



*Castle House
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Monday, 28 January 2019

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 P Duncan
Councillor J Lee

Councillor Mrs P Rainbow
Councillor F Taylor
Councillor Mrs L Tift
Councillor I Walker
Councillor B Wells
Councillor Mrs Y Woodhead

MEETING: Planning Committee

DATE: Tuesday, 5 February 2019 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.

AGENDA

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13. The Orchard, Middle Lane, Morton, Southwell (18/02146/FUL) Site Visit: 10.05am – 10.15am	160 - 171
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16. Bulcote Farm, Old Main Road, Bulcote (15/00784/FULM) and (17/02325/FULM)	199 - 330
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Part 2 - Items for Information

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Part 3 - Statistical and Performance Review Items

There are none.

Part 4 - Exempt and Confidential Items

22. 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.

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 **Planning Committee** held in the Civic Suite, Castle House, Great North Road, Newark, Notts, NG24 1BY on Tuesday, 15 January 2019 at 4.00 pm.

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

Councillor R Blaney, Councillor Mrs C Brooks, Councillor B Crowe,
Councillor Mrs M Dobson, Councillor P Duncan, Councillor J Lee,
Councillor Mrs P Rainbow, Councillor F Taylor, Councillor Mrs L Tift,
Councillor I Walker, Councillor B Wells and Councillor Mrs Y Woodhead

APOLOGIES FOR ABSENCE: Councillor Mrs K Arnold (Committee Member)

160 DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS

Councillor F. Taylor declared Personal Interests in agenda Item No. 6 – The New Ritz, 127 Mansfield Road, Clipstone (18/01435/FUL) and Item No. 17 – Gibbet Wood, Brown Wood Lane, Thorney (18/01671/FUL) as he was known to the applicants.

Councillors Mrs M. Dobson and D.R Payne declared a Personal Interest in agenda Item No. 14 – Land to the Rear of 112-118 High Street, Collingham (18/01863/FUL) as they were known to the parents of the applicant.

Councillors D.R. Payne, I. Walker and B. Wells declared Personal Interests in Agenda Item No. 17 – Gibbet Wood, Brown Wood Lane, Thorney (18/01671/FUL) as they were known to the father of the applicant due to service as Members of the Trent Valley Internal Drainage Board.

161 DECLARATION OF ANY INTENTIONS TO RECORD THE MEETING

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

162 MINUTES OF THE PREVIOUS MEETING

The Committee considered the minutes of the meeting held on 4 December 2018 and proposed an amendment to Minute No. 155 – Highfields School, London Road, Balderton, Newark (17/00357/FULM & 16/01134/FULM). The minute should read in the paragraphs starting Appeal A and Appeal B unacceptable scheme in planning terms and not acceptable scheme.

Minute No. 140 – Declarations of Interests by Members and Officers, Councillor D R Payne also declared a Personal Interest in agenda item No. 14 – Land to the Rear of 112 – 118 High Street, Collingham, as he was known to the parents of the applicant.

AGREED (unanimously) that subject to the above amendments the minutes of the meeting held on 4 December 2018 be approved as a correct record and signed by the Chairman.

163 ORDER OF BUSINESS

With the agreement of the Committee, the Chairman changed the order of business and Agenda item 11 was taken after Item 5. Item 17 was taken after item 9. The agenda resumed its stated order thereafter.

The Committee was also informed that Agenda items 13 – Balderton Hydro Pool, Gilbert Way, Fernwood (18/02125/FUL) and item 14 – item 14 Marlock Chase, Station Road, Fiskerton (18/01925/FUL) had been withdrawn from the agenda at the applicant's request.

164 SITE OF THE BEARINGS, BOWBRIDGE ROAD, NEWARK ON TRENT (18/00973/FULM)

The Committee considered the report of the Business Manager Growth & Regeneration, following a site inspection, which sought the erection of 62 residential dwellings including new vehicular access road and removal of eight TPO trees (TPO N313).

Councillor M Skinner representing Newark Town Council spoke against the application in accordance with the views of Newark Town Council as contained within the report.

A schedule of communication was tabled at the meeting which detailed correspondence received after the Agenda was published from the agent. He had advised that the number sequencing was incorrect for the conditions.

Members considered the application and were pleased with the mix and density of houses on the site. The busy main road in front of the site was discussed and the need for the waiting restriction and double yellow lines from the hospital entrance to the fish and chip shop was raised. The Business Manager confirmed that condition 14 dealt with the traffic management works. Concern was raised regarding the two parking courts and it was questioned whether the northern one was needed as houses could be moved forward and car parking provided to the rear of the development. It was felt that there were far too many vehicles to be parked at the front of the development. It was agreed that the Officers and Applicant could address this proposal.

A Member commented on the viability available and whether the results of a hearing currently taking place could be used in support of securing full viability compliance. The Business Manager confirmed that there was material difference in that case and that on the basis that in this case the scheme would significantly over-provide for one of the much needed contributions in the form of affordable housing, a matter which could be weighed in an overall planning balance.

Members also raised concern regarding the residents car park being used by the public and how that would be enforced. The Business Manager confirmed that the car park would not be part of the adopted highway and would be managed by the registered provider who was the applicants for the scheme.

AGREED (unanimously) that full planning permission be granted subject to the

following:

- (i) the conditions contained within the report;
- (ii) discussion on the movement of the parking areas prior to issuing the decision;
- (iii) the signing and sealing of a S106 Planning Agreement to secure:
 - (a) 100% affordable housing provision;
 - (b) Contribution to Education of £148,915; and
 - (c) Maintenance of the communal landscape areas in perpetuity by the Registered Provider.

165 40 WINTHORPE ROAD, NEWARK ON TRENT, NOTTINGHAMSHIRE (18/02080/FUL)

The Committee considered the report of the Business Manager Growth & Regeneration, following a site visit, which sought full planning permission for the demolition of the existing dwelling and the erection of two pairs of semi-detached market dwellings.

Councillor M Skinner representing Newark Town Council spoke against the application in accordance with the views of Newark Town Council as contained within the report.

Members considered the application and whilst some Members considered the proposal acceptable and felt the developer had listened to the previous objections, other Members felt that the scheme did not go far enough to address the previous refusal of over development of the plot with over reliance of hard standing.

A vote was taken for approval and lost with 4 votes For, 9 votes Against and 1 Abstention.

AGREED (with 11 votes For, 1 vote Against and 2 Abstentions) that contrary to Officer recommendation planning permission be refused on the grounds that the amended scheme did not go far enough to address the previous reasons for refusal of over development of the plot with over reliance on hard standing.

In accordance with paragraph 12.5 of the Planning Protocol, as the motion was against Officer recommendation, a recorded vote was taken.

Councillor	Vote
Mrs K. Arnold	Absent
R.V. Blaney	For
Mrs A.C. Brooks	For
R.A. Crowe	For
Mrs M. Dobson	For
P. Duncan	Abstention
G.P. Handley	For
J. Lee	For
D.R. Payne	For
Mrs P. Rainbow	For

F. Taylor	Abstention
Mrs L.M.J. Tift	For
I. Walker	For
B. Wells	Against
Mrs Y. Woodhead	For

166 THE NEW RITZ, 127 MANSFIELD ROAD, CLIPSTONE, NG21 9AA (18/01435/FUL)

The Committee considered the report of the Business Manager Growth & Regeneration, following a site inspection, which sought planning permission for the construction of a three storey block of eight flats on this cleared site.

Members considered the application and the local Ward Member commented on the loss of the previous cinema building which had a distinctive Art Deco facade. The proposed Art Deco design did not replicate the previous cinema. Concern was raised regarding the size of the flats. It was commented that the plot would be better suited for much needed retail units. Car parking was raised as an issue as it was felt that the car parking spaces provided to the rear of the proposal would not be used and that the residents would use the car parking available in front of the neighbouring children's nursery, which would cause parking issues for that business. Concern was raised regarding the Bridleway running through the site and the importance that the Bridleway be kept at the width of three metres and open.

Members sought clarification regarding whether the car parking arrangements could be conditioned. The Business Manager confirmed that the neighbouring Nursery owned the car park in front of the business and the car parking could not be conditioned. An Environmental Management plan could be included into the conditions regarding the management of the building process.

(Councillor F Taylor was not present for the entire Officer presentation and did not take part in the vote).

A vote was taken to refuse planning permission and lost, with 4 votes For and 9 votes Against.

AGREED (with 9 votes For, 4 Against) that planning permission be approved subject to the conditions and reasons contained within the report.

167 LAND AT CLIPSTONE DRIVE, CLIPSTONE, NOTTINGHAMSHIRE (18/01861/FULM (MAJOR))

The Committee considered the report of the Business Manager Growth & Regeneration, following a site inspection, which sought a substitution of plots 138 – 268 (in relation to planning application 16/00139/RMAM and 12/00966/OUTM) with plots 301 – 422, a total of 131 to be substituted with 122 plots and the associated infrastructure.

Councillor P. Peacock Local Ward Member Edwinstowe & Clipstone spoke against the application on the grounds that the single road in and out of the estate given the size of the estate was inappropriate. There was not enough car parking on the estate, including parking on the pavements and the narrow roads. It was reported that an

accident had recently occurred on the road leading into the estate which had resulted in the road being closed with no access or egress for residents for some time. There were no retail/community facilities on the estate or public transport. The children's play park previously agreed two years ago had still not been provided. The Section 106 monies promised through a previous application had been reduced with an £8,000 loss to the community. Concern was also raised regarding the Estate Management fees that were being paid and may be increased each year. The lack of affordable housing was also raised and the need to challenge business viability, with only 4% being provided by this application.

Members considered the application and reiterated what the local Ward Member had reported regarding no community facilities; children's play areas or open green space.

The Business Manager confirmed that whilst retail units had been requested there were no enforcement procedures available to make the developer provide retail units.

Members sought clarification regarding the enforcement of the play area before further planning permission be granted. The Business Manager confirmed that a breach of contract would be pursued regarding the Section 106 agreement and enforcement action would be taken. It was advised that this application had to be considered on its own merits. It was also reported that discussions with local Ward Members and Clipstone Parish Council had taken place regarding securing another entrance to the site, but there were no current proposals.

Members sought clarification regarding whether the houses and the proposed scheme were larger than the previous scheme and whether an increased contribution should be provided. The Business Manager confirmed that he would check the square footage of the houses and if lower would seek the contribution as set out in the report, if larger would pro-rata the contribution on the square footage.

AGREED (with 10 votes For and 4 votes Against) that:

- (i) planning permission be approved subject to the conditions and reasons contained within the report; and
- (ii) subject to the signing and sealing of a Section 106 Agreement to secure the matters outlined in the Developer Contributions section of the report, save for any uplift in contribution required on a per square metre as opposed to per unit basis; and
- (iii) the Business Manager Growth & Regeneration check whether there was an option to pro-rata the contributions based on sq/m of the dwellings.

168 LAND TO THE REAR OF THE CROFT, GREAT NORTH ROAD, CROMWELL (18/01833/OUT)

The Committee considered the report of the Business Manager Growth & Regeneration, which sought outline planning permission with all matters reserved for the erection of one detached two-storey four bedroom dwelling with garage.

Members considered the application acceptable.

AGREED (with 9 votes For, 4 votes Against and 1 Abstention) that contrary to Officer recommendation outline planning permission be approved subject to reasonable conditions delegated to the Business Manager Growth & Regeneration.

In accordance with paragraph 12.5 of the Planning Protocol, as the motion was against Officer recommendation, a recorded vote was taken.

Councillor	Vote
Mrs K. Arnold	Absent
R.V. Blaney	For
Mrs A.C. Brooks	Against
R.A. Crowe	For
Mrs M. Dobson	For
P. Duncan	For
G.P. Handley	For
J. Lee	For
D.R. Payne	For
Mrs P. Rainbow	For
F. Taylor	Against
Mrs L.M.J. Tift	Against
I. Walker	For
B. Wells	Against
Mrs Y. Woodhead	Abstention

169 LAND ADJACENT ROEWOOD LODGE, BLEASBY ROAD, THURGARTON (18/02056/FUL)

The Committee considered the report of the Business Manager Growth & Regeneration, which sought full planning permission for the erection of a detached two storey dwelling with a detached double garage. The proposal was an amendment to a previously approved extant application which approved a similar development in a similar position on site.

A schedule of communication was tabled at the meeting which detailed correspondence received after the Agenda was published from the agent regarding a plan showing existing ground and finished floor levels in respect of condition no. 5. The Planning Case Officer recommended that Condition 5 be deleted and the plan details provided by the agent be added into condition 2 for compliance.

Councillor R. Jackson local Ward Member Dover Beck spoke against the application as he considered the proposal very intensive for the size of the plot, which had been the garden to the previous house. Planning permission had been refused in 2015 and it was felt that the applicant was trying to slowly seek consent for the original application considered in 2015. Thurgarton Parish Council had submitted their objection, as they were looking for small two bedroom properties for starter homes or for the elderly to downsize.

Members considered the application and it was felt that whilst the site could accommodate the size of the property proposed, the master bedroom suite would occupy half of the floor space and could be sub divided and the internal arrangements

changed. It was felt that the Thurgarton Neighbourhood Plan was clear and that the prosperous community was seeking to become a more balanced community.

AGREED (unanimously) that contrary to Officer recommendation planning permission be refused for the following reason:

The property was too large compared with the dwelling type required by Thurgarton and not in accordance with Thurgarton Neighbourhood Plan.

In accordance with paragraph 12.5 of the Planning Protocol, as the motion was against Officer recommendation, a recorded vote was taken.

Councillor	Vote
Mrs K. Arnold	Absent
R.V. Blaney	For
Mrs A.C. Brooks	For
R.A. Crowe	For
Mrs M. Dobson	For
P. Duncan	For
G.P. Handley	For
J. Lee	For
D.R. Payne	For
Mrs P. Rainbow	For
F. Taylor	For
Mrs L.M.J. Tift	For
I. Walker	For
B. Wells	For
Mrs Y. Woodhead	For

170 GIBBET WOOD, BROWN WOOD LANE, THORNEY (18/01671/FUL)

The Committee considered the report of the Business Manager Growth & Regeneration, which sought full planning permission for the erection of a rural workers dwelling in the form of a detached two-storey dwelling located approximately 115m to the SE of the poultry unit it was intended to serve.

A schedule of communication was tabled at the meeting which detailed correspondence received after the Agenda was published from Nottinghamshire County Council Highways and the agent.

Councillor Day representing Thorney Parish Council spoke for the siting of the application to be closer to the woodland, in accordance with the views of Thorney Parish Council as contained within the report. The Council's Legal advisor sought clarification from Councillor Day following a comment made that Councillor Day had declared a pecuniary interest at the Thorney Parish Council. Councillor Day confirmed that he was in attendance at the Planning Committee to represent the views of Thorney Parish Council and that he had no financial interest in the application.

Members considered the application and it was commented that the proposed

building should be in close proximity to the agricultural buildings. Agricultural dwellings acted as gatehouses with one access and egress in the event of the site being required to shut down. It was further commented by another Member that the proposed siting was so minor in distance that it would have no impact.

AGREED (with 12 votes For and 2 votes Against) that this item be deferred pending a site visit.

171 COURT COTTAGE, CHAPEL LANE, FARNSFIELD, NG22 8JW (18/02018/FUL)

The Committee considered the report of the Business Manager Growth & Regeneration, following a site visit, which sought full planning permission for the demolition of the existing bungalow and the erection of a detached two storey flat roof dwelling with an attached flat roof garage.

Members considered the application acceptable.

(Councillor J Lee was not present for the Officer presentation and took no part in the vote).

AGREED (unanimously) that Planning permission be granted subject to the conditions contained within the report.

172 RULE NO. 30 - DURATION OF MEETINGS

In accordance with Rule No. 30.1, the Chairman indicated that the time limit of three hours has expired and a motion was proposed and seconded to extend the meeting by a further hour.

AGREED (unanimously) that the meeting continue for a further hour.

173 LAND TO THE REAR OF 112-118, HIGH STREET, COLLINGHAM (18/01863/FUL)

The Committee considered the report of the Business Manager Growth & Regeneration, following a site visit, which sought full planning permission for the erection of a four bedroom two storey dwelling with an integral garage on the land to the rear of 112-118 High Street, Collingham.

Members considered that the application was not acceptable given the distance to the neighbouring property to the North of the site, which would be 10 metres in distance from the windows.

AGREED (with 12 votes For and 2 votes Against) that full planning permission be refused for the reasons contained within the report with the exception of the reason for refusal in relation to highway safety.

Councillor J Lee left the meeting at this point.

174 BALDERTON HYDRO POOL, GILBERT WAY, FERNWOOD (18/02125/FUL)

The application was withdrawn from the agenda at the applicant's request.

175 MARLOCK CHASE, STATION ROAD, FISKERTON (18/01925/FUL)

The application was withdrawn from the agenda at the applicant's request.

Councillor B Wells left the meeting at this point.

176 FIELD REFERENCE NUMBER 8708, GRAVELLY LANE, FISKERTON (18/02002/FUL)

The Committee considered the report of the Business Manager Growth & Regeneration, which sought an extension to an existing agricultural building for an open fronted three bay hay store.

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

Members considered the application and commented that the large building was being used as a general store and not as an agricultural store. There was no evidence of vehicular movement.

AGREED (with 11 votes For and 1 vote Against) that planning permission be refused for the reason contained within the report.

177 LAND AT NEWARK & NOTTS SHOWGROUND, FOSSE ROAD, WINTHORPE (18/02020/FULM)

The Committee considered the report of the Business Manager Growth & Regeneration, following a site visit which sought full planning permission for the retrospective change of use of the land for a training centre for the construction industry including commercial and agricultural plant and equipment.

Members considered the application and clarification was provided by the Business Manager that the site was not in the open countryside. It was also confirmed that the use would be temporary and the equipment could be moved. Members suggested that temporary three year permission be granted. The Business Manager also confirmed that the access road would be surfaced for the first five metres.

AGREED (unanimously) that temporary planning permission be approved for a term of three years, subject to the conditions contained within the report.

178 LAND OFF ALLENBY ROAD, SOUTHWELL (18/01645/RMAM)

The Committee considered the report of the Business Manager Growth & Regeneration, which sought an application for reserved matters to allow the erection of 67 dwellings and associated public open space, landscaping and infrastructure works in line with the outline approval reference 16/02169/OUTM.

Members considered the application and clarification was provided that the speed

limit of 30 mph would be reduced on the road entering the site. The exiting bus stops would be up graded to 'real time provision'. A Member commented on his disappointment that plots 49 and 50 along Allenby Road had not been deleted. Concern was also raised regarding the maintenance of the rural hedge and an additional condition was suggested regarding the maintenance and height of the hedge.

AGREED (with 9 votes For and 3 Abstentions) that reserved matters approval be granted subject to the conditions contained within the report and an additional condition in respect to the maintenance of the existing hedge.

179 8 PADDOCK CLOSE, EDWINSTOWE (18/02013/FUL)

The Committee considered the report of the Business Manager Growth & Regeneration, following a site visit, which sought an application for the proposed front, rear and side extension with internal alterations, new alternative vehicular access with new drop kerb, the application was a re-submission of 18/00374/FUL.

Members considered the application acceptable; the extension had been reduced from two storeys to one which had alleviated any impact on neighbours.

(Councillor G.P. Handley was not present for this item).

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

180 151 KIRKLINGTON ROAD, RAINWORTH (18/01699/FUL)

The Committee considered the report of the Business Manager Growth & Regeneration, following a site visit, which sought a single side extension that would feature a small front projection and a fully hipped pitched roof as well as a porch.

Members considered the application acceptable.

(Councillor G.P. Handley was not present in the meeting when the presentation and debate took place and returned to the meeting whilst the vote was being taken, but took no part in the vote).

AGREED (with 10 votes For and 1 Abstention) that full planning permission be approved subject to the conditions contained within the report.

181 LAND ADJACENT BRAMLEY HOUSE, BURNMOOR LANE, EGMANTON (18/02194/FUL)

The Committee considered the report of the Business Manager Growth & Regeneration, which sought planning permission for the erection of a four bedroom dwelling.

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

Council.

Members considered the application acceptable subject to the removal of permitted development rights.

AGREED (unanimously) that full planning permission be approved subject to the conditions contained within the report and the removal of permitted development rights.

182 FORMER RUFFORD COLLIERY, RUFFORD COLLIERY LANE, RAINWORTH (18/01966/FUL)

The Committee considered the report of the Business Manager Growth & Regeneration, which sought the variation of condition 4 attached to planning permission 17/00732/FUL to extend the time period from 25 years to 30 years.

A schedule of communication was tabled at the meeting which detailed correspondence received after the Agenda was published from the Planning Case Officer. The first paragraph with the proposal section of the report should be omitted from the report published in the agenda as that did not relate to the application.

Members considered the application acceptable.

AGREED (unanimously) that the variation of condition 4 of planning permission 17/00732/FUL to extend the service life of the plant from 25 years to 30 years be approved, subject to the conditions contained within the report.

183 APPEALS LODGED

AGREED that the report be noted.

184 APPEALS DETERMINED

AGREED that the report be noted.

185 QUARTERLY ENFORCEMENT ACTIVITY UPDATE REPORT

The Committee considered the report of the Business Manager Growth & Regeneration, which presented the quarterly planning enforcement performance for the second quarter of 2018, from 1 October to 31 December 2018. The report provided an update on cases where formal action had been taken. It also provided case studies which showed how the breaches of planning control had been resolved through negotiation.

Members questioned the enforcement action taken place regarding the Balderton Working Men's Club and asked for the conditions regarding that site to be checked, as it was thought that the side of the club should be kept clear of any intervention/fence/foliage.

AGREED (unanimously) that:

- (a) the report be noted; and
- (b) the conditions for the Balderton Working Men's Club to be checked, as it was thought that the side of the club should be kept clear of any intervention/fence/foliage.

186 EXCLUSION OF THE PRESS AND PUBLIC

There were none.

Meeting closed at 7.56 pm.

Chairman

PLANNING COMMITTEE – 5 FEBRUARY 2019

Application No:	18/02159/FUL
Proposal:	Conversion and extension of existing outbuilding to form a one dwelling and the erection of three further dwellings
Location:	Land Adjacent Fish Pond Farm, Main Street, Eakring, Nottinghamshire
Applicant:	Mr Beckett and Mrs Trebble
Registered:	30th November 2018 Target Date: 25th January 2018

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

The Site

The site is situated on the north-eastern edge of the settlement of Eakring to the north of Main Street. The site is elevated above the road and contains a brick and pantile L plan cart and a timber clad storage building. The site historically was covered with a number of trees which have been removed. There is a dwelling set close to the eastern boundary with further dwellings to the west. To the south the highway intervenes and housing is set further to the south. There is countryside to the north.

The character of the immediate area is residential; however, the Church of St Andrew is visible to the south and open agricultural land to the north. The site is designated as being within the Eakring Conservation Area and in accordance with Environment Agency mapping Flood Zone 1.

Relevant Planning History

Detailed history includes:

98/50505/FUL – Erection of 5 dwellings, 4 garages & conversion of part of existing workshop to form garage. Refused 1998.

97/50518/OUT – Residential development. Refused 1997.

93/50472/FUL – Conversion of existing joinery workshop and builders store into 5 residential units. Refused 1993.

66791127 – Extend builders yard and storage and stable. Approved 1979.

6678860 – Local builder’s yard. Approved 1979.

The Proposal

The proposal comprises the conversion and extension of the existing barn/cart shed to form a dwelling and the erection of three further dwellings. The barn to be converted is to the south-west part of the site with the proposed three dwellings sited to form an inner courtyard. The garden to the converted barn would be to the west of the building, adjacent to the courtyard; gardens serving the new build dwellings would be to the side and rear of these buildings. Access would be from Main Street to the west of the existing farm building with parking and turning in the courtyard.

Amended plans have been submitted to address the comments of the Conservation Officer and Planning Officer

The proposal relates to the following plans:

C1-A3 Rev A – Site Location and Block Plan

C2-A2 Rev A – Location Plan

C3-A3 Rev A – Roof Plan

C4- A3 Rev A - House 1 - Ground Floor Plan

BJT1810.C5-A3 REV B – House 1 Floor Plan

BJT1810.C6-A3 REV B - House 1 - Proposed Side Elevation

BJT1810.C7-A3 REV B- House 1 - Revised Proposed South West Elevation

C8-A3 Rev A - HOUSE 1 - North West Elevation

BJT1810.C9- REV A - House 1 - Revised Proposed South East Elevation

C10-A3 Rev A - House 2 - Ground Floor Plan

C11-A3 Rev A - House 2 - First Floor Plan

C12-A3 Rev A - House 2 - South West Elevation

C13-A3 Rev A- House 2 - South East Elevation

C14-A3 Rev A - House 2 - North East Elevation

C15-A3 Rev A - House 2 - North West Elevation

BJT1810.C16 REV B- House 3 – Revised Ground Floor Plan

BJT1810.C17 REV B – House 3 - Revised First Floor Plan

C18-A3 Rev A - House 3 - South West Elevation

C19-A3 Rev A - House 3 – North East Elevation

C19-A3 Rev A – House 3 – South East Elevation

BJT1810.C21 REV B - House 3 – Revised North West and South East Elevations

BJT1810.C22 REV A - House 4 – Revised Ground Floor Plan

C23-A3 Rev A - House 4 - New Extension North East Elevation and North West Elevation

C24-A3 Rev A- House 4 - South West Elevation

BJT1810.C25 REV B– House 4 – Revised South East Elevation

BJT1810.C26 REV B – House 4 – Revised North West Elevation

C27-A3 Rev A – House 4 – North East Elevation

BJT1810.C30 REV A – Revised Site Sections

Departure/Public Advertisement Procedure

Occupiers of nine 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

Development Plan

NSDC Core Strategy Adopted 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 12 – Biodiversity and Green Infrastructure

Core Policy 13 – Landscape Character

Core Policy 14- Historic Environment

NSDC Allocations and Development Management DPD Adopted July 2013

Policy DM5 – Design

Policy DM7 Biodiversity and Green Infrastructure

Policy DM9- Protecting and Promoting the Historic Environment

Policy DM12 – Presumption in Favour of Sustainable Development

Other Material Considerations

National Planning Policy Framework 2018

Planning Practice Guidance 2014

Spatial Policy 3 Guidance Note SPD

Conversion of Traditional Rural Buildings SPD

Newark & Sherwood Plan Review - Publication Amended Core Strategy July 2017

Planning (Listed Buildings and Conservation Area Act) 1990

Landscape Character Assessment SPD 2013

Consultations

Eakring Parish Council – Object on the following grounds: Much has been made in the application
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of the likely need for executive 4/5 bed housing for the National Grid Academy. National Grid have been in the village for many years and in all that time, despite many 'executive' 4/5 bed properties coming onto the market, to our knowledge, only one National Grid manager moved into the village some years ago. The need in the village is for three-bedroom bungalows to enable older residents to downsize, releasing larger four/five-bedroom houses onto the market. The Conservation Appraisal describes our characteristic sunken lanes as an important feature; this development would harm this feature with housing coming up to the street edge. Open spaces and views into and out of the village are also mentioned within the Appraisal, again this development would harm these much-prized features. Core Policy 13 states that new development should be consistent with the landscape conservation and enhancement aims for the areas ensuring that landscapes, including valued landscapes, have been protected and enhance. The development is also contrary to policy NE8 as it would impinge on the character of the MLA, and again this is stated in the Conservation Area Appraisal to need protection. The site was outside the village envelope, and thus protected from development whilst the envelope was in place, many applications having been refused over the years. The larger scale and cumulative effect of this development would be harmful to the Conservation Area and the MLA. The proposed amendments, in the recent review, to Core Strategy Policy SP9 would read 'Not lead to the loss of locally important open space and views.' This development would lead to this loss.

NCC Highway Authority – The access onto Main Street, as shown on the site plan, dwg. no. C2-A2, is to have a width of 5m and is to be surfaced in a bound material for the first 5m into the site. The parking provision within the site curtilage is sufficient for the size of development. The visibility splays from the access have not been adequately demonstrated on the site plan. Therefore, whilst there are no highway objections in principle to this development, it is recommended conditions should be imposed as part of any permission granted.

NSDC Conservation Officer – The Council has produced a Conservation Area Appraisal for Eakring which stresses the importance of farming to the history of Eakring and specifically that of Pond Farm as a former important historic farmstead.

Significance of heritage asset(s)

Tindalls Yard is located in the Eakring Conservation Area, first designated in 1974, and most recently re-appraised in 2001. The site was formerly land that belonged to Fishpond Farm, which is identified on the 1875 OS Map. This historic map identifies a courtyard plan of agricultural outbuildings, of which only an L-plan cart shed remains at the present day. The original farmstead layout was an irregular shaped courtyard that had probably developed over time rather than a designed plan in accordance with the period recognised as the 'golden age of farming' when best practice methods were developed and outbuildings designed to accommodate new innovations.

Fishpond Farm was historically located on the edge of the historic village core, and the large linear north-south fish ponds are identified on the 1875 map and remain in situ today. The original curtilage of Fishpond Farm has been divided into two parts, with a separate dwelling located adjacent to the builder's yard that forms the basis of this pre-application.

To the south of the site there are a cluster of local interest buildings that are identified as non-designated heritage assets, including the former Methodist Church, Old Church Farmhouse, The Gables and The Coach House. These range from red brick mid-Georgian high-status houses to late C19 arts & crafts cottages built in red-brick with blue brick banding.

The site is visible from the street scene when travelling along Newark Road away from Eakring, with the gable-end of the cart-shed and the perpendicular wing viewed most prominently. The traditional red brick and pantile buildings make a positive contribution to the character of the conservation area, although the redundant site is noticeable for the detritus that has accumulated over time and undermines the traditional built form of the cart-sheds. The modern timber sheds on site are of no architectural or historic interest and there is no objection to their demolition as part of this proposal.

Assessment of proposal

Conservation recognises the historic precedent of the original built form that was still in situ until the 1960s and since been demolished. As such, the proposal to reinstate the loosely-aligned courtyard plan is considered to be an innovative approach to new built form in a conservation area, as this has the possibility of re-establishing the footprint of the site as identified on the 1875 Ordnance Survey map.

However, as the site is located on land that rises to the rear of the curtilage, the new built form will be prominent when viewed from the street scene of the conservation area. As such, the detailing of the new dwellings would need to employ high quality materials to achieve the stated aim of returning the site to its original footprint.

A facsimile approach would need to be adopted that included reclaimed brickwork with a traditional bond and non-interlocking pantile roofs. Furthermore, the appearance of unsightly modern chimney / extractor flues would need to be avoided on the street facing elevations, while further historical research would be required to determine the original form and function of the former courtyard buildings.

Having looked at the proposed plans the overall plan form is broadly right but the creation of the faux barns has led to some unnatural compositions and the architectural detailing is also not quite right in places. This is particularly important when going for a facsimile design like this proposal. I would strongly recommend that more attention is paid to creating more realistic historic barn types, which had discrete forms and functions. One type of barn can adjoin another, but to combine their separate feature within a barn is what is looking cluttered and unnatural. Our SPD outlines the main types of historic barns and their typical features. The main issue arising here seems to be where a large threshing barn opening, being a wide two storey opening, is run alongside other large vehicular openings, which was not traditionally seen, or sited in the gable of a threshing barn, also not seen.

House 1 – The ‘reinstated farmhouse’ (and notes generally on materials and architectural features repeated throughout site). The main body of the front façade of this house is generally well detailed (though see notes below), emulating an attractive and quite high-status Georgian farmhouse.

However, the single storey add-on becomes a little confused as it seems to include an almost full height former cart shed opening. It is unlikely that there would have been vehicular access here so the arrangement looks rather unnatural. I would suggest a simpler arrangement of domestic flush casements, making this look like an ancillary wing to the main house. I am less concerned about the rear elevation of this main body of the house.

I notice sprocketed eaves for this ‘farmhouse’ and site generally but a brick eaves detail is

generally much more traditional and would look better here I feel. This should be paired with rise and fall rainwater brackets. I note the Heritage Statement refers to dentillated eaves but I do not think this is what the plans show.

I also note that the main house is proposed to be roofed in plain tiles. While there are examples locally of these tiles they are not the dominant local roofing material and tend to be seen in either much earlier or later buildings. A building of this appearance would more likely to have been roofed in either pantile or slate and I think this amendment would look better. I also see a reference for this house, in the key at least, to 'Welsh slate type roofing slates'. I do not think they are actually being proposed for this building but I would not want to see artificial slates used and would want a natural product used at this or the other house types.

I note the window sill detail has been revised to stone sills, which is acceptable.

The front door design is also not right for a faux Georgian farmhouse of this status which would more traditionally have had a six-panel raised and fielded door and this detail should be changed.

The sash window details for the main façade of the 'farmhouse' are also not quite right. Traditionally (although I accept not always) the ground floor would usually show a 6 over 6 arrangement. This would be carried over to the upper floor, or if there were not the same floor to ceiling height this would be reduced to a 3 over 6 arrangement typically. Could they try and re-draw with more traditional proportions and see how it looks please?

In terms of the projecting rear wing of the house the concept is clearly that this is a faux barn, but I am concerned about the unnatural composition of some of the features. Most notable is the large cart opening at first floor on the south east elevation, which is an arrangement that could not have realistically ever existing. Also looking uncomfortable underneath is the horizontal boarded treatment of the garage openings, which would look better as vertically boarded openings, as if a pair of side hung timber doors to former vehicular openings.

On the north west elevation, the three matching ground floor headers is undermined by the single door and side light combination in the final one, which would look better if more consistently and less domestically treated.

House 2

The window sill detail here and on the other new build (apart from the 'farmhouse') is shown as a 'double red plain clay roof tiles window cill'. I am not entirely sure what this means but a tile window sill detail is not generally traditional and this should be changed for timber. South-east elevation requires a redesigned first floor wide opening to smaller opening.

The north-east elevation has a double height segmental opening, as if this was a former threshing barn, but this looks unusual as the large threshing entrance was not seen on the gable end. A glazed former cart shed opening on the ground floor with an independent smaller opening above would look more natural. The north-west elevation is very confused with a large former opening as if it was a threshing barn opening, but almost entirely infilled apart from two small openings, paired with four other varying large former cart style openings. A threshing barn would not have also contained directly within it cart openings so the arrangement looks unnatural.

House 3

South-west elevation is it a faux threshing barn? In which case it would only have had one full height opening. The horizontal boarding for the garages should be amended as above. North-east elevation again double height (but blocked) opening suggest threshing barn, which then looks odd against other large openings. South-east elevation shadow of very tall and thin arched opening is not something found in a barn, looks almost ecclesiastical in appearance.

House 4 – Barn Conversion

This is the conversion of the historic barn on the site, which was a former cartshed. North-east elevation seems to be infilling one of the cart entrances with solid brick and then putting narrow windows in the pillars either side. This then gives a very odd appearance. The scheme would also look better with a more consistent infill of the larger cart openings in the middle. The street facing elevation (south-west), is actually a blank elevation. The insertion of a faux carriage arch and breather here are not appropriate as the building already has the cart arches on the reverse side and cart sheds rarely had breathers owing to their function. On the south-east elevation can be the bricks piers be left expressed in some way? I note there is breeze block infill but in the final scheme the historic piers need to be left legible. Why do the plans say it is proposed to add a brick course above the timber lintel over the cart openings – are they proposing to raise the eaves? This is not normally acceptable and I am not sure why this is specified.

Curtilage treatment

In the main this is acceptable, being soft green boundaries, but I feel what looks to be a curved brick wall around the former cartshed is not an appropriate boundary treatment, this being a rather hard and somewhat domestic division, divorcing the one historic building from its former farmyard.

Summary

For clarity I do not think there will be any adverse impact on nearby listed buildings or positive buildings. I think the conversion of the historic barn needs to be revised to make better use and better reveal the cartshed form of the building. Not all new openings proposed here are acceptable. The design of the new build has become confused and inevitably incongruous by combing generic barn features within one build, creating an unrealistic faux barn. This approach needs to be rethought and rationalised. Small changes to the 'farmhouse' design would greatly improve this design.

On receipt of amended plans: The Conservation Officer has confirmed that the amended plans are acceptable subject to conditions.

NSDC, Consultant Archaeologist – This site lies within an area of potential medieval archaeology; however, it is clear from the plans that the majority of the proposed development is in an area that has been previously disturbed. Given this, no archaeological input is required.

NSDC Environmental Services (Contaminated Land) - This application is for residential dwellings at a former agricultural site which has more recently been used as a builder's yard. Agriculture is a potentially contaminative land-use and such land can possibly be used for a wide variety of potentially contaminative activities including non-bunded fuel storage, repair and maintenance of

agricultural machinery/vehicles, storage of silage and other feed, slurry tanks/lagoons, disposal of animal waste and disposal of asbestos. There is clearly the potential for the site to have been contaminated 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 request that the standard phased contamination conditions are attached to the planning consent.

NSDC Access Officer – As part of the developer’s considerations of inclusive access and facilities for all, with particular reference to disabled people, it is recommended that their attention be drawn to Approved Document M of the Building Regulations, which contain useful standards in respect of visitable, accessible and adaptable, and wheelchair user dwellings and that consideration be given to incorporating accessible and adaptable dwellings in 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 be carefully examined and on all floors. External pathways to and around the site should be carefully considered and designed to accepted standards to ensure that they provide suitable clear unobstructed ‘vehicular free’ access to the proposals. In particular, ‘step-free’ access to and into the dwellings is important and an obstacle free suitably surfaced firm level and smooth ‘traffic free’ accessible route is essential to and into the dwelling from facilities such as car parking and from the site boundary with reference to the topography of the site. Any loose laid materials, such as gravel or similar, can cause difficulty for wheelchair users, baby buggies or similar and should be avoided. It is recommended that inclusive step free access be considered to garden areas, amenity spaces and external features.

Carefully designed ‘step-free’ approach, ramps, level flush thresholds, generous doorways, all carefully designed to facilitate easy access and manoeuvre 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. With regard to the conversion and extension of the outbuildings, it is recommended access provisions be incorporated as far as is reasonably practicable.

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

Trent Valley Internal Drainage Board – The site is outside of the Trent Valley Internal Drainage Board district but within the Board’s catchment. 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 Officer and Local Planning Authority.

Four letters of representations have been received from local residents or other interested parties objecting on the following grounds;

- Previous refusals still relevant
- Impact on neighbouring properties; increase in noise, overshadowing, overlooking and loss

of privacy, too close to adjoining properties, doesn't comply with distance separation, overbearing impact, loss of light and loss of amenity.

- Impact on character of area; overcrowding of plot, out of keeping with village, four large buildings clustered together, not in keeping with open aspect of neighbourhood, large houses next to road is out of character
- Increase in vehicle activity
- No need for further housing
- Unnecessary and inappropriate
- Harm to Conservation Area, the setting of the former Cart Shed and the sunken lane
- Loss of hedgerows and trees in Conservation Area
- Adverse impact on Conservation Area
- Mature Landscape Area will be compromised
- Impact on Flora and Fauna
- Harmful to landscape Character Zone

One letter has been received from County Councillor John Peck who has objected on; the site is a Green Space in the Conservation Area, there is no need for executive housing in village or Conservation Area, harm to village landscape and Conservation Area, harm to character of sunken lane and no consideration to amenity of neighbours.

Comments of the Business Manager

Principle of Development

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.

The Core Strategy outlines the intended delivery of growth within the District including in terms of housing. Spatial Policy 1 sets out a hierarchy which directs development toward the Sub-regional Centre, Service Centres and Principal Villages before confirming at the bottom of the hierarchy that within 'other villages' in the District, development will be considered against the sustainability criteria set out in Spatial Policy 3 (Rural Areas). Eakring has a limited range of services and facilities and as such falls within the 'other village' category identified within the Core Strategy.

The application therefore falls to be assessed against Spatial Policy 3 (Rural Areas) in the first instance and Policy DM8 (Development in the Open Countryside) where this becomes necessary.

As SP3 villages do not have defined village envelopes, it is a critical consideration in the determination of this application as to whether the application site is located within the main built-up area of the village or in the open countryside. The site is located north of Main Street and surrounded by other residential properties to the east, west and south. The site is also within reasonably close proximity to bus stops which provide access to wider settlements. It is therefore considered to be within the main built up area of the village and the proposal for the new build development falls to be assessed against the five-criterion contained within Spatial Policy 3 of the Core Strategy, namely location, scale, need, impact and character. The proposal also includes the re-use of a former farm building. SP3 states that consideration is given to schemes where developments secure the environmental enhancement of areas by the re-use or redevelopment of former farmyards/farm buildings or the removal of businesses where the operation gives rise to

amenity issues. The scale of such development should be appropriate to the location of the proposal.

The Amended Core Strategy and evidence base documents are currently under examination, with the hearings having been concluded in February 2018. The Inspector is now working towards the publishing of his report, which is anticipated in early 2019. It is considered that the proposed changes to Policy SP3 can now be afforded some weight – but that this ought to be restricted to support for the positive determination of applications. This position reflects the support provided by the examination Inspector for a more accommodating policy, as articulated through Post-hearing Note 2 (issued on 13th February 2018).

Location

The first criterion states ‘new development should be within built-up areas of villages, which have local services and access to Newark Urban Area, Service Centres or Principal Villages.’ As detailed above it is considered the site is within the main built up area of the village, given its central location and proximity of a number of other residential dwellings. In terms of local services residents in Eakring have access to a number of facilities and are reasonably well served by a bus service which provides connections to larger settlements. It is considered the proposed development site could be said to accord with the first criterion of Policy SP3.

Need

Policy SP3 states support could be forthcoming for new housing where it helps to meet identified proven local need. Spatial Policy 3 Guidance Note (September 2013) states that proven local need must relate to the needs of the community rather than the applicant. Assessments should be based on factual data such as housing stock figures where the need relates to a type of housing or census data where the needs relate to a particular population group. The onus is on the applicant to provide evidence of local need. No Needs Assessment has been submitted with the application; however, Eakring does have an independently undertaken assessment which illustrated a preference for smaller accommodation for people looking to downsize.

Notwithstanding this, the proposed changes to Policy SP3 as part of the plan review which given its recent examination can be afforded some weight, but that this ought to be restricted to support for the positive determination of applications. This states that new housing will be considered where it helps to support community facilities and local services and reflects local need in terms of both tenure and house types. Supporting text to this revised policy states that this policy requires applicants to demonstrate the services it will support and the housing need within the area. 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. No information has been submitted with the enquiry to demonstrate housing need in the area.

The Council has however conducted a detailed assessment of the types of housing needed within different parts of the district and applicants should refer to this for guidance. The Housing Market Needs Sub Area Report (2014) provides the most recent breakdown of size of property needed in the market sector for existing and concealed households. Eakring is located within the Sherwood Sub Area which identifies a demand for 335 2-bed properties, 247 3-bed properties and 65 4-bed properties. Some of this demand has already been met through existing completions and commitments. However, this survey does assert a greater preference for 2 and 3-bed dwellings.

The proposal comprises the provision of four dwellings of which there would be two x four-bedroom units and two x five-bedroom units. Whilst the survey clearly shows a preference for smaller dwellings, other considerations need to be taken into account in the overall planning balance. These include the fact that one unit is a conversion of an existing building which has an established footprint, the character of the area and the location within the Conservation Area.

In support of the application the Agent has stated the design proposal is to recreate the lost farm yard layout to reflect the buildings lost to the site. This requires buildings of a sizeable footprint to faithfully replicate the layout. They also state the proposals would provide family homes to boost the community facilities in the local area.

On balance, given the location of the site within the conservation area and that one of the units is a conversion, it is considered in this instance the housing mix has been justified and the four/five bed units still meets the need identified in the survey referred to above. Notwithstanding the objection of the Parish Council therefore, it is not considered the housing mix provides an adequate reason for refusal.

Scale & Impact

The scale of the dwellings appears to be acceptable in terms of their footprint compared to that of neighbouring properties and the dwellings, subject to design and siting, would not appear out of place with the surrounding area. The proposal is for 4 new dwellings which are considered small in scale, on a previously developed site and as such the proposal would have a limited impact upon the existing settlement.

Subject to detailing which will be considered below, it is considered the proposed development could be deemed to comply with the relevant criteria highlighted above.

Character

Policies DM5 and CP9 seek to achieve a high standard of design. 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.

Impact on Heritage/Conservation

Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 requires the Local Planning Authority (LPA) to pay special attention to the desirability of preserving or enhancing the character and appearance of the Conservation Area (CA). In this context, the objective of preservation is to cause no harm. The courts have ruled that these statutory requirements operate as a paramount consideration, 'the first consideration for a decision maker'.

The importance of considering the impact of new development on the significance of designated heritage assets, furthermore, is expressed in section 16 of the National Planning Policy Framework (NPPF – revised July 2018). When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, for example. Any harm to, or loss of, the significance of a designated heritage asset

(from its alteration or destruction, or from development within its setting), should require clear and convincing justification. In determining applications, local planning authorities should take account of: a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) the desirability of new development making a positive contribution to local character and distinctiveness. LPAs should also look for opportunities to better reveal the significance of conservation areas when considering new development (paragraph 200).

Additional advice on considering development within the historic environment is contained within the Historic England Good Practice Advice Notes (notably HEGPA2 and HEGPA3). HEGPA2 for example reminds us that both the NPPF (section 12) and PPG contain detail on why good design is important and how it can be achieved, and that the significance of nearby assets and the contribution of their setting is a dynamic concept. The general character and distinctiveness of the area should be understood in its widest sense, including the general character of local buildings, spaces, public realm and the landscape, the grain of the surroundings, which includes, for example the street pattern and plot size.

The site is located within the defined Eakring Conservation Area and as such the Council has produced a Conservation Area Appraisal which stresses the importance of farming to the history of Eakring and specifically that of Pond Farm as a former important historic farmstead.

Tindalls Yard is located in the Eakring Conservation Area, first designated in 1974, and most recently re-appraised in 2001. The site was formerly land that belonged to Fishpond Farm, which is identified on the 1875 OS Map. This historic map identifies a courtyard plan of agricultural outbuildings, of which only an L-plan cart shed remains at the present day. The original farmstead layout was an irregular shaped courtyard that had probably developed over time rather than a designed plan.

Fishpond Farm was historically located on the edge of the historic village core, and the large linear north-south fish ponds are identified on the 1875 map and remain in situ today. The original curtilage of Fishpond Farm has been divided into two parts, with a separate dwelling located adjacent to the builder's yard.

To the south of the site there are a cluster of local interest buildings that are identified as non-designated heritage assets, including the former Methodist Church, Old Church Farmhouse, The Gables and The Coach House. These range from red brick mid-Georgian high-status houses to late C19 Arts & Crafts cottages built in red-brick with blue brick banding.

The site is visible from the street scene when travelling along Newark Road away from Eakring, with the gable-end of the cart-shed and the perpendicular wing viewed most prominently. The traditional red brick and pantile buildings make a positive contribution to the character of the conservation area. The application has been accompanied by a Structural report by HWA Consulting Engineers which states that the building is structurally capable of conversion, subject to some alterations namely the removal of the roof. However the main loadbearing masonry walls and piers appear suitable to remain in situ and there would be no significant structural need for demolition of the existing building. It is therefore considered that the existing building is foremost capable of conversion.

The original built form of the site was still in situ until the 1960s until it was demolished. As such,

the proposal to reinstate the loosely-aligned courtyard plan is considered to be an innovative approach to new built form in a conservation area, as this has the possibility of re-establishing the footprint of the site as identified on the 1875 Ordnance Survey map.

However, as the site is located on land that rises to the rear of the curtilage, the new built form will be prominent when viewed from the street scene of the conservation area. As such, the detailing of the new dwellings needs to employ high quality materials to achieve the stated aim of returning the site to its original footprint.

The overall plan form is broadly acceptable but the creation of the faux barns has led to some unnatural compositions and the architectural detailing is also not quite right in places. Concern was also expressed with regards to the curved brick wall around the former cartshed. It was considered that the plans did not adequately create realistic historic barn types, which had discrete forms and functions. Amended plans have been submitted to address the concerns over the design of the properties. Amendments have been made to the design of the dwellings and to the boundary treatment to House 4, taking the comments of the Conservation Officer into consideration. The amendments address the fenestration treatments raised by Conservation in respect of the proposed windows, doors and openings treatment.

Following the submission of the amended plans, these have been discussed with the Conservation Officer and they have confirmed that the revisions fully address their comments and thus in design terms they have no objections.

In light of the amendments made to the scheme, the scale, design and location of the proposal is such that it is considered to form acceptable development that would preserve the character and appearance of the Conservation Area and would not have an adverse impact on the character of the area. As such, I am satisfied that the proposed development would accord with the aims of Core Policy 14, Policy DM5 and DM9 of the ADMDPD and would be consistent with section 72 of the Planning (LB and CA) Act.

Impact on Landscape Character

Concern has been expressed with regards to the impact on the Landscape Character Zone and Mature Landscape Area. 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 is worth noting that Mature Landscape Areas formed part of the former Local Plan which was adopted in 1999 and the means of assessing landscape character now is through the Landscape Character Assessment SPD 2013.

The District Council has undertaken a Landscape Character Assessment (LCA) 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 relevant Landscape Policy Zone for the site is Mid-Nottinghamshire Farmlands Regional Character Area Policy Zone 25: Maplebeck Village Farmland with Ancient Woodland.

condition is defined as very good with a high landscape sensitivity overall. Landscape actions for the area are to conserve the landscape by limiting development.

The site falls within the built form of the village which has previously been occupied by farm buildings and as stated above, the application proposes to reinstate the loosely-aligned courtyard plan with an innovative approach to new built form in a conservation area. Therefore whilst the development would change the character of the site in its current form, it respects the historic built form of the site and as such reinforces the traditional character of the settlement. I am therefore satisfied that it would not conflict with the landscape policy aims for the area and indeed would not result in harm to the wider landscape character or setting.

Impact on Amenity

Policy DM5 seeks to provide a high standard of amenity to residents. Consideration needs to be given to the amenity of the current residents of the neighbouring properties and that of future occupants of the proposed converted building and new builds. This includes both openings and garden areas.

To the east the site borders an existing neighbouring property, Fish Pond Farm. Fish Pond Farm is separated from the existing outbuilding, to be converted into House 4, by a distance of 9 metres. The conversion of the outbuilding to a dwelling on the east elevation, facing Fish Pond Farm, includes a number of openings which are all at ground floor level. The opening serve a bathroom, glazed passage, passage window and kitchen/dining windows. The outbuilding is set in from the boundary marginally and is single storey, with the separation and boundary treatment there would be no undue overlooking or loss of privacy. To the rear of the site is House 3, which again is just off set from the boundary with Fish Pond Farm. The adjoining property is set back from the road and has a large rear garden which extends some 36 metres to the rear of the property. House 3 would be sited to the northwest of Fish Pond Farm along the boundary with the rear garden area. The east elevation of House 3 contains a first floor ensuite shower room window which can be conditioned to be obscurely glazed to prevent any overlooking should Members be minded to approve the application. At ground floor there is a study and toilet/clockroom and a secondary window to the sitting room. The ground floor windows will be obscured by the boundary treatment and sited toward the rear of the site would not have adverse impact on the amenity of Fish Pond Farm. Rooflights are also proposed in the east elevation but due to the position on the roof slope will not afford any overlooking or loss of privacy to the neighbouring property.

To the south the highway intervenes and would ensure there would be no overlooking or loss of privacy. There is countryside to the north, and to the west gardens serving plots 1 and 2 would separate from neighbouring properties. The use of the site for residential purposes would replace the historic agricultural use and builder's yard and would be of benefit to local amenity by seeking an environmental enhancement.

The amenity of future occupants of the new builds would be acceptable with the level of privacy secured by reason of siting, design and layout. Adequate garden areas would also be provided for these plots.

The original plans for House 3 included first floor bedroom on the frontage elevation and concern was expressed by the Planning Officer that that the private amenity space to House 4 would be overlooked to the detrimental impact on the occupiers of this property. The barn, house 4, would be served by a private garden to the front which would abut the courtyard. This would be overlooked to a degree by plots 1 and 2 but the separation distances would ensure a satisfactory

relationship. Amended plans have subsequently been submitted for Plot 3 replacing the frontage windows with small 'slit' windows serving the hallway and a secondary bedroom window. The four slit windows are to be obscurely glazed and therefore the concerns in relation to overlooking of the private amenity space of House 4 have been addressed. Following receipt of the amended plans the relationship of the proposed dwellings is considered to be acceptable and there would be adequate privacy and amenity for the future occupiers of the proposed dwellings. Adequate amenity space has been provided to serve each dwelling.

Overall, the proposal complies with the requirements of Policy DM5 of the DPD in respect to residential amenity.

Impact on Highway Safety

Policy DM5 requires the provision of safe access to the highway and parking provision should be based on the scale and location of the specific location of the development.

The access onto Main Street is as existing and is to have a width of 5m which is surfaced in a bound material for the first 5m into the site. The parking provision within the site curtilage is considered sufficient for the size of development. The visibility splays from the access have not been adequately demonstrated on the site plan however and whilst there are no highway objections in principle to this development, it is recommended that conditions should be imposed as part of any permission granted.

Subject to satisfactory details being secured via the conditions, the proposal complies with the above policies.

Archaeology

This site lies within an area of potential medieval archaeology; however, it is clear that the majority of the proposed development is in an area that has been previously disturbed. Given this, no archaeological input is required.

Contamination

Policy DM10 of the DPD also states that where a site is highly likely to have been contaminated by a previous use, investigation of this and proposals for any necessary mitigation should form part of the proposal for re-development.

This application is for residential dwellings at a former agricultural site which has more recently been used as a builder's yard. Agriculture is a potentially contaminative land-use and such land can possibly be used for a wide variety of potentially contaminative activities including non-bunded fuel storage, repair and maintenance of agricultural machinery/vehicles, storage of silage and other feed, slurry tanks/lagoons, disposal of animal waste and disposal of asbestos. There is clearly the potential for the site to have been contaminated 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 request that the standard phased contamination conditions are attached to the planning consent. This would ensure the site is suitable for its new use in accordance with the requirements of the NPPF and Policy DM10 of the DPD.

Ecology

Core Policy 12 of the Core Strategy seeks to secure development that maximises the opportunities to conserve, enhance and restore biodiversity. Traditional rural buildings often provide a habitat for a variety of species, some of which may be protected by law.

Paragraph 175 of the NPPF (2018) states that when determining application, authorities should apply the following principles;

- a) if significant harm to biodiversity 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;
- b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;
- c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and
- d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

An extended Phase 1 Ecology Survey has been undertaken with further bat and great crested newts (GCN) surveys carried out. The extended cart shed was considered to have moderate potential to support roosting bats.

Great Crested Newts

There are no ponds on the site but nine ponds were identified within 500m of the site boundary and there is one record of a GCN identified approximately 500m south of the site. Not all the ponds were accessible for survey, yet all of those surveyed were assessed as providing below average potential for GCN. A pond located just 30m east of the site was considered to provide good potential; however, an eDNA survey (GCN Environmental DNA Analysis), a Natural England approved means of determining GCN presence within a waterbody, of this pond revealed it as 'negative' for GCN eDNA, meaning that they were not present within the waterbody. It is therefore considered that GCN are unlikely to be present on the application site.

The habitats on site were however considered suitable for GCN, and contained potential refugia and hibernacula habitats. Due to the current presence of these habitats on site and low residual risk of GCN present, some limited and precautionary mitigation measures are considered appropriate during site clearance, including production of a precautionary method of works detailing an appropriate timing of works along with site induction training.

