066-1-1E REVISED ENGINEERING LAYOUT PHASE1 (Subject to confirmation details are acceptable from the LLFA)
- Drawing no. 1066-1-2E REVISED ENGINEERING LAYOUT PHASE2 (Subject to confirmation details are acceptable from the LLFA)
- Drawing no. 1066-1-3D REVISED ENGINEERING LAYOUT LINKROAD (Subject to confirmation details are acceptable from the LLFA)
- Drawing no. 16-314-TR-009 REV C SWEEP PATH ANALYSIS
- REVISED FLOOD RISK ASSESSMENT 16/022.1 REV 02 (received 14.02.2018)
- REVISED TRAVEL PLAN Ref. P0938\_20170929 (DATED 29.09.2017)
- WILDLIFE DISCOVERY PRELIMINARY TREE AND HEDGEROW SURVEY REPORT Ref.HabS/2016/24.1
- Ollerton Trench Plan V2

unless otherwise agree 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

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: The enlargement of a dwellinghouse consisting of an addition or alteration to its roof.

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 within the curtilage of a dwellinghouse.

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

Reason: To ensure that the local planning authority retains control over the specified classes of development normally permitted under the Town and Country Planning (General Permitted Development) Order 2015 or any amending legislation) in the interest of residential amenity.

04

Notwithstanding the details on the approved landscaping drawings, before development commences on Phase 1 of the development precise details of the proposed works to the hedge on the site frontage to Whitewater Lane / Whinney Lane shall be submitted to and agreed in writing by the local planning authority. The details to be submitted shall include:

- details of the reduction in canopy height of hawthorn trees and laying of existing hawthorn to promote regeneration
- details of infill planting to any gaps up along the boundary
- timescales for implementation

Once approved in writing by the local planning authority, the works to the hedgerow shall be completed in full accordance with the approved details and timescales for implementation.

Reason: To ensure the development is carried out within a reasonable period and thereafter properly maintained and to ensure the proposals conserve and enhances biodiversity on the site in accordance with the aims of Core Policy 12 of the Newark and Sherwood Core Strategy (2011).

05

The approved soft landscaping shall be completed during the first planting season following the commencement of the relevant phase of development, or such longer period as may be agreed in writing by the local planning authority. Any trees/shrubs which, within a period of five years of being planted die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless otherwise agreed in writing by the local planning authority. The hard landscaping including boundary treatments shall be completed in accordance with timescales to be agreed in writing with the local planning authority prior to development commencing.

Reason: To ensure the development is carried out within a reasonable period and thereafter properly maintained and to ensure the proposals conserve and enhances biodiversity on the site in accordance with the aims of Core Policy 12 of the Newark and Sherwood Core Strategy (2011).

06

Before the development is commenced, details of bird nest boxes and bat boxes (the former targeting house sparrow, starling and swift) within the fabric of a proportion of the proposed dwellings and a timetable of implementation shall be submitted to and approved in writing by the District Council. Once approved the bird nest boxes and bat boxes shall be implemented in accordance with the approved details.

Reason: In order to enhance habitats on the site in accordance with the aims of Paragraph 118 of the National Planning Policy Framework (2012).

07

Before the commencement of Phase 2 of the development, the southern section of the site shall be resurveyed for badgers by a suitably qualified ecologist and a report of the survey work including any necessary mitigation requirements submitted to and approved in writing by the local planning authority. Once approved in writing, should any mitigation be necessary, the development shall be completed in full accordance with the approved details.

Reason: In the interests of maintain and enhancing biodiversity in accordance with the aims of Core Policy 12 of the Core Strategy (2011) and Policy DM7 of the Allocations and Development Management DPD (2013).

08

**NB. TO BE AMENDED TO REFER TO APPROVED ENGINEERING DRAWINGS IF THE LLFA CONFIRM THEY ARE ACCEPTABLE PRIOR TO ANY PLANNING PERMISSION BEING ISSUED.**

Prior to the construction of the final surface water drainage scheme to be approved under condition 28 of this permission, where outfalls are proposed to the River Maun, this shall be surveyed for water voles and otters by a suitably qualified ecologist and a report of the survey work including any necessary mitigation requirements submitted to and approved in writing by the local planning authority. Once approved in writing, should any mitigation be necessary, the development shall be completed in full accordance with the approved details.

Reason: In the interests of maintain and enhancing biodiversity in accordance with the aims of Core Policy 12 of the Core Strategy (2011) and Policy DM7 of the Allocations and Development Management DPD (2013).

09

Notwithstanding the details on the approved landscape plans, before development commences on a phase of development, precise details of the specification for the areas indicated as wildflower mix, amenity grasslands and native woodland mix on the approved landscape drawings for that phase shall be submitted to and agreed in writing with the local planning authority. Once agreed in writing the landscaping on the respective phase shall be completed in accordance with the approved details and maintained in accordance with the requirements of Condition 5 of this planning permission.

Reason: To ensure the development is carried out within a reasonable period and thereafter properly maintained and to ensure the proposals conserve and enhances biodiversity on the site in accordance with the aims of Core Policy 12 of the Newark and Sherwood Core Strategy (2011).

010

To avoid negative impacts to nesting birds, any clearance works of vegetation on site should be conducted between October to February inclusive, outside the bird breeding season. If works are conducted within the breeding season, between March to September inclusive, a nesting bird survey must be carried out by a qualified ecologist prior to clearance the results of which shall be retained and made available for inspection on the request of the local authority. Any located nests must be identified and left undisturbed until the young have left the nest.

Reason: In order to protect biodiversity on the site in accordance with the aims of Core Policy 12 of the Newark and Sherwood Core Strategy (2011).

011

No construction work, including site clearance and delivery of materials, shall be carried out except between the hours of 7.30 -18.00 Monday to Friday and 08.30 - 13.00 on Saturdays and at no time on Sundays and Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of residential amenity.

012

No phase of the development shall be commenced until details of the existing and proposed ground levels and finished floor levels of the site and approved buildings (respectively) in that phase have been submitted to and approved in writing by the local planning authority. The development shall be carried out thereafter in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of residential and visual amenity in accordance with the aims of Policy DM5 of the Newark and Sherwood Allocations and Development Management DPD (July 2013).

013

The development hereby permitted shall be constructed entirely of the materials details detailed on the approved layout drawings unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual amenity in accordance with the aims of Policy DM5 of the Newark and Sherwood Allocations and Development Management DPD (2013).

014

Before development is commenced details of any external lighting have been submitted to and approved in writing by the local planning authority. The details shall include location, design, levels of brightness and beam orientation, together with measures to minimise overspill and light pollution. The lighting scheme shall thereafter be carried out in accordance with the approved details and the measures to reduce overspill and light pollution retained for the lifetime of the development unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual and residential amenity.

015

No development shall be commenced until the trees shown to be retained on the approved drawings have been protected by the following measures:

- a) a chestnut pale or similar fence not less than 1.2 metres high shall be erected at either the outer extremity of the tree canopies or at a distance from any tree or hedge in accordance with details to be submitted to and approved in writing by the local planning authority;
- b) no development (including the erection of site huts) shall take place within the crown spread of any tree;
- c) no materials (including fuel and spoil) shall be stored within the crown spread of any tree;
- d) no services shall be routed under the crown spread of any tree
- e) no burning of materials shall take place within 10 metres of the crownspread of any tree.

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

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

016

No dwelling forming part of the development hereby permitted shall be occupied until its associated drive is surfaced in a hard bound material (not loose gravel) for a minimum of 2 metres behind the [prospective] Public Highway boundary. The surfaced drive shall then be maintained in such hard bound material for the life of the development.

Reason: To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc.).

017

Any garage doors shall be set back from the highway boundary a minimum distance of 5 metres for sliding or roller shutter doors, 5.5 metres for up and over doors or 6 metres for doors opening outwards.

Reason: To enable a vehicle to stand clear of the highway whilst the garage doors are opened/closed and to protect the free and safe passage of traffic, including pedestrians, in the public highway.

018

The development spine road shall be laid out in accordance with drawing 16/314/TR/009/C.

Reason: For the sake of clarity and to ensure the highway infrastructure can potentially cater for public transport in the interests of sustainability.

019

No part of the development hereby approved shall be occupied unless or until improvements to Whinney Lane, fronting the site, have been made and include new street lighting, footways and visibility splays in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of highway safety

020

No dwelling forming part of the development hereby permitted shall be occupied until its associated driveway is constructed with provision to prevent the unregulated discharge of surface water from the driveway to the public highway in accordance with details first submitted to and approved in writing by the LPA. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.

Reason: To ensure surface water from the site is not deposited on the public highway causing dangers to road users.

021

No part of the development hereby approved shall commence until application has been made to the Highway Authority for the proposed extension of the 30mph speed restriction on Whinney Lane, fronting the site.

Reason: In the interests of highway safety.

022

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) 16/022.01 revision 02 (February 2018) compiled by JOC Consulting and the following mitigation measures detailed within the FRA:

1. No dwellings located within the 1 in 100 year plus upper estimate of climate change and floor levels set in accordance with appendix F of the FRA.
2. Provision of compensatory flood storage as detailed in Section 7.1 and appendix F of the FRA.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason:

1. To reduce the risk of flooding to the proposed development and future occupants.
2. To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided.

023

~~The development hereby permitted shall not be commenced until such time as a scheme to ensure no development or ground works within 8m of the top of bank of the River Maun and an unobstructed easement maintained during the lifetime of the development has been submitted to, and approved in writing by, the local planning authority.~~

The development hereby permitted shall be constructed in accordance with plan ref 3069/CEZ/01 which ensures no development or ground works within an 8m easement measured from of the top of the right bank of the River Maun except for the construction of drainage infrastructure including outfall headwalls and the easement shall be maintained during the lifetime of the development.

Reason: To reduce the risk of the development impacting on the banks of the watercourse, allow for exceedance flows and future maintenance for removal of channel blockages and watercourse improvements. The easement can be an opportunity for environmental/biodiversity enhancements and access for the public.

024

Before development commences on Phase 2 of the development a programme of archaeological works shall be undertaken for the full application site. This programme of archaeological works will comprise of an initial evaluation with the potential for mitigation works if justified by the results of the evaluation. The initial evaluation will investigate the potential for archaeological and palaeoenvironmental remains associated with former palaeochannels and on adjacent higher ground. The evaluation works will comprise targeted trial trenching (as indicated on the approved

Ollerton Trench Plan V2) and palaeoenvironmental sampling to evaluate if archaeological and palaeoenvironmental remains exist and their preservation conditions. The results of the initial evaluation shall be confirmed in writing to the local planning authority before development commences and should the results necessitate further archaeological work, a written schedule of how such work would be undertaken including timescales and results/mitigation shall be submitted to and confirmed as acceptable in writing by the local planning authority. The development shall then be completed in accordance with the written schedule agreed with the local planning authority.

Reason: To ensure that satisfactory account is taken of the potential archaeological interest of the site.

025

The first floor window opening on the south east facing elevation of the proposed dwelling on Plot 154 shall be obscured glazed to level 3 or higher on the Pilkington scale of privacy or equivalent and shall be non-opening up to a minimum height of 1.7m above the internal floor level of the room in which it is installed. This specification shall be complied with before the development is occupied and thereafter be retained for the lifetime of the development unless otherwise agreed in writing by the local planning authority.

Reason: To safeguard against overlooking and loss of privacy in the interests of amenity of occupiers of neighbouring properties in accordance with the aims of Policy DM5 of the Newark and Sherwood Allocations and Development Management DPD (2013).

026

No building works which comprise the erection of a building required to be served by water services shall be undertaken until full details of a scheme for the provision of mains foul sewage infrastructure on and off the site (including upgrading works, where required, to the infrastructure to which the development will be connected) for the phase of development in which the building is located have been submitted to and approved in writing by the local planning authority. No dwelling shall be occupied until the works have been carried out in accordance with the approved scheme for the phase in which the dwelling is located.

Reason: To ensure the provision of a satisfactory means of foul sewage disposal in accordance with Policy OB/MU/1 of the Newark and Sherwood Allocations and Development Management DPD (July 2013).

027

No development shall be commenced in any phase until a Construction Method Statement in respect of that phase has been submitted to, and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period unless otherwise agreed in writing by the Local Planning Authority. The Statement shall provide for:

- i. The parking of vehicles of site operatives and visitors
- ii. Loading and unloading of plant and machinery
- iii. Storage of plant and materials used in constructing the development
- iv. The erection and maintenance of security hoardings including decorative displays and facilities for public viewing, where appropriate
- v. Wheel washing facilities
- vi. Measures to control the emission of dust and dirt during construction

vii. A scheme for recycling/disposal of waste resulting from demolition and construction works

Reason: In the interests of residential amenity.

028

**NB. CONDITION ONLY REQUIRED IF THE LLFA DO NOT CONFIRM THEIR ACCEPTANCE OF THE REVISED FRA AND ENGINEERING DRAWINGS PRIOR TO THE ISSUING OF ANY PLANNING PERMISSION**

Notwithstanding the details submitted within the approved Flood Risk Assessment and approved drawings, no development shall commence until a detailed surface water design and management proposal has been submitted to and approved by the local planning authority in liaison with Nottinghamshire County Council as Lead Local Flood Authority. The design information shall include timescales for implementation and details of any wetland planting to be incorporated. Once agreed in writing the surface water design and management proposal shall be completed and maintained in accordance with the approved details at all times.

Reason: To ensure surface water is effectively managed in accordance with the aims of Core Policy 10 of the Core Strategy (2011) and Policy DM5 of the Allocations and Development Management DPD (2013).

029

**Notwithstanding the details shown on the approved drawings under condition 2 of this permission, no development shall be commenced until details have been submitted to and approved in writing by the Local Planning Authority of a more substantial boundary treatment and means of surfacing to rear gardens serving the approved dwellings. Once approved in writing the approved means of boundary treatments and surfacing shall be implemented prior to the dwellings they serve first being occupied.**

**Reason: In the interests of visual and residential amenity in accordance with the aims of Policy DM5 of the Newark and Sherwood Allocations and Development Management DPD (2013).**

Notes to Applicant

01

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

The proposed development lies within a coal mining area. In the circumstances applicants should take account of any coal mining hazards to stability in their proposals. Developers must also seek permission from the Coal Authority before undertaking any operations that involve entry into any coal or mines of coal, including coal mine shafts and adits and the implementation of site investigations or other works. Property specific summary information on any past, current and proposed surface and underground coal mining activity to affect the development can be obtained from the Coal Authority. The Coal Authority Mining Reports Service can be contacted on Tel; 0845 7626848 or at [www.coal.gov.uk](http://www.coal.gov.uk).



03

This application has been the subject of discussions during the application process to ensure that the proposal is acceptable. The District Planning Authority has accordingly worked positively and pro-actively, seeking solutions to problems arising in coming to its decision. This is fully in accordance with Town and Country Planning (Development Management Procedure) Order 2010 (as amended).

04

The applicant should note that notwithstanding any planning permission that if any highway forming part of the development is to be adopted by the Highways Authority under Section 38 of the Highways Act 1980, the new roads and any highway drainage will be required to comply with the Nottinghamshire County Council's current highway design guidance and specification for roadworks.

05

In order to carry out the off-site works required (footways and street lighting, etc) you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act. Please contact david.albans@nottsc.gov.uk for details.

06

This consent requires an application for a Traffic Regulation Order before the development commences to restrict waiting. The developer should note that the Order can be made on behalf of the developer by Nottinghamshire County Council at the expense of the developer. This is a separate legal process and the Applicant should contact mike.barnett@viaem.co.uk . Please note this process can take 6-12 months.

#### Background Papers

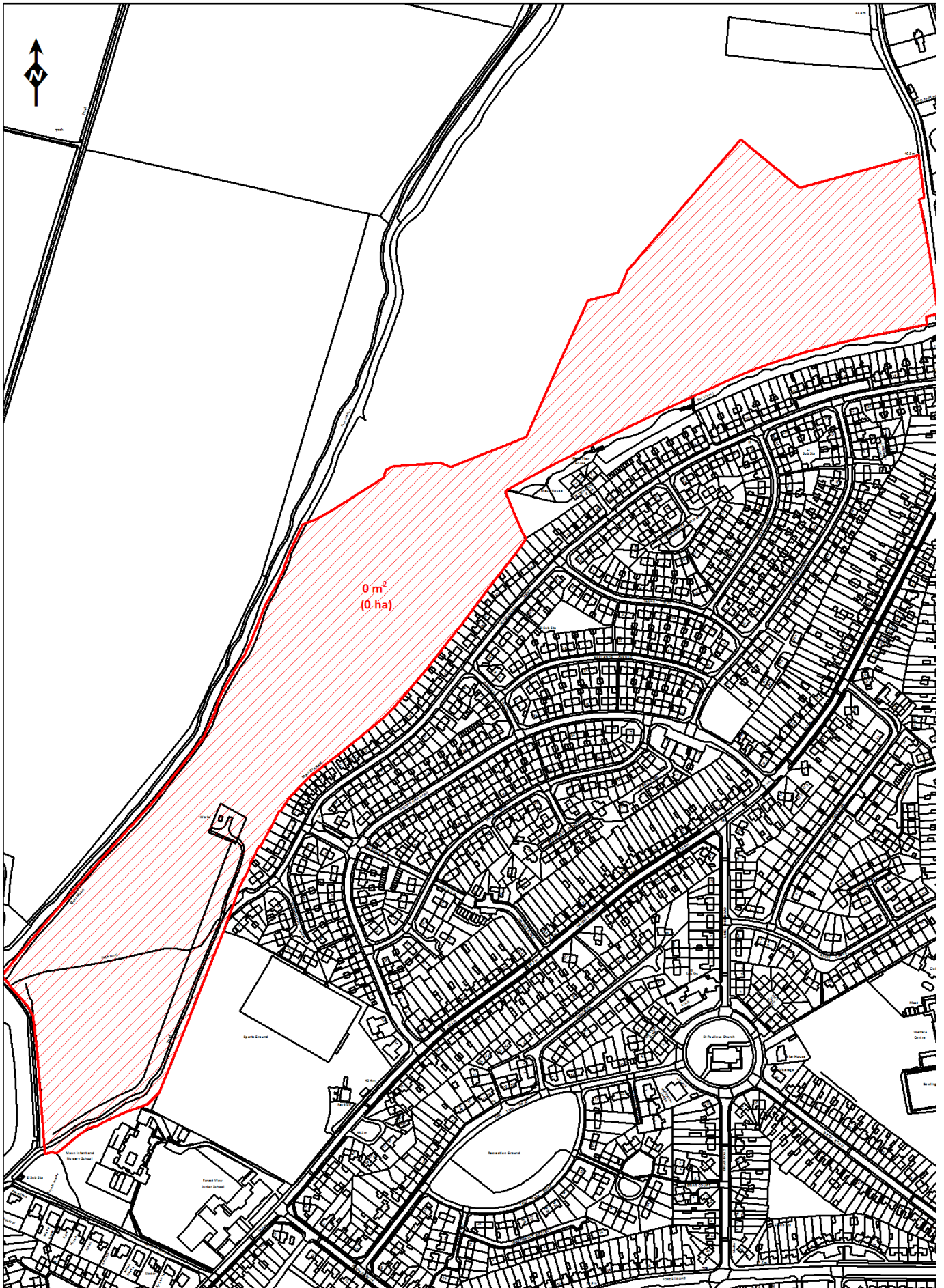
#### Application Case File

For further information, please contact Martin Russell on ext. 5837.

All submission documents relating to this planning application can be found on the following website [www.newark-sherwooddc.gov.uk](http://www.newark-sherwooddc.gov.uk).

**Matt Lamb**

**Business Manager – Growth & Regeneration**



<b>Application No:</b>	<b>17/02307/FUL</b>	
<b>Proposal:</b>	<b>Erection of dwelling</b>	
<b>Location:</b>	<b>Land at Pinfold Lane, Averham</b>	
<b>Applicant:</b>	<b>Mr Darrel White</b>	
<b>Registered:</b>	<b>20.12.2017</b>	<b>Target Date: 14.02.2018</b>

**This application is presented to the Planning Committee in line with the scheme of delegation given that the officer recommendation differs from the views of the Parish Council.**

### The Site

The application site relates to a grassed parcel of land between Jacsal Cottage and 1 Manor Farm Cottage on the south-west side of Pinfold Lane and within the main built up area of Averham. The site lies within the Conservation Area. The site currently serves as an access strip to an open paddock area located to the rear/south. The site is level in nature and there is a mature hedgerow along the shared boundary with 1 Manor Farm Cottage and a 1.8m panel fence runs along the boundary with Jacsal Cottage. A traditional 5 bar field gate is located on the boundary with Pinfold Lane.

### Relevant Planning History

No relevant planning history.

### The Proposal

The proposal seeks full planning permission for the erection of a single detached 3 bedroom dwelling and detached single garage.

Following negotiations with the case officer and having received initial advice from the conservation section, the proposed dwelling has been re-designed with a traditional appearance. The proposed dwelling would measure 6.7m in width and 10.2m in depth and would be positioned gabled end on with the road. The roof design would be steeply pitched with a maximum ridge height of 9m.

The proposed garage would be positioned to the rear of the main dwelling and mirror the external appearance and roof design of the host dwelling, measuring 3.8m in width and 6.2m in length. The roof design would be pitched and measure 4.45m to the ridge.

### Public Advertisement Procedure

Occupiers of seven properties have been individually notified by letter. A site notice has also been displayed near to the site and an advert has been placed in the local press.

## Planning Policy Framework

### **The Development Plan**

#### **Newark and Sherwood Core Strategy DPD (adopted March 2011)**

Spatial Policy 1: Settlement Hierarchy  
Spatial Policy 2: Spatial Distribution of Growth  
Spatial Policy 3: Rural Areas  
Spatial Policy 7: Sustainable Transport  
Core Policy 9: Sustainable Design  
Core Policy 10: Climate Change  
Core Policy 12: Biodiversity and Green Infrastructure  
Core Policy 13: Landscape Character  
Core Policy 14: Historic Environment

#### **Allocations & Development Management DPD (adopted July 2013)**

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 2012
- Planning Practice Guidance, on-line facility
- Publication Amended Core Strategy
- Newark and Sherwood Housing Needs Survey (Sub Area Report) 2014 by DCA

### **Consultations**

**Averham Parish Council** – Comments received on 11 April 2018 in relation to the revised scheme; Further to our previous objections, we write to object to the current amended scheme proposed for the above application site, on the following grounds.

1. Pinfold Lane has seen considerable development during the last 10 years removing all the previous open space separation between houses in this part of the Averham Conservation Area. Further development of this sole remaining open area would undoubtedly cause harm to the CA which would be contrary to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which instructs special attention be afforded to desirability of preserving or enhancing the character and appearance of CA's. This would be the result of any design of development on this site including the amended design.
2. The proposed development would further contribute to the cumulative impact of the intensive development that has occurred in Pinfold lane.
3. We assert that our previous objection in respect of N&SDC 5 year land supply is still valid and therefore we maintain that applicant has not demonstrated a need for development.
4. Notwithstanding the amended design we continue to assert that the application represents an over development of the site in terms of scale and massing.

5. The proposal represents an overbearing impact on the neighbouring property Jacsal Cottage.
6. Proposals for vehicle parking are less than satisfactory as two vehicles would be parked one in front of the other, with the likely consequence that one vehicle would be parked on the highway.

**Initial Comments received on 16 January 2018;**

‘The Averham, Kelham and Staythorpe PC have looked at the above application and wish to object to it due to the following reasons:

- NSDC has a robust Five-Year Housing Land Supply. We feel there is no basis for this application on grounds of Need.
- The scale and massing of the development is completely disproportional to the size of the plot. The proposed building would fill the entire width of the plot, with the only access to the rear garden being through the garage.
- The proposed building would also extend beyond the rear of the neighbouring property, causing loss of amenity to residents.
- The plans indicate there are spaces for parking two cars, one of which is in the garage. The PC feels there is inadequate parking provision given that the proposed dwelling would be situated on a single-track lane, and garages are seldom actually used to park cars.

The consultation letter included in the planning information makes reference to the “developer’s considerations of inclusive access and facilities for all”. There is also reference to requirements for the ability of a dwelling to adapt to suit changing needs both temporary and long-term of the occupiers. It references the Approved Document M of the Building Regulations. Paragraph 56 of the NPPF states “the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making better places for people.” The development as proposed does not comply with the philosophy of the NPPF, nor the Approved Document Part M of the Building Regulations.’

**NCC Highways Authority** – ‘This proposal is for the erection of a single dwelling served by a new vehicular access onto Pinfold Lane. This section of Pinfold Lane is adopted highway. There is no footway along the site frontage, however, a narrow strip of grass verge is in place.

The layout as shown on drawing no. 1714/040 Rev. A is acceptable to the Highway Authority. Therefore, there are no highway objections subject to the following:

1. No part of the development hereby permitted shall be brought into use until a dropped vehicular verge crossing is available for use and constructed in accordance with the Highway Authority’s specification.

**Reason:** In the interests of highway safety.

2. No part of the development hereby permitted shall be brought into use until the driveway is surfaced in a bound material (not loose gravel) for a minimum distance of 2m rear of the highway boundary. The surfaced driveway shall then be maintained in such hard bound material for the life of the development.

**Reason:** To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc.).

#### Note to Applicant

The development makes it necessary to construct a vehicular crossing over a verge of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact VIA, in partnership with NCC, tel: 0300 500 8080 to arrange for these works to be carried out.'

#### **NSDC Conservation Section – Comments received on 22<sup>nd</sup> March in relation to the revised scheme;**

'Further to previous discussions, I can confirm that the amended plans address concerns previously raised by Conservation. The amended layout and revised elevations result in a more satisfactory appearance which we consider will cause no harm to the character and appearance of the Conservation Area (CA) in this context. Whilst we acknowledge that the existing site contributes to the spaciousness around buildings on Pinfold Lane, we have been unable to find intrinsic special interest in the site. The revised layout and appearance of the building makes better reference to the later 19th century buildings within the historic core of the village, furthermore, and we feel that the proposal will not fundamentally harm the special interest of the CA. In reaching this view, we have considered the desirability of preserving the special character and appearance of the CA in accordance with section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

If approved, full details of all facing material as well as further details on architectural detailing in the brickwork, headers, eaves, verges, porch canopy, chimneys (to be retained), roof lights and any other external accretion (including RWGs) etc. will need to be agreed. External joinery will need to be timber (to be retained) and a full joinery schedule should be submitted and agreed prior to commencement (including garage doors which will be side hung and not an 'up and over' variety). A brick panel showing brick, mortar, bond and pointing finish should also be agreed. Notwithstanding the submitted details, the roofing tiles should either be natural clay pantiles or natural slate of a non-interlocking variety.'

#### **Initial comments received:**

'Many thanks for consulting Conservation on the above scheme.

The land at Pinfold Lane is located within Averham Conservation Area (CA).

#### 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).

#### Significance of the CA

The CA boundary includes much of the historic core of the village, being focussed on Pinfold Lane and Church Lane. The Church of St Michael, which is Grade I listed, and the remnants of the medieval manor site (a Scheduled Monument) are important features to the east of the CA. Historic maps from the late 19<sup>th</sup> century reveal a dense arrangement of buildings directly onto the road at the junction of Church Lane/Pinfold Lane with the Staythorpe Road. To both east and west, historic buildings were less regular, but nonetheless predominantly situated onto the road. These buildings largely appear to have been modest rural vernacular buildings with simple form and detailing. There does not appear to have been much in the way of polite architecture within the village, although the occasional 19<sup>th</sup> century estate type building with decorative brickwork adds variety and interest to the historic vernacular. The remaining buildings are modern and generally make a neutral contribution to the CA.

The plot of land to which this proposal relates appears to have been an orchard on late 19<sup>th</sup> century maps (see extracts attached), and it otherwise contribute to the historic settlement pattern of the village.

#### Assessment of proposal

Conservation has no objection in principle to a single dwelling on this site. Whilst the plot provides a positive break between historic cottages on the east side and the more modern development which prevails westwards, it is accepted that a modestly scaled, suitably designed cottage could make a positive contribution to the street.

Conservation recognises that the proposed dwelling is a simple design. Nevertheless, Conservation objects to the layout and appearance of the proposed cottage. The proposed L plan results in a cramped appearance, and being set back from the road, fails to replicate the historic building pattern of older buildings along Pinfold Lane. The front elevation does not reference historic cottage form, furthermore, as evidenced by the integral garage, arrangement of windows and the projecting porch.

In its current form, Conservation finds the proposed development moderately harmful to the character and appearance of the CA, which is contrary to the objective of preservation required under section 72 of the Act.

If the scheme was amended to take account of the above comments, Conservation would reconsider its stance. A three bay cottage directly onto the road with symmetrical detailing for example, or gable to the road in linear form with garaging set towards the rear, might address our concerns. I would be more than happy to advise on any revised plans if needed. Detailing such as chimneys should be considered, along with appropriate traditional cottage casement windows.

**Trent Valley Internal Drainage Board – No objections.**

**Representations have been received from 5 local residents which can be summarised as follows:**

- Pinfold Lane has seen considerable development during the last 10 years removing all previous open space separation between houses. The further development of the sole remaining open area would cause harm to the Conservation Area.
- The proposal would cause cumulative impact of the intensive development along Pinfold Lane.
- The applicant has not demonstrated a need for the development.
- The proposal represents over development of the site.
- The development would have an overbearing impact Jascal Cottage.
- The vehicle parking is less than satisfactory.
- Averham cannot be said to be a sustainable or accessible location.
- The development would fill the width of plot and be out of character with the existing dwellings along Pinfold Lane.
- Concerns over the increase in traffic, noise and vibration.

#### Comments of the Business Manager

##### The Principle

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. This has been rehearsed many times before and as such I do not intend to rehearse this in full other than to say that the policies of the Development Plan are considered up to date for the purposes of decision making. This has been confirmed by an Inspector through recent appeal decisions dated April 2018.



The Settlement Hierarchy within the Core Strategy outlines the intended delivery for sustainable development within the District. Primarily the intention is for further growth to focus on the Sub-Regional Centre of Newark before cascading to larger Service Centres such as Ollerton and Southwell and then to the larger villages of the District referred to as Principal Villages. At the bottom of the hierarchy Spatial Policy 1 confirms that within the rest of the District (Other Villages), including the village of Averham, development will be considered against the sustainability criteria set out in Spatial Policy 3 (Rural Areas).

I am mindful of the proposed changes to SP3 as part of the on-going Plan Review, some of which can now be afforded weight in the decision making process. The Amended Publication Core Strategy and evidence base documents were submitted to the Secretary of State on 29th September 2017, with the examination undertaken in February 2018. For the purposes of paragraph 216 of the NPPF (stage of preparation, extent of unresolved objection and degree of consistency with national policy), it is considered that those areas of the emerging SP3 content not identified in the Inspector's post-hearing notes, satisfy the tests to the extent that 1) it is at an advanced stage, with the Examination having taken place in February 2018 with only the modifications to be finalised and consulted upon and 2) there are no unresolved objections to aspects of the policy relevant to this proposal. Accordingly for the purposes of this proposal, I consider that weight can be attached to the emerging policy in the overall planning balance.

Both the extant and emerging Core Strategy confirm that the District Council will support and promote local services and facilities in rural communities. Proposals for new development will be considered against five outlined criteria. The outlined criteria relate in many respects to matters which will be considered in further detail below.

#### *Location*

The first criterion of SP3 details that 'new development should be within the main built up areas of villages, which have local services and access to Newark Urban Area, Service Centres or Principal Villages.' The proposed development site is located between existing residential properties immediately to the east and west of the site and the detached properties of Sycamore House and Little Hollies are located immediately opposite the site. The site represents a gap in the street scene and it is considered that the site is within the main built up area of the village.

In terms of local services, Averham has limited amenities although within the settlement there is a church, theatre and a primary school. The submitted Design and Access Statement states that there is an hourly bus service to Newark, Southwell and Mansfield throughout the day. This would appear to be accurate description with bus service No. 28 Mansfield-Rainworth-Blidworth-Southwell-Newark being the most regular throughout the day from 06:53 to 18:53 on a predominately hourly basis and provides sustainable access to larger settlements which have a wider range of services and employment opportunities.

Furthermore, I am mindful of the appeal decision at the neighbouring site 'Little Hollies' in which the appeal Inspector found Averham to be a suitable location for small infill development (Application Ref. 16/00859/FUL Appeal Ref. APP/B3030/W/16/3158075).

In taking all of the above points into consideration I find that Averham is a sustainable location where a new dwelling can be supported on a locational basis under SP3 and is in line with paragraph 55 of the NPPF as an additional dwelling which would enhance or maintain the vitality of the rural community.

### *Scale of Development*

The guidance note which accompanies SP3 confirms that the scale criterion relates to both the amount of development and its physical characteristics, the latter of which is discussed further in the Character section of the appraisal. One additional dwelling is considered small scale and unlikely to detrimentally affect local infrastructure such as drainage and sewerage systems.

### *Impact on the Character of the Area (including heritage)*

The character criterion of SP3 states that new development should not have a detrimental impact on the character of the location or its landscaped setting. The assessment overlaps with the consideration required by Policies DM5 and DM9, which confirm the requirement for new development to reflect the rich local distinctiveness of the District's landscape and character through scale, form, mass, layout, design, materials and detailing.

Originally the proposed design and L form failed to respond to the historic environment given that it was a very suburban design with integral garage and fenestration details. However amendments have been forthcoming such that the proposed dwelling is now gable end on with the roadside with central chimney stack and of a design and form that now references and respects the character and appearance of the Conservation Area. Indeed I concur with the expressed opinion in that the re-design of the proposed dwelling, including the change to the layout and appearance would better reflect the later 19th century buildings within the historic core of the village. The design is appropriate to its context and will preserve the character and appearance of the Conservation Area.

The recommended conditions in relation to facing materials and joinery are considered appropriate to be attached to any grant of planning permission. Little detail has been supplied in relation to landscaping at the site and therefore a condition requiring a landscaping scheme is felt appropriate.

With such conditions in place, I am satisfied that the proposal would not result in any harm to the character and appearance of the Conservation Area in accordance with Core Policy 14 and Policy DM9 and consistent with section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

### *Housing Need*

Under the current Spatial Policy 3 new housing within 'other villages' must meet an identified proven local need in order to be considered acceptable. The SP3 Guidance Note states that proven local need must relate to the needs of the community rather than the applicant.

However I am also mindful of the proposed changes to Policy SP3 as part of the Plan Review which given its recent examination can be afforded some weight (as set out in the principle of development section above). This states that new housing will be considered acceptable 'where it helps to support community facilities and local services and reflects local needs of both tenure and house types'. The supporting text to this revised policy states that '*Limited development within the setting of this policy requires applicants to demonstrate the services it will support and the housing need within the area. As with all planning policy, Spatial Policy 3 is intended to serve the public interest rather than that of individuals and consequently the requirement to reflect local need in relation to new dwellings to which it refers must be that of the community rather than the*

*applicant. It is accepted that the two may align where, for example, a lack of a particular type of housing in a community also reflects the needs of an applicant. The Policy is not intended to cater for individuals desire to live in particular locations or in particular types of accommodation, beyond those exceptions identified in national and local planning policy. The Council has conducted a detailed assessment of the types of housing needed within different parts of the district and applicants should refer to this for guidance.'*

No specific housing needs survey has been advanced as part of this application. However the Newark and Sherwood Housing Needs Survey (Sub Area Report) 2014 by DCA looks at the district's housing needs in a general sense. Within the Newark Sub Area (within which Averham falls) the majority of housing need (40.2%) in the market sector is for three bedroom dwellings. As such I consider that the proposal for a 3 bedroom dwelling could be said to meet the housing need within the sub area. I also consider that the proposed dwelling is likely to support community services and facilities within the village including the church, primary school, theatre and the local bus services. Therefore whilst the proposal does not demonstrate a proven local need specific to Averham as required by the current SP3 policy, I do give some weight to the direction of travel in that the emerging SP3 policy places a lesser burden on applicants to prove need.

#### *Impact on Residential Amenity*

Policy DM5 of the DPD states that the layout of development within sites and separation distances from neighbouring development should be sufficient to ensure that neither suffers from an unacceptable reduction in amenity including overbearing impacts, loss of light and privacy. The NPPF seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings.

The proposed dwelling would be orientated broadly east to west, positioned close to the boundary with the highway and broadly in line with Jacsal Cottage. I am mindful that the proposed dwelling would be positioned in close proximity to the shared boundary with Jacsal Cottage and project further into the site than the neighbouring property. However in also considering that Jacsal Cottage has an outbuilding and garage close to the shared boundary with the application site, I am satisfied that there would be an adequate degree of separation between the proposed dwelling and the main habitable section of the Jacsal (6.2m from the side elevation to the neighbouring rear elevation) so as not to result in any material overbearing or overshadowing impact on neighbouring amenity. I note the window at first floor level which would face Jacsal Cottage however, as this would serve a bathroom, I am satisfied that a condition requiring this window to be obscure glazed would mitigate any material overlooking impact.

The revised layout has also increased the level of separation to the neighbouring property to the west (1 Manor Farm Cottage) and in considering the 8m separation between side elevations, I am satisfied that the proposal would not result in any material overbearing or overshadowing impact on the amenity of 1 Manor Farm Cottage. I am mindful of the first floor windows on the side elevation facing 1 Manor Farm Cottage, however as this would serve a landing area and would face onto a blank elevation of the neighbouring property, I am satisfied that the proposal would not result in any material overlooking impact. Overall I conclude that the proposal would comply with DM5 in respect of amenity impacts.

### *Impact on Highway Safety*

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

I note the concerns raised over off-street parking at the site. However I am mindful that the revised scheme would include a driveway which runs down the west facing side elevation and leads to a detached garage at the rear of the site and I am satisfied that this would provide for adequate off street parking space, with the provision of at least 2 spaces, to serve the proposed 3-bedroom dwelling. I also note that the Highway Authority have not raised any objection to the proposal including in relation to the vehicular access to the site from Pinfold Lane. The recommended conditions relating to a dropped vehicular access point and surfacing of the driveway are felt appropriate in order to ensure highway safety at the site. Consequently subject to the recommended highway conditions the proposal accords with SP7 and DM5 in relation to highway matters.

### *Other Matters*

Core Policy 10 of the Core Strategy and Policy DM5 of the Allocations and Development Management DPD state that the Council will aim to steer new development away from areas at highest risk of flooding. The site lies within flood zone 1 and is therefore within an area at low risk of flooding and such in accordance with the aims of Core Policy 10 and Policy DM5.

With regard to the remaining issues raised by local residents which have not yet been discussed, I would comment as follows;

While the loss of open space along Pinfold Lane is regrettable, regard has been given to the comments of the conservation section which have found there to be no intrinsic special interest at the site which would justify the preclusion of any built form at the site. Furthermore the revised design of the proposed dwelling has overcome the initial objection from the Conservation section in paying respect to the design and appearance of the dwelling within the historic core of Averham.

In terms of the concern over the increase in traffic, it is considered that the additional traffic generated by a single dwelling would not be so great as to result in a material impact on neighbouring amenity by virtue of noise and disturbance over the existing situation.

### *Planning Balance and Conclusion*

The Council can demonstrate a 5 year housing land supply and the Development Plan is up to date for decision making purposes. The above appraisal has been assessed each of the 5 criterion identified by Spatial Policy 3 of the Core Strategy.

It has been concluded that the site is within a suitable location within the main built up area of Averham. Whilst not explicitly demonstrating a local need within the village itself, I am mindful of the emerging policy of SP3 whereby proposals need to show the meet the housing needs of the areas and support existing facilities in the area. I have given some weight to this policy given the advanced stage of the Plan and that this element of the policy has not been challenged. I have found that 3 bedroom dwellings are the most needed size of property in the market sector and

consider that this family dwelling would likely support the existing amenities within the village (such as the primary school) as well as having sustainable access to larger settlements that contain a wider range of amenities and services.

The proposed development is of an appropriate scale, being a single dwelling positioned within an existing gap in the street scene and has been re-designed to respect the design and form of the later 19<sup>th</sup> Century dwellings within the historic core of the village. There is been no identified harm to the character and appearance of the Conservation Area and the proposal is not considered to result in any material impact on neighbouring amenity or highway safety at the site.

Given the above it is considered that the proposal would accord with the aims of Spatial Policy 3 with weight given to the emerging Spatial Policy 3, as well as Core Policy 14, Policies DM5 and DM9 and consistent with section 72 of the Planning Act 1990. Accordingly it is recommended that planning permission be granted.

### **RECOMMENDATION**

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

01

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

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

02

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

- Location and Block Plan 1714/040 Rev A
- Revised House Plans and Views 1714/041 Rev B
- Revised Elevations 1714/042 Rev A

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

Reason: So as to define this permission.

03

No part of the development hereby permitted shall be brought into use until a vehicular crossing is available for use and constructed in accordance with the Highway Authority's specification.

Reason: In the interests of highway safety

04

No part of the development hereby permitted shall be brought into use until the driveway is surfaced in a bound material (not loose gravel) for a minimum distance of 2m rear of the highway boundary. The surfaced driveway shall then be maintained in such hard bound material for the life of the development.

Reason: To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc.).

05

No development shall be commenced until details of all external materials (including samples of all facing materials) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out using only the agreed materials.

Reason: To safeguard the character and appearance of the conservation area.

06

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 suitable scale have been submitted to and approved in writing by the local planning authority. Development shall thereafter be undertaken in accordance with the approved details and these features shall be retained for the lifetime of the development unless otherwise agreed in writing by the local planning authority.

Details of the material, design, specification, method of opening, method of fixing and finish of all windows and doors (including roof lights and garage door which should be side hung)

Treatment of window and door heads and cills

Porch canopy

Verges and eaves

Chimneystacks

Rainwater goods

Coping

Extractor vents

Flues

Meter boxes

Soil and vent pipes

Reason: Inadequate details of these matters have been submitted with the application and in order to ensure that the development respects the character and appearance of the conservation area.

07

No development shall be commenced until a brick sample panel showing brick work, bond, mortar mix and pointing technique has been provided on site for inspection and approval has been received in writing 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: To in order to ensure that the development respects the character and appearance of the conservation area.

08

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

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

existing trees and hedgerows, which are to be retained pending approval of a detailed scheme, together with measures for protection during construction.

means of enclosure;

hard surfaced areas;

car parking layouts and materials;

Reason: In the interests of visual amenity and biodiversity.

09

The approved soft landscaping shall be completed during the first planting season following the commencement of the development, or such longer period as may be agreed in writing by the local planning authority. Any trees/shrubs which, within a period of five years of being planted die, are removed or become seriously damaged or diseased shall be replaced in the current or next planting season with others of similar size and species unless otherwise agreed in writing by the local planning authority. The approved hard landscaping scheme shall be implemented prior to first occupation of the dwelling hereby approved.

Reason: To ensure the work is carried out within a reasonable period and thereafter properly maintained, in the interests of visual amenity and biodiversity.

10

The first floor bathroom window opening on the side (east facing) elevation shall be obscured glazed to level 3 or higher on the Pilkington scale of privacy or equivalent and shall be non-opening up to a minimum height of 1.7m above the internal floor level of the room in which it is installed. This specification shall be complied with before the development is occupied and thereafter be retained for the lifetime of the development unless otherwise agreed in writing by the local planning authority.

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

#### Notes to Applicant

01

The development makes it necessary to construct a vehicular crossing over a verge of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact VIA, in partnership with NCC, tel: 0300 500 8080 to arrange for these works to be carried out.

02

The application as submitted is acceptable. In granting permission without unnecessary delay the District Planning Authority is implicitly working positively and proactively with the applicant. This is

fully in accordance with Town and Country Planning (Development Management Procedure) Order 2010 (as amended).

03

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](http://www.newark-sherwooddc.gov.uk)

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

#### Background Papers

Application Case File

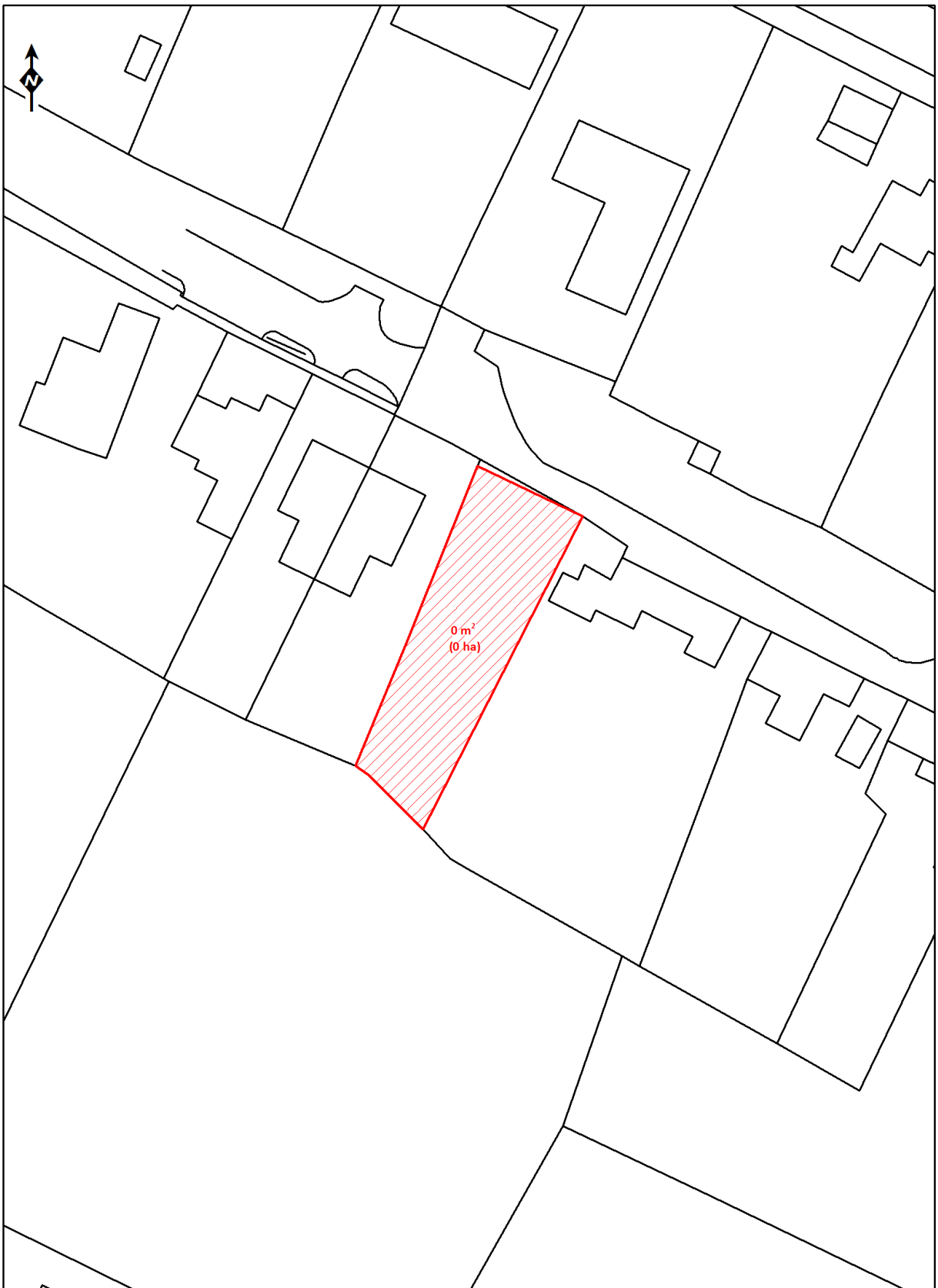
For further information, please contact Gareth Elliott on extn. 5836.