Bats

The cartshed building to the front of the site was considered to have moderate potential to support roosting bats. Nocturnal surveys confirmed the existing building as a bat roost for low numbers of common pipistrelle and brown long-eared bat. The existing apple tree to the north-west of the site was also identified as a moderate bat roost and should be retained however

should it be deemed necessary to remove then a further tree climbing assessment or nocturnal activity survey is required. The building to the rear of the site was considered to have a negligible-low potential to support roosting bats. The hedgerow and trees within the site are considered to provide primary foraging and commuting routes for bats and it is the intention that these are retained.

A European Bat Licence is required. Local Planning Authorities are required to consider the likelihood of a licence being granted when determining a planning application and should have in mind the three tests set out in Regulation 53 of the Habitats Regulations, namely:

- i. The consented operation must be for “preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment”; and
- ii. There must be “no satisfactory alternative”; and
- iii. The action authorised “will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range

In this instance, the principle of development is considered acceptable and the conversion of a dilapidated heritage asset to ensure its long term viability is considered to be in the public interest. As such, it is not considered that there is a satisfactory alternative. Proposed mitigation measures include bat boxes on existing trees and within the renovated cartshed building.

Subject to appropriate mitigation being secured by planning condition, it is considered that the favourable conservation status of the bats would be maintained in this instance.

Birds

The cart shed building was also noted to support several nests of Barn Swallow. It is recommended that works to this building should be completed outside of the bird nesting season (March-September). One of the trees to be retained on site in the north-west corner, a mature apple, has been used as a roost for a Little Owl and it is proposed that this is retained in situ. If not then it should be removed outside of bird nesting season. Provision should be made on site for a variety of bird nest boxes to ensure no net loss of nesting potential on site.

It is considered the potential ecological interests of the site could be effectively managed through a condition to ensure an ecological enhancement of the site is achieved and that the existing ecology of the site is appropriately mitigated for. As such the proposal is considered to accord with policy DM5 of the ADMDPD and the Chapter 15 of the NPPF (2018).

Conclusion

It is considered that the principle of residential development on the site is acceptable and in accordance with the guidelines of the policy SP3. Visually the revised scheme is acceptable and would provide adequate amenity to existing and future occupants. Adequate access, parking and turning can be provided within the site. The proposal is also acceptable in terms of residential amenity, ecology, archaeology and contamination. The proposal accords with national and local policies, the NPPF and heritage act.

RECOMMENDATION

That planning permission is approved subject to the following conditions:

Conditions

01

The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended by the Planning & Compulsory Purchase Act 2004].

02

The development hereby permitted shall be carried out in complete accordance with the following approved plan references:

C11-A3 Rev A – Site Location and Block Plan

C2-A2 Rev A – Location Plan

C3-A3 Rev A – Roof Plan

C4- A3 Rev A - House 1 - Ground Floor Plan

BJT1810.C5-A3 REV B – House 1 Floor Plan

BJT1810.C6-A3 REV B - House 1 - Proposed Side Elevation

BJT1810.C7-A3 REV B- House 1 - Revised Proposed South West Elevation

C8-A3 Rev A - HOUSE 1 - North West Elevation

BJT1810.C9- REV A - House 1 - Revised Proposed South East Elevation

C10-A3 Rev A - House 2 - Ground Floor Plan

C11-A3 Rev A - House 2 - First Floor Plan

C12-A3 Rev A - House 2 - South West Elevation

C13-A3 Rev A- House 2 - South East Elevation

C14-A3 Rev A - House 2 - North East Elevation

C15-A3 Rev A - House 2 - North West Elevation

BJT1810.C16 REV B- House 3 – Revised Ground Floor Plan

BJT1810.C17 REV B – House 3 - Revised First Floor Plan

C18-A3 Rev A - House 3 - South West Elevation

C19-A3 Rev A - House 3 – North East Elevation

C19-A3 Rev A – House 3 – South East Elevation

BJT1810.C21 REV B - House 3 – Revised North West and South East Elevations

BJT1810.C22 REV A - House 4 – Revised Ground Floor Plan

C23-A3 Rev A - House 4 - New Extension North East Elevation and North West Elevation

C24-A3 Rev A- House 4 - South West Elevation

BJT1810.C25 REV B– House 4 – Revised South East Elevation

BJT1810.C26 REV B – House 4 – Revised North West Elevation

C27-A3 Rev A – House 4 – North East Elevation

BJT1810.C30 REV A – Revised Site Sections

Reason: So as to define this permission.

03

All external joinery including windows and doors shall be of a timber construction only which shall be retained for the lifetime of the development. Details of their design, specification, method of opening, method of fixing and finish, in the form of drawings and sections of no less than 1:10 scale, shall be submitted to and agreed in writing by the Local Planning Authority before the windows and doors hereby approved are installed. The development shall be carried out only in accordance with the agreed details.

Reason: Inadequate details of these matters have been submitted with the application and to ensure the development preserves the character and appearance of the Conservation Area.

04

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

Reason: To ensure the development preserves the character and appearance of the Conservation Area.

05

Before any of the following external architectural elements are constructed/installed, details of their design, material and construction, in the form of scale drawings and material samples/specifications, shall be submitted to and agreed in writing by the Local Planning Authority:

- Roof lights;
- Window/door headers and sills;
- Eaves and verges;
- Chimneys;
- Flues/vents;
- Meter boxes;
- Rainwater goods;
- Any other external accretion

The development shall be carried out only in accordance with the agreed details.

Reason: Inadequate details of these matters have been submitted with the application and to ensure the development preserves the character and appearance of the Conservation Area.

06

Before any construction occurs above slab level, samples or detailed specifications of all external materials to be used on the development hereby permitted shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out only in accordance with the agreed materials.

Reason: To ensure the development preserves the character and appearance of the Conservation Area.

07

Before the new roof(s) hereby approved are installed, samples or detailed specifications of the new roof tiles/slates, which shall be natural red clay non-interlocking pantiles/natural slates, shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out only in accordance with the agreed roof materials.

Reason: To ensure the development preserves the character and appearance of the Conservation Area.

08

Before any construction occurs above damp proof course (DPC)/ slab level, a brick sample panel, showing brick, bond, mortar and pointing technique, shall be provided on site for inspection and agreed in writing by the Local Planning Authority. The development shall be carried out only in accordance with the agreed sample panel details.

Reason: To ensure the development preserves the character and appearance of the Conservation Area.

09

Prior to any repair works being undertaken to the existing barn, a detailed methodology shall be submitted to and agreed in writing by the Local Planning Authority. This shall include a full schedule of works which comprehensively addresses all external structural repairs including the extent of masonry and roof repairs.

Reason: To ensure the development preserves the character and appearance of the Conservation Area.

10

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.

11

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.

proposed finished ground levels or contours;

means of enclosure;

car parking layouts and materials;

Reason: In the interests of visual amenity and biodiversity.

12

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.

13

No part of the development hereby permitted shall be brought into use until the access to the site has been completed to a standard that provides a minimum width of 5m and surfaced in a bound material for a minimum distance of 5m behind the highway boundary in accordance with plan C2A2.

Reason: In the interests of highway safety.

14

No part of the development hereby permitted shall be brought into use until the parking/turning areas are provided in accordance with the approved plan, C2-A2. The parking/turning areas shall not be used for any purpose other than parking/turning of vehicles.

Reason: In the interests of highway safety.

15

No part of the development hereby permitted shall be brought into use until the visibility splays of 2.4m x 43m 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 exceeding 0.6m in height.

Reason: To maintain the visibility splays throughout the life of the development and in the interests of general highway safety.

16

No part of the development shall be commenced until details of the existing and proposed ground and finished floor levels of the site and approved buildings 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.

17

No development shall take place until such time as an appropriate Bat Mitigation Strategy (BMS) (that builds upon the ecological enhancements and mitigation measures as set out within the submitted ecological Appraisal RSE_1564_PEA_V1 October 2018) has been submitted to and approved in writing by the Local Planning Authority. The approved BMS shall be implemented in full prior to any development taking place on site and shall be retained on site for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority. The BMS shall include:

- Details of compensatory bat boxes and roost features to be installed on the renovated structure and elsewhere on site and other compensatory features including their design, quantum and precise positions including the height and timings of installation;
- Details of any external lighting which shall be designed so as not impact the installed bat features or bat foraging around the site.

Reason: In order to afford appropriate protection to bats that occupy the existing buildings on site.

18

No development shall take place until a site investigation of the nature and extent of contamination has been carried out in accordance with a methodology which has previously been

submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures before development begins.

If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.

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.

19

No development shall be commenced until details of the means of foul drainage and surface water disposal have been submitted to and approved in writing by the local planning authority. The development shall be carried out thereafter in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Reason: To ensure the provision of satisfactory means of foul sewage/surface water disposal.

20

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 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.

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 order that any proposed further

alterations or extensions are sympathetic to the original design and layout in this sensitive location including the setting of the listed building and trees.

21

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

Reason: The site is prominently located within the Eakring Conservation Area. The sympathetic extension or alteration to the approved building may cause harm to the character and appearance of the Conservation Area.

22

The 'slit' windows serving the landing on the south elevation and the first floor shower room on the east elevation of House 3 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

23

Any works to convert the cart shed and clearance works of vegetation on site should be conducted outside of 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 suitably qualified ecologist prior to the clearance taking place and written confirmation has been provided to the Local Planning Authority that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any located nests must then be identified and left undisturbed until the young have left the nest.

Reason: In order to protect biodiversity on the site.

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/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

The development makes it necessary to alter 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 East Midlands, in partnership with Notts County Council, tel: 0300 500 8080 to arrange for these works to be carried out.

04

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

Carefully designed 'step-free' approach, ramps, level flush thresholds, generous doorways, all carefully designed to facilitate easy access and manoeuvre 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. With regard to the conversion and extension of the outbuildings, it is recommended access provisions be incorporated as far as is reasonably practicable.

05

The site is outside of the Trent Valley Internal Drainage Board district but within the Board's catchment. 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 Officer and Local Planning Authority.

06

The applicant is advised to note the following;

Dentil fillers shall not be used on any pantile roof at the ridge;

Ventilation of the roof space shall not be provided via tile vents; and

Guttering shall be half round in profile and fixed by rise and fall brackets with no fascia board fitted.

BACKGROUND PAPERS

Application case file.

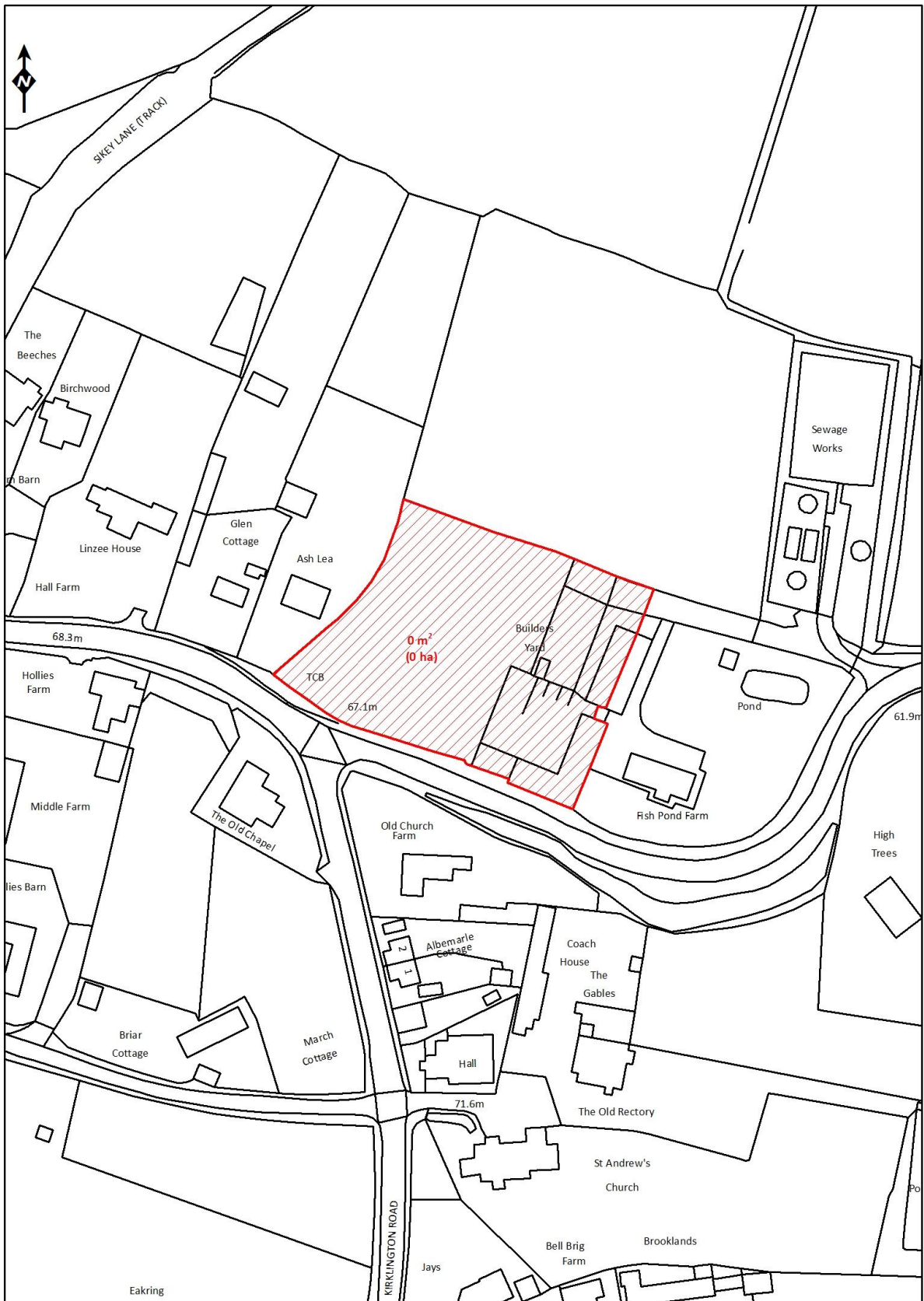
For further information, please contact Jennifer Wallis on ext **5419**.

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

Matt Lamb

Business Manager – Growth and Regeneration

Committee Plan - 18/02159/FUL



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PLANNING COMMITTEE – 5 FEBRUARY 2019

Application No:	18/01299/FUL		
Proposal:	Retention of Mobile Home in connection with Established Agricultural Operation		
Location:	Woodside Farm Nottingham Road Thurgarton NG14 7GZ		
Applicant:	Mr. C Kirk		
Registered:	08.11.2018	Target Date:	03.01.2019
	Extension of Time Agreed Until 11.01.2019		

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

The Site

The application site lies within the Nottingham Derby Green Belt to the south of Thurgarton. The site lies in an elevated position, almost on the brow of a hill and is set well back from the main A612 on its western side and is served by a c300 metre long access road that runs up the side of the hill.

The application site relates to an existing mobile home which is part of an established farm complex consisting of a number of large agricultural buildings to the west of the mobile home and a dwelling house and annex to the north which have a tie to the agricultural operation.

The mobile home has a residential appearance with brickwork to the lower section with render to its elevations with upvc windows, doors and rainwater goods. There is a decked area to the side. The front door is accessed by brickwork steps.

To the east and south of the site are open fields which significantly slope downwards to meet the main road, which is not visible from the top of the site and beyond are significant views across open landscape. The northern boundary of the farm is defined by woodland with a small tributary running through it, known as Spitalwood Dumble. The nearest residential property outside the application site is c180m to the north-east and a property known as The Dumble, which is on significantly lower ground and fronts the main road. To the west are four agricultural buildings where land levels continue to rise.

Relevant Planning History

18/00761/FUL - Erection of a steel framed building to house cattle – (permitted 20.06.2018)

14/00294/FUL - Conversion of vacant outbuilding to form Annex to Main House (permitted 21.05.2014)

12/01517/FUL - Installation of 688 Ground Mounted Photovoltaic Panels (permitted 24.01.2013)

12/00604/FUL - Proposed agricultural workers dwelling and associated garage / farm office (permitted 06.07.2012) – condition 9 of this permission stated that:- *'The dwelling hereby approved shall not be occupied for longer than six months from the date of its first occupation, unless the existing mobile home has been removed from the site.'*

09/00756/FUL - Temporary siting of mobile home in connection with poultry business (permitted 13.08.2009)

04/01684/TEM - Proposed mobile home (temporary) in association with proposed 10,000 bird, free range egg production unit which was allowed on appeal in September 2005.

04/01683/FULM - Proposed 10,000 bird free range egg production unit which allowed on appeal in September 2005.

The Proposal

The proposal is for the retention of the mobile home approved on appeal in 2005 which continues to be used in association with the agricultural operation at Woodside Farm.

The proposal does not seek any external changes to the mobile home nor to the access or parking arrangements. The application details that the mobile home is to be occupied by the applicant and his wife only and the applicant has commented that they would be prepared to accept a condition that ties the occupation of the mobile home to them personally.

The application has been accompanied by a Supporting Planning Statement and additional information to support the proposed retention.

The Submission

- Site Location Plan, Drawing Ref: 118772 001
- Existing Block Plan, Drawing Ref: 118772 002
- Photographs of the Mobile Home
- Planning & Agricultural Justification Statement, by Fisher German
- Medical Information (sensitive)
- Accounts for Year Ending 2015, 2016 and 2017 for 3 separate businesses operating from the farm.

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.

Planning Policy Framework

The Development Plan

Thurgarton Neighbourhood Plan

- Policy 1 – New Development
- Policy 3 – Transport Impact of Development

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
- Core Policy 3 – Housing Mix, Type and Density
- Core Policy 9 -Sustainable Design
- Core Policy 10 – Climate Change
- Core Policy 13 – Landscape Character

Allocations & Development Management DPD

- DM5 – Design
- DM8 – Development in the Open Countryside (material to the consideration)
- DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2018
- Planning Practice Guidance
- Amended Core Strategy

Consultations

Thurgarton Parish Council - Thurgarton PC do not object to applications 18/01299/FUL or 18/01300/FUL.

Members do continue to express some concerns on the site in question and the possibility of slurry running off the hilltop site into the drainage dyke or into adjacent properties. The Council unanimously supported the application, with the proviso that a condition should be made whereby the mobile home is not a permanent provision on the site.

NCC Highways Authority – This application is for the removal of Condition 9 of planning permission 12/00604/FUL to allow retention of the mobile home in connection with established agricultural operation. This is not expected to impact significantly on the public highway, and there are no alterations proposed to the existing access.

Therefore, there are no highway objections to this application.

NSDC Environmental Services – No comments to make.

Independent Agricultural Consultant –

“The application relates to the proposed retention of a mobile home first granted consent in 2004, which was subsequently renewed in 2009 for 18 months until 31st December, 2010, and its removal was required no later than six months after the first occupation of the replacement farmhouse – Condition 9 of 12/00604/FUL.

The mobile home has remained on site since this time contrary to Condition 9 of 12/00604/FUL.

Woodside Farm is a mixed farm comprising a 10,000 bird free range poultry unit, 23 hectares (57 acres) of arable, a flock of 1000 ewes, and 100 suckler cows and their followers. The farming

business is run as three separate sole trader businesses – Mr. I.D. Kirk, Mr. R.J. Kirk, and Mr. C.H. Kirk, the current applicant.

According to the supporting information Mr. I.D. Kirk is primarily employed on the sheep and cattle elements of the overall farm, with Mr. R.J. Kirk and Mr. C.H. Kirk employed in both the free range poultry unit, and also with the sheep and cattle.

Mr. I.D. Kirk lives in the existing farmhouse, with his family, and Mr. R.J. Kirk in the annex to the farmhouse as a dependent relative. Mr. & Mrs. C.H. Kirk occupy the mobile home, the subject of this application. It is stated in the supporting information that Mr. R.J. Kirk is a dependent relative although it does not state who he is dependent on. From the accounts submitted in support of the application I consider that as Mr. R.J. Kirk's accounts show that his net profits for the last three years are greater than those of Mr. I.D. Kirk and Mr. C.H. Kirk, he is not and cannot be a dependent of either Mr. I.D. Kirk or Mr. C.H. Kirk.

I calculate using standard manday figures from recognised sources, that the overall farming enterprise operated by the three sole traders, has a total standard labour requirement for 3.4 full-time persons, with three persons required to look after the livestock on the holding.

No details of the land farmed have been provided other than the 23 hectares (57 acres) of arable land. As the free range poultry unit is located at Woodside Farm, I consider most of the sheep and cattle are kept on grazing away from the farmstead, being brought back to the buildings for lambing and calving. I therefore, consider there is an essential/functional need for two persons to live at or near the farm buildings including the poultry unit.

The essential/functional needs of the overall enterprise are currently fulfilled by the existing farmhouse occupied by Mr. I.D. Kirk, and the annex occupied by Mr. R.J. Kirk. These existing dwellings are clearly both suitable and available to provide the necessary accommodation to fulfil the essential/functional needs of the unit.

There is no provision within the Framework for the provision of retirement homes, temporary dwellings or mobile homes. Therefore any application for a temporary/mobile home is still assessed by paragraphs 12 & 13 of Annex A to PPS7. Which although superseded by the Framework (Revised July 2018) is still considered to be a relevant and useful guide in assessing the need for agricultural dwellings especially mobile home applications. Paragraph 13 of the Annex states "If permission for temporary accommodation is granted, permission for a permanent dwelling should not subsequently be given unless the criteria in paragraph 3 above are met. The Planning Authority should make clear the period for which the temporary permission is granted, the fact that the temporary dwelling will have to be removed, and the requirements that will have to be met if a permanent permission is to be granted. Authorities should not normally grant successive extensions to a temporary permission over a period of more than three years, nor should they normally give temporary permissions in locations where they would not permit a permanent dwelling." In this case the Local Planning Authority were clear when granting consent for the permanent dwelling that the mobile home should be removed within six months of the new dwelling being occupied. Therefore, the mobile home is currently unlawful, and should be removed in accordance with Condition 9 of application reference 12/00604/FUL.

In addition to the above, paragraph 6 of the Annex states "Nor can agricultural needs justify the provision of isolated new dwellings as retirement homes for farmers."

Paragraph 79 of the revised Framework states "Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

(a) There is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;” It does not state that a dwelling or mobile home can be granted as a retirement home for a farmer.

In conclusion, I ADVISE that there is no agricultural support for the retention of the mobile home or for the removal of Condition 9 of application number 12/00604/FUL as the existing farmhouse and annex are both suitable and available and are currently fulfilling the essential/functional needs of the farming enterprises being carried out at Woodside Farm.”

Representations have been received from 2 local residents/interested parties which can be summarised as follows:

- Objects to the retention of a mobile home on this site and to the removal of Condition 9 of planning permission 12/00604/FUL.
- Does not consider that there is reason for condition 9 to not be adhered to.
- Questions the integrity of the planning system if the condition is removed.
- Does not consider the applicants personal living arrangements to be a planning consideration.
- Points out to various other applicants within the Thurgarton area where applications for caravans or containers have been opposed.
- Concerned that allowing the application will set a precedent for similar development in the area.
- Houses are shortly to be built in Thurgarton and this would seem to present an opportunity to acquire a house in the village rather than preserve a mobile home on the site.
- Comments that the farmhouse is supposed to replace the caravan.
- Questions why the applicant’s agent has provided detailed financial information.
- Considers that the caravan may be needed due to the diversity of activities taking place from Woodside Farm.
- Potentially supports a personal permission for the applicant.
- Questions Council tax implications.
- If the application were to be approved then there would be three dwellings on the site.

Comments of the Business Manager

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 16th May 2017 Newark and Sherwood District Council adopted the Thurgarton 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 Thurgarton. 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. Woodside Farm lies outside the defined village envelope for Thurgarton, being located within the Nottingham Derby Greenbelt albeit it does fall within the area covered by the Thurgarton Neighbourhood Plan (TNP).

The Principle of the Development in the Green Belt

Firstly the Council is of the view that the Development Plan is up to date for decision making. Its Core Strategy is however at an advanced stage of Plan Review. Spatial Policy 4B (Green Belt Development) however continues to state that development in such areas will be judged according to national Green Belt policy.

Policy 1 (New Development) of the Thurgarton Neighbourhood Plan states that ‘...Development in the Green Belt will only be allowed if it comprises appropriate development in accordance with national Green Belt policy.’

The National Planning Policy Framework (NPPF) advises that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belts are their openness and their permanence. It further states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘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 appropriate development in the Green Belt should be judged according to the NPPF.

Paragraph 145 of the NPPF directs that a Local Planning Authority should regard the construction of new buildings as inappropriate in the Green Belt. Paragraph 145 sets out exceptions that are not considered to be inappropriate development within the Green Belt, which includes the provision of buildings for agriculture or forestry.

The application seeks to retain the mobile home for residential occupation for an indefinite period and therefore I consider that the proposal must be considered as a new dwelling which would not fall within the exceptions outlined in paragraph 145 of the NPPF and would therefore be considered to be inappropriate development and thus by definition, be harmful to the Green Belt unless very special circumstances exist that would outweigh such harm.

Accordingly the principle issue in assessing this application relates to whether the applicant has demonstrated very special circumstances, which in this particular instance could be the demonstration of an essential need for an agricultural workers dwelling in this Green Belt location.

Whether there are any ‘Very Special Circumstances’

The applicant has made a case that there are very special circumstances that should warrant the retention of the mobile home. The applicant (father) lives in the mobile home with his two sons living in the house and annex. It is claimed that one of the sons is a dependent relative (sensitive medical information has been provided) and the applicant is required to be on hand to assist with the farming needs. The case made is that the annex is occupied due to the dependence upon relatives rather than as an agricultural worker in line with the permission granted. It is argued that there is a requirement for the mobile home to be retained to meet the needs of the farming enterprise. As such the Local Planning Authority have considered whether there is a justified need for a third dwelling on the site as set out below.

Although guidance contained in Annex A of Planning Policy Statement 7 has been superseded, this guidance has been relied on by Inspectors in determination of appeals. It is considered that the main provisions are still relevant and offer a credible means of an objective assessment of the need for an Agricultural Workers Dwelling and is a useful tool in assessing whether in this instance a demonstration of essential need has been demonstrated to justify the development.

Paragraph 4 of Annex A of PPS7 states “A functional test is necessary to establish whether it is essential for the proper functioning of the enterprise for one or more workers to be readily available at most times. Such a requirement might arise, for example, if workers need to be on hand day and night:

- (i) In case animals or agricultural processes require essential care at short;
- (ii) to deal quickly with emergencies that could otherwise cause serious loss of crops or products, for example, by frost damage or the failure of automatic systems.”

Paragraph 4 of Annex A of PPS7 also explains that, if there is functional requirement, could this requirement be met by another existing dwelling on the farm unit or other existing accommodation in the area which is suitable and available for occupation by the agricultural worker concerned.

Paragraph 8 of Annex A of PPS7 explains that a financial test is necessary for the purpose of demonstrating an economically viable farm enterprise, and therefore one of the last three years should have been profitable to demonstrate this fact.

Much of this rationale is included within the justification for the Council’s DM8 (Development in the Open Countryside) policy. Whilst the site is not in the open countryside (as its greenbelt) this policy and justification is also a useful tool for assessment as it sets out how the Council determine agricultural workers dwellings. I consider this is relevant in so far as it is material to the consideration for consistency purposes.

The application seeks consent to retain a mobile home that was originally brought on site in 2005 in order to provide accommodation during the establishment of the agricultural enterprise. The mobile home was originally permitted by planning consent 04/01684/TEM with a condition imposed that required the mobile home to be removed within 3 years from the date of the permission and the land be restored to its former condition.

The mobile home was subsequently granted a further consent to be retained (09/00756/FUL) in August 2009, which required the mobile home to be removed and the land restored to its former condition on or before 31st December 2010. The consent limited the occupation of the mobile home to a person solely or mainly employed, or last employed in the locality in agriculture or a dependent of such a person residing with him or her or a widow or widower of such a person.

When planning permission was granted for permanent agricultural workers dwelling and associated garage / farm office (application reference 12/00604/FUL) a condition (Condition 9) was imposed which required that the dwelling should not be occupied for longer than six months from the date of its first occupation, unless the existing mobile home has been removed from the site. Although this permission was implemented and the dwelling occupied, the mobile home remains on site and continues to be occupied.

Members will note that the Council has commissioned advice from an independent agricultural consultant in order to ascertain if there might be an essential functional need for a worker to be

present on site at all times which might amount to a 'very special circumstance' as required by the NPPF. The advice received is set out very clearly in full within the consultation section above. I do not intend to repeat this but I fully concur with the advice.

In summary there are already two permanent residential units at Woodside Farm to accommodate the accepted functional requirement for two full time agricultural workers. Accordingly the Agricultural Consultant considers that the essential/functional needs of the overall enterprise are currently fulfilled by the existing farmhouse and the annex occupied by the applicants sons who are employed on the farm. Both properties are suitable to provide the necessary accommodation to fulfil the essential/functional needs of the unit. Furthermore the Agricultural Consultant has reiterated that the NPPF does not state that a dwelling or mobile home can be granted as a retirement home for a farmer. Consequently it is considered that there is no agricultural support for the retention of the mobile home in this instance.

The agent has responded to the above comments that it is considered that a sufficient labour requirement has been proven. Further, they consider that the particular circumstances of this application, by virtue of the ongoing medical issues of one member of the family, provide evidence of sufficient functional need.

Further to this, the applicant's agent notes that paragraph 77 advises that in rural areas, decisions should be responsive to local circumstances and support local needs. They say that both local and national policy confirm that development for the purposes of agriculture such as this is appropriate development within the Green Belt.

Notwithstanding that the proposal is considered to relate to a residential use and not an agricultural use in the Green Belt and therefore has to be assessed against Green Belt policy as noted above, although paragraph 77 does make reference to decisions being responsive to local circumstances and supporting housing development that reflect local needs the commentary within this paragraph continues to make reference to supporting opportunities to bring forward rural exception sites that will provide affordable housing to meet local identified need. The definition of rural exception sites falls with Annex 2 Glossary of the NPPF and states that these are small sites used for affordable housing in perpetuity where sites would not normally be used for housing. The proposal is not considered to fall within this definition given that it is seeking the retention of the accommodation to meet a personal need.

However, in further considering the functional or essential need to retain the mobile home on the site for the reasons put forward by the applicant, I have undertaken a search of *Rightmove* for properties within 5 miles of the postcode of the site which could provide alternative and appropriate residential accommodation for the applicant. This search revealed that there are a number of properties, including terraced, semidetached and flats, available with asking prices of £100,000 - £150,000. Therefore, it appears that other suitable accommodation is present which is within a reasonable distance of the site and could serve the personal needs sufficiently. Whilst I acknowledge that this search was a snapshot in time and that the housing market is subject to change, it serves as an indication that there are properties available within a realistic driving distance of the application site where the applicant could conceivably live and continue to work on the holding when required. Whilst this would be less convenient, it cannot be considered to be unreasonable for someone to have to commute to their place of work. In considering the ongoing welfare of the animals on the holding it must be remembered that there are currently two dwellings on the site and thus cover would be provided at all times to deal with onsite emergencies, regardless of the particular medical issues that have been forwarded as part of this application.

Taking the above considerations into account it is considered that although an essential/functional need for two persons to live at or near the farm buildings including the poultry unit has been demonstrated, this need is already met by the farmhouse and annex at the site which are occupied by farm workers.

Whilst I sympathize with the medical issues of one of the son's which have been advanced, my understanding is that the condition affects the worker intermittently such that there may be times when labour may need to be drafted in. However this does not justify a third residence at the site. I would draw attention to the advice received from the Council's agricultural consultant which states:

"It is stated in the supporting information that Mr. R.J. Kirk is a dependent relative although it does not state who he is dependent on. From the accounts submitted in support of the application I consider that as Mr. R.J. Kirk's accounts show that his net profits for the last three years are greater than those of Mr. I.D. Kirk and Mr. C.H. Kirk, he is not and cannot be a dependent of either Mr. I.D. Kirk or Mr. C.H. Kirk."

Taking into account all of the above I do not consider that the personal needs of the applicant outweigh the harm identified. I have to conclude therefore that very special circumstances have not been demonstrated in this instance which would outweigh inappropriate development. The proposal would be contrary to Spatial Policy 4B of the Core strategy and Policy 1 (New Development) of the Thurgarton Neighbourhood Plan as well as the NPPF a material planning consideration.

Impact on Visual Amenity and Landscape Character

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 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 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.

The landscape character assessment for the Council states that the site is located within the Mid-Nottinghamshire Farmlands (Mid Nottinghamshire Farmlands Policy Zone MN PZ 39).

The landscape character assessment notes that pastoral roads, fields and tracks are regularly bounded by well-maintained species-rich hedgerows. As previously commented, to the east and south of the site are open fields which significantly slope downwards to meet the main road, which are not visible from the top of the site and beyond are significant views across open countryside. The northern boundary of the farm is defined by woodland with a small tributary running through it, known as Spitalwood Dumble.

Given the relatively small scale of the mobile home and associated curtilage and that it is located adjacent to and therefore viewed against the back drop of the existing buildings within the site, it is not considered that its retention would result in such level of encroachment into or so significantly harm the rural landscape to justify refusal on these grounds in this instance.

It is therefore considered that the proposal would comply with Core Policy 13 or Policy DM5 of the DPD.

Impact on Residential Amenity

Policy DM5 of the DPD states that development proposals should ensure no unacceptable reduction in amenity including overbearing impacts and loss of privacy upon neighbouring development. Given the distance to the nearest neighbouring properties it is considered unlikely that the proposed development would result in any adverse impact on the amenity of adjacent neighbours.

The nearest residential property outside the application site is approx. 190 metres to the north-east and a property known as The Dumble, which is on significantly lower ground and fronts the main road. I do not consider the proposal to have an adverse impact upon the amenities of the neighbour properties in terms of overlooking, overshadowing or overbearing impacts.

I am therefore satisfied that proposal complies with Policy DM5 of the DPD and the NPPF.

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. No objection has been received from the Highway Authority. The site is accessed via the existing hard surfaced farm access and given the size of the unit and that it would remain ancillary to the main dwelling, I consider it unlikely that there would be any highway implications. As such, I do not consider that there would be any adverse impact upon highway safety and the proposal is therefore in accordance with Spatial Policy 7 of the Core Strategy, Policy DM5 of the DPD and Policy 3 (Transport Impact of Development) of the Thurgarton Neighbourhood Plan.

Conclusions

The NPPF indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in 'very special circumstances'. Any harm to the Green Belt carries substantial weight.

In assessing this application it is considered that the permanent retention of the mobile home as a separate dwelling house would be inappropriate development and therefore harmful to the openness of the Green Belt. Whilst the applicant has attempted to establish 'very special circumstances' it is considered that the applicant has failed to demonstrate an essential or functional need to retain the mobile home and the personal circumstances of a dependant son do not outweigh the harm. Furthermore they have also failed to demonstrate how the requirements of the business for further residential accommodation could not be fulfilled by other available properties within the locality.

Overall I consider that the substantial weight to be given to Green Belt harm is not clearly outweighed by other considerations sufficient to demonstrate the very special circumstances that are necessary to justify inappropriate development in the Green Belt. The development is therefore contrary to the relevant provisions of the NPPF, Spatial Policy SP4B of the Newark and Sherwood Core Strategy DPD (adopted March 2011) and Policy 1 (New Development) of the Thurgarton Neighbourhood Plan

Given that the mobile home has not been removed as required by Condition 9 of application number 12/00604/FUL, it is recommended that a Breach of Condition Notice is served at the same

time as the planning decision is issued to comply with the requirements of the initial planning permission.

RECOMMENDATION: that

- (1) Planning permission is refused for the reason shown below; and**
- (2) a Breach of Condition Notice is served at the same time to require the mobile home to be removed from the site within 6 months.**

Reason for Refusal

01

The site is located within the Nottingham-Derby Green Belt. Policy 1 (New Development) of the Thurgarton Neighbourhood Plan adopted 2017 and Spatial Policy 4B of the Newark and Sherwood Core Strategy (adopted March 2011) require development in the Green Belt to be determined in line with national planning policy. These are the relevant policies from the adopted Development Plan. In the opinion of the Local Planning Authority the proposed retention of the mobile home for residential occupation in association with the farmstead constitutes inappropriate development and as such by definition would result in harm to the Green Belt. The proposal does not fall within the exceptions noted in paragraph 145 of the National Planning Policy Framework (2018). Very special circumstances that would outweigh such harm in the form of an essential or functional need for an additional dwelling have not been demonstrated. There are no personal circumstances advanced that would constitute very special circumstances either. The development is therefore contrary to the relevant provisions within the NPPF, Spatial Policy 4B and Policy 1 as set out above.

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 some revisions to the proposal. Whilst not all problems arising can be overcome, several potential reasons for refusal have been negated.

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/

BACKGROUND PAPERS

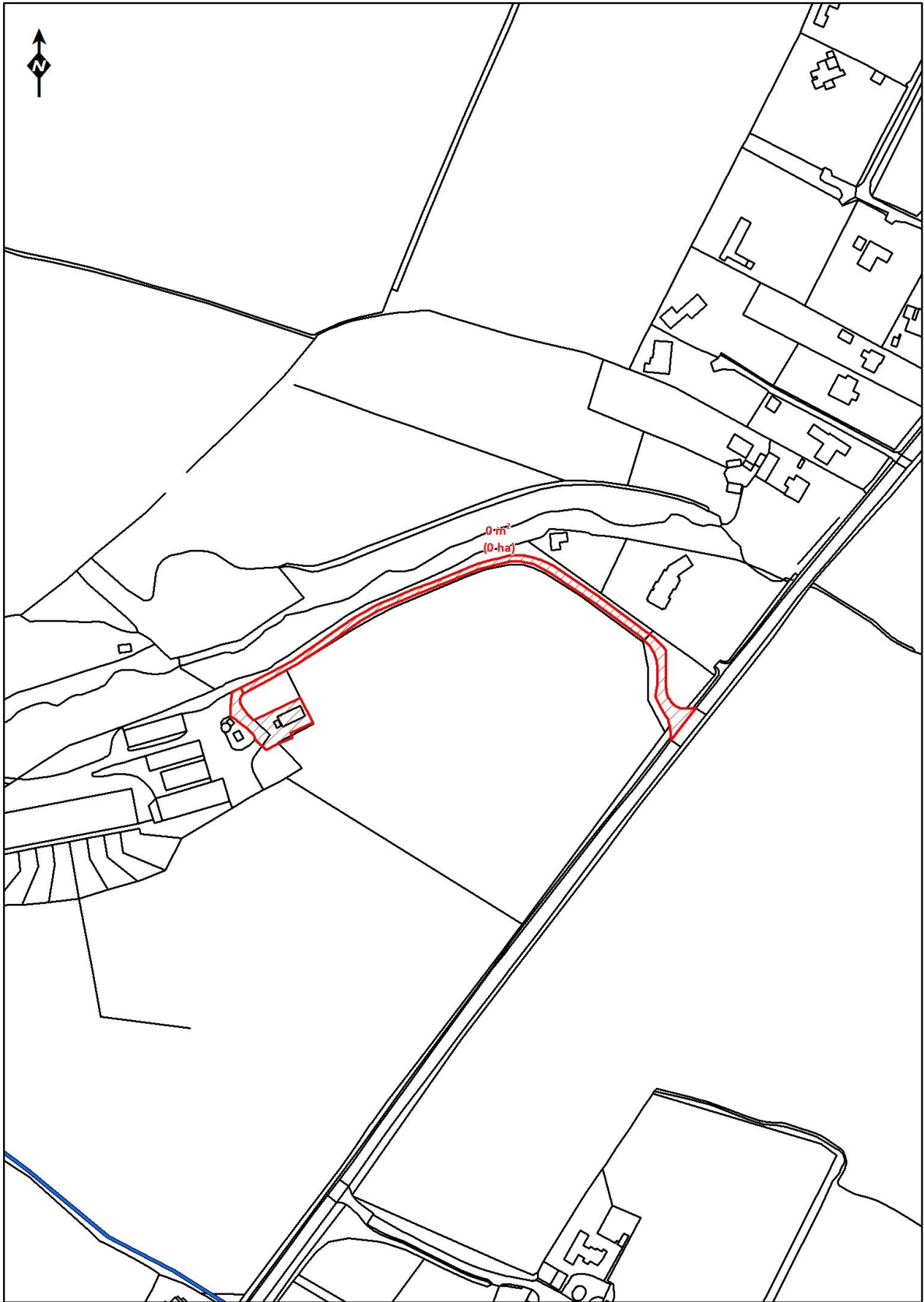
Application case file.

For further information, please contact Richard Marshall on ext 5801.

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

Matt Lamb

Business Manager – Growth and Regeneration



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PLANNING COMMITTEE – 5 FEBRUARY 2019

Application No:	18/01300/FUL	
Proposal:	Application for removal of Condition 9 of planning permission 12/00604/FUL to allow retention of the mobile home in connection with established agricultural operation	
Location:	Woodside Farm Nottingham Road Thurgarton NG14 7GZ	
Applicant:	Mr C Kirk	
Registered:	08.11.2018	Target Date: 03.01.2019
	Extension of Time Agreed Until 11th January 2019	

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

The Site

The application site lies within the Nottingham Derby Green Belt to the south of Thurgarton. The site lies in an elevated position, almost on the brow of a hill and is set well back from the main A612 on its western side and is served by a c300 metre long access road that runs up the side of the hill.

The application site relates to an existing mobile home which is part of an established farm complex consisting of a number of large agricultural buildings to the west of the mobile home and a dwelling house and annex to the north which have a tie to the agricultural operation.

The mobile home has a residential appearance with brickwork to the lower section with render to its elevations with upvc windows, doors and rainwater goods. There is a decked area to the side. The front door is accessed by brickwork steps.

To the east and south of the site are open fields which significantly slope downwards to meet the main road, which is not visible from the top of the site and beyond are significant views across open landscape. The northern boundary of the farm is defined by woodland with a small tributary running through it, known as Spitalwood Dumble. The nearest residential property outside the application site is c180m to the north-east and a property known as The Dumble, which is on significantly lower ground and fronts the main road. To the west are four agricultural buildings where land levels continue to rise.

Relevant Planning History

18/00761/FUL - Erection of a steel framed building to house cattle – (permitted 20.06.2018)

14/00294/FUL - Conversion of vacant outbuilding to form Annex to Main House (permitted 21.05.2014)

12/01517/FUL - Installation of 688 Ground Mounted Photovoltaic Panels (permitted 24.01.2013)

12/00604/FUL - Proposed agricultural workers dwelling and associated garage / farm office (permitted 06.07.2012) – condition 9 of this permission stated that:- *'The dwelling hereby approved shall not be occupied for longer than six months from the date of its first occupation, unless the existing mobile home has been removed from the site.'*

09/00756/FUL - Temporary siting of mobile home in connection with poultry business (permitted 13.08.2009)

04/01684/TEM - Proposed mobile home (temporary) in association with proposed 10,000 bird, free range egg production unit which was allowed on appeal in September 2005.

04/01683/FULM - Proposed 10,000 bird free range egg production unit which allowed on appeal in September 2005.

The Proposal

This application is made under Section 73 to remove condition 9 from the planning permission granted under reference 12/00604/FUL.

Condition 9 states;

The dwelling hereby approved shall not be occupied for longer than six months from the date of its first occupation, unless the existing mobile home has been removed from the site.

Reason: In recognition that the proposed dwelling is a replacement for an existing one located in the Green Belt and in the countryside.

The application is submitted alongside an application 18/01299/FUL which also seeks consent to retain the mobile home which continues to be used in association with the agricultural operation at Woodside Farm.

The Submission

- Site Location Plan, Drawing Ref: 118772 001
- Existing Block Plan, Drawing Ref: 118772 002
- Photographs of the Mobile Home
- Planning & Agricultural Justification Statement, by Fisher German
- Medical Information (sensitive)
- Accounts for Year Ending 2015, 2016 and 2017 for 3 separate businesses operating from the farm.

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.

Planning Policy Framework

The Development Plan

Thurgarton Neighbourhood Plan

- Policy 1 – New Development
- Policy 3 – Transport Impact of Development

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
- Core Policy 3 – Housing Mix, Type and Density
- Core Policy 9 -Sustainable Design
- Core Policy 10 – Climate Change
- Core Policy 13 – Landscape Character

Allocations & Development Management DPD

- DM5 – Design
- DM8 – Development in the Open Countryside (material to the consideration)
- DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2018
- Planning Practice Guidance
- Amended Core Strategy

Consultations

Thurgarton Parish Council - Thurgarton PC do not object to applications 18/01299/FUL or 18/01300/FUL.

Members do continue to express some concerns on the site in question and the possibility of slurry running off the hilltop site into the drainage dyke or into adjacent properties. The Council unanimously supported the application, with the proviso that a condition should be made whereby the mobile home is not a permanent provision on the site.

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I calculate using standard manday figures from recognised sources, that the overall farming enterprise operated by the three sole traders, has a total standard labour requirement for 3.4 full-time persons, with three persons required to look after the livestock on the holding.

No details of the land farmed have been provided other than the 23 hectares (57 acres) of arable land. As the free range poultry unit is located at Woodside Farm, I consider most of the sheep and cattle are kept on grazing away from the farmstead, being brought back to the buildings for lambing and calving. I therefore, consider there is an essential/functional need for two persons to live at or near the farm buildings including the poultry unit.

The essential/functional needs of the overall enterprise are currently fulfilled by the existing farmhouse occupied by Mr. I.D. Kirk, and the annex occupied by Mr. R.J. Kirk. These existing dwellings are clearly both suitable and available to provide the necessary accommodation to fulfil the essential/functional needs of the unit.

There is no provision within the Framework for the provision of retirement homes, temporary dwellings or mobile homes. Therefore any application for a temporary/mobile home is still assessed by paragraphs 12 & 13 of Annex A to PPS7. Which although superseded by the Framework (Revised July 2018) is still considered to be a relevant and useful guide in assessing the need for agricultural dwellings especially mobile home applications. Paragraph 13 of the Annex states "If permission for temporary accommodation is granted, permission for a permanent dwelling should not subsequently be given unless the criteria in paragraph 3 above are met. The Planning Authority should make clear the period for which the temporary permission is granted, the fact that the temporary dwelling will have to be removed, and the requirements that will have to be met if a permanent permission is to be granted. Authorities should not normally grant successive extensions to a temporary permission over a period of more than three years, nor should they normally give temporary permissions in locations where they would not permit a permanent dwelling." In this case the Local Planning Authority were clear when granting consent for the permanent dwelling that the mobile home should be removed within six months of the new dwelling being occupied. Therefore, the mobile home is currently unlawful, and should be removed in accordance with Condition 9 of application reference 12/00604/FUL.

In addition to the above, paragraph 6 of the Annex states “Nor can agricultural needs justify the provision of isolated new dwellings as retirement homes for farmers.”

Paragraph 79 of the revised Framework states “Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

(a) There is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;” It does not state that a dwelling or mobile home can be granted as a retirement home for a farmer.

In conclusion, I ADVISE that there is no agricultural support for the retention of the mobile home or for the removal of Condition 9 of application number 12/00604/FUL as the existing farmhouse and annex are both suitable and available and are currently fulfilling the essential/functional needs of the farming enterprises being carried out at Woodside Farm.

Representations have been received from 2 local residents/interested parties which can be summarised as follows:

- Objects to the retention of a mobile home on this site and to the removal of Condition 9 of planning permission 12/00604/FUL.
- Does not consider that there is reason for condition 9 to not be adhered to.
- Questions the integrity of the planning system if the condition is removed.
- Does not consider the applicants personal living arrangements to be a planning consideration.
- Points out to various other applicants within the Thurgarton area where applications for caravans or containers have been opposed.
- Concerned that allowing the application will set a precedent for similar development in the area.
- Houses are shortly to be built in Thurgarton and this would seem to present an opportunity to acquire a house in the village rather than preserve a mobile home on the site.
- Comments that the farmhouse is supposed to replace the caravan.
- Questions why the applicant’s agent has provided detailed financial information.
- Considers that the caravan may be needed due to the diversity of activities taking lace from Woodside Farm.
- Potentially supports a personal permission for the applicant.
- Questions Council tax implications.
- States that if this application were to be approved then there would be three residential units at Woodside Farm.

Comments of the Business Manager

Introduction

This application is made under Section 73 of the Town and Country Planning Act 1990 to remove a condition attached to a grant of planning permission. The condition that is sought to be removed is no. 9 which required the removal of a mobile home from the site following occupation of a permanent dwelling that was built at the farm to replace this mobile home.

The NPPG confirms that in deciding an application under section 73, the local planning authority must only consider the disputed condition/s that are the subject of the application – it is not a complete re-consideration of the application.

In order to make this assessment it is therefore essential to examine why the condition was imposed in the first place. In essence the condition was imposed because permission was granted to replace the mobile home for a permanent dwelling on the site, having successfully demonstrated the functional and financial tests associated with agricultural workers dwellings has been passed. As the site lies in the Nottingham-Derby Green Belt, the condition was necessary in order to avoid an additional unnecessary dwelling in the Green Belt which would have been contrary to national and local planning policies.

As this application essentially seeks to retain the mobile home by virtue of removing Condition 9, it is necessary to consider whether the reason for the condition remains valid. This is undertaken below.

The Principle of Development in the Green Belt

The Development Plan has changed since the 2012 permission was granted and the proposal needs to be assessed against up to date planning policy.

The Council is of the view that the Development Plan is up to date for decision making. Its Core Strategy is however at an advanced stage of Plan Review. Spatial Policy 4B (Green Belt Development) however continues to state that development in such areas will be judged according to national Green Belt policy.

Policy 1 (New Development) of the Thurgarton Neighbourhood Plan states that ‘...Development in the Green Belt will only be allowed if it comprises appropriate development in accordance with national Green Belt policy.’

The National Planning Policy Framework (NPPF) advises that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belts are their openness and their permanence. It further states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘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 appropriate development in the Green Belt should be judged according to the NPPF.

Paragraph 145 of the NPPF directs that a Local Planning Authority should regard the construction of new buildings as inappropriate in the Green Belt. Paragraph 145 sets out exceptions that are not considered to be inappropriate development within the Green Belt, which includes the provision of buildings for agriculture or forestry.

The application seeks to retain the mobile home for residential occupation for an indefinite period and therefore I consider that the proposal must be considered as a new dwelling which would not fall within the exceptions outlined in paragraph 145 of the NPPF and would therefore be considered to be inappropriate development and thus by definition, be harmful to the Green Belt unless very special circumstances exist that would outweigh such harm.

Accordingly the principle issue in assessing this application relates to whether the applicant has demonstrated very special circumstances, which in this particular instance could be the demonstration of an essential need for an agricultural workers dwelling in this Green Belt location.

Whether there are any 'Very Special Circumstances'

The applicant has made a case that there are very special circumstances that should warrant the retention of the mobile home. The applicant (father) lives in the mobile home with his two sons living in the house and annex. It is claimed that one of the sons is a dependent relative (sensitive medical information has been provided) and the applicant is required to be on hand to assist with the farming needs. The case made is that the annex is occupied due to the dependence upon relatives rather than as an agricultural worker in line with the permission granted. It is argued that there is a requirement for the mobile home to be retained to meet the needs of the farming enterprise. As such the Local Planning Authority have considered whether there is a justified need for a third dwelling on the site as set out below.

Although guidance contained in Annex A of Planning Policy Statement 7 has been superseded, this guidance has been relied on by Inspectors in determination of appeals. It is considered that the main provisions are still relevant and offer a credible means of an objective assessment of the need for an Agricultural Workers Dwelling and is a useful tool in assessing whether in this instance a demonstration of essential need has been demonstrated to justify the development.

Paragraph 4 of Annex A of PPS7 states "A functional test is necessary to establish whether it is essential for the proper functioning of the enterprise for one or more workers to be readily available at most times. Such a requirement might arise, for example, if workers need to be on hand day and night:

- (i) In case animals or agricultural processes require essential care at short;
- (ii) to deal quickly with emergencies that could otherwise cause serious loss of crops or products, for example, by frost damage or the failure of automatic systems."

Paragraph 4 of Annex A of PPS7 also explains that, if there is functional requirement, could this requirement be met by another existing dwelling on the farm unit or other existing accommodation in the area which is suitable and available for occupation by the agricultural worker concerned.

Paragraph 8 of Annex A of PPS7 explains that a financial test is necessary for the purpose of demonstrating an economically viable farm enterprise, and therefore one of the last three years should have been profitable to demonstrate this fact.

Much of this rationale is included within the justification for the Council's DM8 (Development in the Open Countryside) policy. Whilst the site is not in the open countryside (as its greenbelt) this policy and justification is also a useful tool for assessment as it sets out how the Council determine agricultural workers dwellings. I consider this is relevant in so far as it is material to the consideration for consistency purposes.

The application seeks consent to retain a mobile home that was originally brought on site in 2005 in order to provide accommodation during the establishment of the agricultural enterprise. The mobile home was originally permitted by planning consent 04/01684/TEM with a condition imposed that required the mobile home to be removed within 3 years from the date of the permission and the land be restored to its former condition.

The mobile home was subsequently granted a further consent to be retained (09/00756/FUL) in August 2009, which required the mobile home to be removed and the land restored to its former condition on or before 31st December 2010. The consent limited the occupation of the mobile home to a person solely or mainly employed, or last employed in the locality in agriculture or a dependent of such a person residing with him or her or a widow or widower of such a person.

When planning permission was granted for permanent agricultural workers dwelling and associated garage / farm office (application reference 12/00604/FUL) a condition (Condition 9) was imposed which required that the dwelling should not be occupied for longer than six months from the date of its first occupation, unless the existing mobile home has been removed from the site. Although this permission was implemented and the dwelling occupied, the mobile home remains on site and continues to be occupied.

Members will note that the Council has commissioned advice from an independent agricultural consultant in order to ascertain if there might be an essential functional need for a worker to be present on site at all times which might amount to a 'very special circumstance' as required by the NPPF. The advice received is set out very clearly in full within the consultation section above. I do not intend to repeat this but I fully concur with the advice.

In summary there are already two permanent residential units at Woodside Farm to accommodate the accepted functional requirement for two full time agricultural workers. Accordingly the Agricultural Consultant considers that the essential/functional needs of the overall enterprise are currently fulfilled by the existing farmhouse and the annex occupied by the applicants sons who are employed on the farm. Both properties are suitable to provide the necessary accommodation to fulfil the essential/functional needs of the unit. Furthermore the Agricultural Consultant has reiterated that the NPPF does not state that a dwelling or mobile home can be granted as a retirement home for a farmer. Consequently it is considered that there is no agricultural support for the retention of the mobile home in this instance.

The agent has responded to the above comments that it is considered that a sufficient labour requirement has been proven. Further, they consider that the particular circumstances of this application, by virtue of the ongoing medical issues of one member of the family, provide evidence of sufficient functional need.

Further to this, the applicant's agent notes that paragraph 77 advises that in rural areas, decisions should be responsive to local circumstances and support local needs. They say that both local and national policy confirm that development for the purposes of agriculture such as this is appropriate development within the Green Belt.

Notwithstanding that the proposal is considered to relate to a residential use and not an agricultural use in the Green Belt and therefore has to be assessed against Green Belt policy as noted above, although paragraph 77 does make reference to decisions being responsive to local circumstances and supporting housing development that reflect local needs the commentary within this paragraph continues to make reference to supporting opportunities to bring forward rural exception sites that will provide affordable housing to meet local identified need. The definition of rural exception sites falls with Annex 2 Glossary of the NPPF and states that these

are small sites used for affordable housing in perpetuity where sites would not normally be used for housing. The proposal is not considered to fall within this definition given that it is seeking the retention of the accommodation to meet a personal need.

However, in further considering the functional or essential need to retain the mobile home on the site for the reasons put forward by the applicant, I have undertaken a search of *Rightmove* for properties within 5 miles of the postcode of the site which could provide alternative and appropriate residential accommodation for the applicant. This search revealed that there are a number of properties, including terraced, semidetached and flats, available with asking prices of £100,000 - £150,000. Therefore, it appears that other suitable accommodation is present which is within a reasonable distance of the site and could serve the personal needs sufficiently. Whilst I acknowledge that this search was a snapshot in time and that the housing market is subject to change, it serves as an indication that there are properties available within a realistic driving distance of the application site where the applicant could conceivably live and continue to work on the holding when required. Whilst this would be less convenient, it cannot be considered to be unreasonable for someone to have to commute to their place of work. In considering the ongoing welfare of the animals on the holding it must be remembered that there are currently two dwellings on the site and thus cover would be provided at all times to deal with onsite emergencies, regardless of the particular medical issues that have been forwarded as part of this application.

Taking the above considerations into account it is considered that although an essential/functional need for two persons to live at or near the farm buildings including the poultry unit has been demonstrated, this need is already met by the farmhouse and annex at the site which are occupied by farm workers.

Whilst I sympathize with the medical issues of one of the son's which have been advanced, my understanding is that the condition affects the worker intermittently such that there may be times when labour may need to be drafted in. However this does not justify a third residence at the site. I would draw attention to the advice received from the Council's agricultural consultant which states:

"It is stated in the supporting information that Mr. R.J. Kirk is a dependent relative although it does not state who he is dependent on. From the accounts submitted in support of the application I consider that as Mr. R.J. Kirk's accounts show that his net profits for the last three years are greater than those of Mr. I.D. Kirk and Mr. C.H. Kirk, he is not and cannot be a dependent of either Mr. I.D. Kirk or Mr. C.H. Kirk."

Taking into account all of the above I do not consider that the personal needs of the applicant outweigh the harm identified. I have to conclude therefore that very special circumstances have not been demonstrated in this instance which would outweigh inappropriate development. The proposal would be contrary to Spatial Policy 4B of the Core strategy and Policy 1 (New Development) of the Thurgarton Neighbourhood Plan as well as the NPPF a material planning consideration. The need for the condition therefore remains and I have to conclude that its removal has not been justified.

Other comments

The impact on the mobile home was previously found have an acceptable impact in terms of its visual appearance, amenity impacts and highway impacts and these matters are not open for debate.

Conclusion

The NPPF indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in 'very special circumstances'. Any harm to the Green Belt carries substantial weight.

In assessing this application it is considered that the permanent retention of the mobile home as a separate dwelling house would be inappropriate development and therefore harmful to the openness of the Green Belt. Whilst the applicant has attempted to establish 'very special circumstances' it is considered that the applicant has failed to demonstrate an essential or functional need to retain the mobile home and the personal circumstances of a dependant son do not outweigh the harm. Furthermore they have also failed to demonstrate how the requirements of the business for further residential accommodation could not be fulfilled by other available properties within the locality.

Overall I consider that the substantial weight to be given to Green Belt harm is not clearly outweighed by other considerations sufficient to demonstrate the very special circumstances that are necessary to justify inappropriate development in the Green Belt. The development is therefore contrary to the relevant provisions of the NPPF, Spatial Policy SP4B of the Newark and Sherwood Core Strategy DPD (adopted March 2011) and Policy 1 (New Development) of the Thurgarton Neighbourhood Plan.

Condition 9 of planning permission 12/00604/FUL should remain and this application is recommended for refusal. Given that there is currently a breach of planning condition it is also recommended that a Breach of Condition Notice is served at the same time as the planning decision is issued to comply with the requirements of the initial planning permission.

RECOMMENDATION: that

- (1) planning permission is refused for the reason shown below; and**
- (2) a Breach of Condition Notice is served at the same time to require the mobile home to be removed from the site within 6 months.**

Reason for Refusal

01

The site is located within the Nottingham-Derby Green Belt. Policy 1 (New Development) of the Thurgarton Neighbourhood Plan adopted 2017 and Spatial Policy 4B of the Newark and Sherwood Core Strategy (adopted March 2011) require development in the Green Belt to be determined in line with national planning policy. These are the relevant policies from the adopted Development Plan. In the opinion of the Local Planning Authority the proposed retention of the mobile home for residential occupation in association with the farmstead constitutes inappropriate development and as such by definition would result in harm to the Green Belt. The proposal does not fall within the exceptions noted in paragraph 145 of the National Planning Policy Framework (2018). Very special circumstances that would outweigh such harm in the form of an essential or functional need for an additional dwelling have not been demonstrated. There are no personal circumstances advanced that would constitute very special circumstances either. The development is therefore contrary to the relevant provisions within the NPPF, Spatial Policy 4B and Policy 1 as set out above. Condition of 12/00604/FUL should therefore remain.

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 some revisions to the proposal. Whilst not all problems arising can be overcome, several potential reasons for refusal have been negated.

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/

BACKGROUND PAPERS

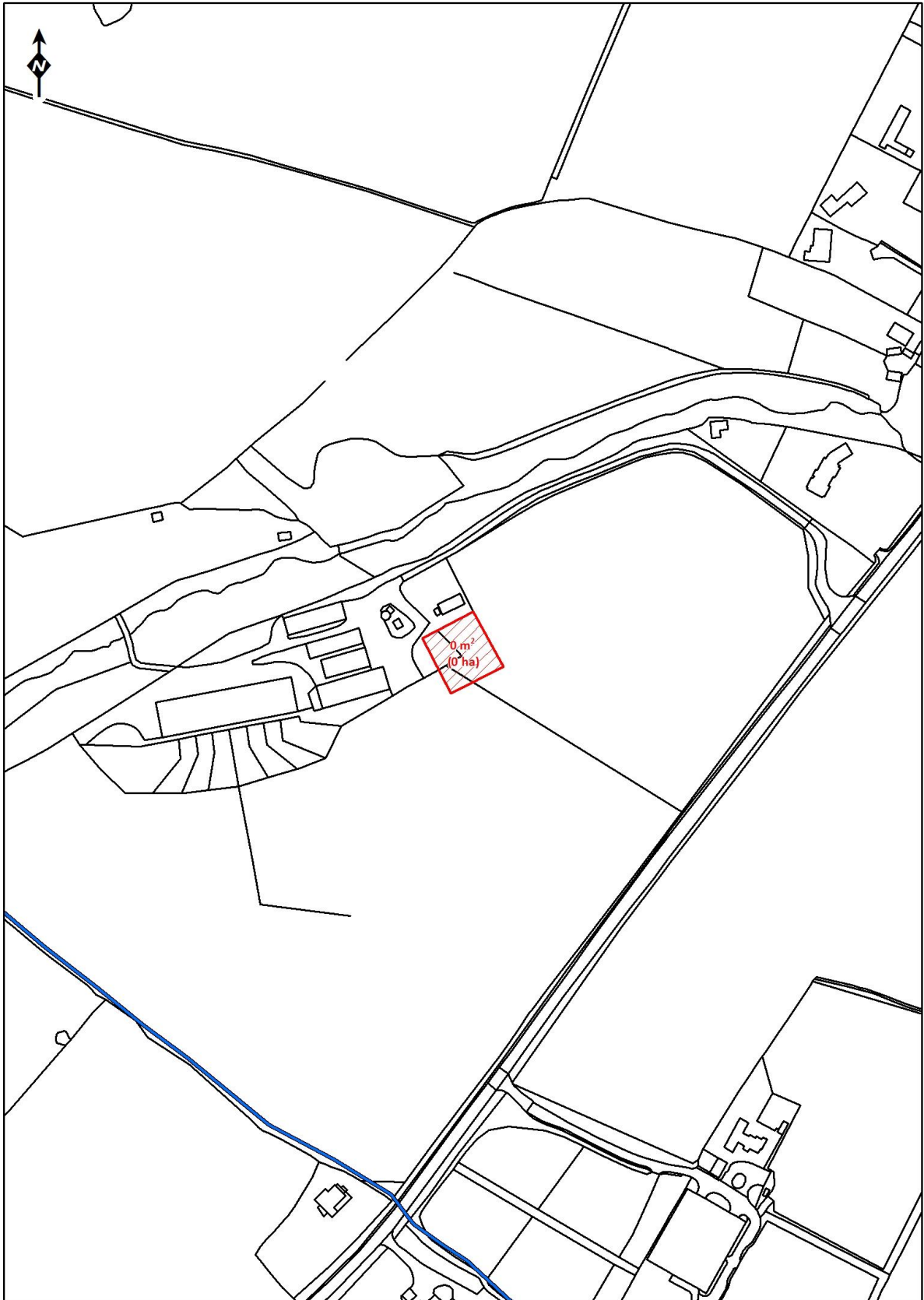
Application case file.

For further information, please contact Richard Marshall on ext 5801.

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

Matt Lamb

Business Manager – Growth and Regeneration



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PLANNING COMMITTEE - 5 FEBRUARY 2019

Application No:	18/01444/FUL		
Proposal:	Installation of a 1.8m high fence surrounding the beer garden (Retrospective)		
Location:	34 Castle Gate, Newark On Trent, NG24 1BG		
Applicant:	Mr Stuart Graham		
Registered:	30.08.18	Target Date:	25.10.18
Extension of time agreed 08.02.19			

This application has been referred to Planning Committee by the Business Manager for Growth and Regeneration given its sensitivity

The Site

The application site is located on a prominent site on the Newark riverside to the southwest of Castle Gate. The site is occupied by a public house which is a Victorian building over three floors, with an overhanging gallery window overlooking the river. There are also a linked range of outbuildings in a yard to the rear of the building which adjoin 36 & 38 Castle Gate, a Grade II Listed Building. The site is access via a vehicular entrance from Castle Gate and through a shared yard or via the footpath along the River Trent.

The site is located within the town centre and the Newark Conservation Area.

The Proposal

This application seeks retrospective planning permission for the installation of a 1.8m high fence surrounding the beer garden. The fencing encloses an outdoor seating area and event area which is below the existing function room. The area also includes a bar/servery. Prior to the area being used as an event and seating area it provided car parking for the establishment.

For clarity the fencing to be retained is the section enclosing the beer garden along the south eastern edge up to but not including the existing fence along the south west side comprising vertical boarded timber fence in a dark stain finish as shown on Drg. No 002 RevA01.

Originally planning permission was sought for the change of use from car parking to beer garden incorporating seating area and events bar (retrospective). Following an assessment of the submitted application and a review of case law it was established that the beer garden is ancillary to the primary use as a pub and as such does not require planning permission. The bar/servery is not considered an operational development which again does not require planning permission. Therefore, only the fencing which had been erected to enclose the outdoor seating area as shown on the submitted revised drawing requires planning permission as it abounds the curtilage of a

listed building. Subsequently the description of the application has been amended and reconsultation has been undertaken.

Plans for consideration – Drg no. 002 Rev A01

The applicant has also submitted supporting information with regards to the business case for the retention of the fencing.

Relevant Planning History

07/00049/FUL - Alterations to public house and change of use of outbuildings to offices– Permitted

00/50468/ADV - Hand painted signs and projecting signs– Permitted

00/50469/LBC - inclusion of signs and lighting to entrance arch - Permitted

Publicity

27 Neighbours notified

Site Notice Posted 10.09.2018

Press Notice Published 06.09.18

Earliest Decision Date 04.01.2019

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy DPD (adopted March 2011)

Core Policy 9: Sustainable design

Core Policy 14: Historic Environment

Allocations & Development Management DPD (adopted July 2013)

DM5: Design

DM9: Protecting the Historic Environment

Policy NUA/TC/1- Newark Urban Area - Newark Town Centre

Other Material Planning Considerations

- National Planning Policy Framework (NPPF) July 2018
- Planning Practice Guidance (PPG)
- Planning Practice Guidance: Conserving and Enhancing the Historic Environment 2014
- Sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act')

Consultations

Initial consultation was undertaken on the change of use application. Having consulted on the amended description only the consultations received in relation to the retrospective fence are reported below;

Newark Town Council - Newark Town Council's Planning Committee decided to retain their original objection as follows: Object to the recent fenced extension, not on loss of parking but on aesthetics within the area.

NSDC Environmental Health - I note the planning considerations. Whilst there remains a history of complaint, the premises appear to have been managed better recently so far as I am aware. On that basis I would not object to any consent granted

NSDC Conservation Officer – Original Comments - Newark CA was originally designated in 1968 and focused on the Market Place. In 1974, the CA was extended to include Millgate, Parnhams Island and the traditional residential streets up to Victoria Street. The CA was then extended in four more stages: in 1979 when a more rational boundary to the central area was defined; in 1987 when the majority of Northgate either side of the Trent was included; and in 1992 and 1995 when the London Road suburbs and the Cemetery were added.

Castle Gate is a significant thoroughfare in the town with many fine historic buildings, including the Castle. The Town Lock is also an important area of the CA due to the significance of Newark's riverside in the evolution of the town in the post-medieval era.

34 Castle Gate is a later 19th century range with historic and architectural interest. Despite modern interventions and modifications, the overall property contributes positively to the character and appearance of the CA.

Assessment of proposals

The proposal seeks retrospective approval for the change of use of the ground floor area to a bar. The bar is enclosed on the courtyard side with timber panel fences.

Conservation has no objection to the change of use. We recognise that the existing building use contributes to the amenity of the riverside as well as the night time economy of the town.

Conservation objects to the appearance of the timber fences. The courtyard away from the riverside forms the setting to a number of historic buildings, noting the long linear service and out-buildings running perpendicular to Castle Gate. The proposal is also prominent within the setting of the Old Lock House. We feel that the timber fence enclosures are out of keeping with the historic building vernacular in this context, and due to their size and finish, unduly prominent.

Ideally, the fences would be removed and a more sympathetic means of enclosure would be considered. This might include a landscaped approach (hedges/planting), or perhaps a traditional red brick wall (with or without railings). Whilst mitigation might also be considered, including painting the timber fences in a suitable colour, this would not fully remove the harm identified above.

Please treat these comments as a holding objection pending a response from the applicant. We

would be happy to meet the client to discuss if needed.

Following the amended description; We previously met the applicant on the 23rd October to discuss Conservation concerns raised in our original comments (18th October). Our preference would have been to remove the fence and replace it with either a brick wall or a landscaping solution (perhaps involving a hedge with discreet green chain link fencing for security). However, we recognise that a masonry option would result in a significant cost to the applicant in this case, and that they have security concerns with the other option. The compromise suggested in this case was to paint the fence a mid to dark grey, including the side fence and trellis element on the water side, as well as a planting strategy against the fence on the car park side (to help soften impact). If carried out, these elements of mitigation would be (reluctantly) acceptable to Conservation. A timescale for their implementation would need to be conditioned.

NSDC Access and Equalities Officer – It is recommended that the developer be advised to consider easy access and manoeuvre for all to and around the proposal with particular reference to disabled people.

Unobstructed access should be considered to the proposal and carefully designed so that it easily accessible with freedom of movement throughout.

It is further advised that the developer be mindful of the provisions of the Equality Act.

NCC Highway Authority - This amendment is for the description of the works – installation of 1.8m high fence surrounding beer garden. This application is not expected to have a significant impact on the public highway, therefore, there are no highway objections.

Environment Agency - We have no comment to add further to my colleagues response dated 5th September 2018 which was no comments to make.

Ramblers Association - According to my records the public rights of way in this area are as follows: Newark Footpath 24 runs down from Castle Gate beside the castle and turns left as the towpath beside the river. Access to Millgate is then obtained by turning left along Newark Footpath 20. It appears, therefore, that this application does not affect any of the local rights of way and we have no objection.

No letters of representations have been received from local residents or other interested parties in respect of the proposed retention of the 1.8m high fence.

Appraisal

The application building has an established use as a public house and as noted within the proposals section of this report the application relates solely to the retention of a section 1.8m high close boarded fence that has been erected surrounding an outdoor seating area/event/bar which is ancillary to an existing public house within Newark Town Centre.

The main planning considerations in the determination of this application are therefore whether the proposal has a harmful impact on the special interest of the adjoining listed building, any harmful impact upon the character and appearance of the Conservation Area or the streetscene, its impact on the amenity of the occupiers of neighbouring properties and whether it raises any highway safety issues.

Impact on the character and appearance of the Listed Building and Conservation Area

As the application building is within the designated Conservation Area and adjoins a designated Grade II listed building, section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as well as Core Policy 14 of the Core Strategy and Policy DM9 Allocations & Development Management DPD (ADMDDP) are also of relevance. 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 addition, section 72 of the Act requires the LPA to pay special attention to the desirability of preserving or enhancing the character and appearance of the Conservation Area. In this context, the objective of preservation is to cause no harm, and is a matter of paramount concern in the decision making process.

The importance of considering the impact of new development on the significance of designated heritage assets, furthermore, is expressed in section 16 of the National Planning Policy Framework (NPPF). Paragraph 190 of the NPPF advises that LPA should identify and assess the particular significance of any heritage asset that may be affected by a proposal and take this into account when considering the impact of a proposal on a heritage asset. Paragraph 192 states that LPA should take into account the desirability of sustaining and enhancing the significant of heritage assets and putting them to viable uses consistent with their conservation, the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality and the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 193 of the NPPF, advises that when considering the impact of a proposed development on the significance of a designated heritage assets, great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Core Policy 14 of the Core Strategy and Policy DM9 of the ADMDDP reflect the NPPF and 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, use, relationship with adjacent assets, alignment and treatment of setting.

The application relates to No. 34 Castle Gate which is not a Listed Building but a linked range of outbuilding adjoin the application site to No. 36 & 38 Castle Gate which is are grade II Listed. Therefore, the setting of this listed building is required to be considered as part of the determination of the application. The building, to which the application relates, also lies within the designated Newark Conservation Area and is in close proximity to the Town Lock, an important area of the Conservation Area due to the significance of Newark's riverside in the evolution of the town in the post-medieval era. The site lies to the south west of Castle Gate which is a significant thoroughfare in the town with many fine historic buildings, including the Castle.

Number 34 Castle Gate is a later 19th century range with historic and architectural interest. Despite modern interventions and modifications, the overall property contributes positively to the character and appearance of the Conservation Area.

I note the comments of the Conservation Officer and their initial concerns that timber fence enclosures are out of keeping with the historic building vernacular in this context. Whilst a wall or alternative landscaping solution would have been preferable, following ongoing discussions, Conservation have acknowledged the business case put forward by the applicant in terms of the significant cost of alternative boundary treatments. The applicant has also put forward that the fencing provides privacy for customers and security for the business. This comments that without the fencing enclosing the outdoor seating area it area would be open to theft, vandalism and potential unlawful use which would impact on the continued operation of the business and consequently on local employment.

I am mindful that although the applicant has been unwilling to consider alternate solutions they have been receptive to potential mitigation in which the fence could be painted a mid to dark grey, along with the side fence on the water side, as well as a robust planting strategy set against the fencing on the car park side as suggested by the Conservation Officer. If carried out, these elements of mitigation would soften the impact of the fencing and would reduce the level of the harm to the setting of adjacent Listed Building and the character and appearance of the Conservation Area albeit they would not fully remove it. If Members were minded to approve, these mitigation measures could be controlled by means of a condition.

It is therefore accepted that there is a business argument in favour of an enclosure in this location in order to provide security and privacy for the public house users and this together with the agreed mitigation measures should be weighed in the planning balance.

In assessing the proposal there is a legal presumption against harm to designated heritage assets, and whilst the harm to the historic environment of this part of the Conservation Area caused by the siting, scale, design and appearance of the fencing in this case is relatively moderate and less than substantial, harm does exist.

In accordance with paragraph 196 of the NPPF, less than substantial harm can be weighed against the public benefit. In this case the public benefit is taken to mean the socio economic benefits of improving and expanding the business as well as safety and security considerations. Paragraph 194 of the NPPF reminds us that any harm, irrespective of its level, requires a clear and convincing justification. In this instance and on balance it is considered that the business case put forward by the applicant does justify the retention of the fencing providing the mitigation measures are put in place within a reasonable time scale.

It is noted that the fencing to which this application relates is immediately adjoined by existing vertical boarded timber fencing along the south western boundary which extends along a side boundary and although this together with its dark stain finish does slightly reduce its impact officers consider that this fencing does result in harm to the historic environment. However investigations show that this existing fencing has been in situ in excess of 4 years and is therefore immune from enforcement action under the provisions of 171B of the Town and Country Planning Act 1990.

It is also noted that similar fencing has been erected along the boundary with Lock Keepers Cottage. Should Members be minded to grant permission to retain the fencing to which this application relates this would not automatically set a precedent for permission to be granted at adjoining sites. Any consideration of similar developments on other sites would need to be assessed on their own merits.

Taking the above into account in this particular case officers find that the socio economic benefits of the retained fencing enclosing the beer garden along the south eastern edge of the beer garden together with the mitigation measures outlined above on balance outweigh the less than substantial harm to the historic environment contrary to Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policies CP14 and DM9 of the Council's LDF DPDs and the NPPF.

Amenity

Criterion 3 of policy DM5 outlines that regard should be given to the impact of proposals on amenity or surrounding land uses and should not cause unacceptable loss of amenity.

The application site is surrounded by commercial and residential properties. The fencing, which is proposed to be retained, surrounds the undercroft seating area and part of the yard to the rear. To the rear is the access and yard serving a number of properties and units on Castle Gate. The access and parking yard separates the fence from any adjoining property and as such the fencing would assist in preventing the overspill of customers into the yard. Taking this into account it is considered that its retention would not have any undue impact upon the amenity of the occupiers or users of nearby properties to justify refusal on these grounds.

Highways

The area to be enclosed by the fencing was previously used as parking for the establishment. This area has been changed to an outdoor seating/events area with a bar. The change of use is ancillary to the main use of the public house and did not require planning permission and therefore the Council had no control over the loss of parking.

The site is accessed via Castle Gate through a shared yard which includes some parking, albeit some private parking, and a parking area for the public house. The fencing does not restrict access and parking within the yard and the Highway Authority has raised no objection to the proposed fence.

I am satisfied that given the scale of the development and the location of the site within the town centre the proposal would not raise any significant highway issues.

Planning Balance and Conclusion

Taking the above into account in this particular case officers acknowledge that this is a finely balanced recommendation. However it is found that the socio economic benefits of the retention of the fencing with trellis along the south eastern edge of the outdoor area together with the mitigation measures outlined above outweigh the harm to the historic environment in accordance with Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Core Policy 14 of the Core Strategy and Policy DM9 Allocations & Development Management DPD (ADMDDP) and the NPPF.

The proposals would not raise any highways or amenity issues.

RECOMMENDATION

Grant Planning Permission subject to the following conditions:

01

Within 56 days of the date of this permission the fencing including the trellis to be retained along the south eastern edge of the outdoor area as shown on drawing no. 002 Rev AO1 deposited on the 23rd January 2019 shall be stained a mid grey colour.

Reason: In the interests of visual amenity and to preserve or enhance the setting of the Listed Buildings and the character and appearance of the conservation area.

02

Within 6 months of the date of this permission precise details of planting to be provided to the front of the fencing to be retained shall be submitted to and approved in writing by the local planning authority. This shall include details of planting containers and species, size and approximate date of planting.

The planting scheme shall be completed in accordance with the approved details during the first planting season from the date of this decision. Any planting which within a period of five years of being planted dies, is removed or becomes 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: In order to preserve or enhance the setting of the Listed Buildings and the character and appearance of the conservation area.

Note to Applicant

01

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

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

02

This application has been the subject of discussions during the application process. 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 Jennifer Wallis on ext **5419**.

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

Matt Lamb
Business Manager – Growth and Regeneration

Committee Plan - 18/01444/FUL



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PLANNING COMMITTEE – 5 FEBRUARY 2019

Application No:	18/02049/FUL	
Proposal:	Erection of dwelling	
Location:	Land to the rear of Bridge Cottages, Barnby Road, Newark	
Applicant:	Mr Sam Price	
Registered:	2 November 2018	Target Date: 28 December 2018
		Extension of Time Agreed until 6 February 2019

This application is presented to the Planning Committee for determination as the views of the Town Council differ from the professional officer view.

The Site

The application site is an area of open land to the north of Bridge Cottages, accessed via a narrow track from Barnby Road.

Numbers 1 to 4 Bridge Cottages front on to the access track, with numbers 5-9 fronting Barnby Road. These cottages are narrow fronted Victorian terraces with long thin gardens. Immediately adjacent to the west of the access track is a detached bungalow (Beacon View) of modern construction which is set at a slightly lower land level than the track. The site is approximately 55m to the south-west of the East Coast Mainline. The site is located within the Newark Urban Area as defined within the Development Plan.

The site comprises of an area of grassed scrubland with some trees along the boundary which also comprises fence posts and barbed wire fence.

Relevant Planning History

18/00328/OUT – Outline permission for the erection of dwelling was approved on 26th June 2018 under delegated powers. All matters except for the means of vehicular access were reserved for subsequent consideration. The site area was slightly smaller in extent than the application currently being considered (in that it didn't contain the land rear [north-east] of Beacon View as this latest application does).

The following applications relate to a parcel of land within the wider field of which the site is located within:

05/01004/OUT - Erection of house (refused 23.09.2005). The application was refused for the following reasons:

01

The site is subject to Policy FS3 (Land between Newark and Balderton) of the adopted Newark & Sherwood Local Plan, which states: "Planning permission will be granted for low density housing development and institutional uses set within extensive and well

landscaped grounds, in the area defined on the Proposals Map between London Road and Barnby Road, provided the substantial open and well wooded character of the area is retained..." This policy also states that "Development along Barnby Road will, inter alia, be confined to low density housing development on frontage sites, which secures positive environmental improvements..."

The proposal seeks planning permission for a residential dwelling on a paddock to the rear of Appleby Lodge and Beacon View. This site is not a frontage site and the approval of this application would adversely affect the character of the area therefore conflicting with the above policy.

02

The proposed access to the site is off a private unmade track that is approximately 3 metres in width, would not enable two way vehicular movement and would likely result in vehicles waiting on the crest of the bridge whilst the access is cleared. Visibility from the access point is also substandard in accordance with the speed of traffic on Barnby Road. In the opinion of the Local Planning Authority the intensification of the use of the access would therefore be detrimental to highway safety and would prevent the free and safe flow of traffic in the area. This is contrary to Policies DD1 (Development) and H21 (Design and Layout of Housing Development) of the adopted Newark and Sherwood Local Plan which forms part of the Development Plan.

03/02349/FUL - Change of use from paddock to site for residential caravan for two years (refused 05.12.2003). The application was refused for the following reasons:

01

The site is subject to Policy FS3 (Land between Newark and Balderton) of the adopted Newark & Sherwood Local Plan, which states: "Planning permission will be granted for low density housing development and institutional uses set within extensive and well landscaped grounds, in the area defined on the Proposals Map between London Road and Barnby Road, provided the substantial open and well wooded character of the area is retained..." This policy also states that "Development along Barnby Road will, inter alia, be confined to low density housing development on frontage sites, which secures positive environmental improvements..."

The proposal seeks planning permission for a residential caravan on a paddock to the rear of Appleby Lodge. This site is not a frontage site and the approval of this application would adversely affect the character of the area therefore conflicting with the above policy. Whilst the personal circumstances of the applicant are noted, in the opinion of the Local Planning Authority, this does not outweigh the general policy objection to the proposal.

02

The application is also subject to Policy H32 (Residential Caravans and Mobile Homes) which states: "Planning permission will not be granted for residential caravans and mobile homes that fail to conform with policies for the location of permanent dwellings." In the opinion of the Local Planning Authority, the proposal does not accord with relevant policy (FS3) for the location of permanent dwellings and therefore is also contrary to this policy.

An appeal on this application was dismissed by the Planning Inspectorate.

The Proposal

Full planning permission is sought for the erection of a detached one and half storey dwelling with a horse shoe shaped footprint which was originally proposed to be sited behind (east) of the adjacent terraces. However the application has been amended during its lifetime including an amended siting of the proposed dwelling and the red line boundary. The dwelling is now proposed to be sited to the north of the existing terraces.

Accommodation comprises a kitchen, utility/shower room, dining and living room, two bedrooms and bathroom at ground floor with a master bedroom with en-suite within part of the roof space.

- Drawing no. 1814.A.1 - Proposals (Elevations and floor plans) received 17th December 2018
- Drawing no 1814.A.2a– Proposals (Block Plan) received 17th December 2018
- Site Location Plan (amended received 17th December 2018)
- Protected Species Survey by CBE Consulting May 2018, Update December 2018 (to include land to the north)
- Supporting Statement
- Foul Drainage Assessment

Departure/Public Advertisement Procedure

Occupiers of 10 properties have been individually notified by letter on both sets of plans with the latest consultation having allowed until 7th January 2019 for representations.

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
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
NAP1 - Newark Urban Area

Allocations & Development Management DPD

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

Other Material Planning Considerations

- National Planning Policy Framework 2018
- Planning Practice Guidance
- Publication Core Strategy

Consultations

Newark Town Council – 02.01.2019

‘Members could see no reason to change their original objection as follows:

- Biodiversity and the impact on the local toad population;
- The cumulative impact on the area.’

Previous objection 29.11.2018: ‘Objection was raised to this application on the following grounds: Biodiversity and the impact on the local toad population and the cumulative impact on the area.’

NCC Highways Authority – 18.12.2018

Amended plan 1814.A.2a

The amended block plan demonstrates the same access details as shown on the previous block plan 1814.A.2. Therefore, the following conditions apply:

Prior to the occupation of the proposed dwelling, the shared driveway shall be widened in accordance with the approved block plan 1814.A.2a, and be surfaced in a bound material (not loose gravel) for a minimum distance of 8m from the Barnby Road carriageway, and shall be drained to prevent the unregulated discharge of surface water onto the public highway.

Reason: In the interests of highway safety.

No part of the development hereby permitted shall be brought into use until the parking/turning areas are provided in accordance with the approved plan 1814.A.2a. The parking/turning areas shall not be used for any purpose other than parking/turning of vehicles.

Reason: In the interests of highway safety.

Note to applicant

The development makes it necessary to improve a vehicular crossing over a footway within 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.

Previous comments: “This proposal is for the erection of a dwelling served by an existing private access from Barnby Road which currently serves a number of neighbouring properties.

The block plan submitted, ref. 1814.A.2, demonstrates that the access width is to be increased to 5m at the junction with Barnby Road and narrowing to 4.5m at a point 8m from the edge of carriageway. The Highway Authority is content that on balance this offers sufficient improvement to the shared driveway to allow one additional dwelling subject to the following:

Prior to the occupation of the proposed dwelling, the shared driveway shall be widened in accordance with the approved block plan 1814.A.2, and be surfaced in a bound material (not loose gravel) for a minimum distance of 8m from the Barnby Road carriageway, and shall be drained to prevent the unregulated discharge of surface water onto the public highway.

Reason: In the interests of highway safety.

No part of the development hereby permitted shall be brought into use until the parking/turning areas are provided in accordance with the approved plan 1814.A.2. The parking/turning areas shall not be used for any purpose other than parking/turning of vehicles.

Reason: In the interests of highway safety.”

Environment Agency – 06.12.2018

“We have reviewed the submitted documents and on this occasion the Environment Agency has no formal comment to make. However we do note that the applicant proposes the use of a package treatment plant as a means of foul drainage, Government guidance contained within the national Planning Practice Guidance (Water supply, wastewater and water quality – considerations for planning applications, paragraph 020) sets out a hierarchy of drainage options that must be considered and discounted in the following order:

1. Connection to the public sewer
2. Package sewage treatment plant (adopted in due course by the sewerage company or owned and operated under a new appointment or variation)
3. Septic Tank

Foul drainage should be connected to the main sewer. Where this is not possible, under the Environmental Permitting Regulations 2010 any discharge of sewage or trade effluent made to either surface water or groundwater will need to be registered as an exempt discharge activity or hold a permit issued by the Environment Agency, addition to planning permission. This applies to any discharge to inland freshwaters, coastal waters or relevant territorial waters.

Please note that the granting of planning permission does not guarantee the granting of an Environmental Permit. Upon receipt of a correctly filled in application form we will carry out an assessment. It can take up to 4 months before we are in a position to decide whether to grant a permit or not.

Domestic effluent discharged from a treatment plant/septic tank at 2 cubic metres or less to ground or 5 cubic metres or less to surface water in any 24 hour period must comply with General Binding Rules provided that no public foul sewer is available to serve the development and that the site is not within an inner Groundwater Source Protection Zone.

A soakaway used to serve a non-mains drainage system must be sited no less than 10 metres from the nearest watercourse, not less than 10 metres from any other foul soakaway and not less than 50 metres from the nearest potable water supply.

Where the proposed development involves the connection of foul drainage to an existing non-mains drainage system, the applicant should ensure that it is in a good state of repair, regularly de-sludged and of sufficient capacity to deal with any potential increase in flow and loading which may occur as a result of the development.

Where the existing non-mains drainage system is covered by a permit to discharge then an application to vary the permit will need to be made to reflect the increase in volume being discharged. It can take up to 13 weeks before we decide whether to vary a permit.”

Cadent Gas – Comments made 12/11/2018

“Considerations in relation to gas pipeline/s identified on site:

Cadent have identified operational gas apparatus within the application site boundary. This may include a legal interest (easements or wayleaves) in the land which restricts activity in proximity to Cadent assets in private land. The Applicant must ensure that proposed works do not infringe on Cadent’s legal rights and any details of such restrictions should be obtained from the landowner in the first instance.

If buildings or structures are proposed directly above the gas apparatus then development should only take place following a diversion of this apparatus. The Applicant should contact Cadent’s Plant Protection Team at the earliest opportunity to discuss proposed diversions of apparatus to avoid any unnecessary delays.

If any construction traffic is likely to cross a Cadent pipeline then the Applicant must contact Cadent’s Plant Protection Team to see if any protection measures are required.

All developers are required to contact Cadent’s Plant Protection Team for approval before carrying out any works on site and ensuring requirements are adhered to.”

Environmental Health - There is evidence of burning on the land adjacent to the application site and there is the possibility that residue from this activity may have contaminated this site. I would therefore request the use of our full phased contamination condition.

Trent Valley Internal Drainage Board – ‘The site lies outside of the Trent Valley Internal Drainage Board district but within the Boards catchment. There are no Board maintained watercourses in close proximity to the site. The Boards consent is required for any works that increase the flow or volume of water to any watercourse or culvert within the Board’s district (other than directly to a main river for which the consent of the Environment Agency will be required). Surface water run-off rates to receiving watercourses must not be increased as a result of development. The design, operation and future maintenance of the site drainage systems must be agreed with the LLFA and the LPA.’

LCC Archaeologist – No input required.

Six neighbours/interested parties have made representations objecting to the scheme. The comments have been summarised as follows:

- Comments stating that as owner(s) of part(s) of the road leading to the site, permission is not given to expand/lay tarmac on the road as required by NCC County Highways;
- Concerns regarding highway safety due to access point onto Barnby Road;
- The applicant would need to seek the agreement for all the land owners of the track known as 'Corporation Road' who it is understood are the owners of 1-5 Bridge Cottages;
- Concerns regarding health and safety during construction and arising from amenity impacts upon residents from the additional traffic.
- Traffic and noise will increase greatly and not just during the construction period
- Impact on wildlife, foxes, reptiles, birds and hedgehogs will be adversely affected
- The proposal would adversely affect Barnby Road Newark toad population and other wildlife including amphibians and reptiles as it's an amphibian migratory crossings. The access track is one of only two clear distinct routes for toads to move along unhindered during their spring migration to the breeding pond, populations already declined due to development;
- All that remains now is the open grassland field (proposed site of this application) at the end of this track and a strip of land of which a part is used as an allotment accessed by a narrow green lane. The latter had a refusal for development in 2017 primarily for the protection and conservation of the toads.
- This building proposal is completely out of character with the small traditional Victorian Cottages that face the track.
- History of fires and burning of waste that have taken place on a paddock adjacent to this site, one of which closed the East Coast mainline.
- History of refusals at this site;
- Risk assessment should be carried out due to gas pipeline;
- Contravenes policy FS3;
- Adverse impact on visual amenity/backland development;
- Concerned that original information provided in respect of foul sewage was misleading;
- View will be altered as side windows face the site
- Peace and privacy will disappear
- Adverse impact upon no. 1 Bridge Cottages through overshadowing, overlooking and loss of privacy.

Comments of the Business Manager

Background

Outline planning permission was granted in June 2018 for one dwelling on this site. This application was determined under delegated powers as at that time Newark Town Council raised no objection to the scheme. Their stance has now changed and this application is therefore required to be determined by the Planning Committee.

Members may also note that some of the objectors have referenced a previous refusal for a dwelling that was dismissed on appeal in 2003. However at that time the proposal was not within the urban boundary, a matter which changed with the adoption of the Allocations and Development Management Plan in 2013. For the avoidance of doubt, Policy 'FS3' referred to by some is no longer in existence as it became defunct with the old Local Plan.

The Principle of Development

The Council's position on 5 year housing land supply (5YHLS) is that it can demonstrate a 5 year housing land supply and several appeal decisions, including the public inquiry of November 2017, recovered by the Secretary of State have confirmed this. Therefore for the purposes of decision making the Development Plan is considered up to date.

The application site is located within the main built up urban area of Newark as defined by the Allocations and Development Management DPD. Spatial Policies 1, 2 and NAP1 of the Adopted Core Strategy identify Newark as a Sub Regional Centre where the focus is for housing and employment growth. In addition and importantly, outline consent has already been granted in June 2018 for the erection of one dwelling on the site. This outline consent is extant by virtue of it having been granted within 3 years of this application, and represents a significant material planning consideration. The principle of a dwelling on the site is therefore considered acceptable.

Impact on Highways Network

Policy DM5 of the Allocations and Development Management DPD is explicit in stating that provision should be made for safe and inclusive access to new development whilst Spatial Policy 7 of the Adopted Core Strategy encourages proposals which place an emphasis on non-car modes as a means of access to services and facilities.

In granting outline permission the means of vehicular access was considered and was the same as is being promoted by this full application; access from Barnby Road via an existing lane/track.

Barnby Road is served by a regular bus route and the site is within walking distance to Newark Town Centre, which in my view makes the site a sustainable location for residential development. However, it is likely that a car would be the chosen method of transport for the occupiers of the new dwellings.

The site is served by an access lane from Barnby Road which runs alongside no. 1-5 Bridge Cottages, who all have access to their properties via this lane. The lane is narrow and as such two cars are unlikely to be able to pass each other along the lane.

The lane is not owned by the applicant; rather it is owned by no's 1-5 Bridge Cottages and Notice has been served on them as part of the application process as is the correct procedure for such an application. I understand that the applicant has a right of access over the land but that this may not extend to altering the access.

The main consideration for the LPA and the Highway Authority is to ensure that there is safe access to/from the site and enough space for cars to move safely along the access. Furthermore, it should also be noted that if planning permission is granted for the proposal, the applicant would first need consent from all landowners to carry out any works to the lane before work could commence. This is a civil matter between the affected parties.

The proposal seeks to widen the lane along the first 8m upon leaving Barnby Road (to the west) to provide additional room for vehicles to pass; the widening would allow two vehicles to pass at the entrance to the lane. This would involve using land from the adjacent Beacon View to the north-west of the lane to provide this additional space and would require this land to be raised so that the access is provided on a level basis. NCC Highways Authority have again confirmed they are

satisfied with the proposed widening, subject to conditions relating to the hard bound surface of the lane within this widened area and that the parking and turning are provided prior to the use commencing.

Parking for two cars is shown within the application site as well as a turning head to allow vehicles to enter and leave the site in a forward gear. The surface of the hardstanding is not specified but could be conditioned. The quantum of parking is considered appropriate for a 3 bedroom dwelling and in any event, there would be ample space for the parking of additional cars within the site should it be considered necessary.

I note the concerns raised by local residents with regards to the safety of the access. This matter has previously been assessed and found to be acceptable in the granting of the outline permission for one dwelling from the same access.

The previous case officer noted that:

'Having visited the site it was apparent that many nearby residents do park on the road close to the access lane. However, the access is an existing one which is currently used for residential and agricultural purposes (I note the concerns regarding the use of the field however I have no evidence from a planning perspective to assess the field as any other use at this stage) and as such I must attach weight to the current use of the access.'

I am mindful that the visibility splays do not meet the usual standard required by the Highway Authority owing to the bridge when looking right at the junction with Barnby Road, however as the access already exists, and has done for many years, the LPA must take this into account. The increased use of the access for one dwelling is unlikely to result in a significant increase in traffic along the lane, and whilst I accept that the number of vehicles for the site is likely to increase, the improved width of the access close to the entrance to the lane is to be improved to allow 2 cars to pass at the entrance, thus limiting any need for a vehicle to wait in the public highway. Furthermore, the vehicles are likely to be approaching the lane at a slow speed which should allow drivers time to assess the road conditions before entering/leaving the lane which I expect to be the current situation for vehicles. The use of the site as residential is also likely to attract smaller vehicles than the existing agricultural use which is also welcomed on a narrow lane, particularly for residents who use the lane on foot. As such, I consider that on balance the proposal is acceptable in terms of Policy DM5 of the DPD in relation to access.'

On the basis of the above, I am of the view that the scheme accords with the identified policies with regards to highway safety.'

I share the views of my colleague and find no reason to divert from the stance already adopted in respect of this matter.

Impact upon Visual Amenity

Policy DM5 of the DPD requires development to reflect 'the scale, form, mass, layout, design, materials and detailing' of the surrounding built form. Achieving a high standard of design remains a key matter as set out in Chapter 12 of the NPPF.

The site is located within Newark Urban Area, although the site is somewhat hidden from the wider public realm owing to the narrow access track from Barnby Road and its set back from the public highway.

The proposed dwelling has been re-sited during the course of the application in an attempt to address officer concerns. It is now proposed to be located north of the existing terraces. The grain of the development would have a horseshoe footprint which differs from other dwellings in the locality, albeit I do not find this to be particularly harmful given its lack of prominence and its design and scale. The proposed dwelling is one and a half storey (c6.35m to ridge, 3m to eaves) albeit from Barnby Road would be seen as a single storey dwelling given that the roof windows now face north towards the railway line.

As previously mentioned, the design occupies a horseshoe footprint with its form being relatively simple. The design details include Venetian style arched windows with what appear to be decorative stone quoin surrounds and a pillared entrance porch. These details in my view are somewhat ostentatious and not vernacular to the area. However given these features would not be visible from the public realm, I do not consider this, which becomes a matter of personal taste, should be fatal to the scheme.

Subject to agreeing details of facing materials, I consider that the design and layout is satisfactory.

Impact on Residential Amenity

Policy DM5 of the Council's DPD requires new development to respect the amenities of the surrounding land uses to ensure that there is no adverse impact by virtue of overshadowing, overlooking or overbearing issues.

The site is bounded by residential dwellings to the south and south-west and as such, new dwellings could have an impact upon the amenities of these properties. The two properties most likely to be impacted by the development are 1 Bridge Cottages and Beacon View, the latter of which appears to be in the control of the applicant according to the site location plan.

The nearest part of the proposed dwelling to the side elevation of the end terrace is c8.7m; this would comprise a blank gable end. The remainder of the elevation directly facing the dwelling would be over 20m away and contain two ground floor living room windows. I am satisfied that given this distance and design there would not result in any loss of privacy through directly overlooking or loss of amenity such as overbearing or loss of light impacts.

It is noted that there are two first floor windows contained within the side of no. 1 Bridge Cottage which are understood to be a landing and bedroom window. However given the proposed dwelling has no first floor windows facing the existing house and is at a lower level I do not consider that this would amount to impacts that would warrant refusal of the scheme.

Having considered the impacts upon the existing bungalow Beacon View, I note that given the the relationship and distances involved there would be no unacceptable impacts and in any event these are in the same control.

I note the comments from local residents which raise concerns regarding the likely disruption and increase in traffic along the access lane during construction and at operational stage. I appreciate these concerns however, like the previous case officer, I agree that the construction phase is unlikely to be a long term issue therefore I would not consider it reasonable to recommend a refusal on the basis of noise/traffic disturbance by construction vehicles.

Furthermore, I note the concerns regarding the increased traffic movements due to an additional dwelling. Whilst it is expected that a new dwelling would increase movements, I would not expect one additional dwelling to result in a significant increase in traffic that would be unacceptable from an amenity perspective.

It is therefore not considered that the proposal would have an undue adverse impact on the residential amenities of occupiers of neighbouring properties subject to detailed design, layout and scale. As such the proposal accords with the provisions of the NPPF and Policy DM5 of the DPD.

Impact upon Ecology

Core Policy 12 and Policy DM7 promote the conservation and enhancement of the District's biodiversity assets. Paragraph 8 of the NPPF sets that the environmental objective which seeks to contribute to the protection and enhancement of the natural environment, thus helping to improve biodiversity. Paragraph 175 of the same policy document provides that if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated for or as a last resort compensated for, then planning permission should be refused.

Given the previous mature landscape designation, I consider the site to hold potential ecological importance. Further to this, the site lies adjacent to a toad migration site and concerns were previously raised by both the County Ecologist and Nottinghamshire Wildlife Trust regarding the outline planning proposal's impact upon amphibians in the area. Local residents have also raised concerns.

In support of the application a Protected Species Survey by CBE Consulting May 2018 has been submitted which has been supplemented by an updated report to cover the additional land to the west and north now included within the application site. This concludes that no evidence of protected species has been identified on the site and that there is no habitat of high potential value to such species within the site. The site also offers little potential for amphibians including toads, yet it is possible for species such as toads/reptiles to be present along garden margins, along the boundaries where there is scrub on the adjacent land and making use of small patches of bramble. To this end, the survey has recommended mitigation measures to prevent harm to potential wildlife within the site (detailed in Section 5 of the survey). I consider that these mitigation measures are reasonable and necessary and should form a condition (see C4) to ensure the development adheres to these recommendations.

There are some poor quality trees (conifers, hawthorn, sycamore) on site. It is not clear whether these would stay or be removed. Even taking the worst case scenario into account (their removal) in order to facilitate the proposed dwelling, I do not consider that their loss would have an unacceptable harmful impact on either amenity or ecological value given their poor quality and in any case their loss (if definitely required) could be compensated with replacement planting as required by a planning condition.

Drainage/Foul Sewage

Core Policy 9 requires new development proposals to pro-actively manage surface water which is reflected in Policy DM5 of the Allocations and Development Management DPD.

The site lies within flood zone 1, at lowest flood risk albeit it is within an area prone to surface water flooding.

Soakaways are shown on the plans for the disposal of surface water, which would be controlled via building regulations and are considered an acceptable means of surface water disposal. In relation to the proposed use of a package treatment plant for foul sewage, I note that there is no mains drainage in the vicinity of this site and that the Environment Agency have not raised an objection, albeit they make clear that this does not guarantee the granting of an Environmental Permit which they administer. I am satisfied that the planning system need not consider this matter in any greater detail as it is covered by other disciplines. As such the proposal is not considered to increase the risk of surface water flooding due to the drainage proposed and the amount of site still retained for porous surfacing.

Other Matters

The Council's Environmental Health team previously advised (and indeed continues to advise) that in recent years land adjacent to the site has been subject to large fires. The materials burned have not been identified, however given the potential for contamination within the site, the Environmental Health Officer has advised that a contamination report is conditioned should the application be approved, which given the vulnerable end use of the site, a residential property, I consider appropriate to impose to ensure future occupiers are not impacted from a health perspective.

Environmental Health previously considered the issue of noise from the nearby East Coast Mainline and it was not a matter that was considered to be necessary to control via condition. There has been no change in circumstance to alter this position.

It has previously been brought to the attention of officers that the properties along the lane are not connected to mains sewers. The application states that the proposed dwelling would have a mini treatment plant. A foul assessment form has been submitted which the Environment Agency have reviewed and raised no comments. Given the lack of public sewer the package treatment plan is the next best option according to the drainage hierarchy. No objections are therefore raised on this.

Residents have previously highlighted the presence of a gas pipe along the access lane. Cadent Gas Network have also highlighted this infrastructure and have recommended that an informative is appended to any decision notice to highlight the issue to the applicant.

Planning Balance and Conclusion

The site is located within the defined main built up area of Newark in accordance with the current local planning policies for Newark & Sherwood, and as such the principle of development in this location is considered to be acceptable as already established by the granting of an outline permission (18/00328/OUT) which remains extant and thus carries significant weight. The means of access has already been established as acceptable through the outline consent. Subject to the

widening works as required through condition, I consider that the access for one dwelling would be acceptable from a planning perspective. This would not override any private legal interests which are civil matters to be resolved between the applicant and the owners of the road. The visual appearance of the dwelling would be satisfactory and no unacceptable impacts upon the living conditions of neighbours have been identified. Other issues have been raised in respect to contamination and nearby gas pipe which will be conditioned/noted accordingly. Ecological impacts have been found to be acceptable at outline stage. An updated survey has found no new issues and there are no trees of significance within the site that would warrant resistance of the application. The proposal is therefore considered to accord with the relevant local and national planning policies and is recommended for approval.

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

- Drawing no. 1814.A.1 - Proposals (Elevations and floor plans) received 17th December 2018
- Drawing no 1814.A.2a– Proposals (Block Plan) received 17th December 2018
- Site Location Plan (amended received 17th December 2018)

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

Reason: So as to define this permission.

03

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 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.

04

Immediately prior to any vegetation clearance or ground works being carried out within the site, the site shall be searched by a suitably qualified and experienced ecologist. Should any toads or other amphibians be found on the site, they shall be carefully removed with an ecologist present and placed within suitable habitat within the toad migration area as set out in the Protected Species Survey by CBE Consulting dated 1st May 2018 submitted as part of the planning application.

Reason: In order to afford protection to local wildlife, namely toads, in line with the Core Strategy and the NPPF as submitted by the applicant in their ecological survey which forms part of the application.

05

No development above damp proof course shall take place until manufacturers details (and samples upon request) of the external facing materials (including colour/finish) have been submitted to and approved in writing by the local planning authority. Development shall thereafter be carried out in accordance with the approved details.

Reason: In the interests of visual amenity.

06

Prior to first occupation of the dwelling hereby approved, full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include:

existing trees and hedgerows, which are to be retained pending approval of a detailed scheme, together with measures for protection during construction;

full details of every tree, shrub, hedge to be planted (including its proposed location, species, size and approximate date of planting) and details of tree planting pits including associated irrigation measures, tree staking and guards, and structural cells. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species;

proposed finished ground levels or contours;

means of enclosure;

hard surfacing materials (which shall be permeable where possible);

Reason: In the interests of visual amenity and biodiversity.

07

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 on site prior to first occupation.

Reason: To ensure the work is carried out within a reasonable period and thereafter properly maintained, in the interests of visual amenity and biodiversity.

08

Prior to the occupation of the proposed dwelling, the shared driveway shall be widened in accordance with the approved block plan 1814.A.2 (received 17th December 2018), and be surfaced in a bound material (not loose gravel) for a minimum distance of 8m from the Barnby Road carriageway, and shall be drained to prevent the unregulated discharge of surface water onto the public highway.

Reason: In the interests of highway safety.

09

No part of the development hereby permitted shall be brought into use until the parking/turning areas are provided in accordance with the approved plan 1814.A.2 (received 17th December 2018). The parking/turning areas shall not be used for any purpose other than parking/turning of vehicles.

Reason: In the interests of highway safety.

010

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 2015 (or any order revoking, re-enacting or modifying that Order), no windows including dormer windows (other than those expressly authorised by this permission) shall be constructed on the south (side) elevation of the development hereby permitted.

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

Note to Applicant

01

The development makes it necessary to alter a vehicular crossing over a footway 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 Agent, Via East Midlands tel. 0115 977 2275 to arrange for these works to be carried out.

02

The comments and guidance notes of Cadent Gas are attached for information.

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

The proposed development has been assessed and it is the Council's view that CIL IS PAYABLE on the development hereby approved as is detailed below. Full details about the CIL Charge including, amount and process for payment will be set out in the Regulation 65 Liability Notice which will be sent to you as soon as possible after this decision notice has been issued. If the development hereby approved is for 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/ or from the Planning Portal: 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.

Matt Lamb
Business Manager - Growth & Regeneration



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PLANNING COMMITTEE – 5 FEBRUARY 2019

Application No:	18/02167/FUL	
Proposal:	Change of use of scrubland for the siting of 8 touring caravans and associated amenity block for gypsy travellers	
Location:	Shannon Falls, Tolney Lane, Newark	
Applicant:	Mr Creddy Price	
Registered:	22 November 2018	Target Date: 17 January 2019
	Extension of time agreed in principle	

This application is being referred to the Planning Committee for determination in accordance with the approved scheme of delegation.

The Site

The application site is situated west of the Newark Urban Area, within the Rural Area as defined by the Newark and Sherwood Core Strategy and within the countryside. The site sits on the north side of Tolney Lane which runs in a westerly direction from the Great North Road which leads to a dead end. It sits at a junction where Tolney Lane forks into two and the northern arm runs towards the railway line. It is located between the River Trent to the south-east and the railway line to the north-west. The application site represents the western part of a wider site known locally as Shannon Falls which is located between the larger gypsy and traveller sites known as Church View to the east and Hoes Farm to the west. The application site is situated on the southern side of a larger site known locally as Shannon Falls.

The vacant site measures 0.4 hectares in area and is roughly rectangular in shape. It measures approx 115 metres long by approx 30 metres wide. The application form describes the site as scrubland although there is evidence of recent earthworks on the site providing a flat earthed application site bounded on three side by bunds of earth whereas the boundary to the south-east (adjacent to Tolney Lane) is defined by high mature leylandii trees. Beyond the application site boundary to the north-east and north-west is the remainder of the larger Shannon Fall site which is rough land, at risk from the dumping of household waste. The south-western boundary of the site is defined by the road, although there is no existing access into the site and the earth bunds are intended to prevent access.

Approximately two thirds of the site (to the south-east) is within Flood Zone 3a (high probability of flooding) of the Environment Agency's Flood Map/Strategic Flood Risk Assessment, and the remaining third to the north-west is located within Flood Zone 2 (medium probability). The application site is outside the designated Conservation Area but the boundary of Newark Conservation Area runs along the southern side of Tolney Lane, opposite the site.

Historically, the site has been subjected to material being tipped onto the land to raise ground

levels which occurred roughly in 2001. This has never been authorised in planning terms and continues to be the subject of an Enforcement Notice as set out in the history section below.

Early in 2016, the site was also subjected to fly tipping of household and commercial waste. Following concerns raised by the Council's Environmental Health Service, the waste was removed from the site which has now been left level and clean and tidy with earth bunds around the boundaries to seek to prevent a repeat of waste dumping.

Tolney Lane accommodates a large Gypsy and Traveller community providing in excess of 200 pitches.

Relevant Planning History

Including the application site and adjacent land to the north and east:

E/1/1129 - Use of the land as a site for caravans, refused in 1959;

E/1/2531 - Construct a residential caravan site, refused in 1970;

02/02009/FUL - Use of land as residential caravan site (21 plots) and retention of unauthorised tipping on the land which raised land levels, refused on flooding grounds.

Two enforcement notices were served which sought to firstly cease the use as a caravan site and remove all caravans from the land and secondly to remove the unauthorised tipping from the land so that no part of the site is above the level of 10.5 AOD. The applicant appealed to the Planning Inspectorate but on 25 May 2006, the appeals were dismissed and the enforcement notices upheld on the land and still stand.