All submission documents relating to this planning application can be found on the following website [www.newark-sherwooddc.gov.uk](http://www.newark-sherwooddc.gov.uk).

**Matt Lamb**

**Business Manager – Growth & Regeneration**





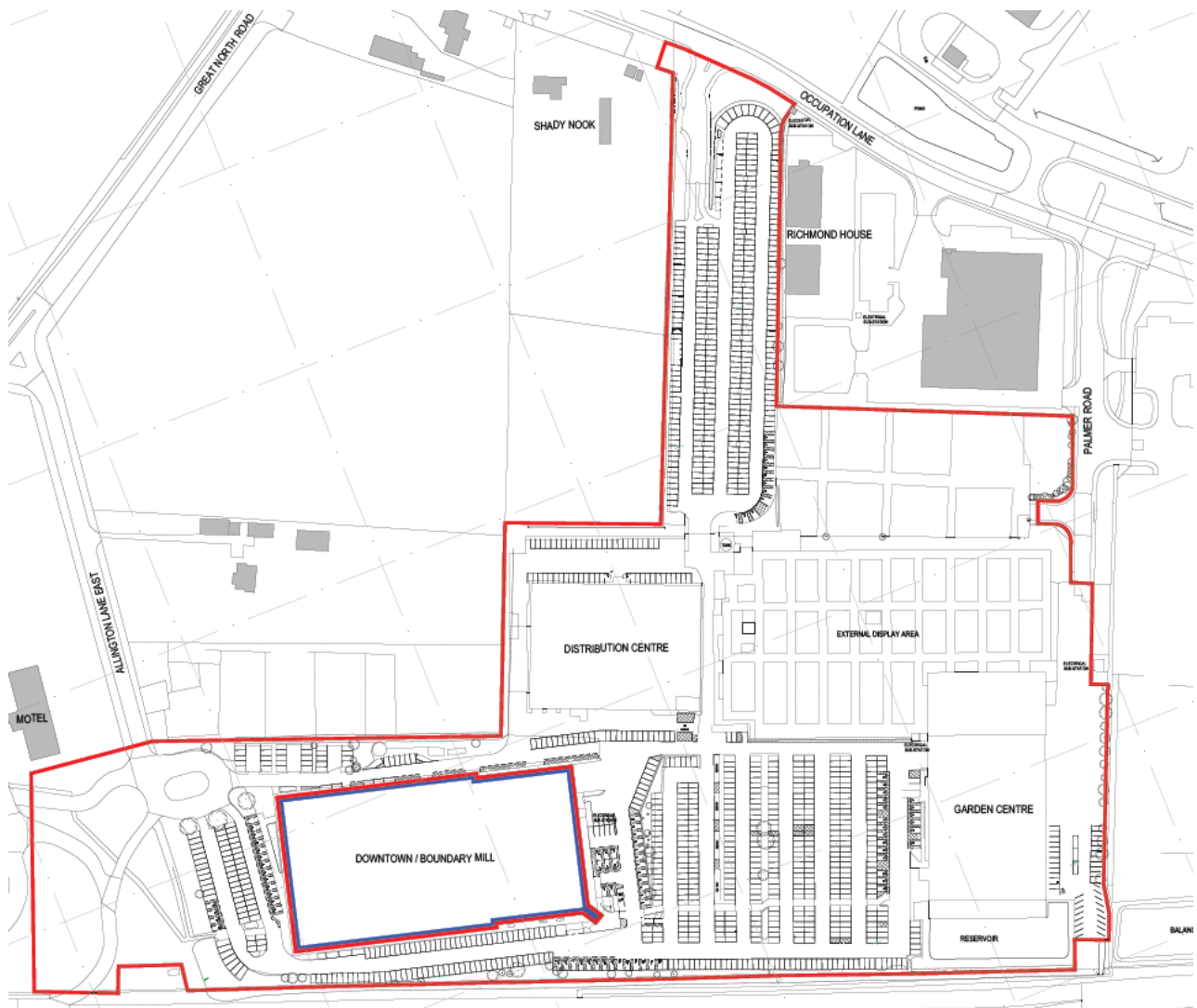
<b>Application No:</b>	<b>Newark and Sherwood District Council: 17/02120/NPA South Kesteven District Council: S17/2155</b>	
<b>Proposal:</b>	<b>Outline planning permission for the erection of a Designer Outlet Centre of up to 20,479 sqm (GEA) of floor space comprising retail units (A1) restaurants and cafes (A3) and storage. Additional large goods retail (5,574 sqm GEA) garden centre (5,521sqm GEA) and external display area for garden centre (1,393 sqm) tourist information and visitor centre, training academy, leisure unit and offices including high-tech hub/start-up offices. Demolition of existing garden centre and sales area and existing warehouse. Improvements to existing Downtown Grantham Store elevations. Reconfigured car-parking and provision of new multi storey car park. Increased coach parking. Access improvements, drainage works, hard and soft landscaping and all ancillary works. All matters reserved with the exception of access.</b>	
<b>Location:</b>	<b>Downtown Garden Centre, Old Great North Road, Great Gonerby</b>	
<b>Applicant:</b>	<b>Oldrid and Co. Ltd.</b>	
<b>Registered:</b>	<b>16.11.2017</b>	<b>Target Date: 14.12.2017</b>

## Introduction

This Council has been consulted on the above planning application and we are invited to make comments on the scheme to the decision maker, South Kesteven District Council. A Holding Objection was issued to SKDC until such time as we have secured professional retail advice on the scheme. We have not been advised by SKDC when the application will be considered by the SKDC Planning Committee but we have already been given an extension of time to provide comments. This report sets out what officers consider those comments should be for Members to consider.

## The Site

The application site falls within the county of Lincolnshire and within the administrative boundary of South Kesteven District Council (SKDC). The site is the existing Downtown Garden Centre situated approximately 15km to the south of Newark town centre on the A1. The below image shows the layout of the site at present with the red line detailing the extent of the application site boundary.



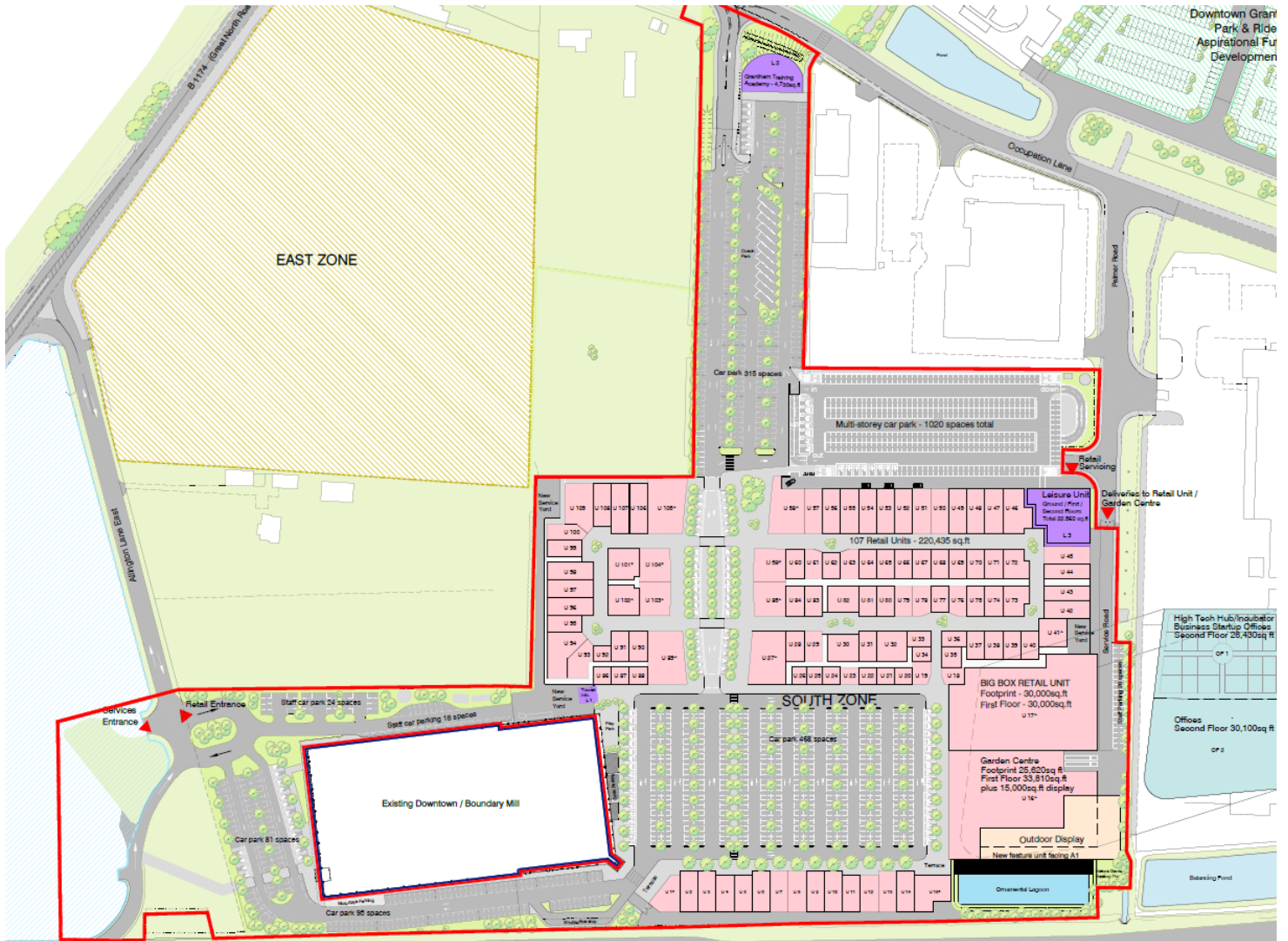
Relevant Planning History

Officers previously provided a holding objection in December 2017 to the proposed development until such time as the outcome of the application at Tollemache Road on land south of Grantham (17/01380/NPA, S17/1262) was determined. Members of the South Kesteven planning committee resolved to approve this application and the decision notice was recently issued.

The Proposal

Principally the proposal seeks an almost identical offer in relation to the provision of a retail outlet village to that approved by South Kesteven late last year at Tollemache Road to the south of Grantham. The development proposed relates to approximately 20,479m<sup>2</sup> arranged in 107 units varying in scale from 57m<sup>2</sup> to 474m<sup>2</sup>. The site would offer a mix of retail, restaurants and cafes, leisure based units and office space. The existing Downtown/Boundary Mill building is detailed as being retained.

Both schemes have been reviewed by colleagues in planning policy and by planning consultants at Carter Jonas who have been commissioned to provide independent advice to this Council. The below image shows the proposed site master plan.



Consultations

**Newark Town Council provided the following comments to the proposed notification:**

It was AGREED to submit Objections to both this and 17/01380/NPA on the following grounds:

- I) Both applications are in close proximity to Newark Town Centre and Newark's Edge of Centre Retail Units. They could have a severe detrimental impact on the existing retail sector in Newark.
- II) Both applications could have a severe detrimental impact on allocated new sites for retail developments in Newark, together with any associated housing and other amenity facilities which would arise from those developments.
- III) Both applications will result in drawing shoppers away from Newark.
- IV) Neither application has a supporting Retail Capacity Assessment. This should be required before any further consideration to either application is made. Such a report should include the impact on Newark, in particular, together with any other retail centres within a similar distance to Grantham.

## Planning Policy Framework

NSDC have received the application as a consultation request and therefore it remains that SKDC will be the determining authority for the application. SKDC will assess the application against their adopted development plan. Notwithstanding this, it is accepted that the NPPF and its associated guidance, will form part of the material considerations to which SKDC will make their judgement against.

## **Comments of the Business Manager – Growth & Regeneration**

The following comments and observations are offered in respect of the proposed development. This report seeks to simplify the proposal. It should be noted that the response to SKDC will contain a further level of detail.

### **Principle of Development**

The site is in an out of centre location and is not allocated for retail purposes by SKDC. As a consequence the application has been the subject of full sequential and retail impact analysis.

#### *Sequential Test*

The applicant has considered sites within a 30 minute drive from the site which follows an established methodology. Two sites have been identified within the Newark urban area as part of the assessment with Carter Jonas identifying a further two from their work on the earlier scheme at Tollemache Road. The sites identified are as follows:

- NSK factory, Northern Road
- Jessop Way
- Land at Northgate
- Former Highway Depot, Great North Road

The report from Carter Jonas and internal planning policy colleagues agrees that neither the NSK factory site nor land at Jessop Way are sequentially preferable to the proposed Downtown site. Land at Northgate and Great North Road have not been assessed by the applicant, however Carter Jonas (CJ) do detail that neither of these sites would be capable of accommodating the development as a whole but could be suitable for elements of the proposal.

#### *Retail Impact of Application*

The applicant has forecast a 'solus' impact on Newark Town Centre of £5.1m (3.7%) in 2022. The revised model produced by CJ however forecasts a much higher level at £7.4m (5.4%). Once commitments are taken account of then the applicant identifies an increased, cumulative, impact on Newark Town Centre of £7.5m (5.4%). The CJ model however increases this to about £9.7m (7.1%).

Whilst CJ suggests that the level of impact on Newark Town Centre is likely to be higher than that forecast by the applicant it is considered that this just about falls within acceptable tolerances, bearing in mind the performance of Newark Town Centre. The one caveat however in the conclusion relating to impact would however be if the proposal facilitated the relocation of a key retailer out of Newark Town Centre, this would significantly magnify impact. Accordingly the District Council would seek the introduction of a suitably worded condition to limit the prospect of this occurring which is covered in more detail below.

## *Cumulative Impact*

As detailed above, the application seeks to provide a similar retail offer to that approved to the south of Grantham on land off Tollemache Road by Members at SKDC in December last year. Given the similarities in the schemes it seems highly unlikely that both schemes would be capable of being constructed and operated with there likely to be insufficient market demand for more than one scheme. Nevertheless, CJ have modelled the eventuality of both schemes being constructed and operated and forecast a diversion away from Newark town centre of approximately £11.8m (8.6%).

In planning terms we are being asked to make comments on this planning application, knowing that the Tollemache Road scheme has already been approved. We are not being asked to consider whether the market will deliver both scheme (in which case obviously any retail impact will be less but whether both should be granted permission. In this case Officers are concerned that should both scheme happen there is a likely level of impact upon Newark Town Centre that would warrant a significant adverse effect on the vitality and viability of that centre. If both schemes did not happen, it is likely that such effects could fall on the acceptable side of a planning balance. In these latter circumstances officers would recommend the imposition of a robust condition as detailed above in relation to limiting the prospect of key retailers relocating it is considered unlikely that the proposed development would result in significant adverse harm to the vitality of Newark.

## **Conclusion**

Based on the report and recommendation of our retail consultant CJ and the review of colleagues in planning policy and in attaching weight to the unlikely possibility that both SKDC schemes can come to the market, it is recommended that no objection to the proposed development be raised subject to the imposition of specific conditions. A similar planning condition to this was proposed as part of the recent Thoresby Colliery scheme and the condition has been the subject of a legal challenge (Skelmersdale Limited Partnership v West Lancashire Borough Council Case No: C1/2016/0625) and was judged to be lawful by Lord Justice Sales and Lord Justice Briggs.

The condition recommended is:

*“None of the approved retail floor space should be occupied by any retailer who at the date of such occupation, or within a period of 6 months immediately prior to occupation, occupies retail floor space in the district centres of Newark or Balderton, as defined in the Local Plan; unless a scheme which commits the retailer to retaining their presence as a retailer within that centre, for a minimum period of 5 years following the date of their occupation of retail floor space within the development, or until such time as they cease to occupy retail floor space within the development, whichever is sooner, has been submitted to and approved in writing by the local planning authority.*

*Reason: To ensure that those retailers which presently occupy units in Newark or Balderton retain a presence in the district / local centre for a reasonable period of time in order to protect the vitality and viability of those centres in accordance with guidance contained within the NPPF.*

## **RECOMMENDATION**

**That the comments of the Business Manager are combined with more detailed analysis provided by policy colleagues and sent to SKDC as the formal consultation response of NSDC.**

Background Papers

Application Case File

For further information, please contact James Mountain on ext. 5841.

All submission documents relating to this planning application can be found on the following website [www.newark-sherwooddc.gov.uk](http://www.newark-sherwooddc.gov.uk).

**Matt Lamb**

**Business Manager Growth & Regeneration**







<b>Application No:</b>	<b>17/01564/FUL</b>		
<b>Proposal:</b>	<b>Resubmission for the erection of a single log cabin and access road for use as tourist accommodation.</b>		
<b>Location:</b>	<b>Land Off Mill Lane, North Clifton</b>		
<b>Applicant:</b>	<b>Mr David Watson</b>		
<b>Registered:</b>	<b>11.09.2017</b>	<b>Target Date:</b>	<b>06.11.2017</b>

## Update to Planning Committee

This application is being presented to the Planning Committee in line with the Council's Scheme of Delegation as North Clifton Parish Council has written in support of the application which differs to the professional officer recommendation.

Members at the December Planning Committee unanimously agreed to defer the application pending the submission of protected species survey and to enable a site visit to take place.

For the avoidance of doubt changes to the previous report are shown in bold and italics.

## The Site

The site is located to the east of the village of North Clifton. Spatial Policy 1 of the Newark and Sherwood Core Strategy defines North Clifton as an "other village within Newark and Sherwood." This means that it does not form part of the Sub- Regional Centre, is not a Service Centre and is not a Principal Village. Furthermore, the site is considered to be located outside of the main built-up area of the village of North Clifton and as such is within the Open Countryside.

The application site itself is comprised of a clearing within an area of woodland located off Mill Lane to the eastern side of North Clifton. The submitted application documentation states that this woodland is owned by the applicant and located to the south of his current home and that recent management of the woodland has resulted in the creation of a vehicular access from Mill Lane to the south leading to a small clearing towards the eastern side of the woodland. This eastern area will form the location for the development which is a proposed detached building, associated access road, parking area and garden for use as tourist accommodation. The surrounding woodland provides dense landscaping from all sides rendering the proposal hidden from views from outside of the site.

## Relevant Planning History

16/00702/FUL - Erection of a single log cabin and associated access road, parking area and garden for use as tourist accommodation. Refused on the grounds that the proposal has failed to demonstrate that the proposed isolated single unit of tourist accommodation would meet an identified proven need for development of this nature within the open countryside. 14.11.2016.

### The Proposal

The proposed development is for the erection of a single holiday unit in the form of a timber clad building. It is proposed that the building would sleep 6 people. The building would be located in an existing open space surrounded by a wooded area, accessed by a road to be created by this development (in place of an existing informal access track).

The proposed building would provide accommodation over two floors (with accommodation in the roof space) and the approximate footprint of the building would be 135m<sup>2</sup> with a ridge height of 7.1m.

The external face of the building would be timber clad, with a slate roof, timber white door and window frames and it would have a first floor timber balcony as well as a ground floor veranda below this.

A planning, design and access statement has been submitted with the application which discusses the site and its location, details the proposal, evaluates the development in terms of national and local planning policy and provides an overall conclusion, addressing matters of design and access.

***Following deferral of the application at the December Committee meeting, further supporting information has been submitted which consists of;***

- ***A supporting letter and revised plans from the applicant which confirms that the external construction of the cabin would be full timber log instead of timber cladding on blockwork and their intention to store chargeable electric cycles at the site.***
- ***Hand written letter of support from Old Farm Spa at Harby***
- ***Letter of support from 'Mattreya' The Japanese Garden within North Clifton – tourist attraction and meditation centre.***
- ***A Protected Species Survey from C B E Consulting.***

### Public Advertisement Procedure

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

### Planning Policy Framework

#### The Development Plan

#### **Newark and Sherwood Core Strategy DPD (adopted March 2011)**

Spatial Policy 1 – Settlement Hierarchy  
Spatial Policy 2 - Spatial Distribution of Growth  
Spatial Policy 3 – Rural Areas  
Spatial Policy 7 – Sustainable Transport  
Spatial Policy 9 – Selecting Appropriate Sites for Allocation  
Core Policy 6 – Shaping our employment profile  
Core Policy 7 – Tourism Development  
Core Policy 9 – Sustainable Design  
Core Policy 12 – Biodiversity & Green Infrastructure  
Core Policy 13 – Landscape Character

## **Allocations & Development Management DPD (adopted July 2013)**

Policy DM5 – Design

Policy DM8 - Development in the open Countryside

Policy DM7 – Biodiversity and Green Infrastructure

Policy DM12 – Presumption in Favour of Sustainable Development

### **Other Material Planning Considerations**

National Planning Policy Framework 2012

Planning Practice Guidance 2014

Landscape Character Supplementary Planning Document 2013

Newark & Sherwood Plan Review - Publication Amended Core Strategy July 2017

D2N2 Visitor Accommodation Strategy 2017

### **Consultations**

**North Clifton Parish Council** – Support proposal. Comments that access to the property is from Mill Lane which has limited visibility and the potential to be an accident blackspot.

Also comments that while Purelands is in walking distance of the proposed development, a footpath or safe place to walk between them does not exist.

**NCC Highways Authority** – ‘The access is taken via Mill Lane, a public highway. This is generally a single track road with infrequent traffic flows. Whilst this and the junction with the A1133 are not ideal, the risk of an accident generated by the proposal will be extremely low given the small scale of development.

Access details have not been submitted but it would appear from the location plan submitted and land ownership/control that adequate details to provide safe access can be achieved e.g. trees, hedges cut back to provide visibility splays.

No objections are raised subject to the following conditions to provide safe and adequate access on to Mill Lane:

*No part of the development hereby permitted shall be brought into use until the access has been designed and provided with a minimum width of 3.5m, and; surfaced in a bound material for a minimum distance of 6m from the Mill Lane carriageway edge in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.*

*Reason: In the interests of highway safety and to reduce the possibility of deleterious material being deposited on the public highway.*

*No part of the development hereby permitted shall be brought into use until access visibility splays of 2.4m x 90m are provided in accordance with details to be first submitted and approved in writing by the Local Planning Authority. The area within the visibility splays referred to in this Condition shall thereafter be kept free of all obstructions, structures or erections between 0.6 metres and 2m in height.*

*Reason: In the interests of highway safety*

*No part of the development hereby permitted shall be brought into use until the access is constructed with provision to prevent the unregulated discharge of surface water from the access to the public highway in accordance with details first submitted to and approved in writing by the LPA. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.*

*Reason: In the interests of highway safety.*

*Notes to applicant:*

*The development makes it necessary to construct a vehicular crossing over a verge of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact the County Council's Highways Area Office tel. 0115 9773496 to arrange for these works to be carried out.*

**NSDC Access and Equalities 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 this regard. The changing requirements of occupants and a need for accommodation to be accessible is an important consideration. Inclusive access improves general manoeuvrability for all users including access for those with push chairs and baby buggies as well as disabled people etc. As a consequence, it is recommended that access to, into and around the dwelling be carefully examined together with provision of accessible features and facilities. It is recommended that the developer make separate enquiry regarding Building Regulations matters.’

**Trent Valley Internal Drainage Board** – No objection.

**Representations have been received from 2 interested parties which can be summarised as follows:**

Support letters have been received from Old Farm Spa in Harby, and Newton and Thorney Valley Shoot, which is a commercial shooting club.

Comments of the Business Manager

Principle of development

*Policy*

The site is located within the open countryside and therefore outside of the main built up and defined area of any settlement as depicted within the Council’s Allocations and Development Management DPD.

Chapter 3 of the National Planning Policy Framework (NPPF) recognises the need to support economic growth in rural areas. The NPPF states that local plans should ‘support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres’.

Core Policy 7 (Tourism Development) sets out that tourism and visitor based development will be supported subject to a number of criteria. These include that in relation to countryside locations, it is sensitive to site surroundings, including matters of landscape, nature conservation, heritage and biodiversity and that it is acceptable in scale. It also provides that outside of town centres, development should meet identified tourism needs and facilities will only be supported in rural areas where a rural location is necessary to meet identified tourism needs. It also provides that the development enhances and complements tourism attractions and themes in the District and supports the development of a year-round tourist economy.

The NPPF was published subsequent to adopted Core Policy 7. It is therefore also considered appropriate to assess the proposal against the NPPF and the revised (but not adopted) CP7. The NSDC Publication Amended Core Strategy proposes to amend Core Policy 7 – Tourism Development, to reflect the NPPF.

The starting point of this emerging Core Policy 7 is that the benefits of ‘sustainable’ rural tourism development are recognised. Therefore proposals which help realise the tourism potential of the District, support the meeting of identified tourism needs, complement and enhance existing attractions or that address shortfalls in existing provision would be supported.

In relation to proposals within the open countryside the emerging Core Policy 7 provides support for sustainable rural tourism development which meets one or more of the following:

- Forms part of a rural diversification scheme;
- Supports an existing countryside attraction;
- Has a functional need to be located in the countryside;
- Constitutes the appropriate expansion of an existing tourism or visitor facility;
- Supports local employment;
- Meets an identified need not provided for through existing facilities within the main-built up areas of ‘settlements central to the delivery of the spatial strategy’, or villages covered by Spatial Policy 3 ‘Rural Areas’; or that
- Supports rural regeneration through the appropriate re-use and conversion of existing buildings.

Core Policy 7 also requires proposals to be acceptable in terms of the following;

- Design and layout; and
- Individual and/or cumulative impact on local character (including the built and natural environments), heritage assets, biodiversity, amenity, transport infrastructure, community services and landscape character

These issues will be discussed in greater detail within later sections of the assessment

If the proposal is considered to constitute sustainable rural tourism it follows to assess the specific nature of the proposal. Whilst the criteria of CP7 set out above carry ~~limited~~ **meaningful** weight as a draft policy at this stage **(as there are no unresolved objections, it is not an area that the Inspector has asked the Council to look at making modifications post the closing of the Examination Hearings and the Plan is clearly at advanced stage of preparation)** and they form a useful starting point for assessment. Policy DM8 of the A&DM DPD is also relevant to the

consideration of tourist accommodation in the countryside and stipulates that tourism developments in rural locations are required to demonstrate that their proposed development would meet an identified tourism need. A second consideration is whether or not the development constitutes a form of appropriate rural diversification and can support local employment, community services and infrastructure. Policy DM8 will likely be changed through the plan review process in a similar manner to CP7. The adopted policy strictly controls development in the countryside but supports tourist accommodation in principle where it is necessary to meet identified tourism needs and can support local employment, community services and infrastructure.

### *Need*

The D2N2 Visitor Accommodation Strategy 2017 aims to provide a robust assessment of the future opportunities for visitor accommodation development across Derbyshire & Nottinghamshire and the requirements for public sector intervention to support & accelerate visitor accommodation. In addition to considering and analysing existing provision, the study looked at new provision of accommodation across the above area. The D2N2 Visitor Accommodation Study shows significant interest in, and market potential for, the development of all forms of non-serviced accommodation (holiday cottages, holiday lodges and lodge parks, golf lodges, fishing lodges, eco lodges, holiday resorts, holiday parks, caravan and camping sites, camping pods, glamping, treehouses, hostels, bunkhouses and outdoor education centres) across the D2N2 area, particularly in Sherwood Forest.

Whilst this report sets out a need for tourist accommodation within the District, it is still necessary to ensure that the accommodation is provided in the right location to meet the need they would serve.

The applicants planning design and access statement states that a rural tourism action plan developed by Visit England should also be considered alongside relevant policy given the nature of the proposed development. The applicant ascertains that the Action Plan has been developed with the vision to maximise the potential that rural tourism has to offer to bring substantial benefits to local economies and communities and contribute to 5% growth in the tourism market, year to year, by 2020. The planning design and access statement goes on to state that the proposed tourist accommodation will be within close proximity to the River Trent (where fishing activities are available) and the Dukeries Trail to the south east of the site and that this trail can be accessed by the quiet roads of Mill Lane, Cottage Lane and Wheatholme Lane.

Further information was requested on local need throughout the lifetime of the previous application and has been resubmitted in support of this current proposal. The details of which are as follows;

- A letter from Visit Lincoln which states support for the provision of self catering accommodation on Mill Lane North Clifton. This support is offered on the basis that Lincoln has seen an increase in visitor number and positive economic impact as a result of tourism.
- A letter from Lincoln County Council which states support for the proposal on the a basis that studies have shown that Lincoln has a lack of visitors accommodation on offer and

that in their experience visitors like to state in high quality accommodation in rural locations.

- A Steam data trend report from 2014 detailing the economic impact of tourism in Newark and Sherwood via statistics. Amongst other data this report states that during the period of assessment number visitors to the district were down (from 2013 to 2014) but the economic impact of tourism in the area is increasing i.e. visitors in 2014 are spending more money than visitors in 2013. The report also states that the economic impact of visitors stays in non-serviced accommodation (as proposed) has increased by 13.8% between 2013 and 2014.
- A document which provides visitor numbers to tourist attractions in Southwell and Newark for last year and this year to date.
- A map showing the route from the proposal site to Sustrans cycle route 647 (which in turn links to the Dukeries trail which incorporates this Sustrans route as well as others).
- A document which details cycle use on a nearby road.
- A letter of support from the proposal from the Lincolnshire Showground Society based on their view that the proposed accommodation is in close proximity to the Lincolnshire showground venue.
- A letter from the agent acting on behalf of the applicant detailing all of the submitted documentation that accompanies the application.

New supporting information has also been submitted in support of this application which areas follow;

- A letter of support from Purelands meditation and relaxation centre and Japanese garden North Clifton, who state that as there is no accommodation at their site, this facility would be very convenient.
- A letter of support from the Wildlife Trust which considers that the approval of the development proposal would be a positive benefit for the biodiversity of the District.
- An initial acceptance confirmation letter from the LEADER rural development scheme which, if the full application is accepted could provide funding for the scheme.

While the support letter from the Purelands meditation centre in North Clifton is noted, I am also mindful of the comments made by the Parish Council and that there is no pedestrian footpath from the site to this attraction. Moreover, much of the information submitted is about the tourism attractions and economic benefits of tourism in the wider district of Newark and Sherwood (reference is made to Southwell and Newark with regard to this) as well as neighbouring Lincoln.

No specific information relating to the need for the size of the proposed accommodation has been submitted with the application.

### *Sustainability*

In order to assess the acceptability of the proposal against revised CP7, it is firstly necessary to consider whether the proposal constitutes sustainable tourism.

Due to the location of the proposed tourist accommodation in relation to the surrounding attractions referenced it is difficult to see how the proposal will offer support to this industry in a sustainable manner. The applicant states that Lincoln is nearby and only a 20 minute journey (Newark being a 30 Minute journey). Based on the distance from the proposal site these locations and their associated tourist attractions would only be accessible by the use of the private car to meet these travel times. The above policy context seeks to encourage sustainable rural tourism that supports local employment and I do not consider that the general acknowledgement of the wider district and areas such as Lincoln status as tourist destinations sufficiently demonstrates that the proposal is a sustainable form of development that supports local employment or indeed that there is an identified need for the tourist accommodation in this very rural location contrary to the aims of policy DM8.

It is acknowledged that there is cycle route in close proximity to the site (0.8 miles away) and section of the river Trent nearby (2.5miles where fishing can take place). While these could be utilised for leisure purposes by the users of the proposed log cabin it is considered that the existence of these leisure activities in the surrounding countryside is not, in itself, justification for the development proposal. Furthermore, I am of the view that these forms of leisure activities would not directly support local employment or aid the development in meeting any of the other criteria within Core Policy 7.

In terms of the emerging Core Policy 7 criteria, it is recognised that the proposal has the potential to have a very limited support to the local employment through the construction of the log cabin and through the occupants of the log cabin using local services/attractions. Whilst I recognise the need to balance the social, environmental and economic benefits of the proposal when considering whether or not a development is considered to be sustainable, I am concerned that the location of proposal is not sustainable as the site itself is not linked to a tourist attraction and it has not been demonstrated that the proposal would fully meet any of the sustainable tourism development criteria listed within the emerging Core Policy 7 criteria.

### Impact on Visual Amenity and Character of the Area

The NPPF states that good design is a key aspect of sustainable development. Core Policy 9 and Policy DM5 of the DPD require new development to achieve a high standard of sustainable design and layout that is of an appropriate form and scale to its context, complementing the existing built and landscape environments. Furthermore Policy DM8 states that all proposals will need to satisfy other Development Management Policies, take account of potential visual impact they create and in particular address the requirements of landscape character in accordance with Core Policy 13.



Core Policy 7 also requires proposals to be acceptable in terms of scale, design and impact upon local character, the built and natural environment, including heritage assets, amenity and transport.

The proposed lodge would be two storey, contain 3 bedrooms and 2 bathrooms, have an overall floor space of 163m<sup>2</sup> excluding the covered balcony feature and measure 7m to the ridge of the dual pitch roof design.

The timber clad external appearance of the proposed building is considered to relate well to the surrounding woodland setting, however the two storey design and overall footprint of the proposed building is considered to be comparable to a relatively large detached dwelling and not the modest proportions of a typical log cabin type building or sympathetic to the rural setting of the locality.

The proposed building, associated parking and garden would be accessed from an existing access track and whilst no additional hard standing is proposed on the submitted block plan it is envisaged that additional hardstanding may be required to formalise the access & create usable practical parking. It is considered that the proposed access and parking would be required to facilitate the development especially with regard to car parking given the remote location of the development. Due to the proposed development rural location, the impact that the proposal would have on the wider landscaper character must still be assessed.

The proposal site lies within landscape charter policy Zone ES01 contained within the Newark and Sherwood Landscape Character Assessment East Nottinghamshire Sandlands area as defined by the authorities Landscape Character Assessment SPD. The SPD states that this area of landscape is poor in condition and low in sensitivity. The landscape actions of this area are therefore to create in line with policy SP13 which stipulates that development proposals are expected to positively address the implications of the landscape zones in which the proposals lie. The landscape actions for ES01 also stipulate that there is a requirement to conserve what remains of the rural landscape by concentrating new development around existing settlements and to create new development which reflects the local built vernacular. The proposed development would not be built close to the existing built form of the village of North Clifton rather it is isolated and set within the existing natural landscape. Furthermore the proposed development is not considered to reflect the local built vernacular, in fact, its design is considered to be at odds with the existing built form of buildings in North Clifton which are typical built from red bricks and clay tiles. However, it is noted that the proposed building and associated development would be mostly hidden from view (except for the entrance to the access from Mill Lane) it is therefore considered that the proposal would not have a significant visual landscape impact.

Despite this, it is considered that the erection of a building of this size and scale would alter the rural character of the area and would represent a form of encroachment of built form within the open countryside.

Taking into account all of the above points the proposal is considered ***to be of an inappropriate form and scale to its context, and would not complement the existing built and landscape environments*** result in an adverse impact upon the rural character of the area contrary to Core Policies 7 and 9 of the Newark and Sherwood Core Strategy (2011) and Policies DM5 and DM8 of the Allocations and Development Management Development Plan Document (2013).

## Impact on Biodiversity 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. Paragraph 118 of the NPPF includes that opportunities to incorporate biodiversity in and around developments should be encouraged.

I note that the applicants planning, design and access statement includes information regarding the ecological value of the site. This information is based on a desktop assessment using the MAGIC website. This assessment concludes that the woodland has limited ecological value. It also states that it is not proposed to remove trees or hedges on site to create an opening in the woodland to construct the building or associated access, parking or garden area given the existing situation. A site visit has confirmed that trees within the red line boundary have been removed more recently than aerial photography records indicate. ~~It is considered that the submitted information lacks the detail of a full preliminary ecological survey undertaken by a qualified ecologist and arboricultural survey which would normally be expected to supplement a development proposal in such a location.~~ ***The site area comprises of a plantation of pine and is described within the ecology survey as semi-mature trees approaching the time when they would ordinarily be felled. Bearing in mind the above appraisal which considers the principle and need for the proposed tourist accommodation to be unacceptable, it is felt unreasonable to request further information in the form of a dedicated tree survey.***

I am mindful that the NPPF states at paragraph 18 that if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for then planning permission should be refused. Equally I am aware that paragraph 99 of Government Circular 06/2005 states that:

*“It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances...”*

~~Without an ecological survey the impacts upon protected species are not known and cannot be avoided, mitigated or compensated for and it would be difficult to secure appropriate enhancements. Likewise, given the close proximity of the proposed building and access to trees, it is not possible to assess the impact of the development on them in the absence of the submission of a tree survey including suggested mitigation measures. Taking all this into account I have to conclude that the applicant has failed to demonstrate that the impact of the development upon ecology and trees would not be adversely affected and this is contrary to local and national policy and guidance. I fully accept that this may be addressed, but without evidence to demonstrate this I am left with no alternative.~~

***Since the December Committee a Protected Species Survey has been submitted which finds the site to contain land of fairly low ecological value as there is very limited diversity in terms of habitat and flora and concludes that the use of the site for seasonal recreational purposes should not have a significant impact on local biodiversity. However, I note that the survey shows that badger activity has been found within the survey area and that one badger sett has been***

***found within 40m of the existing clearing. The survey includes mitigation measures including temporary fencing during construction and working methods to be employed in order to prevent accidental harm to badgers. In considering that the submitted survey has stated that the sett would be located 40m from the proposed log cabin site, I am of the opinion that with the recommended mitigation measures secured by a condition attached to any grant of planning permission, the proposal would be unlikely to result in any detrimental impact to the local badger population.***

***Overall it is considered that the proposal could be implemented without any significant impacts on biodiversity in accordance with Core Policy 12 and Policy DM5.***

### Residential Amenity

The NPPF seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Policy DM5 of the DPD states that development should have regard to its impact upon the amenity of surrounding land uses and neighbouring development to ensure that the amenities of neighbours and land users are not detrimentally impacted.

Due to the site location there are no dwellings immediately adjacent to the proposed cabin, with only three dwellings within approximately 250 metres these being Slate House at Hall Farmyard (under the applicant's ownership) to the north of the site, Mill Hill House to the east (located on the edge of the woodland and next to A1133) and the Lodge to the south of Mill Lane. The holiday cabin will be wholly enclosed by trees and, being some distance from these nearest, will ensure that they will not be overlooked or overshadowed.

In assessing the impact of the proposed cabin it is considered that the site location set within a dense forested area is isolated from the small number of nearby residential development and as such will not create any amenity impact with regard to privacy either.

It is therefore concluded that the development accords with DM5 of the Allocations and Development Management DPD.

### Highway Safety

Spatial Policy 7 of the Core Strategy seeks to ensure that the 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. I note that the highway authority have raised no objection to the proposal. I am therefore satisfied that the proposal would not result in any highway safety issues subject to the imposition of the suggested conditions and informative if the application were to be approved. The provision of a single tourist accommodation unit is not envisioned to have a significant impact on the transport infrastructure within the locality.

### Conclusion

The site is located within the open countryside. Whilst I recognise the economic benefits of sustainable tourism and visitor based development and the need to realise the tourism potential of the District, I am not currently convinced that the location of development would represent a sustainable form of development, consistent with the objectives of national policy and Core Policy 7 as proposed for amendment. The proposed development only offers the potential for a very

limited degree of support to local employment and does not meet with any of the other criteria within the emerging Core Policy 7 for sustainable rural tourism within the open countryside. Furthermore the proposed log cabin would not be acceptable in terms of scale, size and layout by virtue of the significant size and footprint of the proposed building within a rural landscape, contrary to the aims of the existing and emerging Core Policy 7 **and Core Policy 9 of the Newark and Sherwood Core Strategy (2011) and Policies DM5 and DM8 of the Allocations and Development Management Development Plan Document (2013)**. The applicant has also failed to successfully demonstrate an identified proven need for tourist accommodation in this very rural location, contrary to the aims of the NPPF para 28 and Policies Core Policy 7 of the Core Strategy and DM8 of the adopted Allocations and Development Management DPD.

~~The applicant has failed to demonstrate that no adverse impact upon trees of ecology would result from the proposed development through the submission of ecological and tree surveys contrary to Core Policy 12 (Biodiversity and Green Infrastructure) of the Core Strategy (March 2011) and Policies DM5 (Design) and DM7 (Biodiversity and Green Infrastructure) of the Allocations and Development Management DPD (July 2013);~~

Accordingly it is recommended that planning permission be refused.

## **RECOMMENDATION**

**That full planning permission is refused for the following reasons:**

1. The application site is located within the open countryside. Policy DM8 requires that tourist development meets an identified proven tourism need and is proportionate to existing tourist attractions. Core Policy 7 of the Newark and Sherwood Core Strategy DPD states that, outside of town centres, tourism development should meet identified tourism needs and facilities will only be supported in rural areas where a rural location is necessary to meet identified tourism needs and when development is acceptable in terms of scale, design and impact upon local character.

In the opinion of the District Council the proposal has failed to demonstrate that the proposed isolated single unit of tourist accommodation would meet an identified proven local need for development of the nature proposed or be proportionate to an existing tourist attraction, at this location. The site is not considered to be in a sustainable location and the design, layout, size and scale of the proposed accommodation has not been justified. The proposed development only offers the potential for a very limited degree of support to local employment and does not meet with any of the other criteria within the emerging Core Policy 7 (Publication Amended Core Strategy July 2017). It is therefore considered that the proposal would result in an unsustainable form of development that would have an adverse impact upon the rural character of the area contrary to Core Policy 7 **and 9** of the Newark and Sherwood Core Strategy (2011) and Policies **DM5 and DM8** of the Allocations and Development Management Development Plan Document (2013). This proposal is also considered contrary to the National Planning Policy Framework (2012), which is a material consideration.

- ~~2. Given the site's location in a rural area and the presence of mature vegetation and trees there is a potential for the site to support protected species. No ecological/protected species surveys or tree survey information has been submitted in support of the application. In the opinion of the Local Planning Authority the application has failed to~~

~~demonstrate the impact of the development upon trees and the ecological value of this rural site and therefore it is not possible to minimise, avoid or mitigate any harm. The application is therefore contrary to Core Policy 12 (Biodiversity and Green Infrastructure) of the Core Strategy (March 2011) and Policies DM5 (Design) and DM7 (Biodiversity and Green Infrastructure) of the Allocations and Development Management DPD (July 2013), the NPPF as well as paragraph 99 of the Government Circular 06/2005 which are material planning considerations.~~

## **Notes to Applicant**

01

The application is clearly contrary to the Development Plan and other material planning considerations, as detailed in the above reason(s) for refusal. Working positively and proactively with the applicants would not have afforded the opportunity to overcome these problems, giving a false sense of hope and potentially incurring the applicants further unnecessary time and/or expense.

02

You are advised that as of 1st December 2011, the Newark and Sherwood Community Infrastructure Levy (CIL) Charging Schedule came into effect. Whilst the above application has been refused by the Local Planning Authority you are advised that CIL applies to all planning permissions granted on or after this date. Thus any successful appeal against this decision may therefore be subject to CIL (depending on the location and type of development proposed). Full details are available on the Council's website [www.newark-sherwooddc.gov.uk/cil/](http://www.newark-sherwooddc.gov.uk/cil/)

### **BACKGROUND PAPERS**

Application case file.

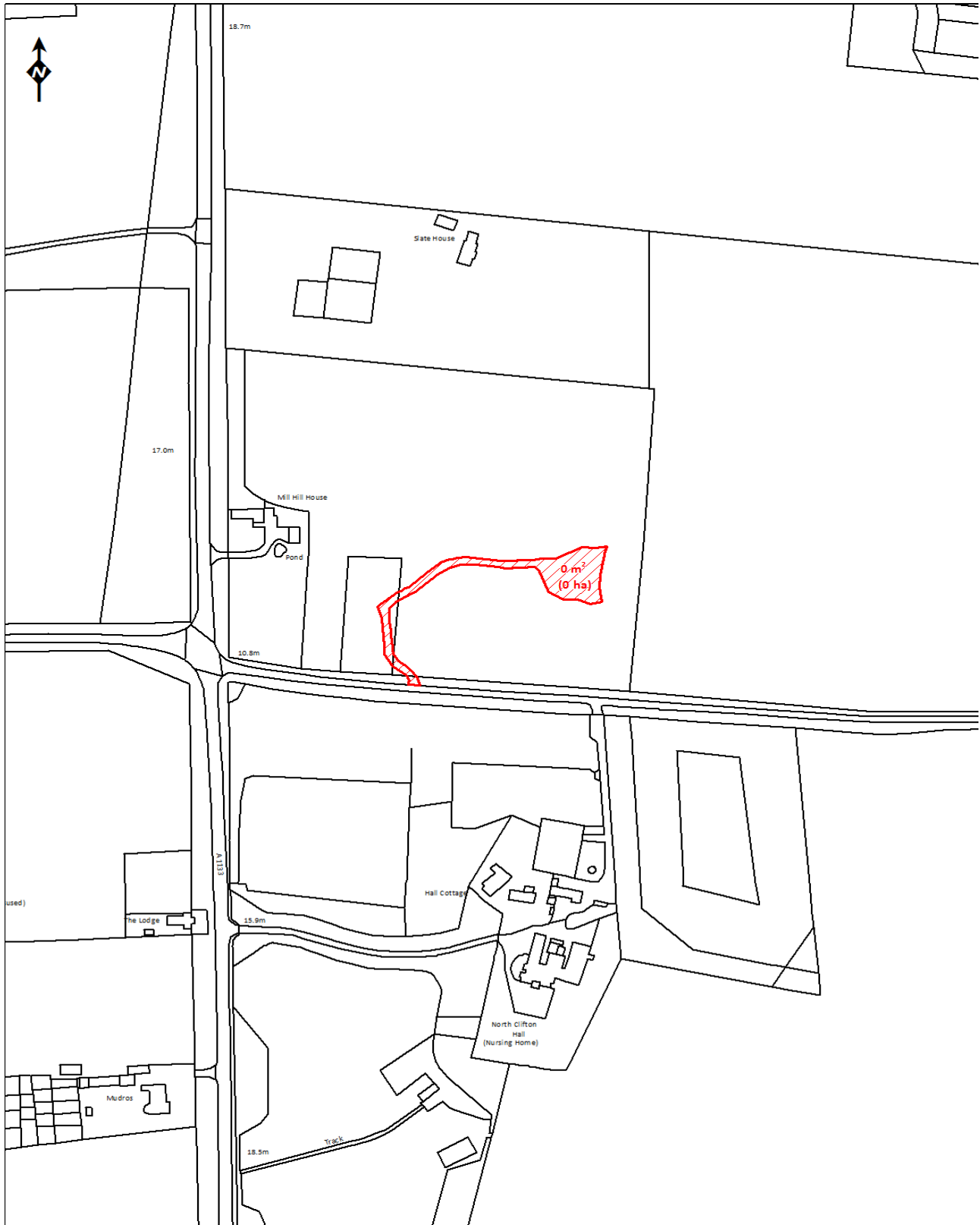
For further information, please contact Gareth Elliott on ext 5836.