Whilst the site has ceased being used as a caravan site, the unauthorised tipping remains on the land, artificially raising ground levels.

On land directly to the north but excluding the application site:

15/01770/FUL - Change of Use of Land to a Private Gypsy and Traveller Caravan Site, consisting of One Mobile Home, Two Touring Caravans and One Amenity Building, refused by Planning Committee in May 2016 on the grounds of flood risk.

17/02087/FUL - Change of Use of Land to a Private Gypsy and Traveller Caravan Site consisting of one mobile home, one amenity building and two touring caravans and associated works, approved on a permanent basis by Planning Committee in June 2018.

This application site only:

12/01088/FUL - Change of Use of scrub land for the siting of 8 static mobile homes for gypsy travellers (and 8 associated amenity blocks). Planning permission was refused by Planning Committee in July 2013 on grounds of flood risk.

16/01884/FUL - Change of use of scrubland for the siting of 8 static mobile homes for gypsy travellers and reduce ground levels to 10.5mAOD was refused by Planning Committee on 25 January 2017 for the following reason:

“The proposed development represents highly vulnerable development that would be located within Flood Zone 3 and therefore should not be permitted in accordance with the National Planning Policy Framework and the PPG. Whilst the Sequential and Exception Tests do not fall to be applied in this case, even if they were applicable, whilst the Sequential Test may be considered to be passed on the basis that there are no reasonably available alternative sites for this use, both scenarios of the proposal (i.e. lowering the land levels in accordance with the description of development or the carrying out development in line with the Flood Risk Assessment) fail the Exception Test. The submitted Flood Risk Assessment does not comply with the requirements set out in the Site Specific Flood Risk Assessment Checklist (paragraph 68) of the Flood Risk and Coastal Change Section of the Planning Practice Guidance and therefore fails to adequately demonstrate that the development will be safe for its lifetime, without increasing flood risk elsewhere. Even with the lowering of land levels to 10.5m AOD (which has not been adequately demonstrated through the submitted FRA), the proposed use would not be safe for its lifetime.

In the opinion of the Local Planning Authority, the proposal would therefore place both the occupants of the site and the wider area at risk from flooding and be contrary to the National Planning Policy Framework and the Planning Practice Guidance, Core Policies 5 and 10 of the Newark and Sherwood Core Strategy and Policy DM5 of the Allocations and Development Management DPD.”

The applicant appealed this decision and within their appeal submission, additional information was provided which gave greater clarity on the gypsy and traveller status of the proposed occupiers. Having received this additional material information, the proposal was again reported to the Planning Committee in February 2018 when Members resolved that if this further information had been submitted with the original application submission, they would have resolved to grant a temporary permission for 3 years which would have been personal to the occupiers and subject to other conditions relating to flood risk mitigation. This was duly reported to the Planning Inspector prior to the Informal Hearing which was held on 28 February 2018. However, in a decision letter dated 26 April 2018, the appeal was dismissed on flood risk grounds. A copy of this decision is attached at the end of this report.

The Proposal

Planning permission is sought for the change of the site from scrubland to the creation of 8 pitches each one housing a touring caravan each with its own associated amenity building, measuring 3.5m by 4m, 2.1 m to the eaves and 4.3m to the ridge, constructed of brick with tiled roof. One parking bay will also be provided within each pitch. The applicant has confirmed that he and his family are a local family of travellers who have a good reputation within the local community and who currently reside with their wider family.

The use has not yet commenced on the site. The proposed site would be served by a 5m wide access road adjacent to the western boundary of the site, each pitch is roughly 300 square metres in area. The majority of the existing hedgerow fronting Tolney Lane would be retained. The western boundary of the site, together with fencing to sub-divide the pitches are provided by 1.8m high timber panel fencing to provide privacy. Beyond the hardstanding areas that the tourers would stand on would receive a gravel finish suitable for vehicle use.

The site would be accessed from two points, one along the western boundary and one in the south-west corner of the site in accordance with the Highway Authority's specifications.

Accompanying the application is a Design and Access Statement and a Flood Risk Assessment. The Design and Access Statement states that:

"demand for these locations is very high as it allows travellers to re-home legally on land they own and not illegally on private land which can become a nuisance. The need for Gypsy traveler sites within the local area is very high and there is minimal provision for sites within the development plan. By utilizing this unused parcel of land, reduces the demand for mobile homes within this area. It allows travellers to live together on private land designated for this land use, away from the public view, thus having minimal effect on the surrounding area."

The submitted Flood Risk Assessment states that "the development is classified as "more vulnerable" and should ideally be located in Flood Zone 1 but can be sited in Zone 2 or even as 'more vulnerable' in Flood Zone 3a, if they have flood warning systems and evacuation plans in place. A flood warning is provided by the Environment Agency and an evacuation plan will be enforced by the site management. The touring caravans are intended for use by the travelling community. Sites for such use rarely become available. The application of the Exception and Sequential tests are not appropriate as there are no alternative sites."

The FRA states that the caravans would be moved off the site before flooding occurs. It acknowledges that there is only one route from the site that floods but the formal Flood Warning provides a minimum of 2 hours warning before an over-topping event and so occupants of the site can evacuate the site in a controlled fashion prior to the overtopping event. An Evacuation Plan is included within Appendix D of the FRA.

The FRA confirms that local surfacing will be via permeable stone fill and so will not result in any changes to the area of impermeable ground and the stone fill will provide a small degree of attenuation to surface water lows and therefore will be a reduction in the rate of surface runoff.

The Assessment states that there remains a residual risk of associated infrastructure such as tanks floating in extreme flood events and to deal with this gas bottles and all other infrastructure will be securely contained to concrete pads by cages to prevent it breaking away.

In relation to the status of the applicant, the following information was provided as part of the previous appeal on this site:

"The appellant is a general dealer who mainly trades in vehicles and scrap metal and goes around vehicle repair garages touting for business. He also travels to fairs at Appleby, Stow-on-the-Wold, Kenilworth and Newcastle-upon-Tyne to buy and sell anything on which he can make a profit. The appellant travels for up to 6 months of the year and, although now 73 years of age, wishes to continue travelling for as long as he can.

Creddy and his extended family do not have their own pitches and are reliant on doubling-up on relatives' sites with inadequate facilities and no security of tenure. They have been trying to establish a home base in Newark for many years but, have not been able to find any alternative to Shannon Falls.

The appeal site is intended to accommodate the following households:

*Creddy and Rebecca Price;
Romeo (Creddy's brother) and Babs Price;
Elvis (Creddy's brother) and Dilly Price;
Beryl Price (Creddy's sister);
Sylvia Smith (Rebecca's sister); and
Andrew and Jana (Rebecca's sister) Price.*

They have a need for lawful accommodation in this area, and for a site where they can live together as a traditional family group in order to provide each other with mutual help and support."

The plans under consideration are:

- Site Location Plan (Job Ref: 12.71)
- Proposed Site Plan (Drawing No: 12.71.02)
- WC, Laundry Room Details (Drawing No: 12.71.03)

Departure/Public Advertisement Procedure

Occupiers of 18 properties have been individually notified by letter.

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy DPD (adopted March 2011)

Spatial Policy 1 : Settlement Hierarchy

Spatial Policy 3 : Rural Areas

Spatial Policy 7 : Sustainable Transport

Core Policy 4 : Gypsies & Travellers and Travelling Show people – New Pitch Provision

Core Policy 5 : Criteria for Considering Sites for Gypsy & Travellers and Travelling Show people

Core Policy 9 : Sustainable Design

Core Policy 10 : Climate Change

Core Policy 13 : Landscape Character

Allocations & Development Management DPD (adopted July 2013)

Policy DM5 – Design

Policy DM8 – Development in the Open Countryside

Policy DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2018
- Planning Practice Guidance 2014
- Publication Amended Core Strategy 2017

The Inspector examining the Amended Core Strategy has reached the view, as set out in post-hearing note 4 (issued 8th May 2018), that “the GTAA is very likely to have underestimated need which means that the number of pitches set out in Draft Core Policy 4, which is based on the GTAA, is insufficient”. In response the Council has therefore drafted main modifications to Core Policy 4 and 5, in line with the Inspectors favoured approach. Making the commitment to produce a new GTAA over the short-term (i.e. within the next two years), and to include revised pitch requirements and site allocation/allocations to meet any residual need within the Amended Allocations & Development Management DPD. The main modifications have been subject to a six week public consultation, which closed on the 21st September with no representations being received on the amendments to Core Policy 4 or 5. The Inspector is now working towards the issuing of his report, which is anticipated to be published in January 2019.

- Planning policy for Traveller sites – August 2015

When determining planning applications for traveller sites, this policy states that planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Government’s overarching aim is to ensure fair and equal treatment for travellers, in a way that facilitates their traditional and nomadic way of life while respecting the interests of the settled community.

Applications should be assessed and determined in accordance with the presumption in favour of sustainable development and the application of specific policies within the NPPF and this document (Planning policy for traveller sites).

This document states that the following issues should be considered, amongst other relevant matters:

- Existing level of local provision and need for sites;
- The availability (or lack) of alternative accommodation for the applicants;
- Other personal circumstances of the applicant;
- Locally specific criteria used to guide allocation of sites in plans should be used to assess applications that come forward on unallocated sites;
- Applications should be determined for sites from any travellers and not just those with local connections.

The document goes on to state that local planning authorities should strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan and sites in rural areas should respect the scale of, and do not dominate the nearest settled community, and avoid placing an undue pressure on local infrastructure.

- Emergency Planning Guidance produced by the Nottingham and Nottinghamshire Local Resilience Forum (August 2017)

This document states: “New developments in flood risk areas must not increase the burden on emergency services. The Emergency Services are in heavy demand during flood incidents. The Fire and Safety Regulations state that “people should be able to evacuate by their own means” without support and aid from the emergency services. The emergency services and local authority emergency planners may object to proposals that increase the burden on emergency services.”

“New development must have access and egress routes that allow residents to exit their property during flood conditions. This includes vehicular access to allow emergency services to safely reach the development during flood conditions. It should not be assumed that emergency services will have the resource to carry out air and water resources during significant flooding incidents; therefore safe access and egress routes are essential.....

The emergency services are unlikely to regard developments that increase the scale of any rescue as being safe...”

Consultations

Newark Town Council – No Objection was raised to this application.

NCC Highways Authority – “In highway terms, this application is the same as application 16/01884/FUL which was approved as a result of a Planning Appeal. Therefore previous comments apply.

The site plan submitted indicates that the existing access is to be improved and there are no highway objections to this proposal subject to the following condition:

No part of the development hereby permitted shall be brought into use until the alterations to the existing access have been completed and constructed in accordance with the Highway Authority’s specification.

Reason: In the interests of highway safety.

Note to applicant.

The development makes it necessary to improve a vehicular crossing over a footway 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 Nottinghamshire County Council tel: 0300 500 8080 to arrange for these works to be carried out.”

Environment Agency – “We **object** to this application on a fundamental basis for the following two reasons. Firstly, the proposed development falls within a flood risk vulnerability category that is inappropriate to the flood zone in which the application site is located. The application is therefore contrary to the National Planning Policy Framework (NPPF) and its associated planning practice guidance (PPG). Secondly, the application fails the second part of the flood risk exception test. We therefore recommend that planning permission is refused on these basis.

Reasons

Firstly, the PPG classifies development types according to their vulnerability to flood risk and provides guidance on which developments are appropriate within each flood zone. This site lies within flood zone 3a which is land defined by the PPG as having a high probability of flooding.

The development is classed as 'highly vulnerable' in accordance with table 2 of the flood zones and flood risk tables of the PPG. Tables 1 and 3 make it clear that this type of development is not compatible with this flood zone and therefore should not be permitted.

Secondly, the notes to table 3 of the PPG's flood zones and flood risk tables confirm that 'changes of use... to a caravan... site' are only appropriate in flood risk areas if the exception test is passed, alongside the sequential test.

The NPPF (paragraph 161) very clearly states that both elements of the exception test must be passed for development to be permitted. Part 2 of the test requires the applicant to demonstrate, via a site-specific FRA, that the development will be safe, without increasing flood risk elsewhere. Where possible, the development should reduce flood risk overall.

In this instance, it is our opinion that the developer's FRA fails to:

- demonstrate that the development and future occupants will be 'safe' over the lifetime of the development;
- consider whether flood risk will be increased in the surrounding area.

Overcoming our objection It is not overly clear how the applicant can overcome our objection given the primary reason for objecting is a fundamental policy matter. The NPPF and PPG clearly state that 'highly vulnerable' development should not be permitted in this location, and we strongly agree with that. Whilst we are mindful that there is an existing community on adjacent plots of land, we are not, and never have been, supportive of 'new' expansion to the site. Should planning permission be granted the development would essentially be exposing further occupants to flood risk which might otherwise have been avoided. It will also increase the potential burden on emergency services who may be required to assist with any evacuation of the site. We would also like to highlight the recent decision taken by a Planning Inspector for an application on this very same plot of land. It is our opinion that the application has not fundamentally changed since then; the type of caravan has changed from static to touring, and there is no longer an intention to alter ground levels. However, some of the Planning Inspector's other concerns do not appear to have been resolved, i.e. there will still be a loss of floodplain storage associated with the construction of amenity buildings in the floodplain, and the FRA still incorrectly states that this does not need to be mitigated as part of this development (section 5.2.1. of the FRA). Similarly, the same policy matters are still a concern, as is the potential for increased burden on emergency services.

None the less, we are mindful that it is the responsibility of the Local Planning Authority (LPA) to determine how much weight to give to the policy aspirations of the NPPF. That being said, if the LPA do in fact consider it appropriate to site 'highly vulnerable' use within an area at 'high' probability of flooding, then there are still various elements of our objection that would need to be resolved.

As stated, the development site is located in the floodplain of the River Trent and is at high risk of flooding. The flood depths across the site, when considering existing conditions, range anywhere from 200mm to 1.1metres. We understand that there is still an outstanding enforcement notice which requires land to be lowered on this site, and it's highly likely that these flood depths would increase if the land were to be lowered. The FRA states that the finished floor levels (FFL) of the

touring caravans will not be raised above the future flood depths, and even recognises that this is 'not acceptable'. It is our opinion that these flood depths present a genuine risk to life should the caravans remain on site during a flood event, for whatever reason. This is particularly important as the FRA proposes to rely on flood warning and evacuation as the only real mitigation measure. It is not our responsibility to determine the adequacy of flood warning and evacuation plans, and the PPG is quite clear that it is for the LPA to determine this in consultation with the emergency planners. None the less, it is our role to highlight the risks to the site, and so we would like to take this opportunity to highlight that the flood depths on the only access/egress route for the site reach 1.4 metres in places, and the supporting FRA has been accepted that there is no safe means of access and egress during a flood event. It is our opinion that the flood depths on the site itself and the adjacent access road will pose significant risk to life and therefore the development does not comply with the requirements of the NPPF and PPG.

Finally, we do not agree with section 5.2.1 of the FRA which concludes that there will be no loss of floodplain storage as part of the application. We do not see how this can be stated when the application includes the siting of brand new, brick built amenity buildings which have not been designed to allow the uninterrupted through flow of flood water. The cumulative impacts of losing floodplain storage can have a significant impact across catchments, and therefore any new development in the floodplain should be required to mitigate their impacts by providing level for level floodplain compensation. This view was shared by the Planning Inspector in the recent appeal hearing.

Informative to the LPA

We would like to take this opportunity to confirm that we are, once again, prepared to support your Authority at any subsequent appeal hearing should you choose to refuse planning permission for the reasons set out above."

Trent Valley Internal Drainage Board – "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 the site drainage systems must be agreed with the Lead Local Flood Authority and the Local Planning Authority."

NSDC, Emergency Planner – "Object to the application.

I am not qualified to provide comments to either support or object to this application and my comments are to assist the planning team in their considerations.

The proposed development is sited in Flood Zones 2 and the access road is within Flood zone 3. The Tolney road area has been subject to previous significant flooding requiring evacuation. The access road can be flooded to a level designated as 'Danger to All' meaning that emergency service vehicles would also face danger during any attempt to cross the flood waters. The proposed site for the static and touring vans whilst in Flood zone 2 may still have risk and caravans are classed as 'highly vulnerable' structures.

In the event that occupants did not successfully evacuate then it is possible they would be safe within the caravans however any vulnerability or change in circumstances requiring them to leave would place significant challenges before emergency responders or cause occupants to place themselves in danger.

In addition a change in use of the site from scrubland to hard standing may further exacerbate the flooding risk.

I have not yet seen an associated Flood Risk Assessment but note that previous applications for this site refer to the fact that local lorry park currently designated as the evacuation point for caravans removed from Tolney lane is also an area subject to a flood risk. Whilst an alternative site is desirable no such site has yet been identified. Any additional number of caravans may place an unacceptable strain on resources.

In support of my comments I would draw your attention to point 1.2 of the National Planning Policy Framework ;

New developments must have access and egress routes that allow residents to safely exit their property during flood conditions.

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

NSDC, Planning Policy –

“National 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.

A sequential approach to development and flood risk should be followed, with the objective of steering new development to Flood Zone 1. Where there are no reasonably available sites in Flood Zone 1, then the flood risk vulnerability of the proposed use should be taken into account and consideration given to reasonably available sites in Flood Zone 2, applying the Exception Test if required. Only where there are no reasonably available sites in Flood Zones 1 or 2 should the suitability of sites in Flood Zone 3 be considered, applying the Exception Test if required. Whilst general changes of use proposals are absolved from application of the tests this does not extend to those which would result in a caravan site.

The Planning Policy for Traveller Sites (PPfTS) (2015) sets out, in conjunction with the NPPF, Government policy for traveller sites. This steers LPA's towards ensuring that traveller sites are sustainable, economically, socially and environmentally. Through the policy Local Planning

Authorities (LPAs) are required to identify and update annually, a supply of specific deliverable sites sufficient to provide 5 years' worth of sites against locally set targets. Beyond this there is an obligation for LPAs to identify the same standard of supply, or broad locations for growth, for years 6 to 10 and, where possible, years 11-15. Where an LPA cannot demonstrate an up-to-date five year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary planning permission. There is however no presumption that a temporary grant of planning permission should be granted permanently.

Assessment

The site has been subject to a recent appeal for a similar proposal (APP/B3030/W/17/3180652) – which was refused on the basis that it failed to pass the flood risk Exceptions Test. I am also aware of that permission (17/02087/FUL) for no more than 3 caravans was granted on land to the north of the application site, contrary to officer recommendation. Clearly Members are entitled to come to a different conclusion to the professional advice they have received. Whilst mindful of this decision the following represents my independent professional view.

Need for Gypsy and Traveller Pitches

Whilst as a result of the Amended Core Strategy examination the precise level of need cannot be currently defined it is clear that there is unmet need. Given the circumstances it is also the case that the Council is unable to demonstrate a five year supply of sites. Therefore the contribution the proposal would make towards meeting future need and the increasing of supply ought to weigh heavily in its favour.

Core Policy 5

I'm content the proposal would be able to satisfy criteria 1 – 5 of Core Policy 5. Criterion 6 concerning flood risk is considered below.

Flood Risk

The consideration of recent proposals on Tolney Lane has been largely framed by the 2014 Green Park appeal decisions (APP/B3030/C12/2186072, 2186073, 2186074 and 2186071). Whereby the lack of available sites to meet need weighed heavily in the balance against flood risk issues, to the extent that temporary was supported so that immediate accommodations needs could be met whilst more appropriate land was identified. With the Inspector being of the view that whilst there was a strong flood risk policy objection the sequential and exceptions tests did not strictly apply.

Through the subsequent Shannon Fall's appeal (concerning the same land as this application) the Inspector formed a different opinion, confirming that national guidance requires the sequential and exceptions tests to be applied to any proposal involving the change of use to a caravan site. The differences to the Green Park decisions (the presence of static caravans and utility blocks, the need for the raising of ground levels and for floodplain compensation) resulted in her reaching the view that significant harm from flood risk to third parties would occur – with the Exceptions Test unable to be passed. Consequently no material considerations (including the matters of need and five year land supply) were deemed sufficient to outweigh the strong policy objection in flood risk terms.

Given that permission has been refused at appeal on the same land less than 8 months ago the key question is therefore what has materially changed in the intervening period – either as part of the proposal or in the wider context – to the extent that development should now be supported. For instance there has been no positive change to the level of flood risk the site is subject to (i.e.

being entirely located within Zone 2 and roughly two thirds in Zone 3a). Indeed on the basis of how the functional floodplain (Zone 3b) has been defined through the Strategic Flood Risk Assessment update (2016) it is now clear the south eastern corner of the site falls within this designation.

The Shannon Fall's appeal Inspector took the view that the overall aim of national policy is to steer new development to areas with the lowest probability of flooding, and it is openly acknowledged that there is an absence of available sites, capable of accommodating the development within either Flood Zones 1 or 2. However the Planning Practice Guidance (Paragraph 19, Reference ID: 7-019-20140306) is clear that application of the test should take account of the flood risk vulnerability of the land use. Table 3 'Flood Risk Vulnerability and Flood Zone Compatibility' states that highly vulnerable uses will require the passing of the Exceptions Test to be acceptable in Zone 2 and that such uses should not be permitted at all in Zone 3a or 3b. Where developments may contain different elements of vulnerability (such as Shannon Falls) then the PPG helpfully outlines that the highest vulnerability category should be used, unless development is considered in its component parts. I do not consider compartmentalising the proposed development is practical in this case, given the single highly vulnerable use proposed and that a section of the access serving the wider Tolney Lane area is situated within the functional floodplain. Following the advice within the PPG the application site should be taken as falling within Zone 3b, and so the granting of consent would be contrary to guidance.

The new application proposal does differ slightly in form to that considered at the appeal, in that it concerns touring caravans as opposed to static units. This would be beneficial from a flood risk perspective (though it should be noted that the submitted layout plan still refers to static caravans). This is also dependent on there being an appropriate evacuation plan in place (I would defer to colleagues for consideration of this aspect). Notwithstanding the merits of any evacuation plan, each pitch will still contain a permanent amenity block – and this will lead to a loss of floodplain storage. This aspect of the previous proposal contributed towards its failure to pass the Exceptions Test. Added to this there is also the issue of addressing the unlawful raising of the land, and addressing the flood risk implications from this. We will therefore need to come to a view over whether the proposal is now capable of passing the Exceptions Test, and I would suggest that input be sought from the Environment Agency to help guide your consideration.

Planning Balance

Key to your consideration will be whether the contribution that granting permanent consent would make towards meeting gypsy and traveller needs and an increase in pitch supply outweighs the strong policy objection from a flood risk perspective. In my opinion this should not be the case given the danger to people and property posed by the level of flood risk – the PPG provides clear guidance in this regard. This guidance is a material consideration, and one that ought to be afforded substantial weight given that its purpose is to support the implementation of national flood risk policy.

Nonetheless should the proposal be able to demonstrate the Exceptions Test as passed then I am mindful that it would be similar to sites elsewhere on Tolney Lane where temporary consent has been granted. It is anticipated that production of a new GTAA will occur well in advance of the two year requirement suggested by the Inspector for the Amended Core Strategy, and that the identification of a more appropriate site (or sites) will occur through the efficient review of the Allocations & Development Management DPD. Whilst there is the need to prepare a new GTAA it is not considered that this will dramatically extend the timelines involved with the review of the Allocations & Development Management DPD – with adoption of the amended DPD forecast in

the Local Development Scheme for November 2020. Accordingly I would be inclined to take the view that a temporary consent could be justifiable - in order that the applicants immediate accommodation needs can continue to be met whilst more appropriate land is identified. Should you be minded to recommend that consent be granted then it will be necessary to include a condition restricting occupation of the site to those who meet the traveller definition provided in Annex 1 of the Planning Policy for Traveller Sites.

Conclusion

The contribution which the proposal would make towards meeting gypsy and traveller needs and the inability to demonstrate a five year supply weigh heavily in its favour; I am however not convinced that these material considerations outweigh the strong flood risk policy objection to the extent that permanent consent should be granted. Subject to the Exceptions Test being passed I would however provide support for the granting of a temporary consent to allow the applicant's immediate accommodation needs to be met, whilst the extent of future need is quantified and more appropriate land identified through the Development Plan process."

NSDC, Archaeology Consultant – No archaeological input required.

NSDC, Environmental Health – "Support the application. In response to the consultation request for the above planning application I can confirm that if the application is successful the site operator will be required to submit an application to NSDC for a Caravan Site Licence under the terms of the Caravans Sites and Control of Development Act 1960. In determining any such application the Authority will have regard to any planning consent conditions regarding the duration of the planning approval and pitch numbers/occupation levels and the licence duration and conditions will mirror any such restrictions. In addition the site licence will include conditions in regard to site layout, spacing, drainage, fire safety, amenity provision etc. and the Authority will have regard to relevant model standards and design guides in determining the specifics of any such conditions."

NSDC, Environmental Health (Contaminated Land) – "Aerial photography shows large amounts of waste that appear to have been dumped on the site. There is the potential for contamination to be present in this waste and for it to contaminate the wider site. I would therefore recommend that our full phased contamination condition is attached to any planning approval."

NSDC, Access and Equalities Officer – It is recommended that the developer be advised to give consideration of inclusive access to and around the proposal. Access to available facilities and features should be carefully considered.

One representation has been received from an interested party which supports the application and states that "I would appreciate if the Council would use the opportunity to work on improving community relations e.g. by adding additional shower facilities so if true travellers do not have to use overcrowded facilities on the trucker site. Also a volunteer scheme to maintain the site(s) to make especially children proud of where they live might be a good idea. But of course this has to be done with an open mind and not from an authoritarian approach."

Comments of the Business Manager

The main planning considerations in the assessment of this proposal are the need for gypsy and traveller sites and lack of a 5 year supply, flood risk, the planning history of the site, the impact on

the appearance of the countryside and character of the area, highway issues, access to and impact on local services, residential amenity, personal circumstances of the applicant and their status.

Background and Planning History

The Council has considered the principle of a residential caravan use on this site in 2002 and it was refused on grounds of flood risk. Two enforcement notices were served which sought to firstly cease the use as a caravan site and remove all caravans from the land and secondly to remove the unauthorised tipping from the land so that no part of the site is above the level of 10.5m AOD. The applicant appealed to the Planning Inspectorate and the appeals were subsequently dismissed. The Inspector concluded:

"I fully understand that the occupants of the site would make sure they were well aware of any imminent flooding and, because of their experience of travelling, they could vacate the site quickly, if necessary. However, this does not address the concerns about the continuing availability of functional flood plain, and the consequences of development for flood control over a wider area."

The consideration of such a use in this location has already been considered and found to be unacceptable on flooding grounds both by this Council and the Planning Inspectorate in 2006.

In January 2017, the Planning Committee considered an application for the same quantum and layout of development as is currently being considered by this application, the main differences being, the previous proposal was for static mobile homes that were chained in positioned on top of stone gabions following the reduction in the ground levels on the site in part compliance with the enforcement notice. However, little information on the traveller status of the proposed occupiers was submitted and Members resolved to refuse the application on grounds of flood risk. Following the issue of the refusal decision, the applicants appealed and as part of that process additional information confirming traveller status was submitted. Prior to the appeal hearing, a report came back to Committee reporting the additional status information and Members determined that they would be minded to support the application (on a personal and temporary basis for 3 years) based on this additional information. This view was then passed on to the Planning Inspector to be considered as part of the appeal. However, the appeal was dismissed (see copy of decision attached to this report). The Inspector determined that notwithstanding identified need, the lack of a five year land supply and recent temporary planning permissions granted along Tolney Lane, the Inspector dismissed the appeal on the grounds of flood risk. Both the Committee's previous view of support and the decision of the Inspector to dismiss the appeal are material planning considerations that must be weighed in the balance.

On the adjacent site to the north, an application for a single traveller pitch which included some removal of the unauthorized tipping material was received. Notwithstanding the Environment Agency objection and the appeal dismissal on the adjoining site, the Planning Committee determined in June 2018, to grant a permanent permission. Following this decision, the applicant decided to re-apply on this site, but on the basis of touring caravans instead of static mobile homes and land levels on the site remaining as existing.

Members may also re-call that at the Planning Committee in November 2018, two further sites along Tolney Lane, Green Park and the former Abattoir (Caravan View) site where the temporary permissions for traveller use previously granted had expired, Members resolved to grant further temporary approvals for 3 years to allow alternative sites to come forward through the Plan Review process.

The Need for Gypsy and Traveller Pitches

The NPPF and the Government's 'Planning policy for traveller sites' requires that Local Planning Authorities maintain a rolling five year supply of specific deliverable Gypsy & Traveller sites together with broad locations for growth within 6-10 years and where possible 11-15 years. Government policy states that a lack of a five year supply should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary permission.

Core Policy 4 (CP4) set a district wide target of 84 pitches to be provided up to 2012. 93 pitches were provided over this period and since that time work has been progressing on a new assessment of need and approach to meeting this. The Council initially intended to produce a separate Gypsy and Traveller DPD but now propose to include this within the review of the Development Plan. The District Council is currently engaged in the review of its Core Strategy and Allocations & Development Management DPD. The review was initially progressed jointly, but has now had to be uncoupled on account of a proposed gypsy and traveller allocation in Newark proving to be undeliverable. The Core Strategy will be progressed first and was submitted to the Secretary of State in its amended form on the 29th September 2017, and the hearings were held on the 1st and 2nd February 2018. Core Policy 4 and 5 are proposed for amendment through this process and set out the new pitch requirements, the approach to meeting these requirements and the criteria for considering site allocations and proposals to meet unexpected demand.

However, the Inspector since the Plan Review hearing has stated that he has "formed the view that the GTAA is very likely to have underestimated need which means that the number of pitches set out in Draft Core Policy 4, which is based on the GTAA, is insufficient." In response the Council has therefore drafted main modifications to Core Policy 4 and 5, in line with the Inspector's favoured approach, making the commitment to produce a new GTAA over the short-term (i.e. within the next two years), and to include revised pitch requirements and site allocation/allocations to meet any residual need within the Amended Allocations & Development Management DPD. The main modifications have been subject to a six week public consultation, which closed on the 21st September with no representations being received on the amendments to Core Policy 4 or 5. We are still awaiting a response from Inspector in this regard.

Whilst the Plan Review will result in the need for a new GTAA to be carried out in the short term (over the next 2 years) and subsequent site allocations (in the forthcoming DPD) be based on the new GTAA, the exact level of need cannot be currently calculated. However, what is clear is that it will result in an identification of unmet need (precise quantum yet to be identified) and in determining this application now, significant weight must be afforded in favour of the application. There are currently no other alternative sites available with planning permission, and no allocated sites identified and consequently the Council does not have a five year supply of sites. This weighs heavily in favour of this proposal. The Inspector for the appeal stated "*Whatever the likely needs figures are, the evidence before me suggests at least a moderate need for pitches in the district over the plan period, including an urgent need for pitched to provide a five year supply.*" In relation to the provision through the Plan Review process she stated "*as it is unclear to me what and where that provision would be and how long it would take for it to become available and deliverable, I cannot be certain if and when sufficient sites would be brought forward and made available to address the likely scale of need. This indicates a current failure of policy. These matters carry significant weight in favour of the proposal.*"

Flood Risk

The final criterion of Core Policy 5 states that ‘in the case of any development proposal which raises the issue of flood risk, regard will be had to advice contained within PPS 25: Development and Flood Risk and the findings of the Newark and Sherwood Strategic Flood Risk Assessment. Where flooding is found to be an issue, the District Council will require the completion of a site specific Flood Risk Assessment.’ A FRA has been submitted with the application and so therefore complies with this element of this policy. The NPPF states that local planning authorities should minimise risk by directing such development away from high risk areas to those with the lowest probability of flooding. Policy DM5 also states that the Council will aim to steer new development away from areas at highest risk of flooding.

The application site is mainly within Flood Zone 3a (at high risk of flooding) but partly within Flood Zone 2 (at medium risk of flooding) and this is correct on the basis of the current land levels. However, this is the case because of an artificial raising of ground levels that occurred in 2001 without any planning approval, as set out in the planning history section above and removal of fill on the site could increase flood risk on the site.

The material remains on the land today, and therefore has represented unauthorised development since the appeal decision (ie for the last 10 years). If the material was removed, land levels would reduce and the flood risk on the site would increase even further.

The retention of any of this material on this site, results in the loss of flood storage capacity within the flooding catchment area of the River Trent and therefore in a flood event, rather than allowing the site to flood, it disperses flood water away and results in increased flood impacts to other land elsewhere. Whilst this is a matter of fact, because of the width and size of the flood plain along this section of the River Trent, it is likely that this impact would not be substantial in itself, however, it would prove very difficult to model in order to quantify this increased impact or try to identify the position of the exacerbated flood impact elsewhere.

The lack of expediency for default action to remove the unauthorized fill should also not represent a material planning consideration in the determination of this application, as the test of proportionality to pursue enforcement action is an entirely different and separate consideration.

Table 2 (in paragraph 66) of the Planning Practice Guidance (PPG) states that caravans, mobile homes and park homes intended for permanent residential use are classified as “highly vulnerable” uses. Table 3 (in paragraph 67) of the PPG states that within Flood Zone 3a, highly vulnerable classifications should not be permitted.

The NPPF states that local planning authorities should minimise risk by directing inappropriate development away from high risk areas to those with the lowest probability of flooding. Whilst the Sequential Test may be considered passed, on the basis that there are no reasonably available alternative sites for this use at lower risk, the proposal fails the Exception Test. There are two parts of the Exception Test set out in the NPPF:

- It must be demonstrated that the development would provide for wider sustainability benefits to the community that outweigh flood risk; and
- It must be demonstrated that the development would be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

Firstly, the accessibility of the site to services within Newark would meet the test of wider sustainability benefits and is therefore accepted.

Secondly, the NPPF states that development should only be allowed in areas at risk of flooding where it can be demonstrated that: *“the most vulnerable development is located in areas of lowest flood risk; that the development is appropriately flood resilient and resistant; it incorporates sustainable drainage systems unless there is clear evidence that this would be inappropriate, safe access and escape routes are included where appropriate as part of an agreed emergency plan, and that any residual risk can be safely managed, including by emergency planning...”*

Full details of the Environment Agency comments are outlined within the consultation section of this report, and they object firstly on the grounds that the proposed development falls into a flood risk vulnerability category that is inappropriate to the Flood Zone in which the application site is located. Secondly, they also consider that the submitted Flood Risk Assessment fails to demonstrate that proposal passes the second part of the Exception Test, on the basis that there will still be a loss of floodplain storage because it is intended not to remove any unauthorised fill and the construction of the new amenity blocks will result in a loss of floodplain storage which would increase flood risk to the wider area and no mitigation for this has been provided. In addition, flood depths on the only access/egress route for the site reach 1.4 metres in places, and the supporting FRA has accepted that there is no safe means of access and egress during a flood event. It is the opinion of the EA that the flood depths on the site itself and the adjacent access road will pose significant risk to life of the occupants of the site. This is reflected further in the objection raised by the Council’s Emergency Planner who also raises concerns regarding the additional burden that would result on responders to flood events.

The Inspector for the appeal on this site gave great weight to the resulting loss of floodplain storage that would result for the previous application, even taking into account the proposed reduction in ground levels on the site, the Inspector considered that the loss of storage from the utility blocks and stone gabions should be mitigated, however, given the lack of ability of the applicant to compensate in any way, the cumulative additional flood risk harm that would be caused to the surrounding area resulted in a failure of the Exception test and was found to be fatal, even in the weighing up of a temporary permission. The Inspector considered this to represent a fundamental difference to the sites at Green Park and the former Abattoir sites.

The access/egress route is within Flood Zone 3 and can be classed as a “Danger to All” which puts even the emergency services at risk. Therefore this indicates (and has been acknowledged within the FRA) that in a flood event, access and egress routes will be cut off. The FRA therefore states that an evacuation plan is required which will remove occupants of the site before an overtopping event. An evacuation plan is outlined in Appendix D of the Flood Risk Assessment. This sets out what action should be taken on a Flood Alert, on a Flood Warning and on a Severe Flood Warning. The Evacuation Plan states that residents would register on the EA “Floodline” warning system which provides a 2 hour warning of a flood event, to enable residents to evacuate the site.

The Emergency Planner at NSDC objects to the application and their comments are set out in full in the consultation section above in which they state that any additional number of caravans is likely to place an unacceptable strain on resources and emergency services.

As already set out, it is considered that the Sequential Test is passed on the basis of the lack of reasonably available alternative sites for this use at lower risk of flooding. The proposal fails the Exception Test because it includes retention of the fill on the site and the addition of the utility

blocks, however no floodplain compensation is proposed, thereby increasing flood risk to others.

The proposal is contrary to both national and local planning policies and represents highly vulnerable development that should not be permitted on this site which is at high risk of flooding. Whilst the Sequential Test is passed, it is concluded that the significant flood risk harm to third parties and not all the measures necessary to mitigate that harm and meet the Exception Test, even for a temporary permission, could be achieved. This weighs very heavily against the proposal in the planning balance.

Impact on the countryside and character of the area

The first of the criteria under Core Policy 5 states that ‘the site would not lead to the loss, or adverse impact on, important heritage assets, nature conservation or biodiversity sites’.

Criterion 5 of Core Policy 5 states that the site should be ‘capable of being designed to ensure that appropriate landscaping and planting would provide and maintain visual amenity’.

The site is within the open countryside. The aim of conserving the natural environment, protecting valued landscapes, minimising impacts on biodiversity and pollution is reflected in the NPPF. Whilst development exists along the majority of the Lane, only the eastern third sits within the defined Newark Urban Area. The application site is located between the sites known locally as Church View to the east and Hoes Farm to the west. Church View benefits from an authorised use for 35 residential caravans although it is currently only occupied by approximately 3 caravans. Hoes Farm has planning permission for 25 pitches. Whilst the site is located within the countryside, it is sandwiched between these two sites which are authorised for caravan use. The proposed development is for the creation of 8 pitches with 8 associated amenity blocks that would be enclosed and defined by close boarded timber fencing. However, having carefully considered this visual impact, on balance and given the existing character of the area, it is not considered that this would be so visually intrusive and incongruous to weigh negatively within the planning balance.

However, I would recommend a condition be attached to any approval for additional landscaping works to soften the appearance of the development. I also acknowledge that the site has no special landscape designation and is unlikely to lead to any significant adverse impact on nature conservation or biodiversity.

Although the Newark Conservation Area boundary runs along the south-eastern side of Tolney Lane, it is approx. 100m from the boundary and as such, it is not considered that the proposal would be harmful to the setting of the Conservation Area.

In relation to visual, countryside, biodiversity and heritage impacts, the proposal therefore has a neutral impact and is considered to broadly accord with Local Plan and National Framework Policies in this regard.

Highway Issues

Criterion 3 under Core Policy 5 requires the site has safe and convenient access to the highway network.

Spatial Policy 7 states that development proposals 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. Proposals should provide appropriate and effective parking provision, both on and off-site, and vehicular servicing arrangements. Proposals should ensure that vehicular traffic generated does not create new, or exacerbate existing on street parking problems, nor materially increase other traffic problems.

The Highway Authority has raised no objection to this application and it is considered that the proposal would not result in any significant highway implications and the proposal accords with the Development Plan and National Framework and Practice Guidance in this respect.

Access to and impact on Local Services

The second of the criteria under Core Policy 5 is that ‘the site is reasonably situated with access to essential services of mains water, electricity supply, drainage and sanitation and to a range of basic and everyday community services and facilities – including education, health, shopping and transport facilities’.

Whilst the site lies within the countryside, it is acknowledged that it is in relative close proximity to the edge of existing development. Occupiers would have good access to existing Tolney Lane development and to existing services and facilities provided by the Newark Urban Area. The site is ideally located between two established Gypsy and Traveller sites and therefore access to long established community and social facilities associated with the historic use of Tolney Lane would be readily available for occupiers.

Taking the above factors into consideration, the application site is reasonably located in terms of access to the range of amenities and services and as such would be relatively sustainable.

Residential Amenity

Criterion 4 of Core Policy 5 states ‘the site would offer a suitable level of residential amenity to any proposed occupiers and have no adverse impact on the amenity of nearby residents’.

Policy DM5 requires the layout of development within sites and separation distances from neighbouring development to be sufficient to ensure that neither suffers from an unacceptable reduction in amenity including overbearing impacts, loss of light and privacy.

The size of the proposed pitches are reasonable, measuring approx. 300 square metres in area and I am satisfied that with boundary fencing in place that the sites would offer a suitable level of amenity to proposed occupiers. There would be no negative impact on residential amenity of any existing properties.

The proposals therefore meet the requirements of Criterion 4 of Core Policy 5 and Policy DM5.

Personal Circumstances

The Government’s ‘Planning Policy for Traveller sites’ (August 2015) requires a revised assessment of Gypsy and Traveller status. Annex 1 of the document sets out the definition of gypsy and traveller for the purposes of the policy as follows:

‘Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family’s or dependants’ educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling show people or circus people travelling together as such.’

The guidance states that in determining whether persons are “gypsies and travellers” for the purposes of this planning policy, consideration should be given to the following issues amongst other relevant matters:

- a) whether they previously led a nomadic habit of life
- b) the reasons for ceasing their nomadic habit of life
- c) whether there is an intention of living a nomadic habit of life in the future, and if so, how soon and in what circumstances.

In order for appropriate weight to be given to the unmet need for Gypsy and Traveller pitches in the consideration of these proposals, the onus is on the applicant to prove that the applicant along with any other occupier of the site, have Gypsy and Traveller status in accordance with the definition set out in the Planning Policy for Travellers Sites.

The submitted Design and Access Statement states that the applicant and his family are a local family of travellers who have lived within the local area/community for a number of years. It also states that they have been travelling from site to site for a number of years residing in some cases on land which was not designated for this land use. It confirms that the applicant wishes to accommodate himself and his wider family on this site.

Given the information submitted within the Design and Access Statement together with the details set out within the previous appeal, it is considered that the applicant’s Gypsy And Traveller status together with the remaining proposed occupiers of the site is proven.

As part of the appeal process it was further revealed that the ages of the intended occupiers of the site range from the mid 50’s to the early 70’s and two of the group have serious on-going health conditions for which they require regular hospital appointments and treatment, with a third awaiting surgery. They wish to live together to provide each other with mutual help and support and a settled base would enable them to do that and enable access to appropriate health services. However, no evidence has been provided that a base in this particular location is essential for their health needs and therefore this can only carry limited weight.

Conclusions and Planning Balance

On the basis of the current proposals, it is concluded that the proposal is unacceptable in terms of flood risk, contrary to national and local policy and this carries significant weight against the scheme. However, the unmet need for additional gypsy and traveller sites in the district, the current lack of sites for the applicant and his family and a failure of policy to meet that need all weigh significantly in support with more limited positive weight on the health and care needs of the occupants.

As the Council cannot demonstrate a five year supply of pitches, this carries significant weight in favour of a temporary permission. Although a temporary permission is not a substitute for a permanent site, it would give the occupants an opportunity to pursue a site through the DPD site allocations process or through the Council’s other options for the provision of sites. Whilst flood evacuation plans can be put in place to mitigate flood risk to the occupiers of the site on a short term basis, a floodplain compensation scheme is unlikely to be achievable, which would result in cumulative harm to others elsewhere.

Whilst the remaining material planning considerations (impact on the countryside and character of the area, residential amenity, highway considerations and access to services) assessed in this

report are neutral in the overall planning balance, it is considered that the harm caused by retaining existing land levels on the site and impact of the utility blocks on the loss of flood storage compensation and the resulting harm to other sites is the determinative factor and is not considered to be outweighed in the overall planning balance, despite the proposed provision of 8 further pitches. The “minded to approve” view of the Planning Committee on the previous application is given some positive weight (albeit for a slightly different scheme), however, more weight has been given to the more recent appeal decision in this case. It is therefore recommended that the application be refused on flooding grounds.

RECOMMENDATION ONE

That planning permission is refused for the following reason:

01

The proposed development represents highly vulnerable development that would be located within Flood Zone 3 and therefore should not be permitted in accordance with the National Planning Policy Framework and the PPG. Whilst the Sequential Test may be considered to be passed on the basis that there are no reasonably available alternative sites for this use, the proposal fails the Exception Test by not adequately demonstrating that the development will be safe for its lifetime, without increasing flood risk elsewhere.

In the opinion of the Local Planning Authority, the proposal would therefore place both the occupants of the site and the wider area at risk from flooding and be contrary Core Policies 5 and 10 of the Newark and Sherwood Core Strategy and Policy DM5 of the Allocations and Development Management DPD and the National Planning Policy Framework as well as the Planning Practice Guidance, which are material planning considerations.

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. 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/

02

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 some revisions to the proposal. Unfortunately these revisions have been unsuccessful in removing the harm identified through the above reason for refusal.

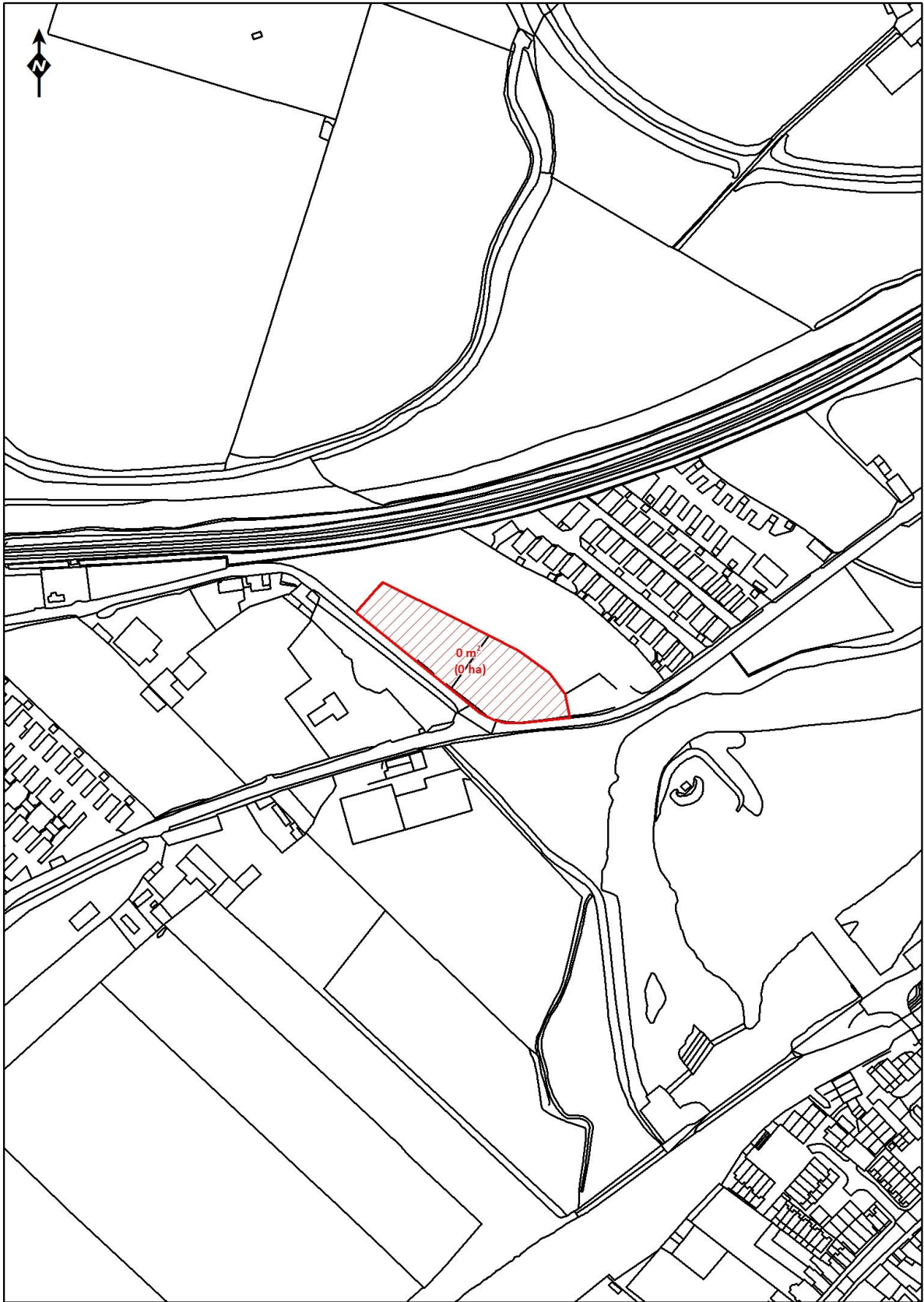
BACKGROUND PAPERS

Application case file.

For further information, please contact **Julia Lockwood** on ext **5902**.

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

Matt Lamb
Business Manager for Growth and Regeneration



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Appeal Decision

Hearing held on 28 February 2018

Site visit made on 28 February 2018

by Sarah Colebourne MA, MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 26th April 2018

Appeal Ref: APP/B3030/W/17/3180652

Land at Shannon Falls, Tolney Lane, Newark on Trent, Nottinghamshire, NG24 1DA

- 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 Creddy Price against the decision of Newark and Sherwood District Council.
 - The application Ref 16/01884/FUL, dated 26 November 2016, was refused by notice dated 25 January 2017.
 - The development proposed is described as change of use of scrubland for the siting of 8 static mobile homes for gypsy travellers and reduce ground levels to 10.5m AOD.
-

Decision

1. The appeal is dismissed.

Preliminary matters

2. It is clear from the plans and was confirmed at the hearing that the proposed development includes the siting of 8 static mobile homes with an amenity block on each pitch, a hardstanding and alterations to one of the two existing accesses. I have considered the appeal on this basis.
3. The previous unauthorised use as a caravan site has ceased but it remains subject to extant enforcement notices for the lowering of ground levels and the removal of unauthorised tipping.
4. Since the application was refused, the Council has considered the additional information submitted with the appeal regarding the gypsy status of the intended occupiers and their personal circumstances. It resolved that if the appeal information had been before it previously, it would have been minded to approve the application subject to conditions for a temporary period of three years, personal occupancy and flood evacuation and warden requirements.
5. The appellant confirmed at the hearing that whilst a permanent permission was preferred, if this was found to be unacceptable then a temporary permission would be acceptable.
6. The proposed development is for eight pitches, of which seven would be occupied by the appellant and named members of his wider family. From the evidence provided in the appellant's statement and at the hearing, I am satisfied that they all have a nomadic way of life, travelling in connection with their work as well as for social purposes and have no reason disagree with the

Council's view that the intended occupiers meet the definition of gypsy and travellers in national policy 'Planning Policy for Traveller Sites' (PPTS). I have therefore considered the appeal on that basis.

7. Since the hearing, I have referred back to the parties for comments regarding the matter of the Environment Agency's (EA) and the Council's suggested floodplain compensation condition because the EA's representatives had left the hearing prior to detailed discussion of that matter. I have taken into account the post hearing comments received from the EA and the response to that from the Council. No response has been received from the appellant although I have had regard to the comments made on his behalf during the hearing.

Main Issues

8. The main issues in this case are:-

- the effect of the proposed development in terms of flood risk;
- if any harm arises, whether it is outweighed by any other material considerations, including any identified need for sites for gypsies and travellers in the area, the alternatives for the appellant and any personal circumstances.

Reasons

Flood risk

9. Tolney Lane lies close and runs parallel to the River Trent on the edge of Newark. It has a number of authorised gypsy and traveller sites accommodating a large gypsy and traveller community of over 260 pitches, all within flood zones 2 and 3. Since 2012, no permanent permissions have been approved although there have been temporary permissions. The appeal site is located within the centre of the wider area of sites. The appeal site lies mostly within flood zone 3a (high probability) and on the edge of the functional flood plain, with the northern part being in flood zone 2 (medium probability).
10. The development plan includes Core Policies 5 and 10 in the Newark and Sherwood Core Strategy (CS) (2011) and policy DM5 in its Allocations and Development Management Development Plan Document (DPD) (2013) which seek to avoid flood risk. The Technical Guidance to the Planning Practice Guidance on flood risk which underpins the National Planning Policy Framework ("the Framework") classifies development types according to their vulnerability to flood risk and gives guidance on which developments are appropriate in each flood zone. Despite the appellant's view that the proposed tethering of the static caravans would make them less vulnerable, in policy terms the development is clearly contrary to the above local policies and national policy in that it is a highly vulnerable use located mainly in flood zone 3a.
11. The overall aim of national policy is to steer new development to areas with the lowest probability of flooding through application of the Sequential Test and where necessary the Exception Test. Development in areas at risk of flooding should only be considered where, informed by a site specific flood risk assessment (FRA) following the Sequential Test (and if required the Exception Test), it can be demonstrated that within the site the most vulnerable development is located in areas at lowest flood risk, that the development is

appropriately resilient and resistant, including safe access and escape routes where required and that any residual risk can be safely managed. Although the Inspector for appeals¹ at another site in the Tolney Lane area at Green Park in 2014 found that those tests did not strictly apply and the Council agrees, the guidance says that they should be applied to any proposal involving a change of use to a caravan, camping or chalet site. Nevertheless, in its statement the Council accepts that the proposal would pass the Sequential Test as at present there are no reasonably available alternative sites and I have no reason to disagree with that. It also accepts that the accessibility to services within Newark would meet the test of wider sustainability benefits in the first part of the Exception Test. The second part of the Exception Test requires that the development would be safe for its lifetime, taking account of the vulnerability of the occupants without increasing flood risk elsewhere and where possible reducing flood risk.

12. The Environment Agency considers that lowering the site levels will increase flood risk to the site but at the hearing accepted that the proposed mitigation for the raising of the caravans on stone gabions to raise floor levels and tethering measures would be appropriate for the safety of the occupants on the site.
13. However, I was told that the access to the site along Tolney Lane floods very frequently, preventing access for the general public and in one part falling within the 'danger to all' (including the emergency services) category in national guidance. The safety of residents would therefore be dependent on an appropriate evacuation plan. I was told that the Environment Agency does not comment on evacuation plans and that the Council had received no response from its Emergency Planning Officer due to a vacancy in that post when consulted. I heard from the Council that, although there is no assumption that it would provide for further development, the Tolney Lane Action Plan which is in place for existing sites in the area had achieved its aim during the flood events of 2000 and 2012. The appellant's FRA recommends a site specific flood warning and evacuation plan but it was agreed at the hearing that the Council's suggested condition would make better provision, requiring residents to sign up to the EA's Flood Warning Service, provide details of locations to which they could evacuate and nominate at least three Flood Wardens. Under this residents would have prior warning of flood events and would be able to evacuate the site in good time before flooding occurred although the Council and emergency services would need to ensure that the site had been evacuated. Whilst in the short term it would reduce the risk of any significant burden to the Council and the emergency services, in the longer term that burden would be obviously be increased.
14. The Green Park decisions referred to earlier form part of the Council's justification for a temporary permission. However, the Green Park scheme did not involve static caravans or utility blocks and no condition for floodplain compensation was imposed as it was considered that a condition for the lowering of ground levels would be sufficient. A temporary permission granted in 2015 for a nearby site at The Abattoir was also for touring caravans. In this respect, the proposal differs significantly and I agree with the EA that the raising of the static caravans onto stone gabions and the proposed amenity

¹ APP/B3030/C/12/2186072, APP/B3030/C/12/2186073, APP/B3030/C/12/2186074, APP/B3030/A/12/2186071

blocks on each pitch would cause the loss of floodplain storage for flood water. Even though the unlawfully raised existing ground levels would be reduced as part of the proposal and the extent of development might result in a relatively small loss of storage capacity given the vast size of the floodplain, the cumulative impact of this proposal together with the other existing sites in the area would have a harmful impact upon flooding across the area and would be significant in terms of flood risk to third parties. Whilst the gabions and buildings could be removed at the end of a temporary period, the annual probability of flooding remains the same in the short term. The EA's and the Council's suggested condition for a flood plain compensation scheme would therefore be necessary (in addition to the lowering of ground levels) even for a temporary permission to mitigate the harm arising from the loss of floodplain storage. However, as the submitted site layout shows that the whole of the site would be occupied by plots and the hardstanding and I was told at the hearing (during discussion of other alternative accommodation options) that the appellant does not own any other land in the vicinity, I agree with the EA that it is unlikely that compensation works could be achieved in the context of this scheme. The Council has indicated that if any land outside of the appeal site in the same flood cell were used for offsite compensation works, this would have to be secured through a Section 106 legal agreement but none has been provided. I have no compelling evidence from the appellant that would lead me to a different conclusion from the EA.

15. I conclude then that the proposal would result in significant harm in terms of flood risk to third parties and that not all the measures necessary to mitigate that harm and meet the Exception Test even for a temporary permission could be achieved. In the longer term, given the strong policy objection and the additional burden that would be placed on the Council and the emergency services, a permanent permission would be also unacceptable in terms of flood risk to the occupiers of the site and to third parties.
16. The Framework requires that both the Sequential and Exception Tests must be satisfied for the development to be allowed. That is not the case for this proposal and it would, therefore be contrary to the local policies referred to above and to national policy.

Need and provision

17. PPTS identifies a national need for traveller sites and seeks to ensure that local planning authorities develop strategies to meet the need for sites in appropriate locations, to address under provision and maintain an appropriate level of supply (including a five year supply) of sites.
18. The Council's Gypsy and Traveller Accommodation Assessment (GTAA) 2016, provides the evidence base for Emerging Core Policy 4 in the Amended Core Strategy. This has been subject to objections during the examination of the emerging Amended Core Strategy and will in any case be tested as part of the ongoing examination. Despite the appellant's concerns regarding the methodology and findings of the GTAA, the Council accepts that it has an unmet need for 28 pitches over the plan period. It also concedes that it does not have a five year supply and that there is an unmet need for at least 14 pitches in the district for the period 2017-2022. The appellant considers the scale of that need to be much greater (around 100 pitches) based on his concerns regarding, in particular, the Council's approach to the turnover of

sites. The Council maintains that its assessment is appropriate and its approach is acceptable. At the hearing, the Council considered that any additional need resulting from that would be more than offset by its likely over-estimation of occupiers who meet the revised definition of gypsy and travellers in PPTS although the appellant disputed this as it does not take account of future household growth from the families of those who no longer meet the definition.

19. I conclude then that whatever the likely need figures are, the evidence before me suggests at least a moderate need for pitches in the district over the plan period, including an urgent need for pitches to provide a five year supply.
20. Emerging Core Policy 4 seeks to focus new pitch provision in and around the Newark Urban Area through a variety of means, including the allocation of sites through the development plan, the granting of permission for individual sites in accordance with emerging Core Policy 5, the purchase by the Council of new sites and the provision of flood resilience measures to enable the safe expansion of existing sites, although it currently remains subject to unresolved objections during the ongoing examination. The review of the Council's Allocations and Management DPD has been separated from the review of the CS and although the timescale has slipped I heard that it is expected to be submitted and examined within the year. I was also told that the Council has resolved that it will take steps towards making provision that could be deliverable ahead of the DPD. However, as it is unclear to me what and where that provision would be and how long it would take for it to become available and deliverable, I cannot be certain if and when sufficient sites would be brought forward and made available to address the likely scale of need. This indicates a current failure of policy. These matters each carry significant weight in favour of the proposal.

Alternative sites

21. None of the intended occupiers own a pitch and most rely on moving around in touring caravans and doubling up on relatives' sites with inadequate facilities and no security of tenure. They have many connections in the area and have been trying to establish a base in Newark for many years but I was told that for financial reasons they have not been able to find any alternative to Shannon Falls. I was told that this is the only land they own. I heard that there are no Council-owned sites in the area and that private sites have long waiting lists. For cultural reasons, bricks and mortar accommodation would be unacceptable to them. There are, therefore, no available alternative sites for the family in the area and this adds further weight in support of the proposal.

Personal circumstances

22. The ages of the intended occupiers range from the mid 50's to the early 70's. I was told that two of the older members have serious on-going health conditions for which they require regular hospital appointments and treatment, with a third awaiting surgery. They wish to live together to provide each other with mutual help and support. A settled base would enable them to do that and would enable access to appropriate health services. However, I have not been told that a base in this particular location is essential for their health needs and this matter therefore carries only limited weight.

The planning balance

23. I have concluded that the development would be unacceptable in terms of flood risk, contrary to national and local policy and this carries significant weight against the scheme. However, a number of other considerations weigh in favour of the scheme. There is an unmet need for additional gypsy and traveller sites in the district, a current lack of sites for the appellant and his family and a failure of policy to meet that need. These matters provide significant weight in support of the proposal and the health and care needs of the family also add some further, albeit limited, weight. However, even if I had found that the likely scale of need is that identified by the appellant, the other considerations do not outweigh the serious and lasting harm that would be caused by the development in terms of the inadequate provision for the loss of floodplain, the additional burden on the Council and the emergency services in the longer term, and the conflict with policies in terms of flood risk.
24. As the Council is currently unable to demonstrate a five year supply of pitches this carries significant weight in favour of a temporary permission. Although a temporary permission is not a substitute for a permanent site, it would give the family an opportunity to pursue a site through the DPD site allocations process or through the Council's other options for the provision of sites. Whilst in the short term, measures can be put in place for the raising of floor levels, tethering and an evacuation plan that would be likely to mitigate flood risk to the occupiers of the site, a floodplain compensation scheme is unlikely to be achievable resulting in significant cumulative harm to others elsewhere. I find that a temporary permission would not therefore be appropriate in this case.
25. I have had regard throughout my decision to Article 8 of the European Convention on Human Rights which affords the right to respect for private and family life, including the traditions and culture associated with a gypsy way of life. From what I have seen and heard, the dismissal of the appeal would not interfere with the Article 8 rights of the family as they are not living on the site and there is insufficient compelling evidence to indicate that they would be made homeless or be unable to practice their traditional way of life. I have also had regard to the Public Sector Equality Duty (PSED) in the Equality Act 2010 which seeks, amongst other things, to eliminate discrimination, harassment and to advance equality of opportunity and good relations between persons who share a relevant protected characteristic and those who do not. Romany Gypsies have a protected characteristic for the purposes of the PSED. Although the appellant and his family would be deprived of the opportunity to live on this site if the appeal is dismissed, this is set against the serious risk to life and property that the proposal would have in terms of flood risk. It does not therefore follow that the appeal should succeed.

Conclusion

26. For the reasons given, the proposal would cause significant harm in terms of flood risk, contrary to the development plan as a whole and there are no material considerations that would indicate otherwise. Therefore, and having taken into account all other matters raised, the appeal should be dismissed.

Sarah Colebourne

Inspector

APPEARANCES

FOR THE APPELLANT:

Philip Brown	Planning Consultant
Elly Price	Appellant's brother
Ros Price	Appellant's sister in law

FOR THE LOCAL PLANNING AUTHORITY:

Julia Lockwood	Planner
Matthew Tubb	Planner
David Woolley	Environment Agency

DOCUMENTS

1. Email from David Woolley, Environment Agency dated 3 April 2018.
2. Email from Julia Lockwood, Newark & Sherwood District Council, dated 25 April 2018.

PLANNING COMMITTEE – 5 FEBRUARY 2019

Application No:	18/01671/FUL	
Proposal:	Erection of 1 no. Agricultural workers' dwelling	
Location:	Gibbet Wood, Brown Wood Lane, Thorney, Nottinghamshire	
Applicant:	P A Arden & Son – Miss I Arden	
Registered:	4 September 2018	Target Date: 30 October 2018
		Extension of time agreed in principle

The application is reported to Committee at the request of the local Ward Member, Cllr David Clarke. Members deferred this application for a site visit at January's Planning Committee.

Since the publication of the previous agenda, comments were received from the Highways Authority and the applicant's agent. These were reported to Members in the Late Items at the previous meeting but have been included and assessed (in bold) as part of this report.

The Site

This application relates to circa 0.11 Hectares of land sited on the northern side of Brown Wood Lane which is associated with a poultry unit granted planning permission in 2014 and is now fully operational. The unit is accessed via a purpose-built driveway off Brown Wood Lane.

The site lies to the north east of the settlement of Thorney (approx.1.2km away) and is located on the north-eastern edge of the district. There are no immediate neighbours to the site, with the closest neighbour located approximately 175m to the NE of the site and is within the West Lindsey District.

The application site itself is a relatively open parcel of land approximately 85m to the east of the access road to the poultry unit and would utilise an existing access to the field. The site lies within Flood Zones 2 and 3 of the Environment Agency's Flood Maps.

Relevant Planning History

Members will recall that a similar application was presented to Planning Committee in July 2018. The reference for this application is **17/01127/FUL**. This was approved by Members in accordance with Officer recommendation for the erection of 1no. agricultural workers' dwelling at the entrance to the poultry unit.

The poultry unit was approved under **13/01873/FULM**, permitted 09.05.2014. This included the erection of a free range poultry unit, 4 No. Feed Silos and formation of access.

The Proposal

Full planning permission is sought for the erection of a rural workers dwelling in the form of a

detached two-storey dwelling located approximately 115m to the SE of the poultry unit it is intended to serve.

The dwelling will have a footprint of approximately 100m² with a ridge height of 8.1m. The dwelling would be laid out as an angled L-shape and access via a separate entrance from the poultry farm. A pedestrian access would link the dwelling to the unit's access track. It is proposed that the dwelling will be constructed with a timber-clad finish and slate effect tiles. Windows and doors are proposed to be timber framed.

The dwelling will benefit from an ample-sized garden to the north and south of the dwelling.

Submitted Documents

The following documents accompany the application:

- Proposed Sketch Proposals OPT 2 – 362A-001 Rev.F
- Site Location Plan – 362-A-004 Rev.B
- Proposed Sketch Site Plan OPT2 – 362-A-005 Rev.D
- Paddock Layout – 352-A-006
- Design and Access Statement
- Flood Risk Assessment
- Landscape and Visual Statement.

The applicant has also submitted accompanying letters with the application which are summarised below;

- Letter: NFU Mutual, 12/06/18
 - Concerns that the approved scheme would significantly increase both the risk of Avian Flu outbreak and create problems associated with the implementation of quarantine measures
 - It is good agricultural practice for the dwelling to have its own separate entrance from the poultry sites to reduce bio-security hazard and allow the house and office to continue to function normally
- Letter: Anglia Free Range Eggs, 12/07/18
 - Bio-secure area should be separate from public access area
 - Approved dwelling would take land from the range area, reducing paddock size, which could affect the 'free range' status the unit currently has
- Letter: Charlotte Fursdon (Anglia Free Range Eggs), 27/07/18
 - In the event of an outbreak, additional bio-security measures would need to be placed upon the dwelling if it were to be sited where approved
 - If there is opportunity to provide a new build with a separate access then this should be positively encouraged for the sanity of the farmworker and their family
 - The industry is always under scrutiny to ensure that free range birds are given the best opportunity to range and hence protect the free-range marketing status. Where farms make ranging 'more difficult' by restricting the immediate range area requiring the birds to 'travel' further to access the range, this inhibits ranging behaviour. DEFRA Egg Inspectors that conduct unannounced inspections at farms will challenge farms if the range is designed in such a way that limits ranging activity.

- Letter: Mr T.C.Maddison, 10/8/18
 - A shared entrance with the poultry unit would be against disease prevention recommendations and unacceptable for occupant welfare.
 - There are reports on poultry welfare and disease
 - Poultry units require high level of management and therefore would be very aware of his own family's welfare
 - Siting the dwelling next to the entrance would cause for issues:
 1. Standing heavy vehicles during in/out sanitation would be exhausting heavy fumes in close proximity to the garden area for the dwelling;
 2. Vehicle noise would impact dwelling;
 3. Weekly manure removal is not desirable close to the dwelling;
 4. Free vehicle movement close to the site entrance must not be in close proximity to the poultry unit entrance

- Letter: Mr & Mrs Whiteley, 10/08/18
 - Support the proposal to move the dwelling back to the original proposed location as it would be screened by the woodland
 - Current approved location stands out and draws attention to the poultry unit

- Letter: Mr G Parnham, 27/07/18
 - Support the relocation as it would have a separate access to prevent spread of any disease

- Letter: Slate Hall Veterinary Services Ltd, 14th September 2018
 - Support locating the dwelling to new proposed location that does not share the main access route to the farm.
 - Given the high biosecurity required to maintain optimal welfare and productivity of poultry flocks, there should be restricted movement of essential vehicles to the poultry unit in order to reduce the risk to the flock. Shared access with domestic dwellings does increase traffic and visitor movements to a poultry unit and can therefore increase the risk of disease transmission.
 - Current notifiable disease control legislation can also enforce restrictions of people on a residential dwelling deemed to be part of the poultry unit.

- Letter: Mr J Kirkpatrick, Tesco Agricultural Manager (Poultry, Eggs and Feed), 3rd January 2019
 - Proposed manager's dwelling creates biosecurity risks via non-essential vehicles entering the single access.
 - Keen to mitigate all reasonable risks of disease and enhance bio-security for one of Tesco's largest supplying farms.

Departure/Public Advertisement Procedure

Due to the isolated location, no properties have been individually notified by letter however a site notice has been displayed at the site.

Relevant Planning Policies

The Development Plan

Newark and Sherwood Core Strategy Adopted March 2011

Spatial Policy 1: Settlement Hierarchy

Spatial Policy 3: Rural Areas

Spatial Policy 7: Sustainable Transport

Core Policy 9: Sustainable Design

Core Policy 12: Biodiversity and Green Infrastructure

Core Policy 13: Landscape Character

Allocations and Development Management DPD Adopted July 2013

Policies relevant to this application:

Policy DM5: Design

Policy DM7: Biodiversity and Green Infrastructure

Policy DM8: Development in the Open Countryside

Policy DM12: Presumption in Favour of Sustainable Development

Other Material Considerations

National Planning Policy Framework 2018

Planning Practice Guidance 2014

NSDC Landscape Character Assessment 2010

Consultations

Thorney Parish Council – *Thorney Parish Council met on September 19th 2018 to discuss this application.*

The following points were raised:

- *The property itself has full planning permission, being a modified version after the rejection of the first application. Therefore, any comments on this would be pointless.*
- *The meeting was not quorate as one councillor was unable to attend, although he did send some comments, & two others declared pecuniary interest. It was felt that, under these circumstances, no meaningful decision could be made.*

However, the following observations were raised & should be considered:

- *Councillors accepted some of the rationale for putting the property back on to the site of version 1. Some also accepted that it would be more aesthetically pleasing in that position. BUT, putting the property back on the original side of the main entrance to the poultry farm brings certain objections back into play:*
- *The additional access, close to the hump from the dyke poses a danger to traffic turning in & out, this view was corroborated by Nottinghamshire County Council Highways at the time of the original application & was addressed by the relocation of the dwelling in version 2.*
- *Concern was also expressed re the very large paddock layout & the reasoning behind it. There is also a disproportionate amount of car parking for the size of the proposed dwelling. This suggests a plan to extend the property at a later stage thus creating the original dwelling that was rejected.*

All this being said, councillors prefer, on this occasion, to leave the matter in the hands of Planning & Highways.

Agricultural Consultant – I refer to your consultation letter dated 15th October, 2018 together with enclosures and your request for a desktop agricultural appraisal of the above application. I now comment as follows:-

1. *The application is for a permanent agricultural workers dwelling to be sited on a block of owned agricultural land to the North of Brown Wood Lane and to the South of Gibbett Wood. The land at the application site is part of a 222.6 hectare (550 acre) holding farmed by P.A. Arden & Son. The block of land which forms the application site is used as a free range poultry unit and is currently stocked with 32,000 laying hens.*
2. *Planning consent was granted by the Local Planning Authority for an agricultural workers dwelling (17/01127/FUL) on 4th July, 2018. The approved dwelling was to be sited close to Brown Wood Lane with a separate access situated before the access gate into the poultry unit. The comments in my letter of 31st May, 2018 stated that although the then proposed site, was closer than the originally proposed site – the site now proposed within this current application – I considered it was not well-related to the existing poultry building to which the essential/functional need relates.*
3. *The proposed site cannot be considered as well-related to the poultry unit, and in my opinion is so far away from the poultry unit as to be unable to fulfil the essential/functional needs of that poultry unit.*
4. *The applicants and their agents consider that siting the dwelling on the approved site would compromise the bio-security of the unit and affect the area available for the hens to range on.*
5. *I have advised on many applications for agricultural workers dwellings on poultry units such as this, and in all cases the dwellings approved have been sited in a position well-related to the existing poultry buildings, to enable the dwelling to fulfil the essential/functional needs of the units. These dwellings have not compromised the bio-security of the units or affected the ranging area for the birds.*
6. *I consider that the dwelling should be sited in a position well-related and close to the poultry unit with an access into the dwelling from the access road prior to any bio-security point for the poultry unit.*
7. *Any necessary adjustments to the ranging paddocks can easily be accomplished by moving the internal fencing to give the appropriate sized paddocks.*
8. *Under paragraph 3.3 – sub-heading Character, the agents state “One would typically expect to see a farmhouse situated in close proximity to an associated poultry farm.” – I agree with this statement and would not expect to see the dwelling situated away from the poultry unit in the far corner of the application site. To comply with the guidance it must be sited in a position well-related to the existing poultry unit. This is also beneficial in planning terms as the dwelling would then form part of a group of buildings rather than being an isolated dwelling/building in the open countryside. Paragraph 11 of Annex A to PPS7 states “Agricultural dwellings should be sited so as to meet the identified functional need and to be well-related to existing farm buildings, or other dwellings.”*

In conclusion, I ADVISE that there is no agricultural support for the proposed agricultural workers dwelling on the proposed site as this site is not sufficiently well-related to the existing poultry unit and the site of the proposed dwelling would be unable to fulfil the essential/functional needs of the existing enterprise.

NSDC Access & Equalities Officer – *It is recommended that the developer make separate enquiry regarding Building Regulations matters.*

NCC Highways –

2nd October 2018

This proposal is for the construction of an agricultural workers dwelling. The dwelling is to be relocated further to the east from that originally approved under planning application 17/01127/FUL.

The applicant/agent should take into account that visibility splays of 2.4m x 215m are required from the access point. Could a site plan be submitted demonstrating the required visibility and be submitted for further comment.

8 January 2019

This [amended site plan] is acceptable to the Highway Authority, however, could a ‘Note to Applicant’ be included to any permission granted stating: The boundary treatment at the site frontage should be maintained at a height not exceeding 0.9m to ensure adequate visibility is provided.

Trent Valley Internal Drainage Board – No objection to the proposal

Environment Agency - *I have no further comments to add to those provided by my colleagues in respect of planning application 17/01127/FUL.*

In addition to the above, 1 letter of support has been received during the public consultation period.

Comments of the Business Manager

Before discussing the merits of the scheme, I consider it helpful for Members to provide some commentary of this scheme and its previous planning history.

A planning application for an agricultural workers’ dwelling was submitted in 2017 in the location proposed by this current application. Following advice from the Council’s agricultural consultant regarding the siting, Officers negotiated with the applicant to locate the dwelling closer to the poultry unit so that it was better-related to the unit it would serve.

The reasons for its repositioning were to ensure that the dwelling would be well-related to the poultry unit given that its primary function would be to serve the unit in accordance with Policy DM8 of the DPD and also to assist in ensuring that the dwelling could not be easily separated from the unit and sold off as an independent dwelling at a later date; this latter reason is because the

dwelling would not be considered appropriate development within the open countryside if it did not have the functional need requirement for the agricultural unit.

At this time, the applicant was concerned with regards to biosecurity measures but there was no reference to the size of the paddocks being an issue with regards to siting the dwelling in the proposed location. With regards to the biosecurity measures, Officers felt, and I remain minded to concur, that as the entrance to the new dwelling would be before the biosecurity gate, there was no greater risk of contamination as any vehicle could drive along the section of road the access to the dwelling would come from.

Although the Officer recommendation for the previous planning application was approval, the agricultural consultant remained of the view that the dwelling could be better-related to the poultry unit, however Officers attached weight to the biosecurity measures to prevent Avian flu.

In addition to siting, Officers also sought to reduce the scale of the proposed dwelling as agricultural dwellings should be of a size commensurate with the established functional requirement; it is the requirements of the enterprise, rather than those of the owner or occupier. The applicant was amiable to some reductions which were approved by the previous application.

This current planning application reverts back to the original siting submitted in 2017, although the scale of the building remains similar to that approved in 2018. The reasons for the relocation, as stated by the applicant are to address biosecurity, operational and amenity concerns.

I will also highlight that should Members be minded to approve the application, a Section 106 agreement would be required to revoke the earlier planning permission to prevent both dwellings being constructed; the LPA would not wish to approve two dwellings to serve the poultry unit as there is no financial or business need for two agricultural workers' dwellings.

Principle of development

Spatial Policy 1 and 2 of the Adopted Core Strategy sets the development hierarchy for new residential development throughout the District with the Newark Urban Area being the main focus for residential development. Spatial Policy 3 of the Core strategy states that development away from the main built up area of villages, in the open countryside will be strictly controlled and restricted to uses which require a rural setting.

Due to the location of the development outside of any settlement I consider the site to be within the open countryside and as such the proposal falls to be assessed against Policy DM8 within the adopted Allocations and Development Management DPD. This states that new rural workers dwellings will be required to demonstrate a functional and financial need in relation to the operation served and the scale of new development should be commensurate with the needs and ability of the operation they serve to fund them. Paragraph 7.42 of the above policy states that proposals will need to demonstrate a clearly established existing functional need for the dwelling and this could be related to the essential proper functioning of the enterprise. The unit and activity should be established for at least three years, and have been profitable for at least one of them, are clearly financially sound and have clear prospect of remaining so. The applicant should also demonstrate that in order for the business to function there are no other dwellings within the locale that could not fulfil this role.

Policy DM8 reflects the requirements national policy. Paragraph 79 of the NPPF states that planning policies and decisions should avoid new isolated homes in the countryside unless “there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside”.

In the case of agricultural dwellings the NPPF is only supportive providing the enterprise is financially viable and capable of sustaining the cost of the proposed dwelling.

The need and financial viability for the dwelling was assessed under planning application 17/01227/FUL and to my knowledge there has been no change to the situation and I therefore refer to the previous assessment of the scheme, presented to Planning Committee in July 2018,

In assessing functional and financial need, although cancelled, Annex A of Planning Policy Statement 7 sets out a useful tried and tested methodology for assessing essential need for a rural workers dwelling on an enterprise and that there is no reason to discount the Annex as a potentially useful tool, an approach taken in other planning and appeal decisions.

I am mindful that Paragraphs 3, 8 and 9 of Annex A to PPS 7 as a tried and tested methodology as set out above Paragraph 3 (i) and (ii) of Annex A to PPS7 state “New permanent dwellings should only be allowed to support existing agricultural activities on well-established agricultural units, providing there is clearly established existing functional need and the need relates to a full time worker”.

Paragraph 3 (iii) also states “The unit and the agricultural activity concerned have to have been established for at least three years, have been profitable for at least one of them, are currently financially sound, and have a clear prospect of remaining so’.

The proposed dwelling would be intended to serve a poultry unit which has been up and running since c.2015. In supporting documentation deposited with the application the agent has submitted information which includes three years’ worth of accounts which show a profit. I am mindful that Policy DM8 requires a minimum of 3 years’ worth of accounts and as such on this basis, the business is able to fit this criteria.

In addition to the above, paragraph 55 [now paragraph 79] of the NPPF states that ‘local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as the essential need for a rural worker to live permanently at or near their place of work in the countryside’. In addition to this, the Agricultural Consultant in their comments dated 8th August 2017 states that ‘the Framework is only supportive of sustainable development, which in the case of agricultural dwellings is taken to meant that the farming enterprise is required to be financially viable and capable of sustaining the cost of the proposed dwelling after the deduction of all costs in the long-term’. It is considered by the agricultural consultant that there is an existing/functional need for one person to live at or near to the poultry unit as the labour requirement is in excess of one full-time person, and therefore satisfies the need element highlighted by paragraph 55 [now paragraph 79] of the NPPF.

I am mindful that at the time of writing this report there are various residential properties owned by the wider agricultural unit which could provide suitable accommodation for an agricultural worker; however these have been considered unsuitable or unavailable by the applicant. Additionally, a search on *Rightmove* suggests that there 3 properties for sale approximately 2.3 miles from the site (when driven) that is within a similar price range to the likely build cost of the

proposed dwelling. However, the LPA have previously been advised by the applicant's agent that a shorter distance of 1.2km would be too far from the site for the needs of the unit. I have no evidence before me that would contradict the reasons given by the applicant and therefore I would accept that there is a functional need for the dwelling.

In terms of viability, one reason for relocating the dwelling is due to the size of the paddocks afforded to units. In order to be a free-range business, there are minimum roaming areas per chicken. Each shed is divided into 4 'rooms' with associated paddocks. The applicant has stated that they have located the dwelling within Paddock 2 as there is space to accommodate the dwelling without compromising the required area for the unit; according to the Design and Access Statement, siting the dwelling within Paddock 1 (where is approved) would result in the area afforded to this paddock would then be below the minimum roaming area for the number of chickens housed in this area and thus the number of chickens would need to be reduced, impacting upon the business' income and profitability.

Having read the argument above, I do accept that as the site layout currently stands, the dwelling could impact upon the viability of the poultry unit, however having visited the site, I see no obvious reason why the paddock layout could not be altered through relocating fencing to afford paddock 1 the necessary land to accommodate the approved dwelling. ~~The applicant has been asked to provide justification why this could not be carried out but to date I have received no response to this question. I therefore attach limited weight to this viability argument.~~

Prior to the presentation of the application to Planning Committee in January (following the publication of the agenda), the applicant's agent provided commentary on the difficulties surrounding the repositioning of the paddocks to afford the necessary space. The justification provided states that every boundary within the unit would need to be repositioned, which would be unacceptably disruptive during the 56-week laying period and if the applicant were to wait until the end of this period, it would result in a significant delay to the commencement of development (delays of up to a year). The repositioning would also be a costly exercise and could discourage hens to venture beyond pop holes if the boundaries are too narrow close to the openings.

I am mindful that some cost would be involved in the repositioning of the paddocks and I appreciate that relocating the boundaries could be impractical during the 56 week laying period and therefore such work would need to be carried out in the three weeks between laying periods.

I have not been made aware how far into the current cycle the laying period is as part of the justification submitted; however if the laying period were to have commenced on the day planning permission was granted in July 2018, the laying period would be within its 31st week at the time Members meet on 5th February 2019. If the remaining current laying period is longer, there would have been a three week break at some point between permission being granted in July and today where the boundaries could have been altered whilst hens were not on site.

Members should be mindful that an application for the agricultural workers dwelling previously approved on the adjoining site to the west (17/01127/FUL) originally showed the dwelling to be sited in the location currently proposed which was not considered acceptable in terms of its relationship to the poultry units and the dwelling as relocated to sit immediately to the western side of the access serving the poultry unit. At that time the issues now put forward with regards to the size of the remaining roaming area for the chickens not being adequate for the size of the

business operation should the approved dwelling be constructed were not raised by the applicant.

Given the above, I am of the view that there remains scope to reposition the boundaries, albeit careful consideration of the location is required to ensure that hens are not deterred from venturing outside. I do not however see the delay to construction as a reason that would outweigh any material harm.

Taking the above into account I would concur with the agricultural consultant's comments from the previous planning application in so far that there is a functional need for the dwelling, and that there has been a financial case put forward for the dwelling which results in the application being fully in accordance with the need criteria of Policy DM8 of the DPD. On this basis, I consider the principle of a rural worker's dwelling associated with the poultry unit remains to be acceptable, however issues relating to visual impact, amenity and highway safety also need to be taken in to consideration and are discussed below.

Visual Impact

Policy DM5 of the DPD states that local distinctiveness should be reflected in the scale, form, mass, layout, design and materials in new development. 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. The NPPF also states that good design is a key aspect of sustainable development.

A Landscape Character Appraisal (LCA) has been prepared to inform the policy approach identified within Core Policy 13 of the Core Strategy. The LCA has recognised a series of Policy Zones across the five Landscape Character types represented across the District. The application site is located within the East Nottinghamshire Sandlands 'Wigsley Village Farmlands with Plantations' area (ES PZ 02) which is defined as being of moderate condition with very low landscape sensitivity. It is acknowledged there are moderate distance views across the landscape area due the predominantly flat land surrounding villages but there are frequent shelterbelts and mixed plantations across the landscape. The policy displays an intention to create new hedgerows and recreate field patterns whilst containing new development within historic boundaries. Furthermore the policy seeks to restore arable land to pastoral land and/or introduce field margins to link habitats and increase biodiversity, which can in part be done through the enhancement of tree covering and landscape planting. In terms of built features, the policy seeks to conserve what remains of the rural landscape by concentrating new development around existing settlements.

In addition to the above, Policy DM8 of the DPD also provides guidance on new rural workers dwellings. This policy states,

The scale of new and replacement dwellings and extensions to those existing should be commensurate with the needs, and the ability of the operation they serve to fund them. Where a new or replacement dwelling is justified, its siting will be influenced by its functional role and the visual impact on the surrounding countryside should also be taken into account.

Scale

As mentioned above, the proposed dwelling is proposed to be the same scale as that approved. For references, the assessment below is that presented to Members in July 2018,

Having regard to the above guidance, paragraph 9 of Annex A of PPS7 also reiterates that agricultural dwellings should be of a size commensurate with the established functional requirement; it is the requirements of the enterprise, rather than those of the owner or occupier. Whilst no definitive size of dwelling is stated either locally or nationally, the LPA's agricultural consultant has advised that the external floor area of should be no more than 185m². In the case of this proposal, the floor area is 195m².

The proposal provides 3 double bedrooms, the master bedroom with en-suite along with a farm office at ground floor with a utility room and two areas for boot storage. I understand that the applicant wants to provide accommodation that would attract a manager in the future, however I do have concerns that this level of accommodation is over and above what is required for the agricultural worker needs in order to provide the functional/essential need identified and this has been raised on several occasions with the applicant.

Whilst I would feel more comfortable if the proposed floorspace were to be under 185m² in accordance with the agricultural consultant's advice, I am mindful that in reality, an additional 10m² (or 5%) is unlikely to have an adverse impact upon the character of the area and thus would be difficult to defend a refusal on this basis; however if the floorspace were to be any greater, it is likely that the LPA would resist this. I would therefore recommend that should Members be minded to approve the application, permitted development rights for extensions and outbuildings are removed from the dwelling to limit any further extension to the dwelling.

Access

The LPA seek for agricultural workers' dwellings to be located as close as possible to the unit they would serve. As detailed above, there are concerns with regards to the location of the proposed dwelling and the separate access afforded to the dwelling.

In order for the dwelling to be seen as well-related to the agricultural unit it would serve, the LPA usually seek for the access to be shared. In this instance, I accept that the access is somewhat constrained by the biosecurity measures in places within the site, however this does not prevent an access coming off the entire track leading to the poultry unit. I remain of the view that the access should be shared with the unit, which is the view of the agricultural unit and I have no evidence before that would suggest this could not be achieved on the site.

I am therefore of the view that the proposal, through the use of a separate access, does not relate well to the poultry unit. The impact upon highway safety is discussed later in this report.

Location

The previously approved scheme was as a result of almost a year of negotiations to reach an appropriate scheme. These amendments included the relocation of the scheme to the western side of the access track to the poultry unit, some 95-100m to the west of the now proposed location (as mentioned earlier in this report, the 2017 application originally proposed a dwelling in the location now proposed). This was to ensure that the dwelling would be well-related to the

poultry unit in order to fulfil its functional role and ensure that it was used for its proposed purpose and is not easy to separate from the agricultural unit at a later date.

I appreciate the reasons behind the proposed location, being screened to the west by dense woodland, however the location has a very limited relationship with the poultry unit which is not supported by either Policy DM8 or the NPPF. Policy DM8 of the DPD states that the *siting will be influenced by its functional role and the visual impact on the surrounding countryside should also be taken into consideration*. I take the view that the proposed location would be less prominent within the surroundings as it would be screened from the east by dense woodland and vegetation. I am also mindful of the close proximity of the proposed dwelling to the electricity substation. However, given the isolated nature of the site, any new building would be to an extent prominent within the openness of the countryside and thus I am of the view that it would be more appropriate to have a dwelling that appears visually linked to the agricultural unit in this instance rather than one which is marginally less prominent.

The reasons given for the relocation now proposed include the availability of land within Paddock 2 that could accommodate the dwelling, although no justification as to why the paddocks could not be rearranged has been provided by the applicant. Other reasons include biosecurity which I remain unconvinced require the dwelling to be located further from the poultry unit and with a separate access. With this in mind, I refer back to the report presented to Members in 2018,

The revised location in my view is much better-related to the poultry unit and does allow for additional surveillance of comings and goings to the unit, which is one of the reasons the applicant states as a need for a rural workers dwelling. However, I note the agricultural consultant's comments regarding the location and concur that the dwelling could be better-related to the unit if sited closer to where the essential/functional need exists; it would still be several minutes' walk to the unit from the dwelling, being 90m from the unit. To this end, the agricultural consultant has suggested a more appropriate location to be to the north of the current site, closer to the unit so that it is better-related. I am minded to agree that the dwelling would be better located closer to the unit to bring built form closer together and thus limiting the encroachment upon the open countryside.

However, before seeking to amend the location further, it may be helpful for Members to understand the bio-security issues the poultry unit can face with regards to Avian (bird) Flu. Members may recall that a few years ago, many poultry farmers were faced with outbreaks of flu amongst their birds which results in them being kept indoors for a period of time. Since then, guidance has been issued to farmers to reduce the likelihood of another outbreak, which includes measures to prevent visitors to the site from being any contaminant into the site. In the case of this poultry unit, bio-security gates are installed close to the entrance to the unit from Brown Wood Lane which are monitored. Members will note that the entrance to the proposed dwelling is just before these gates so as to prevent visitors to the dwelling bringing potential contaminants on to the unit.

The applicant has also provided information from various professional bodies explaining the position with Avian Flu and the requirements for bio-security measures and I have no information before me that would counter-act their arguments for the separation requirement to prevent contaminates spreading.

With this in mind, I appreciate that a dwelling any closer to the unit could present bio-security issues for the unit and therefore a relocation in my view would be difficult to insist upon given the

guidance following the Avian Flu outbreak without any sound evidence to the contrary that a dwelling closer to the poultry unit would not pose a threat to the chickens.

The agricultural consultant remains of the view that the dwelling should be located closer to the poultry unit than is currently approved, however as detailed above, some weight is given to allowing some separation between the unit and the dwelling. The applicant has provided additional commentary on the reasons behind a separate access however there is no clear reason to contradict the fact that any vehicle could drive along the section of access track that would serve the approved dwelling without needing to pass through the biosecurity gates; this would remain the case whether or not the dwelling is constructed and thus I do not consider relocating the dwelling to be of any greater benefit to the site. I also note that a reason for relocation is to prevent the dwelling being affected should a contamination issue arise; given that the proposed site would be surrounded on two sides by the paddock, with a pedestrian footpath running through the site, I would raise the question as to whether the relocation would in fact reduce disruption for the dwelling. In any event, the primary function of the dwelling is to provide accommodation for the unit manager and therefore any contamination outbreak would invariably directly affect the household regardless of the dwelling's location within the wider site.

On the basis of the above, I am of the view that the proposed location would not accord with Policy DM8 of the DPD nor the NPPF.

Impact on Residential Amenity

Policy DM5 requires development to be acceptable in terms of not having a detrimental impact on residential amenity. Given the distance from the nearest dwellings I am satisfied that the proposal would not have a significant detrimental impact upon neighbour amenity.

The applicant has however raised the issue of the impact upon amenity of the occupiers of the proposed dwelling. It is considered by the applicant, and those in support of the application in the letters submitted with the application, that relocating the dwelling would reduce the impact of farm activities upon the occupiers. Whilst this may be the case, Members must be mindful that the proposed dwelling is for the purpose of accommodation for farm workers and thus are likely to be involved in the associated farm noise. It is also worth pointing out that even in the approved location, occupiers would be some 95-100m from the units and therefore provides some buffer from farm noise. I therefore consider that limited weight could be attached to this argument.

It is therefore considered that the proposal accords with Policy DM5 of the DPD.

Highway Safety

Spatial Policy 7 of the Core Strategy seeks to ensure that vehicular traffic generated does not create parking or traffic problems. Policy DM5 of the DPD requires the provision of safe access to new development and appropriate parking provision and Policy DM4 seeks to ensure no detrimental impact upon highway safety.

I note the comments of the Highway Authority requesting visibility splays of 2.4mx215m to be shown on the proposed site plan. An amended plan showing visibility splays of 2.0x200m has been received **which the Highway Authority are agreeable to, subject to a note requiring the boundary treatments to be kept no more than 0.9m in height to ensure appropriate visibility is maintained at the entrance to the site.**

The proposed visibility splays are shorter than those requested by the Highway Authority, and indeed shorter than those approved as part of the poultry unit in 2014. I am however mindful that the proposed access is unlikely to serve a route for non-domestic vehicles and **as such on balance, I am of the view that the proposal is acceptable from a highway safety perspective.**

Flood Risk

Policy DM5 of the DPD states that the Council will aim to steer new development away from areas at highest risk of flooding. In addition Core Policy 9 requires development proposals to include measures to proactively manage surface water wherever possible.

Core Policy 10 'Climate Change' requires that development be located to avoid both present and future flood risk and details that in considering site allocation and determining proposals the District Council will, led by the SFRA, adopt a sequential approach to future development and work alongside partners to secure strategic flood mitigation measures.

Core Policies 9 and 10 of the Draft Amended Core Strategy reflect the aims of these existing Core policies.

The NPPF states within paragraph 155 that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development necessary, making it safe without increasing flood risk elsewhere.

The Application Site sits within Flood Zone 3 and policy DM5 of Newark and Sherwood's Local Development Framework states that the Council aim to steer new development away from areas at highest risk of flooding. The Environment Agency Plan indicates that the wider site owned by the applicant is entirely within Flood Zone 3, with much of the surrounding are within flood zones 2 and 3.

If the Sequential Test is considered locally, the whole site owned by the applicant is within flood zone 3, with the wider area within Flood Zones 2 and 3. I consider that there is appropriate justification in this case to apply the Sequential Test locally in the context of the need for an agricultural workers dwelling.

A Detailed Flood Risk Assessment (FRA) has been deposited with the application which states that the site is adequately protected by fluvial flood defences that are maintained by the Environment Agency and Internal Drainage Board (Upper Witham and Trent Valley). The FRA also states that the dwelling would have the following resilient measures to protect it against flooding:

- The ground floor living accommodation for the two storey dwelling is to be raised 0.5m above the existing ground level and floor level to be set at 5.80mODN
- The ground floor to be constructed with a solid concrete floor with no voids beneath and no low-level wall vents.
- Fix plasterboard to the ground floor area horizontally, for ease of replacement
- Avoid the use of absorbent cavity insulation to the ground floor level.
- Fit anti flood valves to all external drainage pipes to prevent flood waters entering the dwelling.
- Arrange for all service circuits to be routed at first floor level where practical socket outlets, boilers etc. to be a minimum of 0.5m above the raised upper ground floor level.

- All external doorways to be fitted with “Stormguard” flood doors or other approved.

In addition to the above, the FRA recommends the applicant signs up to the Environment Agency Floodline Warning Direct system.

The Environment Agency have been consulted on the proposal and have no additional comments to those made as part of the previous planning application. For the avoidance of doubt their previous comments are detailed below,

The proposed development will only meet the requirements of the National Planning Policy Framework if the following measure(s) as detailed in the Flood Risk Assessment with this application are implemented and secured by way of a planning condition on any planning permission.

Condition

The development permitted by this planning permission shall be carried out in accordance with the Flood Risk Assessment for Gibbet Wood Brown Wood Lane Thorney Nottinghamshire with the following mitigation measures:

1. *The dwelling shall be a minimum of 2 storeys*
2. *Finished Floor Levels shall be set no lower than 5.80mAOD*
3. *Flood resilient and resistant construction techniques should be used. Please refer to the following document for information on flood resilience and resistance techniques to be included: ‘Improving Flood Performance of New Buildings - Flood Resilient Construction’ (DCLG 2007).*

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.

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.

Conditions were included as part of the permission for the previous application and it is recommended to Members that these are re-imposed should they be minded to approve the application.

Conclusion and Planning Balance

Taking the above into account it is considered that an essential/functional need has been sufficiently demonstrated for an agricultural workers' dwelling on the site, given the absence of any suitably located existing dwellings being available. The scale, impact upon residential amenity, highway safety and flood risk are also considered to be acceptable however the proposed location of and access to the dwelling are not considered appropriate for the nature and use of the development proposed. The reasons for this is that the proposed location of the dwelling, and its own separate access, would not be well-related to the agricultural unit it is intended to serve and there is no clear justification as to why the dwelling could not be located closer to the unit. It is therefore considered that the proposal is contrary to Policy DM8 of the DPD and the NPPF. It is therefore recommended to Members that the application is refused.

Recommendation

That full planning permission is refused for the following reason:

01

In the opinion of the District Council, the location of the dwelling is such that it would not be well-related to the poultry unit that it is intended to serve, being some 115m from the poultry unit and served by its own access that is separate from the access to the agricultural building. The proposal therefore does not meet its required functional role to the operation being served and as such is contrary to Policy DM8 of the Allocations and Development Management DPD (2013) and Paragraph 79 of the NPPF, presenting a harmful impact upon the character of the open countryside in which the site is located. There is no justification which would outweigh this harm.

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.

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/

02

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.

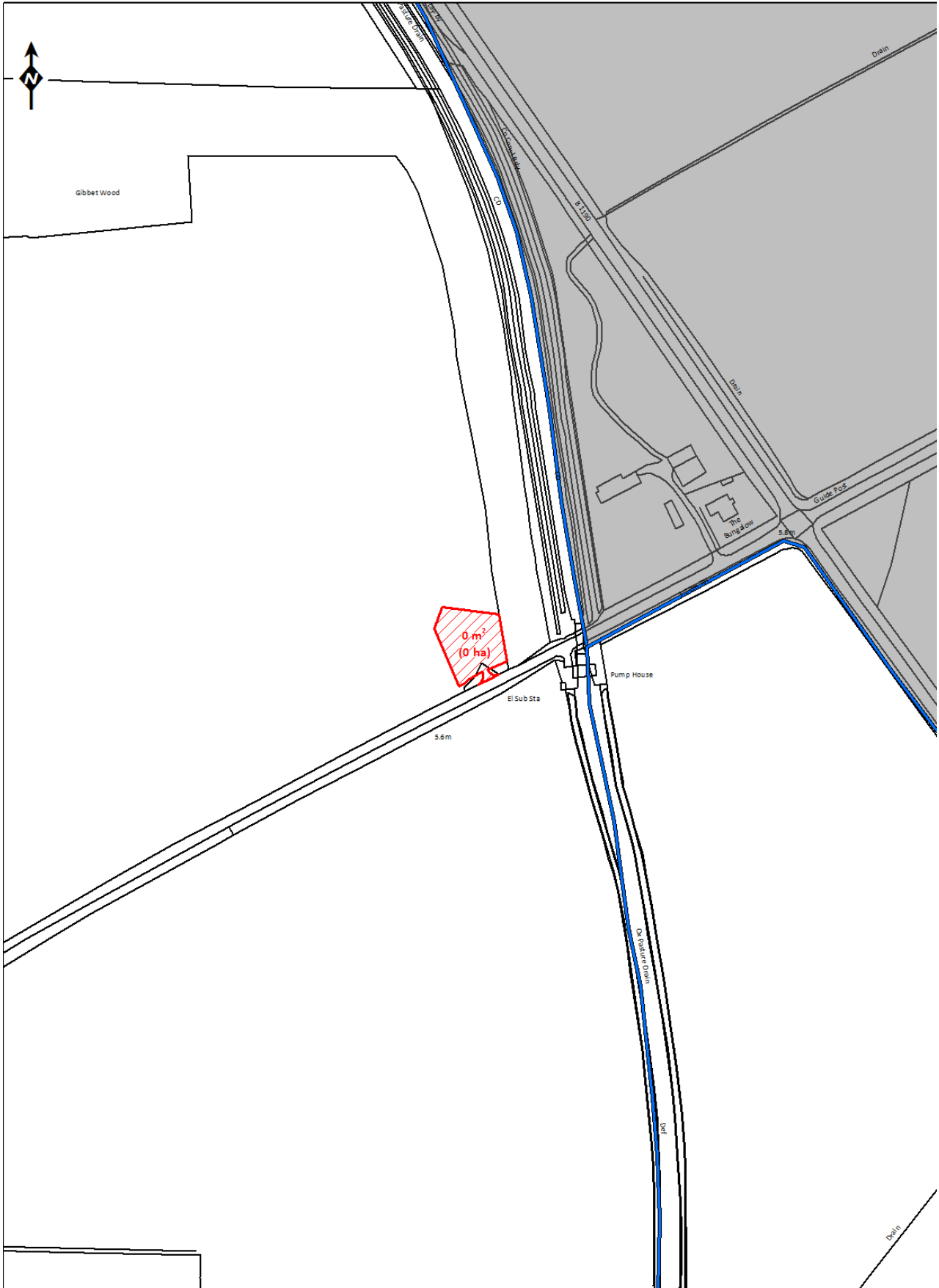
BACKGROUND PAPERS

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.

Matt Lamb
Business Manager Growth & Regeneration



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PLANNING COMMITTEE – 5 FEBRUARY 2019

Application No:	18/01891/FUL	
Proposal:	Erection of one affordable dwelling	
Location:	Land Adjacent Tu Pare, Low Street, Elston	
Applicant:	T.B. Horner And Sons - D Horner	
Registered:	10.10.2018	Target Date: 05.12.2018 Agreed Extension of Time: 12.02.2019

The application is being referred to Committee by Cllr Walker on the basis of a lack of objection from the Parish Council (albeit no formal comments have been received) which is contrary to the professional Officer recommendation.

The Site

The application site forms a broadly rectangular plot with an associated vehicular access to the north of Low Street which forms one of the main vehicular routes through the village of Elston. The site is set to the rear of the residential curtilages of 1 and 2 Stoke Field Cottages and to the east of the residential curtilage of the dwelling known as Tu Pare.

The vehicular access to the site is within the designated Conservation Area (CA) but the site itself is outside of the CA with the southern boundary of the site abutting the northern CA boundary. The Grade II listed dwelling known as The Hollies shares part of the south and east boundaries of the site.

There is a tree subject to a Preservation Order close to the vehicular access to the site within the property known as Rosedene. The site is within Flood Zone 1 according to the Environment Agency mapping system and is not known as an area at risk of surface water flooding.

Relevant Planning History

Pre-application advice has been sought in 2017 for the erection of a 3 bed property on the site (albeit the site in the pre-application enquiry extended including land to the north now shown as being land within the applicants ownership rather than within the red line plan).

11/01587/FUL - Erection of a new house and garage.

Application refused under delegated powers by decision dated 21st February 2012 for the following two reasons:

01

The proposed development by reason of its position outside of the main built up part of Elston and the lack of a robust forwarded proven local need, represents unwarranted and sporadic housing

within the open countryside, contrary to Spatial Policies 1, 2 and 3 of the NSDC Core Strategy 2011, policy NE1 of the NSDC Local Plan 1999 and the aims and objectives contained within PPS3: Housing and PPS7: Sustainable Development in Rural Areas.

02

The proposed dwelling by reason of its 'back land' position (behind Stoke Field Cottages), its combined footprint and scale (to include its dominant forward projecting wing) and the resultant front elevation detailing (i.e. lack of first floor windows) represents an overly large addition which fails to respect and is harmful to the established layout, character and appearance of development within the locality. As such the development would fail to sustain the significance of the conservation area contrary to Spatial Policy 3 and Core Policies 9 and 14 of the NSDC Core Strategy 2011, Policies C1 and H23 of the NSDC Local Plan 1999, Policies 2 and 27 of the EMRP 2009, PPS1: Delivering Sustainable Development, PPS5: Planning for the Historic Environment and PPS7: Sustainable Development in Rural Areas.

01/02268/FUL - Erection of a two bedroomed bungalow.

Application refused under delegated powers by decision dated 26th April 2002 for the following two reasons:

01

This proposal is subject to Policies H13, H21 and H23 of the Newark and Sherwood Local Plan. In the opinion of the Local Planning Authority, this proposal does not reflect the character of the locality and would not create an attractive living environment in terms of privacy and private open space. The proposal is, therefore, contrary to Policies H21 and H23 consequently Policy H13 of the Newark and Sherwood Local Plan.

02

The proposal is also subject to Policies C1 and C4 of the Newark and Sherwood Local Plan. In the opinion of the Local Planning Authority, the proposal would adversely affect the character and appearance of the conservation area through its siting and design and is, therefore, contrary to Policy C1. Policy C4 seeks to retain trees etc on which the character and appearance of the conservation area depends. It is considered that the relationship between the large Ash tree adjacent to the site and the proposed dwelling is an uncomfortable one. It is considered that the proposal would adversely affect the long-term health of this tree and it is, therefore, viewed that the proposal is contrary to Policy C4.

The Proposal

The proposal seeks full planning permission for the erection of a single storey two bed dwelling. Access is intended to be gained from Low Street adjacent to Stoke Fields Farm. The dwelling would have a maximum pitch height of approximately 4.9m and eaves height of approximately 2.3m. Materials proposed are red bricks with pantiles and timber framed joinery.

The application has evolved during the life of the application such that the proposed dwelling is now promoted as being an affordable unit. The description of development has been amended to reflect this in line with the additional statement received by email dated 14th January 2019. The application seeks permission for a discounted for sale unit. The application has been considered on the basis of the following plans:

- Site Location Plan – (10) 001 Rev. P00 dated 03.07.2018
- Proposed Site Plan – (10) 002 Rev. P00 dated 02.07.2018
- Proposed Layout and Elevations – (20) 001 Rev. P00 dated 17.07.2018

Departure/Public Advertisement Procedure

Occupiers of five 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 3 – Rural Areas
 Spatial Policy 7 – Sustainable Transport
 Core Policy 3 – Housing Mix, Type and Density
 Core Policy 9 – Sustainable Design
 Core Policy 12 – Biodiversity and Green Infrastructure
 Core Policy 13 – Landscape Character
 Core Policy 14 – Historic Environment

Allocations & Development Management DPD

Policy DM5 – Design
 Policy DM7 – Biodiversity and Green Infrastructure
 Policy DM8 – Development in the Open Countryside
 Policy DM9 – Protecting and Enhancing the Historic Environment

Other Material Planning Considerations

- National Planning Policy Framework 2018
- Planning Practice Guidance
- Elston Housing Needs Survey

Consultations

Elston Parish Council – No comments received.

NSDC Conservation – *Original comments received 1st November 2018:*

The application is for a single storey bungalow, adjacent to the boundary of Elston Conservation Area.

Legal and policy considerations

Section 72 of the Act requires the LPA to pay special attention to the desirability of preserving or enhancing the character and appearance of the CA. In this context, the objective of preservation is to cause no harm, 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. The importance of considering the impact of new development on the significance of designated heritage assets, furthermore, is expressed in section 16 of the National Planning Policy Framework (NPPF).

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

Significance of heritage asset

The application site is an open plot of undeveloped land that is located to the rear of a pair of semidetached dwellings on Low Street. The plot also adjoins the plot to The Hollies, a Grade II listed farmhouse. The Hollies was first listed in March 1986 (LEN: 1045580).

The site is adjacent to the boundary to Elston Conservation Area. The conservation area was designated in 1992 due to its special architectural or historic interest. The 1885 OS Map reveals the distinctive character of the long, narrow plot boundaries to the rear of each property. This is still visible today, demonstrating the area's agricultural past. There has been minimal back land development in this area of the village. With dwellings along the street having a strong frontage with Low Street, even when the dwelling is set back.

Assessment of proposal

It is considered that the proposed dwelling will not have significant impact on the setting of nearby listed buildings.

However, it is considered that the proposed development will harm the character of the conservation area. Much of the significant character along Low Street is from the built layout and glimpses of the rural character beyond. Policy CP14 looks to protect 'important open spaces', which this undeveloped plot is considered to be. The development of this site will impact the relationship between the properties on Low Street and the surrounding rural landscape.

This proposal is very similar to one that was dismissed at appeal (01/02268/FUL). As outlined in the appeal decision it concludes the development of this site is very different to opposite dwelling Tu Pare. This property addresses Low Street, albeit set back from the street. However, the development of this application site, being behind an existing dwelling would not have a frontage to Low Street. In agreement with this, it is considered that back land development is not a development form that would preserve the character of the area and cannot be supported.

The agent has submitted a rebuttal to the above concerns (discussed in further detail in the appraisal section below) to which the Conservation Officer has offered the following comments:

Although the dwelling is sited outside of the conservation area boundary, the access and parking is within the conservation area. The dwelling is located very close to the boundary and therefore its impact on the setting of the heritage asset needs to be taken into consideration.

In regards to the 1884 OS map and the former building on this site, prior to Stoke Field Cottages, this is a single building that stretches perpendicular from Low Street. The application is proposing a separate building behind existing dwellings, very different to this former development form. This proposal results in a dwelling that does not have a relationship with Low Street, a significant

characteristic in this part of the conservation area. In addition it will also erode the sense of openness and rural quality in particular from Stoke Field Cottages and impact views from other dwellings and views along Low Street.

The historic development line along Low Street may vary, with some set back from the road. However they generally have a relationship with Low Street and buildings are not stacked behind one another. Any buildings that do are typically ancillary. Dove cottage is set back from Low however has a strong relationship with Low Street, albeit flanked by buildings perpendicular to Low Street either side. It does not have a building directly in front of it.

In regards to the appeal decision Appeal Ref: APP/B3030/W/17/3180014, it is very different to this application site and proposal. Primarily the development is not located behind an existing dwelling within the conservation area and the 10 dwelling are designed to reflect a rural mews.

I hope this is helpful in understanding my comments.

NSDC Archeological Advisor - This development is proposed within the medieval settlement of Elston in an area where the mapping still identifies the former remains of crofts and tofts. The proposed development is unlikely to directly impact on any surviving sub surface archaeology, the medieval buildings were likely to be along the frontage rather than set back. However the placement of the house in the backland does further erode the surviving medieval field pattern which has significant negative impact.

The agent has submitted a rebuttal to the above concerns (discussed in further detail in the appraisal section below) to which NSDC Archeological Advisor has offered the following comments:

I have read through the comments made and would like to reiterate my original comments.

I appreciate that there may have been buildings on this site they would however have been associated with the main dwelling, and thus subservient to that main dwelling. A new building subdivides the plot by creating a new building and this does have a different impact to previous ancillary buildings that may have stood on this plot. I stand by my original comments that this development will further erode the very clear remnants of the surviving medieval field pattern and these proposals will have a negative impact.

NCC Highways - This application is for the erection of one dwelling, served by the existing access onto Low Street. Adequate parking is provided within the site. The proposal is not expected to have a significant impact on the public highway.