All submission documents relating to this planning application can be found on the following website [www.newark-sherwooddc.gov.uk](http://www.newark-sherwooddc.gov.uk).

**Matt Lamb**

**Business Manager Growth & Regeneration**

Committee Plan - 17/01564/FUL



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<b>Application No:</b>	<b>18/00017/OUT</b>
<b>Proposal:</b>	<b>Outline Planning Application for the Erection of a Dwelling</b>
<b>Location:</b>	<b>Land At Epperstone Road, Lowdham, Nottinghamshire</b>
<b>Applicant:</b>	<b>Mr Neil Fletcher</b>
<b>Registered:</b>	<b>05.01.2018</b>
	<b>Target Date: 02.03.2018</b>
	<b>Extension of time agreed until 11.05.2018</b>

**This application is being referred to the Planning Committee for determination because the Parish Council comments are contrary to Planning Officer recommendation.**

### The Site

This application site forms part of a wider allocated housing site within the defined built up area of Lowdham and outside of the Green Belt. The application site forms approx. 780m<sup>2</sup> of the total 2500m<sup>2</sup> total allocated site area. The application site lies towards the east of the allocated site, close to no. 28 Epperstone Road and the built form beyond.

The east of the larger allocated site appears to be used as lawned area in association with no. 28 Epperstone Road. The west of the larger site has an existing vehicular access and hard surfacing in front of an agricultural store building which has been converted to a joinery business.

The existing dwelling at 28 Epperstone Road is a two-and-a-half storey detached brick dwelling with some main aspect windows facing the site. To the north and east of the site lie open fields within the Greenbelt. To the south of the site lies Epperstone Road with Epperstone Bypass beyond. The land is relatively flat and bound predominantly by hedgerows.

The site is, in distance terms, close to Lowdham Conservation Area but is separated from it by both Epperstone Road and the Epperstone Bypass.

### Relevant Planning History

16/00673/CPRIOR - Lowdham Joinery Ltd - The Old Stables. Change of use of the barn from Agricultural Use to use for B1 Business use (Involving Joinery manufacture). Permitted Development June 2016. This is the current business at the site.

### The Proposal

Outline planning permission is sought for the erection of a single dwelling. All matters except for access are reserved for later consideration, should outline planning permission be approved. Therefore it is only the principle of the proposal and the access that are being assessed as part of this current planning application. Details of appearance, landscaping, layout and scale are not being considered in detail at this stage.

A block plan has been submitted showing access taken from Epperstone Road, towards the eastern part of the site. The submitted block plan also shows an indicative footprint for a single dwelling in order to demonstrate how siting *could* be achieved.

At the request of the Local Planning Authority (LPA), the applicant has also submitted an indicative plan showing how the remainder of the allocated site could still accommodate further residential development of around 4 dwellings (as required under allocation Lo/Ho/1) if outline planning permission were to be granted for a single dwelling on this current smaller planning application site.

#### Departure/Public Advertisement Procedure

Occupiers of three properties have been individually notified by letter. A site notice has also been displayed near to the site giving an expiry date of 7<sup>th</sup> February 2018.

#### Planning Policy Framework

##### The Development Plan

##### **Newark and Sherwood Core Strategy DPD (adopted March 2011)**

- Spatial Policy 1 Settlement Hierarchy
- Spatial Policy 2 Spatial Distribution of Growth
- Spatial Policy 6 Infrastructure for Growth
- Spatial Policy 7 Sustainable Transport
- Spatial Policy 9 Site Allocations
- 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 13 Landscape Character
- Core Policy 14 – Historic Environment

##### **Allocations & Development Management DPD**

- Policy Lo/Ho/1 Lowdham - Housing Site 1
- Policy Lo/HN/1 Lowdham Housing Need
- Policy DM1 Development within Settlements Central to Delivering the Spatial Strategy
- Policy DM2 Development on Allocated Sites
- Policy DM3 Developer Contributions and Planning Obligations
- Policy DM5 Design
- Policy DM7 Biodiversity and Green Infrastructure
- Policy DM9 – Protecting and Enhancing the Historic Environment
- Policy DM12 Presumption in Favour of Sustainable Development

#### Other Material Planning Considerations

- National Planning Policy Framework 2012
- Planning Practice Guidance 2014



- Landscape Character Assessment, SPD
- Publication Core Strategy
- The Housing Market and Needs Assessment Sub Area Report (2014)

### Consultations

**Lowdham Parish Council** – Object to proposal.

Original comments;-

*“Lowdham Parish Councillors at the meeting objected to this planning application unanimously, seven Councillors present one abstained with a pecuniary interest. The plans are objected to on the grounds that any new development increases flood risks, the property is in an area already over developed and the entrance is on the bend close to a busy junction. Concerns that this could lead to further development.”*

Further comments 1;-

*“Further to my comments from the Lowdham Parish Council meeting it seems that I may have miss interpreted and omitted a relevant comment, I would therefore like to add to the comments –*

*‘The District Council have considered a previous planning application on this land and were only prepared to give outline consent on the basis that six houses were built it was felt that the land was unique in Lowdham in having capacity for more properties and it would not be right to allow just one property to be built on the site.’”*

Further comments 2;-

*“Lowdham Parish Council voted against this application as follows eight against and one abstention. The Parish Council have concerns about the run off from increased development on the site, incapacity of the sewage system and access and egress onto the main road.”*

### **NSDC Planning Policy –**

Initial comments;-

*“The application site is part of a larger site, Lo/Ho/1, that is allocated in the Allocations and Development Management DPD for residential development providing around five dwellings. Policy Lo/HN/1 states that the majority of housing on the site should be two bedroom units to meet the needs of the local community. It is acknowledged that the Housing Market and Needs Assessment Sub Area Report (2014) found that there was a slightly greater need for three bedroomed properties than two bedroomed properties in the Nottingham Fringe Area.*

*It is hard to view this proposal as being in line with policy. There is nothing to indicate that any residential development will be coming forward on the other part of Lo/Ho/1 – it is currently a mixture of agricultural and B1 uses. This means that if this application was granted permission, it would be likely that only one dwelling would be delivered on Lo/Ho/1, at least in the short term. Given that there is only one other site allocated for housing in Lowdham, this risks under provision.*

*It is important that any application granted permission on this site does not prejudice the delivery of the rest of Lo/Ho/1 for housing. Any access arrangements should be compatible with potential future residential development on the northern portion of the site.*

*Conclusion - The proposal as it stands does not fully comply with the Development Plan. Therefore strong material considerations would be required to determine the application positively."*

Additional comments after discussions with agent 1;-

*"Lo/Ho/1 was removed from the Green Belt in order to provide around 5 dwellings. As noted in the Agent's email, the level of development proposed for Lowdham in the Amended Core Strategy has been reduced from that proposed in the Adopted Core Strategy because it was not possible to identify sufficient suitable sites through the Allocations and Development Management DPD. The District Council is therefore keen to see Lo/Ho/1 developed during the Plan period. No convincing evidence has been submitted which indicates that delivery of five dwellings on this allocation is unviable.*

*The existence of premises used for business purposes on the northern portion of the site may make residential development here unlikely in the short term. Any application for development elsewhere on the allocation should, nevertheless, demonstrate how it could facilitate the residential development of the rest of the site in the medium or long term. This should include the necessary provision for the access to accommodate the whole development to the satisfaction of the Highways Agency.*

*It is important to understand that the housing figures set out in the Adopted Core Strategy and the Amended Core Strategy are not maximums. Consents granted elsewhere in Lowdham do not preclude appropriate development on this site coming forward.*

*The Housing Market and Needs Assessment Sub Area Report (2014) found that, in the Nottingham Fringe Area, there was most need for three bedroomed properties, followed by two bedroomed properties. Although Policy Lo/HN/1 states that a majority of new housing in Lowdham should be two bedroomed, other mixes of housing may be considered in the light of the Sub Area Report. As previously confirmed through the pre application discussions, a scheme which includes a single four bedroomed house may be acceptable. However, since the majority of the need in the Nottingham Fringe Area is for three and two bedroomed dwellings, it is not considered unreasonable to seek two no. three bedroomed houses and two no. two bedroomed houses in this location. Since the District, including the Nottingham Fringe Area, has an aging population, seeking the provision of some single storey dwellings also does not seem unreasonable.*

*The District Council needs to be assured that the site can be delivered in the future. Evidence will therefore need to be provided to demonstrate that the proposed scheme will not prejudice the delivery of the rest of the allocation. Without this evidence, the District Council cannot be confident that the overall aims and criteria of the policy can be satisfactorily fulfilled over the medium to long term. This would also therefore fail to meet the requirements of Development Management Policy DM2 – Development on Allocated sites."*

Additional comments 2 on additional information showing an indicative layout for 5 no. dwellings on the larger allocated site;-

*“It appears that the submitted Planning Statement Addendum addresses concerns that we raised previously. It is therefore possible that the application may be considered to comply with the Development Plan.”*

**NSDC Conservation Officer;-**

*“The proposal seeks outline permission for a dwelling with all matters reserved other than access. The proposal site is allocated within the N&S Allocations and DM Policies DPD (ref Ho/Lo/1).*

*There are a number of designated heritage assets within the wider landscape of the proposal site, notably Lowdham Mill to the north (Grade II listed), The Old Hall to the southwest (Grade II\*) and the Church of St Mary to the west (Grade I). Lowdham Conservation Area (CA) encompasses the historic core of the village to the west.*

*26 Epperstone Road to the east of the proposal site is identified as a Local Interest building on the County HER (ref MNT22311). The roadway to the northwest is identified as being an ancient hollow way (ref MNT10255).*

*Legal & Policy Considerations*

*Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the ‘Act’) requires the Local Planning Authority (LPA) to pay special regard to the desirability of preserving listed buildings, their setting and any architectural features that they possess. In this context, the objective of preservation is to cause no harm. The courts have said that this statutory requirement operates as a paramount consideration, ‘the first consideration for a decision maker’. Planning decisions require balanced judgement, but in that exercise, significant weight must be given to the objective of heritage asset conservation.*

*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 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).*

*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. Paragraph 13 also reminds us that the contribution made by setting does not necessarily rely on direct intervisibility or public access.*

*Additional advice on considering development within the historic environment is contained within the Historic England Good Practice Advice Notes (notably GPA2 and GPA3). In addition, ‘Historic England Advice Note 2: making changes to heritage assets’ advises that the main issues to consider in proposals for additions to heritage assets, aside from NPPF requirements such as social and*

*economic activity and sustainability, are proportion, height, massing, bulk, use of materials, durability and adaptability, use, enclosure, relationship with adjacent assets and definition of spaces and streets, alignment, active frontages, permeability and treatment of setting. Replicating a particular style may be less important, though there are circumstances when it may be appropriate. It would not normally be good practice for new work to dominate the original asset or its setting in either scale, material or as a result of its siting (paragraph 41).*

*Local Interest buildings and areas of archaeological interest are formally identified on the County Historic Environment Record (HER). In accordance with Annex 2 of the NPPF, Local Interest buildings and areas of archaeological interest 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 135 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.*

### Observations

*Provided that development is suitably designed and scaled, we consider that a dwelling is capable of being erected on this site without causing harm to the historic environment. Essentially, the proposal site is sufficiently distant from designated heritage assets and therefore unlikely to cause harm to any listed building or the setting of the CA. Although the mill complex is situated in open countryside to the north, the distance between the listed building and proposal is several hundred metres and green infrastructure provides a degree of cover. At this distance, development is likely to appear as a simple continuation of the existing built environment, resulting in a neutral impact on setting. The Church and Old Hall are further away, furthermore, and there is more extensive tree cover between them.*

*Overall, the indicative details provided suggest that development will maintain the building line along Epperstone Road, and in this context, development is capable of sustaining the character and appearance of the area through appropriate design and facing materials.*

*Subject to precise details on layout, scale, design and appearance, we consider that development is acceptable in this case.”*

**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. 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 dwelling be carefully examined. External pathways to and around the site should be carefully considered and designed to accepted standards with reference to the topography of the site to ensure that they provide suitable clear unobstructed inclusive access to the proposal. In particular, ‘step-free’ access to and into the dwelling is an important consideration and an obstacle free*

*suitably surfaced firm level and smooth 'traffic free' accessible route is important to and into the dwelling 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, corridors etc. 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."*

**NCC Highways Authority – No objection.**

Original comments;-

*"This proposal is for the erection of a single dwelling with the construction of a new vehicular access onto Epperstone Road.*

*There are no highway objections to this proposal subject to the following:*

- 1. No part of the development hereby permitted shall be brought into use until the access has been designed to have a minimum width of 2.75m for the first 5m rear of the highway boundary in accordance with details to be first submitted to and approved in writing by the Local Planning Authority and thereafter constructed in accordance with the approved details. Reason: In the interests of highway safety.*
- 2. No part of the development hereby permitted shall be brought into use until the access is surfaced in a bound material for a minimum distance of 2m rear of the highway boundary in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. Reason: To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc.).*
- 3. No part of the development hereby permitted shall be brought into use until adequate parking and turning facilities are provided in accordance with plans to be first submitted to and approved in writing by the Local Planning Authority. The parking/turning areas shall be maintained for the life of the development and shall not be used for any purpose other than the parking/turning of vehicles. Reason: To ensure adequate off street parking provision is made to reduce the possibilities of on street parking in the area.*
- 4. No part of the development hereby permitted shall be brought into use until minimum visibility splays of 2.4m x 43m are provided in accordance with details to be first submitted and approved in writing by the LPA. The area within the visibility splays referred to in this condition shall thereafter be kept free of all obstructions, structures or erections exceeding 0.6m in height. Reason: To maintain the visibility splays throughout the life of the development and in the interests of highway safety.*

### *Note to Applicant*

*The development makes it necessary to construct a vehicular crossing over a footway/verge of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact VIA, in partnership with NCC, tel: 0300 500 8080 to arrange for these works to be carried out."*

Comments on additional information showing an indicative layout for 5 no. dwellings on the larger allocated site;-

### *"Additional information*

*Further information has been submitted relating to the provision of additional dwellings. The previous comments and conditions dated 31/1/18 still apply. However, the following comments relate to possible future proposals:*

- 1. Short to medium term (Phase 2) – the layout shows the proposed dwelling from this application and a further 2 semi-detached dwellings, together with the agricultural and employment building, all served from one access point. The access would be required to be widened; however, the required width is dependent upon the type and size of vehicle using the agricultural building.*
- 2. Medium to longer term (Phase 3) – the layout shows the proposed dwelling from this application with 4 semi-detached dwellings, together with the agricultural and employment building, having been relocated, all served from one access point. The access would be required to be widened; however, the required width is dependent upon the type and size of vehicle using the agricultural building."*

Further clarification requested by the case officer confirms that the access may only be required to be widened for the purpose of the agricultural building. The width of access proposed would be sufficient for 5 no. residential dwellings.

**Trent Valley Internal Drainage Board** – *"The site is within the Trent Valley Internal Drainage Board District. There are no Board Maintained watercourses in close proximity to the site. Surface water run-off rates to receiving watercourses must not be increased as a result of the development. The design, operation and future maintenance of site drainage systems must be agreed with the Lead Local Flood Authority and Local Planning Authority."*

### **Campaign to Protect Rural England (CPRE);-**

*"This application is submitted for outline development of land allocated in the District Plan for housing. The application deals mainly with road access to the site but gives limited information on the structure itself. This comment is not an objection to the proposal but seeks to ensure that the Outline Approval retains the capability of influencing other detail of the property.*

*The Council is asked to withhold approval on all aspects of the new building not mentioned in this outline application. Such issues as dimensions, materials, colour, external lighting, architectural style, etc. etc."*

**Environmental Health Officer** – No comments received to date.

**No representations have been received from local residents/interested parties.**

### Comments of the Business Manager

#### The Principle

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. This has been rehearsed many times before and as such I do not intend to rehearse this in full other than to say that the policies of the Development Plan are considered up to date for the purposes of decision making. This has been confirmed by an Inspector through recent appeal decisions dated April 2018.

The site is located in Lowdham, which is identified by the Newark and Sherwood Core Strategy (CS) as a Principal Village within the Nottingham Fringe area. The larger site is allocated in the Newark and Sherwood Allocations and Development Management Development Plan Document (ADMDDP) under allocation Lo/Ho/1 which allocates the site for around 5 dwellings. The larger allocated site has consequently been removed from the Green Belt and sits within the village envelope as defined in the ADMDDP.

Development within the village envelope of Principal Villages is considered acceptable through policies SP1 and SP2 of the CS and Policy DM1 of the ADMDDP. Furthermore, this site benefits from an allocation Lo/Ho/1 within the Plan. The principle of residential development at this site is therefore already established.

#### Housing Density, Mix and Need (including Whether this would Prejudice the Remainder of the Site Allocation)

CP3 expects all housing developments to normally be no lower than 30 dwellings per hectare on average, with an appropriate housing mix and which adequately addresses housing need in the district identified as family housing of 3 bedrooms or more, smaller houses of 2 bedrooms or less and housing for the elderly and disabled population.

In this particular case allocated site Lo/Ho/1 was removed from the Green Belt in order to provide around 5 dwellings, which was deemed to be an appropriate density given the site constraints. However, the level of development proposed for Lowdham in the Amended Core Strategy has been reduced from that proposed in the Adopted Core Strategy because it was not possible to identify sufficient suitable sites through the Allocations and Development Management DPD. The LPA is therefore keen to see Lo/Ho/1 developed during the current Plan period.

The existence of premises used for business purposes on the northern portion of the site may make residential development here unlikely in the short term. As such this current planning application for development on only part of the allocated site needs to demonstrate how it could facilitate the residential development of the remainder of the site in the medium or long term. This also needs to include the necessary provision for the access to accommodate the whole development to the satisfaction of the Highways Authority.

This dwelling proposed by this scheme is a market dwelling, likely to be detached with the size and number of bedrooms unknown at this stage. The application site is located adjacent to an existing detached dwelling at no. 28 Epperstone Road and equates to c780m<sup>2</sup> of land. This would leave c1720m<sup>2</sup> for the remaining site allocation of which 'around' 4 dwellings would be expected in order to accord with the allocation policy. This would leave an average of c430m<sup>2</sup> of land available if it were to be developed for 4 plots.

The Housing Market and Needs Assessment Sub Area Report (2014) found that, in the Nottingham Fringe Area, there was most need for three bedroomed properties, followed by two bedroomed properties. Although Policy Lo/HN/1 states that a majority of new housing in Lowdham should be two bedroomed, other mixes of housing may be considered in the light of the Sub Area Report. This planning application seeks outline planning permission with access being the only detail being considered at this stage. Therefore, at this stage, precise details of the size, layout and indeed number of bedrooms of the proposed single dwelling have not been submitted. However, given the size of the site (780 square metres) and the indicative block plan, it is possible that the applicants may seek for a new dwelling on this site to be larger than a two or three bed dwelling. In light of the above information, a single larger dwelling may be considered to be acceptable in principle particularly as size will be controlled at reserved matters stage.

The applicant was requested to demonstrate that this current planning application will not prejudice the delivery of the rest of the allocation. Consequently the applicant has provided additional information on how the remainder of the site might be developed to still deliver the expected number of dwellings on the allocated site. This shows that later phases could comprise two pairs of semi-detached dwellings orientated west to east (facing the current application site). These would appear to be smaller dwellings, which would be expected given the remaining land available for development would dictate a higher density. The information submitted is indicative only. However, it is considered sufficient to demonstrate that the granting of this current planning application would not prejudice the remainder of the site being able to be developed in line with the above policies at a later stage.

The applicant has indicated that the short to medium term development of the site (phase 2) could extend the proposed access into a private drive allowing a pair of two-storey semi-detached 2-bedrooms dwellings to be created. The indicative plan and supporting commentary suggests each dwelling could a gross internal floor area of 83m<sup>2</sup>.

The applicant has indicated that the medium to longer term development of the site (phase 3) could see the re-location of the existing business out of the allocated site with the erection of a pair of two-storey semi-detached dwellings each with a built footprint of 100sqm and gross internal floorspace of 165sqm.

This potential site layout is indicative only. There are elements of the proposed layout plan that may not be acceptable. For example, the phase 2 dwellings have small rear garden areas but this may be able to be overcome by moving the dwellings further forward in the plot. The layout plan



also shows the existing agricultural and employment building to be relocated adjacent to the site within the Green Belt which is likely to be contrary to Green Belt planning policy. However, such details are not being considered as part of this current planning application and in any event the development of the site for residential is not reliant on the existing business relocating to within the Green Belt; it could go potentially go anywhere.

It is, however, considered that the indicative layout plan is sufficient to demonstrate that the granting of this outline planning application for a single (possibly larger) dwelling on part of the site would not prejudice the remainder of the allocated site being developed to a satisfactory manner. It is considered that sufficient space remains for a further 4 no. dwellings to be located at the site (with the needed mix of two and three bedrooms), of a sufficient size, with sufficient amenity space and sufficient separation distances. Access and parking arrangements could also be accommodated to a satisfactory standard. The Highway Authority has been consulted on the indicative plan and raised no objections in principle. I am therefore satisfied that the current scheme would not prejudice the remainder of the allocation to deliver its intended housing in line with policy expectations.

### Highway Safety

Access details are to be considered as part of this planning application.

The allocation policy Lo/Ho/1 states that for this site;- *“Development on this site shall be served from a single point of access onto Epperstone Road.”*

Spatial Policy 7 indicates that development proposals should be appropriate for the highway network in terms of the volume and nature of traffic generated and ensure the safety, convenience and free flow of traffic using the highway are not adversely affected; and that appropriate parking provision is provided. Policy DM5 states that for all development in the District;- *“Provision should be made for safe and inclusive access to new development.”*

There is an existing access point towards the south west of the site which serves the existing business. A new access point is proposed to the south east of the site to serve the proposed new dwelling. In the short term, the two accesses would run concurrently. However, as one of the access points is for the existing business at the site and not for the new residential development, this is not considered to be contrary to the above planning policy.

The indicative plans for the long term development at the site do show the existing access to be made redundant with all new residential development being served from the new single access point which would be altered into a private drive. The Highway Authority has raised no objections in principle to this arrangement, although such details are not formally being considered at this stage.

The Highway Authority has been consulted on the proposed access arrangements for this current planning application and has raised no objections to the proposed new access point subject to conditions which I consider are necessary and reasonable. The applicant has submitted an indicative plan showing that the required visibility splays can be achieved at the site. For the reasons stated above, I consider that the proposed access details are acceptable and comply with the access part of policy Lo/Ho/1 as well as SP7, CP9 and DM5.

## Impact on Amenity

Appearance, scale and layout are all details reserved for later approval should this outline planning permission be granted. As such, they are cannot be considered in detail at this stage. However, the LPA need to be satisfied that the site is large enough to satisfactorily accommodate the single dwelling proposed without appearing cramped in its plot and without impacting on the residential amenity of neighbouring occupiers. This is in accordance with Core Policy 9 which states that all new development within the District must;-

*“Achieve a high standard of sustainable design and layout that is capable of being accessible to all and of an appropriate form and scale to its context complementing the existing built and landscape environments”*

An indicative layout plan of the proposed single dwelling has been submitted as part of the planning application. I do have concerns with the layout proposed on the indicative plan in that the dwelling is set quite far back within the plot and leaves little private amenity area to serve the dwelling at its rear. However, this plan is indicative only and the dwelling could be moved further forward in the plot and possibly also redesigned to resolve this issue (being careful not to impact on the amenity of the adjacent property).

Policy DM5 of the ADMDPD states that;- *“The layout of development within sites and separation distances from neighbouring development should be sufficient to ensure that neither suffers from an unacceptable reduction in amenity including overbearing impacts, loss of light and privacy.”*

With regards to impact on neighbouring properties, the only residential property in close proximity to the site is no. 28 Epperstone Road to the east. All other site boundaries are surrounded by open fields or highways and therefore there are no other neighbouring residential properties close enough to be adversely affected by the proposal.

There is an existing joinery business within the larger allocated site which is also within the ownership of the applicant. This operates from a former agricultural building which under the prior notification procedure has changed its use to a B1 business use which involves joinery manufacture. Given this business operates from a building that wasn't designed specifically for manufacturing; I consider that there is potential for the business to generate noise and disturbance impacts that could affect the proposed dwelling. Our Environmental Health Officer has been asked for their comments on the relationship and this will be reported as a late item. However it seems to me that the impacts are unlikely to be insurmountable and that measures such as noise attenuation fencing, ensuring that the dwelling is orientated such that the main aspect windows do not face the west and the level of glazing within the windows, all of which could be controlled via condition (see Condition 8) and at reserved matters stage would likely be sufficient to allay such concerns.

No. 28 Epperstone Road is within the ownership of the applicant and therefore is associated with the proposed dwelling. Notwithstanding this, the impact of the proposal on this property still requires careful consideration. No. 28 does have windows facing the site both at ground and first floor level and also at second floor within the side gable. Some of these windows light main aspect rooms. However, looking at the approved floor plans for when planning permission was granted for this neighbouring dwelling, some of these rooms also have other windows to the rear of the dwelling lighting the same rooms. The only exception to this is the open plan breakfast / kitchen / family room. Careful consideration would need to be given to the final siting, layout and design of

the proposed new dwelling to ensure that it does not have an unacceptable detrimental impact on the neighbouring property, no. 28, in particular in terms of massing / overshadowing onto these windows. However, from the information submitted, I am satisfied that the site is large enough to accommodate a single dwelling of some sort with a careful design so as to not impact on the amenity of the neighbouring dwelling in compliance with the identified policies.

#### Impact upon the Character and Appearance of the Area

A new access point is proposed to the south east of the site to serve the proposed new dwelling. Highway safety has already been assessed earlier in this report. However, the visual impact of the creation of an access on the character and appearance of the area also requires consideration.

The allocation policy Lo/Ho/1 states that;- *“Development on this site will be subject to the following:*

*Consideration of the retention of the existing boundary hedgerows as part of the design and layout of any planning application in order to manage the transition into the main built up area.”*

The proposed new access will require the removal of some hedgerow and this is not considered to be unreasonable given the need for an access point to serve the proposed residential development. In terms of location of the access and removal of hedgerow, I consider that the proposed driveway siting towards the very east of the site to be the preferred position from a visual point of view as it is closest to the built-form within the village and furthest away from the open Green Belt. This allows for a visual transition from rural to urban.

The Highway Authority has advised that visibility splays of 2.4m x 43m are required to either side of the access point. Precise details of this should be controlled by way of a planning condition should planning permission be granted. However, in order to assess the amount of hedgerow required to be removed to make way for the visibility splays, the applicant was asked to submit an indicative plan showing the visibility splays. The submitted visibility splay plan shows that hedgerow is only required to be removed to make way for the access point itself and that no hedgerow is required to be removed for the visibility splays. This is due to the wide highway corridor and slight curvature of Epperstone Road.

For the reasons stated above, the removal of part of the hedgerow to make way for the proposed access point is not considered contrary to the allocation policy Lo/Ho/1 in this respect.

#### Impact on Heritage Assets

There are a number of designated heritage assets within the wider landscape of the proposal site, notably Lowdham Mill to the north (Grade II listed), The Old Hall to the southwest (Grade II\*) and the Church of St Mary to the west (Grade I). Lowdham Conservation Area (CA) encompasses the historic core of the village to the west. No. 26 Epperstone Road to the east of the proposal site is identified as a Local Interest building on the County HER (ref MNT22311). The roadway to the northwest is identified as being an ancient hollow way (ref MNT10255).

The site is in distance terms close to Lowdham Conservation Area but in reality this is separated from the site by both Epperstone Road and the Epperstone Bypass thus reducing the impact upon it. Nevertheless it has been considered below.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') requires the Local Planning Authority (LPA) to pay special regard to the desirability of preserving listed buildings, their setting and any architectural features that they possess. In this context, the objective of preservation is to cause no harm. The courts have said that this statutory requirement operates as a paramount consideration, 'the first consideration for a decision maker'. Planning decisions require balanced judgement, but in that exercise, significant weight must be given to the objective of heritage asset conservation.

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 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).

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. Paragraph 13 also reminds us that the contribution made by setting does not necessarily rely on direct intervisibility or public access.

Additional advice on considering development within the historic environment is contained within the Historic England Good Practice Advice Notes (notably GPA2 and GPA3). In addition, 'Historic England Advice Note 2: making changes to heritage assets' advises that the main issues to consider in proposals for additions to heritage assets, aside from NPPF requirements such as social and economic activity and sustainability, are proportion, height, massing, bulk, use of materials, durability and adaptability, use, enclosure, relationship with adjacent assets and definition of spaces and streets, alignment, active frontages, permeability and treatment of setting. Replicating a particular style may be less important, though there are circumstances when it may be appropriate. It would not normally be good practice for new work to dominate the original asset or its setting in either scale, material or as a result of its siting (paragraph 41).

Local Interest buildings and areas of archaeological interest are formally identified on the County Historic Environment Record (HER). In accordance with Annex 2 of the NPPF, Local Interest buildings and areas of archaeological interest 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 135 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 Conservation Officer has assessed the proposal and commented that:-

*"Provided that development is suitably designed and scaled, we consider that a dwelling is capable of being erected on this site without causing harm to the historic environment. Essentially, the proposal site is sufficiently distant from designated heritage assets and therefore unlikely to cause*

*harm to any listed building or the setting of the CA. Although the mill complex is situated in open countryside to the north, the distance between the listed building and proposal is several hundred metres and green infrastructure provides a degree of cover. At this distance, development is likely to appear as a simple continuation of the existing built environment, resulting in a neutral impact on setting. The Church and Old Hall are further away, furthermore, and there is more extensive tree cover between them.*

*Overall, the indicative details provided suggest that development will maintain the building line along Epperstone Road, and in this context, development is capable of sustaining the character and appearance of the area through appropriate design and facing materials.*

*Subject to precise details on layout, scale, design and appearance, we consider that development is acceptable in this case."*

Precise details of appearance, landscaping, layout and scale are all reserved for later consideration and the Conservation Officer would be consulted if and when a reserved matters application were to be submitted. However, it is considered that the principle of a single dwelling at this site is acceptable from a heritage point of view.

### Flood Risk

The Parish Council has raised concerns as they consider that any new development would increase flood risk in the area. However, the site is located within flood zone 1 which is at the lowest risk of flooding, albeit it is located within an area noted for surface water flooding.

Trent Valley Internal Drainage Board has commented that;-

*"The site is within the Trent Valley Internal Drainage Board District. There are no Board Maintained watercourses in close proximity to the site. Surface water run-off rates to receiving watercourses must not be increased as a result of the development. The design, operation and future maintenance of site drainage systems must be agreed with the Lead Local Flood Authority and Local Planning Authority."*

However, the Lead Local Flood Authority do not offer comments on such minor development within this area of the district. Nevertheless I am satisfied that surface water drainage is an issue that can be controlled and I consider it reasonable for the applicant to demonstrate the means of satisfactory surface water drainage prior to commencing development which can be controlled via condition 9.

### Conclusion

The principle of further residential at this site is acceptable and indeed already established through site allocation Lo/Ho/1 of the ADMDPD. The applicant has submitted indicative details demonstrating that this current planning application will not prejudice the delivery of the rest of the allocation site. The proposed access arrangements are not considered to have a detrimental impact on highway safety in the area and could serve the entire allocated site in due course. The site is considered large enough to be able to accommodate a single dwelling without appearing cramped and out of keeping with its surroundings and without having a significant detrimental impact on the amenity of neighbouring occupiers. The removal of hedgerow is minimal. The proposal is not considered to have a detrimental impact on nearby heritage assets. The site is not located in a flood zone.

As such, the proposal is considered to be in accordance with the relevant planning policies and other material considerations outlined earlier in this report. Accordingly, it is recommended that outline planning permission should be granted subject to the conditions set out below.

## **RECOMMENDATION**

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

### Conditions

01

Application for approval of reserved matters shall be made to the local planning authority not later than three years from the date of this permission.

The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.

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

02

Details of the appearance, landscaping, scale, and layout (hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason: This is a planning permission in outline only and the information required is necessary for the consideration of the ultimate detailed proposal.

03

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

Site location plan, received 4<sup>th</sup> January 2018

Access details only as shown on indicative block plan, received 4th January 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.

04

No part of the development hereby permitted shall be brought into use until the access has been designed to have a minimum width of 2.75m for the first 5m rear of the highway boundary in accordance with details to be first submitted to and approved in writing by the Local Planning Authority and thereafter constructed in accordance with the approved details.

Reason: In the interests of highway safety.

05

No part of the development hereby permitted shall be brought into use until the access is surfaced in a bound material for a minimum distance of 2m rear of the highway boundary in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.

Reason: To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc.).

06

No part of the development hereby permitted shall be brought into use until adequate parking and turning facilities are provided in accordance with plans to be first submitted to and approved in writing by the Local Planning Authority. The parking/turning areas shall be maintained for the life of the development and shall not be used for any purpose other than the parking/turning of vehicles.

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

07

No part of the development hereby permitted shall be brought into use until minimum visibility splays of 2.4m x 43m are provided in accordance with details to be first submitted and approved in writing by the LPA. The area within the visibility splays referred to in this condition shall thereafter be kept free of all obstructions, structures or erections exceeding 0.6m in height

Reason: To maintain the visibility splays throughout the life of the development and in the interests of highway safety.

08

Application for reserved matters shall be accompanied by a Noise Assessment and an attenuation scheme that demonstrates whether any mitigation against potential noise and general disturbance impacts from the adjacent business to the west will be necessary and what these should comprise. Any mitigation measures identified as being necessary shall be implemented in full and retained until such time as the building to the west ceases to be used for business purposes, in accordance with a timetable which shall be agreed in writing prior to the commencement of the dwelling hereby approved.

Reason: In the interests of providing a satisfactory standard of amenity for the future occupiers of the site.

09

The development hereby permitted shall not commence until drainage plans for the disposal of surface water have been submitted to and approved 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 as well as reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

## Informatives

01

This application has been the subject of discussions during the application process to ensure that the proposal is acceptable. The District Planning Authority has accordingly worked positively and pro-actively, seeking solutions to problems arising in coming to its decision. This is fully in accordance with Town and Country Planning (Development Management Procedure) Order 2010 (as amended).

02

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

The proposed development has been assessed and it is the Council's view that CIL IS PAYABLE on the development hereby approved. The actual amount of CIL payable will be calculated when a decision is made on the subsequent reserved matters application.

03

The comments of the Internal Drainage Board are available to view on the electronic planning file on the Council's website.

04

The comments of the Council's Access Officer are available to view on the electronic planning file on the Council's website.

05

The development makes it necessary to construct a vehicular crossing over a footway/verge of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact VIA, in partnership with NCC, tel: 0300 500 8080 to arrange for these works to be carried out.

## Background Papers

Application Case File

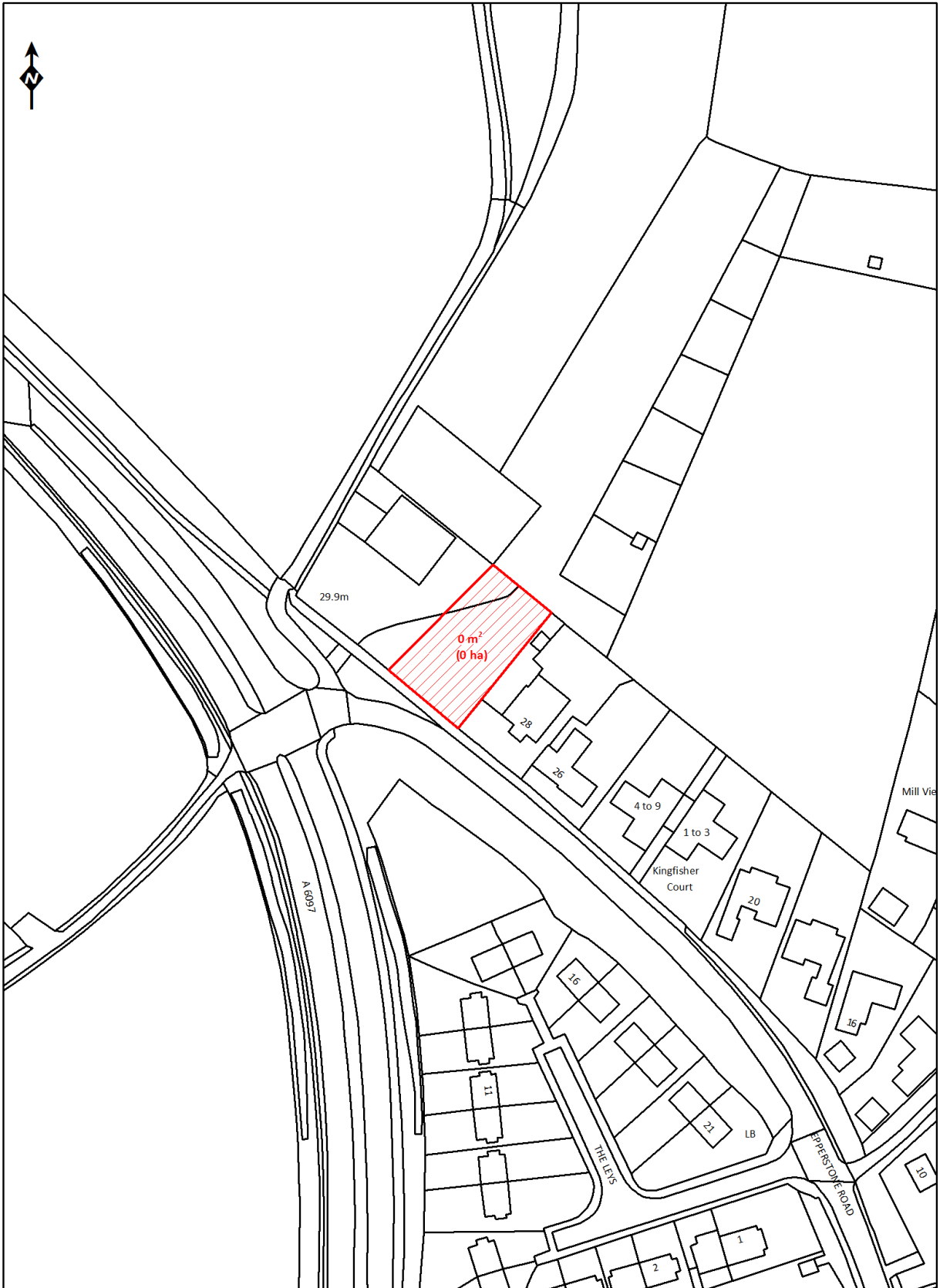
For further information, please contact Claire Turton on extn. 5893.

All submission documents relating to this planning application can be found on the following website [www.newark-sherwooddc.gov.uk](http://www.newark-sherwooddc.gov.uk).

**Matt Lamb**

**Business Manager – Growth & Regeneration**





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<b>Application No:</b>	<b>17/01616/FUL</b>
<b>Proposal:</b>	<b>Proposed change of use of existing car workshop/showroom and outdoor sales to local convenience store (Retail A1) incorporating relocation of Gonalston Farm Shop (Retail A1), ancillary coffee shop franchise and new local allotment provision</b>
<b>Location:</b>	<b>J Harrison Ltd, Southwell Road, Lowdham, NG14 7DS</b>
<b>Applicant:</b>	<b>Mr D Betts</b>
<b>Registered:</b>	<b>7 September 2017</b>
	<b>Target Date: 2 November 2017</b>
	<b>Extension of Time Agreed until 4 April 2018</b>

This application is being presented to the Planning Committee in line with the Council's Scheme of Delegation as Lowdham Parish Council has written in support of the application which differs to the professional officer recommendation.

### Update to Planning Committee

Members at the April Planning Committee agreed to defer the application pending the submission of Retail Impact Assessment (RIA). At the time of going to print the RIA had not been submitted. Officers will need time to review this and decide on whether to commission independent retail advice which will take time. Therefore Officers reserve the right to withdraw this application from the agenda should the RIA not be received or if the assessment of this has not been possible.

### The Site

The application site lies on land to the south of Southwell Road within the parish of Lowdham and comprises c0.65 hectares of land. The majority of the existing site contains a car workshop/showroom (a Peugeot franchise) with ancillary car parking and circulation areas. The workshop/showroom is single storey and industrial in appearance with a part brick and part grey clad construction. The south east corner of the site contains part of an agricultural field which is separated from the application site by a hedgerow which includes a number of trees and a 1 metre high (approx.) fence.

Immediately to the west of the site is the rest of the existing J Harrison site which contains a petrol station, shop, car workshop and ancillary car parking and storage areas. Immediately to the north east of the site is Sunnyside, a two storey residential property. This property is separated from the application site by a 2 metre high (approx.) close boarded fence. Agricultural fields surround the site on all remaining sides.

Access to the site is via an existing access of Southwell Road to the west of the application site (shared with the remainder of the J Harrison site).

The topography of the application site is relatively flat albeit gently sloping towards the south (away from Southwell Road). Land to the north of Southwell Road rises more steeply towards the north.

The site is located outside of the village envelope of Lowdham (as defined by the Allocations and Development Plan Document (DPD)) and is located within the Green Belt.

The majority of the site lies within Flood Zone 2, with a very small part along the frontage located in Flood Zone 3.

### Relevant Planning History

16/00248/FUL Conversion of existing workshop to create additional car showroom and small extension to replace existing canopy – permission 22.04.2016

15/02092/FUL Change of Use of Land to Form Extension of Existing Site (*land relating to the south east corner of the site which contains part of an agricultural field*) – refused 12.05.2016 for the following reason:

*'In the opinion of the District Council the proposed change of use of land to form an extension of the existing site will result in encroachment into the Green Belt detracting from its openness and permanence. The NPPF attaches great importance to Green Belts and the Council considers there are no material considerations in this instance sufficient to constitute the very special circumstances required to outweigh the harm identified. The proposed development would therefore be contrary to Spatial Policy 4b of the Newark and Sherwood Core Strategy (2011) and the National Planning Policy Framework (2012) a material consideration.'*

12/00293/ADV Replacement of old signage with new corporate image signage, 3 no. fascia signs internally illuminated halo illumination, 2 no sets of corner lights – consent 27.04.2012

09/00220/FUL Erection of front extension to car showroom – permission 14.04.2009

09/01758/FUL Erection of temporary car showroom for a period of 2 years (retrospective) – permission 25.01.2010 (*NB this building is not present on site*).

04/02523/ADV Display 6.5m single leg pole sign – refused 15.12.2004

04/02541/ADV Display various signs – consent 12.12.2004

03/00838/FUL Renewal of permission for the extension to the car showroom – permission 16.06.2003

99/50899/ADV Fascia signs and export sign – consent 10.06.1999

98/50998/FUL Extension to showroom and offices – permission 11.05.1998

94/50871/ADV Fascia signs and export sign – consent 26.04.1994

91900046 Removal of conditions 4 and 5 on 91891121 relating to external car sales and external lighting – permission 05.06.1990

91891121 Body shop – permission 28.11.1989

91891087 Extension to showroom and office – permission 03.10.1989

91890469 Erection of sales building canopy islands and install 2 no. U/G storage tanks – permission 06.07.1989

91880571 Demolish existing workshop and construct new body shop – permission 02.08.1988

91860879 First floor office extension – permission 24.10.1986

91850974 Use building (*the car showroom/workshop subject of this current application*) for car repair workshop and land for staff and stock – permission 11.02.1986

91830675AD Illuminated fascia sign – consent 16.08.1983

9180506 New tank and pump installation – permission 05.06.1980

9177470AD Erect illuminated pole sign and other advertisements – consent 12.07.1977

9176421 Re-positioning of pavement crossing to give access to field – refused 27.07.1976

### The Proposal

The application seeks full planning permission for the change of use of the existing car workshop/showroom and outdoor sales to local convenience store (Retail A1) incorporating relocation of Gonalston Farm Shop (Retail A1), ancillary coffee shop franchise and new local allotment provision. The local convenience store building would contain the following:

- Spar Market 259sqm
- Café 81sqm
- Gonalston Farm Shop 108sqm
- Communal entrance 36sqm
- Preparation/Storage/Office Area 117sqm

The proposed hours of opening would be between 07:00 – 23:00 Monday to Saturday and between 10:00 – 16:00 on Sundays and Bank Holidays.

In relation to proposed staff numbers, Gonalston Farm Shop has confirmed that 5 staff would work at the new premises at any one time – these being butchery and fish manager, supervisor and three staff working the counters. Sales would go through the Spar Market's tills. Spar Market has confirmed a staff of 5 at any one time (two on the tills, two behind the scenes and a shelf-stacker). The ancillary coffee franchise would employ between 2 and 3 staff at any one time.

A covered area for external sales is also proposed with a canopy measuring 12.3 metres by 3.6 metres to replace an existing canopy on this position. Four sets of full height aluminium framed windows/doors are proposed within the front and side elevation of the building.

Allotments are proposed on the triangular shaped field to the rear of the existing J Harrison site. A

4 metre wide gap in the existing boundary is proposed for access from the allotments from the existing parking area.

No amendments to the main vehicular access to the site are proposed. The existing car park areas would be reconfigured with existing car sales parking areas to become customer parking. 54 car parking spaces are proposed in total.