Therefore, for one additional dwelling, the Highway Authority would not wish to raise objection.

NSDC Access and Equalities Officer – Observations in relation to Building Regulations.

NSDC Strategic Housing Officer – Housing Need – Elston

In 2012 a Parish Housing Needs survey was undertaken identifying a need for 2 affordable dwellings. In 2017 a letter drop to residents resulting in an additional nine households in housing need. A scheme of ten rented and shared ownership dwellings are currently under construction.

Discount for Sale

Whilst there was no evidence from the survey or letter drop that respondents required a discount for sale product, I have no objection to the development of a discount for sale dwelling in this location as I consider it will be of benefit to the community to have access to a wider range of affordable housing products. Discount for sale products usually have a minimum of 20% (NPPF 2018) and in this location given the high house prices and average income levels it is considered that a discount of 25% is acceptable. Affordable housing usually benefits from a local connection clause whether this be village or district wide. It is usual practice to detail the conditions in a S106 agreement in perpetuity.

Four letters of representation has been received, summarised as follows:

- The land is agricultural land and therefore may set a precedent for building on other agricultural land in the village
- One dwelling would lead to a lot more
- Neighbouring dwellings have not been consulted
- Most of the properties on this side of Low Street have very long back gardens which sets a potential for a precedent to be set
- Elston has seen a huge increase in development in the past two years
- Elston does not have the infrastructure for such a level of development
- Elston will lose its identity as a village even though it is a conservation area
- The drive is private and cannot cope with another dwelling

Appraisal

Preliminary Matters

As is referenced by the site history section above, the applicant has sought pre-application advice on a scheme for one three bed dwelling. However, the site plan for the pre-application enquiry differs from the red line site location plan for the current application through the incorporation of land to the north and not the vehicular access to the south now included. The positioning of the proposed dwelling was also indicated as being slightly further northwards. The relevance of this is that the Officer response at pre-application stage was that the proposed dwelling would be located within the open countryside. The Planning Statement at paragraph 2.1 makes reference to the efforts in the current application to overcome pre-application concerns (including bringing the dwelling in line with the adjacent Tu Pare).

For the avoidance of doubt, the current submission for full planning permission has been assessed solely on its own merits taking into account all material planning considerations.

Principle of Development

The starting point for development management decision making is S.38(6) of the Planning and Compulsory Purchase Act 2004, which states that determination of planning applications must be made in accordance with the development plan unless 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 dating from April 2018, including a decision recovered by the Secretary of State in respect of the 2nd Farnsfield Public Inquiry which was dismissed.

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. Spatial Policy 1 (Settlement Hierarchy) of the Council's Core Strategy sets out the settlements where the Council will focus growth throughout the District. Applications for new development beyond Principal Villages as specified within Spatial Policy 2 will be considered against the 5 criteria within Spatial Policy 3. These are Location, Scale, Need, Impact and Character.

It is notable that the site has been subject to previous refusals for residential development. However, the Development Plan has changed since these decisions. Moreover, the Plan continues to evolve through the published Amended Core Strategy and its associated evidence base documents. These were submitted for independent examination by the Inspectorate which took place on February 2nd 2018. Further details have since been submitted to queries (which include in the context of Spatial Policy 3) and the Council finished a period of consultation on the main modifications on 21st September 2018.

Paragraph 48 of the NPPF is clear that authorities may give weight to relevant policies in emerging plans according to:

“a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);

b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)”.

At the present time, the Inspector is considering the responses to the main modifications stage prior to the issue of his report. In respect to criterion a) above the plan is considered to be at an advanced stage of preparation. The relevance of points b) and c) and as such the weight attached to certain elements of the emerging Spatial Policy will be discussed in the relevant sections below. For the avoidance of doubt however, the five criteria of the extant policy referred to above have been carried to the wording of the emerging policy and it is therefore necessary to assess each of these in turn below.

Location

First and foremost under the wording of the extant policy it is necessary to determine whether the site falls within the main built up area of Elston or alternatively whether it should be considered as

development outside of the main built up area and therefore assessed as being within the open countryside under the realms of Policy DM8.

As is inferred above, there is planning history, both in the form of previous refusals and pre-application advice, which confirm that the LPA have previously assessed proposed development at the site as being within the open countryside. However, it is a material planning consideration that the red line site location plan submitted to accompany the current application is different to that presented in the pre-application scenario and that Policy DM8 (Development in the Open Countryside) has been introduced after the latest formal planning refusal.

If one looks to history as a guide, the village envelope of Elston set out within the 1999 Local Plan, the site was outside the envelope as demonstrated on the extract from the plan below.



However, the proposed dwelling foot print has been re-aligned since pre-application stage such that it is now in line with the neighbouring dwelling to the west and does not extend further northwards towards the open countryside. There are also agricultural buildings to the east of the proposed siting of the dwelling which reinforce the built form of the immediate surroundings. I appreciate that these buildings would be typical of an open countryside setting but in this case their presence in such close proximity to the built form of neighbouring residential curtilages almost establishes them within the village character. Having visited the site it is not considered that the site itself exudes a character typical of the open countryside being visually read in close association with the nearby residential curtilages. Having said that, the land towards the north which tapers towards an agricultural field beyond, does represent more of an open countryside nature.

I am mindful that the wording of the locational criteria of SP3 is likely to be changed through the amended Core Strategy. The latest wording within the Main Modifications document states that 'new development should be in villages' (rather than within the main built up area) implying a more lenient approach. However, given that this policy is still subject to outstanding objections, I have attached the revised wording very limited weight.

Overall, Officers are persuaded that the site can be considered as being within the village thus justifying assessment against Spatial Policy 3 as opposed to Policy DM8.

The locational criteria of SP3 also require an assessment of local services and access to more strategic areas of the District including the Newark Urban Area, Service Centres or Principle

Villages. Elston has a number of services including a Primary School; Village Hall; Village Shop and Church. The level of services is considered commensurate to the size of the village such that the occupier of the proposed dwelling would be able to access these services for their day to day needs. Notwithstanding this, Elston is close to the wider services available within the Newark Urban Area which is served by bus routes to the village.

On the basis of the above discussion, the proposal is considered to meet the locational criteria of SP3.

Scale

Whilst the guidance note referred to above confirms that the scale criterion relates to both the amount of development and its physical characteristics, the latter is more appropriately assessed through the character criteria below. In terms of the numerical addition of dwellings, it is considered that Elston is of such a size that it could comfortably accommodate an additional one dwelling without representing a disproportionate increase in the village size.

Need

The extant wording of SP3 requires development proposals to meet a proven local need for the village. Referring again to paragraph 48 of the NPPF (in terms of weighting to be attached to emerging policies) the need element of Spatial Policy 3 has been subject to objections throughout the plan review process. The latest position of the LPA, in taking into account the initial advice of the Inspector following the examination hearing, is outlined by the main modifications consultation document. As drafted, the wording of the need element is as follows (with strike through etc. representing previous iterations):

- ~~“Need - Employment and tourism which requires a rural/village location~~ are sustainable and meet the requirements of the relevant Core Policies. New or replacement facilities to support the local community. Development which supports local agriculture and farm diversification. New housing where it helps to ~~meet identified proven local need~~ support community facilities and local services. Neighbourhood Plans may set detailed policies reflecting local housing need, elsewhere housing schemes of 3 dwellings or more should meet the mix and type requirements of Core Policy 3 ~~and reflects local need in terms of both tenure and house types;”~~

As is evidenced by the above wording, the latest stance of the planning authority is that the requirement for proposals to deliver a ‘identified proven local need’ is no longer necessary. Despite the wording of the extant policy, Officers are of the view that it is appropriate to attach some limited weight to the emerging policy given the advanced stage of the Plan Review and that the revised wording of the need element of Spatial Policy 3 better aligns with the stance of the National Framework in that the support for local services is also inferred by paragraph 78 of the Framework which confirms that, *“housing should be located where it will enhance or maintain the vitality of rural communities.”*

As is confirmed by the description of the proposal above, the applicant has changed the application during the life of the application to confirm that they now wish to seek permission for a discounted market sale dwelling meeting the definition of an affordable housing product as set out in Annex 2 – Glossary of the NPPF as updated in July 2018. There has been some debate with Strategic Housing Officers as to the level of discount below market value with the applicant

originally suggesting that 20% below local market value would be appropriate. The agent has since accepted the suggested 25% and confirmed in writing an acceptance that if approved, the application would need to be accompanied by an associated legal agreement to ensure that the property remains discounted for future eligible households.

The Planning Statement makes reference to (and indeed Members may recall) an appeal in the village whereby the Inspector attached weight to the findings of the Elston Parish Housing Needs Survey 2016. This application (reference 16/01881/FULM) for 10 dwellings on Land off Elston Lane was allowed with the Inspector attaching '*substantial weight to the affordable housing provision proposed and the social and economic benefits that would be delivered as a result.*' In reaching this judgement the Inspector acknowledged the need for 13 dwellings based on recent housing surveys.

The amendment during the life of the application to an affordable unit is made on the basis that there is still an unmet need in respect to the housing needs survey (i.e. that showed a need for 13 dwellings but the appeal scheme would only deliver 10). The applicant therefore contends that the unit proposed through the current application would meet the local needs for small affordable homes in the village. However, in the case of the affordable product proposed in the application (discounted market sale); it is not quite a simple fit to meeting an identified need. The outstanding need is for a shared ownership product or an affordable rent product, both of which would be managed by a Registered Provider. What is proposed by this application is a slightly different product. That said, a discounted open market sale product does indeed meet the definition of an affordable product as confirmed by the glossary of the NPPF 2018:

***"Affordable housing:** housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers); and which complies with one or more of the following definitions:"...*

***"c) Discounted market sales housing:** is that sold at a discount of at least 20% below local market value. Eligibility is determined with regard to local incomes and local house prices. Provisions should be in place to ensure housing remains at a discount for future eligible households."*

On this basis the type of affordable unit proposed is not disputed in principle and, whilst not meeting a specifically identified proven local need, it would of course provide an affordable benefit to the community which must be afforded positive weight in the overall balance undertaken below. I am specifically mindful that, according to the 2016 survey results, there is an outstanding housing need in the village. It may be the case that if up to date surveys were undertaken, those in need from a shared ownership or affordable rent product may equally benefit from a discounted market sales product. For the avoidance of doubt, if the application were to be approved on the basis of attaching matters of housing need determinative weight, then the product proposed could reasonably be secured by an associated legal agreement to secure both the discount value and a local connection clause.

On the basis of the above discussion, the proposal as revised is considered to meet the requirements of SP3 in respect to the need criterion.

Impact

This element of the policy refers to ensuring that new development does not generate excessive car borne traffic or unduly impact on local infrastructure including drainage and sewerage etc.

Officers are confident that a single dwelling is unlikely to detrimentally impact upon local infrastructure.

Character including in the Heritage Context

SP3 states that, *'new development should not have a detrimental impact on the character of the location or its landscape setting.'*

The NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Policy CP14 of the Core Strategy requires continued preservation and enhancement of heritage assets. Local planning authorities need to have special regard to the desirability of preserving or enhancing the character or appearance of Conservation Areas and the setting of Listed Buildings.

Policy DM5 refers to the rich local distinctiveness of the District's character of built form requiring new development proposals to reflect their local surroundings. Policy DM5 also confirms that, where local distinctiveness derives from the presence of heritage assets, as in the case in the context of this proposal, development will also need to satisfy Policy DM9. The policy requires that development must promote local distinctiveness and protect heritage assets (including their setting).

Chapter 12 of the NPPF 2018 provides guidance in respect of achieving well-designed places confirming at paragraph 124 that, *'the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.'*

Section 72(1) also requires the LPA to pay special attention to the desirability of preserving or enhancing the character and appearance of conservation areas.

The duties in s.66 and s.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. 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 recognise that a finding of harm to a listed building, or 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. The presumption is not irrefutable; 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. This is a matter that has been considered in a number of recent court cases (in particular: Barnwell Manor Wind Energy Ltd v East Northamptonshire District Council (2014); The Forge Field Society v Sevenoaks District Council

(2014); and Mordue (2016).

The majority of the application site, and indeed the built form of the dwelling proposed, is outside of the designated CA. However, the southern boundary of the site abuts the CA and there therefore remains the potential that the proposal could affect the CA setting. There are also listed buildings in close proximity to the site which require consideration in terms of the impact on their setting. This has been considered by internal conservation expertise with the Conservation Officer's comments listed in full in the consultee section above. Nevertheless, the assessment of the proposal is considered worthy of repetition in the context of the appraisal discussion:

It is considered that the proposed dwelling will not have significant impact on the setting of nearby listed buildings.

However, it is considered that the proposed development will harm the character of the conservation area. Much of the significant character along Low Street is from the built layout and glimpses of the rural character beyond. Policy CP14 looks to protect 'important open spaces', which this undeveloped plot is considered to be. The development of this site will impact the relationship between the properties on Low Street and the surrounding rural landscape.

This proposal is very similar to one that was dismissed at appeal (01/02268/FUL). As outlined in the appeal decision it concludes the development of this site is very different to opposite dwelling Tu Pare. This property addresses Low Street, albeit set back from the street. However, the development of this application site, being behind an existing dwelling would not have a frontage to Low Street. In agreement with this, it is considered that back land development is not a development form that would preserve the character of the area and cannot be supported.

Moreover, concern has also been raised by the Council's Archeological Advisor that the backland positioning of the proposed dwelling would erode the surviving medieval field pattern (comments listed in full in the consultation section above). Although the applicant has raised the issue that there may have been previous buildings on the site this is considered to be materially different to the current proposal in that previous buildings would have been associated and therefore subservient to, the main dwelling.

The site is set to the rear of the existing well established building frontage along Low Street, on the northern edge of the village. As referenced most of the site is not within the Elston Conservation Area but abuts the boundary of the designated area with Tu Pare to the west and all buildings along the frontage of Low Street falling within the area. Buildings to the east and west of the site predominantly front onto Low Street, however it is accepted that a number of buildings are set back, notably Tu Pare immediately to the west. This property was granted consent originally in 1979 and then again in 1988. No details are given within the 1988 application as to the reasoning for the location of the dwelling; however it is noted that to the front (south) are a number of large trees which contribute positively to the street scene which is likely to have influenced the siting of the dwelling. Nevertheless, I would concur with the comments of the Conservation Officer that the dwelling known as Tu Pare continues to address Low Street albeit through a set back positioning.

The siting of the proposed dwelling would result in the presence of a dwelling to the rear of Stoke Field Cottages, a pair of two storey cream rendered dwellings. The proposal would as such result in backland development. Policy DM5 of the DPD states that *'proposals creating backland development will only be approved where they are in-keeping with the general character and density of existing development in the area and would not set a precedent for similar forms of development, the cumulative effect of which would be to harm, the established character and*

appearance of the area.'

It is noted that concern was raised by the inspector in the 2003 appeal to the potential for the proposed backland development to impact on the character and appearance of the conservation area and could result in further harm through the precedent it could set for additional development to come forward. This view is shared by the Conservation Officer in the context of the current application and I would have similar concerns that the proposed development would fail to preserve the character of the adjacent Conservation Area subsequently harming the character of the Conservation Area. As such, the proposal would fail to accord with policies DM5 & DM9 of the DPD as well as the relevant paragraphs of the NPPF.

Paragraph 196 of the NPPF (2018) states that:

'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'

The public benefits of the proposal would undoubtedly include the contribution towards the Districts Housing Supply and the aforementioned affordable housing product which would benefit the community. The weighting of this in respect to the identified heritage harm will be undertaken in the overall balance and conclusion below.

The above concerns were raised with the agent during the life of the application in the interests of transparency to the likely recommendation of the application. A rebuttal to the comments was received by email dated 13th November 2018 but as is detailed by the additional comments of the Conservation Officer listed in full above, this would not alter the heritage harm identified. I would concur entirely with the justification provided by the Conservation Officer. Specifically in relation to the appeal decision referenced, I agree that this should not be afforded weight in the current application as it relates to an entirely different form of development (an application for 10 dwellings).

In addition to the rebuttal received, Officers have more recently (January 22nd 2019) met on site to discuss the perceived heritage harm (noting that the heritage consultant for the applicant identifies no harm to the special interest or setting of the Elston Conservation Area). During the meeting, the agent pointed out another recent development site at Chapel Farm in an attempt to demonstrate that backland development in the conservation area has been previously approved. However having reviewed the planning file for this development (14/01868/FUL) I find that this assessment was materially different in that it related to the demolition of modern barns and outbuildings to a degree which was deemed beneficial to the conservation area.

To clarify, the responses and meetings during the life of the application have not altered the Conservation Officers assessment of less than substantial harm to which I would agree. The application has clearly amounted to differing professional views, which as Members will be aware is a scenario not uncommon in the planning process.

Impact on Highways

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 and seeks to ensure no detrimental impact

upon highway safety. The proposed dwelling would be accessed via the existing vehicular access from Low Street. The Planning Statement confirms that the *'track currently serves a bungalow (Tu Pare), parking to Stoke Fields Cottages, Stoke Fields Farm and four live/work units converted from barns associated with the Farm.'*

The proposal has been assessed by Nottinghamshire Country Council as the Highways Authority and no objection has been raised. I have identified no reason to disagree with the advice of the Highways Authority and therefore the proposal is compliant with Spatial Policy 7 and the relevant elements of Policy DM5.

Impact on Amenity

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

Given the aforementioned backland nature of the development the proposed dwelling would introduce new amenity relationships with existing properties. The closest of these spatially would be the host dwelling to the west known as Tu Pare. The proposed site plan annotates the distance between the side gables of the properties as being 9.5m. The existing gravel track would intervene this distance. Both the host and the proposed dwelling do not include any windows on the side gables so this is therefore considered to be an appropriate amenity relationship. The site boundary of Tu Pare is well established with fencing and hedging such that their private amenity space would be protected from direct overlooking through use of the proposed garden.

The other properties which would be potentially affected by the development include the pair of Cottages fronting Low Street known as Stoke Field Cottages. The distance annotated to these properties (their two storey rear elevations noting the presence of small single storey rear additions) is approximately 31m. Noting this distance, and the single storey nature of the proposed dwelling I do not consider that the development would introduce an overbearing impact. Nevertheless the rear of their residential curtilages is relatively open in nature marked only by a post and rail fence. It appears that the space to the rear of the dwellings is also used for vehicular parking. There would undoubtedly be visibility between the existing properties and the principle elevation of the proposed dwelling which is intended to feature a bedroom window; a bathroom window; the front door; and a secondary window to the kitchen / dining area. The proposed car parking is intended to be positioned in front of the principle window. The proposed site plan shows that the southern boundary of the site would retain a relatively open boundary with the post and rail fence to a height of 1.3m. Whilst this would not necessarily prevent outlook from the principle elevation windows towards the rear of Stoke Field Cottages, there is additional planting indicated which would aide in intervening the built form reducing the perception of the neighbouring dwellings being overlooked. In the context of the above discussion as to what the land immediately rear of the existing dwellings appears to be used for, Officers do not consider that the increased overlooking from the proposed dwelling would amount to a detrimental amenity harm which would warrant resistance against Policy DM5.

It has been carefully considered as to whether it would be appropriate to seek an amended boundary treatment (perhaps a higher close boarded fence) although this has not been pursued given that it would not be appropriate in the context of the heritage assets which abut the site.

Whilst the properties positioned to the north east of the site (approximately 350m away) would pass the dwelling in using the shared access, this is not in itself considered harmful in amenity terms.

Subject to conditions securing the landscaping details as implied if development were to be otherwise accepted, the proposal is considered to compliant with the relevant amenity elements of Policy DM5.

Other Matters

It has been brought to the attention of Officers that neighbouring properties to the north east of the site, (around 350m away as the crow flies) have not been directly notified by letter. For the avoidance of doubt, a site notice was placed close to the access road to the site and therefore Officers are satisfied that the correct consultation procedures have been met.

Overall Balance and Conclusion

Despite previous refusals on the site, Officers consider the site to be within the main built up area of Elston warranting assessment against Spatial Policy 3. The benefits of the proposal in terms of contributing to the Districts Housing Supply with an affordable housing unit secured by legal agreement have been attached positive weight as too has the opportunity for the proposal to support local services. However, the proposed siting of the dwelling, at a back land location with no frontage to Low Street would not preserve the character of the area to a degree where the setting of the adjacent designated Conservation Area would be harmed. Policy CP14 looks to protect 'important open spaces', which this undeveloped plot is considered to be. The development of this site will impact the relationship between the properties on Low Street and the surrounding rural landscape. Moreover, the proposal would erode the surviving medieval field pattern. The aforementioned benefits are not considered to outweigh this harm and therefore the proposal is recommend for refusal as detailed below.

RECOMMENDATION

That planning permission is refused for the following reason:

Reason

01

The application relates to a proposed single storey dwelling to the north of Stoke Field Cottages. The proposal is considered to represent back land development which would have no frontage to Low Street. The result of the proposal would be that the relationships between the properties on Low Street and the surrounding rural landscape would be detrimentally affected to a degree which would amount to less than substantial harm to the setting of the designated Conservation Area which the site is partially within. The proposal would also erode the surviving medieval field pattern of the area.

Whilst amounting to less than substantial harm, in line with paragraph 196 of the NPPF, this harm is not considered to be outweighed by the public benefits of the proposal, namely in respect of the contributing marginally towards the affordable housing stock within the District and supporting local services. The proposal is therefore contrary to the NPPF which forms a material consideration as well as the local Development Plan namely, Spatial Policy SP3 (Rural Areas); Core Policy 9

(Sustainable Design); Core Policy 14 (Historic Environment); Policy DM9 (Protecting and Enhancing the Historic Environment); and Policy DM5 (Design).

Informatives

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. 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/

02

The application is clearly contrary to the Development Plan and other material planning considerations, as detailed in the above reason for refusal. Whilst the applicant has engaged with the District Planning Authority at pre-application stage our advice has been consistent from the outset. 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.

BACKGROUND PAPERS

Application case file.

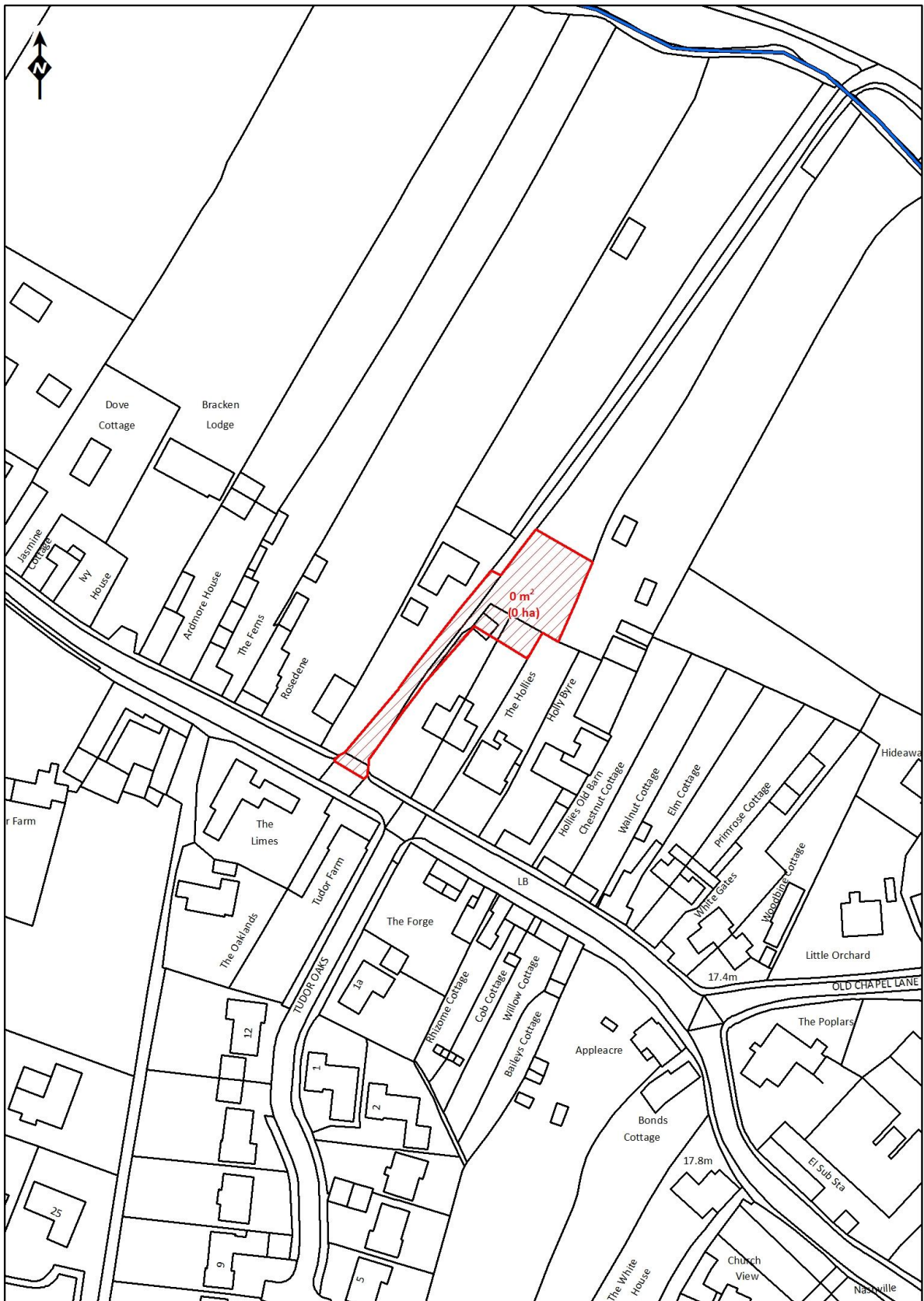
For further information, please contact Laura Gardner on ext 5907.

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

Matt Lamb

Business Manager – Growth and Regeneration

Committee Plan - 18/01891/FUL



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PLANNING COMMITTEE – 5 FEBRUARY 2019

Application No:	18/02146/FUL	
Proposal:	Variation of condition 2 attached to planning permission 17/01861/FUL to vary the approved plans	
Location:	The Orchard, Middle Lane, Morton, Southwell, Nottinghamshire, NG25 0UY	
Applicant:	Mr & Mrs Cresswell	
Registered:	19th November 2018	Target Date: 14th January 2019 Extension of time agreed in principle

The application is reported to Committee as the view of the Parish Council is contrary to the Officer's recommendation.

The Site

The application site is centrally located within the village of Morton and within the Conservation Area for the village, on the north side of Middle Lane. The site comprises a newly built two storey detached dwelling granted planning consent in 2017. The site is bounded by properties on all sides having formally formed part of the rear garden of Gable House which is located to the SW of the site. To the east of the site lies the Public House 'The Full Moon Inn' and its associated car park with properties along Manor Drive and Church Lane to the east and north respectively.

Hedgerows provide the boundaries to all sides, with some tree planting to these boundaries. There are also a number of trees of various sizes within the site alongside more hedging. Access to the site is via a newly formed drive from Middle Lane.

Relevant Planning History

Planning permission was granted in December 2017 under planning application **17/01861/FUL** for the erection of the dwelling which is now constructed. A non-material amendment application was permitted in June 2018 under application reference **18/00922/NMA** to reposition the garage through a rotation of 90 degrees.

An application for the erection of a dwelling within the site was originally permitted in June 2017 under planning application reference **17/00382/FUL**. This was presented to Planning Committee in May 2017 with the recommendation of refusal; however Members resolved to approve this planning application.

The Proposal

The application retrospectively seeks to vary condition 2 of 17/01861/FUL to substitute approved plans as the development has not been carried out fully in accordance with the plans submitted with the original application. Amendments to the development are as follows,

1. Internal extension of the gallery over the kitchen to create a separate room (study) with the addition of 2no. Velux Conservation-type rooflights in the NE and SW elevations
2. Increase the width of the bathroom window on the NE elevation to match the width of the door below
3. Additional window in the NE elevation to serve the kitchen
4. Substitution of full height windows with bi-fold doors on SW elevation
5. Substitution of door on the SE elevation with window
6. Amendment to window opening on the NW elevation
7. Additional window on NW elevation to en-suite
8. Relocation of meter boxes – electric relocated along NE elevation, gas located below patio
9. Proposed new hedging to be laurel not privet
10. Additional field gate at the top of the entrance drive

No other details are proposed to be varied or removed.

No suggested wording for the variations of these conditions has been proposed and therefore it is one for judgement by the LPA which will be discussed in the appraisal section this report.

Submitted Documents

The following documents accompany the application:

- Site Location Plan
- Site Layout – TH17/11/08 Rev.D
- Elevations – TH17/11/05 Rev.F
- Elevations, Sections – TH17/11/06 Rev.D
- Ground Floor Plan – TH17/11/03 Rev.F
- First Floor Plan – TH17/11/04 Rev.D
- Part site plan showing retention of fir tree to the NE boundary

Departure/Public Advertisement Procedure

13 neighbouring properties have been consulted 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 7: Sustainable Transport

Core Policy 3: Housing Mix, Type and Density

Core Policy 9: Sustainable Design

Core Policy 14: Historic Environment

Allocations and Development Management DPD Adopted July 2013

Policies relevant to this application:

DM5: Design

DM6: Householder Development

DM9: Protecting & Enhancing the Historic Environment

DM12: Presumption in Favour of Sustainable Development

Other Material Considerations

National Planning Policy Framework 2018

Planning Practice Guidance 2014

Consultations

Fiskerton cum Morton Parish Council – Object to the proposed for the following reasons,

- Concerns over the loss of the fir tree and existing hedge;
- Impact upon neighbouring properties and fact it is within the Conservation Area.

NSDC Conservation Officer – *The proposal seeks to vary the approved plans to allow for some minor modifications to the approved new dwelling, including 2 new roof lights, changes to apertures and a new gate.*

On balance, Conservation has no material objection to the proposed development. Conservation would not have encouraged the additional roof lights in order to maintain the character of the roof scape and agricultural character implied in the original design. However, in this case, it is accepted that the two additional roof lights are not unduly prominent within the Conservation Area. The additional alterations to apertures is minor and not fundamentally harmful. We have no issue with an additional field gate and replacement hedge as proposed.

Local representations – 5 letters have been received from local residents raising the following

concerns,

- Additional rooflights would result in a loss of privacy to Gable House. The one to the SW elevation would overlook the gravelled driveway of the adjacent property which is used as an outdoor seating area;
- Original scheme submitted was amended to reduce the number of rooflights following concerns raised by the Conservation Officer
- If Council is minded to approve, the windows on the SW elevation should be obscurely glazed and non-opening.
- Additional windows are restricted by covenant
- Proposed window to be increased in size (bathroom window) directly overlooks neighbouring property's bedroom windows and would overlook ground floor windows and private amenity space. Any desire for additional light to this bathroom should be via artificial light.
- Loss in landscaping is not fitting with surrounding properties and legal action will be put forward for this point should it take place under any circumstances.

Comments of the Business Manager

An application under Section 73 (variation of condition) is in effect a fresh planning application but should be determined in full acknowledgement that an existing permission exists on the site. This Section provides a different procedure for such applications for planning permission and requires the decision maker to consider only the question of the conditions subject to which planning permission was granted. As such, the principle of the approved planning application for the erection of the dwelling cannot be revisited as part of this application.

The approved planning policies are set out in the Planning Policy Framework section above. This includes the National Planning Policy Framework (NPPF). These policies advise that the District Council should support amendments subject to an assessment of site specific issues.

The application seeks to vary condition 2 of the planning approval for the erection of the dwelling which sets out the plans approved by the local planning authority. This Section 73 application seeks to replace all approved plans to reflect the 10 changes proposed as part of this application.

The main considerations relating to these amendments are visual impact and residential amenity. An assessment of these is detailed in the following paragraphs.

Visual Impact

Policy DM5 of the DPD require 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 Morton Conservation Area, Policy DM9 of the DPD and Core Policy 14 of the Core Strategy, along with Section 16 of the NPPF are also relevant and seek to, at a minimum, preserve the character and appearance of the historic environment.

The design ethos references historic farmstead character in its layout and form, and whilst there are modern domestic elements, these are generally not prominent to the public realm. The proposed amendments are mostly minor from a visual perspective, particularly with regards to alterations to the existing openings; the design and materials proposed for the frames etc are sensitive to the historic environment and match those already agreed by the LPA.

With regards to the proposed new openings within the dwelling, I am mindful that these would further domesticate the appearance of the building; however I note the comments received from the Conservation Officer and would concur that the additional windows would not be unduly harmful to the character and appearance of the Conservation Area.

In terms of landscaping, the proposed laurel hedgerow rather than privet would in my view have a negligible impact upon the appearance of the site; the boundaries would still be green and natural which is welcomed. I note the concerns raised during the consultation period regarding the loss of a fir tree to the rear of the site; the applicant has clarified that this tree is not proposed to be removed and this has been reflected in a plan received on 7th January 2019 to confirm this.

Additionally, the application seeks the additional of another field gate closer to the property. This style of gate reflects the rural character of the area and thus has not raised objection from the internal Conservation Officer.

The proposal also seeks to relocate gas and electricity meters, neither of which would result in greater harm to the Conservation Area, with the meters located to the rear of the property, out of sight from the public realm.

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 also seeks to ensure a high standard of amenity for all existing and future occupants of land and buildings.

The original planning approval in June 2017 brought about concerns regarding the impact upon neighbour amenity. I consider it helpful for Members to recall the comments made by the Officer, *I note the comments received relating to the impact of the development upon the privacy of neighbouring properties, along with increased noise disturbance. It is considered that, based on the*

submitted block plans, the separation distances from neighbouring properties and the existing and proposed boundary treatment are sufficient to limit the overall impact upon neighbouring properties in terms of privacy, overshadowing and overbearing impacts.

On the basis of the above, I am of the view that the proposal is unlikely to have a detrimental impact upon the amenities of surrounding land uses.

The proposed new openings would result in additional ability to overlook neighbouring properties, however I am of the view that the distances between properties remains sufficient to allow for the proposed additional or enlarged windows without resulting in adverse impacts. Taking each new or enlarged first floor window in turn, the following paragraphs assess the potential impacts.

Proposed Velux windows to the study

The application proposes 2no. velux windows to the newly created study above the kitchen. These would look NE towards Holly Croft on Church Lane and SW towards Gable House.

With regards to the NE window, this would look out on to a tall hedgerow which significantly obscures views from this rooflight. However, even if this hedgerow were to be reduced in height, there is still a substantial distance (over 28m) between the window and the rear building line of Holly Croft which I consider to be acceptable. I note that the window would overlook onto private amenity space, however this neighbouring dwelling is afforded a substantial area and in any event the window would only offer an obscured view over the garden. Therefore I would not consider the siting of the window to be so detrimental to direct overlooking to warrant refusal of planning permission on that basis.

Turning to the SW rooflight, this would primarily overlook the courtyard associated with The Orchard with the boundary wall separating the site from Gable House beyond. Having been in to the new dwelling and looked out from the new Velux window (personally, visibility without stretching to view out of the window was limited and thus observation from an elevated platform was required), I note that the window would provide views over the garage and driveway afforded to Gable House but it would not provide views over the wider garden area due to the position and height of the garage to The Orchard.

I note that comments received suggested that this driveway is used for outdoor seating and whilst I appreciate that as the site was visited in the winter months when this seating is unlikely to be required, I am mindful that Gable House has a large garden, most of which I would expect to receive sufficient sunlight throughout the day to enjoy outdoor seating. In addition to this, in terms of views into Gable House itself, there is only one ground floor window visible from the opening which is located 43.5m away and thus any visibility would be difficult to achieve at this great distance away.

Bathroom window in NE elevation

A window opening serving the first floor bathroom has already been approved through the previous planning applications and thus as part of this application, I can only assess whether

widening it would have any additional impact upon residential amenity. In this instance, the window is set back from the boundary and as such limits the impact in terms of overlooking. The window is also obscurely glazed which I consider reasonable to condition to remain as obscure glazing for the lifetime of the development, should Members be minded to approve the application.

In addition to the first floor openings, the application also proposes alterations to the ground floor openings. These are considered to be minor in scale and given the boundary treatments and separation distances from surrounding properties, are unlikely to have any further impact upon residential amenity.

The application also proposes some minor changes to the boundary treatments, replacing the proposed privet hedge with a laurel hedge. This amendment would not have any greater impact upon the amenities of neighbouring properties and would retain a natural, green buffer between properties to ensure privacy is retained.

Other Matters

Whilst the proposed amendments required consent from the LPA as the dwelling is still under construction, Members should be mindful that the proposed additional windows would require consent even if installed once the dwelling is lived in. This is due to the removal of permitted development rights by condition on the original planning approval.

The conversion of the gallery to a study and installation of a field gate could however be carried out under permitted development once the dwelling is substantially complete.

Aside from these matters, I note the legal issues raised by local residents during the consultation period. For awareness, these are civil matters and are beyond the control of the local planning authority. The applicant should however be mindful of the private legal covenant placed upon the land which is outside the realms of planning to enforce but could still be up-held legally.

I am also mindful that the conditions attached to the original approval have been met to enable development to commence. As the build is externally complete, there is no requirement to re-impose any pre-commencement conditions. The plans condition and compliance conditions are still required however.

Conclusion and Planning balance

This application is a Section 73 application to make amendments to the approved scheme including changes to fenestration and landscaping. Having considered the amendments, it is concluded that the proposed amendments to the scheme would not result in any unacceptable impact on the visual amenity of the site or wider Conservation Area and would not result in any unacceptable impact on the amenities of neighbouring land uses, including the adjacent dwellings.

As such, the proposal would accord with the relevant aims of the NPPF as well as Policy DM5 of the DPD and it is recommended that the variation of condition is granted.

Recommendation

That full planning permission is approved subject to the following conditions;

Conditions

01

The development hereby permitted shall not be carried out except in complete accordance with the following approved plan reference,

- Site Location Plan
- Site Layout – TH17/11/08 Rev.D
- Elevations – TH17/11/05 Rev.F
- Elevations, Sections – TH17/11/06 Rev.D
- Ground Floor Plan – TH17/11/03 Rev.F
- First Floor Plan – TH17/11/04 Rev.D
- Part site plan showing retention of fir tree to the NE boundary

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.

02

All hard and soft landscape works shall be carried out in accordance with the details submitted as part of the planning application unless otherwise agreed in writing by the local planning authority. The works shall be carried out before any part of the development is occupied or in accordance with the programme agreed with the local planning authority.

Reason: To ensure the work is carried out within a reasonable period and thereafter properly maintained, in the interests of visual amenity and biodiversity.

03

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.

04

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (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.
- Class F: The provision or replacement of hard standing within the curtilage of a dwellinghouse.
- Class G: The installation, alteration or replacement of a chimney, flue or soil and vent pipe on a dwellinghouse.
- Class H: The installation, alteration or replacement of a microwave antenna on a dwellinghouse or within the curtilage of a dwellinghouse.

Or Schedule 2, Part 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 C: Installation or alteration etc of ground source heat pumps on domestic premises.
- Class D: Installation or alteration etc of water source heat pump 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: In the interests of visual amenity and in order to preserve the setting of the nearby heritage assets.

05

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 2015 (or any order revoking, re-enacting or modifying that Order), no windows including dormer windows (other than those expressly authorised by this permission) shall be constructed at first floor level on the northern elevation of the development hereby permitted.

Reason: To safeguard against overlooking and loss of privacy in the interests of protecting the 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).

06

The first floor bathroom window on the NE elevation of the development hereby approved shall be obscurely glazed to level 3 or higher on the Pilkington scale of privacy or equivalent for the lifetime of the development.

Reason: To safeguard against overlooking and loss of privacy in the interests of protecting the 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).

07

No part of the development hereby permitted shall be brought into use until the access to the site has been completed and surfaced in a bound material for a minimum distance of 5m behind the highway boundary in accordance with approved plan ref. TH17/11/08.

Reason: In the interests of highway safety.

08

Occupation of the proposed dwelling shall not take place until a vehicular crossing is available for use and constructed in accordance with the Highway Authority's specification.

Reason: To ensure that drivers can cross the verge in a safe and controlled manner.

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 carried out 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 take place.

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

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/ or from the Planning Portal: www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil

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).

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.

Matt Lamb

Business Manager – Growth & Regeneration

PLANNING COMMITTEE – 5 FEBRUARY 2019

Application No:	18/02204/FUL	
Proposal:	New three bedroom detached dwelling with associated hard and soft landscaping	
Location:	Stonewold, Gravelly Lane, Fiskerton.	
Applicant:	Mr Beard	
Registered:	30.11.2018	Target Date: 25.01.2019

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

The Site

The application site is located within the main built up area of Fiskerton and forms part of the residential curtilage associated with Stonewold, a modern single storey bungalow. The site itself comprises a wooden shed/stable with a grassed area adjacent.

To the west of the site is the host property which is in the same control as the applicant, whilst to the east is Horseshoe Lodge, another modern single storey bungalow. Land to the south-west of the site is open fields. The site is accessed via a private gravelled driveway off Gravelly Lane situated between the detached dwelling known as SheNeeTay and No. 1 Gravelly Lane.

The site is outside of the Fiskerton Conservation Area (which lies to the south-east) and is located within Flood Zone 2 as defined by the Environment Agency data maps.

Relevant Planning History

17/00517/FUL - Proposed 1no. 'self-build' dwelling (resubmission of 13/00338/FUL) Approved under delegated powers 2nd May 2017.

13/00338/FUL – Erection of dwelling (resubmission of 12/01058/FUL). Refused under delegated powers on 8th May 2013 for the following reason:

“The application fails to demonstrate that there is an identified proven local need for the dwelling in this rural area. The proposal therefore represents an unsustainable pattern of development, contrary to Spatial Policy 3 (Rural Areas) of the adopted Newark and Sherwood Core Strategy 2011 (Core Strategy) and the National Planning Policy Framework 2012 (NPPF).”

APP/B3030/A/13/2208566 - An appeal was lodged and dismissed on 1st April 2014. The appeal focused solely on local housing need and in dismissing the appeal, the Inspector agreed with the Council that no proven local need had been advanced and that it was not enough for the appellant to rely on the district wide housing study from 2009 to demonstrate such a need.

12/01058/FUL – Erection of new house with integrated double garage. Application refused by Planning Committee (30th October 2012) as recommended with an additional reason for refusal on grounds of scale. The reasons cited were as follows:

01

The application fails to demonstrate that there is an identified proven local need for the dwelling in this rural area. The proposal therefore represents an unsustainable pattern of development, contrary to Spatial Policy 3 (Rural Areas) of the adopted Newark and Sherwood Core Strategy 2011 (Core Strategy) and the National Planning Policy Framework 2012 (NPPF).

02

The scale and design of the proposed unit would be incongruous on approach into the village given its siting between 2 no. bungalows. The proposal would therefore be detrimental to the character and appearance of the area. The proposal would therefore be contrary to Core Policy 9 (Sustainable Design) of the adopted Newark and Sherwood Core Strategy 2011 (Core Strategy).

08/02049/FUL - Erection of detached dwelling/garage. Application refused 09.04.2009. The reasons for refusal cited in the decision notice are as follows: -

01

PPS 25 - Development and Flood Risk aims to steer new development to the areas at the lowest risk of flooding (Zone 1) The application site lies within Zones 2 and 3 and is therefore at risk from flooding. Fiskerton is an unsustainable settlement where there is no justification for residential development that outweighs flood risk and therefore the proposal would fail the sequential test set out within PPS25 and would constitute unnecessary development in a flood plain.

02

Policy FS1 of the Newark & Sherwood Local Plan seeks to promote sustainable development by directing most new development towards Newark and Balderton the other main settlements, with particular emphasis on the re-use of derelict, vacant or neglected sites, Fiskerton is not a main settlement and lacks both services and facilities such as good public transport availability, a primary school, post office, food store, doctors surgery and pharmacy. Employment opportunities are limited and residents are largely dependent on the private car for transport. This application does not offer any justification to depart from Policy FS1 and therefore would be contrary and constitute an unsustainable form of development.

03/02057/FUL – Erection of detached dwelling/ garage. Application approved subject to conditions 08.01.04

The Proposal

Full planning permission is sought for the erection of a detached, one and half storey dwelling with integral single garage. The property would have an L-shape Layout comprising of a hall, kitchen, dining room, living room, study, and integral garage at ground floor level and 3 bedrooms with dressing area and ensuite as well as a bathroom at first floor level.

The proposal is a re-submission of a previously approved scheme for a single dwelling albeit with significant changes to the design and layout of the dwelling.

The proposed dwelling, which has an L-shape layout, would measure 17.6m in maximum depth and 15m at width at the widest point, which is the frontage of the dwelling.

The property is designed to have double gable frontage and a dual pitch roof design, with a ridge height of 6.7 metres, incorporating long sloping pitches and an eaves level of 3.3m. The property would be accessed from the existing gravel private driveway which currently serves three properties off Gravelly Lane.

Submission Documents

For the avoidance of doubt, the following assessment is based on the plans and details listed below;

(02) 01 Rev A - Amended Site Location Plan
(02)01 AS EXISTING SITE PLAN AND SITE SECTIONS
20 (01) PROPOSED SITE PLAN AND SITE SECTIONS
08 (02) REV A PLANS SECTIONS AND ELEVATIONS AS PROPOSED
(02) 01 SLP - SITE PLAN AS EXISTING
Flood Risk Assessment and Drainage Strategy plus appendices part1, part 2 and part 3.

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 3: Housing Mix, Type and Density
Core Policy 9: Sustainable Design
Core Policy 10: Climate Change
Core Policy 12 Biodiversity and Green Infrastructure
Core Policy 14: Historic Environment

Allocations & Development Management DPD

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 2018
- Planning Practice Guidance 2014
- Newark and Sherwood Amended Core Strategy DPD 2017
- Spatial Policy 3 Guidance Note SPD

Consultations

Fiskerton Parish Council – Objects to the proposal and comments concerns are raised over the impact on neighbouring properties. Not in keeping in appearance due to sky lights causing light pollution.

Archaeology Officer – No archaeological input required.

Trent Valley Internal Drainage Board – No objection raised to the proposal.

NSDC Equalities and 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 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 is important to and into the dwelling from facilities such as car parking and from the site boundary. 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 and 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 dwelling together with suitable accessible WC and sanitary provision etc.

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

NSDC Conservation Officer – 'We have been consulted on the above proposal.

Legal and policy considerations

Section 72 of the Act requires the LPA to pay special attention to the desirability of preserving or enhancing the character and appearance of the CA. In this context, the objective of preservation is to cause no harm, 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. The importance of considering the impact of new development on the significance of designated heritage assets, furthermore, is expressed in section 16 of the National Planning Policy Framework (NPPF).

Paragraph 193 of the NPPF, for example, states that: 3. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance 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.

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 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. Assessment of an asset's significance and its relationship to its setting will usually suggest the forms of development that might be appropriate. The junction between new development and the historic environment needs particular attention, both for its impact on the significance of the existing asset and the impact on the contribution of its setting.

Significance of Heritage Asset:

The application site is located on Gravelly Lane, on the outside fringes of the Fiskerton Conservation Area. Fiskerton's growth came about originally through agriculture and the village increased in size and prosperity with the development of industry and trafficking of goods along the River Trent. Gravelly Lane is a cul-de-sac that is host to a range of mid / late C20 bungalows that make a marginally harmful impact to the character of the conservation area. This area of the village, to the west of the historic core, has been built upon by a series of detached C20 bungalows and plays no significance to the story of the Fiskerton and its historic settlement pattern.

Summary of Proposal

Conservation does not object to the proposal. The new building will be 1.5 storeys in height, and it is noted that the scheme has been revised to reduce the overall ridge height in accordance with NSDC's wishes following on from a pre-submission application.

The palette of materials employed is a combination of render and stone banding, which will be an improved overall aesthetic from the C20 bungalow. Conservation recommends that a general material is placed on any subsequent approval which requires the submission of materials prior to

construction, to ensure the materials suggested at the application stage are followed through to construction. At this stage insufficient details have been submitted.

The proposal therefore is in accordance with the objective of preservation set out under sections 72, part II of the 1990 Listed Building and Conservation Areas Act, and complies with heritage policies and advice contained within the Council's LDF DPDs and section 12 of the NPPF.

Suggested conditions:

External materials to be agreed

Before any bricks are laid or roof is installed, samples or detailed specifications of all external materials to be used on the works hereby granted consent shall be submitted to and agreed in writing by the Local Planning Authority. The works shall be carried out only in accordance with the agreed materials.

Reason: To preserve the special architectural and historic interest of the listed building.'

Representations have been received from 2 local residents which can be summarised as follows:

- The dwelling would better suited as a bungalow;
- Access to the building is by a private small private drive not capable of sustaining the type of vehicle that will be required to build this property;
- Could a limit be placed on the length of vehicle gaining access;
- The proposed dwelling would result in overbearing and overshadowing impact as well as resulting in a loss of privacy;
- The property would be out of keeping with the surrounding area.

Comments of the Business Manager

Firstly, it is considered prudent to highlight the strong fallback position in this situation whereby a single one and half storey detached dwelling can still be lawfully erected at the site by implementing the development in accordance with the previously approved scheme under application 17/00517/FUL. This approval is still extant due to the date of the decision being within 3 years. No development has commenced in respect of the existing approval and this new application is sought to amend the design and scale of the previously approved.

The principle of the erection of a single dwelling at the site is therefore considered to have been established has already been established through the approval of 17/00517/FUL.

I am mindful that a revised NPPF has been published in 2018 since the permission was granted in 2017. However this would not alter the considerations undertaken at that time. The Amended Core Strategy has also further advanced with the Inspector considering the responses to the main modifications (including those to policy SP3 which are slightly more permissive) prior to the issue of his report which is which is anticipated in February 2019 (followed by Full Council in March 2019).

It is therefore considered that the principle of development remains acceptable in terms of location, scale and need. The report therefore discusses the other material considerations which are relevant to this application in light of the revised design.

Impact on Character/Visual Amenities

Policy DM5 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 in close proximity to, although outside of, the Fiskerton Conservation Area, Policy DM9 of the DPD and Core Policy 14 of the Core Strategy, along with Section 16 of the NPPF are also relevant and seek to, at a minimum, preserve the character and appearance of the historic environment.

The application site is located within an area that contains dwellings which range in size, scale and design. The two closest neighbouring properties (Stonewold and Horseshoe Lodge) are single storey bungalows of modern construction and immediately in front (north) of the application site are two storey semi-detached properties along Gravelly Lane. It is considered that the roof design, which has long sloping roof pitches and low eaves height, would be respectful of the overall scale and height of the neighbouring bungalows. The one and half storey height within the central section of the proposed dwelling is not objected to, although unusual in appearance, given the proximity of two storey dwellings within the immediate vicinity.

Furthermore, in light of the neighbouring dwellings being of a modern construction, as well as the range in external finishes to dwellings present within the wider locality, the proposed mix of render and stone banding is not objected to either, especially when being mindful of the position of the site, which is set back from the main highway, to the rear of the two storey properties along Gravelly Lane and therefore not unduly prominent.

I also note the comments from the conservation officer, who raises no objection to the proposed development, although does recommend conditions relating to materials. In light of this, it is considered that with the attachment of the recommended condition requiring the further details of external materials, the proposal would not result in any harm to the character or appearance of the site or wider conservation area.

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. Furthermore, the NPPF seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings

I am mindful of the relationship with Horseshoe Lodge to the east of the site, which has windows serving main habitable rooms facing into the application site. However, I note that while there are windows on the east facing elevation of the proposed dwelling, they are shown to be obscure glazed with the exception of the single window serving the integral garage. I also note that the roof lights serving first floor accommodation on the east facing roof pitch would be set at a high

level (above 1.8m from floor level). As such, I am satisfied that the proposed development would not result in any material direct overlooking impact on this neighbouring property.

Having considered the position and footprint of the proposed dwelling, which does not project further back into the site than Horseshoe Lodge nor would it be set significantly forward than this neighbouring property, as well as being mindful of the roof design which has a low eaves height and slopes away from the neighbouring property together with a separation distance of circa 6m, it is considered that the proposal would not result in any material overbearing or loss of light impact on the neighbouring amenity of Horseshoe Lodge.

I am also of the opinion that the proposal would not result in any material overbearing or loss of light impact on Stonewold to the west by virtue of the separation distance of circa 4m and the relationship between the two dwellings together with the L-shape layout of the proposed dwelling which results in the main bulk being positioned away from the shared boundary with this property. Furthermore, as there are no side facing windows at Stonewold which face into the application site and bearing in mind the position of the proposed roof lights I am satisfied that there are no material overlooking issues which would arise from the proposal.

Moreover, bearing in mind the level of separation between the neighbouring properties along Gravelly Lane (approximately 40m), I am also satisfied that the proposal would not result in any material impact on amenity of these neighbouring properties.

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. The proposed dwelling would be served by the existing private driveway which serves 3 properties already including Stonewold and Horseshoe Lodge. This is the same arrangement as the previous approval of 17/00517/FUL and although the proposal would result in the addition of 1 dwelling along this driveway, it would not result in any material harm on highway safety. This arrangement was considered acceptable on the previous scheme and did not result in any objection from Nottinghamshire County Council Highways.

The proposal also includes 3 No. off street parking spaces and an integral double garage which is considered to be more than adequate to serve a 3 bedroom dwelling. It is therefore considered that the proposal would not result in harm to highway safety and it accords with Spatial Policy 7 of the Core Strategy and policy DM5 of the ADMDPD.

Flooding

The application site is located within Flood Zone 2 as defined by the Environment Agency Flood Map Strategic Flood Risk Assessment, and has a medium probability of flooding. The applicant has submitted a Flood Risk Assessment in support of the application which has been updated since the last grant of planning permission.

In terms of the sequential test approach, the previous position on this issue has been that ordinarily the Sequential Test should be undertaken across the whole district and that, if this were to be done, there are a number of other existing garden sites that are capable of accommodating development within sequentially preferable sites (i.e. within flood zone 1). However,

consideration of the site in respect of available sites within Fiskerton would suggest that there are limited sequentially preferable opportunities available. In addition it is noted that there has been localised flood risk mitigation previously.

While the Environment Agency have not commented specifically within this application and now rely on standing advice, I am mindful that the EA have previously accepted development at the site and raised no objection within the previously approved scheme under application Ref. 17/00517/FUL.

The flood classification of the site has not altered since the 2017 approval and the updated FRA states that the finished floor levels for the new dwelling will be at 15.30 AOD which is unchanged from that which was previously agreed. There is a slight increase in floor area however this is not considered to result in a greater increase in flood risk. A condition is recommended to ensure details of surface water drainage are dealt with prior to the commencement of development which would ensure satisfactory matters of water disposal are agreed and the agent has agreed to the imposition of this condition should an approval be resolved.

As such, I am of the opinion that the proposal is acceptable in this respect. A condition requiring the mitigation measures within the FRA to be implemented as well as a drainage strategy to be submitted, as attached to the previous permission, are still considered appropriate to be attached to any further grant of planning permission.

Conclusion

The site already has an extant planning permission to erect a detached one and half storey dwelling which was approved in May 2017; this approval has established the principle of development in this location and could be built out as a fallback position for the applicant. The application now before the LPA seeks permission for a one half storey dwelling, albeit with significant changes to the design, appearance and layout. It is considered that the main issues with this application are the proposal's design, impact upon amenity and highway safety.

The design of the proposed dwelling is although unusual, it is considered to be acceptable and would have limited impact upon the wider character or appearance of the Conservation Area and would therefore preserve its character, appearance and setting. Furthermore, the appearance and scale of the dwelling is considered appropriate for the setting, and would be respectful to the neighbouring single storey properties, Horseshoe Lodge and Stonewold.

In addition to the above, the proposal is not considered likely to have any further impact upon residential amenity, flood risk or highway safety than that of the originally approved new dwelling.

It is therefore concluded that the principle of a new dwelling in this location has already been established by the Council and there has been no significant shift in planning policy introduced since the previous decision which would lead the LPA to a different recommendation. On the basis of the assessment above, the proposal is acceptable in terms of local and national policy and therefore, subject to conditions, it is recommended that the application should be approved.

RECOMMENDATION

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

Conditions

01

The development hereby permitted shall be begun within 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 except in complete accordance with Drawing Numbers:

(02) 01 Rev A - Amended Site Location Plan

(02)01 AS EXISTING SITE PLAN AND SITE SECTIONS

20 (01) PROPOSED SITE PLAN AND SITE SECTIONS

08 (02) REV A PLANS SECTIONS AND ELEVATIONS AS PROPOSED

(02) 01 SLP - SITE PLAN AS EXISTING

Flood Risk Assessment and Drainage Strategy plus appendices part1, part 2 and part 3.

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

Before any external render, stone work or roof is installed, samples or detailed specifications of all external materials to be used on the development hereby granted permission shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out only in accordance with the agreed materials.

Reason: To preserve the character and appearance of the conservation area.

04

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) dated November 2018, by Ward Cole Consulting Engineers, reference number 19/700 and the following mitigation measures detailed within the FRA:

- a) Finished floor levels are set no lower than 15.30m above Ordnance Datum (AOD).

These 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 ensure the satisfactory provision of drainage facilities to serve the proposed development and to reduce the risk of flooding to the proposed development and future occupants.

05

No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 1 in 100 year critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include details of how the scheme shall be maintained and managed after completion.

Reason: To prevent the increased risk of flooding, both on and off site.

Notes to Applicant

01

The applicant/developer will need to have a contingency plan should the construction/conversion phase reveal any contamination, which must be notified to the Proactive Team in Environmental Health at Newark and Sherwood District Council on (01636) 655620.

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

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/ or from the Planning Portal: www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil

BACKGROUND PAPERS

Application case file.

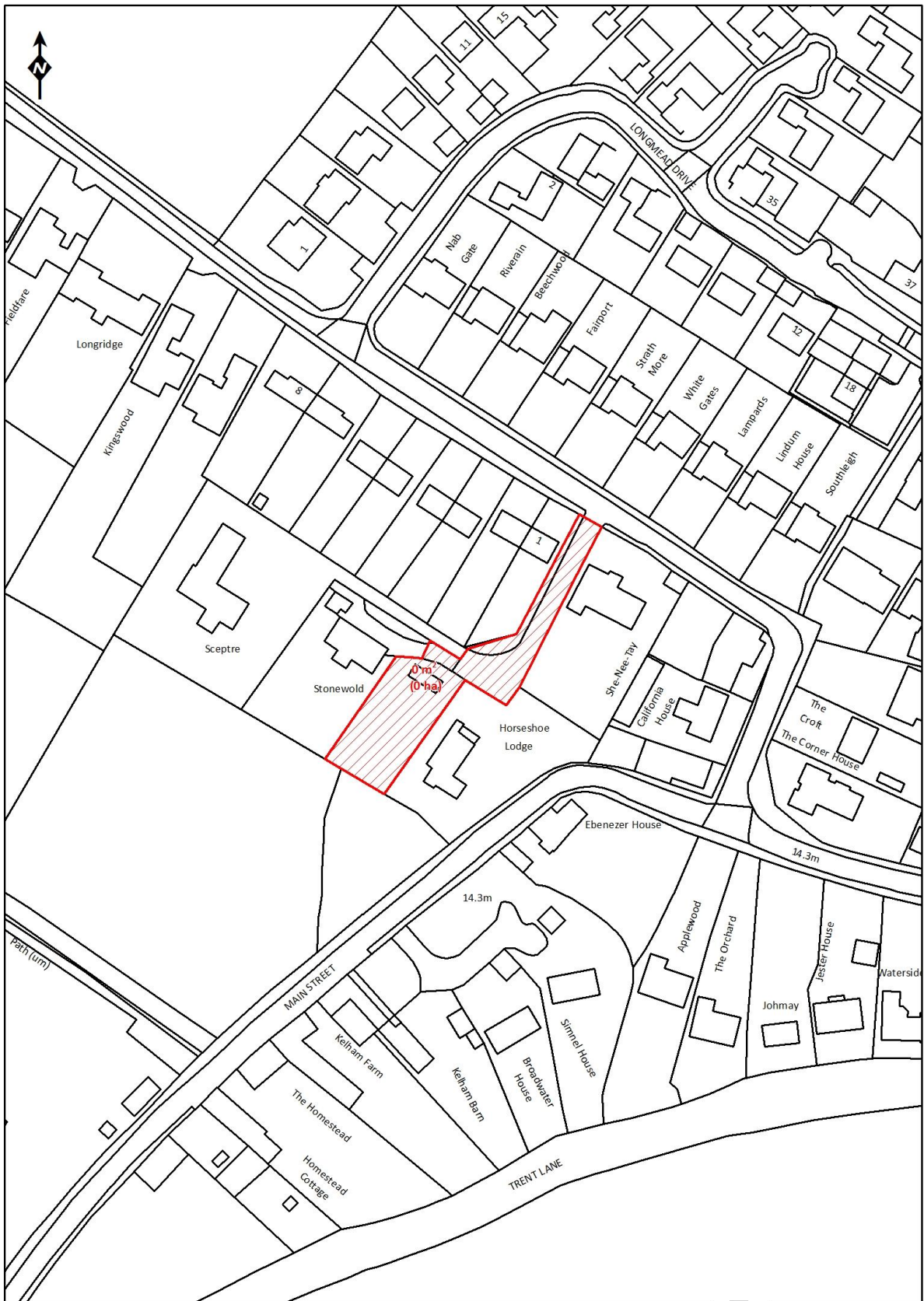
For further information, please contact Gareth Elliott on ext 5836.

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

Matt Lamb

Business Manager – Growth and Regeneration

Committee Plan - 18/02204/FUL



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PLANNING COMMITTEE – 5 FEBRUARY 2019

Application No:	18/02317/FUL	
Proposal:	Conversion of existing annexe and carport to form single dwelling	
Location:	37 Lambley Road, Lowdham, Nottinghamshire, NG14 7AZ	
Applicant:	Ms Diana Lawton	
Registered:	18.12.2018	Target Date: 12.02.2019

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

The Site

The application site comprises the residential unit of No. 37 Lambley Road which is a two-storey red brick and clay pantile roof property, and a separate single-storey annex outbuilding positioned along the western boundary of the property curtilage. Access to the existing house is directly from the Lambley Road (N). To the east side of the property is an integral garage and projecting single storey range. The front entrance to the site comprises of an apron entrance with two vehicular access points – one of which, positioned to the west, provides access to the annex building to which this application relates. There is a paved parking and turning driveway area within the site associated with the annex.

The annex outbuilding itself comprises a single-storey bedroom and living area, (sharing facilities with the main house), and is attached to a pitched roof car port and storage area to the rear (S). The site of the annex is substantially surrounded by established trees, hedges, and shrubbery with a dwarf wall separating the annex's paved parking area and the lawned curtilage area of no. 37.

The site itself lies within the Nottinghamshire/Derby Green Belt and whilst the body of the host dwelling lies within the conservation area, the annex itself does not.

The annex and carport building are of substantial construction, within the annex part (projection that runs E-W) the building comprises a bedroom, bathroom and studio/living area c. 6.6 m x 9.7 m. Attached to this, running N-S is an open fronted car port bay and storage area measuring c. 5.8 m in width and 15.1 m in length. The L shaped building is in total 21.7 m in length (following the western boundary). The building is 4.4 m to the ridge and 2.4 m to the eaves.

The western boundary is treated with a c. 2m high close boarded timber fence with trees behind. To the east is the curtilage of no. 37. To the south is an open field, the boundary between which comprises a dense tree line. To the west is the orchard area associated with no. 37.

Relevant Planning History

PREAPP/00245/18 - Convert existing annexe and carport to dwelling – General Support 12.12.18

09/01544/FUL – Proposed conversion of outbuilding into separate dwelling – Refused 14.12.2009
App/B3030/A/10/2129952/WF Above decision appealed - Oct 2010 (dismissed)

09/00926/FUL - Conversion of outbuilding and car port to create a 2 bedroomed annex (for use as ancillary accommodation to the main dwelling) and provision of new access drive – Approved 25.08.2009

The Proposal

Planning permission is sought for the conversion of the annex building and carport range to a single residential dwelling.

The building is proposed to maintain its external appearance albeit the existing open fronted openings are proposed to be infilled on the north side and glazed to the southern side – 5 no. rooflights are proposed to be inserted into the western facing side elevation. The building is to be converted from its current form to incorporate two bedrooms, lounge, kitchen and utility room, all within the same original building envelope. Apart from internal re-modelling, and the infilling of the existing external openings with panels, doors, and windows, no external alteration or extension is proposed.

An approx. 1.8 m high privet hedge is proposed to the east of the annex building to separate the proposed new dwelling with no. 37 with a portion of 1.8 m high timber fence across the existing paved access to the north of the boundary.

In terms of external materials the existing red clay pantile roof would be retained, the existing openings would be infilled with tata steel colourcoat urban standing seam vertical profiled aluminum sheet cladding (anthracite) set in recesses between existing facing brickwork piers. Windows would be timber flush casement detailed painted grey with full height glazed panels to the north eastern elevation and fixed glazed panels to the gable apex in the south east gable projection. Doors would be dark grey powder coated aluminum sliding folding doors to the south east gable and non-folding doors to the north east elevation. Conservation style rooflights are proposed to the south west and south east elevation.

As part of the proposal, the entrance off the highway to the north is proposed to be closed and repositioned further westwards with 2.4 m x 43 m visibility splays – to achieve this the planting and curved wall within the site to the front is proposed to be removed which includes the removal of 3 no. conifer trees. The garden area proposed with this new dwelling would be c. 27 m in length to the south and 11.7 m to the east.

2 no. car parking spaces would be provided within the 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 and an advert has been placed in the local press.

Earliest Decision Date: 31.01.2019

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy DPD (adopted March 2011)

Spatial Policy 1: Settlement Hierarchy

Spatial Policy 3: Rural Areas

Spatial Policy 4A: Extent of the Green Belt

Spatial Policy 4B: Green Belt Development

Core Policy 9: Sustainable Design

Core Policy 12: Biodiversity and Green Infrastructure

Core Policy 14: Historic Environment

Allocations & Development Management DPD (adopted July 2013)

Policy DM5: Design

Policy DM7: Biodiversity and Green Infrastructure

Policy DM8 - Development in the open Countryside

Policy DM9: Protecting and Enhancing the Historic Environment

Other Material Planning Considerations

- National Planning Policy Framework 2018
- Planning Practice Guidance 2014
- Conversion of Traditional Rural Buildings SPD 2014

Consultations

Lowdham Parish Council – “18/02317/FUL – 37 Lambley Road – Object to Proposal – the formation of a separate dwelling in Green Belt Area. Please note previous PC decisions for 09/01544/FUL and 09/00926/FUL where the PC objected to this Application”

NCC Highways Authority – “This proposal is for the conversion of the existing annexe and carport to a single dwelling served by a new vehicular access. The layout as shown on drg. no. 2630/18/03 is acceptable to the Highway Authority.

Therefore, there are no highway objections to this proposal subject to the following conditions being imposed:

1. No part of the development hereby permitted shall be brought into use until a dropped vehicular footway 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 access to the site has been completed to provide a width of 3.75m and surfaced in a bound material for a minimum distance of 5m behind the highway boundary in accordance with drg. no. 2630/18/03.
Reason: In the interests of highway safety.

3. No part of the development hereby permitted shall be brought into use until the visibility splays shown on drg. no. 2630/18/03 are provided. 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 general highway safety.
4. No part of the development hereby permitted shall be brought into use until the parking areas are provided in accordance with drg. 2630/18/03. The parking areas shall not be used for any purpose other than the parking of vehicles.
Reason: To ensure adequate parking provision is made for the proposal.
5. No part of the development hereby permitted shall be brought into use until the access is constructed with a gradient not exceeding 1 in 20 for a distance of 5m from the rear of the highway boundary 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.
6. No part of the development hereby permitted shall be brought into use until the access 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 Local Planning Authority. 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 danger to other road users.

Note to applicant

The development makes it necessary to construct a vehicular crossing over a footway of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact VIA East Midlands, in partnership with NCC, tel: 0300 500 8080, to arrange for these works to be carried out."

NSDC Environmental Health – "This application includes the conversion of outbuildings to residential use and there lies the potential for these to have been used for a variety of activities. It would depend on what specific activities have been carried out to consider the implications, if any, for contamination of the site. The applicant/developer will need to have a contingency plan should the construction/conversion phase reveal any contamination, which must be notified to the Pollution Team in Environmental Health at Newark and Sherwood District Council on (01636) 650000.

Furthermore, the proposed development is in a potentially Radon Affected Area*. These are parts of the country where a percentage of properties are estimated to be at or above the Radon Action Level of 200 becquerels per cubic metre (Bq/m³). Given the above I advise that it would be prudent for the applicant to investigate if the proposed development will be affected by radon and incorporate any measures necessary into the construction to protect the health of the occupants. Further information is available on the council's website at: <http://www.newark-sherwooddc.gov.uk/radon>

*based on indicative mapping produced by the Public Health England and British Geological Survey Nov 2007.”

NSDC Conservation – Reiterates their PREAPP Comments – “Legal and policy considerations

Section 72 of the Act requires the LPA to pay special attention to the desirability of preserving or enhancing the character and appearance of the CA. In this context, the objective of preservation is to cause no harm, 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. The importance of considering the impact of new development on the significance of designated heritage assets, furthermore, is expressed in section 16 of the National Planning Policy Framework (NPPF). Paragraph 193 of the NPPF, for example, states that: 3. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance 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.

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 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. Assessment of an asset's significance and its relationship to its setting will usually suggest the forms of development that might be appropriate. The junction between new development and the historic environment needs particular attention, both for its impact on the significance of the existing asset and the impact on the contribution of its setting.

Significance of Heritage Asset:

The site is located on the fringes of the Lowdham Conservation Area, and the host dwelling and associated outbuildings are built in traditional form, with clay pantile roofs and timber / brick detailing. Overall the site makes a neutral contribution to the character of the Lowdham Conservation Area. The site has previously benefitted from approval for conversion of the outbuildings, although a 2010 application was dismissed when permission was sought for the creation of a new dwelling. However the refusal was not on the grounds of harm caused to the conservation area. The NSDC Conservation response was as follows: 'Part of this site is within the Lowdham conservation area and the proposal involves the conversion of a 20th century existing building that is hidden from view by extensive boundary hedges and mature trees. The minimal alterations proposed to this building will have no impact on the character and appearance of the conservation area. No further comments.'

Furthermore the Planning Inspectors view, as part of APP/B3030/A/10/2129952, with regards to impact on heritage assets was as follows: 'As this site abuts a Conservation Area development would have some impact of the appearance and character of the Lowdham Conservation Area. However, the building already exists and although its setting and main purpose would alter as a result of the proposed development it seems reasonable to conclude that this would not materially affect either the appearance or the character of the Conservation Area.'

Assessment of proposal:

Conservation does not object to the newly proposed converted outbuilding and extension. The previous schemes submitted were not deemed to negatively impact on the setting of the Lowdham Conservation Area, and it is considered that the new scheme is not substantially different in form, massing, scale and materials employed in the conversion.

Although this scheme is only under consideration at pre-application stage, the proposed details that would be used are conservation appropriate – with a mixed palette of traditional timber windows and contemporary powder coated aluminum and coated steel cladding. The rooflights proposed in the extension would be in alignment with the apertures below, and the L-plan form of the building would affect the appearance of a traditional outbuilding.

As such, if the application was to be submitted for full planning consent, Conservation would be willing to consider support for the scheme, if the materials proposed are carried through to the full application.”

No letters of representations have been received from local residents or other interested parties.

Comments of the Business Manager

Principle of Development

The site is located outside of the main built-up area of Lowdham, within the Nottinghamshire-Derby Green Belt. Development within the Green Belt therefore the proposal has to be assessed in line with paragraphs 143-147 of the NPPF (2018) and Spatial Policy 4B Green Belt Development of the NSDC Core Strategy.

The NPPF states that the construction of new buildings in the Green Belt is inappropriate development; however there are a number of exceptions and of particular relevance to this application is the re-use of buildings provided that they are of permanent and substantial construction. Given that the proposal is for the re-use of the existing annexe and car port which are considered to be of substantial construction and capable of conversion it is considered that the principle of the proposed development is acceptable subject to consideration of other relevant planning matters.

Impact on the Green Belt

The NPPF identifies the protection of the Green Belt as a core planning principle. It states that 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.

Paragraph 145 of the NPPF states that the construction of new buildings in the Green Belt is inappropriate - Paragraph 146 of the NPPF states that other forms of development are sometimes

considered to be appropriate within the Green Belt provided they preserve its openness of the and do not conflict with the purposes of including land in Green Belt. One such exception is the re-use of buildings provided that the buildings are of permanent and substantial construction.

The application building is single storey and approximately 9.7 m (decreasing to 5.8 m) x 21.7 m, constructed from red brick and clay roof tiles. The long side elevations have open fronted cart shed style openings. The building houses a residential annex within the northern section and car port storage areas to the south. The annex building has sufficient turfed and paved land surrounding it to provide private amenity space for the proposed dwelling. There is also sufficient space within the surrounding area of the building to provide car parking to the east, noting that two spaces have been shown on the proposed plans.

It is considered that the conversion of buildings in the Green Belt, for whatever use, will only be acceptable where it can be demonstrated that the building(s) in question can be converted without major rebuilding or reconstruction. Given the existing uses of the building and from visiting the site I am satisfied that it is of permanent and substantial construction. No major or complete reconstruction works are proposed and nor is any extension of the footprint of the building. The subdivision of the existing plot would involve the construction of a new fence for 4.5m across the existing paved area to the east of the building which would continue south as a 1.8 m high privet hedge. I am mindful that this would affect the openness of the Green Belt to some extent, not just from the public realm but in plan form too. However, the building is already in existence and the existing garden is already enclosed so I do not consider that the proposed plot subdivision would amount to a materially greater impact on the openness of the Green Belt or its visual amenity. The use of a predominately naturalistic boundary treatment such as a privet hedge is preferable here as it helps to retain the green/open countryside aesthetic and as such I am satisfied that this boundary treatment would be acceptable here without resulting in harm to the openness of the Green Belt.

I note that there was a historic refusal for the conversion of the outbuilding to a separate dwelling in 2009, which was subsequently dismissed at appeal. However, this decision was made prior to the adoption of the NSDC Development Plan and the NPPF, and as such was determined using planning policies which are now out of date. The previous policy requirement sought for employment, community, recreation or tourist uses to be explored foremost then the residential conversion of rural outbuildings. This has not been carried forward into current policy. The current NPPF policy which protects the Green Belt for its own sake has been explored above; given the change in national and local policy I attach limited weight to the previous applications for this reason.

Taking the above into account it is considered that the proposal is appropriate development within the Green Belt which would not result in any undue harm to its openness.

Impact upon the Conservation Area

Number 37 Lambley Road is located within the western fringe of the defined Conservation Area whereas the application building site outside the Conservation Area. Notwithstanding this regard must be given to the distinctive character and appearance 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 and Chapter 16 of the NPPF.

Key issues to consider in proposals affecting the historic environment 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 Chapter 16 of the National Planning Policy Framework (NPPF).

Paragraph 194 of the NPPF, for example, advises that the significance of designated heritage assets can be harmed or lost through alterations or development within their setting. Such harm or loss to significance requires clear and convincing justification. The NPPF also makes it clear that protecting and enhancing the historic environment is sustainable development (paragraph 8.c). Local Planning Authority's should also look for opportunities to better reveal the significance of conservation areas when considering new development (paragraph 200).

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.

The site is located on the western fringes of the Lowdham Conservation Area, and the host dwelling and associated outbuildings are built in traditional form, with clay pantile roofs and timber / brick detailing. Overall the site makes a neutral contribution to the character of the Lowdham Conservation Area. The site has previously benefitted from approval for conversion of the outbuildings, here the conservation officer concluded that the conversion of a 20th century existing building that is hidden from view by extensive boundary hedges and mature trees with minimal alterations proposed will have no impact on the character and appearance of the conservation area.

As this site abuts a Conservation Area development would have some impact on the appearance and character of the Lowdham Conservation Area. However, the building already exists and although it's setting and main purpose would alter as a result of the proposed development it is reasonable to conclude that, given the materials proposed and the positive conclusion drawn by the conservation officer that this proposal would not materially affect either the appearance or the character of the Conservation Area and the impact would still be neutral.

The applicant has taken the advice given at pre-application to utilise the same materials proposed which comprise a mixed palette of traditional timber windows and contemporary powder coated aluminum and coated steel cladding. Given the above assessment I consider that this proposal would not unduly impact the character and appearance of the conservation area and would be in accordance Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policies CP14 and DM9 of the Council's LDF DPDs and the NPPF.

Impact upon Neighbour Amenity

Policy DM5 states planning permission will be granted for development provided it would not adversely affect the amenities of the adjoining premises, in terms of loss of privacy, light or overbearing impacts.

The conversion of the building will result in the existing open fronted openings (on the north-east elevation) being infilled with full height glazing to three openings and match boarding to two other openings with two small windows. To the south-western elevation the openings are proposed to be infilled with match boarding with high level slim windows inserted under the eaves and 5 no rooflights in the roofslope. The south-eastern facing gable is proposed to be entirely glazed. None of the fenestration serving the existing annex portion (to the front of the site) is proposed to be amended. Given there is no additional built form proposed I consider the only impact would be the potential impact on amenity through loss of privacy.

The closest part of the application building to no. 37 Lambley Road is the existing annex, to which no additional fenestration is proposed. I have no concern with the high level glazing proposed to be inserted into the south-western facing elevation, nor with the proposed rooflights. Similarly, the glazing proposed on the southern facing gable would not unduly impact any neighbouring amenity given there are no residential dwellings immediately to the south of the site. The north-east elevation would look out on to the private amenity space for no.37.

The main impact would be from the north-east elevation. The separation distance between this elevation and no. 37 Lambley Road is 15.9m and at single storey. I consider the separation distance would be sufficient to protect the privacy of both properties through overlooking, in addition, anyone wanting to purchase either property would be aware of this existing relationship.

With regard to private amenity space at the host dwelling, no. 37 Lambley Road has a substantial residential curtilage to the south of the dwelling (east of the application building), the proposed dwelling would have a residential curtilage to the south and as such I am satisfied that both dwellings would have a separate residential curtilage that would be commensurate to the size of the respective dwelling. Overall I do not consider that the proposed conversion to a separate residential use would adversely affect other existing neighbouring occupiers and is in accordance with Policy DM5 of the Council's DPD.

Impact upon the Highway

Spatial Policy 7 and Policy DM5 refer to the need for development proposals to provide appropriate provision for vehicular access and off-site parking provision. At an officer level, I would advise that it appears the proposal demonstrates the ability for sufficient parking provision for the proposed dwelling.

As part of the proposal, the existing vehicular access from the front of 37 Lambley Road would be closed and a new access formed with 2.4 m x 43 m visibility splays direct from Lambley Road in to the application site. To achieve this existing planting and wall to the front is proposed to be removed. The highways authority has commented advising that visibility splays of 2.4m x 43m are required from the proposed access. The access width proposed would be 3.75m which is in accordance with Highways current guidance.

It should also be noted that the access is required to be constructed with a gradient not exceeding 1 in 20 for a distance of 5m from the rear of the highway boundary, with suitable provision to prevent the unregulated discharge of surface water from the driveway to the public highway – this has been requested to be controlled via condition by NCC Highways and I consider this to be reasonable.

The existing parking arrangement for no. 37 Lambley Road to the front of the dwelling is not proposed to be amended. The new dwelling would have 2 parking spaces within its curtilage which is considered to be appropriate for a dwelling of this size.

Given there is adequate space within the site for parking and turning I do not consider that the conversion of this building would result in such a significant increase in vehicle movements over the existing to result in highway safety concerns and as such, subject to the condition suggested by NCC Highways the application would accord with the provisions of SP7.

Impact on Trees and Ecology

Core Policy 12 of the Core Strategy seeks to secure development that maximises the opportunities to conserve, enhance and restore biodiversity. As the proposed works is to convert a building that is already within ancillary residential use I am of the opinion that the building would not be suitable to house any protected species that would necessitate an ecological appraisal.

I am however conscious that 3 no. trees are proposed to be removed from the north of the site adjacent to the eastern elevation of the annex building to facilitate the new access driveway. The three trees are Conifer trees and are not protected by tree preservation orders – they are also not afforded the restrictions they would have if they were within a conservation area, albeit I note that the boundary with the conservation area is c. 10 m from these trees. Nevertheless I note that these trees could be removed from the site without prior consent from the LPA and in any event given that they are conifer trees they are not a species that would warrant preservation through a TPO.

On the basis of the above, I am satisfied that the proposal is unlikely to have any detrimental impact upon ecology in accordance with CP12 and DM7.

Other matters

Due to the location of the building within the Green Belt, in order to ensure there is no further impact upon the openness it is considered necessary and reasonable to remove the ability to erect further outbuildings within the grounds of this building under Class E of the Town and Country Planning (General Permitted Development Order) 2015 (as amended).

Conclusion

In conclusion, given the above assessment it is considered that the proposal falls within the criteria of appropriate development within the Green Belt given that it relates to re-use an existing building which is of substantial/permanent construction and already capable of conversion to a dwelling and that it would preserve the openness of the Green Belt in accordance with the provisions of Section 13 of the NPPF (2018)

I consider that this proposal would not unduly impact the character and appearance of the conservation area in accordance with Policy DM9 of the DPD and Core Policy 14 of the Core Strategy.

Furthermore the conversion of this building will not result in any unacceptable neighbour amenity impact, significant ecological impact, nor would it compromise the safety of the public highway. As such there are no material reasons for which this application should be refused.

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 accordance with the following approved plans, reference:

- Scheme Proposed – 2630/18/03
- Site Location Plan

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

Reason: So as to define this permission.

03

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

Reason: In the interests of visual amenity.

04

No part of the development hereby permitted shall be brought into use until a dropped vehicular footway crossing is available for use and constructed in accordance with the Highway Authority's specification.

Reason: In the interests of highway safety.

05

No part of the development hereby permitted shall be brought into use until the access to the site has been completed to provide a width of 3.75m and surfaced in a bound material for a minimum distance of 5m behind the highway boundary in accordance with drg. no. 2630/18/03.

Reason: In the interests of highway safety.

06

No part of the development hereby permitted shall be brought into use until the visibility splays shown on drg. no. 2630/18/03 are provided. 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 general highway safety.

07

No part of the development hereby permitted shall be brought into use until the parking areas are provided in accordance with drg. 2630/18/03. The parking areas shall not be used for any purpose other than the parking of vehicles.

Reason: To ensure adequate parking provision is made for the proposal.

08

No part of the development hereby permitted shall be brought into use until the access is constructed with a gradient not exceeding 1 in 20 for a distance of 5m from the rear of the highway boundary 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.

09

No part of the development hereby permitted shall be brought into use until the access 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 Local Planning Authority. 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 danger to other road users.

10

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

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

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 1995 or any amending legislation) and to ensure that any proposed further outbuildings do not adversely impact upon the openness or proliferation of the Green Belt.

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/cil/

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

03

The development makes it necessary to construct a vehicular crossing over a footway of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact VIA East Midlands, in partnership with NCC, tel: 0300 500 8080, to arrange for these works to be carried out.

04

This application includes the conversion of outbuildings to residential use and there lies the potential for these to have been used for a variety of activities. You will need to have a contingency plan should the construction/conversion phase reveal any contamination, which must be notified to the Pollution Team in Environmental Health at Newark and Sherwood District Council on (01636) 650000.

Furthermore, the proposed development is in a potentially Radon Affected Area*. These are parts of the country where a percentage of properties are estimated to be at or above the Radon Action Level of 200 becquerels per cubic metre (Bq/m³). Given the above you should investigate if the proposed development will be affected by radon and incorporate any measures necessary into the construction to protect the health of the occupants. Further information is available on the council's website at: <http://www.newark-sherwooddc.gov.uk/radon>

*based on indicative mapping produced by the Public Health England and British Geological Survey Nov 2007.

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.

Matt Lamb

Business Manager – Growth and Regeneration

Committee Plan - 18/02317/FUL



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PLANNING COMMITTEE – 15 FEBRUARY 2019

A:- Application No:	15/00784/FULM
Proposal	Full Planning Application and Listed Building Consent for a development comprising 56 residential units (Use Class C3) and community building (Use Class D1) through the conversion of a Grade II Listed Farm Complex "Bulcote Steading" and associated enabling residential development, with associated parking and landscaping. To be read in conjunction with application ref: 17/02325/FULM
	and
B:- Application No.	17/02325/FULM
Proposal	Development comprising 16 residential units (Use Class C3) associated with Planning Application 15/00784/FULM and Listed Building Consent 15/00785/LBC for the Conversion of Grade II Listed Farm Complex "Bulcote Steading" and associated enabling residential development, with associated infrastructure, parking and landscaping.
Location:	Bulcote Farm Old Main Road Bulcote Nottinghamshire
Applicant:	Mr John Tootle Northern Trust Company Ltd
Registered:	11th May 2015 Target Date: 10th August 2015
	Extension of time agreed in principle

These applications have been referred to Planning Committee by the Business Manager for Growth and Regeneration given their complexity and scale.

There are two separate applications (in addition to an LBC) which form a comprehensive residential development on Old Farm Road. For ease of reference both applications are assessed within this report.

The Sites

A. 15/00784/FULM

The application relates to circa 2.7hectares of land on the south eastern edge of Bulcote Village comprising the site of Bulcote Steading, a model farm building constructed in 1904 which is Grade II Listed and the site of associated former outbuildings (demolished in the 1960s) used for housing animals and storage purposes. There remain some associated barns/outbuildings in situ. Although predominantly redundant there are still some small areas being rented out for stabling and storage.

The site is accessed from Old Main Road which runs through the village from the A612.

The site is adjoined by arable land to the east (including 2 large agricultural barns) south and west.

On the eastern side of Old Main Road is a grass verge separated from the highway by a drainage ditch.

To the north of the site there is ribbon of development comprising Corporation Cottages, a terrace of Grade II Listed residential properties. Beyond these is a further Grade II Listed Building, Bulcote Crossing Cottage

Field House a Grade II Listed Building lies to the south.

The site lies within the Conservation Area.

B. 17/02325/FULM

The application relates to two parcels of land on opposite sides of Old Main Road of circa 2.3 hectares to the south eastern edge of Bulcote Village.

Site 1 - The parcel of land immediately to the south of Corporation Cottages, a terrace of Grade II Listed residential properties is an open field with open fields beyond to the east. This falls within the Conservation Area. The predominantly redundant Grade II Listed Bulcote Farm complex to the south which forms the proposed development site for a planning application 15/00784/FUL and Listed Building Consent application 15/00785/FUL, for a comprehensive development site and are also before Members for consideration.

Beyond the Listed Corporation Cottages is a further Grade II Listed Building, Bulcote Crossing Cottage

Site 2 - The other parcel of land which forms part of this application is on the opposite side of the road directly opposite the Bulcote Farm complex is currently occupied by two substantial barns with associated hardstanding and structures and is surrounded to the north east and west by arable land. This land falls outside of the Conservation Area.

Both sites are accessed from Old Main Road which runs through the village from the A612.

On the eastern side of Old Main Road is a grass verge separated from the highway by a drainage ditch.

Both sites are separated from the main village by the railway line which has a level crossing (Bulcote Crossing) at this section of Old Main Road.

Field House a Grade II Listed Building lies to the south.

Both sites also fall within the Nottinghamshire Derbyshire Green Belt and within Flood Zones 1 and 2 as identified within the Environment Agency Flood Zone map.

Relevant Planning History

15/00785/LBC – Listed Building Consent has been deposited in conjunction with this application seeking consent for a development comprising 64 residential units (Use Class C3) and community building (Use Class D1) through the conversion of a Grade II Listed Farm Complex "Bulcote Steading" and associated enabling residential development, with associated parking and landscaping.

The Proposal

Full planning permission is sought for the following:-

A. 15/00784/FULM

The restoration of the Grade II Listed Model Farm Building and conversion to provide 24 dwellings comprising:-

- 1 no. 1 bed
- 8 no. 2 beds;
- 14 no. 3 beds;
- 1 no. 4 bed; and

- The provision of a new community unit of circa 95 sqm is proposed within the retained dairy on the south eastern side of the building.

Circa. 1168 sq. m of shared amenity space is proposed within the courtyard and circa 1934 sq. m of public open space is proposed to the north east of the farm buildings

In order to part fund the proposed restoration works to convert the building this application also proposes 'enabling' development sufficient to bridge a reported conservation deficit. This comprises the erection of 32 two storey dwellings comprising:-

- 27 no. 3 beds; and
- 5 no. 4 beds.

These would be arranged as follows:-

- 2 no. terraces to the rear of the Listed Building. Each terrace would contain 14 dwellings and would have maximum dimensions of 36m width, 12.3m depth and would have a ridge height of 7.5m; and
- A terrace of 4 properties to the north western boundary which would have maximum dimensions of 21m width, 11.4m depth and would have a ridge height of 8.3m .

B. 17/02325/FULM

In order to part fund a reported conservation heritage deficit resulting from the proposed restoration works to convert the Bulcote Farm Listed Building, this application seeks (in

conjunction with the associated planning application ref. 15/00784/FULM) full planning permission for the erection of the following residential enabling development:-

- Site 1 -3 no. pairs of semidetached two storey 3 bedroom properties on land between Corporation Cottages and the Bulcote Farm site. Each pair of semi-detached properties would have maximum dimensions of circa 12.1m width, 9m depth and would have a ridge height of circa 8m. Each dwelling would have off street parking provision.
- Site 2 -10 no. detached 4 bed dwellings on the site of the barns and associated hard standing and structures on the opposite side of old Main Road. Each dwelling would have maximum dimensions of circa 10.6m width (including a two storey side projection with garage), 10m depth (including a single storey rear projection) and would have a ridge height of circa 9m.

Both applications propose a combined total of 167 parking spaces (within the quadrangle, private driveways and parking courts) as confirmed by email on the 5th November 2018.

The following supporting documents have been deposited with the applications:-

- Bulcote Conservation Deficit – received 19.09.18
- Enabling Development Executive Summary – received 31.07.18
- Revised Design and Access Statement = received 05.01.18
- Revised Ecology Assessment – received 05.01.18
- Revised Heritage Statement – received 05.01.18
- Revised Transport Statement – received 05.01.18
- Flood Risk and Drainage Design – received 27.12.17
- Property Review – received 27.12.17
- Bat Mitigation Strategy – received 12.05.15
- Statement of Community Involvement (and appendices) received 12.05.15.
- Road Safety Audit and Road Improvement Plan – received 19.11.18
- Road Safety Audit received
- Highway Technical Note – received 23rd January 2019
- The applicant has also submitted a Viability Appraisal (focusing on the conversion of the listed building, the developer contributions sought and on the new building element) and a Viability Assessment Addendum together with information relating to the marketing of the

site.

- Details of mothballing and alternative sites have also been deposited
- A raft of drawings have been deposited with both applications for the proposed conversion works and enabling development : –
- Proposed site layout – drg no. 02 003 REV E – received 27.12.18
- Associated plans:

A. 15/00784/FULM

Proposed Conversion:-

Proposed community building (04) 0001 Rev C

House Type 5 (04)005 Rev B

House Type 2 (04)002 Rev C

House Type 4 (04)004 Rev B

House Type 7 (04)007 Rev B

8C (04)010 Rev B

House Type 9 (04)011 Rev B

House Type 11 (04)021 Rev B

House Type 20 (04)022 Rev B

House Type 21 (04)023 Rev B

House Type 22 (04)024 Rev B

House Type 14 (04)016 Rev B

House Type 6 (04)006B Rev B

House Type 8A (04)008 Rev B

House Type 8B (04)009 Rev B

House Type 10 (04)012 Rev B

House Type 11 (04)013 Rev B

House Type 12 (04)014 Rev B

House Type 13 (04)015 Rev B

House Type 16 (04)018 Rev B

House Type 17 (04)019 Rev B

House Type 18 (04)020 Rev B

Typical House Types Services Strategy (04)050 Rev A

Retained Stable Units (04) 003 Rev C

Ref K Proposed Elevations (02)042 Rev B

Ref K and J Proposed Elevations (02)043 Rev B

Ref J and Ref K Proposed Elevations (02)044 Rev B

Ref A and Ref B Proposed Elevations (02)046 Rev B

Ref L Proposed Elevations (02)047 Rev B

Ref E and Ref F Proposed Elevations (02)049 Rev B

Ref D Proposed Elevations (02)050 Rev B

Typical Conversion Methodology (02) 055 Rev F

Proposed services Strategy (02)0101 Rev A

Enabling Development

New Short Terrace 129/01 (02) (052) #
New Terrace Proposed Elevations (02) (051) #
New Terrace Proposals Floor Layouts (02)060#
New Short Terrace Floor Layout (02)061#

B. 17/02325/FULM

Semi Detached House Proposed Elevations (02) 052 #
Detached House Proposed Elevations (02) 054#
New Semi Detached House Floor Layouts (02)062#
Proposed Detached Floor Plan (02)063#

Departure/Public Advertisement Procedure

Occupiers of nearby properties have been individually notified by letters and reconsultation has been undertaken with those originally notified together with any additional interested 3rd parties who have submitted comment. Site notices have also been displayed near to the site and a notice posted in the press.

Planning Policy Framework

The Development Plan

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

Spatial Policy 1: Settlement Hierarchy
Spatial Policy 2: Spatial Distribution of Growth
Spatial Policy 3: Rural Areas
Spatial Policy 4A: Extent of Green Belt
Spatial Policy 4B: Green Belt Development
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 6: Shaping our Employment Profile
Core Policy 9: Sustainable Design
Core Policy 10: Climate Change
Core Policy 12: Biodiversity and Green Infrastructure
Core Policy 14: Historic Environment

Allocations & Development Management DPD

Policy DM1: Development within Settlements Central to Delivery the Spatial Strategy
Policy DM3: Developer Contributions and Planning Obligations
Policy DM5: Design

Policy DM7: Biodiversity and Green Infrastructure
Policy DM9: Protecting and Enhancing the Historic Environment
Policy DM12: Presumption in Favour of Sustainable Development

Other Material Planning Considerations

National Planning Policy Framework 2018
Planning Practice Guidance 2014 including updates 2018
Newark and Sherwood Amended Core Strategy DPD 2017
Planning (Listed Buildings and Conservation Areas) Act 1990
Historic England Good Practice Advice Note 2 Making Changes to Heritage Assets (2016)
Historic England – Enabling Development and the Conservation of Significant Places (Revised 2012)
Historic England – Vacant Listed Buildings (2018)
Bulcote: An Appraisal of the Character and Appearance of the Conservation Area. (2001)
Newark and Sherwood Developer Contributions SPD (2013)
Newark and Sherwood Conversion of Traditional Rural Buildings SPD (2014)
Newark and Sherwood Landscape Character Assessment SPD
Burton Joyce Neighborhood Plan

Consultations

Comments received during consultation have been appended in full as follows:

Appendix 1.

Consultee Comments

Appendix 2

15/00784/FULM (including 15/00785/LBC) - Representations have been received from 56 local residents/interested parties on the original rounds of consultation. A further 174 representations have been received following reconsultation (albeit these additional comments also relate to application 17/02325/FULM and some multiple letters/emails have been received from the same households.)

17/02325/FULM – The 174 representations noted above also make reference to this application.

Comments of the Business Manager – Growth and Regeneration (Appraisal of the Applications)

There are both legislative requirements and policy tests to consider in relation to the proposed development:

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that *“if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”*

As the application concerns designated heritage assets of a listed building and the conservation area, sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the

'Act') are particularly relevant. Section 16(1) requires the decision maker in considering whether to grant listed building consent for any works, to *"have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possess."* This stance is mirrored by Section 66 which outlines the general duty in exercise of planning functions in respect to listed buildings stating that the decision maker *"shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."*

Section 72(1) also requires the LPA to pay special attention to the desirability of preserving or enhancing the character and appearance of conservation areas.

The duties in s.66 and s.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. 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.

In this case it is necessary to balance a number of issues which for ease of reference are addressed in turn below.

Principle of Development

The National Planning Policy Framework promotes the principle of a presumption in favour of sustainable development and recognises the duty under the Planning Acts for planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF refers to the presumption in favour of sustainable development being at the heart of the NPPF and sees sustainable development as a golden thread running through both plan making and decision taking. This is confirmed at the development plan level under Policy DM12 of the Allocations and Development Management DPD.

In this case there are a number of matters of Green Belt, land use, and conservation principles to assess, in addition to the raft of other material planning considerations to which decision-makers should have regard.

Five Year Housing Land Supply

Members are aware of the current position in respect to the Council's ability to demonstrate a five year housing land supply, as now confirmed via appeal and notably the Secretary of State. 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 land supply and that the policies of the Development Plan are afforded appropriate weight (as assessed) in the overall decision-making. It is noted that any approval on this site would contribute to the Councils land supply position, albeit such a contribution need not, in itself, be determinative when weighed against all other material planning considerations.

Settlement hierarchy and scale of development

Bulcote is located to the north east and on the edge of the village of Burton Joyce, a large settlement which falls within Gedling Borough Councils (GBC) administrative area. Bulcote is a small historic distinct village, although it has no services or facilities other than a community building located within the model farm complex. At the 2011 census Bulcote had a published population of 309 dwellings.

GBC and NSDC have fully endorsed the plan-led approach to planning insofar as both promote, though their own Core Strategies, a hierarchical approach to development. In the case of GBC, Burton Joyce has allocated 2 no. small housing sites (expecting to yield approximately 35 dwellings over their plan period 2011-2028).

The settlement hierarchy for NSDC is set out in Spatial Policy 1 of the Council's adopted (2011) Core Strategy. Spatial Policy 2 goes on to deal with the distribution of development, identifying that the focus of growth will be in the Sub Regional Centre, followed by the Service Centres and Principal Villages. At the lowest tier of the hierarchy are 'other villages' which do not have defined built up areas in terms of village boundaries.

The Bulcote settlement is an 'other village' within this hierarchy which is not therefore identified to have allocated additional sites for housing over the plan period. SP1 is clear that development will be considered against Spatial Policy 4b Green Belt Development as opposed to Spatial policy 3 Rural Areas.

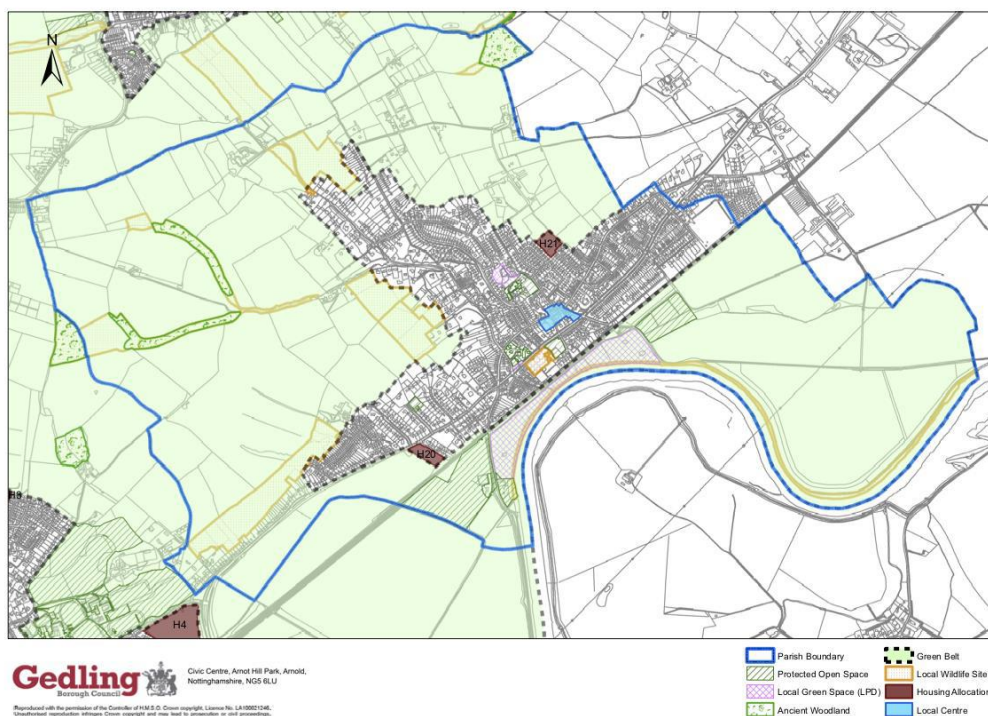
Defining whether the proposed development is within or outside of the 'main built up area of the village' as SP3 would require is therefore largely academic in this instance. So too is whether the proposals are to be of an appropriate scale in the sense of scale referred to in SP3. It seems perverse that a decision-maker should only have regard to Green Belt impacts in establishing the principle of a development (noting there are 2 no. applications) of this type. In this particular case the number of dwelling proposed will represent a 23.5% increase of housing within the village of Bulcote. To any reasonable observer this is significant and is of the order of percentage increase (as outlined in Spatial Policies 1 and 2 of the Amended Core Strategy) envisaged in the Amended Core Strategy for two service centres (Clipstone and Edwinstowe) and the majority of Principal Villages.

I do note the proximity of the site to Burton Joyce. One could walk from Bulcote (from Old Main Road) to the centre of Burton Joyce (approx. 1 mile) in circa 20 minutes along a footpath which is lit beyond the railway. Burton Joyce has a range of services and facilities including recreational, retail, educational and medical services (as identified within the Adopted (via GBC) Burton Joyce Neighbourhood Plan), as captured on the attached table:

Village Hall	Post Officer Counter service within gift shop
3 village pubs (2 inc. restaurants)	Recreation Ground play area for younger children and multi-use games area
Recreation Ground incl. range of sports pitches	Community Church
Grove Recreation Area	3 cafes (1 includes bakery)
Super market	Estate agents
Primary School	Millennium Memorial Site
Parish Church of St Helens	Riverside Land
Charity Shop	Old school building
2 no. Hot Food takeaways	Old Church Hall
Allotments	2 no. Doctors surgeries
Pharmacy	Dentist
2 Recycling centres	Physiotherapy Clinic
Library	Cemetery and Garden of Rest

Burton Joyce Neighbourhood Plan 2017-2028

There is no physically or visually noticeable ‘break’ on the ground between the end of Burton Joyce and the beginning of Bulcote (see figure below). There is, however, a more noticeable physical difference with where the applications sites are located which are physically different.



I am mindful of the advice in the NPPF regarding proximity to facilities in rural areas and references to isolation (paragraph 79), including in legal cases such as Braintree. This high court judgement essentially sought to define the term “isolated”. It did not state, or seek to state in my opinion that development plan policies aiming to restrict development beyond defined areas are inconsistent with national policy. Indeed, they cannot be when national policy clearly requires development plans to set out strategies to direct new development to sustainable locations. The

Council's Development Plan (emerging and proposed) is clear in directing new development to the settlement hierarchies and within (villages. This is clear in SP1, SP2, SP3 (specifically the 'location' criteria) and DM8. This does not change.

This stance is supported on appeal (16/00033/OUTM) whereby it was concluded that even if a site were not physically or geographically 'isolated' from a settlement a conclusion on acceptability solely these grounds would not mean conformity with the Development Plan in a clear plan-led system where the LPA has set a clear spatial strategy and a set of Development Management criteria to guide the location of new development. In this case there is harm insofar as the proposals will significantly increase the size of the village beyond that anticipated in setting a very clear spatial development strategy for the District. Such harm must then be weighed in a planning balance.

Impact on the Green Belt

Spatial Policy 4B of the Core Strategy advises that within the extent of area covered by the Green Belt, 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. For clarity both application sites fall sites are therefore located within the Green Belt where new development is strictly controlled through the NPPF and Spatial Policy 4B of the Core Strategy (which directs the decision-maker to Green Belt policies within the NPPF).

Paragraph 133 of the revised National Planning Policy Framework (NPPF) identifies five purposes of including land in Green Belts:

1. To check the unrestricted sprawl of large built up areas ;
2. To prevent neighbouring towns merging into one another;
3. To assist in safeguarding the countryside from encroachment;
4. To preserve the setting and special character of historic towns; and
5. To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

The development proposals do not contribute to any of the 5 purposes referenced.

Paragraph 143 of the NPPF goes on to confirm that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in 'very special circumstances'. Paragraph 144 adds that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very Special Circumstances' shall not exist unless the potential harm to the green belt by reason of inappropriateness and any other harm resulting from the proposal is **clearly** (emphasis added) outweighed by other considerations.

In this case the applicants have elected, partly due to the evolution of negotiations throughout an iterative process (primarily in terms of the extent and design of 'enabling development') to submit 2 no, separate planning applications. Thus, each proposal must be assessed on its own merits in planning terms. Members are able to tie the schemes together in the event of an approval via a S106 Agreement.

Taking the sites both individually and cumulatively it is considered that both proposals represent inappropriate development in Green Belt terms for the following reasons.

Application 17/02325/FULM (16 new build units)

Paragraph 145 of the NPPF is clear in stating that the construction of new buildings in the Green Belt is considered inappropriate but sets out some exceptions. Of particular relevance to this application is point g) of this paragraph which identifies that 'limited infilling or partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or not or in continuing use (excluding temporary buildings) which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development' may be appropriate. Paragraph 146 of the NPPF goes on to recognise certain other forms which may not be inappropriate which includes 'the re-use of buildings provided that the buildings are of permanent and substantial construction;'

In this case the lawful use of the site is for agriculture, which is excluded from the definition of previously developed land. The proposals do not involve the conversion of a building(s) and thus represent inappropriate development, to which I attached, in accordance with the NPPF, substantial weight. Only 'very special circumstances' in an overall planning balance would be sufficient to outweigh such harm.

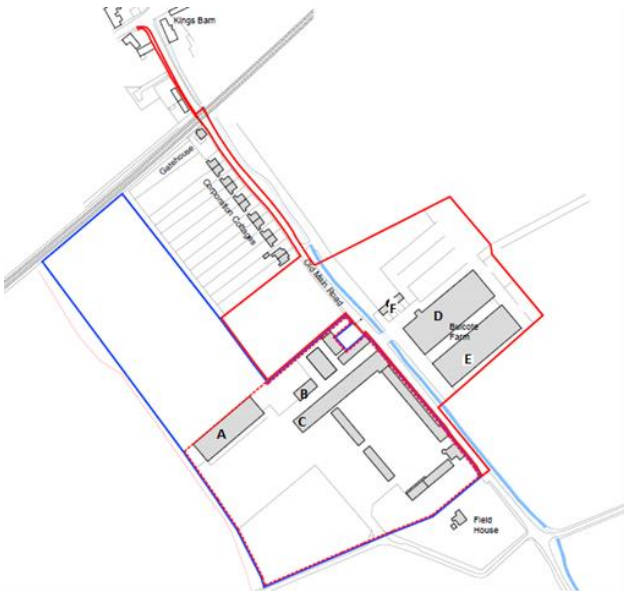
Application 15/00784/FULM (32 new build and 24 'conversion' units).

The 32 new build properties are representing inappropriate development for the reasons set out for the 16 new units proposed. With respect to the conversion works I note that the buildings in question are listed and clearly worthy of protection as a matter of principle. They are of permanent and substantial construction and capable of re-use. Thus, there is an element of the scheme which would clearly be appropriate in a Green Belt context.

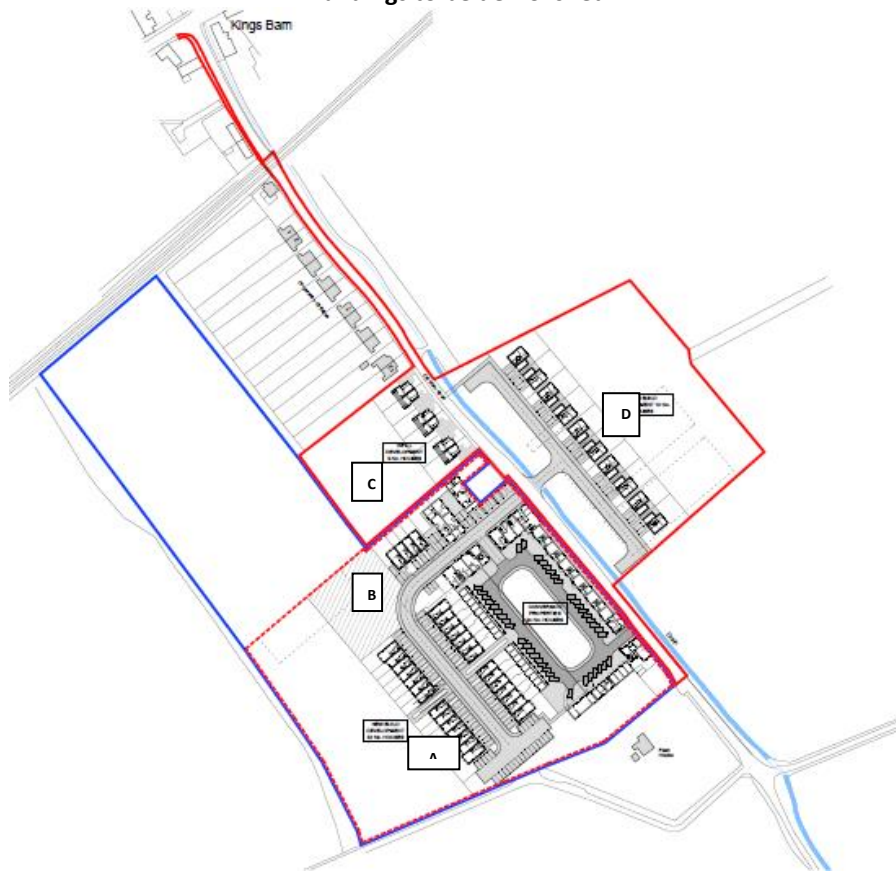
The applicant has presented a case that the total build form of the proposals when considered cumulatively is less than the level currently existing, offering a net reduction in terms of openness. I have some sympathy for this argument in overall volume and footprint terms, albeit a concentrated residential-grain development of domestic scale will have a different character impact to the current more organic and agricultural/industrial scale development.

For clarity I have calculated existing and proposed footprints and volumes for each application separately and then consider the impact of the development as a whole on the Green Belt setting of the sites.

The plan below indicates the buildings to be demolished across the comprehensive site.



Buildings to be demolished



Proposed dwellings

A.15/00784/FULM

EXISTING

	Footprint of Existing Buildings to be demolished (m2)	Volume Of Existing Buildings To Be Demolished (m3)
Large Hay Barn (A)	1,098	6,851
Open Barn 2 (B)	145	739
Grain Store (C)	336	2682
TOTAL	1579	10,002

PROPOSED

	Footprint Of Proposed Buildings (Enabling Development) (m2)	Volume Of Proposed Buildings (Enabling Development) (m3)
Long Terrace (A)	1,712	11,592
Short terrace (B)	248	1,732
TOTAL	1,960	13,324

As can be seen both the footprint and volume of the enabling development is greater than the buildings to be demolished on this particular site.