The application is supported by the following documents:

- Flood Risk Statement
- Retail Sequential Assessment including a Supplementary Sequential Assessment
- Design and Access Statement

#### Departure/Public Advertisement Procedure

A site notice was displayed near to the site on 26/09/2018.

#### **Planning Policy Framework**

##### **The Development Plan**

##### **Newark and Sherwood Core Strategy DPD (adopted March 2011)**

- Spatial Policy 1 - Settlement Hierarchy
- Spatial Policy 2 - Spatial Distribution of Growth
- Spatial Policy 4A – Extent of the Green Belt
- Spatial Policy 4B – Green Belt Development
- Spatial Policy 7 - Sustainable Transport
- Spatial Policy 8 – Protecting and Promoting Leisure and Community Facilities
- Core Policy 6 – Shaping our Employment Profile
- Core Policy 8 – Retail Hierarchy
- Core Policy 9 - Sustainable Design
- Core Policy 10 – Climate Change
- Core Policy 12 – Biodiversity and Green Infrastructure
- Core Policy 13 – Landscape Character

##### **Allocations & Development Management DPD**

- Policy DM1 - Development within Settlements Central to Delivering the Spatial Strategy
- Policy DM5 - Design
- Policy DM11 – Retail and Town Centre Uses
- Policy DM12 - Presumption in Favour of Sustainable Development

##### **Other Material Planning Considerations**

- National Planning Policy Framework 2012
- National Planning Practice Guidance PPG
- The Newark and Sherwood Landscape Character Assessment SPD
- Newark and Sherwood Amended Core Strategy DPD 2017

## Consultations

**Lowdham Parish Council** – Lowdham Parish Council meeting was attended by members of the public and local retailers who expressed their concerns at the proposed change of use application. Also representatives from Harrisons and Gonalston Farm Shop who put forward their plans for the new business proposals. Following a long debate the Parish Council voted 5 councillors in favour and 2 councillors against the application for change of use therefore in support of the proposal.

### **NCC Highways Authority –**

Comments received 13.03.2018:

The Agent has confirmed that up to 13 employees are expected on the overall site at one time and 53 parking spaces are shown on dwg. No. 2102/6 Rev. A which also includes a provision for the allotment users. The parking facilities are acceptable to the Highway Authority. A further 8 employees are on site for the workshop use, which will use the existing parking facilities at the rear of the site.

There are no alterations proposed to the existing access arrangements. Therefore, there are no highway objections to this proposal.

*Comments received 01.11.2017:*

This application is for the change of use of part of the existing car showroom/workshop to a convenience store including farm shop, café and local allotment provision. There are no alterations proposed to the existing site access, which also serves a petrol filling station. Could the applicant/agent clarify the number of vehicles expected for repair and for sale at any one time for the showroom/workshop. Also, the number of employees on site at any one time is required for each site.

**Trent Valley Internal Drainage Board** – The site is within the Trent Valley Internal Drainage Board district. The Board maintained Car Dyke, an open watercourse, exists in close proximity of the site and to which Byelaws and the Land Drainage Act 1991 applies.

The Board's consent is required to erect any building or structure (including walls and fences), whether temporary or permanent, or plant any tree, shrub, willow or other similar growth within 9 metres of the top edge of any Board maintained watercourse or the edge of any Board maintained culvert.

Surface water run-off rates to receiving watercourses must not be increased as a result of the development.

The design, operation and future maintenance of site drainage systems must be agreed with the Lead Local Flood Authority and Local Planning Authority.

### **NSDC Policy Officer –**

*Comments received 14.02.2018:*

## Sequential Test

Whilst I welcome the additional 'supplementary sequential assessment' I still retain some significant concerns over the methodology and conclusions.

### *Methodology*

Firstly I don't agree with the view (para 2.2) that to represent a realistic alternative the site must be 'more accessible and better connected to the town centre than the application site'. The paragraph within the PPG referred to merely states that 'preference should be given to accessible sites that are well connected to the town centre'. The purpose of the test should not be lost here, which is to guide main town centre uses towards town centre locations first, then, if no town centre locations are available to edge of centre locations, and, if neither town centre locations nor edge of centre locations are available, to out of town centre locations, with preference for accessible sites which are well connected to the town centre. Viability and vitality of town centres is supported by the test through its placing of existing town centres foremost in both plan-making and decision-taking. The inference being that the better the physical relationship to the centre, then the more likely its viability and vitality will be supported through the generation of footfall and making of linked trips etc.

Accordingly there is no need for accessibility and connection to be better than the application site per se, just for the alternative site to be accessible and well connected to the centre in question. Where these two features are met and the alternative site is deemed suitable and available then its sequential superiority would, in my view, principally derive from its better relationship to the centre. Having said this I would accept that in most cases a site which is closer to the Town Centre is likely to perform better on most measures relevant to the test.

The method followed (para 2.5) seeks to establish equal or superior proximity to bus routes and service provision as valid parameters for the assessment of alternative edge or out-of-centre sites, which I see as problematic. Whilst I would not question the potential relevance of these considerations, in their broadest sense, to accessibility there is no need for alternative sites to perform better in the way that is suggested. Notably the 3 parameters listed below para 2.5 are joined by 'and', suggesting that any alternative site would need to perform better on all 3 measures to be sequentially preferable. On this basis there could be a scenario where there is a site located in an edge-of-centre position but which is deemed to be sequentially worse due to being marginally further from a bus stop than an out-of-centre site, this is clearly not the intention of the test. The method also applies a single distance threshold of 669m, but this is a fairly blunt assessment and does not appear to place any greater weight on a site being edge-of-centre as opposed to out-of-centre. The NPPF provides a clear definition of edge-of-centre, which is a location within 300m of the Primary Shopping Area (PSA). No PSA's are defined in the District beyond that for Newark Town Centre, but in this case I would view the centre boundaries as providing a reasonable proxy.

I have further issues with some of the sources of potential sites ruled out at para 2.7. Within the District most of these would be covered by Spatial Policy 8, and as referred to in my earlier comments the policy allows for their release for development under certain circumstances. I do not consider that they can be as readily ruled out as is suggested. On this point it may be helpful to clarify my earlier suggestion that the open space at Old Tannery Drive should be explored through the application of the test. The open space is located within the village envelope and not the Green Belt as has been suggested. The site is in turn larger than the application site, and so has the

potential for any replacement of the existing built facilities to be kept within the settlement boundary and the open space elements relocated to the Green Belt. Notwithstanding this the provision of appropriate facilities for outdoor sport and outdoor recreation are listed as exceptions to the definition of inappropriate development within the Green Belt (para 89, NPPF). The successful combination of recreational open space convenience retail provision can be seen elsewhere through the enlarged Co-op scheme in Collingham. I would however accept that in this instance the open space cannot be considered suitable due to flood risk issues, and so can be discounted as a reasonable alternative.

In terms of locational requirements I am mindful that the reasoning for the granting of the original farm shop consent would have been to support the diversification of an existing rural business. To have been acceptable there would need to have been some form of geographic tie to the existing business. Clearly such a tie would start to disappear the further the store is located from the wider business. Notwithstanding this it may be reasonable, as per my earlier comments, to have some regard to the desire for the farm shop to retain its existing customer base, but whether this should determine the application of the test as a whole is debatable. The relocation of the farm shop is argued as being the 'primary driver' of the proposal, but in floorspace terms the Spar would be by far the dominant element. It would therefore not be unreasonable to expect the locational and operational requirements of this element of the proposal to be reflected in the parameters for the test.

Even were the ten-minute drive time to be accepted I remain unconvinced that it represents a reasonable geographic parameter. This would actually represent a fairly-wide catchment for what is a modestly sized operation, and suggests willingness on behalf of its clientele to travel some distance to use the store. On this basis why would a slight extension of the ten minute measure (11, 12 or 13 minutes for instance) suddenly render the model of the farm shop unviable? No justification has been provided, such as data over customer location etc. Greater pragmatism could be exercised if the imposition of the measure didn't feel so arbitrary in nature, particularly in line with my earlier comments when this rules out Radcliffe-on-Trent, Calverton and Southwell. Though I would accept that some sites in Southwell and a site in Calverton have been assessed for completeness, but Radcliffe remains disregarded.

Turning to whether sufficient flexibility has been shown, the line advanced is that the proposed store represents the minimum space which the end users could be reasonably accommodated within. However no information has been provided to better understand the space requirements and trading profile of a Spar Market. This is a format I am unfamiliar with and represents by the single largest element of the proposed development. Without this I am unable to fully gauge whether there could be room for greater flexibility on the part of the applicant. Furthermore I am still of the view that it would be reasonable to expect a lesser level of car parking provision to have been considered, and I would defer back to my earlier comments on this aspect.

#### *Application of the test*

I would accept the discounting of undeveloped sites within the Green Belt and/or areas of risk of flooding (Appendix 2). In terms of the sites identified in Appendix 3 I would disagree with their discounting purely for being further than 100 or 188m from a bus stop. Nevertheless it is clear that the majority of those included would in all likelihood be unsuitable for retail development, for reasons not outlined in the assessment.



In terms of the alternative sites considered in detail, I am comfortable with the discounting of sites 1 and 2 in Southwell. Though it is unclear whether the District Centre was surveyed to establish whether there were any vacant units, the 2017 Retail Monitoring Report identified 3. Turning to Lowdham I am content that on the basis of the parameters used there would be no alternative sites, though as already discussed I do have some issues with this approach.

Clearly it is difficult to comment with any certainty over those sites identified within the administrative boundaries of neighbouring Authorities, particularly over whether other sites may exist and if the reasons for the discounting of those identified is valid or not. The onus is on the applicant to demonstrate satisfaction of the test, with assistance from the relevant LPA, and no demonstration has been provided detailing whether adjoining Authorities have been approached to identify a source of potential reasonable alternative sites. Nonetheless I would accept, on the basis of the information provided, the discounting of those sites identified in Gedling and Rushcliffe Borough's.

Whilst not necessarily disagreeing with the reasoning behind the discounting of the identified sites I do retain some concern over the methodological approach, and whether sufficient flexibility has been shown. It is not clear that the test has been applied in a robust and comprehensive manner and so it cannot be confidently concluded that there are no sequentially preferable alternative sites.

In line with paragraph 26 of the National Planning Policy Framework, where a proposal fails to satisfy the sequential test, it should be refused.

### Impact Test

In respect of the impact test I would defer to your expertise on the matter of the 'fall-back position'. Notwithstanding this my position has not changed from my earlier comments, indeed I would suggest that matters have moved even further in the direction of the request for a formal impact assessment being valid. To summarise, the applicant will be familiar with the tests outlined at para 216 of the NPPF (stage of preparation, extent of unresolved objection and degree of consistency with national policy) which determine the weight that can be given to relevant policies in an emerging plan. The hearings stage of the Examination has now been concluded and those areas where modifications will be requested from the Inspector have been identified. Details can be viewed in Post-Hearing Note 2. It should be noted that in respect of Core Policy 8 (Matter 15) the issue relates to precise details around the approach to future convenience retail provision at Land South of Newark, and agreement has now been reached between the Council and objector over the necessary content.

With respect to the first test a submitted Development Plan on which modifications are being drafted clearly represents an advanced stage of preparation. Unresolved objections have been the subject of discussion at the hearing sessions, and where appropriate the drafting of modifications is intended to address those which are necessary to make the plan sound. It is acknowledged that these modifications are still being drafted and yet to be consulted upon. Nevertheless in the cases where no modifications are proposed (including to content within a policy) then it can, in my view, be reasonably taken that no objections remain which require addressing to make the plan sound. Clearly the modifications will in some circumstances also be intended to ensure consistency with national policy.

Taking account of the above it is reasonable in my view to attach meaningful weight to policies, and content within policies, which are not proposed to be the subject of modification. Importantly with respect to this application this includes the local impact thresholds, which the proposed development exceeds. Notwithstanding this the Council is entitled to determine the planning application on what we judge to be material planning considerations. Lowdham's Local Centre is small in scale and anchored by its Co-op store, which generates footfall and linked trips/expenditure. Given its nature the proposal would clearly compete with the existing Co-op store, and so the potential impact on the vitality and viability of Lowdham's Local Centre is evidently material. On this basis it is reasonable to request that the applicant provide a proportionate assessment of the likely impact of the proposal. Without such input it is not possible to appropriately weigh the matter of impact in the balance, and so justifies refusal of the application on this basis alone. This position is consistent with that adopted on the proposed change of use of the Manvers public house in Edwinstowe.

*Comments received 23.10.2017:*

### Retail & Main Town Centre Uses

#### *Sequential Test*

My main concerns are focused around the retail and main town centre uses. The necessary first step is the application of the sequential approach - as required by national policy and reflected in Core Policy 8 (as amended) and Policy DM11. Application of the test should be proportionate and appropriate to the given proposal. Nevertheless I have severe reservations over the methodological approach followed, particularly bearing in mind the need for reasonable flexibility to be shown on the part of the applicant. As per the checklist at Paragraph 10 (Reference ID: 2b-010-20140306) of the Planning Practice Guidance (PPG) the scope for flexibility in the format and/or scale of the proposal should be considered. In this regard it is not necessary to demonstrate that a potential town centre or edge of centre site can accommodate precisely the scale and form of development being proposed, but rather to consider what contribution more central sites are able to make individually to accommodate the proposal.

On my reading it doesn't appear that any flexibility has been shown at all, with the parameters applied by the applicant being the ability to accommodate the precise scale of floorspace and number of car parking spaces proposed. I'm unsure of any reasoning as to why flexibility can't be provided, and I struggle to see how this could be convincingly argued in any event. The proposed development constitutes the change of use of a specific existing building, whereas a new build or change of use of a different unit may be able to make more efficient use of the space available. I am unfamiliar with the 'Spar Market' format and the scale of store commonly required to meet their business model, and no information has been provided to allow this to be better understood. The average Spar store size is 142 sq m according to their UK website<sup>1</sup>, and whilst I do not doubt that a Spar Market store is a different proposition I am not currently convinced why a site or unit offering a lesser scale of floorspace could not be considered.

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<sup>1</sup><https://spar-international.com/country/united-kingdom/> (accessed 18<sup>th</sup> October 2017)

Similarly the level of parking (44 spaces) deemed to be necessary appears to be more led by the specific characteristics of the application site (i.e. the availability and scale of existing hard surfacing and parking provision) than any reasoned functional requirements of the proposal. The need for this to be located directly adjacent to the retail premises is also questioned. Many convenience stores operate successfully from town centre locations without parking provision of the scale and type referred to. It may be that a combination of a lesser scale of directly adjacent parking provision (or maybe even none at all) when taken alongside additional provision elsewhere in the centre and the availability of public transport linkages compensates for this perceived deficiency. By way of comparison the Spar store (incorporating a Subway concession), petrol filling station and car wash on Farndon Road, Newark has 33 parking spaces. The potential contribution that more central sites can make is critical to how the test should be applied, and the benefits to the vitality and viability of existing centres from development taking place there is clear.

Whilst I appreciate the need to establish geographic parameters within which to conduct the site search, my view is that this area should be objectively defined and clearly related to the functional requirements of the proposed development (for example a particular market the proposal is responding to etc.), and not unduly led by the availability of the application site. The purpose of the exercise is to establish whether there are sequentially preferable sites able to meet the requirements. Given their nature the Spar Market and café elements of the scheme could presumably be located in many in-centre, edge-of-centre or sequentially preferable out-of-centre locations and still meet operator requirements. Nonetheless I am mindful that there is no need to disaggregate the proposed uses for the purposes of the test, and the proposal does facilitate the relocation of the Gonalston Farm Shop. I am sympathetic to the argument that the shop will have an existing catchment and customer base within an established geographic area. However this has not been articulated in any way that allows this to be understood. The limiting of the area of search's extent to a ten minute off-peak drive from the application site, setting aside my concerns over the principle of this, could also be seen as fairly arbitrary. I'm unsure why that particular threshold has been applied, particularly when it excludes potentially suitable centres located marginally beyond this (e.g. Radcliffe-on-Trent, Calverton and Southwell – though I note that sites in Southwell and a site in Calverton have been assessed for completeness).

My final issue with the methodological approach is a fairly fundamental one. Para 3.07 of the applicant's assessment outlines that only in-centre and edge-of-centre locations have been considered. National policy is however very clear that if neither town centre locations nor edge of centre locations are available then preference should be given to accessible out-of-centre sites which are well connected to centres. This aspect of the test appears to have been entirely disregarded, and on this basis alone I'm not convinced that the methodological approach is robust. In some circumstances this lack of robustness could be overlooked in seeking to apply the test in a proportionate and reasonable way, however this would be dependent on there being access to sufficient information elsewhere to guide the consideration of sequential matters.

Most of the alternative sites identified by the applicant would be too small to be considered appropriate, even allowing for some degree of flexibility. Although I don't agree with the suggestion that they can all be readily dismissed except for 'land east of Chapel Lane, Bingham'. The Old Railway Yard, Bingham at 2,340 sq m is only 16% smaller than the application site (2,794 sq m) and no appraisal has been provided of its relative merits, there may be benefit from doing so. Aside from this I am comfortable with the dismissal of the remaining sites, but there still remains the significant flaw that no out-of-centre sites appear to have been considered. This could include for instance the open space located off Old Tannery Drive, Lowdham. Whilst the land is covered by Spatial Policy 8 the policy does allow for loss to occur where sufficient provision exists, or replacement provision is made elsewhere. An innovative approach to the sequential test could examine the potential for land to be released to accommodate the retail and café use, with replacement open space provision being made within the Green Belt adjacent to the site. The catchment defined by the applicant includes areas beyond Newark & Sherwood's administrative area and so naturally I am unable to comment on the potential existence of unconsidered alternative sites in these locations, including sequentially preferable out-of-centre sites.

Taken as a whole I have severe concerns over the sequential exercise undertaken, and question whether it can be considered robust enough to confidently conclude that there are no sequentially preferable suitable and available sites. As it stands the proposal therefore fails to satisfy the sequential test, and as outlined at para 27 of the NPPF where this is the case it should be refused. You may however wish to go back to the applicant and allow for further input to be provided on this matter.

### *Impact Test*

Turning now to the impact test, the applicant concludes that the consideration of impact is not necessary due to the proposal falling below the 2,500 sq m threshold in national policy and Core Policy 8. However, as referred to above, amendments to Core Policy 8 seek the introduction of a local threshold of 350 sq m (gross) or greater outside of the Newark Urban Area, which the proposal exceeds. In my view the emerging policy is consistent with the tests outlined in national policy to the extent whereby meaningful weight can be afforded to it for the purposes of our decision-making. Notwithstanding this the NPPF doesn't say that a local planning authority (LPA) cannot take account of retail impact as a material planning consideration for schemes below the default threshold. Not only are retail impact assessments (RIA) frequently requested for smaller schemes, but we are also entitled to determine a planning application on what we judge to be material planning considerations. Lowdham's Local Centre is small in scale and anchored by its Co-op store, which generates footfall and linked trips/expenditure. Given its nature the proposal would clearly compete with the existing Co-op store, and so the potential impact on the vitality and viability of Lowdham's Local Centre is evidently material.

There would be some recycling of existing floorspace from the farmshop, and the applicant has offered to enter into a unilateral undertaking to relinquish the A1 consent from the existing

farmshop premises. Nonetheless without adequate demonstration to the contrary it is not unreasonable to assume that the potential impact from a diversion of trade to additional out-of-centre floorspace could have serious consequences, potentially stretching to those of a significant adverse nature, for the trading performance and overall vitality and viability of the Local Centre. On this basis I would consider it reasonable to expect the application to be supported by a proportional retail impact assessment. Given the nature and scale of the proposal and the centre most likely to be affected I would suggest that a proportionate approach would be one which fully applies the checklist outlined at Paragraph 017 (Reference ID: 2b-017-20140306) of the PPG.

As per para 27 of the NPPF where a proposal is likely to have a significant adverse impact on one or more of the factors identified then it should be refused. The PPG advises that it is for the applicant to demonstrate compliance with the impact test, and as also outlined the failure to undertake an impact test could in itself constitute a reason for refusing permission. As far as I can establish the applicant did not approach the Authority prior to submitting the proposal where there would have been the opportunity to discuss the Authorities view on impact and the scope, key impacts for assessment and level of detail required could have been agreed (as per the advice in the PPG). Whilst the applicant has pointed to other benefits which would occur, promotion of economic growth and the retention of two local businesses, the PPG advises that it is when the impacts are unlikely to be significant adverse that the positive and negative effects should be considered alongside all other material considerations. As it stands we are in a position where we cannot come to a view over the likely extent of impact, and so if appropriate allow this balancing exercise to be undertaken. Again you may wish to allow the applicant the opportunity to come back to us on the matter of impact.

### Conclusion

I am comfortable with the proposed development from a Green Belt and flood risk perspective. However I have severe concerns regarding satisfaction of the sequential test, and whether the exercise can be considered sufficiently robust to allow us to conclude there are no sequentially preferable suitable and available sites. The application is not supported by an impact assessment, in line with the emerging requirements of Core Policy 8 and which I would consider to be necessary in any regard given the scale and format of development proposed relative to the Centre most likely to be affected (Lowdham). We are therefore in a position where we cannot currently come to a view over the proposals likely impact. On this basis I am, at the present time, unable to provide support for the positive determination of the proposal.

**NSDC Environmental Health (Reactive)** - Were the application to succeed you may wish to look at some control over trading hours and I would ask for full details of any external plant, such as chillers etc. to be submitted in due course as appropriate.

**NSDC Environmental Health (Contamination)** - This application includes the conversion of vehicle workshop to commercial use and there is potential for contamination to be present from this former use. As it appears that no desktop study/preliminary risk assessment has been submitted

prior to, or with the planning application, then I would request that our standard phased contamination conditions are attached to the planning consent.

**NSDC Access Officer** – As part of the developer’s consideration of access to and use of the proposal, with particular reference to access and facilities for all people including those with disabilities, it is recommended that the developer’s attention be drawn to BS8300: 2009 Design of Buildings and their approaches to meet the needs of disabled people – Code of Practice – as well as Approved Document M and K of the Building Regulations which contains further useful information in this regard.

Access to, into and around the proposals together with provision of suitable accessible facilities and features should be carefully considered to ensure these are available and equally convenient to access and use. Easy access and manoeuvre for all, including wheelchair users, should be considered to allow access for all and users to turn and manoeuvre without restriction, barriers or obstructions. Externally inclusive access to and around the site should be considered together with access to available facilities and features together with safe pedestrian access from the edge of the site and from car parking where carefully laid out provision for disabled motorists should be available. BS8300:2009 provided information in respect of design and proportion of car parking spaces.

It is recommended that the developer make separate enquiry regarding Building Regulations matters. It is further recommended that the developer be mindful of the provisions of the Equality Act.

#### **Neighbours/Interested Parties –**

A total of 14 letters of representation have been received.

One letter writes in support for reasons including;

- The proposal would be appropriate in the green belt;
- The proposal would allow two established businesses to continue and maintain local employment particularly given impending loss of Peugeot franchise;

13 letters raise concerns including:

#### *Retail impact:*

- Whilst I support any proposal for Gonalston farm shop to relocate and expand, I hold serious reservations about the impact of another supermarket in the locality;
- The addition of a Spar could be detrimental to the shops in the village which are more central to village life and would be sorely missed if they were unable to continue trading due to lack of revenue;
- The coffee shop would effect Johannas on Main Street;
- Concern about the branding and look of a Spar to the village;
- Impact to the existing business in the village which already has two corner shops, and a co-op as well as a recently opened coffee shop. Allowing the new development would damage these businesses and detrimentally affect their employees.
- Next there would be a burger bar and 24 hour opening.
- A ‘Review of Implications for Retail Planning Policy’ prepared by a planning consultant on behalf of an objector concludes that the relocation of Gonalston Farm Shop ‘cannot be used to justify the development of an out-of-centre retail complex three times the size of

Lowdham Village Local Centre, outside the village, in a Green Belt location. The SPAR market, in particular, is not an appropriate use in this location’.

*Amenity:*

- Impact of longer working hours for a shop including early morning deliveries and extra noise and activity from customers to neighbours and the rest of the local community;
- Poor street lighting;
- Light pollution from late opening affecting residents and wildlife;
- Impact on scenic rural location.

*Flooding:*

- The field to the right of the garage if extended into is prone to flooding and could make matters worse.

*Highways:*

- The road is very busy with lots of accidents which would be made worse by the increases numbers of cars, larger vans/lorries and pedestrians turning into the site;
- The right turn onto the site is unsafe and close to the bend;
- Creation of unnecessary traffic through the village.
- The access to the site is not sufficient and too narrow;
- Insufficient parking provision;
- A road traffic assessment should be carried out due to the amount of vehicles that travel at high speeds on this stretch of road;

*Other:*

- The proposal would leave a car sales unit with seemingly very little space to display sales stock;
- The consultation period is too short and should be extended due to the large no. of potential issues raised;
- No consultation with local people or an assessment of need.

Comments of the Business Manager

**The Principle of Development**

Green Belt

The application site falls within the Green Belt and Core Policy 4B defers to the definition of appropriate development provided in national Green Belt policy. The NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristic of Green Belts are their openness and their permanence. The re-use of buildings is not considered inappropriate in Green Belt provided they preserve openness and do not conflict with the purposes of including land within it.

The proposal would constitute the partial redevelopment of previously developed land through the re-use of an existing building of permanent and substantial construction, with the extent of alteration appearing to be modest. No overall increase to the footprint of the building is proposed for redevelopment to occur, and whilst there would be a slight increase to the area of the site covered by hard surfacing, to service the retail unit and café, this is marginal and would

have no materially greater impact on the openness of the Green Belt or the purposes of including land within it than the existing development. Whilst the level of activity associated with the proposed use could differ from the existing use (particularly in relation to hours of opening), it is not considered that any increase would have a materially greater impact on the openness of the Green Belt when taking into account the existing use of the site and the limited physical intervention required to accommodate the anticipated change.

Allotments are defined as an agricultural use and do not ordinarily require planning permission. On this basis, I am comfortable that this use would not result in any impact on the openness of the Green Belt. No sheds or other ancillary structures are proposed as part of this application and I am satisfied that the erection of such buildings could be controlled through the need for a separate application for planning permission. A note advising the Applicant of this requirement is advised.

## Retail

### *Policy*

It is established that the starting point in assessing a development rests with the Development Plan and that the NPPF should form an important material consideration in the decision making process.

Core Policy 8 of the Core Strategy sets out the retail hierarchy within the District and seeks to protect vitality and viability of existing centres and also provide for new centres within strategic sites across the district. The hierarchy includes Lowdham Local Centre which has been defined on the basis that it is primarily concerned with the sale of food and other convenience goods to the local community in which they are located. The policy further states that retail development in out of centre locations will be strictly controlled and that proposals would need to demonstrate their suitability through the sequential site approach and provide a robust assessment of the impact on nearby centres. Notwithstanding the above adopted policy, a review of both the Core Strategy and the Allocations and Development Managements Plan Documents is currently in progress and in the case of the Core Strategy review is well advanced. The Amended Core Strategy, which contains a revised Core Policy 8, was examined by the appointed Inspector in February 2018.

The revised Core Policy 8 follows the recommendations of the December 2016 Town Centres and Retail Study (TC&RS) and seeks to require retail development over 350 GIA outside of the Newark Urban Area to be “robustly assessed, through the undertaking of an impact assessment proportionate to the scale and type of retail floorspace proposed.”

I note that Core Policy 8, as revised, differs from the adopted Policy DM11 of the Allocation and Development Management DPD in terms of the threshold at which detailed retail justification will be required. DM11 states that “Retail development in all out-of-centre locations will be strictly controlled. Retail proposals creating more than 2500 sq m of floor space outside of town, district and local centre locations will require justification through the sequential test and robust assessment of the impact on nearby centres and the following:

- The impact on the range and quality of the comparison and convenience retail offer; and



- The impact of the proposal on allocated sites outside town centres being developed in accordance with the Development Plan.”

In this case, whilst I note the emerging Core Policy 8, I also note the adopted DM11. At a national level Paragraph 26 of the NPPF provides guidance on national retail policy and states that *when assessing applications for retail, leisure and office development outside of town centres, which are not in accordance with an up-to-date Local Plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500 sq m).*

Irrespective of stated thresholds I note that the primary issue is assessing the impact of the proposals upon the vitality and viability of centres. In this case there is evidence available from the LPA's evidence base work on retail.

For the purposes of paragraph 216 of the NPPF (stage of preparation, extent of unresolved objection and degree of consistency with national policy), it is considered that the emerging Core Policy 8 content satisfies the tests to the extent that 1) it is at an advanced stage, with the Examination taken place in February 2018 and only the modifications to be finalised and consulted upon and 2) there are no unresolved objections to the local thresholds set within the emerging policy. Accordingly, I consider that significant weight can be attached to the policy, and even more importantly the impacts on vitality and viability, on an overall planning balance.

Paragraph 23 of the NPPF provides guidance on the application of the sequential test and states that 'Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require application for main town centre uses to be located in town centre, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale. Paragraph 8 of the PPG concurs, stating 'The sequential test guides main town centre uses towards town centre locations first, then, if no town centre locations area available, to edge of centre locations, and, if neither town centre locations nor edge of centre locations are available, to out of town centre locations, with preference for accessible sites which are well connected to the town centre. It supports the viability and vitality of town centres by placing existing town centres foremost in both plan-making and decision-taking. The NPPF at para 27 states 'Where an application fails to satisfy the sequential test or is likely to have a significant adverse impact on one or more of the above factors, it should be refused.

### *Sequential Test*

The site is not located within the defined Local Centre of Lowdham being situated more than 500 metres to the west (as the crow flies), outside of the village envelope and located with the Green Belt. The site is therefore located out-of-centre. The Sequential Test submitted with the application agrees that the site is located out of centre. However, concern was raised by Officer's during the course of the application in relation to the robustness of the submitted Sequential Test and the possible harm (impact) the proposed store could have on the vitality and viability of Lowdham Local Centre. This concern was communicated to the applicant and a Supplementary Sequential Test and letter from the Agent (dated 29.01.2018) was submitted.

The full comments of the NSDC Policy Officer in relation to the submitted Sequential Test is set out in the Consultations section above. In summary, whilst they do not necessarily disagree with the reasoning behind the discounting of the identified alternative sites, that they do retain some concern over the methodological approach, and whether sufficient flexibility has been shown. It is not clear that the test has been applied in a robust and comprehensive manner and so it cannot be confidently concluded that there are no sequentially preferable alternative sites. In line with paragraph 26 of the National Planning Policy Framework, where a proposal fails to satisfy the sequential test, it should be refused.

#### *Fall Back Position*

A 'fall back' position is something that either has the benefit of planning permission or would not require planning permission that could be carried out without any further consent and which can be considered against a current proposal and which has a likelihood of coming forward.

The applicant considers that in this case there is a 'fall back' in which the current proposal should be considered against. The Agent asserts that the relocation of the farm shop is the 'primary driver' of the proposal rather than the Spar Market element. The supporting information confirms that the existing retail consent at the current Gonalston Farm Shop (which has 298 sq m of A1 retail floorspace at their existing site) would be formally relinquished by legal agreement should planning permission be approved.

In floorspace terms the Spar would be by far the dominant element with Gonalston Farm Shop significantly downsizing to 108 sq m. The farm shop element would concentrate on its butchery, fishmongery and delicatessen component and it is proposed that the new Spar shop would takeover the sale if the A1 retail offer currently provided at the existing farm shop. However, I do not accept this as an acceptable fall-back position for the following reasons.

The planning history for the farmshop is as follows:

- 01/01716/FUL Proposed farm shop (linked to Mason Bros Livestock) – approved 11.12.2001 subject to conditions including Condition 9 which restricted use for the purposes of a farm shop, in accordance with the agents' letter of 20th September 2001. This letter states that the farm shop would sell a mixture of locally produced foods and meat from the Mason Brothers farm.
- 04/02889/FUL Extend farmshop (and storage) into remainder of empty farm building (NB approximate doubling in floorspace) approved 27.01.2005 subject to conditions including Condition 6 which restricted the use for the purposes of a farm shop, in accordance with the agent's letter of 30th November 2004 and the applicant's letter dated 28th December 2004. The Agents letter referred to stated that the farm shop would sell a mixture of locally produced foods and meat from the Mason Brothers farm confirms that one third of the turnover would be from beef and lamb coupled with pork from Bankwood Farm in Oxton. The rest of produce is sourced within a 50 mile radius with only the mustards from Herefordshire and dried herbs from Norfolk from further afield.

The current application states that Gonalston farmshop has a floorspace of 298m<sup>2</sup> albeit the floorspace info submitted with 04/02889/FUL implies that only 138m<sup>2</sup> would be retail floorspace (the remainder would be storage albeit the overall figures available do not seem to tally). The proposed retail floorspace in current application would be 367m<sup>2</sup> with a coffee shop at 81m<sup>2</sup> which seems significantly more than the planning history for the farmshop indicates. The reason for the granting of the original farm shop consent was to support the diversification of an existing

rural business and it is not considered that the proposed store would be compatible with these aims or comply with the conditions which restrict the current farmshop business.

In addition, if the 'fall back' position represents a real prospect of implementation and is deliverable then it should constitute a comparison for which the current application can be considered against. The correct tests (as established by case law) for determining the fall back position are whether there is a lawful ability to undertake the fall back position (i.e. is there an implementable consent) and whether there is a likelihood or real prospect of such a consent occurring. Notwithstanding the conditions imposed on the existing farmshop consent, I consider it unlikely that this site would be capable of accommodating the application currently proposed without significant rebuilding and extension (which notwithstanding any retail impact issues may not be acceptable in principle in any event due to the sites Green Belt location).

As such, I do not consider the use of the existing Gonalston farmshop to represent a realistic fall back position. I therefore attach little weight to the Applicants offer for a Unilateral Undertaking securing the relinquishment of the existing (farm shop) A1 retail consent from the existing premises within six months of taking occupation at the new site.

#### *Impact on the Vitality and Viability of Lowdham Local Centre*

In relation to the impact test, the applicant concludes that the consideration of impact is not necessary due to the proposal falling below the 2,500 sqm threshold in national policy and Core Policy 8. However, the amendments to Core Policy 8 seek the introduction of a local threshold of 350 sqm (gross) or greater outside of the Newark Urban Area, which the proposal exceeds (and it is considered that significant weight can be attached to this emerging policy for the reasons set out in the 'Retail Policy' section above).

In Officer's opinion the impact on the vitality and viability of nearby centres is a clear material planning consideration. The full comments of the NSDC Policy Officer in relation to the requirement for an Impact Test are set out in the Consultations section above. In summary, these comments state that Lowdham's Local Centre is small in scale and anchored by its Co-op store, which generates footfall and linked trips/expenditure. Given its nature the proposal would clearly compete with the existing Co-op store, and so the potential impact on the vitality and viability of Lowdham's Local Centre is evidently material. Without adequate demonstration to the contrary it is not unreasonable to assume that the potential impact from a diversion of trade to additional out-of-centre floorspace could have serious consequences, potentially stretching to those of a significant adverse nature, for the trading performance and overall vitality and viability of the Local Centre.

On this basis it is reasonable to expect the applicant to provide a proportionate assessment of the likely impact of the proposal. The Applicant has not submitted this assessment and has refused to provide one. Without such input it is not possible to appropriately weigh the matter of impact in the balance. As per para 27 of the NPPF where a proposal is likely to have a significant adverse impact on one or more of the factors identified then it should be refused. The PPG advises that it is for the applicant to demonstrate compliance with the impact test, and as also outlined the failure to undertake an impact test could in itself constitute a reason for refusing permission.

### *Other Positive Effects*

The PPG advises that it is when the impacts are unlikely to be significant adverse that the positive and negative effects should be considered alongside all other material considerations. As it stands we are in a position where we cannot come to a view over the likely extent of impact given the clear failure of the applicant to demonstrate this.

However, for completeness, the applicant has pointed to other benefits which would occur including promotion of economic growth and the retention of two local businesses albeit both at a smaller scale (Gonalston Farmshop and J Harrison as an independent car retailer, garage and petrol filling station.). The submitted Design and Access Statement states that Peugeot have formally given notice to J Harrison that its franchise will be withdrawn shortly which places the existing business and all of its workforce at significant risk. The Statement also states that the proposal would secure a rental income to enable J Harrison to remain on site and also implies that Gonalston Farm Shop Ltd may be at risk over the coming years. However, this information is anecdotal and I can therefore give this limited weight particularly when the impact upon the Local Centre of Lowdham is unknown. In summary, I do not find that there is an overwhelming benefit to proposal that would outweigh the lack of any demonstration or considerations of retail impact.

### **Impact upon Visual Amenity**

Core Policy 9 requires a high standard of sustainable design that protects and enhances the natural environment and contributes to the distinctiveness of the locality and requires development that is appropriate in form and scale to the context. 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.

In relation to landscape impacts, the proposed site is within the Trent Washlands Policy Zone (TW PZ 27) 'Caythorpe and Gonalston River Meadowlands' character area as defined within the Council's Landscape Character Supplementary Planning Document (SPD). The landscape generally within the zone is unified and has few detracting features including the A612. The policy action for the zone is to 'Conserve' with policy actions to conserve the rural character of the landscape.

Overall, I am satisfied that the proposal would not result in a development which would be detrimental to of the visual amenity of the rural landscape in accordance with Core Policy 9 and 13 of the Core Strategy and Policy DM5 of the DPD.

### **Impact on Highway Safety**

Spatial Policy 7 of the Core Strategy amongst other things requires proposals to minimize the need for travel through measures such as travel plans or the provision or enhancement of local services and facilities; provide safe, convenient and attractive accesses for all; be appropriate for the highway network in terms of volumes and nature of traffic generated and avoid highway improvements which harm the environment and character of the area. DM5 mirrors this.

There are no changes to the existing access proposed by the current application according to the application form, 36 additional car parking spaces would be provided (I assume that sales parking would be given over to customer parking to achieve this number). Despite the request for further clarification of parking and staff numbers, I note that the latest position of the Highways Authority is to raise no objection to the scheme in terms of highway safety. As such, the proposal is not

considered likely to result in any adverse impact upon highway safety.

### **Impact on Ecology**

Core Policy 12 of the Core Strategy seeks to secure development that maximises the opportunities to conserve, enhance and restore biodiversity. Policy DM5 of the DPD states that natural features of importance within or adjacent to development sites should, wherever possible, be protected and enhanced. No ecology survey has been submitted with the application. However, as no demolition of buildings/limited removal of natural vegetation is proposed, it is considered likely that the site has low ecology potential. As such, the lack of information submitted in relation to ecology would not warrant refusal of the application in this instance.

### **Impact upon Residential Amenity**

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

A residential property is located immediately to the east of the site with the next nearest neighbour located on the opposite side of Southwell Road, just over 50 metre away. The Environmental Health Officer raises no objection to the proposal subject to conditions relating to trading hours and the submission and approval of any external plant details such as chillers etc. As the proposal is already in use for commercial purposes, it is not considered that the proposal would give rise to any material increase in any adverse impact upon neighbouring properties by virtue of any noise or disturbance issues. Whilst, operating hours may be longer and later than the current use, it is not considered that the limited amount of noise to be generated from the use would be so significant to warrant refusal of the application, particularly when taking into account the background noise levels generated from traffic along Southwell Road.

Subject to conditions, I am therefore satisfied that proposal would comply with the objectives of Policy DM5.

### **Flood Risk**

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

The majority of the site lies within Flood Zone 2, with part located in Flood Zone 2. The proposed development is not a more vulnerable use than the use of the existing site. In line with para 104 of the NPPF proposals for change of use should not be required to undertake the sequential and exceptions tests, but should still meet the requirements for site specific flood risk assessments. A flood risk assessment has been submitted with the application which confirms that the proposal would incorporate measures for flood resilience including setting appropriate finished floor levels, electric circuitry etc. coming from above rather than the ground etc., raising utility inlet points and locating boilers at a high level. Subject to conditions, I am therefore satisfied that the proposal would comply with the requirements of Core Policy 9 and Policy DM5.

### **Planning Balance and Conclusion**

The proposal would be acceptable in terms of its location within the Green Belt, Flood Zones 2 and 3, impact on visual amenity, impact on neighbouring properties and highway safety.

The Council is of the view that retail impact forms a material consideration in relation to the determination of this applications and that revised Core Policy 8 should have due weight attached to it. It is not considered that the submitted Sequential Test has been applied in a robust and comprehensive manner and so it cannot be confidently concluded that there are no sequentially preferable alternative sites. In line with paragraph 26 of the National Planning Policy Framework, where a proposal fails to satisfy the sequential test, it should be refused. In addition, it has not been demonstrated through the submission of a retail impact test that the proposal would not result in a significant adverse impact upon the vitality and viability of the Local Centre of Lowdham.

Accordingly, in the overall planning balance I must conclude that the proposals are unacceptable and planning permission should be refused on retail grounds.

### **RECOMMENDATION**

**That full planning permission is refused for the following reason:**

#### **Reasons for Refusal**

01

The application site is located out of centre outside of both the defined Local Centre and village envelope of Lowdham. Core Policy 8 (Retail Hierarchy) of the Core Strategy (Adopted 2011 and Emerging 2018) sets out the retail hierarchy within the District and seeks to protect vitality and viability of existing centres and demonstrate the suitability of retail development outside of a defined town centre through a sequential site approach and an assessment of impact on nearby centres.

The National Planning Policy Framework (NPPF) supports this approach and states that applications for main town centre uses should be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. In the opinion of the Local Planning Authority (LPA) the Applicant has not applied the sequential site approach in a robust and comprehensive manner and the LPA fail to be convinced that there are no alternative suitable sites available. As such, the application fails to satisfy the sequential test.

The NPPF also states that where an application is likely to have significant adverse impact on town centre vitality and viability and on investment in a centre or centres in the catchment area of the proposal, it should be refused. A retail impact assessment of any type has not been submitted with the application, despite request. As such, the application fails to demonstrate that the proposal would not result in a significant adverse impact upon the vitality and viability of the Local Centre of Lowdham.

The proposal is therefore contrary to Core Policy 8 as well as being contrary to the National Planning Policy Framework (NPPF) and NPPG which are material planning considerations. There are no other material planning considerations that would outweigh harm by reason of sequential inappropriateness or potential harm to Lowdham Local Centre.

### **Notes to Applicant**

01

The application is clearly contrary to the Development Plan and other material planning considerations, as detailed in the above reason(s) for refusal. Working positively and proactively with the applicants would not have afforded the opportunity to overcome these problems, giving a false sense of hope and potentially incurring the applicants further unnecessary time and/or expense.

02

You are advised that as of 1st December 2011, the Newark and Sherwood Community Infrastructure Levy (CIL) Charging Schedule came into effect. Whilst the above application has been refused by the Local Planning Authority you are advised that CIL applies to all planning permissions granted on or after this date. Thus any successful appeal against this decision may therefore be subject to CIL (depending on the location and type of development proposed). Full details are available on the Council's website [www.newark-sherwooddc.gov.uk/cil/](http://www.newark-sherwooddc.gov.uk/cil/)

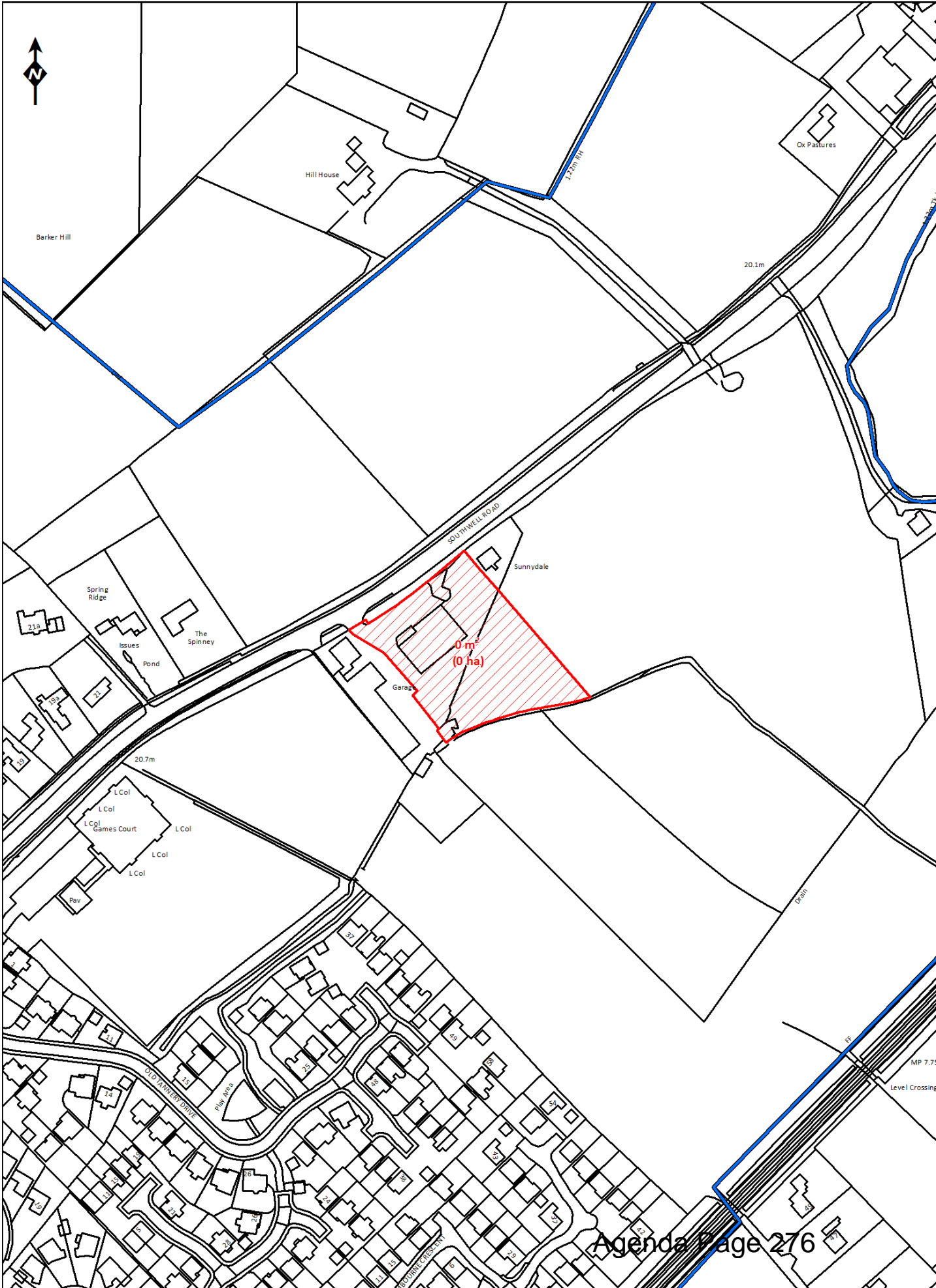
### **BACKGROUND PAPERS**

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](http://www.newark-sherwooddc.gov.uk).

**Matt Lamb**  
**Business Manager Growth & Regeneration**





<b>Application No:</b>	<b>18/00168/FUL</b>	
<b>Proposal:</b>	<b>Development of 3 x 2-bed dwellings</b>	
<b>Location:</b>	<b>Land at Junction with Beckingham Road, Brownlows Hill, Coddington, Nottinghamshire</b>	
<b>Applicant:</b>	<b>Newark &amp; Sherwood District Council</b>	
<b>Registered:</b>	<b>29 January 2018</b>	<b>Target Date: 26 March 2018</b>

**The application is reported to Committee as the view of Coddington Parish Council is contrary to the Officer recommendation.**

### The Site

The proposal site is designated as public open space in the Development Plan and includes a garage and parking court accessed from Brownlow's Hill. The site is grassed beyond the fenced off garage court and its boundaries to the south, east and west are relatively open with sporadic trees, however the northern boundary is densely wooded by trees and mature hedgerows. The site is also located within the Coddington Conservation Area.

The site is bounded on all sides by the highway, Beckingham Road to the north, Brownlow's Hill to the west and south and Valley View to the east. Dwellings lie to the eastern side of Valley View with Coddington Primary School to the south of Brownlow's Hill.

### Relevant Planning History

No relevant planning history.

### The Proposal

The proposal seeks planning permission for the demolition of the existing garage block (comprising 6 garages) and the erection of 3no. two-storey terraced dwellings with associated garden space and parking. The dwellings would be accessed via Brownlow's Hill and would have an overall footprint of 133.3m<sup>2</sup> and a ridge height of 7.30m. To the rear there would be two gable projections to afford additional accommodation to the end dwellings, with a small flat roof projection for the middle dwelling, again to provide additional living space.

The dwellings are proposed to be constructed of brick and pantile (Cadeby Red Multi Brick and Sandtoft Old English pantile in Natural Red) with timber effect windows and doors, UPVC rainwater goods and chimneys, and a GRP canopy over the front doors.

The application was withdrawn from the April 2018 Planning Committee Agenda to allow the applicant to consider a revision to the scheme to relocate the proposed dwellings so that they sat closer to existing built form on Brownlow's Hill. The applicant agreed to this relocation and the amendments are reflected in plans received on 13<sup>th</sup> April 2018.

As part of the proposal, 1 no. young oak tree would be removed along the southern elevation of the site; the tree report states that a further oak tree will be removed but following revisions to the proposal, this oak tree is to be retained.

#### Departure/Public Advertisement Procedure

Occupiers of 9 properties have been individually notified by letter. A site notice has also been posted close to the site and an advert placed in the local press.

#### Relevant Planning Policies

##### **The Development Plan**

###### *Newark and Sherwood Core Strategy Adopted March 2011*

Policies relevant to this application:

Spatial Policy 1: Settlement hierarchy

Spatial Policy 2: Spatial distribution of growth

Spatial Policy 3: Rural Areas

Spatial Policy 6: Infrastructure for Growth

Spatial Policy 7: Sustainable transport

Spatial Policy 8: Protecting and Promoting Leisure and Community Facilities

Core Policy 9: Sustainable design

Core Policy 10: Climate Change

Core Policy 12: Biodiversity and Green Infrastructure

Core Policy 13: Landscape Character

Core Policy 14: Historic Environment

###### *Allocations and Development Management DPD Adopted July 2013*

Policies relevant to this application:

DM1: Development within settlements central to delivering the spatial strategy

DM5: Design

DM6: Householder Development

Policy DM9: Protecting and Enhancing the Historic Environment

DM12: Presumption in Favour of Sustainable Development

##### **Other Material Considerations**

###### *National Planning Policy Framework 2012*

###### *Planning Practice Guidance 2014*

#### Consultations

Following receipt of amended plans, all consultees were re-consulted, with a deadline for comments being 4<sup>th</sup> May 2018. With the exception of NSDC Environmental Health and NCC Highways, all consultation responses detailed below are those received during the previous consultation period relating to the superceded proposal. However, given the principle of development remains the same, I consider these comments remain relevant to the amended application; any updated responses received after the publication of this report will be included within Late Items for Members.

**Coddington Parish Council** – ‘At an Extra-ordinary Parish Council Meeting held on 21 February 2018, the Parish Council unanimously resolved to **OBJECT** to the above application on the following grounds. (Whilst the application refers to ‘affordable housing’, it is understood from the District Council that it is for ‘social housing’. This clearly needs rectifying since the definition of the two types of housing is very different).

**Conflict with Newark and Sherwood District Council's Statutory Planning Policy.**

**The Core Strategy and Allocations and Development Management DPD**

**A. Policy SP3 - Rural Areas**

**SP3 Bullet Point 2 - Scale**

The development is not appropriate to the location as set out below under SP3 - Bullet Points 4 and 5 and Policies SP8, SP9, CP14 and DM9.

**SP3 Bullet point 3 - Need**

The Parish Council appreciates that the District Council is anxious to provide as much social housing as possible, facilitated by Government funding. However, consideration must be given as to whether any site is suitable in planning terms for such a development.

In its Statement of Housing Need, the District Council places great emphasis on what it considers to be the application's location on a 'brownfield site'. In fact the application site includes open, grassed areas to the east, west, north and south of the garage court to which the brownfield site definition refers, and also a fine stand of trees and further open space to the west. Regrettably the actual proposed built area extends beyond that of the garage court into the open areas on all sides resulting in a diminution of the open area and the loss of five young trees, dismissed as being of the lowest retention category by the applicants.

As the applicants clearly rely heavily on the 'brownfield' designation, then the development proposals should be amended to be confined to this area and not encroach on to surrounding land. However, for reasons set out below the Parish Council does not consider that this classification of the garage court justifies its development as proposed. What the application represents is a purely opportunist proposal to exploit Council owned land, irrespective of the conflict with its own planning policies. Whilst the need for social housing is accepted, this does not override basic planning principles, a fact recognised in the Government's National Planning Policy Guidance.

**SP3 Bullet Point 4 - Impact**

The proposal would adversely affect the amenities of local people by the loss of accessible and usable recreational space, by severe damage to the quality and character of their environment and by the traffic issues raised. (These matters are dealt with below)

**SP3 Bullet Point 5 - Character**

The proposal, by its gross visual and physical intrusion into this area of Public Open Space, would have a severely detrimental effect on the setting of this part of the village, on the enjoyment of the public open space both for recreation and its landscape quality, and the role the open space performs in creating the character of the Conservation Area. It would also result in the loss of trees specifically planted to preserve the landscape quality of the area.

### **Policy SP7 Bullet Point 3 and Bullet Point 6**

Bullet Point 3 requires that any development should be appropriate for the highway network in terms of the volume and nature of traffic generated, and ensure that the safety, convenience and free flow of traffic using the highway are not adversely affected. Bullet Point 6 requires that any proposal should ensure that vehicular traffic generation does not create new, or exacerbate existing on-street parking problems, nor materially increase other traffic problems, taking account of any contributions that have been secured for the provision of off-site works. For the reasons amplified at D. below, the application proposals would conflict with both of these Bullet Points' requirements.

### **Policy SP8**

The proposal would severely diminish the enjoyment and use of this valued area designated as Public Open Space. Firstly, the applicants maintain that there are two alternative public open spaces within 600m of the application site and thus villagers would not be disadvantaged by the loss of part of the open space surrounding the garage court. What they fail to address is that both these alternatives lie on the opposite side of the C208 Beckingham Road, which would require any children living near to the application site crossing that road. The provision of a crossing warden to secure the safety of children crossing the C208 to and from the school speaks volumes as to the danger this busy road presents.

To the north and east of the garage court is a well-used recreational space used by local children. The development proposal would encroach into and severely restrict the enjoyment of what is left of the open recreation area which would abut the dwellings on two sides. Problems of noise, disturbance and loss of privacy to future residents are obvious. The diminution of openness could lead to issues of security for children playing on the remaining area. At present all of the open space can be viewed from the road side. There is also a very odd intrusion into the open grassed area on the eastern side of the development, necessitated by the over intensive proposals for the site. Two car parking spaces are indicated running back from the road frontage and projecting into the open area to the east. No fencing or screening is proposed. Damage to vehicles and danger to children are two potential results of this element of this ill-considered design.

### **Policy SP9 - Point 5 and Point 8**

Point 5 requires that any proposal should not have an adverse impact on the special character of the area. The application proposals have a severely adverse impact arising from the visual intrusion into the open space with a two-storey block of housing, by the loss of views into and out of this part of the village and upon the setting of this part of the Conservation Area. Contrary to SP8 which requires no loss of locally important open space, the application proposals do lead to the loss of part of a locally important open space and to a diminution in the capacity for the enjoyment of what remains.

### **Policy CP 14 - Bullet Points 1 and 2**

Rather than preserving and enhancing the character, appearance and setting of the Conservation Area the proposal would do demonstrable harm to all of these elements of the Conservation Area. (See Conservation Area at C below).

### **B. Allocations and Development Management DPD - Paragraph 2**

The application lies within an area defined as Public Open Space on Map 1 - Newark North Proposals. For the reasons already set out above, the application proposal, whilst acknowledging this designation, diminishes the quality of the remaining open area in terms of its role in the character of the area and as an attractive, safe area for informal recreation.

## **Policy DM9**

This policy requires that development proposals should take account of the distinctive character and setting of individual conservation areas, including open spaces and natural features, and reflect this in their layout, design, form, scale, mass, use of materials and detailing. The application fails to meet any of these requirements. The proposed development, because of its positioning on the road frontage, intrudes into views in and out of this part of the village and is therefore very harmful to the setting of the Conservation Area within which it lies. The application proposals do not recognise this role but presumably as a nodding reference to the Conservation Area, pastiche “cottages” are proposed. This does nothing to overcome the basic objection to development on this site and the harm it would do to the open setting of the Conservation Area. It is an off-the-peg, 'desk-top' solution lacking any design merit, sited in the most expedient location with a total disregard for the surroundings. It also shows complete contempt for the District Council’s own planning policies and the aspirations of the Parish Council to protect the environment of its parishioners.

### **C. The Conservation Area.**

The proposal conflicts with all the above policies. The proposed development occupies a part of the larger open area which is presently occupied by a row of garages with a surfaced forecourt and a part of the grassed area to the north and east. It could, and may well be argued that, the presence of the existing development justifies the application proposals. This would be to ignore the fact that the garages are set at right angles to the road frontage, against a backcloth of large trees. Consequently when approaching from the west turning from Beckingham Road into Brownlow’s Hill, the garages cannot be seen. The view is of an uninterrupted open, grassed area leading up into the village. Approaching from the east, the low profile of the garages and the backdrop of trees results in the open grassed area predominating in the view. Whilst cars parked on the forecourt can be seen, their low profile means that once again the green area is prominent. There are also attractive views across the open area looking north of trees and hedgerows on both sides of the C208. These are the features of this area which have led to its definition as Public Open Space and its inclusion in the Conservation Area. It is critical in the setting of the older part of the village when approaching from the west and on Brownlow’s Hill itself, and also contributes significantly to this part of the Conservation Area.

The Application proposals would destroy the views referred to since the buildings would be sited on the road frontage to Brownlow’s Hill. They would therefore intrude into the setting of the village from the west and would severely diminish the immediate character of the area. Any development in a Conservation Area is required to preserve and enhance the character and appearance of that area. This application clearly does not meet these requirements and does, in the words of the Act, cause demonstrable harm to the character, appearance and setting of the Conservation Area.

### **D. Traffic issues**

Due to the presence of a school directly opposite the application site, there is currently a major problem with on-street parking leading to congestion and potential danger to children on Brownlow’s Hill. The forecourt to the garages is presently used for school parking. The loss of this facility will exacerbate the already acute problems on Brownlow’s Hill. Further on-street parking will be lost on the northern side of Brownlow’s Hill because of the need not to obstruct the vehicular accesses to the proposed dwellings. The occupants of those dwellings would experience disturbance and possible obstruction from the car parking and traffic movements generated by the school. The use of the double stacked parking for the proposed dwellings would inevitably lead to increased danger to both motorists and pedestrians seeking to

access the school. Attempts have been made by the Highway Authority to ameliorate these problems by restrictions on on-street parking and a proposed advisory 20 miles per hour speed limit at certain times. However, congestion and potential danger to drivers, pedestrians and particularly children remain severe. The application would only exacerbate this situation.

#### **E. Loss of Trees**

The Application also results in the loss of two young oak trees on the Brownlow's Hill frontage. These trees were planted by the Parish Council and demonstrate its wish to enhance the village and particularly the Conservation Area. Whilst their loss may carry little weight in the District Council's considerations, it does rather exemplify the somewhat cavalier attitude of the applicants to District Council policy especially in relation to the public open space and the Conservation Area, and its aims of protecting the environment. Also lost are three young pine trees to the rear of the garages. These were planted by the Nottinghamshire County Council to ensure the continuation of the historic stand of trees to the west of the proposed development. No proposal for the replacement of these trees is made in the application, again demonstrating what verges on contempt for the environment and the village.

#### **F. Conditions**

If despite these extensive objections based upon the application's conflict with the District Council's own policies, the Council is minded to allow its application, the following conditions, plus any others considered appropriate by the District Council, should be applied:

- a) A fence and hawthorn hedge to be provided along the northern, eastern and western boundaries of the development, including the car parking spaces projecting outwards on the eastern side.
- b) Semi-mature trees to be planted alongside the northern, eastern and western boundaries of the proposed development, such trees to be native species such as oak, chestnut and scots pine.
- c) The trees and their roots to the west of the development area to be protected during construction.
- d) Any damage done to the remaining open grassed area during construction to be rectified.
- e) All construction work to take place within the hours 9.15am-2.45pm during school term time.
- f) All construction material to be stored outside the 'open space designated area'.

#### **G. Conclusions**

- a) The application conflicts with statutory planning policy, particularly in relation to designated Public Open Space and to the Conservation Area.
- b) The application does demonstrable harm to the enjoyment of the open space and to the setting of the Conservation Area.
- c) The application would exacerbate an existing traffic problem by the loss of car parking for the school to the detriment of school users and other residents of the village.
- d) The application is purely opportunist and has shown a cavalier disregard of the District Council's own planning policies.
- e) It is regrettable that the District and Parish Councils could not have worked together on what could have been an exciting and rewarding project. Instead the Parish is faced with a dictatorial approach and the welfare of residents, particularly children, is ignored.
- f) The application should be **refused.**

**NSDC Conservation Officer** – ‘Many thanks for consulting Conservation on the above proposal. The proposal site is located within Coddington Conservation Area (CA).

We provided pre-application advice and I can confirm that the submitted scheme reflects those discussions.

### **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. In this context, case-law has established that ‘preservation’ means to cause no harm and is a matter of paramount concern in the planning process.

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).

### **Significance of Heritage Asset**

Coddington CA was designated in 1992. Following reviews and amendments to the boundary in 2002 and 2006, the Council published a draft Appraisal which provides a useful character analysis. Coddington has medieval origins and is mentioned in Domesday. Coddington was enclosed by Act of Parliament in 1763.

The CA has three distinct areas which have been formed by the re-aligned Newark to Sleaford Road which cuts through the centre of the village: the Old Newark Road (ONR) area; a small part of the historic village to the north of the main road; and the historic core (situated to the south of the main road). The proposal site is situated within a transitional area between the ONR area and the historic core.

The garages and hardstanding are modern and make no positive contribution to the character and appearance of the CA. Similarly, the school and the modern housing to the east of the proposal site have no historic or architectural interest. The openness of the site and green landscaping make a positive contribution to the CA.

### **Assessment of Proposal**

The proposal seeks approval for residential development on land to the north of the Primary School.

This part of the CA is predominantly associated with landscape setting to the historic core of the village, including mature trees. Other than the school, buildings within the street are generally 2 storey cottage types.

The proposed development will be located adjacent to Brownlows Hill, and will predominantly be limited to the existing hard surfaced area. This is beneficial as it will allow a sense of the openness of the site to be retained.

The removal of the modern garages is welcomed.

We provided advice at pre-application stage (ref PREAPP/00270/17). Concerns were raised concerning scale and appearance during pre-application discussions, and, amongst other things, we advised that:

- The projecting gable should be removed from the front elevation and no render used (no architectural basis for this locally);
- The main gable width would benefit from being reduced and windows consolidated so that they are symmetrical/central only;
- Chimneys added to roof on both gables (integral stacks);
- Roof tiles should be natural slate or non-interlocking natural clay pantiles;
- Window headers on front elevation at ground floor to be brick arches (not soldiers);
- Windows to be timber or mock timber, flush fitting side hung casements (e.g. Residence 9 or similar);
- Timber effect plank doors on front as suggested are ok;
- Rainwater goods to be metal or mock cast- half round on rise and fall, round down pipes;
- Further details on eaves, verges and string course;
- Ideally front elevation brick work will be a traditional bond such as Flemish or English Garden Wall (snap headers for cavity wall construction).

The submitted scheme has taken into account our advice and we feel that the resultant scheme is acceptable. The layout reflects the pattern of older cottage ranges which sit on the roadway. The scale of the proposed terrace, as expressed in its height, width and length, references traditional building dimensions locally. The use of rear service wings has enabled the gables to be narrowed, which is positive. The use of traditional detailing and appropriate materials is also acceptable. The non-interlocking clay pantiles, for example, are appropriate in this context.

On balance, we believe that the development sustains the character and appearance of the Coddington Conservation Area and therefore accords with the objective of preservation required under section 72 of the Planning (LB&CA) Act 1990. No harm is perceived to any other heritage assets, and the proposal is otherwise considered to comply with heritage advice contained within CP14 and DM9 of the Council's LDF DPDs and section 12 of the NPPF.



If approved, and notwithstanding the submitted details, further details of the following matters should be addressed via suitably worded conditions:

- Brick panel to be erected on site before development commences showing bricks, bond, mortar specification and pointing finish (Conservation recommends that the front elevation be externally finished in English Garden Wall or Flemish bond);
- Further details of the proposed porches and chimneys (chimneys to be retained);
- Further details of sills, window/door headers, eaves and verges;
- Precise design details and scale drawings/product literature of the windows and doors (external joinery hereby approved to be retained);
- No roof vents on the front facing roof slope unless otherwise agreed;
- Any external accretions on the front elevation (meter boxes, flues etc) to be agreed.

These details will ensure that the proposed development fully preserves the character and appearance of the Coddington Conservation Area.'

### **NSDC Planning Policy Officer –**

#### **'Planning Policy Context**

##### National Planning Policy

Confirms that the Framework has not changed the statutory status of the development plan as the starting point for decision making, proposed development which accords with an up-to-date Local Plan should be approved and proposed development which conflicts should be refused, unless other material considerations indicate otherwise.

Places an emphasis on sustainable forms of development to create a prosperous rural economy.

Paragraph 74 sets out that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- An assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- The development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

#### **Development Plan**

Core Strategy DPD

Spatial Policy 3 – Rural Areas

Spatial Policy 7- Sustainable Transport

Spatial Policy 8 – Protecting and Promoting Leisure and Community Facilities

Core Policy 1 – Affordable Housing Provision

Core Policy 3 – Housing Mix, Type and Density

Core Policy 9 – Sustainable Design

Core Policy 11 – Rural Accessibility

Core Policy 12 – Biodiversity and Green Infrastructure

Core Policy 13 – Landscape Character  
Core Policy 14 – Historic Environment

Allocations and Development Management DPD  
Policy DM3 – Developer Contributions and Planning Obligations  
Policy DM5 – Design  
Policy DM9 – Protecting and Enhancing the Historic Environment  
Policy DM12 – Presumption in Favour of Sustainable Development

#### Submission Amended Core Strategy

The Amended Core Strategy was submitted to the Secretary of State on 29th September 2017 for independent examination, the Examination in Public took place on 1st and 2nd February 2018. We are now in receipt of an initial response from the Inspector that can be viewed by clicking on the link Post Hearing Note 2 Following the ‘wash-up’ session at the end of the hearings those areas where the Local Planning Authority has requested the Inspector to recommend modifications have been identified. Their content is however yet to be finalised and consulted upon, so whether there are likely to be objections is not known. The proposed amended policies can however in my view, be deemed to carry meaningful weight in those areas (including within a policy) where no modification is proposed.

Modifications are likely to be made to Spatial Policy 3 to satisfy matters raised at the hearings. Further details of the proposed modifications can be found within the Amended Core Strategy, Regulation 22 Statement of Consultation and Matter 7 The outstanding matter is with regards to bullet point 1 ‘Location’ and clarification of what is meant by ‘within the main built up area’. Further details can be viewed in Post Hearing Note 2 In terms of this proposal I am of the view that the site is located within the main built up area of Coddington. Matters have been raised with regards to SP8 that can be viewed within the Regulation 22 Statement. I would however suggest that the matters raised do not relate to the substantive issue of protected open space and the need for its protection.

#### **Assessment**

In terms of assessing the proposal against policy I would suggest that there are two main considerations SP3 – ‘Rural Areas’ and ‘SP8’ Protecting and Promoting Leisure and Community Facilities.

#### **Spatial Policy 3**

The proposal is for the development of 3, 2 bedroom affordable units, located within Coddington which is covered by Policy SP3. The plans demonstrate that the proposed dwellings would in part be erected on the footprint of the existing garages. Spatial Policy 3 addresses local housing need by focussing new housing in sustainable, accessible villages. SP3 sets out that beyond Principal Village’s proposals for new development will be considered against criteria set out at bullet points 1 to 5 (location, scale, need, impact, character) In my view the site is located within the main built up area of Coddington with a range of local services that are detailed on page 86 of the 2016/2017 Annual Monitoring Report In terms of need Coddington falls within the ‘Newark and Rural South Sub Area for the Housing Market and Needs Assessment 2014, Sub-Area Report that identified for the social sector the main size of property required by both existing and concealed households (54%) is 2 bedrooms. I would therefore suggest that in light of the above the proposal does comply with SP3.

## **Spatial Policy 8**

There are existing garages located on part of the site and is therefore classed as brownfield, the area is however an open space protected by Spatial Policy 8. Policy sets out that 'the loss of existing community and leisure facilities through new development requiring planning permission will not be permitted, particularly where it would reduce the community's ability to meet its day to day needs, unless criteria set out in SP8 is met. I would particularly refer you to bullet points 2 and 3 of SP8 which require clear demonstration that:

- There is sufficient provision of such facilities in the area; or
- That sufficient alternative provision has been, or will be made elsewhere which is equally accessible and of the same quality or better as the facility being lost.

If the site was Greenfield then in my view development would be wholly inappropriate. However as the site is brownfield and the proposal would in part be erected on the existing foot print of the garages then in my view this also needs to be weighed in the planning balance. If the decision maker is minded to approve the application then exploration of possible mitigation measures to enhance the remaining open space should be included as a way forward to address policy requirements.

## **Conclusion**

In my opinion the proposal is finely balanced and therefore when assessing the application and considering the planning balance the decision maker would need to consider the identified need for 2 bedroom affordable units within the Newark and Rural Sub-Area, against the loss of protected open space, to determine whether possible mitigation measures could outweigh the loss of open space.'

**NSDC Contaminated Land Officer** – 'With reference to the above development, I have now had the opportunity to review the Phase 1 Desk Top Study Report and Phase 2 Ground Investigation Report submitted by Collins Hall Green in support of the above planning application.

The Desktop Study report includes an environmental screening report, an assessment of potential contaminant sources, a brief history of the site's previous uses and a description of the site walkover.

Following intrusive sampling, the report identifies elevated PAH contamination (in sample TH1) and recommends that further sampling is carried out.

Whilst I agree with this additional work, I have the following points to raise:

- No laboratory analysis certificates are provided with the report; please submit copies of original certificates, including analysis accreditation details.
- I concur with the report's recommended additional sampling and would expect this to include targeting of the proposed garden areas.
- The elevated PAH in TH1 is dismissed as insignificant as it doesn't form part of a development plot. I cannot accept this as it forms part of the application site and requires further consideration/risk assessment.

I will await the completion of the further exploratory works discussed above before commenting further on any remedial measures. However I note the proposal to import clean topsoil to site, I would refer the applicant to the YALPAG guidance on testing requirement for validation of imported clean materials (attached).

Due to these matters, I would request that our full phased contamination condition is attached to any planning consent.'

**NSDC Access & Equalities Officer** – It is recommended that the developer make separate enquiry regarding Building Regulations matters.

**NCC Highways** – 'Further to comments dated 1 March 2018, a revised layout drawing, 40860/ID45/005i has been received which shows the development further east of its original position.

This proposal includes the removal of 6 garages, and another 6 parking spaces. On the day of a site visit the latter were all in use. The loss of such spaces is regrettable and given the size of the site it would be preferred if replacement parking could be made available, although it is understood that such an obligation cannot necessarily be applied. Nonetheless, there is a risk of additional on-street parking occurring and it is requested that the applicant consider making additional public parking provision.

Visibility splay distances have been checked and have been found to be commensurate with vehicle approach speeds.

The proposed new footway and vehicular dropped crossings will need to be constructed in accordance with the Highway Authority's specifications. It should also be noted that within the extent of the public highway, the footpath connections to the individual plots will also need to meet the Highway Authority's specifications

The site lies opposite a school. On the school (south) side of Brownlows Hill, 'School Keep Clear' markings exist and a Clearway Order operates Mon-Fri 8am - 4.30pm. On the north side, adjacent to the proposed development, double yellow lines exist denoting 'no waiting at any time', except for a short length which allows 3 cars to park between the existing garage access and Valley View. This short length will coincide with the vehicular crossing associated with plot 3. Thus further parking will be lost on-street; leaving perhaps room for two cars which could interfere with visibility. Consequently it is recommended that an additional 'no waiting at any time' restriction be introduced to cover this short length of road; ensuring that Brownlows Hill is kept clear outside the school and no obstruction to the driveways occurs.

Should the District Council approve this application, then the following conditions are recommended:

No part of the development hereby permitted shall be occupied until all drives are surfaced in a hard bound material (not loose gravel) for a minimum of 5 metres behind the highway boundary. The surfaced drives shall then be maintained in such hard bound material for the life of the development.

Reason: To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc.).

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

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

No part of the development hereby permitted shall be occupied until the visibility splays shown on drawing no. 40860/ID45/005i are provided. The area within the visibility splays referred to in this condition shall thereafter be kept free of all obstructions, structures or erections (with the exception of Highway Authority street furniture) exceeding 0.6 metres in height.

Reason: In the interests of Highway safety.

No part of the development hereby permitted shall be occupied until a footway on the north side of Brownlows Hill adjacent to the development site has been provided as shown for indicative purposes only on drawing 40860/ID45/005i to the satisfaction of the Local Planning Authority and Highway Authority.

Reason: In the interests of pedestrian safety.

No part of the development hereby approved shall commence until application has been made to the Highway Authority for the proposed provision of additional 'no waiting' restrictions on the north side of Brownlows Hill, along the site frontage.

Reason: In the interests of highway safety.

**Notes to Applicant:**

In order to carry out the off-site works required (footway, vehicular crossings and footpaths connections to the properties) you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act. Please contact david.albans@nottsc.gov.uk for details.

This consent requires an application for a Traffic Regulation Order before the development commences to restrict waiting. The developer should note that the Order can be made on behalf of the developer by Nottinghamshire County Council at the expense of the developer. This is a separate legal process and the Applicant should contact mike.barnett@viaem.co.uk. Please note this process can take 6-12 months.'

**National Grid** – Apparatus lies within the vicinity of the site

**Trent Valley Internal Drainage Board** – No objection to the proposal

**In addition to the above, 12 letters of representation have been received for third parties raising the following concerns,**

- Worsen traffic for the school – reduced parking and issues for school buses
- Increased traffic during construction which will make an already dangerous road worse
- Land is used by children during summer months
- Green areas need to be protected

- Site currently provides parking for parents/staff of the primary school – at least 6 spaces provided. The loss of garages could also further reduce parking spaces if used
- No benefit to the conservation area or village
- Space would be better utilised to provide a post office with parking spaces
- The school has very limited onsite parking which is insufficient. Although the Community Centre, this is often full so parents are required to park on nearby roads.
- No turning areas are proposed which would result in vehicles reversing on to the road

From late items:

- Detrimental to the character and appearance of the Conservation Area
- Trees to be removed in Conservation Area- Council apply different rules to themselves when applying for planning permission
- More suitable sites for affordable housing must be available to achieve this goal.

### Comments of the Business Manager

#### 5 Year Housing Land Supply

The Council's position is that it can demonstrate a 5 year housing supply. Following the allowed appeal at Farnsfield in 2016 where one Inspector concluded the Council did not have a five year housing supply, in order to address its housing requirement the Council, as it is required to do under the NPPF for both objectively assessed need (OAN) and under the Duty to Cooperate, produced a Strategic Housing Market Assessment (SHMA). The SHMA has produced an OAN for NSDC of 454 dwellings per annum (using 2013 as a base date). Moreover, this Council has now had its Plan Review DPD Examined (EIP). It is acknowledged that the OAN and consequently housing target for the District cannot attract full weight until after examination of the Development Plan. However, the OAN and issues around delivery have moved on considerably, with the EIP Inspector not raising any additional matters. This position has also been confirmed by a recent (August 2017) appeal hearing decision which has accepted that this Council has a 5 year housing land supply against a target of both 454 and 500 dwellings per annum. Even on a 550 OAN the Inspector in that case concluded that any shortfall would most likely be made up by windfall schemes. An appeal in January 2018 also confirms that this Council has a 5 year land supply.

Given this position the Council considers that limited weight should now be attached to the Farnsfield Inspector's decision from 2016. To the contrary the OAN of 454 remains robust and against this it is considered that there is a 5 year housing land supply. Consequently, the policies of the Development Plan are up-to-date (also having regard to the PAS review of the Core Strategy Policies and in attaching weight to the fact that the Allocation and Development Management DPD Policies were independently examined and found sound post NPPF adoption) for the purpose of decision making.

#### Principle of Development

Spatial Policy 1 of the adopted Core Strategy details the settlement hierarchy which will help deliver sustainable growth and development in the District. The intentions of this hierarchy are to direct new residential development to the sub-regional centre, service centres and principal villages, which are well served in terms of infrastructure and services. At the bottom of the hierarchy, within 'other villages' in the District, development will be considered against the sustainability criteria set out in Spatial Policy 3 (Rural Areas). Coddington is defined as an 'other village.'

The five criteria outlined by SP3 are location, scale, need, impact and character, which are considered below.

### *Location*

The first criterion of SP3 details that 'new development should be within the main built up areas of villages, which have local services and access to Newark Urban Area.' The proposed development site is within the main built up area of the village adjacent to existing residential development on Valley View and Brownlow's Hill with Coddington Primary School across the public highway.

With regards the provision of services; whilst Coddington is defined as an 'Other Village' in the settlement hierarchy it does contain: a Primary School, a public house, a shop, a village hall, recreation ground and church. In addition, Coddington is served by regular bus connections to Newark where a wider range of services can be found. I therefore consider the site accords with the locational requirement of Policy SP3.

### *Scale and Impact of Development*

The guidance note to accompany SP3 confirms that the scale criterion relates to both the amount of development and its physical characteristics, the latter of which is discussed further in the Character section below. Three additional single storey dwellings are considered relatively small scale in numerical terms in a village which was detailed as having 1,684 residents in 2016. As such the proposal is unlikely to detrimentally affect local infrastructure such as drainage and sewerage systems. I also consider that three additional dwellings are unlikely to materially affect the transport network in terms of increased traffic levels in volume particularly as two off street car parking spaces would be provided for each dwelling.

### *Impact on Character/Visual Amenities (including Heritage assets)*

The character criterion of SP3 states that new development should not have a detrimental impact on the character of the location or its landscaped setting. The assessment overlaps with the consideration required by Policy DM5 which confirms the requirement for new development to reflect the rich local distinctiveness of the District's landscape and character through scale, form, mass, layout, design, materials and detailing. Core Policy 9 states that new development should achieve a high standard of sustainable design and layout that is of an appropriate form and scale to its context complementing the existing built and landscape environments. Furthermore 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.

Additionally, as the site lies within the Coddington Conservation Area, Policy DM9 of the DPD and Core Policy 14 of the Core Strategy, along with Section 12 of the NPPF are also relevant and seek to, at a minimum, preserve the character and appearance of the historic environment.

The application site falls at the edge of a residential area which has a mix of two storey semi-detached, and terrace dwellings. The current garage block is somewhat isolated in appearance and does not complement the wider conservation area in terms of its design and therefore the proposal to demolish this building is welcomed from a Conservation perspective. Furthermore, the site is highly visible from the public realm owing to its open boundaries and surrounding public open space. Vegetation within the site goes some way to screening the site upon approach along Beckingham Road, however clear views are achieved from Valley View and Brownlow's Hill.

The development offers a relatively simple style of building, using traditional or traditional effect materials which are supported by the internal Conservation Officer. Whilst some of the 'effect' materials, such as the proposed rainwater goods and windows, would be preferred, given the modern developments surrounding the site I consider it unreasonable to request wholly traditional materials, particularly as they would relate to a modern build. However the proposal put forward would on the whole have a traditional appearance and in my view improve the appearance of the site within the Conservation Area. This is however subject to appropriate construction methods, along with additional details not provided at this stage, as listed by the internal Conservation Officer in the 'Consultations' section of this report. Should Members be minded to approve the application, I would recommend that the conditions suggested by the Conservation Officer are imposed to ensure that the LPA can retain control over the construction and finer details of the dwellings. In addition to this, I consider it appropriate to condition boundary treatments so that the LPA can fully assess the likely impact upon the character of the area given the high visibility of the site from all directions.

In terms of their layout, the dwellings will partially redevelop the garage site but I am mindful that part of the development would encroach upon the surrounding public open space. However given that a large proportion of the site would be retained as landscaped and open, I consider that the openness and green character of the site will not be significantly reduced so as to warrant a refusal on the basis of visual impact. Notwithstanding this, no details have been provided in respect of redeveloping the garage site to the west of the siting of the proposed dwellings; the plans indicate that this will become open space, however should Members be minded to approve the application, I recommend that a landscaping condition is attached to the decision to ensure that this area of land is appropriately landscaped so that it is useable for members of the public.

In addition to the above, I note that 4no. trees are proposed to be removed from the site. According to the tree survey report, these trees are considered to be Grade C(1) category trees with a 40+ year life span. Whilst these trees are in good condition, they are described as 'juvenile mature' and as such are not in my view integral to the amenity of the site. Notwithstanding this however, where possible, the LPA should seek to replace trees lost through development and in this instance I consider it appropriate for the LPA to condition the permission to ensure these felled trees are replaced, should Members be minded to approve the application.

The proposal is located within an area designated as public open space; this open space to my knowledge will remain within the ownership of Newark & Sherwood Homes and therefore maintained by them. The boundary treatments for the new dwellings are indicated on the proposed site layout to be hedgerows which would help integrate development into the soft landscaped open space and the Conservation Area. Although no detail has been submitted at this stage if Members are minded to approve the application, I would suggest that a landscaping condition is imposed upon the permission to allow the LPA to retain control over the boundary treatments and ensure that they are kept 'soft' to limit the impact of the development upon the green aspect of the site. Additional planting could be requested as part of the scheme, however in this instance I feel that additional planting (with the exception to that mentioned in the previous paragraph) to the open space could likely reduce the level of useable open space available for the public (by way of obstruction from trees/vegetation).

Taking this into account it is therefore considered that proposed development would, by virtue of the loss of the garages enhance the character and appearance of this part of the Conservation Area resulting in no harm the heritage setting of the site nor would it result in any undue impact upon the visual character or amenity of the immediate street-scene or the wider area. Overall, the



dwellings are considered to reflect the character of surrounding built form. In this respect the proposal is therefore considered to meet the relevant points in respect to visual and character impacts in accordance with Spatial Policy 3, Core Policy 9 and 14 of the Core Strategy and Policy DM5 and DM9 of the Development Management DPD.

### *Need for Development*

With respect to the local need criterion of SP3 I note that an affordable housing scheme is proposed here, part of a wider capital programme for investment and delivery of affordable housing provisions within this District over the next 5 years. For the avoidance of doubt there is an affordable housing need across the District, which includes Coddington. The need is not Coddington specific in that there is no local housing needs survey for the village. The need covers a slightly wider geographical area, including Newark. As detailed in the ‘Statement of Housing Need’ accompanying the application, written by an NSDC Strategic Housing Officer, the district wide Housing Market and Needs Assessment (2014) identified that within the rural south sub area (of which Coddington is a part of) there is a housing need for smaller homes (1 bedroom - 234 units and 2 Bedroom - 458). The Council’s housing register indicates a demand for affordable housing for older people’s accommodation and for small dwellings. It is therefore considered that a need exists within Coddington for small, two storey affordable units and this proposed development would assist in meeting that need. The proposal is therefore considered to accord with the need element of policy SP3.

### Impact upon Public Open Space

Spatial Policy 8 of the Core Strategy encourages the provision and enhancement of community and leisure facilities, which includes public open space. Loss of these facilities therefore should be justified either through provision elsewhere or that the use is no longer feasible. For awareness, the existing and proposed open space available to the public is shown in the table below,

Existing Available Open Space (excluding site of garages – access and hardstanding)	Retained open space post development
Circa. 1851 sq. m	Circa 1639 sq. m

The application site includes an area designated as existing public open space which would be reduced by circa 212 sq. m as a result of the proposed development. Whilst the LPA seek to retain public open space, this reduction, in my view, would not be so significant as to result in the retained space being unusable and would still provide members of the public with sufficient recreational land for a variety of uses as well as retain the openness of this corner plot. Natural surveillance of the site would also be achieved through the first floor windows of the properties proposed overlooking the open space.

Policy SP8 also protects school playing fields as well as public open space. Coddington has 7 other areas of protected areas open space across the parish the closest sites being to the south of the site adjacent to the primary school and community centre, which I understand to form part of the school playing fields. In terms of public open space, there are 5 spaces within the village, the nearest of which is located on the corner of Main Street and The Green, approximately a 600m walk from the site.

I note the concerns raised during the public consultation period with regards to the loss of open space, however in this instance given the amount of space proposed to be lost, I do not consider it would be so significant to be reasonable to recommend refusal on these grounds as the site still provides ample useable open space, with 5 other open space alternatives also available within the village. As such, I take the view that the proposal accords with Spatial Policy 8 of the Core Strategy.

#### Impact on Residential Amenity

The NPPF seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings. Policy DM5 of the DPD states that the layout of development within sites and separation distances from neighbouring development should be sufficient to ensure that neither suffers from an unacceptable reduction in amenity including overbearing impacts, loss of light and privacy.

The proposed dwellings would be located away from the nearest existing residential development, the nearest neighbour being approximately 35m from plot 3. I note that a bathroom window will face out towards this neighbouring dwelling on Valley View, however given the distance between the properties, I would not expect the proposal to have an adverse impact. The same is also concluded with regards to overshadowing and overbearing impacts due to the separation distances.

In conclusion, I am satisfied that the proposal would not have an adverse impact upon residential amenity and it is therefore considered that the proposal will accord with Policy DM5 of the DPD.

#### Impact on Highway Safety

Policy DM5 is explicit in stating that provision should be made for safe and inclusive access to new development whilst Spatial Policy 7 encourages proposals which place an emphasis on non-car modes as a means of access to services and facilities.

Parking on Brownlow's Hill and Valley View is for the most part not restricted by any Traffic Regulation Order, with the exception of the highway immediately located outside the school and the highway junctions on the roads adjoining the site and its entrance. As such there is already limited control over the number of existing residents, their visitors or other members of the public who are able to park on street. Notwithstanding this, I am mindful that the proposal would result in the overall loss of 6 garages. However, it must first be noted that the dwellings proposed will provide for two off street parking spaces, per dwelling and this is considered acceptable provision commensurate with the size of the dwellings proposed.

Furthermore, the garages are currently vacant as tenants were severed with a Notice to Quit in 2017 because they were considered unsafe. At the time this Notice was served, 4 garages were in use. Two tenants (1 renting 2 garages) were residents of Coddington, one of whom lives within the vicinity, whilst a third tenant lived in Newark. It is unclear whether the garages were used for the parking of vehicles or storage.

Notwithstanding the above, experiences from other garage courts in the District would suggest that there is a trend for small garages to be used for storage rather than parking of vehicles. Reasons including the size of the garages not matching the increasing size of modern vehicles and the desire to naturally overlook one's vehicle have also led to a reduction in garages being used for parking.

Given the above context, it is considered likely that the loss of six garages would not have such an undue impact on parking within the immediate locality to warrant a refusal of planning permission. The comments from NCC Highways regarding alternative provision of public parking being made is noted and the applicant has indicated on the proposed site plan that there is a possibility of future parking being made available but this is not yet formalised nor agreed by the Highway Authority. Any future parking in the location identified would need to be assessed carefully as it would result in further loss of open space and could potentially damage tree roots; it is therefore recommended that the applicant submit this proposal as a separate planning application.

I am mindful of the objections raised with regards to traffic and parking issues, mostly due to the school opposite to the site. In terms of parking availability, the application site is private land and therefore any school-related car parking within the site would be considered to be trespassing. I am however mindful that the loss of the garages could result in 6 additional vehicles requiring a space along Brownlow's Hill which I accept could have a slight impact upon parking availability during school rush hour. However, given the small number of vehicles likely to be displaced, I do not consider the impact upon parking to be a reason for refusal in this instance.

In terms of highway safety, ideally cars associated with the proposed dwellings would have the ability to turn within the site and exit in forward gear but given the limits of the site and surrounding open space, there is insufficient space available to provide a turning area. The Highways Officer has assessed the impact of vehicles reversing out on to the highway from the site and is comfortable that the visibility of the Brownlow's Hill/Beckingham Road junction along with the speed of the road combined would provide sufficient egress safety for vehicles. This however would be subject to several conditions with regards to surfacing of the parking areas, provision of dropped kerbs and footways, additional road markings and implementations of proposed visibility splays. I consider these conditions to be reasonable to ensure the safe development of the site and recommend to Members that these conditions be imposed should they be minded to approve the application.

In conclusion NCC Highways are satisfied that the proposed development would not detrimentally impact upon highway safety and as the professional expert in this regard, officers are satisfied with this recommendation. The proposal is therefore considered to accord with Policy SP7 and DM5.

#### Other Matters

The comments received from colleagues in Environmental Health regarding potential contaminated land are noted and shall be controlled by way of condition.

The request for the garage court to be provided as a shop is noted, however the local planning authority can only determine the application currently before it.

I note the suggested conditions put forward by the Parish Council, some of which will be covered by the suggested landscaping conditions and conditions to protect existing trees during construction. I consider it would not be reasonable to restrict hours of construction to less than a usual working day noting that no specific highway concerns have been raised to reduce construction activity during school term time. I considered that with regards to storage of materials, this can be included within the suggested conditions to ensure protection of trees and to ensures areas are appropriately landscaped post construction.

## Conclusion and Planning Balance

Taking the above into account I am of the view that the proposed development would provide affordable housing in an area where there is a need for smaller units. The development would have an acceptable impact on the conservation area and the character of the area, neighbouring amenity, highway safety and the loss of public open space is unlikely to be detrimental to the village given the area still to be retained and the numerous other spaces available within the parish. There are no further material considerations that would warrant refusal of the application.

## **RECOMMENDATIONS**

**That planning permission be granted subject to the following:**

- a) no additional material planning considerations being raised beyond those already considered by the end of the current reconsultation; and**
- b) the conditions outlined below**

01

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

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

02

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

- Site Location Plan - 40860/ID45/001D
- Proposed Drainage – 100/P01
- Proposed Site Layout Opt 3 – 40860/ID45/005i
- Proposed Plans and Elevations – 40860/ID45 /007C
- Material Elevations – 40860/ID45/008C
- Visibility Splays – 500/P1

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 in respect of the brick and pantile shown on plan reference 40860/ID45/008C unless otherwise agreed in writing by the local planning authority.

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

04

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

- Treatment of window and door heads and cills
- Verges and eaves
- Rainwater goods
- Coping
- Extractor vents
- Flues
- Meter boxes
- Soil and vent pipes

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

05

Notwithstanding the details submitted, details of design, specification, method of opening, method of fixing and finish, in the form of drawings and sections to no less than 1:20 scale, along with any product literature of windows and doors shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The development shall be carried out only in accordance with the agreed details and retained in perpetuity unless otherwise agreed in writing by the local planning authority.

Reason: Inadequate details of these matters have been submitted with the application and in order to ensure that the development respects the special character of the Conservation Area.

06

Ventilation of the roof space shall not be provided via tile vents to front facing roof slopes unless otherwise agreed in writing by the local planning authority.

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

07

No development shall be commenced until a brick work sample panel showing brick work, bond, mortar mix and pointing technique has been provided on site for inspection and approval has been received in writing 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 order to preserve or enhance the character and appearance of the conservation area.

08

Notwithstanding condition 7, all new walls to the front elevations of the dwellings hereby approved shall be externally finished in English Garden Wall or Flemish bond

Reason: Inadequate details of these matters have been submitted with the application and in order to ensure that the development respects the special character of the Conservation Area.

09

Notwithstanding the details submitted, details of their design, specification, method of fixing and finish, in the form of drawings and sections to no less than 1:20 scale, along with any product literature shall be submitted to and approved in writing by the Local Planning Authority in respect of the porch and chimneys to each dwelling prior to the commencement of development. The development shall be carried out only in accordance with the agreed details and retained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reason: Inadequate details of these matters have been submitted with the application and in order to ensure that the development respects the special character of the Conservation Area.

010

No part of the development shall be brought into use until details of all the boundary treatments proposed for the site including types, height, design and materials, have been submitted to and approved in writing by the local planning authority. The approved boundary treatment for each individual plot on site shall be implemented prior to the occupation of each individual dwelling and shall then be retained in full for a minimum period of 5 years unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of residential and visual amenity.

011

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 are required for both the landscaping within the curtilage of the dwelling houses, their associated parking areas, the former garage court and any areas used for storage of materials during construction, and shall include:

- A plan indicating the area to be utilised for the delivery and storage of materials during construction and details of proposals to reinstate any soft landscaping outside the proposed residential curtilages;
- a schedule (including planting plans and written specifications, including cultivation and other operations associated with plant and grass establishment) of trees, shrubs and other plants, noting species, plant sizes, proposed numbers and densities. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species. This shall include details of the 4 trees to replace those to be removed as part of the development and confirmation;
- existing trees and hedgerows, which are to be retained pending approval of a detailed scheme, together with measures for protection during construction;
- proposed finished ground levels or contours;
- means of enclosure;
- car parking layouts and materials;
- other vehicle and pedestrian access and circulation areas;
- hard surfacing materials;
- minor artefacts and structures for example, furniture, play equipment, refuse or other storage units, signs, lighting etc.)

- proposed and existing functional services above and below ground (for example, drainage power, communications cables, pipelines etc. indicating lines, manholes, supports etc.)
- retained historic landscape features and proposals for restoration, where relevant.

Reason: In the interests of visual amenity and biodiversity.

012

The approved landscaping shall be completed during the first planting season following the commencement of the development, or such longer period as may be agreed in writing by the local planning authority. Any trees/shrubs which, within a period of five years of being planted die, are removed or become seriously damaged or diseased shall be replaced in the 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, in the interests of visual amenity and biodiversity.

013

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

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

014

No development shall be commenced until the trees and hedges shown to be retained on drawing 40860/ID45/005i have been protected by the following measures:

- a) a chestnut pale or similar fence not less than 1.2 metres high shall be erected at either the outer extremity of the tree canopies or at a distance from any tree or hedge in accordance with details to be submitted to and approved in writing by the local planning authority;
- b) no development (including the erection of site huts) shall take place within the crown spread of any tree;
- c) no materials (including fuel and spoil) shall be stored within the crown spread of any tree;
- d) no services shall be routed under the crown spread of any tree
- e) no burning of materials shall take place within 10 metres of the crownspread of any tree.

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

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

015

Unless otherwise agreed in writing by the local planning authority, no machines shall be used and only hand digging shall be undertaken when excavating beneath the crown spread of any trees on site. Any roots exposed over 25mm diameter, shall be retained, undamaged and protected i.e. from unnecessary damage and drying out. All backfilling over exposed roots shall be of top soil or washed sand, carefully tamped by hand around and over all roots before continuing to backfill with other materials required for the finished treatment.

Reason: To ensure that adequate protection is afforded to the existing vegetation and trees to remain on site, in the interests of visual amenity and biodiversity.

016

No development shall be commenced until a schedule of works, including plans of all drainage, both foul and surface water, together with plans of all services, including gas, water, electricity, telephone and cable television, have been submitted to and approved in writing by the local planning authority where these services within, or beneath the crown spread of any tree on site. The works shall be carried out thereafter in accordance with the approved schedule unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that satisfactory provision is made for the continued health and retention of the trees in the interests of visual amenity and biodiversity.

017

No part of the development hereby permitted shall be occupied until all drives are surfaced in a hard bound material (not loose gravel) for a minimum of 5 metres behind the highway boundary. The surfaced drives shall then be maintained in such hard bound material for the life of the development.

Reason: To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc.).

018

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

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

019

No part of the development hereby permitted shall be occupied until the visibility splays shown on drawing no. 40860/ID45/005i are provided. The area within the visibility splays referred to in this condition shall thereafter be kept free of all obstructions, structures or erections (with the exception of Highway Authority street furniture) exceeding 0.6 metres in height.

Reason: In the interests of Highway safety.

020

No part of the development hereby permitted shall be occupied until a footway on the north side of Brownlows Hill adjacent to the development site has been provided as shown for indicative



purposes only on drawing 40860/ID45/005i to the satisfaction of the Local Planning Authority and Highway Authority.

Reason: In the interests of pedestrian safety.

021

No part of the development hereby approved shall commence until application has been made to the Highway Authority for the proposed provision of additional 'no waiting' restrictions on the north side of Brownlows Hill, along the site frontage.

Reason: In the interests of highway safety.

022

Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until Parts A to D of this condition have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until Part D has been complied with in relation to that contamination.

#### **Part A: Site Characterisation**

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
  - human health;
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
  - adjoining land;
  - ground waters and surface waters;
  - ecological systems;
  - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's '*Model Procedures for the Management of Land Contamination, CLR 11*'.

#### **Part B: Submission of Remediation Scheme**

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation

objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

### **Part C: Implementation of Approved Remediation Scheme**

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

### **Part D: Reporting of Unexpected Contamination**

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Part A, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Part B, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with Part C.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

023

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: Enlargement, improvement or other alteration of a dwellinghouse.
- Class B: Additions etc. to the roof of a dwellinghouse.
- Class C: Any other alteration to the roof of a dwellinghouse.
- Class D: Porches
- Class E: Buildings etc. incidental to the enjoyment of a dwellinghouse.
- Class F: Hard surfaces incidental to the enjoyment of a dwellinghouse.
- Class G: Chimney, flues etc. on a dwellinghouse.
- Class H: Microwave antenna on a dwellinghouse.

Or Schedule 2, Part 2:

- Class A: gates, fences walls etc.
- Class B: Means of access to a highway.
- Class C: Exterior painting.

Or Schedule 2, Part 14 of the Order in respect of:

- Class A: Installation or alteration etc. of solar equipment on domestic premises.
- Class B: Installation or alteration etc. of standalone solar on domestic premises.
- Class E: Installation or alteration etc. of flue for biomass heating system on domestic premises.
- Class F: Installation or alteration etc. of flue for combined heat and power on domestic premises.
- Class G: Installation or alteration etc. of air source heat pumps on domestic premises.
- Class H: Installation or alteration etc. of wind turbine on domestic premises
- Class I: Installation or alteration etc. of stand-alone wind turbine on domestic premises

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

Reason: To ensure that the local planning authority retains control over the specified classes of development normally permitted under the Town and Country Planning (General Permitted Development) Order 2015 or any amending legislation) and to ensure that any proposed further alterations or extensions are sympathetic to the original design and layout in this sensitive location.

#### Notes to Applicant

01

You are advised that as of 1st December 2011, the Newark and Sherwood Community Infrastructure Levy (CIL) Charging Schedule came into effect. Whilst the above application has been refused by the Local Planning Authority you are advised that CIL applies to all planning permissions granted on or after this date.

The proposed development has been assessed and it is the Council's understanding that CIL may not payable on the development hereby approved as the development is made up entirely of Social Housing provided by local housing authority, registered social landlord or registered provider of social housing and shared ownership housing. It is necessary to apply for a formal exemption to confirm this view, which must be made to the Council prior to the commencement of development on CIL 4 form which is also available on the Councils website.

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 order to carry out the off-site works required (footway and vehicular crossings) you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act. Please contact david.albans@nottsc.gov.uk for details.

04

This consent requires an application for a Traffic Regulation Order before the development commences to restrict waiting. The developer should note that the Order can be made on behalf of the developer by Nottinghamshire County Council at the expense of the developer. This is a separate legal process and the Applicant should contact [mike.barnett@viaem.co.uk](mailto:mike.barnett@viaem.co.uk) . Please note this process can take 6-12 months.

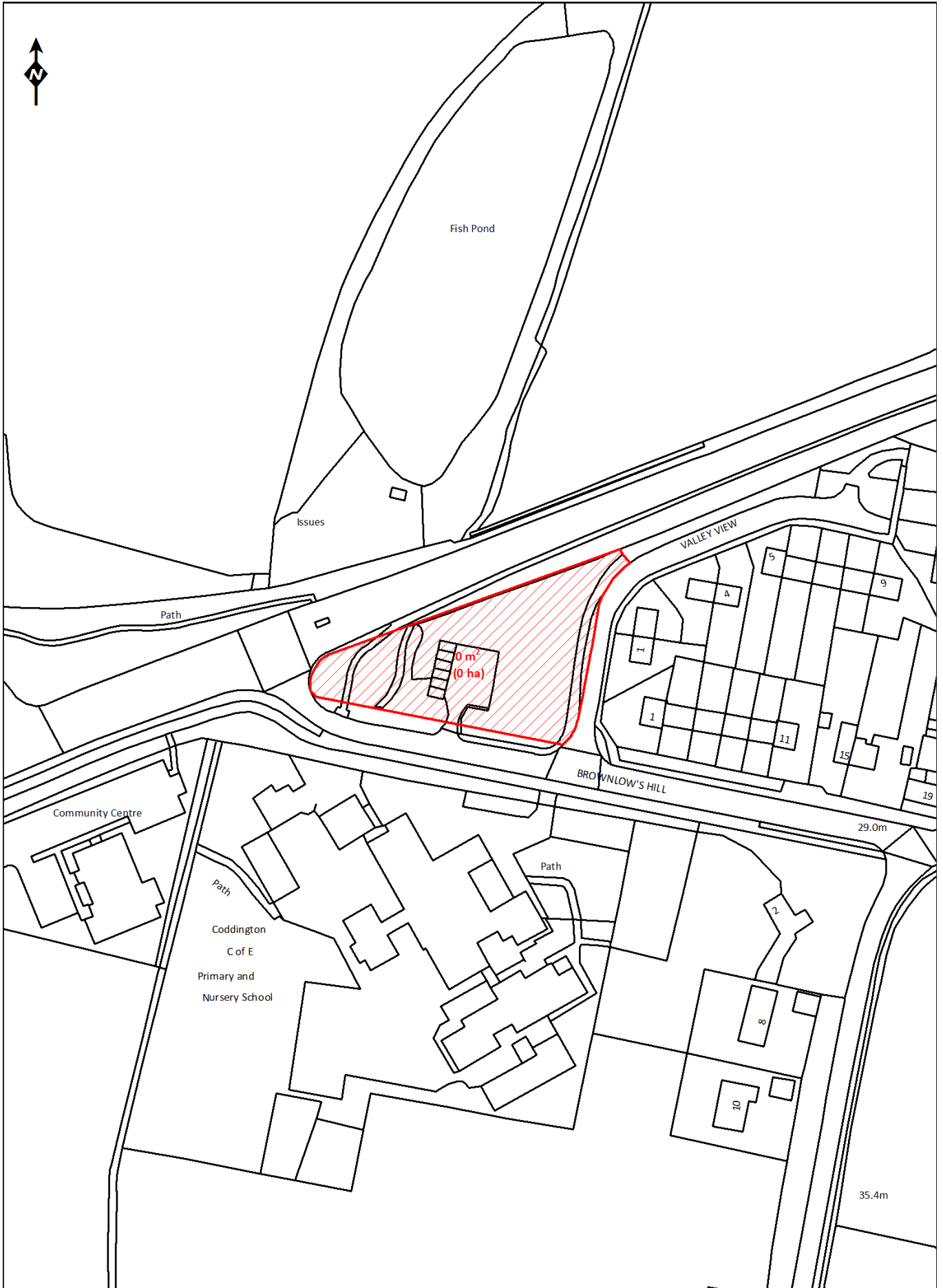
Background Papers

Application Case File

For further information, please contact Nicolla Ellis on Ext 5833.

All submission documents relating to this planning application can be found on the following website [www.newark-sherwooddc.gov.uk](http://www.newark-sherwooddc.gov.uk).

**Matt Lamb**  
**Business Manager Growth & Regeneration**



<b>Application No:</b>	<b>18/00515/FUL</b>	
<b>Proposal:</b>	<b>The demolition of an existing cattle shed and the relocation and construction of a new larger shed</b>	
<b>Location:</b>	<b>Moorbeck House, Mill Lane, Caunton</b>	
<b>Applicant:</b>	<b>Mr John Michael</b>	
<b>Registered:</b>	<b>14.03.2018</b>	<b>Target Date: 09.05.2018</b>

**This application is being referred to the Planning Committee in line with the scheme of delegation given that the applicant is a relative of Cllr Michaels who also part owns the site.**

### The Site

The application site is located on the western edge of the settlement of Caunton, on the northern side of Mill Lane. The development site forms part of a wider (approximate) 240 acres holding for the rearing of cattle. The site is a grassed agricultural field currently occupied by two agricultural buildings on the southern boundary with the farmhouse further to the south. The southernmost building within the field is a metal sheeted Dutch barn type building with the northernmost a rectangular semi-dilapidated metal sheet structure. To the east of these buildings are further agricultural structures contained within the farmyard. The site is accessed from an existing access point from Mill Lane via the yard.

In accordance with Environment Agency Flood Zone maps, the site is defined as being within Flood Zone 1, but is detailed as prone to flooding from surface water.

### Relevant Planning History

01/00897/AGR - Erection of free standing Dutch barn. Planning application not required.

### The Proposal

The proposal seeks full planning permission for the demolition of the existing semi-dilapidated cattle store and its replacement with a building approximately 40% larger occupying approximately the same location. The proposed building would be 15.3m wide and 36.3m long with a dual pitched roof at 7.2m high. It is proposed that the building be constructed from concrete panels, juniper green cladding and Yorkshire boarding. The building would also be open fronted.

The application has been supported by a Design and Access Statement.

### Departure/Public Advertisement Procedure

Occupiers of two properties have been individually notified by letter.

## **Planning Policy Framework**

### **The Development Plan**

#### **Newark and Sherwood Core Strategy DPD (adopted March 2011)**

Spatial Policy 3 – Rural Areas  
Spatial Policy 7 – Sustainable Transport  
Core Policy 6 – Shaping our Employment Profile  
Core Policy 9 – Sustainable Design  
Core Policy 10 – Climate Change  
Core Policy 12 – Biodiversity and Green Infrastructure  
Core Policy 13 – Landscape Character

#### **Allocations & Development Management DPD (adopted July 2013)**

Policy DM5 – Design  
Policy DM7 – Biodiversity and Green Infrastructure  
Policy DM8 – Development in the Open Countryside

### **Other Material Planning Considerations**

- National Planning Policy Framework 2012
- Planning Practice Guidance 2014
- N&SDC Landscape Character Assessment, SPD.

### **Consultations**

**Caunton Parish Council** – No comments received at time of this report going to print.

**NSDC Environmental Health Officer** – No objection.

**No letters of representation have been received.**

### **Comments of the Business Manager**

In assessing this scheme it is considered that the main issues relate to the principle of a new building in this location, the impact on the character and appearance of the area, the impact on ecology and the impact on residential amenity. Each is discussed in turn below.

### **Principle of Development**

I am mindful of the guidance contained within Spatial Policy SP3 (Rural Areas) of the Core Strategy which states that 'the rural economy will be supported by encouraging tourism, rural diversification and by supporting appropriate agricultural and forestry development.' It states that development away from the main built-up areas of villages, in the open countryside, must be strictly controlled and restricted to uses which require a rural setting such as agriculture and forestry.

Policy DM8 (Development in the Open Countryside) of the Allocations and Development Management DPD sets out criteria to deal with such applications. Policy DM8 lists Agricultural and Forestry development to be appropriate forms of development in the open countryside where proposals can adequately explain the need for the development and its siting and scale in relation to the use it is intended to serve.

The proposed building would replace the existing building which is used for the keeping of livestock. The existing building is in a poor state of repair and in need of replacement. The replacement building would be approximately 40% larger than the current and responds to the needs of the farm.

I am satisfied that the above meets the requirements of Policy DM8 and allows the agricultural operations on the site to be self-sustaining. I am also mindful of the benefits of the scheme in terms of allowing the existing agricultural practices to continue and expand thereby supporting local employment as endorsed by Core Policy 6.

As such I consider that the principle of the new agricultural building accords with the Development Plan.

#### Impact on the Character of the Area

Core Policy 9 of the Core Strategy seeks to ensure that new development is of an appropriate form and scale to its context and complements the existing built and landscape environments. Core Policy 13 (Landscape Character) requires development proposals to positively address the implications of the Landscape Policy Zones and demonstrate that such development would contribute towards meeting Landscape Conservation and Enhancement aims for the area. Policy DM5 of the ADMDPD states in relation to Local Distinctiveness and Character that 'the rich local distinctiveness of the District's landscape and character of built form should be reflected in the scale, form, mass, layout, design, materials and detailing of proposals for new development. In accordance with Core Policy 13, all development proposals will be considered against the assessments contained in the Landscape Character Assessment Supplementary Planning Document.'

The application site is located within the Landscape Policy Zone of Mid-Nottinghamshire PZ 28 'Caunton Village Farmlands & Ancient Woodland', as identified by the Newark and Sherwood Landscape Character Assessment. The landscape condition is defined as 'good' and is described as gently undulating with some flat areas. The landscape is described as having a 'moderate' level of sensitivity and the overall landscape action for this policy zone is to 'conserve and reinforce'.

The proposed building would be situated on land elevated from Mill Lane to the south. However I am mindful that the proposed building would be viewed in context with other existing agricultural buildings and would replace one which is already in situ, albeit being approximately 40% larger. The supporting design and access statement details that the proposed building would contribute towards the longevity of the farm and I consider its scale, siting and finish would not be out of keeping with the existing rural character of the site. I do not consider there is justification to require additional landscaping in this instance given that the replacement building would assimilate into the farmyard setting in any event.

The proposal is considered to be acceptable and in accordance with Core Policies 9 and 13 and Policy DM5.



### Impact on Ecology

Consideration has been had to the potential ecological interest of the building. No ecological report has been submitted in support of the application. However, the building is clearly open to the elements with large parts of metal sheeting missing from walls and parts of the roof. It is therefore considered that the building would not represent a preferable roosting/nesting site for bats/birds. In this instance it is considered that the demolition of the building would not detrimentally impact upon ecological interest on the site, albeit it is recommended that a note to applicant informing that birds and bats are protected species should be attached to any future consent.

### Impact on Residential Amenity

Policy DM5 states that the layout of development within sites and separation distances from neighbouring development should be sufficient to ensure that neither suffers from an unacceptable reduction in amenity including overbearing impacts, loss of light and privacy.

In the context of the current application, consideration of amenity requires deliberation on the impacts of the development on the existing neighbouring properties as well as the proposed occupiers of the development proposed.

The proposed replacement building would be no closer to Moorbeck House; (the farmhouse and the nearest dwelling to the site) than the structure it would replace. The proposal is therefore not considered to impact upon residential amenity and accords with Policy DM5.

### Conclusion

The principle of a replacement agricultural building within the context of an existing working farm is accepted and the proposal represents an acceptable increase in scale compared to the building it would replace. The new structure would contribute towards the future viability of the farm and is not considered to result in harm to the character of the area, ecological interest nor residential amenity. There are no further material considerations that would warrant refusal.

### RECOMMENDATION

**That full planning permission is approved subject to the following conditions**

01

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

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

02

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

- Proposed Elevations and Floor Plan Drawing No. 1276/1
- Block Plan Drawing No. 1276/2
- Location Plan Drawing No. 1276/3 & 1276/4

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.

Reason: In the interests of visual amenity.

### **Notes to Applicant**

01

The application as submitted is acceptable. In granting permission without unnecessary delay the District Planning Authority is implicitly working positively and proactively with the applicant. This is fully in accordance with Town and Country Planning (Development Management Procedure) Order 2010 (as amended).

02

The applicant is advised that all planning permissions granted on or after 1 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/](http://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.

03

All bat species are protected by the Wildlife and Countryside Act 1981 (as amended) and the Conservation (Natural Habitats, &c.) Regulations 1994. This legislation makes it illegal to intentionally or recklessly kill, injure or disturb any bat, or destroy their breeding places. If bats are disturbed during the proposed works, the legislation requires that work must be suspended and English Nature notified so that appropriate advice can be given to prevent the bats being harmed. English Nature can be contacted at the following address: The Maltings, Wharf Road, Grantham, Lincolnshire, NG31 6BH – (tel: 01476 584800).

04

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

### Background Papers

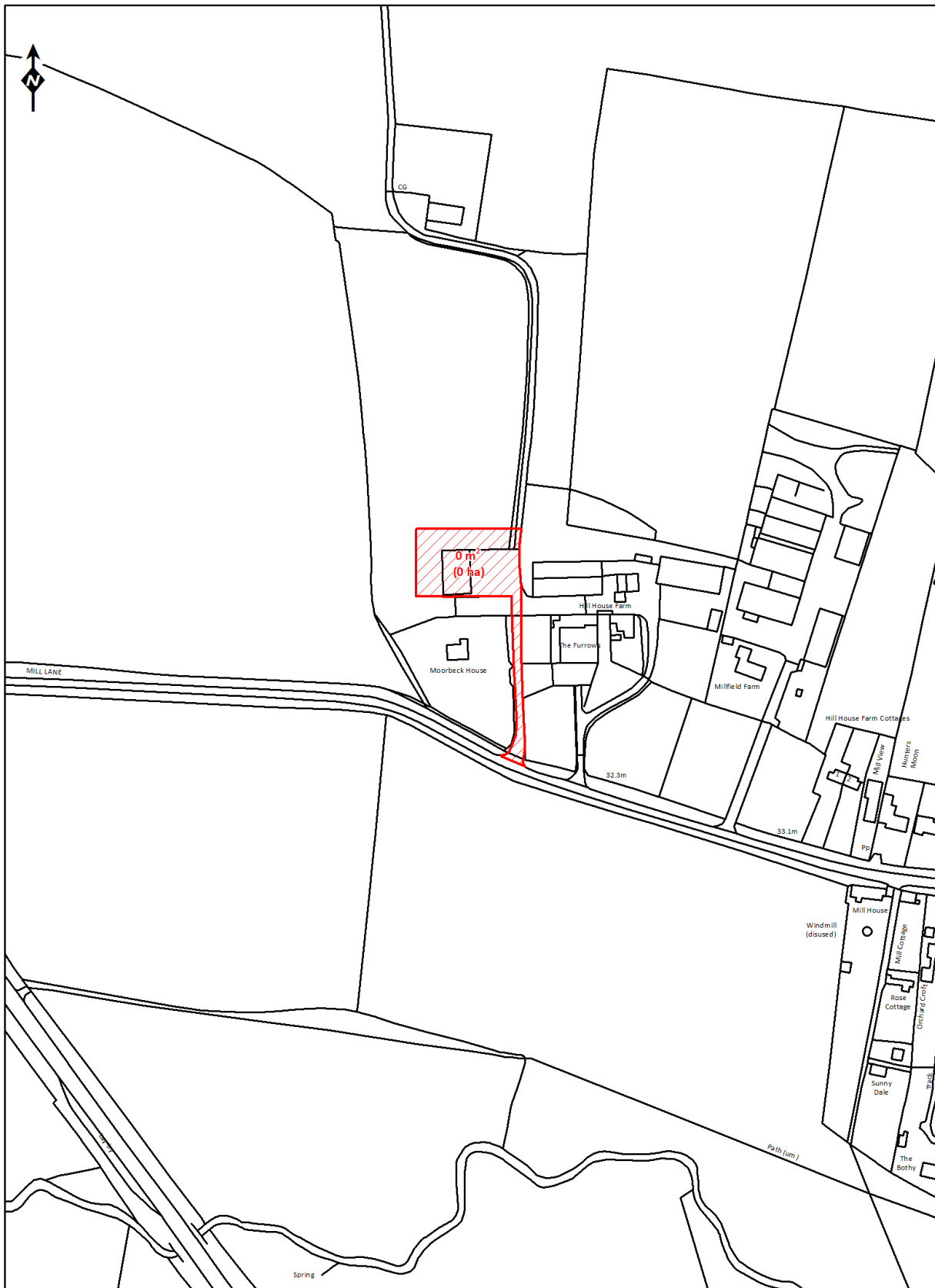
Application Case File

For further information, please contact James Mountain on ext 5841.

All submission documents relating to this planning application can be found on the following website [www.newark-sherwooddc.gov.uk](http://www.newark-sherwooddc.gov.uk).

**Matt Lamb**  
**Business Manager Growth & Regeneration**

Committee Plan - 18/00515/FUL



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<b>Application No:</b>	<b>18/00373/FUL</b>	
<b>Proposal:</b>	<b>Proposed erection of 1no. (2-bedroom) dwelling</b>	
<b>Location:</b>	<b>Land Adjacent To The Manor House, Main Street, Hoveringham, Nottinghamshire</b>	
<b>Applicant:</b>	<b>Mrs A Halfpenny</b>	
<b>Registered:</b>	<b>22 February 2018</b>	<b>Target Date: 19 April 2018</b> <b>Agreed Extension of Time: 9.5.18</b>

**This application is being referred to the Planning Committee for determination as the officer recommendation is contrary to that of the Parish Council.**

### The Site

The application site comprises part of the residential curtilage of 'The Manor House', Main Street, Hoveringham. The site is surrounded by existing residential development, with the remainder of the residential curtilage of 'The Manor House' to the north and east and the 4no. dwellings granted as a consequence of the redevelopment of 'Manor Farmstead' to the west. The site is naturally/physically divided from the balance of the garden grounds by a mature coniferous hedgerow and large trees, creating a sense of enclosure and providing a clear distinction from the wider residential curtilage beyond.

The application site is situated within a predominantly residential area towards the southern end of Hoveringham. Hoveringham is defined an 'Other Village' within the Core Strategy and does not have a defined village envelope. Hoveringham is also washed over by the Green Belt and the site lies within the defined Conservation Area.

In addition, the Environment Agency's Indicative Flood Map shows the site to be within Flood Zones 2 and 3 and as such it is necessary to consider the flood risk implications of the proposal. The proposed dwelling has been sited within the area of the site within Flood Zone 2 – the lowest area of risk within the site.

### Relevant Planning History

No relevant planning permission on this application site.

### The Proposal

Full planning permission is sought for the erection of a two storey dwelling that would be sited to

the west of the garden area of The Manor House, Hoveringham. The property would have a footprint of approximately 150 m<sup>2</sup> and be 7.7 m high to the ridge of the roof. Internally at ground floor the dwelling comprises a large dining and living area a kitchen and utility, a study/guest room and en-suite and cloakroom. At first floor the dwelling is proposed to have a master bedroom and ensuite.

The dwelling is proposed to be sited 1.9 m from the western boundary, 45 m from the eastern boundary with the highway, 8 m from the southern boundary and 27 m from the hostdwelling to the north.

The dwelling has been designed with the appearance of a dower house within the grounds of 'The Manor House'. Materials proposed include a light render, a grey natural slate roof, gothic style arched windows and a regency style veranda to reflect those of 'The Manor House'.

Access to the site will be taken to the south of the site along the existing private access track.

Amenity space would be provided to the front and sides of the dwelling with the existing mature hedgerow to separate the plot from The Manor House.

2 parking spaces will be provided.

#### Departure/Public Advertisement Procedure

Occupiers of seven neighbouring properties have been individually notified by letter. A site notice has also been posted close to the site and an advert placed in the local press.

#### Planning Policy Framework

##### The Development Plan

##### **Newark and Sherwood Core Strategy DPD (adopted March 2011)**

- Spatial Policy 1 – Settlement Hierarchy
- Spatial Policy 2 – Spatial Distribution of Growth
- Spatial Policy 4B: Green Belt Development
- Spatial Policy 6 – Infrastructure for Growth
- Spatial Policy 7 – Sustainable Transport
- Core Policy 9 - Sustainable Design
- Core Policy 12 - Biodiversity and Green Infrastructure
- Core Policy 13 – Landscape Character
- Core Policy 14 - Historic Environment

##### **Allocations & Development Management DPD (adopted July 2013)**

- 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 2012
- Planning Practice Guidance 2014
- Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990

### **Consultations**

**Hoveringham Parish Council** – “Hoveringham Parish Council have discussed this application and have no objection, however the service road which will be used for access was originally limited to a build of five dwellings, perhaps this could be checked”

**NCC Highways** – “Vehicular access to the proposed dwelling is from an existing private drive serving four dwellings. A desktop analysis has identified that the drive is surfaced with loose material that is gradually being discharged to the public highway. The additional trips generated by the dwelling will degrade the material further. The drive should therefore be re-surfaced in a bound material to prevent such occurrences.

#### **RECOMMENDATION:**

There are no highway objections subject to the following condition:

Occupation of the proposed dwelling shall not take place until the private drive access on Main Street has been surfaced in a bound material (not loose gravel) for a minimum distance of 5.0 metres behind the highway boundary. The drive shall then be maintained in the bound material for the lifetime of the development.

Reason: In the interest of highway safety.

**NSDC Access and Equalities 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. 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 dwelling be carefully examined. External pathways to and around the site should be carefully considered and designed to accepted standards with reference to the topography of the site to ensure that they provide suitable clear unobstructed inclusive access to the proposal. In particular, ‘step-free’ access to and into the dwelling is an important consideration and an obstacle free suitably surfaced firm level and smooth ‘traffic free’ accessible route clear of parked vehicles is important to and into the dwelling 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, corridors etc. all carefully designed to facilitate easy access and manoeuvre throughout 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."

**Environment Agency** – No comments received.

**Trent Valley Internal Drainage Board** – "The site is within the TVIDB district. There are no Board maintained watercourses in close proximity to the site.

The erection or alteration of any mill dam, weir or other obstruction to the flow, or erection or alteration of any culvert, whether temporary or permanent, within the channel of a riparian watercourse will require the Board's prior written consent.

Surface water run-off rates to receiving watercourses must not be increased as a result of the development.

The design, operation and future maintenance of site drainage systems must be agreed with the LLFRA and LPA."

**NSDC Conservation** – "Land adjacent The Manor House, Hoveringham

**18/00373/FUL**

**Proposed new two bedroom house**

The building called The Manor House is an attractive unlisted historic building, which is within and contributes positively to the Conservation Area of Hoveringham.

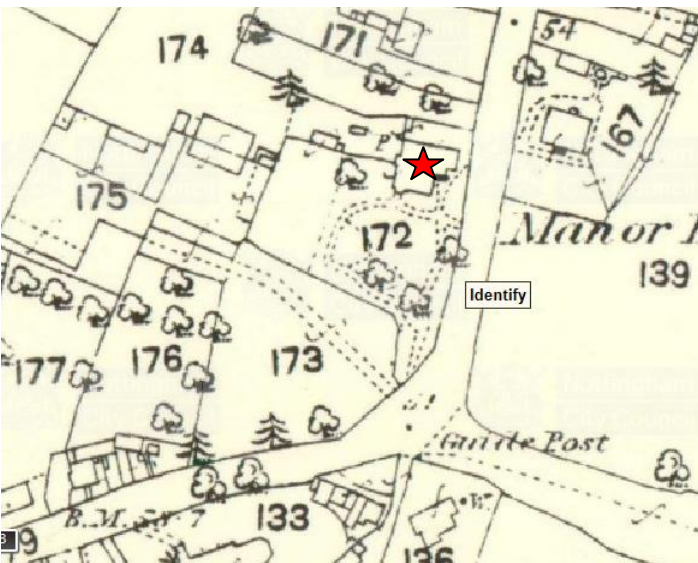
An extract from Sanderson's Map of 1835 (below) shows a building *approximately* on the same site as the current one (it is hard to be sure as the road has been narrowed at this junction over time, making plots sizes change slightly and therefore making comparison harder) but with other land parcels shown within the current garden area of The Manor House. If there was a manor house here in 1835 it did not have extensive grounds and does not exactly follow the same building form as it does today (though this may be down to more pictorial representations of building on Sanderson's Map).





Sandersons Map 1835

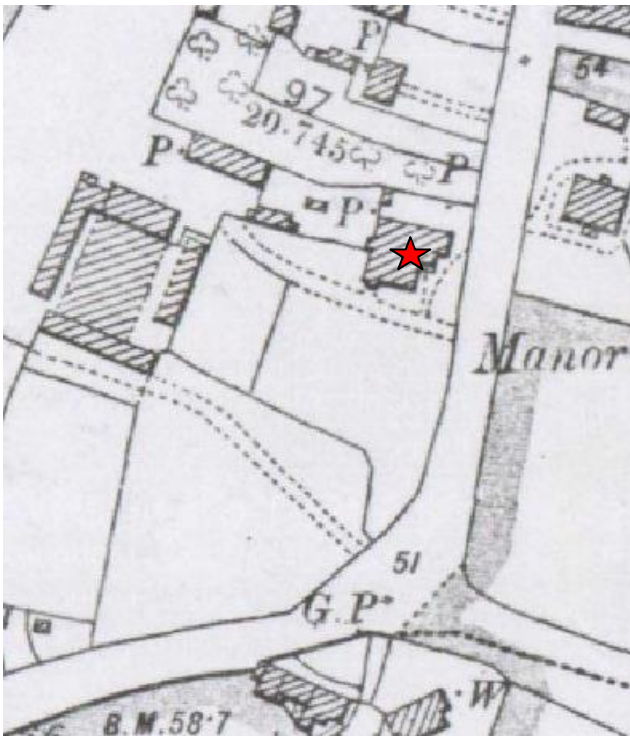
The current building can easily be recognised in the 1875-1885 OS Map below (marked by a red star) and has the appearance of a Victorian building.



1875-85 OS Map



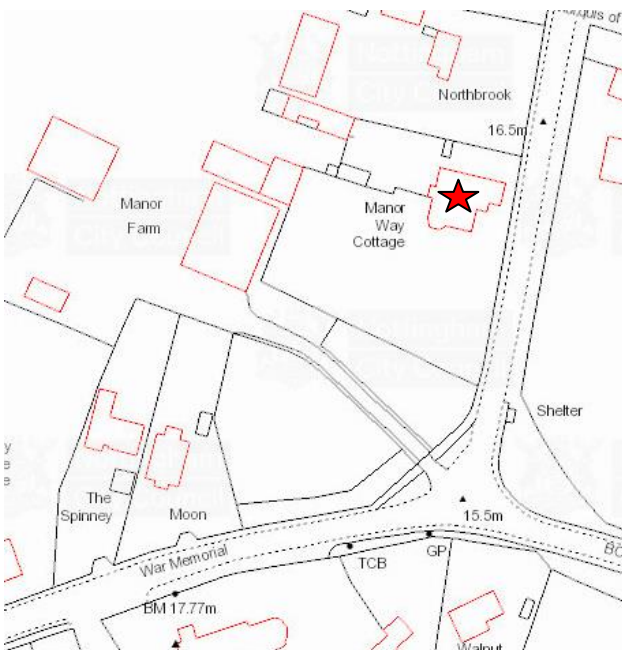
By 1887-89 the plot layout had again changed by the creation of an access track in front of the building and the clear division of the dotted land parcel adjacent (which forms the current application site):



1887-89

The historic maps show that the large garden currently enjoyed by The Manor House is a relatively recent creation, with the southern part of the plot being a separate field with a farm track across it and the area now proposed for development being a separate plot.

The lower farm track survived as late as 1996, see the map below (note at this date the building was not called The Manor House but Manor Way Cottage):



1996

Since 1996 the farm track has been removed and this area of land incorporated into the garden of The Manor House. A new access track has more recently been created to the west of the garden leading up to the conversions and new build of Manor Farm.

While the historic maps show a degree of formal landscaping (trees and paths) immediately in front of The Manor House, the land parcel to the west (which forms the proposed development plot) is shown as divided off in some way, albeit probably still part of the same land ownership. Today this land parcel is part of the modern garden but is delineated by the tall, mature hedge and trees which give it a reasonable degree of visual and physical separation from the Manor House.

Were the proposed development plot historically or currently part of the formal landscaped grounds for The Manor House I would be concerned about creating a building plot here, however this is not the case. In character terms this land seems to have been a separate land parcel, not part of the formal grounds at any time, but perhaps in the same ownership as The Manor and used for some ancillary purpose.

It is, therefore, not necessarily out of character to develop this land, especially as a new structure here could be clustered with other outbuildings (a lean-to outbuilding and the converted Manor Farm complex), would not encroach on the formal garden of The Manor House and is well within the historic and built up core of the village.

In terms of visual impact on The Manor House and its setting from this proposal I think the impact would be quite limited. Views out from The Manor House currently incorporate the formal gardens directly to the front but the proposal site is visually hidden by being off to one side but also by the tall mature hedge around it. A single storey structure could be built here with little visual impact on views out from The Manor House.

In terms of views back towards the Manor House from the road and public realm, views looking west will be mostly screened by the mature hedge, while in views looking north the new build would be set well back into the plot, off to one side of the Manor House, clustered against other outbuildings and largely, although by no means totally, obscured by the roadside hedgerow and tall laurel hedge now lining the access drive to the Manor Farm complex. The sense of greenery and spacing around the Manor House would be largely maintained and the impact from the public realm greatly softened by distance and existing green screening. Obviously there would become building where currently the land is green and open, but this is not necessarily harmful, given the village core location, the fact that the new build would be clustered against existing development and the different function of this land parcel to the more formal garden area.

In terms of the wider impact on the Conservation Area, this is the historic core, so it is an area of the village one would expect to see clusters of development. The overall grain of the village at this point is quite mixed but sees a lot of development set back from the road edge within green grounds, which this would maintain. It is not creating backland development in its plan form, which is generally a plan form I would be keen to avoid. On balance, I do not think a new dwelling here would be harmful to the character or appearance of the Conservation Area.

The relatively recent creation of the new drive to the Manor Farm complex provides the means to access this proposed new house without any encroachment across the formal garden area of The Manor House or the creation of an otherwise unattractive street front visibility splay.

A key point that must be followed if this is to be considered a development plot is the need to maintain the soft green boundary to the north and east and to create a similar hedged or estate fencing enclosure to the south. A close boarded fence or similar would not be appropriate.

In terms of the design of the proposed new house I have the following comments. The height of the proposed dwelling is single storey, allowing the existing green boundaries to largely obscure the proposed structure from view. In terms of its design I note it has been consciously designed to relate the host building as a smaller lodge, bothy or dower house type structure. While I accept the design is somewhat of a pastiche and is creating a more ostentatious design than, say, a red brick and pantile outbuilding, it is not out of character for a Victorian building like this to have had associated structures built in a similar style. From the public realm the glimpses of the structure will show one which relates to, but is clearly ancillary to, the host building, which will not be harmful. Overall, I do not object to the proposed design. On a smaller note I think the south east elevation could be improved by re-designing the large bi-fold doors, which perhaps need a paneled kick plate to look more in keeping.

Overall I think the proposal will not harm the setting of this positive building or the character and appearance of the Conservation Area. The proposal does not bring any specific heritage benefits but would, I believe, meet the statutory test of preservation of the Conservation Area, under Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990. Subject to conditions over materials, finish and especially landscaping I have no objection.

Given the map evidence from 1835 of other structures on this site, if this is likely to be approved I would seek the advice from Archaeology and would probably suggest a pre-determination evaluation of the site to inform any conditions going forwards.”

Whilst noting that the conservation officer raises no objections to this proposal, they do suggest the elevation from the South East could be *“improved by re-designing the large bi-fold doors, which perhaps need a panelled kick plate to look more in keeping”*. As such, revised plans were submitted 29.3.18 taking on board these suggestions.

**Neighbour Comments** – 5 comments have been received in objection to the proposed development. The comments can be summarised as follows:

- There is an existing covenant restricting development to the existing footprint of the building.
- A new 2 storey dwelling is not consistent with the ethos of the village.
- Responsibility for maintaining the shared driveway for the proposed property.
- Health and safety risk to children playing in the current shared drive that will be at risk due to increased vehicle volumes.
- Proposal is out of character with the surrounding area.
- Highways concerns over off-street parking and the access lane. Also highways concerns regarding the suitability of the junction to serve an additional dwelling.
- Proximity of the new building to the existing house on the plot.
- The proposal will spoil the tranquillity of the village.
- The proposal will spur more people on within the village to develop on their front garden plots.

- Concerns over replacing the existing gravel drive to tarmac due to rates of erosion, detrimental impact to the character of the area and safety for pedestrians and car users.
- Concerns regarding overlooking from the proposed dwelling.
- Loss of a view.
- Loss of privacy and potential for overshadowing.
- Position of any external lights impacting neighbouring properties.
- Impact the property will have on the density of development within the surrounding area.

### Comments of the Business Manager

#### *Principle of Development*

The Allocations & Development Management DPD was adopted in July 2013 and, together with the Core Strategy DPD (Adopted 2011), forms the Local Plan for Newark & Sherwood. Hoveringham is considered to be an 'Other Village' within the Settlement Hierarchy as set out under Spatial Policy 1 of the Core Strategy. Spatial Policy 1 clearly states that, where development falls within the designated Green Belt, proposals will be assessed against Spatial Policy 4B. This policy in turn directs assessment to the relevant paragraphs of the NPPF.

In addition, the Environment Agency's Indicative Flood Map shows the site to be within Flood Zones 2 and 3 and as such it is necessary to consider the flood risk implications of the proposal. Given that the site is located within the Conservation Area, regard must also be given to the distinctive character of the area and seek to preserve and enhance the conservation area in accordance with Policy DM9 of the DPD and Core Policy 14 of the Core Strategy.

I consider the key issues in assessing this application relate to the appropriateness of development and impact on the openness of the green belt, the impact upon heritage assets and visual amenity, the impact on residential amenity, flood risk and highway safety. Each issue is discussed below in turn.

#### *Impact on the Green Belt*

The proposal relates to the erection of a detached dwelling. The site is located within the Green Belt where new development is strictly controlled through both national policy and spatial policies 4A and 4B of the Core Strategy. Spatial Policy 4B requires development within the Green Belt to be assessed against policy guidance set out within the NPPF. The NPPF identifies the protection of the Green Belt as a core planning principle. It says one of the fundamental aims of the Green Belt is to keep land permanently open, and openness and permanence are its essential characteristics. Inappropriate development is by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight must be given to any harm to the Green Belt, and very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

Spatial Policy 4B states that "*Within the extent of the area covered by the Green Belt in the District,*

*new housing and employment development will be focused in the Principal Villages of Blidworth and Lowdham, and the part of Bulcote which is attached to Burton Joyce. These locations are excluded from the Green Belt and defined by Village Envelopes.”* In addition the policy goes on to state *“In or adjacent to the main built-up areas of the following villages, consideration will be given to the development of 'Rural Affordable Housing Exceptions Sites' to meet local housing need; Bulcote, Caythorpe, Epperstone, Gonalston, Gunthorpe, Hoveringham and Oxton. Proposals should be in line with Core Policy 2 Rural Affordable Housing. Development should be small scale in nature, should not have a detrimental impact on the character of the village or on the openness of the Green Belt.”*

This site is considered to be located within the main built up part of the village and is included within the Green Belt. As such, national Green Belt policy applies. Paragraph 89 of the NPPF regards the construction of new buildings within the Green Belt as inappropriate, and by definition harmful to the Green Belt, with the exception of six listed circumstances. The fifth exception point within *para. 89* is the *'limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan'*, whilst the Framework advises that *'limited infilling in villages'* is not inappropriate development, it provides no definition of this term.

The wider application site is a curved corner plot comprising of The Manor House, Hoveringham to the northernmost boundary. The site is surrounded by existing residential development, with the remainder of the residential curtilage of 'The Manor House' to the north and east and the 4no. dwellings granted as a consequence of the redevelopment of 'Manor Farmstead' to the west. The highway lies to the east and one dwelling on the Southfield Lodge site is present across the highway. To the south across the highway a number of residential dwellings are present, the village hall and St Michael's Church.

The application site comprises the western portion of the garden area of The Manor House, the proposed dwelling would be sited in an area of the site that is already considered to be visually separated and well screened from 'The Manor House' and the main part of its residential curtilage given the presence of the existing mature hedgerow separating the proposed plot and large trees surrounding the site, as illustrated on the Site Layout Plan and on site.

Therefore whilst to the south east, towards the boundary of the site, across Gonalston/Boat Lane is open undeveloped countryside, the majority of the site is now enclosed by residential development. I therefore consider that the site constitutes a gap in development that the proposal would infill the currently separated portion of the hostdwelling's curtilage. Given that the proposed house would occupy the western side of the site, and that open green space in the form of gardens to the existing and proposed house would continue to occupy the eastern side of the site, the extent of infill would be limited. This view echoes the interpretation of the recent appeal decision (APP/B3030/W/16/3157932) for the erection of a new dwelling within the Green Belt within Bulcote and whilst this application has been assessed on its own merits it is clear that the inspectorate has identified that the interpretation of 'limited infilling' is different from the typical interpretation of 'infill' development, neither of which is defined in the current development plan or national planning policy.

Taking all these matters into account, I therefore conclude that the proposal would constitute limited infilling in a village in compliance with paragraph 89 of the Framework. As a result, it would not be inappropriate development in this particular regard and would comply with policy 4B of the Core Strategy. It is therefore unnecessary to consider whether there are considerations in favour of the proposal which would amount to very special circumstances necessary to justify the development.

#### *Impact upon Heritage Assets and Visual Amenity*

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

The conservation officer has commented on this proposal (*full comments can be read above*) and has offered their comments in support of the proposal for the following summarised reasons:

- Given the historical context and on the ground features in terms of the division of the site from the formal gardens of the Manor House the proposal is not necessarily out of character
- The visual impact on the Manor House and its setting would be limited given existing planting and the scale of the proposal
- The new build would be clustered against existing development and the different function of this land parcel to the more formal garden area.
- The proposal is within the historic core of the village where one would expect to see clusters of development and a new dwelling here would not be harmful to the character or appearance of the Conservation Area.
- The means of access do not encroach on the formal garden of The Manor House
- The proposed dwelling design has been consciously designed to relate the host building as a smaller lodge, bothy or dower house type structure and is not out of character for a Victorian building like this to have had associated structures built in a similar style.

Whilst noting that the conservation officer raises no objections to this proposal, they do suggest the elevation from the South East could be *“improved by re-designing the large bi-fold doors, which perhaps need a panelled kick plate to look more in keeping”*. As such, revised plans were submitted 29.3.18 taking on board these suggestions, the conservation officer has confirmed that these revised plans are considered to be acceptable.

I concur with the view of the conservation officer, whilst development proposals must be sympathetic to their setting within the conservation I agree that the proposal will represent ancillary development in relation to The Manor House and that the separation of the proposed

plot from the parent dwelling will reflect the historic separation of curtilage that can be seen in the historic maps above. I note that the conservation officer stresses the importance of maintaining the soft green boundary treatment to the north and east and the creation of a similar hedged or estate fencing to the south to negate the negative impact a close boarded fence or wall would have on the character and appearance of the conservation area. As such it is considered that this detail can be controlled by a suitably worded condition. I also note the suggestion that if the scheme is likely to be approved advice from Archaeology should be sought to inform any conditions going forwards. Given the considerations relating to Flood Risk later in this report I have not carried out such a consultation at this stage.

The proposed dwelling would have a narrow L plan form and would be orientated so that its front elevation faces Main Street to the east. Its second storey would largely be contained within its roof space with the height of the proposed dwelling proposed to be approx. 7.7m. I am of the view that the scale proposed will ensure that the dwelling is not unduly visually prominent from the host dwelling or its curtilage and remains subordinate to the host dwelling.

The design features employed will reduce the scale and mass of the proposed dwelling allowing it to fit sympathetically into its surroundings. Viewed from the road, with the mature trees and hedges around the perimeter, the proposed dwelling would therefore be largely screened from view. In terms of the site as a whole, the house would be set back from Gonalston Lane to the south and Main Street to the east, well away from the highway boundaries and would occupy a relatively small proportion of the site. With large areas of the site undeveloped in public views therefore the important view across the site would be preserved along with most of its open nature.

The dwelling has been designed with consideration to the use of materials and architectural features found in the vicinity and appropriate and sensitive to the setting, including light render, a grey natural slate roof, gothic style arched windows and a regency style veranda to reflect those of 'The Manor House'.

The proposed dwelling would have a floor area of approx. 130m<sup>2</sup> as such, the proposal is of a size appropriate to its setting and will remain subordinate to the host dwelling, preserve its setting, and successfully assimilate with the existing environment.

The limited size of the dwelling and its siting in this part of the curtilage of 'The Manor House' ensures that the dwelling would have a minimal visual impact on the appearance and setting of the Conservation Area. As discussed above, the application site is set back from the road and well screened from Main Street/Gonalston Lane by the existing mature landscaping within the site and surrounding land, as such; the site is largely invisible from the main road.

In conclusion, it is not considered that the proposed development will unduly impact (i.e. it will preserve) the character and appearance of the Hoveringham Conservation Area. The proposal will not harm the setting of the positive building within the site or the character and appearance of the Conservation Area. The proposal does not bring any specific heritage benefits but would, I believe, meet the statutory test of preservation of the Conservation Area, under Section 72 of the Planning



(Listed Building and Conservation Areas) Act 1990. Subject to conditions over materials, finish and especially landscaping the proposal is considered to be in accordance with Policies DM5, DM9 and Core Policy 14.

### *Impact upon Amenity*

The NPPF seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. 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.

Overall I do not consider that the proposal would significantly impact upon existing neighbouring amenity and would result in an acceptable garden area for any future occupiers.

Concern has been expressed that the dwelling would result in overlooking of houses to the west and result in a feeling of overbearing. However, I note that the western elevation of the proposed house, which would face in this direction, would contain only two windows at ground floor level and three rooflights within the west facing roof slope. In addition these windows would serve a kitchen and ensuite at ground floor rather than the main habitable room. The western boundary is also significantly screened from the neighbouring dwellings. As a result, any views towards dwellings in this direction would be likely to be inconsequential.

I note that the rear elevation of the dwelling is proposed to be sited approx. 10 m from the side elevation of the nearest dwelling directly to the west. Whilst this is considered to be a relatively close arrangement the side elevation of the neighbouring dwelling of which the closest portion is a garage and parking area, as such the new dwelling would be approx. 15 m from the side elevation of the main body of the neighbouring dwelling, in which no windows are present.

For this reason and given the significant distance (approx. 30 m) separating the proposed house from The Manor House, and a separation distances of approx. 15 m (see above) separating it from houses towards the west, privacy would not be harmed.

The principle elevation of the property will be in excess of 45 m from the boundary with the highway to the east and I note that this elevation would be screened significantly by the mature hedgerow and trees. The overall height of the property at 7.7 m would ensure the dwelling would not result in significant overbearing or loss of light to neighbouring residents. In addition the plan demonstrates that the dwelling would be located with a reasonable degree of separation to neighbouring dwellings as detailed above. In terms of overbearing impact and loss of light; given the style of the dwelling and degree of separation, no overbearing impact or loss of light is considered to occur in relation to the properties to the north-east and west.

The property would also have a reasonable amount of garden area commensurate to the size of the dwelling at approximately 200m<sup>2</sup> and significant amount of garden area would remain for the host dwelling (The Manor House). It is acknowledged that there would still be a reasonable

amount of front, side and rear garden remaining to serve The Manor House. The private amenity space to serve the new dwelling is considered to be sufficient with plentiful space and privacy afforded to the rear of the dwelling.

I therefore conclude that the proposal would not detrimentally impact upon the amenity of surrounding dwellings to warrant refusal. As such the proposed development is considered to be acceptable in this regard and therefore accords with Policy DM5 of the Allocations and Development Management DPD.

#### *Impact upon Highway Safety*

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

I note that a number of neighbour comments have been received making reference to the issue of highways safety and the risk to road users as a result of the proposed dwelling.

The dwelling is proposed to take access off the private access driveway to the west serving 'Manor Farmstead' as shown on the Proposed Layout Plan. Given the residential nature of this private driveway and the low speed of traffic moving along it, the addition of 1no. dwelling (over and above the 4 dwellings it currently serves) is not considered to be so significant so as to be harmful to the safety of the driveway or its users. Two parking spaces have been provided for the proposed dwelling to the south of the dwelling, constructed using permeable materials.

The NCC highways department commented on the application and advised the drive should be re-surfaced in a bound material to prevent loose material being discharged to the highway and have suggested an appropriate condition.

I note that comments have made reference to the risk to the health and safety of children playing in the area and the off street parking issues that are currently present in the area that could be exacerbated by this proposed development. Whilst these concerns have been duly taken on board I am satisfied that with advice from the highway authority that the access proposed is acceptable for the proposed dwelling subject to condition.

As such, subject to the above condition being imposed I am satisfied that the development accords with Spatial Policy 7 of the Core Strategy which seeks to ensure that vehicular traffic generated does not create parking or traffic problems and Policy DM5 of the DPD requires the provision of safe access to new development and appropriate parking provision.

#### *Flood Risk*

The Environment Agency's Indicative Flood Map shows the site to be within Flood Zones 2 and 3 and as such it is necessary to consider the flood risk implications of the proposal. The proposed

dwelling has been sited within the area of the site within Flood Zone 2 – the lowest area of risk within the site (*see below*).



Whilst I acknowledge that the EA's flood mapping is unclear due to the scale provided, the Topographical Survey submitted shows that the part of the site on which the proposed dwelling is to be sited is of a height more akin to the part of the site within Flood Zone 2, than Flood Zone 3.

I note that the flood risk assessment states *“The part of the dwelling on the edge of Flood Zones 2 and 3 is at a height of 16.54m, this is similar to parts of the site shown to be within Flood Zone 2 on the Environment Agency’s map (for example along the hedge line to the north of the proposed dwelling) and notably higher than land shown to be within Flood Zone 2 on the Environment Agency’s map closer to ‘The Manor House’.* Having regard to the above and the specific land levels as shown on the Topographical Survey, it is more accurate to consider that all the land on which the proposed dwelling will be sited falls within Flood Zone 2.”

The National Policy Framework (the NPPF) provides guidance on dealing with development within Flood Zones 2 and 3. Chapter 10 of the NPPF outlines that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. Local Plans should apply a sequential, risk-based approach to the location of development to avoid where possible flood risk to people and property and manage any residual risk, taking account of the impacts of climate change, by:

- applying the Sequential Test;
- if necessary, applying the Exception Test;
- using opportunities offered by new development to reduce the causes and impacts of flooding; and
- where climate change is expected to increase flood risk so that some existing development may not be sustainable in the long-term, seeking opportunities to facilitate the relocation of development, including housing, to more sustainable locations (paragraph 100).

Paragraph 101 of the NPPF confirms that the aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding.

The above guidance is reflected in Core Policy 10 of the Newark and Sherwood Core Strategy which states that when determining development proposals, the Council will, informed by national guidance and the District's Strategic Flood Risk Assessment, apply a sequential approach to future development and will work with partners to secure strategic flood mitigation measures as part of new development.

Policy DM5 of the Allocations and Development Management DPD contains similar provisions, confirming that the Council will aim to steer new development away from areas at highest risk of flooding. Policy DM5 confirms that proposals within Flood Zones 2 and 3 will only be considered where they constitute appropriate development and it can be demonstrated, by application of the Sequential Test, that there are no reasonably available sites in lower risk Flood Zones. Where development is necessary within areas at risk of flooding, proposals will also need to satisfy the Exception Test by demonstrating they would be safe for the intended users without increasing flood risk elsewhere. In accordance with the aims of Core Policy 9, proposals should wherever possible include measures to pro-actively manage surface water including the use of appropriate surface treatments in highway design and Sustainable Drainage Systems.

As the part of the site on which the proposed dwelling will be sited falls within Flood Zone 2, the proposal is subject to the Sequential Test in accordance with national planning policy and the Newark and Sherwood Development Plan.

The D&A Statement states that the applicant wishes to build a new dwelling for herself within the settlement of Hoveringham because of a family and personal connection to the area and wishes to remain part of the community. As such, the agent states that sites beyond Hoveringham would not provide a reasonable alternative for this purpose, to the application site.

*Paragraph 33 of the Planning Practice Guidance: Flood Risk and Coastal Change* advises that for individual planning applications where there has been no sequential testing of the allocations in the development plan, a pragmatic approach on the availability of alternative sites should be taken and the area to apply the Sequential Test will be defined by local circumstances relating to the catchment area for the type of development proposed. Para. 33 also provides guidance as to the area that should be used in the Sequential Test for the proposal subject to this Flood Risk Assessment. It states that where there are large areas in Flood Zones 2 and 3 and development is needed in those areas to **sustain the existing community**, sites outside them are unlikely to provide reasonable alternatives. It also uses the example of an extension for an existing business premises to advise that where the proposal needs to be in a certain location, it might be impractical to suggest that there are more suitable alternative locations for that development elsewhere.

Whilst I appreciate that the guidance uses an example of where alternative locations are unsuitable for a development that requires a particular location, this example is not considered to be applicable for the application at hand. The guidance states that the development must be needed to 'sustain the existing community' – in this context there has been no evidence put forward to demonstrate that there is a specific and identified local need within Hoveringham, and therefore, whilst I am mindful that the applicant seeks to construct a dwelling for herself to live in in order for her to remain in the village it is clear that this is a demonstration of personal need rather than that of the wider community.

It is clear from the Environment Agency's indicative flood map that the whole of Hoveringham is within Flood Zones 2 and 3. As such, there are no reasonably available alternative sites appropriate for the proposed development in the village in areas with a lower probability of flooding, however, Hoveringham is close to the settlement of Southwell, in which there are potentially other sites available that are at a lower probability of flooding that would offer a suitable alternative to that put forward.

I note that the LLFRA and the Environment Agency have been contacted for comments regarding this proposal and none have been forthcoming. For this reason I have based my assessment on the interpretation above and the details provided within the flood risk assessment.

In conclusion, the site lies within Flood Zones 2 and 3. Policy DM5 of the Allocations and Development Management DPD advises that the aim is to steer new development away from areas at highest risk of flooding. Policy DM5 confirms that proposals within Flood Zones 2 and 3 will only be considered where they constitute appropriate development and it can be demonstrated, by application of the Sequential Test, that there are no reasonably available sites in lower risk Flood Zones.

Where there are no reasonable available sites in Flood Zone 1, regard should be had to flood risk vulnerability and decision makers should consider sites within Zone 2, applying the Exception Test if necessary. It is considered that whilst not specifically in the village of Hoveringham, but within the wider district and nearby settlements such as Southwell, the district has a supply of housing land that would provide suitable alternative sites at a lower risk of flooding. Given that the applicant has not demonstrated that there is an identified local need for housing within Hoveringham it is considered that the application fails to satisfy the Sequential Test as set out in policy DM5 and para. 101 of the NPPF. The development is therefore not considered to be in accordance with Core Policy 10, Policy DM5, Chapter 10 of the NPPF, or Planning Practice Guidance: Flood Risk and Coastal Change.

### *Ecology*

Upon visiting the site it has been identified that the land subject of this application is garden land associated with the hostdwelling The Manor House in which a number of large mature trees are present. The applicant submitted an Arboricultural Survey concurrently with this application.

The applicant notes in the D&A statement that the dwelling has been sited so as to avoid the Root Protection Areas (RPA) of the trees on the site. The conclusion section of the Tree report states:

*“Six trees have been included in the report, one RPA is to be infringed (T3) while one tree has been recommend for removed (T6). One hedge and one group have also been included, a small section of G1 is to be removed to re-instate a previous access, this will not have a noticeable effect on the locality.*

*Construction of the house and drive within the RPA of T3 is possible but the foundation design must AVOID strip footings. Pile and beam construction is recommended and must be designed to bridge over the existing ground level. The driveway within the RPA must be created using no dig techniques and be permeable. Both of these issues are covered within the Method Statement which forms part of this report.*

*T6 is a relatively young tree with the potential to reach a significant size, it is a Category C tree, its removal and replacement will not be detrimental to the aesthetic appeal of the area.*

*Any access into the RPA for construction must be considered carefully and protective measures must be undertaken first to prevent damage to the ground, including compaction.”*

It is not considered that these conclusions are significant to warrant a refusal for the application and could be controlled via condition. In addition there is not considered to be any significant ecological value to the garden land beyond that where suitable mitigation could be secured through conditions relating to appropriate soft landscaping and provision of bat and bird boxes for example to incorporate biodiversity features in to the design in accordance with the guidance under Paragraph 118 of the NPPF. As such the proposed development is considered to accord with the aims of policy DM7 of the DPD.

#### *CIL*

The site is located in the ‘Housing Very High Zone’ area which is charged at £100 per sq m. The proposed dwelling is 300m<sup>2</sup> in total internal floor space and as such the charge on the development would be £30,000.

#### *Other Considerations*

Comments have been received from neighbouring occupiers which object to the proposal and they have been duly taken on board. The comments raised relate to the impact the proposal will have on the impact on the character of the area, neighbouring amenity and highways safety which have been considered in the appraisal sections above.

I note that some of the concerns make reference to the ‘loss of a view’ as a result of the proposed development. Whilst I appreciate that the conservation area and Green Belt are aesthetically

pleasing outlooks for properties I note that this is not a material planning consideration and that the right to a view is considered to be a legal matter.

The comments also refer to a restricted covenant on development on this site, again, this is a legal concern that the applicant is advised to consider but is inherently a legal concern.

### *Conclusion*

In conclusion the proposal is not considered to be regarded as inappropriate development in the Green Belt and it would be a well-designed dwellinghouse that would preserve the character and appearance of the Conservation Area. As a result, it would accord with the development plan in this regard. Concern has been expressed that if this application is allowed this would set a precedent for similar development. However, each application is determined on its individual merits. A generalised concern of this nature therefore does not justify withholding permission in this case.

The application is also not considered to result in an unacceptable impact on neighbouring amenity or on the character of the area. The application has also been assessed with regards to highways safety and it is not considered that this development would result in a negative impact on highways safety. In reaching this decision the views of local residents and the Parish Council have been taken into account. However, important though they are, they do not lead me to a different view on the planning merits of the proposal relating to the points above.

However, notwithstanding this, given that the applicant has not demonstrated that there is an identified local need for housing and development is needed to sustain the existing community within Hoveringham it is considered that the application fails to satisfy the Sequential Test as set out in policy DM5 and para. 101 of the NPPF. There are other more sustainable locations for development at lesser risk of flooding in the District. The development is therefore not considered to be in accordance with Core Policy 10, Policy DM5, Chapter 10 of the NPPF, or Planning Practice Guidance: Flood Risk and Coastal Change. The elements in favour of this proposal are not considered to outweigh the flood risk associated with development within Flood Zones 2 and 3.

For the reasons given above, and having regard to all other matters raised, I therefore conclude that the application should be refused.

### **RECOMMENDATION**

**That full planning permission is refused for the following reason.**

01

The site lies within Flood Zones 2 and 3, the applicant has not provided evidence to demonstrate that there is an identified local need for housing and development is needed to sustain the existing community within Hoveringham. Within the wider district and nearby settlements such as

Southwell, the District has a supply of housing land that would provide suitable alternative sites at a lower risk of flooding. It is considered that the application fails to satisfy the Sequential Test as set out in policy DM5 and para. 101 of the NPPF. The development is therefore not considered to be in accordance with Core Policy 10, Policy DM5, Chapter 10 of the NPPF, or Planning Practice Guidance: Flood Risk and Coastal Change.

### **Notes to Applicant**

01

The application is clearly contrary to the Development Plan and other material planning considerations, as detailed in the above reason(s) for refusal. However the District Planning Authority has worked positively and proactively with the applicant to make discuss potential revisions to the proposal.

02

The applicant is advised that as of 1st December 2011, the Newark and Sherwood Community Infrastructure Levy (CIL) Charging Schedule came into effect. Whilst the above application has been refused by the Local Planning Authority you are advised that CIL applies to all planning permissions granted on or after this date. Thus any successful appeal against this decision may therefore be subject to CIL (depending on the location and type of development proposed). Full details are available on the Council's website [www.newark-sherwooddc.gov.uk/cil/](http://www.newark-sherwooddc.gov.uk/cil/)

### **BACKGROUND PAPERS**

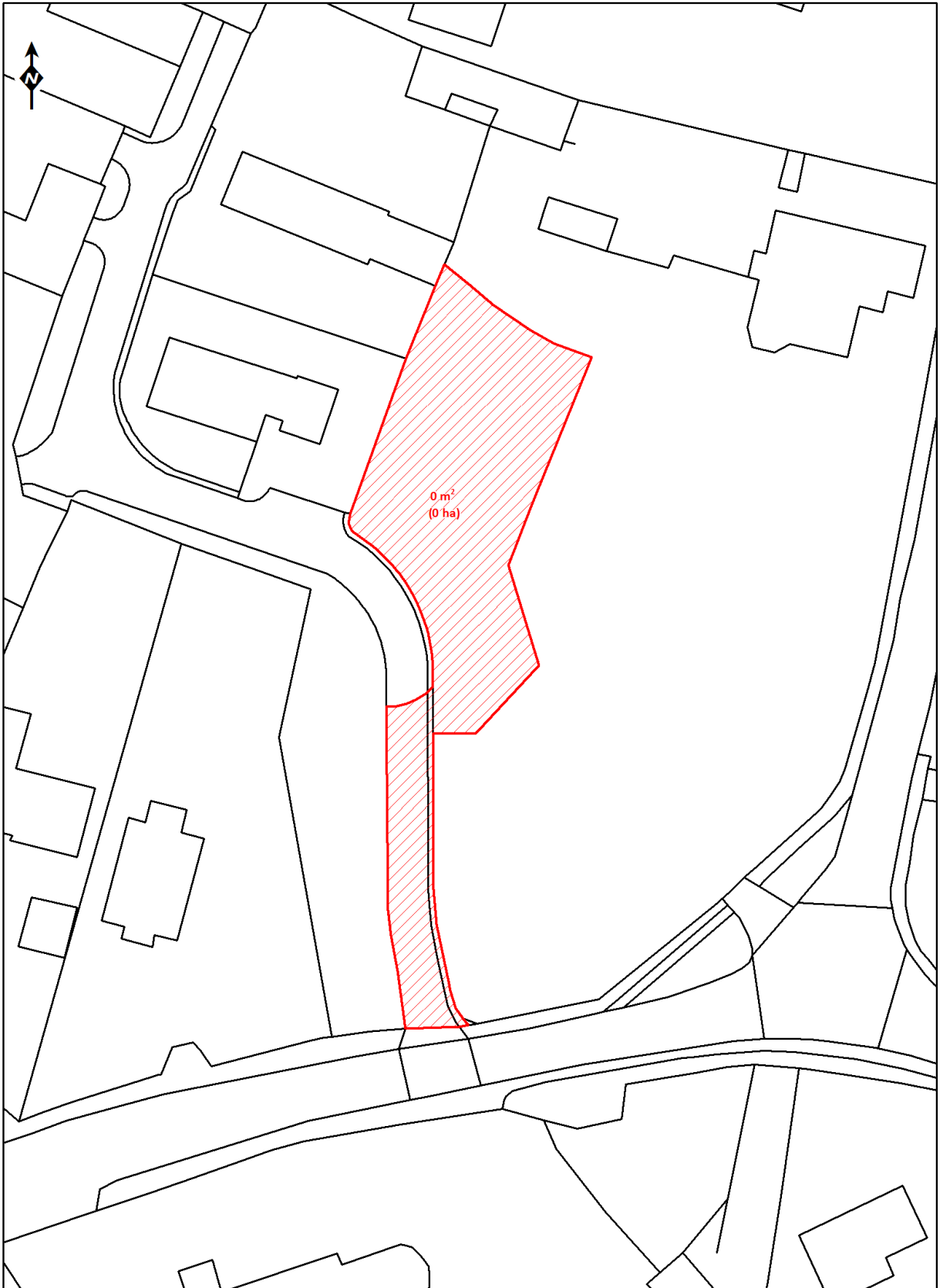
Application case file.

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](http://www.newark-sherwooddc.gov.uk).

**Matt Lamb**  
**Business Manager Growth and Regeneration**





<b>Application No:</b>	<b>18/00437/FUL</b>
<b>Proposal:</b>	<b>Change of use from A2 to A4, to allow the premises to operate as a Micropub</b>
<b>Location:</b>	<b>Coral Betting Office, Kirklington Road, Rainworth</b>
<b>Applicant:</b>	<b>The Inkpot Partnership – Mrs Vicki Guy</b>
<b>Registered:</b>	<b>01.03.2018</b>
	<b>Target Date: 26.04.2018</b>
	<b>Agreed Extension of Time: 11.05.2018</b>

**This application is being referred to the Planning Committee for determination by the local ward member Cllr. L Tift due to the applicants being personally known to herself and the Parish Council.**

### The Site

The site relates to a modest building and its associated grass banked curtilage to the south of Kirklington Road within the urban boundary of Rainworth. The site is close to, but outside of, the District Centre of Rainworth as identified by the Proposals Map. The site is adjacent to the village hall which it is understood owns the land surrounding the building with the exception of the land to the west which has been confirmed to be within the site through the submission of a revised site location plan during the life of the application.

### Relevant Planning History

There is no formal planning history in relation to the building albeit it is understood that the building was in use from the 1970s to 2017 as a bookmakers. This has a Use Class of A2 (Financial and Professional Services) according to The Town and Country Planning (Use Classes) Order.

**16/01059/FULM** - There is an application to the west of the site with a resolution to grant planning permission subject to the sealing of an associated legal agreement. This is for a full planning permission for the development of 14 x 3-bedroom residential dwellings, associated access and detailed landscaping and includes the creation of an access to the site from Kirklington Road and the re-positioning of the traffic island.

### The Proposal

The proposal seeks full planning permission to change the use of the building from its established A2 use to an A4 use. The rationale is that the building would be operated as a Micropub to provide between 25 and 30 covers. No alterations are proposed to the exterior of the building (with the exception of an advertisement which would have deemed consent). The application form states proposed opening hours of 12:00 to 23:30 daily.

### Departure/Public Advertisement Procedure

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

## **Planning Policy Framework**

### **The Development Plan**

#### **Newark and Sherwood Core Strategy DPD (adopted March 2011)**

Spatial Policy 1 – Settlement Hierarchy

Spatial Policy 2 – Spatial Distribution of Growth

Spatial Policy 7 – Sustainable Transport

Spatial Policy 8 – Protecting and Promoting Leisure and Community Facilities

Core Policy 6 – Shaping our Employment Profile

Core Policy 8 – Retail Hierarchy

Core Policy 9 – Sustainable Design

MFAP1 – Mansfield Fringe Area

#### **Allocations & Development Management DPD**

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

Policy DM5 – Design

Policy DM11 - Retail and Town Centre Uses

#### **Other Material Planning Considerations**

- National Planning Policy Framework 2012
- Planning Practice Guidance 2014

#### **Consultations**

**Rainworth Parish Council** – Support the proposal on the basis that access via the double gates to the side of the property be accessible 24/7 to the rear of the Village Hall as per lease agreement.

**NCC Highways Authority** – *Original comments received 23 March 2018:*

This proposal is for the change of use to allow the premises to operate as a micropub. It is noted that the proposed use would be operating 7 days per week. There is no information submitted relating to the servicing arrangements of the site, i.e. the number of vehicle trips expected to be generated and the type/size of vehicles involved. How many members of staff will be expected? Could this information please be clarified.

*Revised comments received 16 April 2018:*

The applicant has confirmed that deliveries to the site are not expected to have a significant impact on the public highway. It is anticipated that any staff could be local residents within easy walking distance and therefore the adjacent parking space may not be required. Also, in view of the type of development it is expected that customers will walk to the site.

Therefore, taking the above into consideration, there are no highway objections to this proposal.

**NSDC Environmental Health (noise)** – No comments to make.

**NSDC Access and Equalities Officer** – Observations in relation to Building Regulations.

**No letters of representation have been received to date.**

### Comments of the Business Manager

#### Principle of Development

The Core Strategy for the district referred to above has outlined a Settlement Hierarchy which essentially directs where the Local Planning Authority (LPA) would favour development. The site lies within the Urban Boundary of Rainworth which is identified by the hierarchy as being a Service Centre for the Mansfield Fringe Area with the role of acting as a focus for service provision for a large local population and rural hinterland.

Spatial Policy 8 promotes the provision of new and enhanced community and leisure facilities, particularly where they address a deficiency in current provision. It is noted that the applicant has submitted 47 letters of support for the proposed end use; 30 from Rainworth residents and 17 from other interested parties offering general support.

The Core Strategy is currently subject to a Plan Review process with the Publication Amended Core Strategy published in July 2017. It is notable that Core Policy 8 (Retail Hierarchy) is likely to be subject to significant changes in comparison to the existing policy. In the amended Core Strategy, Rainworth has been reduced to a Local Centre which would be principally concerned with the sale of food and other convenience goods, and the provision of services to the local community in which they are located. There is a requirement for proposals to be firstly located within a centre and then on the edge of centres. The current application relates to an existing building which is considered to occupy an edge of centre location.

Although no employment details are included within the submitted application form, the supporting statement confirms that the applicants are a partnership of four interested parties and it is in any case reasonable to assume that the end user would generate a small level of employment (albeit perhaps comparable with that of the established A2 use). This is supported in principle by Core Policy 6 of the Core Strategy.

Given the modest size of the building and its existing lawful use, it is considered that the change of use proposed would be acceptable in principle. However, it then falls to assess the specific implications of the proposed end use notably in terms of impacts on public amenity and highways safety.

#### Impact on Amenity

Policy DM5 of the Allocations and Development Management Document states that *'Development proposals should have regard to their impact on the amenity or operation of surrounding land uses and where necessary mitigate for any detrimental impact.'*

As existing, the site shares boundaries with the Village Hall to the east and open land to the west. There are residential curtilages to the south of the site (intervened by land understood to be in the ownership of the Parish Council) which also warrant consideration in amenity terms. As implied above, whilst the land to the west is currently vacant, given the resolution to grant permission for housing there is a strong likelihood that it will come forward in the future for residential use.

It is not uncommon for public houses to share common boundaries with residential properties and indeed I appreciate that the site is within an area which is already established by a variety of uses. The District Centre is in close proximity and the residential development likely to come forward in the future will also share a close relationship with a convenience store which appears to be open until 11pm. The current application form states an intention for the Micropub to be open until 23:30 daily albeit the supporting statement submitted to accompany the application contends that the usual closing time will be 10:30pm (following last orders at 10pm). Justification for the hours sought include reference to the A1 retail unit (currently occupied by Tesco) in close proximity to the site which is open until 11pm as well as the proximity to 'The Venue' opposite the site which according to the applicants submission opens beyond midnight.

I am mindful that the modest footprint of the building (approximately 62m<sup>2</sup>) would self-govern the level of covers which could be accommodated within the building. Moreover, there is limited associated land to the side and none to the rear of the building which would allow for patrons to congregate outside. It is also noted that as existing, there is planting along the western boundary which would be shared with the proposed residential development site. The plans for the residential planning application appear to show retention of an existing hedgerow. The lack of parking provision proposed (discussed further below) also limits the opportunity for noise impacts associated with car doors etc. Taking all of these factors into account I do not consider that the noise impacts arising from the proposal would be materially different from the uses already established by the site surroundings. On this basis I have identified no detrimental amenity impacts which would warrant resistance of the proposal.

#### Impact on Highways

Spatial Policy 7 states that development proposals should provide safe, convenient accesses for all and provide appropriate and effective parking provision, both on and off-site, and vehicular servicing arrangements. The policy also states that proposals should ensure that vehicular traffic generated does not create new, or exacerbate existing on street parking problems, nor materially increase other traffic problems. Policy DM5 reflects this.

As referred to above, the application does not propose to include off street parking. The building is within the village envelope of Rainworth in close proximity to the District Centre. There are good public transport links serving the village (and indeed a bus stop immediately in front of the adjacent Village Hall). There are also public car parks close to the site. On this basis I do not consider that the lack of on-site or on-street parking is fatal to the proposed change of use.

The original comments of the Highways Authority sought clarification on a number of issues including provision for staff parking and deliveries. The applicant has responded to these queries during the life of the application confirming that the application site includes some land to the west of the building. It is stated that this is where estate cars for deliveries once or twice a week would pull on to. NCC Highways have provided further comment on this basis confirming no objections to be proposal particularly in the context that the proposed use would create a likelihood of patrons walking to the site. I agree with this assessment and conclude that it accords with SP7 and DM5.

#### Other Matters

In granting an A4 Use, there are permitted development rights that would apply once the public house has been implemented that would essentially allow the use to be changed without a further

planning permission. These permitted changes of uses are to an A1 (retail) A2 (financial and professional services) and A3 (café, restaurant or snack bar) uses. Having regard to the small size of the building I do not consider that any of the alternative permitted uses would be harmful to the locality and as such have not sought to remove the ability for this permitted change by condition.

### Conclusion

The application relates to the change of use from an A2 to an A4 use. The proposed development would continue to contribute towards the offer of community facilities in the village and it appears from the applicants evidence that there is a desire for the type of A4 use sought. Indeed I note there have been no objections to the scheme.

Despite the opening hours proposed (until 23:30); officers do not consider that the amenity impacts arising from the development would be materially different to those established by the surrounding mixed use nature of the area. In addition the lack of parking provision is not considered fatal to the scheme.

The proposal is therefore recommended for approval subject to the conditions outlined below.

### **RECOMMENDATION**

**That planning permission is approved subject to the conditions shown below:**

#### Conditions

01

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

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

02

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

Site Location Plan

Proposed Internal Fit out Block Plan reference Plan 4 of 4

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 premises shall not be open to members of the public outside the following hours:-

12:00 to 23:30 on any day of the week.

Reason: In the interests of residential amenity.

## Notes to Applicant

01

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

## Background Papers

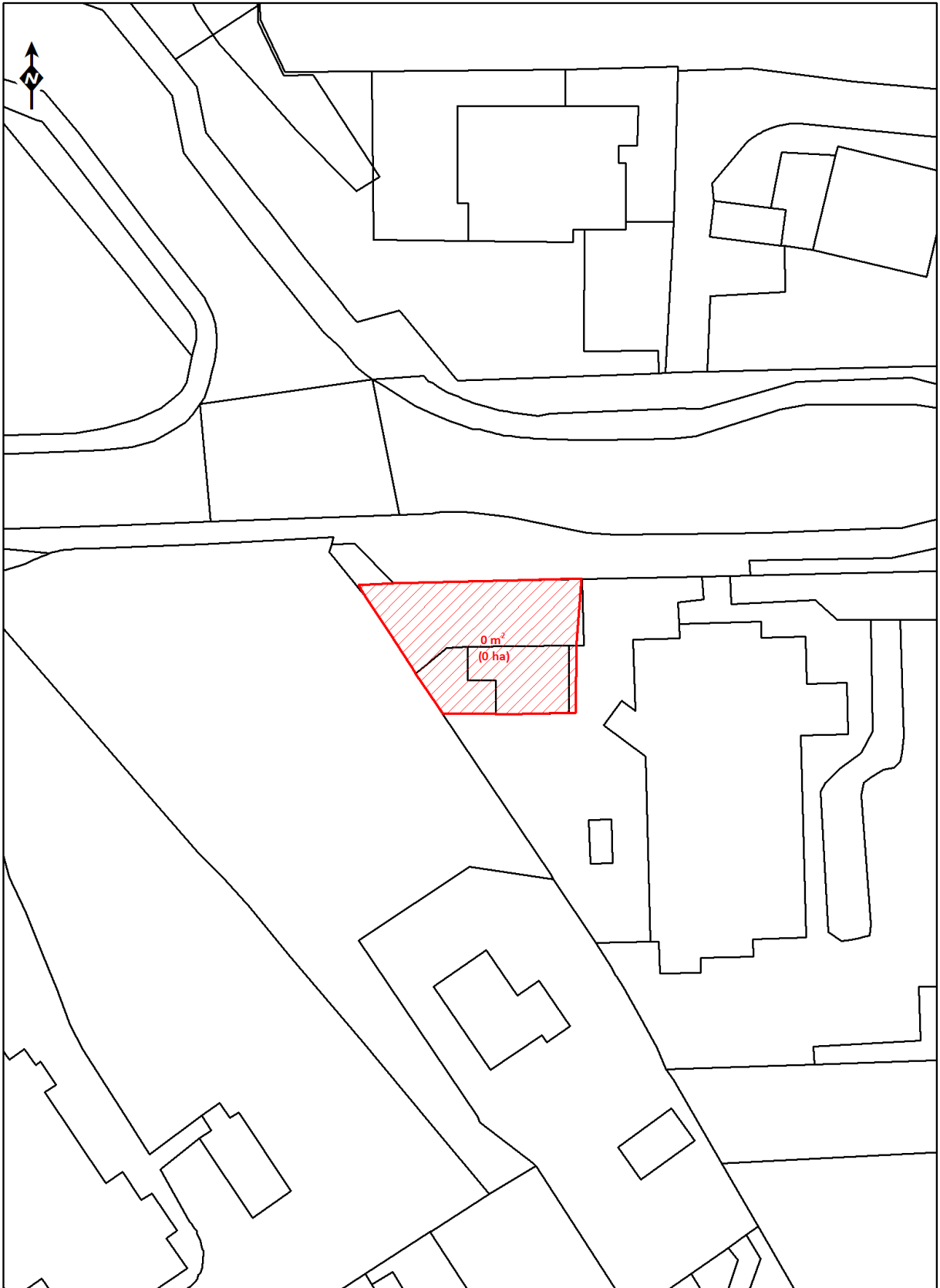
Application Case File

For further information, please contact Laura Gardner on extn. 5907.

All submission documents relating to this planning application can be found on the following website [www.newark-sherwooddc.gov.uk](http://www.newark-sherwooddc.gov.uk).

**Matt Lamb**  
**Business Manager Growth & Regeneration**

Committee Plan - 18/00437/FUL



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<b>Application No:</b>	<b>18/00514/FUL</b>
<b>Proposal:</b>	<b>Householder application for proposed extensions and alterations to the dwelling, including the demolition of a single storey outbuilding and the erection of a western boundary fence.</b>
<b>Location:</b>	<b>Lanresse, 24 Station Road, Collingham</b>
<b>Applicant:</b>	<b>Mr M Thomas</b>
<b>Registered:</b>	<b>14 March 2018</b>
	<b>Target Date: 08 May 2018</b>
	<b>Extension of Time Agreed until 09 May 2018</b>

**This application is being presented to the Planning Committee in the interests of transparency as the applicant is the partner of a member staff within the planning team.**

## The Site

The application site comprises a residential dwelling and its associated curtilage on the southern side of Station Road in Collingham. Located directly opposite the entrance to the football club, a public right of way runs alongside the western boundary connecting Station Road to the east and south of the village. Beyond this PRow to the west is a modern cul-de-sac, Nursery Close, comprising two storey dwellings whilst to the east is no. 26 Station Road a modern two storey detached dwelling (with attached single storey garage to its frontage) which is set well back from the roadside. The area is predominantly residential in nature and generally has a mixture of single and two storey dwellings of different designs.

The host dwelling itself is an attractive two storey red brick dwelling with clay plain tile roof and timber windows. This is set behind high vegetation along the site frontage. It appears the dwelling is currently vacant. Access is currently taken via the north-western corner of the site through an existing opening in the vegetation, albeit this does not appear to be wide enough currently for vehicular access. An existing modest brick constructed outbuilding lies to the rear of the dwelling and there are a number of trees within the garden.

## Relevant Planning History

There is no relevant planning history.

## The Proposal

Full planning permission is sought for proposed extensions and alterations to the dwelling comprising a two storey side extension to the west of the property which is approximately 5m wide extending the full depth of the dwelling (c7.95m) and beyond by c5.7m and a single storey lean to rear extension measuring c7.1m across by c5.7m in depth to match the two storey extension.

The proposal also involves removal of the existing chimney stack and relocating a replacement to the rear and an infill lean to porch on the front elevation.

This application also includes the demolition of an existing single storey outbuilding located to the rear of the existing dwelling and the erection of fencing alongside the western boundary. This fencing would comprise of a 2m high close boarded fence to the site frontage, extending along the western side of the house and beyond into the rear garden for c15 meters where it would change to a 2m high chain link fence extending to the rear/southern boundary.

The application is accompanied by the following plans:

- Site Location Plan (drawing no. 18001 P000)
- Existing and Proposed Site Plan (drawing no. 18001 P001)
- Existing Building Layout (drawing no. 18001 P002)
- Existing Elevations (drawing no. 18001 P003)
- Proposed Building Layout (drawing no. 18001 P004)
- Proposed Elevations (drawing no. 18001 P005)
- Western Boundary Fencing Details (drawing no. 18001 P006)
- CIL Liability form

#### Departure/Public Advertisement Procedure

Occupiers of eight properties have been individually notified by letter with an overall expiry consultation expiry date of 4 April 2018.

#### Planning Policy Framework

##### The Development Plan

##### **Newark and Sherwood Core Strategy DPD (adopted March 2011)**

- Spatial Policy 7 – Sustainable Transport
- Core Policy 9 – Sustainable Design

##### **Allocations & Development Management DPD**

- Policy DM5 – Design
- Policy DM6 – Householder Development

#### Other Material Planning Considerations

- National Planning Policy Framework 2012
- Planning Practice Guidance 2014

#### Consultations

**Collingham Parish Council** – Support (7 support, 0 objections and 0 abstentions)

**Neighbours/Interested parties** – No written representations have been received in respect of this application.

### Comments of the Business Manager

Householder developments are accepted in principle subject to an assessment of numerous criteria outlined in Policy DM6.

### Impact upon Character of Area

DM6 requires that the proposal respects the design, material and detailing of the host dwelling and the character and the appearance of the area. It also requires the host dwelling to retain a reasonable amount of amenity space relative to its size. The SPD on householder development cites the overall objective in relation to extensions should be based around the successful integration with the host dwelling and its surrounding area, avoiding terracing effects and over dominance.

In this case, the proposed extensions proposed are large amounting to a c176% increase in floor area. However this would be in a site context that in my opinion can readily accommodate this level of accommodation without undue harm to the character and appearance of the area. The two storey side extension would project towards the west (towards the public footpath) and is designed in such a way as to assimilate well to the host dwelling. This is not an extension that could be described as subservient to the host dwelling. However I do not consider that it would need to be in this context. There is no uniform type of design or house type on this part of Station Road and the extension would result in a larger dwelling house that would simply appear that it had always been this large. The rear extension would not be visible from the public realm and in my opinion causes no harm to the appearance of the host dwelling.

I also note that a proposed 2m high fence is proposed in front on the dwelling along the western side boundary with the existing public footpath. At present the boundary treatment here is formed by low wire mesh fencing and vegetation along the application site boundary. I am mindful that the proposed fencing would be visible from the public realm, but equally note that there is existing 2m high fencing forming the other side of the PRow boundary which is in my view visually acceptable which this would mirror. Details of the fence have been provided upon request and this would be close boarded fencing with concrete posts with a natural stain finish. I consider that this is acceptable given the site context.

Overall I consider that the proposal is acceptable in terms of its impact upon both the host dwelling and the wider character and appearance of the area.

### Impact on Residential Amenity

Policy DM6 of the DPD states planning permission will be granted for householder development provided it would not adversely affect the amenities of the adjoining premises, in terms of loss of privacy or overshadowing and over-bearing impacts.

There is no dwelling immediately to the west that would be impacted by the extension (what lies to the west beyond the PRow is the private road of Nursery Close with the dwellings located to the west of this). Likewise to the east, the nearest plot is no. 26 Station Road which is set back well beyond where the proposed extension would be located resulting in no loss of amenity through loss of privacy, overbearing or loss of light. Therefore whilst the extensions are large, there would be no loss of amenity to any dwelling as a result of the application and in my view the proposal accords with DM6.

## Highway Impacts

DM6 requires developments to have a safe and inclusive access, to ensure that parking provision can be achieved and to ensure there is no adverse impact on the highway network as a result of the proposal.

The proposal would include a large integral garage (sufficient in size to easily accommodate one vehicle) as well as providing two parking spaces in the front garden area behind existing vegetation. This is adequate for the size of the dwelling and would have no adverse impact upon the highway network. I therefore find it to be in accordance with DM6.

## Conclusion

Householder applications are acceptable in principle subject to having an acceptable impact in terms of their design and visual appearance, impact on residential amenity and the highway. I have concluded that the scheme is acceptable in respect of all of these and recommend approval subject to the conditions below.

## **RECOMMENDATION**

**That planning permission is approved subject to the conditions and reasons shown below:**

### Conditions

01

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

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

02

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

- Existing and Proposed Site Plan (drawing no. 18001 P001)
- Proposed Building Layout (drawing no. 18001 P004)
- Proposed Elevations (drawing no. 18001 P005)
- Western Boundary Fencing Details (drawing no. 18001 P006)

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.

Reason: In the interests of visual amenity.

### Notes to Applicant

01

The application as submitted is acceptable. In granting permission without unnecessary delay the District Planning Authority is implicitly working positively and proactively with the applicant. This is fully in accordance with Town and Country Planning (Development Management Procedure) Order 2010 (as amended).

02

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

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

### Background Papers

Application Case File

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

All submission documents relating to this planning application can be found on the following website [www.newark-sherwooddc.gov.uk](http://www.newark-sherwooddc.gov.uk).

**Matt Lamb**  
**Business Manager Growth & Regeneration**

Committee Plan - 18/00514/FUL



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**APPEALS A**

**APPEALS LODGED (received between 19/03/2018 insert dates 24/04/2018)**

1.0 Members are advised that the appeals listed at **Appendix A** to this report have been received and are to be dealt with as stated. If Members wish to incorporate any specific points within the Council's evidence please forward these to Planning Services without delay.

2.0 **RECOMMENDATION**

**That the report be noted.**

Background Papers

Application Case Files

For further information please contact our Technical Support Business Unit on 01636 650000 or email [planning@nsdc.info](mailto:planning@nsdc.info) quoting the relevant appeal reference.

**Matt Lamb**

**Business Manager Growth & Regeneration**

<b>Appeal Reference</b>	<b>Application Number</b>	<b>Address</b>	<b>Proposal</b>	<b>Procedure</b>
APP/B3030/W/17/3188864	17/00357/FULM	Highfields School London Road Balderton NG24 3AL	Residential development comprising 95 no. dwellings and associated infrastructure, including the removal 26 No. TPO trees.	Written Representation
APP/B3030/W/17/3188871	16/01134/FULM	Highfields School London Road Balderton NG24 3AL	Residential development comprising 89 dwellings and associated infrastructure, including the relocation of the school access, car parking area and sports pitches, the provision of a Multi-Use Games Areas (MUGA) and the removal of 8 TPO trees. (Resubmission of 14/01964/FULM)	Written Representation
APP/B3030/W/17/3192445	17/01637/FUL	Former White Lion Public House Main Street Blidworth Nottinghamshire NG21 0QD	Proposed two-bedroom dwelling with integral single garage.	Written Representation
APP/B3030/Z/18/3193999	17/01727/ADV	Wirtgen Group House Godfrey Drive Winthorpe Nottinghamshire NG24 2UA	1 Nr Illuminated Building Sign 1 Nr 6m High Illuminated Pylon Sign 1 Nr 3m High Illuminated Pylon Sign 6 Nr 8m High Flag Poles	Written Representation



APP/B3030/W/18/3195563	17/00535/FUL	Manvers Arms Public House Mansfield Road Edwinstowe NG21 9PD	Conversion of the Manvers Arms Public House Class A4 to food Store Class A1 and the existing 3 bed flat to first floor to Two 2 bed flats, incorporating ATM machine and external works including new fencing and gates.	Hearing
APP/B3030/W/18/3200529	18/00222/FUL	Manvers Arms Public House Mansfield Road Edwinstowe NG21 9PD	Resubmission of 17/00535/FUL: Conversion of the Manvers Arms Public House (Class A4) to a convenience store (Class A1). Convert the existing 3 bed flat at first floor level to two 2-bed flats.	Hearing

**APPENDIX B: APPEALS DETERMINED (between 19/03/2018 insert dates 24/04/2018)**

<b>App No.</b>	<b>Address</b>	<b>Proposal</b>	<b>Decision</b>	<b>Decision Date</b>
16/01978/FUL	Land At Green Lane Newark On Trent Nottinghamshire	Change of use from overgrown unused allotment to construction of new dwelling	ALLOW	21.03.2018
17/00760/FUL	Land Adjacent To Cedar Lea Radley Road Halam Newark On Trent Nottinghamshire NG22 8AN	Proposed erection of 2 No. (2-bed) bungalows and creation of new access to highway.	DISMISS	19.04.2018
17/00965/OUT	Field Reference Number 0145 Eagle Road Spalford Nottinghamshire	Erection of one detached dwelling and car parking	DISMISS	20.03.2018
15/01250/OUTM	Land To The Rear Of Lowfield Cottages Bowbridge Lane Balderton Nottinghamshire	Development of brown-field site to construct road and 35 new houses	DISMISS	19.04.2018
16/00914/FULM	Site Of Robin Hood Hotel 1-3 Lombard Street Newark On Trent NG24 1XG	Demolition of the former Robin Hood Hotel and redevelopment to provide new retail units and a 66 no. bedroom (Travelodge) Hotel	APP WITHDRAWN	06.04.2018
16/00915/LBC	Site Of Robin Hood Hotel 1-3 Lombard Street Newark On Trent NG24 1XG	Demolition of the former Robin Hood Hotel and redevelopment to provide new retail units and a 66 no. bedroom (Travelodge) Hotel	APP WITHDRAWN	06.04.2018

**RECOMMENDATION**

**That the report be noted.**

Background Papers

Application Case Files

For further information please contact our Technical Support Business Unit on 01636 650000 or email [planning@nsdc.info](mailto:planning@nsdc.info) quoting the relevant application number.

**Matt Lamb**

**Business Manager Growth & Regeneration**



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## Appeal Decision

Site visit made on 28 February 2018

by **S J Lee BA(Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21<sup>st</sup> March 2018

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**Appeal Ref: APP/B3030/W/17/3184393**

**Land at Green Lane, Newark on Trent, Nottinghamshire NG24 4BN**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Levi Spratt against the decision of Newark & Sherwood District Council.
  - The application Ref 16/01978/FUL, dated 31 October 2016, was refused by notice dated 12 May 2017.
  - The development proposed was originally described as 'change of use from overgrown, unused allotment to construction of new dwelling'.
- 

### Decision

1. The appeal is allowed and planning permission is granted for the construction of a new dwelling at land at Green Lane, Newark on Trent, Nottinghamshire NG24 4BN in accordance with the terms of the application, Ref 16/01978/FUL, dated 31 October 2016, subject to the following conditions in the attached schedule.

### Procedural Matter

2. The description of development in the header above is taken from the application form. I have amended this in my formal decision to remove superfluous information relating to the pre-existing nature of the site.

### Main Issues

3. The main issues in this case are the effect of the development on:
  - The character and appearance of the area, with particular regard to the effect on trees; and
  - Highway and pedestrian safety, with particular regard to the vehicular access.

### Reasons

#### *Character and appearance*

4. The appeal relates to an overgrown plot which was ostensibly previously used as a private allotment. A detached bungalow sits to one side and an array of garages line the opposite side of the lane. What appears to be a domestic garden sits to the other side of the site. To the rear are the gardens of dwellings fronting onto Boundary Road. The Council raises no concerns over

- the principle of a dwelling in this location or the impact of the bungalow itself on local character. I see no reason to come to a different conclusion.
5. While the site is currently open and undeveloped, it is still in the midst of a predominantly residential area. An additional low profile building in this location is unlikely to cause material harm to the character and appearance of Green Lane. The bungalow would be in-keeping with that next door and would not lead to an over intensive or unduly prominent form of development.
  6. The protected trees lining Green Lane do however form an important part of the area's character. The development does not propose the removal of any trees, though there would have to be some pruning to facilitate construction. While the Council's statement suggests some concern over the effect of the development on the crowns of trees T10 and T8, there is nothing to suggest that the long term health of these trees would be at risk, particularly if the proposed tree protection measures proposed are implemented. This can be addressed by condition.
  7. A concern regarding pruning appears to be that it would lead to rapid regrowth which, in turn, would result in repeat pruning operations in the future. In addition, the Council has referred to the dropping of honeydew from the Lime trees, which could cause a particular nuisance to cars parked on the forecourt area of the site.
  8. I recognise that both seasonal leaf drop and honeydew can be a source of inconvenience. However, the management of such matters in the appeal proposal would be no different to that of many other developments or dwellings that are located close to trees, whether protected or not. I see nothing unusual in this case that would suggest seasonal leaf drop or other perceived nuisance would give rise to a sustainable reason to heavily, or unacceptably, prune or fell the trees. Moreover, no substantive evidence has been provided to suggest that such issues have led to any harm to protected trees within the local authority area.
  9. The dwelling itself would be set back sufficiently far from the trees fronting the site to ensure that there would be no harmful effect on internal living conditions which might justify removal at a later date. The trees to the rear of the site are not protected and are of less amenity value than those on the front. While the plans suggest they are to be retained, if they were to be removed at some point I do not consider that this would result in undue harm to the character of the area. However, it is not unusual to have gardens with trees within them or on the boundary, and it is not automatic that future occupants would wish to remove them. Indeed, it is likely that retaining trees in and around the site would enhance the quality of the environment to an extent.
  10. I have noted reference to unauthorised works to trees associated with No 3. However, there is no reason for me to assume that future occupiers of the development would not adhere to the necessary requirements associated with protected trees were I to allow the appeal. Moreover, the evidence does not suggest that the trees nearest to No 3 are unhealthy or have been unduly harmed by the works carried out. This does not therefore add weight to the argument that an additional dwelling, that would have a similar relationship to trees as at No 3, would cause unacceptable risks.

11. The proposed access and driveway for the development would interfere with the root protection areas (RPA) of a number of trees. The appellant has proposed a no-dig cellular confinement solution to address this. The Council has noted that some of the trees' RPAs affected would exceed the 20% recommended by BS5837. This stems mainly from the existing hardstanding along Green Lane. The development would add to the existing extent of RPAs affected.
12. The appellant has suggested a condition could be used to agree details of solution and has suggested that either the materials used for the forecourt, or the area given over to hardstanding, could be addressed by condition. I am satisfied that there is sufficient space within the site to minimise any impact on relevant RPAs. I accept that this might still mean an increase above the recommended guideline of 20% RPA affected for some of the trees. However, the Council's evidence is not persuasive that this would inevitably lead to harm or an unacceptable level of risk to their health. I am satisfied that there would be sufficient scope to address this issue through appropriately worded conditions relating to hard and soft landscaping and tree protection.
13. Taking all relevant matters into account, I am satisfied that the development would not result in undue pressure to unacceptably prune or remove protected trees, and that the works required would not result in unacceptable risks to their long term health. Accordingly, the development would not lead to an unacceptable impact on the character and appearance of the area. As such, there would be no conflict with Core Policy 9 of the Newark and Sherwood Core Strategy (CS)(2011) or Policy DM5 of the Newark and Sherwood Allocations and Development Management Development Plan Document (ADM)(2013). Taken together, these policies seek, amongst other things, to ensure local distinctiveness is maintained.

#### *Highway Safety*

14. The Council's concern relates to the nature of the existing access between Green Lane and Albert Street. This already serves No 3 and I saw a number of garages and other accesses along the lane. While the Council suggests not all of these are used, there is nothing before me to suggest that there is any impediment to their potential use at some point. The appellant has also drawn my attention to a recent permission for a garage on the lane. Whatever the circumstances of this permission, it helps to demonstrate that Green Lane is, or could be, used by a number of vehicles on a daily basis.
15. I recognise that irrespective of there being good access to facilities and public transport, the development is likely to lead to some additional trips to and from the site. However, one dwelling is unlikely to result in a significant cumulative increase in vehicle movements and I see no reason why, in the context of the lane's current or potential use, further small scale development would not be acceptable in principle. The lane is relatively narrow and there is some evidence of cars using the verges. However, there is good visibility along the lane and even with a marginal increase in use I cannot see how the development would lead to any material increase in risk to pedestrians or other vehicles using the lane itself.
16. The existing junction with Albert Street does not conform to the recommended width as set out in the 6Cs Guidance. Nevertheless, the junction has clearly been in place for some time and I have not been provided with any evidence to

suggest that it has been the cause of any accidents or other incidents. There is a bus stop in close proximity to the junction, but passengers waiting at the stop would not be at undue risk. There is adequate space to queue on the opposite side of the stop to the access. Moreover, Green Lane is sufficiently long and straight to ensure that drivers would be able to clearly see people waiting at the stop and vice versa. Drivers and pedestrians would be able to take appropriate precautions to ensure reasonable safety.

17. At the time of my visit, visibility in both directions was constrained to a degree by parked cars and I have no reason to assume that this is not a regular occurrence. However, the markings for the bus stop are likely to provide some degree of clearance to either side of the access. The boundary treatments of buildings either side of the access also create some degree of constraint. It may be necessary on occasion to edge out across the reasonably wide pavement before being able to see clearly into the carriageway. This should not have any particular effect on the safety of passing vehicles, as there would be little or no need to enter the carriageway in order to see clearly in both directions.
18. Regular drivers, cyclists and pedestrians in the area will be aware of the potential for vehicles to be exiting from this junction and potentially from other vehicular accesses along the street. The long standing use of the access by an existing dwelling or garage users means that drivers, pedestrians and cyclists are likely to be aware of the potential for vehicles existing onto Albert Street. The presence of the access is also fairly obvious in the street scene, thus any passers-by are likely to be cognisant of the need to pay due care and attention to vehicles entering and exiting the site.
19. There may be occasions where buses dropping off or picking up passengers would block the access for a short period. This might result in drivers wishing to enter the lane having to wait in the carriageway. This might already happen with the existing use of the lane and it is unlikely that the marginal increase in potential usage would result in significant issues of delay or inconvenience for road users. Even with regular bus services, the potential for conflict is likely to be quite low and fleeting in nature.
20. Taking all relevant factors into account, I am not convinced by the evidence before me that the development would result in an unacceptable risk to highway or pedestrian safety. Accordingly, there would be no conflict with Spatial Policy 7 of the CS or Policy DM5 of the ADM which seek, amongst other things, to ensure development provides safe access.

### **Other Matters**

21. Given that I have concluded the development would be acceptable, I see no reason why my decision would necessarily lead to harmful development on other sites in the area. Should proposals come forward on other plots along Green Lane, they would be assessed on their own merits.
22. The Council raises no objections in terms of the impact on the living conditions of neighbours. The existing boundary treatment would provide adequate screening between the ground floor windows of the development and No 3. The height of the development would also ensure there would be no undue impact in terms of overlooking or light. The effect on outlook from No 3 would also be limited by the relatively low profile of the development. There is also

no reason why a small scale residential development should have any unacceptable impacts in terms of noise or disturbance. I am satisfied therefore that the development would not harm nearby living conditions.

23. The Council also raises no objections in terms of the effect on biodiversity and there is nothing before me that would lead me to a different conclusion. While the current unmaintained nature of the site might provide some scope for wildlife, there is nothing before me to suggest that the development would affect any protected species. As such, it would not be appropriate to withhold planning permission on biodiversity grounds.
24. Issues relating to the right of access to the site are not matters before me and have had no bearing on my decision.

### **Conditions**

25. I have considered the suggested conditions from the Council in accordance with the Planning Practice Guidance (PPG). In addition to the standard condition which limits the lifespan of the planning permission, I have imposed a condition specifying the relevant drawings as this provides certainty.
26. Condition 3 is necessary in the interests of character and appearance. I have amended the suggested wording in the interests of precision. Conditions 4, 5, 6 and 7 are necessary in the interests of the character and appearance of the area and tree protection. Notwithstanding the evidence submitted with the application, I consider it necessary for the specific details of the extent of the forecourt, materials and tree protection measures to be agreed prior to development commencing. This is necessary to ensure the development proceeds in accordance with the approved details. I have also made minor amendments to the suggested wording in the interests of clarity and precision. Condition 8 is necessary in the interests of the living conditions of nearby residents and highway safety.
27. I have not imposed the suggested condition relating to tree or hedge removal as this does not form part of the proposal and is thus unnecessary.

### **Conclusion**

28. For the reasons given above I conclude that the appeal should be allowed.

*S J Lee*

INSPECTOR

### **Schedule of Conditions**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) Other than as required by conditions 4, the development hereby permitted shall be carried out in accordance with the following approved plans: Site Plan as proposed – 422 -101; Plans as proposed – 422 – 102; Elevations as proposed – 422 -200; Construction notes and section – 422-300.



- 3) The external surfaces of the development hereby permitted shall be constructed in the materials shown on drawing: Construction notes and section – 422-300.
- 4) No development shall commence 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:
  - i. A schedule (including planting plans and written specifications, including cultivation and other operations associated with plant and grass establishment) of trees, shrubs and other plants, noting species, plant sizes, proposed numbers and densities. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species.
  - ii. means of enclosure;
  - iii. the extent and nature of hard surfacing materials;
- 5) The approved soft landscaping scheme shall be completed during the first planting season following the commencement of the development, or such longer period as may be agreed in writing by the local planning authority. Any trees/shrubs which, within a period of five years of being planted die, are removed or become seriously damaged or diseased shall be replaced in the current or next (whichever is the sooner) planting season (1st November to 31st March) with others of similar size and species unless otherwise agreed in writing by the local planning authority. The approved hard landscaping shall be completed prior to the occupation of the dwelling hereby approved.
- 6) No works or development shall take place until a scheme for protection of the retained trees has been agreed in writing with the local 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 any scaffolding erection within the root protection areas
  - 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 be thereafter be carried out in full accordance with the approved tree/hedgerow protection scheme.
- 7) 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 or fencing 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 on or adjacent to the application site, unless approved under conditions 4 and 7.
  - 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 local planning authority.
- 8) No part of the development hereby permitted shall be brought into use until the parking area is provided in accordance with the approved plans. The parking area shall not be used for any purpose other than the parking of vehicles.

**QUARTERLY ENFORCEMENT ACTIVITY UPDATE REPORT**

This report follows on from the report that was presented to Members on 16 January 2018 which highlighted planning enforcement performance until the end of 2017. This report relates to the quarter from 1 January until 31 March 2018 and provides an update on cases where formal action has been taken. It also includes case studies which show how the breaches of planning control have been resolved through negotiation.

This report presents a snap shot on the general volumes of cases received and dealt with as follows:

- Schedule A outlines the enforcement activity during the quarter (January to March 2018) which captures the overall split to show of the cases investigated, how many are found to be a breach of planning or otherwise.
- Schedule B (separate attachment) sets this (on a pro-rata basis) against the activity over previous quarters). Please note that cases closed exceed, on occasion, cases received as a case received in an earlier quarter may have been closed.
- Schedule C details a summary of formal action taken since the last report was compiled which in this case is for the quarter.
- Schedule D – provides examples of cases where breaches of planning control have been resolved without formal action having been taken.
- Schedule E – Notices complied with.

**SCHEDULE A**

**Table 1**

<b>SCHEDULE A: ENFORCEMENT CASES</b>	1 to 31 January 2018	1 to 28 February 2018	1 to 31 March 2018
Cases Received	41	31	22
Case closed*	56	49	25
Notice issued	4	4	6
Notice complied with	1	0	2
Appeal lodged	0	2	0
Prosecutions	0	0	0

It should be noted that ‘case closed’ can include a number of outcomes, which are generally breach resolved (through planning application or removal), no breach identified (not development or permitted development), or that a breach exists but it is not expedient to pursue. Please note that ‘Notice’ for the purposes of these statistics does not include Planning Contravention Notices issued.

Of the cases closed, the reasons for these closures are detailed below in Table 2:

**Table 2**

<b>Month/Year</b>	<b>Total Number of Cases Closed</b>	<b>No Breach (No Further Action required)</b>	<b>Breach Resolved (through negotiation, permission granted etc)</b>	<b>Breach – No Further Action (as not expedient)</b>	<b>Other (such as Duplicate Case)</b>
Jan 2018	56	28 (50%)	19 (33.92%)	8 (14.28%)	1 (1.78%)
Feb 2018	49	18 (36.73%)	7 (14.28%)	20 (40.81%)	4 (8.16%)
Mar 2018	25	14 (56%)	7 (28%)	3 (12%)	1 (4%)
<b>Totals/Average</b>	<b>130</b>	<b>60 (47.56%)</b>	<b>33 (25.4%)</b>	<b>31 (22.36%)</b>	<b>6 (13.94%)</b>

**SCHEDULE B – SEE SEPARATE SHEET AT END OF THIS REPORT.**

**SCHEDULE C. FORMAL ACTION TAKEN (1<sup>st</sup> January to 31<sup>st</sup> March 2018)**

Schedule C provides a more detailed position statement on formal action (such as enforcement notices served) since the report performance report was brought before Members. This table does not detail Planning Contravention Notices served.

**FORMAL ACTION TAKEN JANUARY 2018**

<b>Enforcement Ref:</b>	<b>17/00307/ENF</b>
<b>Site Address:</b>	<b>71 Walesby Lane Ollerton Nottinghamshire NG22 9UT</b>
<b>Alleged Breach</b>	<b>Running a scrap business from home</b>
<b>Date received</b>	<b>31.08.2017</b>
<b>ACTION TO DATE:</b>	<b>Section 215 (Untidy Land) Notice served 09.01.18</b>
<b><u>Background</u></b>	
Concern was expressed to the LPA that a scrap business was being operated from the front garden of a residential property which was confirmed during site inspections. The result was an untidy property frontage that was considered to harm the visual amenity of the area.	

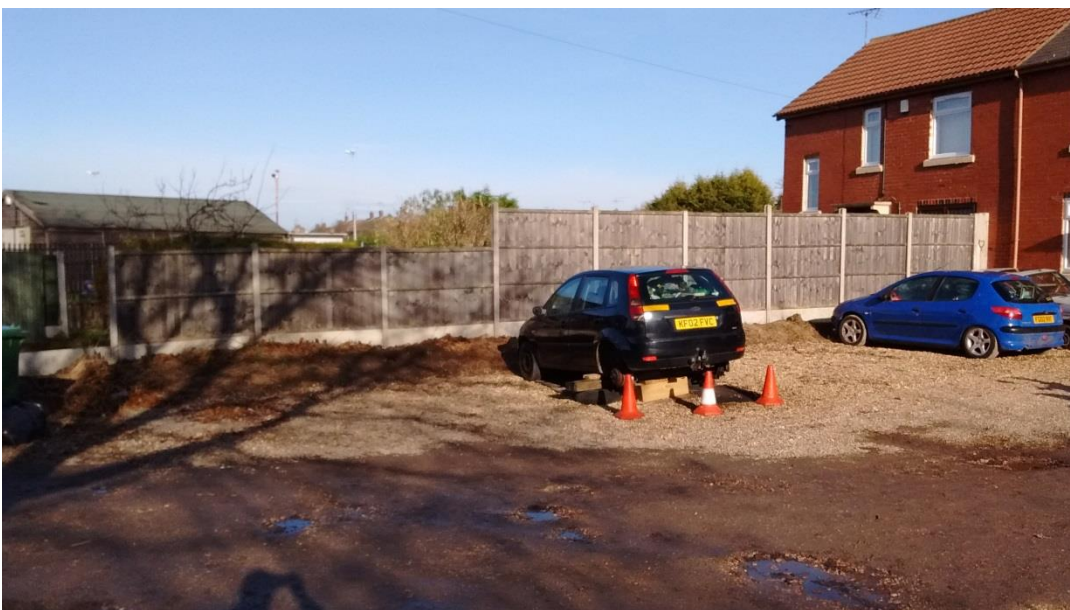


The owner/occupier was requested to tidy the land but no action was taken. Consequently a Notice under Section 215 was served upon the occupier. The Notice was served on 9 January 2018 and took effect on 6 February 2018. It required:

- 1) Remove from the land highlighted in blue on the attached plan, all vehicles that do not have an up-to-date MOT certificate; and
- 2) Remove from the land highlighted in blue on the attached plan, all vehicle parts, tools, accessories and any other materials, fluids or goods.

Compliance was required for point (1) within 4 months (so by 6 June 2018); and for point (2) within one month (so by 6 March 2018). As is demonstrated by Schedule E, a site visit has confirmed that the notice has been complied with.

The current position is that the has been almost full compliance with the notice and it is anticipated that the remaining requirements will be met soon.



**Enforcement Ref:** 16/0222/ENF

**Site Address:** Forge House  
Westgate  
Southwell  
Nottinghamshire  
NG25 0LD

**Alleged Breach** Alteration to roof of dwelling with dormer loft extension to rear

**Date received** 2016

**ACTION TO DATE:** Service of Enforcement Notice 10/01/2018.

#### Background

Members may recall that a planning application was submitted retrospectively for this development (planning ref 16/02032/FUL) comprising a former window on a dwelling within the Conservation Area.



It was recommended for refusal on the grounds that the proportions had a harmful impact upon the dwelling, the wider Conservation Area and upon the amenities of neighbouring properties through an overbearing impact. Members resolved to refuse this in line with the officer recommendation but wanted to understand the enforcement options before any decision was made. A further enforcement report was presented to the Planning Committee in March 2017 where Members resolved to refuse permission and issue an Enforcement Notice. However Members expressed some sympathy for the position of the applicants and wanted officers to explore how we could assist the occupiers. Consequently officers have engaged with the applicants in efforts to secure an acceptable solution hence the delay in serving the Notice.

An Enforcement Notice was served on 10 January 2018 which takes effect on 7 February 2018 which requires:

- A) The removal of the dormer roof loft extension;
- B) The replacement of the roof to its former condition; and
- C) Removal of resultant waste from the site.



The Notice gives a compliance period of 730 days (2 years) so 7 February 2020. An appeal against the Notice has been received (but is not yet valid) on the grounds that planning permission should be granted.

**Enforcement Ref:** 17/00365/ENF

**Site Address:** Wellow Lodge  
Rufford Lane  
Rufford  
Nottinghamshire, NG22 9DJ

**Alleged Breach** Unauthorised fence adjoining a listed building

**Date Received** 16.10.2017

**ACTION TO DATE:** Service of Enforcement Notice 23/01/2018

Background

It was noted in October 2017 that an unauthorised boundary treatment had been erected at the above property which is Grade II listed. The boundary comprises gabion blocks with timber fencing above which enclose the north and east elevations, is constructed adjacent to a highway and exceeds the permitted 1 metre height. The means of enclosure requires planning permission and was judged by officers to be harmful to the setting of the listed building. The owner/occupier was written to regarding the matter but no response was received to our letters. Therefore an Enforcement Notice was served on 23<sup>rd</sup> January 2018 with the Notice taking effect on 20<sup>th</sup> February 2018.



The Notice requires:

- A) The removal of all means of enclosure (the gabion blocks and timber fence panels) from the North and East Elevations; and
- B) Remove resultant materials from the site

Compliance for the unauthorised works was by 24 May for (A) and by 3 June 2018 for (B).

Upon receipt of the Enforcement Notice the owner/occupier made contact with Officers stating they had not received previous correspondence sent out prior to the service of the Notice. The owner has since been in discussions with the Enforcement and Conservation Officers to negotiate a solution to the issues. It is proposed that the wooden addition to the top of the wall will be removed, along with the facing wire meshing as well as undertaking further foliage planting (in addition to works that have already been undertaken) to soften the effect and impact of the enclosure. A timetable for the remedy is now being discussed. On the basis of the applicants willingness to work with the Authority to resolve the breach the Notice was withdrawn on 19 February 2018. Failure to satisfactorily resolve the breach will result in the re-service of a further Notice.

**Enforcement Ref:** 17/00423/ENF

**Site Address:** 60A High Street  
Collingham  
Newark  
NG23 7LB

**Alleged Breach** Untidy Land

**Date received** 20.11.2017

**ACTION TO DATE:** Service of Section 215 Notice on 23 January 2018

#### Background

A compliant was received from the Parish Council regarding the untidy state of the above land in November 2017. This was confirmed the following day when our Enforcement Officer inspected the site and judged the site to be harmful to the visual amenity of the area. Attempts to negotiate the clearance of the site via correspondence were unsuccessful culminating in the service of a Section 215 (Untidy Land) Notice.

The Notice requires:

- A) Remove all excess hard-core and debris from the site including, but not limited to, all rubble, wood and fence panels as shown in Figure 1.
- B) Remove from the site or conceal underground all blue and yellow piping, currently protruding from the unfinished groundwork addressed in step (A)
- C) Complete building operations to appropriately tarmac the area highlighted in Figure 1, following compliance with steps (A) and (B).
- D) Remove from the site the trench cover and appropriately replace the inspection chamber lid. This should comply with Part H of the Approved Documents/Building Regulations 2010, and be suitable to take loadings from any traffic above and be of an air tight fit.

The Notice took effect on 27 February 2017 with a time period for compliance as 56 days (25<sup>th</sup> April 2018) for A to C and 28 days for D (28 March 2018). Step D had been complied with by the 19 March 2018; however steps A-C remain outstanding.



## **FORMAL ACTION TAKEN IN FEBRUARY 2018**

**Enforcement Ref:** 11/000018/ENF

**Site Address:** Lowfield Farm  
111 Gainsborough Road  
Langford  
NG23 7RN

**Alleged Breach** Use of land for commercial plant machinery hire

**Date received** 13.01.2011

**ACTION TO DATE:** Service of Breach of Condition 01.02.2018.

### Background

This enforcement case is a long standing case where there is extensive site history including two appeals. The first appeal was dismissed albeit the latter appeal which related to the operation of the business from the site was allowed on appeal in 2013. In granting permission for this business, the Inspector did so subject to a number of conditions. Condition 2 states that;

- 2) No materials, vehicles or plant hire equipment shall be stored on the site outside the building, save for the parking of up to 3 vehicles at any time.

Information has been received alleging the breach of this condition. Upon inspection it is clear that the condition is being breached repeatedly and the service of a Breach of Condition Notice has become necessary which was served on 1 February 2018. Compliance is required 35 days from the date the Notice was served and a site inspection will take place after this time to establish if the breach has been resolved or whether further action will be necessary.

**Enforcement Ref:** 18/00036/ENF

**Site Address:** Land at Winthorpe Road  
Newark  
Nottinghamshire

**Alleged Breach** Unauthorised gypsy and traveller encampment

**Date received** 25.01.2018

**ACTION TO DATE:** Injunction Served and Enforcement Notice Served on 15.02.2018

### Background

Concern was expressed to the Authority that an unauthorised gypsy and traveller encampment was being set up. Intelligence suggested that there was strong likelihood that the site was about to be occupied for residential purposes and therefore the Authority applied to the Court for a pre-exemptive Injunction. However before the case was heard in Court, families moved onto the site. An Injunction was therefore granted at the Court Hearing.

The site lies within the open break between settlements and lies within flood zone 2 and takes its access off the Newark bypass. As such it was considered there would be planning harm caused by the development and it was considered expedient to take formal action.

An Enforcement Notice was also served on 15 February 2018 with the Notice taking effect on 16 March 2018 requiring;

- The cessation of the use of the land for residential occupation (compliance period 56 days)
- Removal from the land all caravans and residential paraphernalia including all structures and planting undertaken on the land (time for compliance 58 days)
- Removal from the land, a brick structure (time for compliance is 63 days)

An appeal against the Notice has been lodged albeit it has not yet been validated by the Planning Inspectorate.

On 6 March 2018 the Courts determined that punitive injunction measures for its breach would be halted pending the outcome of the appeal.

**Enforcement Ref:** 17/00253/ENF

**Site Address:** 11 Newark Road  
Ollerton  
Nottinghamshire

**Alleged Breach** Erection of garden building without planning permission

**Date received** 21.07.2017

**ACTION TO DATE:** Service of Enforcement Notice on 08.02.2018

Background

A compliant was received that an unauthorised outbuilding was being erected within the rear garden that was very large. Upon inspection it was established that planning permission would be required for the structure, along with an associated raised platform surrounding it, due to their close proximity to the neighbouring boundary and heights from ground level which exceeded the permitted height allowance under the relevant legislation.



The owner was advised to reduce the sizes to comply with the legislation as the development was considered to have an adverse impact upon the character and appearance of the area given its overly dominant size and given that the introduction of the raised platform (and the structure) would introduce actual and perceived overlooking to the neighbours, contrary to the Development Plan. However no action was taken to reduce or remove the harm resulting in the service of an Enforcement Notice on 8 February 2018 which takes effect on 10 March 2018. The Notice requires the owners to:

- A) Reduce the height of the garden building to a height of no greater than 2.5m (as is permitted) and
- B) Reduce the height of the platform surrounding the garden building to no greater than 0.3m (as is permitted)

Compliance is required for both elements is 90 days.

**Enforcement Ref:** 17/00143/ENF

**Site Address:** 3-5 Bar Gate  
Newark  
Nottinghamshire  
NG24 1ES

**Alleged Breach** Installation of ATM, shopfront and associated illumination

**Date Received** 08.05.2017

**ACTION TO DATE:** Service of Enforcement Notice 28.02.2018.

Background

The Local Planning Authority became aware that the above premises occupied by 'European Supermarket' had without planning permission installed an ATM through a composite security panel to the right hand side of the shop entrance, including associated integral illuminated screen, signage and halo lighting. It should be noted that the advert illumination will be dealt with separately by means of prosecution.



The development was considered harmful to the character and appearance of the Newark Conservation Area and attempts to negotiate a resolution failed resulting in the service of an Enforcement Notice on 28 February 2018 which takes effect on 2 April 2018.

The Notice requires:

- A. The removal of the ATM and all associated development including, but not limited to, the composite security panel and illumination.
- B. Make good any holes created by the installation of the fixture with materials which match the existing building and remove all resultant material and debris from the site.

Compliance for the unauthorised development is 42 days so by 14 May 2018.

## **FORMAL ACTION TAKEN IN MARCH 2018**

**Enforcement Ref:** 17/00136/ENF

**Site Address:** Railway Lake  
Gonalston Lane  
Hoveringham

**Alleged Breach** Non-compliance with planning conditions attached to 15/01537/FULM

**Date received** 03.05.2017

**ACTION TO DATE:** Service of Breach of Condition Notice on 08.03.2018

### Background

Members will recall that the Planning Committee resolved, at their March 2018 meeting, to refuse planning permission for the ‘...variation of conditions 2 and 13 of planning permission 15/01537/FULM (Change of Use of the Railway Lake to Watersport and Scouting Use, incorporating installation of portacabin for changing/training room and installation of septic tank) to allow the portacabin to be 9.6m x 9m, with rear decking area of 4.7m x 11.8m and painted Forest Green rather than clad. In addition retention of 2.35m high compound fence, 2.53m high compound gates and 4 metal storage containers and a timber shed within the compound area. (Retrospective)’

As this was retrospective, it was necessary when refusing the permission to also serve Breach of Condition Notice.

- Condition 2 of planning permission 15/01537/FULM required the applicant to undertake the development in accordance within the approved plans which was in breach due to the portacabins being larger than approved and have been painted green. The associated decking is deeper and wider than approved and 2 additional metal storage containers and timber shed have been sited within the boat storage compound.
- Condition 13 required the development to accord with the materials approved. However the portacabins which were to be finished in Yorkshire boarding have been painted green instead.
- Condition 17 required that no development commence until a hard and soft landscaping scheme was submitted and approved. A scheme was approved detailing a screening the compound with a 1.8m high fence and gates. However the fence erected is 2.35m in height and the gates were 2.53m.

A Breach of Condition Notice was served on 8<sup>th</sup> March 2018 taking effect on 9<sup>th</sup> April 2018 requiring the following measures:

- (1) Reduce the size of the portacabins comply with the approved details, to be 8.3m x 8.3m, and finish in Yorkshire boarding.
- (2) Reduce the size of the decking to the size as detailed, 3m deep by 10m wide.

- (3) Completely remove from the site the 2 additional metal storage containers (not shown on plan received 26/8/15) and a timber shed that have been placed within the boat stor compound, as identified on the amended site plan, submitted on 8<sup>th</sup> February 2018 as part of planning application reference 17/01882/FULM.
- (4) Reduce the height of the compound fencing and gates to 1.8m in height.
- (5) Any trees/shrubs which have died, been removed or have become seriously damaged or diseased, shall be replaced in the current or next planting season with others of similar size and species in accordance with the details approved and contained on site layout plan 2016 received 01/08/16.

The time for compliance was given as follows.

- (1) 6 months after this notice takes effect.
- (2) 6 months after this notice takes effect.
- (3) 3 months after this notice takes effect.
- (4) 6 months after this notice takes effect.
- (5) 3 months after this notice takes effect.

**Enforcement Ref:** 17/00362/ENF

**Site Address:** Land on South Side of Ricket Lane  
Blidworth  
Mansfield  
Nottinghamshire

**Alleged Breach** Change of use from agricultural land to storage of vehicles and scrap etc.

**Date received** 11.10.2017

**ACTION TO DATE:** Service of Enforcement Notice 15.03.2018.

Background

It was brought to the attention of the Local Planning Authority in October 2017 that the land was being used for the storage of a range of items not related to agriculture. The site is located within the green belt. Officers judged that this type of development would be unacceptable due to its scale, nature and its impact on the open and rural character of the surrounding landscape and that the untidy condition of the land negatively impacts the visual amenity of the area. The owner was contacted but no reply was received. Therefore an Enforcement Notice was served on 3 January 2018 with the Notice taking effect on 7 February 2018. However in displaying the Notice on site, we were contacted by another person (a tenant) who also had an interest in the land. This necessitated the withdrawal of the Notice so that it could be reserved (the same day) on all interested parties which was done on 15 March 2018. The reserved Notices take effect on 15 April 2018.





The Notice requires:

- A) The removal from the Land all items not used in conjunction with the agricultural use of the land including but not limited to; static caravan, boat and associated trailer, shipping container, motorhome, all floor-cleaners and any other debris; and
- B) ) Cease the use of the Land for the storage of non-agricultural 'paraphernalia'.

Compliance for the unauthorised development 2 months in each case so by 15 June 2018.

**Enforcement Ref:** 17/00427/ENF

**Site Address:** Burgess House  
Main Street  
Farnsfield

**Alleged Breach** Gate piers not in accordance with approved plans - 17/00018/LBC

**Date received** 24.11.2017

**ACTION TO DATE:** Service of Breach of Condition Notice & Listed Building Enforcement Notice on 15.03.2018

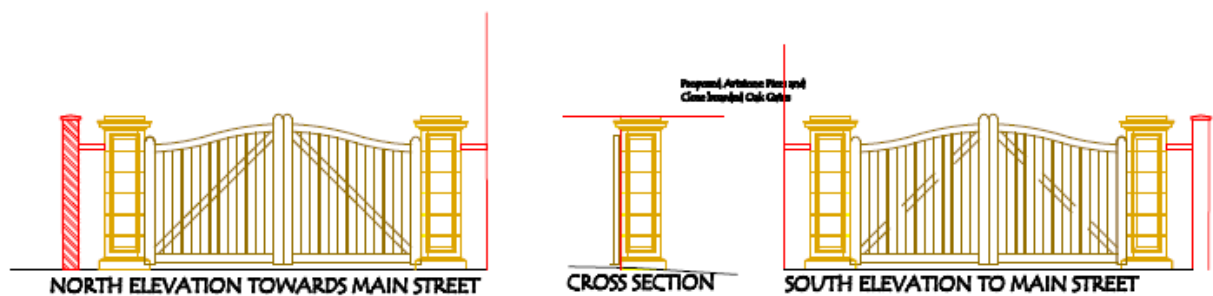
## Background

Planning permission and listed building consent were granted on 15<sup>th</sup> March 2017 for the installation of a pair of gates to a vehicular entrance to a residential property. Condition 2 of the permission required that development be carried out in accordance with the approved plans and Condition 3 required details of the design and finish of the gates, piers, iron monger and control mechanism be submitted for approval before development was commenced. These conditions were not complied with and the resultant development was considered harmful to the setting of Grade II listed building. Resolution through negotiation proved ineffective resulting in the service of two Notices.



The Breach of Condition Notice, which takes effect on 14<sup>th</sup> April 2018 requires the owner to;

- Reduce the height of the gate piers to the height detailed within the approved plans (shown below) within 56 days of the notice taking effect.



A Listed Building Enforcement Notice was also served taking effect on 14<sup>th</sup> April also giving the owner 56 days to remedy the breach by;

- a) Removing the wooden gate (shown below) and;





b) Reinstating the metal gates (and necessary fixings) that separates the site from Main street, (as shown below)



The BCN has now been complied with in full.



Compliance with the Listed Building Enforcement Notice is awaited – an appeal against the service of the Notice has now been received.

**Enforcement Ref:** 17/00070/ENF

**Site Address:** Bargain Booze  
Unit 3  
2 Church Street  
Edwinstowe  
Nottinghamshire

**Alleged Breach** Development of land between shop and neighbouring hotel.

**Date received** 22.03.2017

**ACTION TO DATE:** Service of Enforcement Notice 13.03.2018.

Background

A district councillor brought to the attention of officers that land between the Bargain Booze premises and the neighbouring hotel was being used as a sales forecourt in connection with a retail premises, that a fence had been erected around this and a hard surface had been laid. Upon inspection it was established that the works undertaken needed planning permission along with the change of use of the land for a sales area. It was considered that the development was harmful to the character and appearance of the area (which is a Conservation Area) and to the setting of nearby listed buildings. Whilst negotiations have taken place with the occupiers (and have been to some extent successful in terms of reducing the number of advertisements displayed at the site) it has not resolved the breach and it has been considered necessary to serve a Notice.



## The site before the breach



An Enforcement Notice was served on 15 March 2018 with the Notice taking effect on 16 April 2018.

The Notice requires:

- Remove from the land all unauthorised development including, but not limited to, the wire mesh fencing, posts and hard surfacing within 84 days.
- Cease using the land for the display and storage of goods, in particular items associated with the retail use of the surrounding land including, but not limited to, baskets, boxes, shelving units and pallets within 28 days.
- Return the land to its former grassed condition prior to the unauthorised development taking place to the satisfaction of the Local Planning Authority within 84 days.
- Remove all resultant material and debris from the site within 84 days.

Compliance is awaited. Officers will check the site upon the expiry of the compliance period which is 9 July 2018 for the physical breaches.

An appeal (currently invalid) has been lodged to the Planning Inspectorate on the grounds that (A) the development should be granted retrospective planning permission.

**Enforcement Ref:** 17/00335/ENF

**Site Address:** 3 Freeth Terraces  
North Clifton  
NG23 7AX

**Alleged Breach** Erection of detached double garage (not in accordance with approved plans)

**Date received** 22.09.2017

**ACTION TO DATE:** Service of Enforcement Notice on 29.03.2018

#### Background

Planning permission was granted on 21 September 2016 under planning permission 16/00524/FUL for a detached double garage following lengthy negotiations to secure an appropriate scheme. However upon site inspection it was established that the garage that has been erected was not in accordance with the approved plan, in that it is larger in width, length and height and the materials used in its construction and roof design do not reflect the approval. The garage as built by reason of its size, scale, design and materials is considered to be detrimental to the character and appearance of the area. Whilst the owner/occupier has co-operated thus far, it hasn't been as quickly as officers would have liked and it was considered that an Enforcement Notice was the most appropriate means of securing an appropriate timetable for its removal.



The Notice was served on 29 March 2018 and takes effect on 26 April 2018. It requires the demolition of the unauthorised structure and the removal of all resulting materials and debris from the site within 4 months; so by 26 August 2018.

**SCHEDULE D: EXAMPLES OF BREACHES RESOLVED WITHOUT FORMAL ACTION**

Formal enforcement action is usually the last resort and where negotiations have failed to produce a satisfactory resolution of a breach of planning control. It is worthwhile pointing out that where we refuse a retrospective application the Council would ordinarily issue a formal Notice to those with an interest in the land as this then limits the time for appeal to 28 days rather than the usual 6 months and avoids the applicant from having two opportunities of appeal which ultimately would cost the Council money to defend. In the vast majority of cases negotiation, or the threat of formal action, is enough to secure compliance with planning legislation and the following are a few examples of how officers have resolved breaches through negotiation during the last quarter.

**17/00420/ENF - BATHLEY**

A compliant was received regarding the erection of a fence which was higher than the permitted 2m height allowed for by planning legislation. There was harm identified by Officers given the resultant visual appearance of this fence due to its excessive height, starkness and expanse. Originally it extended the entire length of the fenceline so was actually considered to be more harmful than the 'before' picture below shows. However following correspondence, the fence was removed, resolving the breach and the case is now closed.

Before



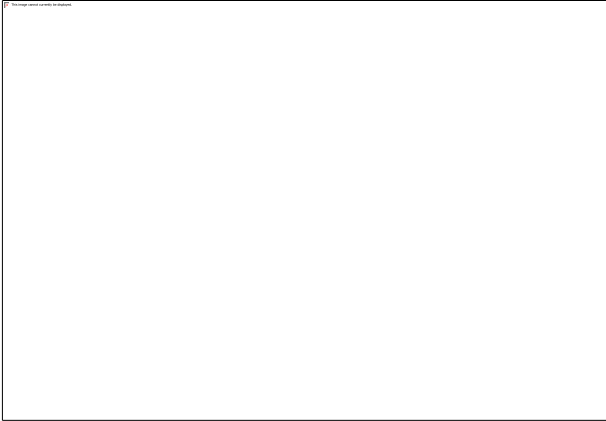
After



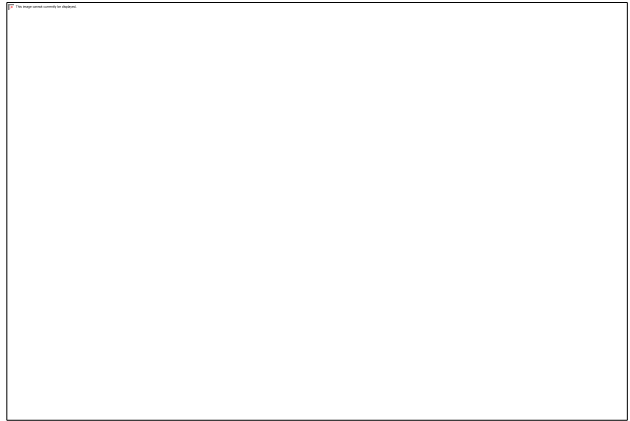
**16/00302/ENF – OXTON**

A compliant was received regarding the siting of an unauthorised shipping container within Oxton Conservation Area. Upon investigation it was established that the container was on concrete pads and had a degree of permanence and as such required planning permission. However given its appearance it was considered unlikely that consent would be granted, a view shared by our Conservation officers. Negotiations took place and an application was lodged to clad and retain the container in a revised location, which was subsequently approved under planning reference 17/01242/FUL. This has now been approved and the container is now clad and re-sited with the breach of control having been resolved.

Before



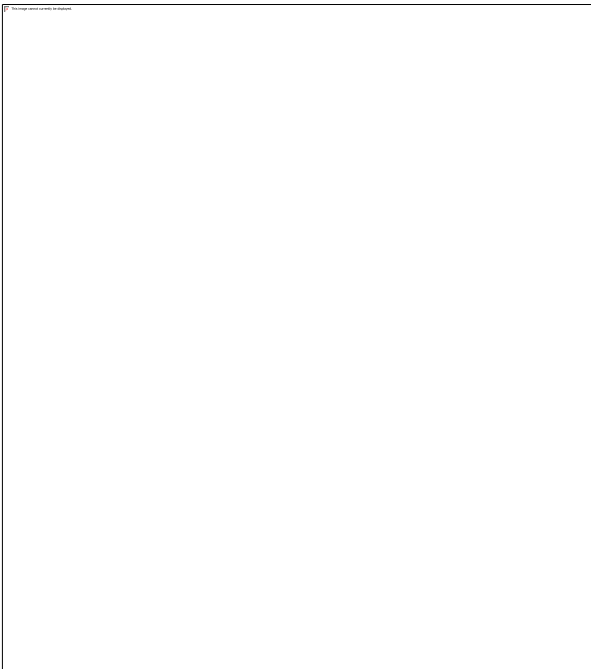
After



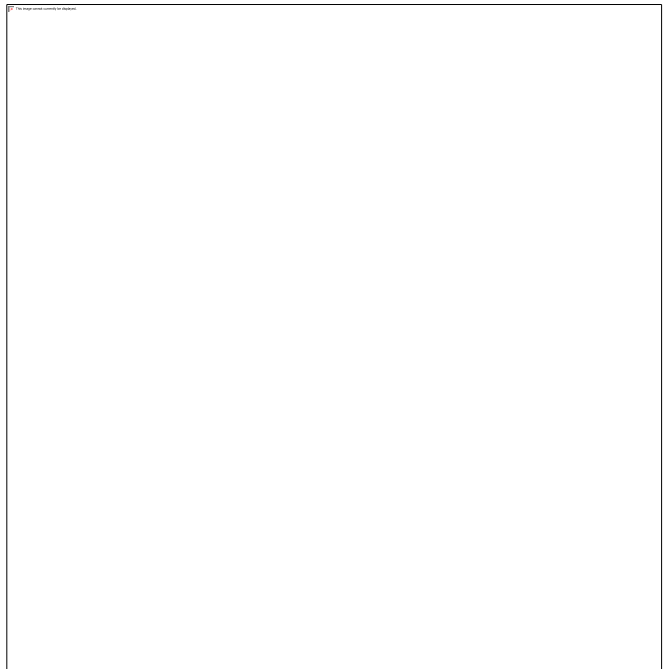
**17/00126/ENF – NEWARK**

An elected Member raised a complaint that unauthorised signage was being displayed within the upper windows of a Grade II listed building in Newark. Upon inspection it was noted that a film had been applied to the windows that was considered harmful to both the appearance of the listed building and the wider Conservation Area within which the building sits. The applicant was requested to remove this film and compliance was forthcoming.

Before



After



**16/00291/ENF – OLLERTON**

A Member of the public raised a complaint regarding the untidy state of a piece of land. Upon inspection it was clear that the land was overgrown and had been used as a dumping ground for various items including pallets and waste material. Through negotiations with the land owner the land has been cleared of all waste, a set of gates has been erected at the site entrance to control access as well as a warning sign.



Before



After



**SCHEDULE E – NOTICES COMPLIED WITH DURING QUARTER (01.01.2018 TO 31.03.2018)**

**17/00370/ENF – Signage - 14 Castle Gate, Newark**

It was reported at the Planning Committee in January 2018 that a Listed Building Enforcement Notice had been issued to secure the removal of a projecting 'Just Eat' sign at (Real Burger Company) 14 Castle Gate in Newark on 8 December 2017.

The sign was removed and the building made good as required by the Notice in January 2018. As the Notice has been complied with, the case has now been closed with no further action necessary.

Before



After



**17/00307/ENF – Untidy land, 71 Walesby Lane, Ollerton**

As confirmed by Schedule C above, a notice was served on 9 January 2018. A site visit undertaken on 30 January 2018 confirms that the notice has been complied with.

Before





After



### **RECOMMENDATION**

**Planning Committee considers the contents of the report and identifies any issues it wishes to examine further.**

Background Papers

Enforcement Case Files

For further information please contact Clare Walker on Extension 5834 or [planning@nsdc.info](mailto:planning@nsdc.info)

**Matt Lamb**  
**Business Manager Growth & Regeneration**

**SCHEDULE B - ENFORCEMENT PERFORMANCE REPORT – PERFORMANCE BY QUARTER**

	Q1 2016/17 1 April to 30 June	Q2 2016/17 1 July to 30 September	Q3 2016/17 1 October to 31 December	Q4 2016/17 1 January – 31 March	Q1 - 2017/18 1 April to 30 June	Q2 2017/18 1 July to 30 September	Q3 2017/18 1 October to 31 December	Q4 2017/18 1 January – 31 March
Cases Received	108	94	65	80	140	119	106	94
Cases Closed	74	64	59	55	106	127	80	130