B. 17/02325/FULM

EXISTING

	Footprint of Existing Buildings to be demolished (m2)	Volume Of Existing Buildings To Be Demolished (m3)
Barn D	2,020	10,177
Barn E	1,789	10,578
Building F	115	370
TOTAL	3,924	21,125

PROPOSED

	Footprint Of Proposed Buildings (Enabling Development) (m2)	Volume Of Proposed Buildings (Enabling Development) (m3)
Semi detached (C)	354	2267
Detached (D)	965	5872
TOTAL	1,319	8,139

In this instance the footprint and volume of the proposed enabling development is significantly less than the existing buildings to be demolished.

Taking a pragmatic approach, comparing the total amount of development across both sites A and B which form the comprehensive development, the total amount of enabling development in terms of both footprint and volume is less than that of the buildings to be demolished.

That said, the proposals still represent inappropriate development, which are by definition harmful to the Green Belt. It is therefore necessary to demonstrate very special circumstances that would need to outweigh harm by reason of inappropriateness. The applicant argues that an 'enabling' heritage argument is sufficient to be a very special circumstances of such importance that should weigh favourably in an overall planning balance.

Principle of the Proposed Enabling Development

I firstly satisfy myself that what is proposed is a genuine 'enabling' development as opposed to a 'cross subsidy' development, before then assessing whether an enabling scheme can represent a very special circumstance in Green Belt terms.

The enabling development in relation to this particular application comprises 2 no. rows of 14 terraced dwellings to the southwest of the Model Farm building and a terrace of 4 properties to the northwest.

The schedule of works and costs provided within the Viability Appraisal and subsequent revised Viability Appraisal deposited with the application indicates that the extent of the restoration works to the Grade II Listed Building amounts to circa. £2.86 million. This has been extensively reviewed by the District Councils independent assessors who have concluded that the level of proposed enabling development agreed by both parties as being 48 new dwellings is the minimum to address this heritage deficit. I note that the Conservation Officer agrees with this conclusion. I would therefore defer to their expertise and professional judgement on this matter.

Enabling development

The Historic England (HE) (formerly English Heritage) document Enabling Development and the Conservation of Significant Places offers technical guidance and criteria to be used in the assessment of enabling development proposals. Paragraph 202 of the National Planning Policy Framework (NPPF; revised July 2018) makes it clear that the benefits of an enabling development proposal should simply outweigh the disbenefits of departing from other policies. This differs from the guidance within the HE document which sets out tests aimed at assessing whether a proposal 'decisively' outweighs disbenefits. Given the up-to-date position of the NPPF, this is the test which should be applied in this context, although the guidance contained within the extant HE document remains a useful framework for discussion.

As defined by Historic England in the Enabling Development and Conservation of Significant Places document – 'Enabling development is development that would be unacceptable in planning terms but for the fact that it would bring public benefits sufficient to justify it being carried out, and which could not otherwise be achieved. The key public benefit to significant places is usually the securing of their long-term future.'

This document outlines criteria where enabling development which would normally contravene planning policy objectives would be considered acceptable:-

It will not materially harm the heritage value of the place or its setting

As discussed in detail below within the Heritage Impact section of this report the Conservation Officer has concluded that the proposals would preserve the special interest of Bulcote Steading, is not harmful to the character and appearance of the Conservation Area and considers that no significant harm would be caused to the setting of the Grade II listed Corporation Cottages and Field Farm or the character and appearance of the Conservation Area. Importantly (in order to be considered enabling) the conservation officer is of the view that any more development, which may deliver more contributions and mitigation, would tip into a heritage harm category. This

would then mean the scheme could not be considered as 'enabling' in heritage terms and would rather be cross-subsidising.

It avoids fragmentation of management of the place

Taking account of the supporting information deposited with the application and the viability argument put forward by the applicant it is considered that the proposed residential conversion represents an optimum viable use for the heritage assets given that it would not be suitable for modern agricultural practices as evidenced by the marketing strategy deposited with the application. It is considered that the proposals would result in a comprehensive development that secures the long term use of existing important heritage buildings which is comprehensive, avoids fragmentation and is sensitive to its heritage setting.

It will secure the long term use of the place and its continued use for a sympathetic purpose

The proposed enabling development will bridge the conservation heritage funding gap and would facilitate the conversion of the Listed Building to secure its long term viable use which would be sympathetic to the heritage setting of the site.

It is necessary to resolve problems arising from the inherent needs of the place rather than the circumstances of the owner or the purchase price paid

The model farm was last surveyed by Nottinghamshire County Council conservation colleagues in 2013 when it was part occupied. At that time the NCC advised that the overall condition was fair (although the condition of the architectural detail was poor). The building was classified in the Historic Buildings at Risk survey at that time to fall within risk category 4 (vulnerable). However, this survey was undertaken some 5 years ago and the buildings are now predominantly vacant and have further deteriorated. They have subsequently been inspected on several occasions by the District Councils Conservation officer who is satisfied that they are now at risk in the context of the Historic England methodology unless an appropriate and viable use is implemented. This 'risk' has not been driven by any neglect or poor management but rather by the issues associated with having a vacant building of this type over a significant period of time. The Property Review deposited with the application concludes that the buildings are 'inadequate and uneconomical for modern agriculture'. A return to the existing agricultural use is therefore considered to be unviable.

The site was actively marketed for a minimum 12 months (2014/2015) as stated in the Marketing Summary Document (2015) deposited with the application in 2015 as detailed in Other Matters section below. There was no interest received with regards to any agricultural or commercial use; the only interest was in relation to potential residential use of the site.

It is accepted that the costs of the proposed conversion works to the buildings would be significant. It is also accepted that, following an independent review as noted within the Viability Section of this report below, the applicant has robustly and satisfactorily demonstrated the conversion works would result in a conservation deficit of circa £2.86 million which would need to be met by the minimum amount of enabling development of 48 dwellings as proposed.

It is therefore considered that the enabling development as proposed is required to resolve the inherent needs of the place.

Sufficient subsidy is not available from any other source

As noted within the Enabling Development Executive Summary deposited during the lifetime of the applications the applicant has explored a number of alternative sources of funding and has concluded that no third party or heritage funding has been identified or is available. According to the applicant public funding streams were not available for a residential development by privately owned companies. The applicant has referred to attempts made to source alternative funding sources without success.

I do appreciate that grant aiding for historic buildings is extremely competitive and often lengthy, with funds being limited and finite. Nevertheless I cannot reasonably say that all avenues have been assessed and concluded in this particular case. No draft submission has been forward to a grant body, such as the HLF.

That said, grant funding need not be sought if the level of enabling development proposed is acceptable in any event. In this case, Officers conclude (in consultation with our heritage and viability advisors) that the level and type of enabling development proposed is acceptable.

It is demonstrated that the amount of enabling development is the minimum necessary to secure the future of the place and its form minimises harm to other public interests

The applicant has undertaken a Viability Appraisal to support the requirement for the proposed enabling development. The initial Appraisal submitted with application ref. 15/00784/FULM in May 2015 concluded that 39 dwellings, rather than the 31 put forward by the applicant were required to bridge the conservation deficit that would exist in order to undertake the residential conversion of the existing Listed Buildings. In March 2016 the applicant subsequently submitted a revised Viability Appraisal taking account of increased building costs. The schedule of works have been extensively scrutinised and are considered to be conservation led and the applicants Viability Assessment has been independently and robustly reviewed and reassessed. This subsequently concluded that 48 dwellings would be required to meet this deficit. Given the independent scrutiny of the figures, I have no reason to question this figure. The independent assessment concludes that the proposed enabling development is the minimum necessary to address the heritage deficit. As discussed in the subsequent sections of this report in relation to impact on the nearby heritage assets, the Green Belt and landscape it is considered that the proposed enabling development would predominantly reflect the historic scale, form, layout and setting of the site particularly in relation to that proposed under application ref. 15/00784/FULM.

The public benefit of securing the long term future of the significant place through such enabling development outweighs the disbenefits of breaching other public policies.

This is discussed in detail below.

Other Enabling Matters

A marketing strategy has been deposited with the application. In line with the requirement for market testing in Historic England's Enabling Development Guidance the site has been robustly marketed for at least 6 months. The marketing of the site included sales brochures, sale boards, national, regional and national advertising and mailshots. Only two parties have followed up initial

enquiries with viewings progressing to just one offer for a residential scheme rejected on the grounds of value and a less sensitive conversion of the Listed Building.

It is considered that from the evidence put forward by the applicant and in line with Historic England enabling development guidance that the marketing undertaken for the site has investigated and sufficiently demonstrated that there is no realistic prospect of the buildings being occupied for their existing use, or indeed other potential uses other than residential.

Alternative sites

I am mindful that enabling development is not necessarily required to be on the same application site as the heritage asset. This has been explored by the applicant and information has been submitted with regard to the investigation of whether there are alternative viable sites available which could accommodate some or all of the proposed enabling development. This concludes that the applicant and landowner do not own any other land within the Newark and Sherwood District Council boundary. Therefore any potential alternative sites would need to be purchased at market value before they could be considered a legitimate option.

Notwithstanding this, a search has been undertaken of Severn Trent Water owned land within the locality and whilst a number of sites have been identified they are currently operational sites, necessary for the continued core operations of the business and as a result are not currently able to be considered for sale.

It is the applicant's opinion therefore that a requirement to purchase alternative sites at market value is not appropriate or viable in this instance.

Mothballing

Officers have required the applicants to assess mothballing as an option, with the aim of maintaining more limited 'enabling' development in order to secure the building over the short-to-medium term. As stated in the Enabling Development Executive Summary deposited with the application this would comprise minimal works required to make buildings structurally sound and wind and water tight. It must be noted that such intervention does not alone prevent further dereliction of the building but it does 'buy time'.

The Elemental Defect Appraisal (EDA) submitted as part of the applications has identified the remedial works that would be required. Given that this was undertaken in 2012 the applicant has carried out a review of works they consider are required to mothball the building to keep it structurally sound and wind and water tight for a sustainable period of time as summarised below:-

Item	2016 Cost Plan
Repairs to frame (as identified in EDA)	£52,370
Repairs to upper floors (as identified in EDA)	£86,250
Roof repairs (inc rainwater pipes which typically you would need in mothballing as they can perpetuate / introduce new damage if the situation if not resolved)	£342,232
Repairs to external walls (as identified in EDA)	£177,430
Windows and external doors	£189,117
Repairs to internal wall (as identified in EDA)	£86,870
Repair Total	£934,269

Preliminaries at 12%	£112,112
Overheads and Profit at 1.5%	£14,014
SubTotal	£1,060,395
Contingency at 5%	£53,019
Grand Total	£1,113,414

The applicant has argued that mothballing in itself would require some form of enabling development to fund the deficit. The costs of the comprehensive mothballing works have been broadly agreed as substantial and in the region of £1m. In considering mothballing at this cost market circumstances are of relevance (as set out in the Historic England Enabling guidance), particularly as in lower markets more enabling development may be necessary. Waiting for a more buoyant market may actually mean less enabling development.

In this particular case it is clear that irrespective of changes in market (if one assumes sales values go up but costs do not for example) there is a need for significant enabling development. It is not considered that a pause to allow market conditions to change will change this need and level of intervention significantly.

Taking all of the above into account, there is a clear enabling case in this instance. Whilst this is the case, this still need not be determinative, needing to be weighed against all other material planning considerations.

Heritage Impacts in detail.

The significance of the affected heritage assets namely the Grade II Listed Model Farm and the Conservation Area is detailed within the Conservation Officer comments contained within the Appendix 1..

Sections 16 and 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 addition, section 72 of the Act requires the LPA to pay special attention to the desirability of preserving or enhancing the character and appearance of the CA. In this context, the objective of preservation is to cause no harm, 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).

In decision making the LPA has to give great weight to the conservation of the designated heritage asset and to the desirability of preserving listed buildings and their setting as well as conserving or enhancing the character and appearance of the Conservation Area. If harm is identified then the same weight has to be attached whether it is limited or less than substantial as substantial harm.

The significance of the Listed Building is detailed and illustrated within the Conservation Officers comments attached at Appendix 1 of the Agenda and is also defined within the Listing which states:-

Farm buildings. Designed by the Nottingham City Engineer Arthur Brown. Red brick with blue brick bands and cill bands plus ashlar dressings. Plain tile roofs with various ridge stacks. Quadrangular plan. Metal framed windows with central opening casements. Segment headed windows throughout. Fire-proofed brick arched floor construction throughout with concrete floors. North-west and north-east ranges two storeys. North-east stable range has recessed centre with 20 bays divided by pilaster strips. Every fourth bay has a tall glazing bar window with a smaller window above, and every intermediary bay has a single smaller window above. Three windows projecting block to left has large glazing bar windows with smaller window above, five window projecting block to right has five large glazing bar windows with above a central taking-in door with a single smaller window to left and two to right. To south a set of ornate iron gates with gabled iron gate piers linking to single storey office building. Office building has two tall brick chimneystacks, a metal roof ventilator and plate-glass sash windows throughout. Street front has a double and two single sashes. Gabled south-east facade has two pairs of sashes and a door to left gable and a large triple sash to right gable. Main courtyard front has octagonal corner bay window topped with an iron weather vane. To left a door flanked by single sashes and beyond a pair of sashes. In front of this façade a 15 ton weighbridge made by W & T Avery Ltd, London & Birmingham. South east stable range two storey and single dairy range to right. Stable range has 12 bays with alternating doors and windows from left, above a taking-in door and three small columns. Seven bays, from left a glazing bar sash then a doorway, two further sashes, another double door and another two sashes beyond. Two ten bay pig sty ranges to south-west, single storey with slate roofs. Both main fronts have ten small glazing bar windows and ten roof-lights. Rear facades have ten small segment arched doorways. Gable ends have irregular roofline with single doorways, these doorways lead into corridors which serve the individual styles. These corridors have narrow gauge railway-lines for feeding trucks. Both these ranges have similar facades to inner courtyard. North-west storage range has 20 bays with 13 large glazing bar windows which alternate irregularly with three cart entrances and a broad entrance to the inner courtyard. Beyond to right a later C20 extension, not of special interest. To north-west two specialist single storey buildings with large glazing bar windows with segmental heads. This is an important example of an industrial farmyard. It was constructed specifically by Nottingham City Corporation in order to assist with the disposal of the solid waste produced by their new sewage works at Stoke Bardolph.

As the proposal also affects the heritage asset of the designated conservation area it is also necessary to identify its significance. The setting of the Conservation Area is also detailed within the Conservation Officers comments at Appendix 1. Of particular relevance to this application is that the Conservation Area has a distinctive character which is derived from the spaces between buildings as much as from the buildings themselves. The Appraisal also identifies a number of key views within the village, typically encompassing green spaces and topography contributing to the setting of the Conservation Area which includes views along Old Main Road towards the Model Farm, and of countryside glimpsed between Corporation Cottages and the Model Farm. It is clear

that the relationship between Bulcote Steading and its rural hinterlands is an important element of significance in this case, and views between and through the site reinforces this significance.

A. 15/00784/FULM

Turning firstly to the proposed renovation and conversion works to the Listed Building. Following detailed discussion and negotiation with the internal Conservation Officer a revised scheme has been submitted in relation to the proposed conversion works. These are detailed within the Bulcote Conservation Deficit Summary. The repair schedule largely includes:

Internal sub division

New/repaired staircases

Some infill of existing openings

Minimal new openings

Repair/replacement of windows and Secondary glazing

Repair to existing external and internal walls (including glazed brick walls in community building)

Repairs and reroofing of existing roof tiles (new tiles to match)

Repairs to or new internal fixtures and fittings

Retention of architectural elements including winches, pulleys, belt drive system, trap doors and external light

The proposals have been assessed by a number of heritage bodies including Historic England and the internal Conservation officer.

I note the comments of the internal Conservation Officer and that they raise no objection to the significantly revised scheme of works. It is accepted that the most significant internal intervention would be the introduction of the new staircases. However new internal walls have been kept to the minimum and have been positioned on existing structural lines. Intervention has been kept to a minimum and has been clearly justified, there are minimum new external openings and accretions and the previously proposed new roof lights have been removed from the scheme. The replacement or alteration to existing concrete floors to enable flood resilience is considered acceptable and would not in the Conservation officer's opinion affect the industrial character of the buildings. Minimal alterations to the fabric of the building are proposed. The roofs are to be repaired or re roofed with existing salvageable slate coverings where ever possible and any new slates will be sourced to match existing.

It is acknowledged that the car parking within the courtyard will significantly impact on the setting of the listed farm complex. However being mindful of the existing extent of hardstanding and the industrial character of the site this is not considered to be fundamentally harmful, particularly as landscaping is proposed to central area. Officers are satisfied that this will preserve the stack yard setting of the listed building range.

Historic England have raised concerns with regards to the proposed renovation and conversion scheme considering that notwithstanding the revised scheme, which they accept has made some changes and subsequent improvements to the internal layout and which work with historical structural components, the proposed works would be harmful to significance of the designated heritage asset . Historic England has however recommended that it is for the LPA to be satisfied that it has sufficient information to satisfy that the proposal meets the tests within the NPPF -if

the LPA is minded to approve then robust conditions should be imposed to cover all areas of external and internal works to meet good conservation practice.

The Conservation Team has spoken with the Principal Buildings Officer at Historic England on the 12th November in order to clarify the concerns raised in their last letter. Historic England agreed that the methodology and strategy for conversion of the listed buildings has significantly evolved from the original 2015 iteration of the plans, and that it was for the LPA to decide whether this resulted in the optimum conservation strategy.

Officers are satisfied that the application has been accompanied by sufficiently detailed plans and information (including financial information) to allow a thorough and robust assessment of the proposed scheme. I would concur with the internal Conservation Officer that the repair schedule which proposes repair and renovation as far as practicable, follows good conservation values, and is a well-considered and positive conservation approach to the development which would sustain the special heritage interest of this important Listed Building complex, securing its long terms retention and its contribution to the heritage setting of the site without causing any significant harm to the asset or its setting.

Taking the above into account and the latest comments from Historic England, officers are satisfied that in considering the proposed scheme appropriate weight has been given to the significance of the heritage asset and that the applicant has a) demonstrated that no alternative viable uses have been found through the marketing of the site and b) that there is no available funding which would enable the conservation of the buildings.

Turning to the enabling development, the internal conservation officer is satisfied that it has been demonstrated that the proposed additional dwellings are necessary and justified to bridge the heritage deficit arising from the renovation and conversion of the Listed Building. The enabling figures have been robustly scrutinised and there is nothing before the LPA to dispute the quantum of enabling development proposed. It is therefore considered that

On this application site the enabling development comprises the two storey terraced properties to the south west and northwest of the site. Although new build these would be located where important historic buildings were one sited and would reinstate the historic plan form of the Model Farm. Furthermore their scale, design and external materials would reflect the vernacular of the buildings that were demolished in the 1960s.

The terrace of four two storey dwellings proposed to the northwest boundary of the site have also been designed to be of a scale and vernacular to reflect the historic form and layout of the model farm.

Taking this into account the internal conservation officer is satisfied that the case for enabling has been made and that the design approach will preserve the special interest of Bulcote Steading and the character and appearance of Bulcote Conservation Area.

B. 17/02325/FULM

The comments of the internal Conservation Officer are acknowledged. In assessing the impact of the semi-detached proposed to be located between Corporation Cottages and the Bulcote Farm complex officers have worked with the applicant to secure a form scale and design of these new

dwelling to reflect that of the existing listed former labourer cottages and to be commensurate with their significance and the significance of the Model Farm site to the south. The loss of views from the road to the west towards the open countryside is not considered to be significantly harmful as the sense of space and views between the buildings would be retained. Furthermore the existing hedgerow to the roadside boundary currently restricts such views.

I would concur with the Conservation Officer that having considered and discounted any form of tandem or backland development in order to protect the plot arrangement of Corporation Cottages, the linear infill of this land would respect the linear layout of the Cottages and lessen impact.

With regards to the proposed development on the site of the modern substantial barns and associated land on the opposite side of Old Main Road, it is considered that the demolition of these unattractive and obtrusive structures would improve the setting of Listed Model Farm complex and the setting of the Conservation Area. Officers acknowledge that the proposed dwellings would be completely different in character and layout to the existing farm buildings. However, again officers have worked with the applicants to secure a scale, design and layout to respect the former listed labourer's cottages. Given the setting back of the properties from the highway which reduces their prominence, it is not considered that these would be harmful to the setting of the listed cottages or the Model Farm.

Historic England have raised concerns with regards to the proposed enabling development on both application sites as noted in consultation responses attached as Appendix 1, based on lack of transparency in terms of the justification for the heritage deficit and the minimum quantum of enabling development required to bridge the shortfall particularly given that the viability documents and financial information were not publicly available on line and therefore it was not evident that there was a conservation deficit or that the enabling development would facilitate the benefit (i.e. the long term viable use of the Listed Building) that would outweigh any harm.

The applicant has subsequently submitted a public 'Bulcote Conservation Deficit' document which summarises the financial information assessed by the independent viability consultant.

The latest comments received from Historic England now just raise general concerns based on their previous comments and again recommend that it is for the LPA to be satisfied that sufficient information has been submitted to justify the viability argument that has been put forward.

It should be noted that the applicant has made a concerted effort to contact and engage Historic England in discussions with regard to this matter. However Historic England has not offered them any further advice.

The Conservation Team has spoken with the Principal Buildings Officer at Historic England on the 12th November in order to clarify the concerns raised in their last letter. Historic England reiterated that it was for the LPA to decide whether the enabling scheme was justified and that there was sufficient evidence to support the enabling assumptions. In addition, Historic England advised that they did not have a fundamental issue with the prospect of new build constructed on the foot print of historic buildings within the site. They also did not have an issue with the infill adjacent to Corporation Cottages. They did query whether a domestic type of housing on the modern dairy farm site was appropriate within the setting of the model farm, but advised that they did not want to offer any formal advice beyond that already given.

For the reasons already set out, it is felt that the new build components cause no harm to the setting of the listed buildings forming the model farm complex.

Taking the above into account Officers are satisfied that the application has been accompanied with clear and robust supporting information (including a Viability Assessment which has been robustly and independently reviewed) that is sufficient to enable a thorough assessment of the proposals, and to allow a considered determination of scheme before Members. In terms of heritage impact I would concur with the Conservation officer in that the proposal would preserve the special interest of Bulcote Steading and the character of the Conservation Area. The proposal would therefore accord with S16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Core Policy 14 of the Core Strategy and policy DM9 of the ADMDPD together with Section 16 of the NPPF.

Impact on Landscape Character

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.

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.

Paragraph 117 of the NPPF states that: 'Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions'. The paragraph then goes on to encourage the use of brownfield previously developed land. Whilst the NPPF states that the effective use of land should be encouraged by re-using land that has been previously developed; the NPPF does not promote a sequential approach to land use and there is no presumption that Greenfield sites are unsuitable for development per se. The presumption in favour of sustainable development is an important part of the NPPF and it is noted that delivery of sustainable development is not restricted to the use of previously developed land and can include the development of greenfield land.

Paragraph 170 of the NPPF indicates that local planning authorities should take into account economic and other benefits of the best and most versatile agricultural land.

The District Council has undertaken a Landscape Character Assessment (LCA) 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 application sites fall within TW06 Bulcote Village Farmlands Policy Zone. The landscape condition is described as moderate with some detracting features (including the A612 to the western boundary and the large scale Bulcote Farm) which are noted as being out of scale and character. The visual unity of the area is described as being coherent. This Policy Zone has moderate landscape sensitivity. Landscape actions are defined as being Conserve and Create.

The sites also adjoin the western edge of TW51 Stoke Lock River Meadowlands, again the landscape condition is defined as moderate and a landscape action of 'Conserve and Create' as overall policy. It is noted that the application has not been accompanied by a specific Landscape Appraisal.

A 15/00784/FULM

I am mindful of the comments of the Nottinghamshire County Council comment in their assessment of impact on the Landscape Character of the site and the surrounding area.

The proposal will result in the loss of some later additions to the Farm Building and remove some outbuildings. As noted within the Impact on the Green Belt section of this report it is accepted that the additional dwellings would result in additional built form on the site, however these would predominantly be located on the site of former buildings which were of a similar scale and vernacular design and would reinstate the historic layout of the Bulcote Farm Steading. Taking this into account it is accepted that the additional enabling development would have some impact on the landscape character of the setting of the site. However, I would concur with the NCC that it would reinforce the traditional layout and character of the model farm site and the existing building and would be contained within existing field boundaries, forming a cluster of buildings viewed against the backdrop of the existing Steading and its historic context.

B 17/02325/FULM

The enabling development proposed on this application would predominantly be linear in nature and would be located on the site of the large modern dairy farm buildings and would continue the row of the Corporation Cottages towards the Model Farm complex. Again it is accepted that this would be new development within the landscape setting. However, it replaces the much larger dairy buildings which extend further north east into the open countryside than the proposed detached houses and the proposed semidetached dwellings would be viewed in context with the Corporation Cottages and the Model Farm complex.

Taking both sites into account it is therefore considered that the impact of the comprehensive development on the landscape character would be considered to be neutral and therefore would not outweigh the public benefits of the proposal in securing the future long term viable use of the Grade II Listed building in line with the requirements of the enabling policies of the NPPF and Historic England Guidance.

Housing Mix and Density

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.

In terms of density the comprehensive development equates to circa 15 dwellings per hectare, which does fall below the recommended density outlined in Core Policy 3. However I am mindful that such a density is driven by heritage discussions. It is therefore considered that such a density would not be fatal to the application.

The District Council commissioned David Couttie Associates Ltd to undertake a district wide housing needs, market and affordability study in 2014. In the absence of more detailed localised information presented by the application, Officers consider it a reasonable approach to rely on the outcomes of the 2014 Survey in terms of the housing mix and types which should be promoted. Bulcote falls within the Nottingham Fringe Area where the results of the assessment showed that in the market sector the greatest demand for market dwellings is for two and three bedroom properties with a limited demand for 4 and 5 bedroom dwellings.

In terms of housing mix the proposal comprises 1no. 1 bed property, 8 no. 2 bed properties, 47no. 3 bed properties, 16no. 4 bed properties. I am of the view that this would predominantly provide 2 and 3 bed dwellings for which there appears to be the greatest market demand in this sub region. The proposal also comprises a number of 4 bed dwellings again which is noted would meet the more limited demand for such properties.

I am also mindful that the Gedling Borough Council undertook a Local Housing Need Study in 2016 which identified that smaller homes are required in Burton Joyce as noted in the Burton Joyce Neighbourhood Plan. Given as noted above that it is considered that Bulcote, given its location and lack of separation from Burton Joyce, the proposal would have the potential to meet a local demand for smaller terraced or semi detached housing in the wider settlement area.

Taking this into account I am satisfied that the proposed housing mix is acceptable.

Design and Layout

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.

A. 15/00784/FULM

The proposed layout of this site would reflect the historic layout of the Bulcote Steading complex. The converted building would enclose a courtyard to the rear comprising open space and parking areas.

There would be 2 no. linear terraces of two storey properties on the site of the former piggeries to the rear of the main building. These would face onto the access road with private gardens to the

rear. An additional terrace of 4 two storey dwellings would be sited towards the north western boundary of the site overlooking the access road with private rear gardens

The proposed enabling dwellings themselves have been the subject of detailed discussions between officers and the applicant in terms of their scale and design. It is proposed that these would reflect the scale and agricultural vernacular of the site through use of external materials (red brick and blue slate tiles) and detailing (brick details, stone cills and segmental arches).

B. 17/02325/FULM

The design scale and layout of the proposed dwellings on the sites to which this application relates have been the subject of extensive discussions between officers and the applicant. The linear layout of the dwellings proposed on Site 1 is considered to reflect the form, massing and layout of the adjoining Corporation Cottages. A front gable projection together with wide window openings and the proposed external materials would also echo the design and appearance of the Cottages.

Turning to the detached dwellings proposed on Site 2 these again are considered to reflect the linear layout and architectural form of the Corporation Cottages and pay respect to the vernacular of the Model Farm complex.

Indicative external materials are noted within the application. However, given the sensitivity of the locations of the site it is considered reasonable that should Members be minded to grant planning permission a condition requiring the submission and written approval of external materials would be reasonable.

Taking the above into account I am satisfied that the design and layout of the proposed development accords with Core Policy 9 and DM5.

Impact on Highways.

SITE A 15/00784/FULM AND SITE B 17/02325/FULM

Spatial Policy 7 encourages and supports development proposals which promote an improved and integrated transport network and an emphasis on non-car modes as a means of access. Development proposals should minimise the need for travel and provide safe, convenient and attractive accesses for all. Proposals should be appropriate for the highway network in terms of volume of traffic generated and ensure that the safety, convenience and free flow of traffic using the highway are not adversely affected. Appropriate and effective car parking provision should be made. This is reflected within the emerging Spatial Policy 7.

In accordance with Policy CP9 of the Core Strategy, Policy DM5 of the ADMDPD also requires that provision should be made for safe and inclusive access to new development and that parking provision should be based on the scale and specific location of development.

One of the most significant and understandable concerns raised by local residents is that of impact of the proposal on the highway network given the scale and nature of the development. Clearly assessing such impacts are a well-established material planning consideration. In policy terms such a requirement is underpinned in the NPPF, NPPG and Development Plan Policies.

The initial comments of the Highway Authority received on the 15th June 2015 raised a number of highway safety issues with application 15/00784/FULM as submitted in relation to the width of the access road, lack of footways and the site being in an unsustainable location. Subsequently a number of meetings were held between the applicant and the highway authority where various suggestions were put forward by the applicant in relation to possible highway improvements including potential widening of existing footways, creation of formal footways and widening sections of the highway in order to try and address the concerns raised.

Revised plans and statements were submitted in relation to application 15/00784/FULM and a further application 17/02325/FULM submitted in relation to the proposed additional enabling development. These were accompanied by a Revised Transport Assessment (TA).

The revised TA has assessed and compared likely traffic generation of alternative uses (B1, B2 and B8) as shown in table 4.1 below against the trip generations of the proposed development as shown in the table 4.2 below:-

Peak Hour	Business Park				Industrial Estate				Warehousing (Storage)			
	Trip Rates		Trip Generation		Trip Rates		Trip Generation		Trip Rates		Trip Generation	
	Arr	Dep	Arr	Dep	Arr	Dep	Arr	Dep	Arr	Dep	Arr	Dep
AM Peak	1.185	0.258	43	9	0.817	0.452	30	16	0.138	0.093	5	3
PM Peak	0.186	1.155	7	42	0.219	0.615	8	22	0.061	0.118	2	4
Daily	6.075	5.951	221	216	6.221	6.120	226	222	1.360	1.367	49	50

Table 4.1 - Potential Traffic Generation of Alternative Uses

Time Period	Trip Rates (per unit)		Number of Trips	
	Arr	Dep	Arr	Dep
AM Peak	0.150	0.368	11	26
PM Peak	0.359	0.187	26	13

Table 4.2 – Trip Rates for Proposed Residential Development

It concludes that the level of traffic generated by the alternative uses (with the exception of storage) would be likely to be generally higher than that generated by the proposed residential use and that the proposal is generally likely to generate lower levels of additional traffic during the general peak periods of a typical week day – substantially fewer HGC+V and agricultural vehicles along Old Manor Road as currently exists.

The TA comments that the impact of the proposal on the level crossing, which is generally lowered 2 to 3 times a day for less than a minute each time, would be minimal.

It includes an assessment of the accessibility of the site by foot, cycle, bus and rail and concludes that the pedestrian and cycle infrastructure in the vicinity of the site will be substantially improved and that the site is accessible by public transport.

Following the submission of the revised TA the applicant subsequently submitted a revised red line site plan on the 27th December 2018 (drg no. (02) 003 Rev E) which now includes land along Old Main Road and beyond towards the drainage ditch on the northern side of the road and has put

forward a number of potential works to allow for potential off site highway improvements to address the previous concerns raised by the Highway Authority which included:

- Widened carriageway to the eastern side of Old Main Road (between the Site Access and the level crossing) to ensure that a 5.5m width is provided.
- Creation of a 1.8m footway on the western side of Old Main Road between the Site Access and the level crossing.
- Potential creation of a 1.2m to 1.8m wide footway on the western side of Old Main Road between the level crossing and the junction to the north of the level crossing.
- Coloured surfacing to provide a more conducive environment for pedestrians and motorised traffic to travel safely and efficiently (this has been to effect in Cheshire East and was adopted by the highway authority).
- Road markings to denote SLOW markings along this section of Old Main Road

Following further discussions between the applicant and the Highway Authority in April 2018 the applicant again put forward a number of additional potential off site highway improvements on land to the north of the railway crossing to include a pinchpoint in front of the cottages. This would provide a 1.2m footway for approx. 14 m (excluding the railway line crossing (drg no. 0398-02 Rev E).

However the Highway Authority comments received 23rd April 2018 continued to raise significant concern that the proposed improvements failed to address their initial comments noted within the Consultation Section of this report. In summary the Highway Authority remained unconvinced that adequate and safe access was being offered for the type, size and development proposed.

It is noted that the Highway Authority in these comments conclude that although some flexibility may be acceptable in this instance too many compromises had to be reached. The proposal failed to meet the minimum highway design guide figures in terms of footway, verge and carriageway widths, (for example general footway widths of 1.8m not 2m minimum, minimum footway widths of 1.2m along the 14m pinch point which should only extend 6m along this section, sections of carriage widths of 4.8m rather than 5.5m minimum and verge widths of 0.2m rather than 1.0m min) the access geometrically substandard for the type and size of development being proposed and as such, it is considered that Old Main Road is unsuitable to support a development of this scale. Furthermore access to bus service provision remains poor. The Highway Authority therefore requested that the application be refused on highway safety grounds.

Following further discussions and correspondence with the Highway Authority the applicant has submitted further proposed road improvement plans revised plans (ref. 0398-02 Rev F). These included a raft of further suggested improvements along Old Main Road including widening of the footway between the site and the listed cottages to the north west , localised strip widening to maintain a 5.5m wide carriageway, markings to reinstated road humps, widening of the existing footway margin to western side of the highway approaching the level crossing, dropped kerbs and paving to either side of the level crossing, provision of hand rail and aco channels to the western section of Old Main Road to the front of the cottages and the creation of a new footway beyond this section.

A Stage 1 Road Safety Audit has also been submitted In November 2018 by the applicant which identifies 7 problem areas and recommended 'proportionate and viable' means to remove the problems identified within the Audit. These can be summarised as follows:-

- Problem 1 - The extension of the southern extent of proposed footway into the site and an uncontrolled crossing point added to the layout to convey pedestrians across Old Main Road to resolve lack of continuity in provision for pedestrians.
- Problem 2 - Markings to existing speed humps on Old Main Road re-laid as part of the detailed design together with verge side marker posts to replace existing boulders and provision of verge marker posts.
- Problem 3 - Provision of verge marker posts within north eastern verge on the eastern side of Old Main Road to indicate reduced width footway and drainage channel
- Problem 4 - Provision of corduroy paving to delineate the termination of the footways adjacent to the level crossing and highlight the presence of the level crossing.
- Problem 5 - Provision of a handrail to be provided to the rear of the footway immediately to the north of the level crossing and provision of Aco Channel with heelguard grating upstream of the stepped access.
- Problem 6 - Provision of crossing point at northern end of footway to provide suitable transition/crossing arrangements where footway terminates
- Problem 7 - Realignment of post and rail fence to the verge on NE side of Old Main Road to prevent potential misdirection of traffic in the vicinity of the level crossing.

The Highway Authority also submitted their own Safety Audit in November 2018 which identifies potential issues:-

- Problem 1 - The section of highway both sides of the railway recommending removal of parking and the introduction of parking restrictions (although this would be likely to be enforced)
- Problem 2- the Footway immediately to the north of the crossing and the vertical drop at the back of the footway, recommending the removal of the vertical drop or erection of protected fencing; and more generally
- Problem 3 - the conflict of pedestrians with vehicles in the carriageway, recommending that footway widths should be in line with current standards.

Further re-consultation has been undertaken with regards to the Safety Audits and the associated road improvement plans. The Highway Authority, although accepting that some of the issues may not be considered critical to the determination of the application, as noted in their comments of the 7th December 2018, there remain issues which, in the Highway Authority's opinion, are significant and they therefore retain their objection.

Although the development may not fully meet the operational highway guidance, this in itself may not be fatal to the proposal before you. However the safety or endangerment of road users and pedestrians would weigh against development.

Taking account of both independent Audits and their recommendations, the Highway Authority consider in their comments of the 7th December 2018 that some of the issues raised have the potential to be resolved. However, issues with regards to the following continue to exist:-

Go Safety Audit

Problem 5 – this would reduce the width of the footway to 1.0-1.1m which would raise concerns with regards to lack of room for passing pedestrians. (the applicant has advised that the footpath reduces to 1.1m for a stretch of 2m then is 1.2m for the remainder of the pinch point).

The applicant has brought to my attention that reference to the width of the footway referred to in Problem 5 above reduces to 1.1m for a stretch of 2m then is 1.2m for the remainder of the pinch point. Further comment is therefore awaited from the Highway Authority.

Problem 7 – this is may not be achievable given that there may be encroachment onto third party land, although it is noted that the applicant considers that this can be undertaken within the adopted highway, and there is a lack of space to undertake this as the fence would be located on a narrow verge between the carriage way and the ditch.

VIA Audit

Problem 3 – issues rased with the Go Safety Audit are reiterated.

The Highway Authority have therefore concluded that objections previously raised with regards to adequate and safe access remain valid and therefore it is recommended that permission be refused on highway and pedestrian safety grounds.

Subsequent conference calls in January 2019 have resulted in both parties submitting updated Road Safety Audits in January 2019. The applicant's Road Safety Audit includes a Risk Assessment which comments that for each of the problems identified in the Road Safety Audit, the risk following the introduction of the recommended works is either removed or mitigated. The Highway Authority Road Safety Audit which they consider to raise additional concerns to those previously raised by the highway officer. These relate to the potential for vehicles blocking the railway crossing, pedestrian safety in relation to the vertical drop at the back of the footway immediately north of the railway crossing and a wider concern in relation to pedestrians in conflict with vehicles in the carriageway. A number of recommendations are also proposed in the Audit which include removal of parking to both sides of the railway crossing and to provide box junction or parking restrictions on Old Main Road, the removal of the drop adjacent to the footway immediately to the north of the crossing or provision of handrail together with treatments of the existing steps and increase in footway widths in line with current standards.

The applicant has submitted a Technical Note which includes comparisons of the proposed scheme with other developments in the country which have narrow footways ranging between 5.3 and 3.4m which they consider to be similar issues to the development proposed. The Highway Authority does not consider that these reflect the road scheme dimensions or scenarios proposed with the application before Members nor is it considered that such sub standard conditions should set a precedent for other development.

The latest comments of the Highway Authority received on the 24th January 2019 detailed within in Appendix 1 determines that the latest details and proposed mitigation measures submitted by

the applicant fail to overcome the highway and pedestrian safety concern's raised and the objections and recommendation of refusal on these grounds are consistent with the previous comments made.

Given the extent and strength of objection raised by the Highway Authority with regards to safety and endangerment which currently remain, I consider that this would strongly weigh negatively in the planning balance and would not outweigh the positive benefit of the proposal in terms of the long term safeguarding of the Listed Building.

Parking Provision

In terms of parking provision the applicant has confirmed that proposal provides the following:-

New Build

2 spaces per unit for 3 bed unit
3 spaces per unit for 4 bed unit

Conversion

1 space per unit for 1 bed unit
1.5 spaces per unit for 2 bed unit
2 spaces per unit for 3 bed unit
3 spaces per unit for 4 bed unit

Community Building (95 sq.m) – 5 spaces
Additional visitor – 7 spaces

The Highway Authority has raised no objection to the proposed parking provisions but recommend that should Members be minded to grant permission condition is attached requiring the parking spaces serving the residential conversion and the community centre are allocated prior to the development being brought into use. .

Taking the above into account the level of parking is considered to be appropriate to the level of development proposed.

In considering the impact on the highway network consideration also has to be given to the impact on the level crossing to the north west of the site, a significant concern for local residents. It is noted that following the initial comment received from Network Rail which although raised objection on the grounds of increased traffic did suggest a number of conditions should the LPA grant planning permission subsequent comments received in January and August 2018 following the submission of additional information from the applicant raised no objection to the principle of the development subject to a number of provisos and recommendations which are noted within the consultation section of this report. Officers are of the view that these could be secured by condition should members be minded to grant permission. It is also noted that the Office of Road and Rail raise no objections.

Notwithstanding this given the strength of the objection from the Highway Authority it is considered that the proposal would fail to accord with Spatial Policy 7 and criteria within Policy DM5 of the DPD.

Impact on Residential Amenity

Impact on amenity is a long standing consideration of the planning process and relates both to the impact on existing development as well as the available amenity provision for the proposed occupiers.

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. In addition consideration should be given to the potential for crime and anti-social behaviour.

A. 15/00784/FULM

Turning firstly to amenity provision for future occupiers, the proposed new build terraces would have private rear gardens with a depth of circa 9m which is considered to be proportionate to the size of the dwellings.

The proposed units within the converted farm building would be served by a communal area of open space within the courtyard again considered appropriate to the size and nature of the units and their setting.

Given that the separation distances between the new build terraces and the converted Farm Building it is considered that the relationship between the various elements of the proposed development would provide appropriate levels of amenity and is acceptable.

With regards to neighbouring amenity, the proposed new dwellings to the south of the existing terrace of cottages on Old Main Road are sited some 60m from these existing dwellings. I am therefore satisfied that this proposal would not result in any undue overbearing, overshadowing or overlooking impact.

B. 17/02325/FULM

The proposed dwellings on Site 1 sit in line with the front building line of the adjoining Corporation Cottages. The immediately adjacent dwelling (no. 12 Corporation Cottages) has no principle room windows to the side elevation overlooking this site.

Given this relationship I am satisfied that there would be no undue overlooking, overbearing or overshadowing impact on the amenity of the occupiers of the immediately adjoining property (no. 12 Corporation Cottages) nor the residential properties beyond.

The proposed detached dwellings on the opposite side of Old Main Road (Site 2) are set back from the highway and would face the converted Model Farm building and the proposed linear infill development. Given separation distances I am satisfied that there would be no undue overlooking or overbearing impact for future occupiers of the development.

I am also satisfied that the dwellings would be served by appropriate private rear gardens proportionate to the size of the dwellings.

It is accepted that the proposal would result in additional activity within and to and from the site. However consideration has to be given in the planning balance to the conversion of the Farm Buildings which would secure the long term viable use of this important heritage asset together with the accepted justification for the level of enabling development proposed. Taking this into account together with the existing levels of activity it is not considered on balance to be so significant to justify refusal on these grounds in this instance.

Impact on Flood Risk and Drainage

SITE A 15/00784/FULM and SITE B 17/02325/FULM

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 and that development proposals will only be considered in Flood Zone 2 where it constitutes appropriate development and it can be demonstrated, by application of the Sequential Test, that there are no reasonably available site in lower risk Flood Zones. Where development is necessary within areas at risk of flooding, it will also need to satisfy the Exception Test by demonstrating it would be safe for the intended users without increasing flood risk elsewhere.

Core Policy 9 requires new development proposals to pro-actively manage surface water.

The sites fall within Flood Zone 1 and 2 has identified in the Environment Agency Flood Mapping. Residential development is classed as more vulnerable in the Flood Risk Vulnerability Classification of the NPPG. As such it is necessary to apply a sequential approach to new residential development sites in Flood Zone 2. The sequential approach need not be applied for changes of use of an existing building.

Officers are mindful that a specific sequential assessment has not been undertaken. There are clearly sites at lesser risk of flooding that could be found District wide. It is accepted that this would be at a purchase cost, which in itself would affect the enabling and viability discussions.

In this case once cannot reasonably conclude that there are sites at lesser flood risk where the number of units proposed in flood zone 2 could not be located. This is not realistic in reality. That said, through the flood risk and drainage work undertaken, and from consultee comments received, it is clear that the development can be made safe for its lifetime through appropriately worded planning conditions. Subject to such conditions, the failure of the sequential test in the context of this particular application need not be fatal.

Impact on Trees and Ecology

Core Policy 12 states that the Council will seek to conserve and enhance the biodiversity of the District and that proposals will be expected to take into account the need for the continued protection of the District's ecological and biological assets. Policy DM7 supports the requirements of Core Policy 12 and states that development proposals affecting sites of ecological importance should be supported by an up to date ecological assessment.

The NPPF incorporates measures to conserve and enhance the natural and local environment, including through Chapter 15. Paragraph 175 of the NPPF requires that in determining planning applications LPA's should apply principles relating to, amongst other matters, appropriate mitigation and opportunities to conserve or enhance biodiversity.

The application site does not fall within an international or nationally designated site. The nearest Local Wildlife site is to the east at Gunthorpe Lakes. Given the separation distances it is not considered that the proposal would result in any significant adverse harm.

In terms of ecological impacts on the site given that the initial Ecology Assessment Report dated April 2015 initially deposited with the application in 2015 would now be considered out of date taking account of the length of time that has elapsed an updated Assessment has been resubmitted in January 2018.

The updated Assessment concludes that the development would not have any significant adverse impacts on any designated sites. It also concludes the following:-

- There are no protected or invasive plant species on the site
- There is no suitable amphibian breeding habitat on the site
- There are no records of Greater Crested Newts.
- The site has low suitability for reptiles although hedges and wood/brush piles may provide refuge.
- No setts or signs of badger were present
- A ditch within the site has limited potential to support water vole but is unsuitable for otters.
- The buildings trees and hedgerow provide good quality nesting habitat for birds which future development has the potential to affect thorough loss nesting habitat.
- There is some potential for habitats to support brown hare during breeding season.
- The buildings and trees within the site have negligible bat roosting potential. The trees and hedgerow provide foraging habitat.

The Survey makes a series of recommendations to mitigate any impacts which include such measures as retention of trees and hedgerow on the site, the use of Reasonable Avoidance Construction Methods, the cessation of works should any protected reptiles or amphibians be found, the inclusion of native species in landscape design, the undertaking of a repeat badger survey 1 month prior to commencement of any construction works, the resurveying of the site if development is not expected to commence within 1 year of any permission be granted, vegetation removal being undertaken outside of the nesting bird season and the provision of a sad during the hare breeding season.

The comments and recommendations of Natural England and the Nottinghamshire Wildlife Trust noted within the consultation section of this report are acknowledged.

In response to the Wildlife Trust the applicant has confirmed that the Bat Mitigation Strategy deposited with the application states that building B6b and renovation of buildings B2, 3, 6a and 7-12 will be timed to avoid bat-sensitive periods and will be undertaken between September and October or between March and April.

It is considered reasonable that should Members be minded to grant permission the implementation of the recommendations and mitigation measures noted in the Ecology Survey could be secured by condition.

Taking the above into account I am satisfied that the ecological impact of the proposed development would not be significantly adverse and that any impact could be appropriately mitigated as noted in the recommendation of the updated Ecological Appraisal subject to condition.

Geo Environmental and Land Contamination

NPPF paragraph 178 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.

Development Management Policy DM10, sets out that ground and surface water issues, which have the potential for pollution should be taken account of, and their potential impacts addressed. The Policy goes on to state that proposals should include 'necessary mitigation as part of the development or through off site measures where necessary.'

A Phase 1 Geo Environmental Site Assessment (desk top study) has been undertaken and deposited with the application. The study notes that historically the Become Model Farm was built to dispose of sewage from Nottingham as part of the Stoke Adolph Sewage Works and also to operate as a mixed arable and livestock farm. The development of the farm was intended to utilise the treated sewage to fertilise the arable farm land. Treated sewage from the Stoke Bardolph Sewage works is still pumped directly onto the land at Bulcote farm and the treated water discharged into the River Trent.

A number of possible source of contaminants have been identified including sewage, an electricity substation, asbestos within the farm buildings, chemicals associated with the agricultural use and made ground associated with the construction of former and existing buildings.

Given the historic and current use of the site the following have been identified as possible contamination issues that require further investigation and may require remediation prior to commencement of the proposed development.

Human Receptors

Contaminants and gases associated with made ground that may be present may be of a moderate /high risk.

The heavy metal and contamination associated with sewage is considered to be potentially high.

AST presents a low risk given its good condition.

Asbestos is present in the buildings however given controlled removal the risk is considered low.

Groundwater

Given that a number of contaminants may be present on site the risk of contamination to the underlying ground water is considered to be moderate/high.

Surface Water

The risk posed to a land drain to the east of the site is considered to be moderate/high.

Ecology

There are mature hedgerows and semi mature and mature trees on site. Based on the number of potential sources of contamination the potential risk posed on both on and off site is considered to be moderate.

Additionally it has been noted that there may be some risk posed to the proposed buildings, foundations and services.

The Study concludes that the preliminary risk to the site is identified as being moderate to high. The Phase 1 Desk Top Study has been assessed by colleagues in Environmental Health and they have raised no objections subject to the inclusion of a phased contamination condition should Members be minded to grant permission. Given that the Phase I Study identifies that the site may also fall within an area that may be affected by historic mining any condition should secure that the Phase 2 investigation should include a mining report and more detailed evidence to provide justification that radon protection is not required at the site.

On this basis I am confident that any adverse impacts arising from geo-environmental and land contamination factors could be readily mitigated by suitably worded conditions and appropriate planning and design.

Impact on Public Right of Way

In accordance with Policy CP9 of the Core Strategy, Policy DM5 of the ADMDPD also requires that provision should be made for safe and inclusive access to new development.

Although I note the comments of the Ramblers association who have raised no objections subject to the development not impeding pedestrian access to the river which could reasonably be secured by condition should Members be minded to grant planning permission the comments of the Nottinghamshire County Council Rights of Way are also noted. These comments reflect the concerns raised by the Highway Authority with regards to level of vehicular traffic generated as the result of the development which would compromise the safety of the users of the Bridleway no. 1 which runs through the application site and Old Main Road and which is used by pedestrians, cyclist and riders.

Being mindful of the extent and strength of the Highway Authority's comments with regards to highway and pedestrian safety and endangerment and that they are not satisfied that the latest details and mitigation measures put forward by the applicant would overcome such concerns it is considered that the concerns raised by the Rights of Way Officer would also weigh negatively in the planning balance and would not outweigh the positive benefit of the proposal in terms of the long term safeguarding of the Listed Building.

Developer Contributions and Viability Position

Developer Contributions

Spatial Policy 6 'Infrastructure for Growth' and Policy DM3 'Developer Contributions and Planning Obligations' set out the approach for delivering the infrastructure necessary to support growth. The Developer Contributions and Planning Obligations Supplementary Planning Document provides additional detail on the Council's policy for securing planning obligations from new developments and how this operates alongside the Community Infrastructure Levy (CIL). The SPD is a useful starting point for the applicant in setting out the approach to resolving negotiable elements not dealt with by the CIL and of the site specific impacts to make a future development proposal acceptable in planning terms.

The NPPG makes clear that where the viability of a development is in question, the weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case.

In terms of the starting point, the contributions that would ordinarily be sought as are follows:

Contribution	Expectation	Based on 62 dwellings
Affordable Housing	30% on site for 10 houses or more usually with a tenure split of 60% social rent/40% shared ownership as per CP1.	None provided
Community Facilities	£1,384.07 per dwelling (figure includes indexation as at 2016)	£99,653.04
Education	Triggered at 10 dwellings; this scheme would equate to £11,455 each	£204,804
Library	Provision triggered at 10 dwellings £236.86 (indexed at 2016) per dwelling	£17,053.92
Library	(Stock) Triggered at 10 dwellings £47.54 (indexed at 2016) per dwelling	£3,422.88
Amenity Open Space	Triggered at 30 dwellings, AOS of 14.4m ² per dwelling would normally be expected on site. Where this is not possible (or only provided in part on site) a financial contribution for the shortfall would be	1934sq.m provided on site

	expected based on £282.94 (indexed at 2016) per dwelling.	
Amenity Open Space (Maintenance)	Triggered at 30 dwellings £282.79 (indexed at 2106) per dwelling	Management Plan to be secured by S106 as agreed with the applicant
Children's Play Space	Triggered at 10 dwellings, As a development for 72 dwellings this application would normally need to make provision for such open space at 18m2 per dwelling as set out in the SPD. This would equate to 1296 m2. As no provision is proposed it would be expected that a financial contribution be provided at a cost of £927 per dwelling.	£66,762
TOTAL		£391,677.44

Viability

A Viability Case has been submitted that seeks to demonstrate the need for the proposed enabling development and that in light of the need for this to deliver the conversion of the Listed Building to secure its long term viable use that the scheme cannot afford to contribute to any of the normal expected developer contributions noted above as doing so would render the scheme unviable.

The Council has commissioned an independent expert to provide independent advice to the Council in respect of viability. Their advice to the Council is contained within the consultation section of this report.

In summary the initial Viability Assessment Report (dated April 2015) submitted by the applicant concluded that the minimum amount of enabling development to bridge the heritage deficit totalled 39 units. The independent analysis of this document concluded a slightly lower figure of 31 new build units.

Further viability assessment documents were deposited dated March 2016 which were again independently assessed. The revised Heritage Deficit Appraisal and Enabling Development Appraisal are outlined in the comments of the independent assessor within the consultation section of this report. These conclude that the Heritage Deficit has significantly increased to

£2.86m since the initial 2015 review undertaken by JLL due to increase in build costs, professional fees and contingency, increase in Developers Return for Risk (Profit) agreed at 20% and increase in the value of the site. The sales values in the area have not increased enough to offset these increase. The heritage deficit has been agreed between the applicant and JLL at £2,861,361m. This has resulted in between 47 and 48 enabling dwellings.

A public copy of a summary of the Conservation Deficit costs has been subsequently deposited which provides a summary of the key elements that make up the Conservation Deficit as follows:-

Summary of Conservation Deficit Costs		
A	Expected Sales Revenue for 24 converted units	£5,960,000
B	Existing Use Value / Acquisition Costs	£900,000
C	Construction / Conversion Costs (including contingency)	£5,685,000
D	Construction / Conversion Costs (including contingency)	£1,043,400
E	Developers Profit (20% of expected sales revenue for conversion elements)	£1,191,600
	Conservation Deficit A – (B+C+D+E)	£2.86 million

The applicant has progressed the comprehensive development of 48 unit scheme (this figure has taken into account the additional highway improvements put forward). Taking account of JLLs comments with regards to the sensitivity test for 47 and 48 enabling dwellings and the square footage of dwellings the applicant has confirmed that the average unit size would equate to circa 1,105sqft (based on a very simple calculation of the total sqft / 48), which seems to be broadly correlate with the accommodation schedule where units sizes range from 988sqft to 1361sqft.

The Historic England Guidance establishes that there is a presumption against enabling development unless it is demonstrated that it is the absolute minimum required to secure the future of the heritage asset.

The Independent Viability Assessment is satisfied that that the applicant has demonstrated that the additional enabling development proposed is the minimum necessary to bridge the identified heritage deficit. Officers are mindful that the applicant has not proposed any developer contributions education contribution. However, bearing this in mind in line with Historic England Guidance, should the developers be required to meet these contributions the amount of enabling development this would significantly increase beyond this minimum level. This has been confirmed by the Independent Viability consult in their assessment. Such an increase in levels of enabling development would also have adverse consequences in terms of unacceptable harm to the heritage assets, the Model Farm complex and the Conservation area and encroachment and therefore adverse impact on the Green Belt and the landscape character of the area.

Taking the above into account I am satisfied that satisfied that the Viability submissions have been through a robust and proper process with professional consultants advising us and that the findings are sound.

However I am mindful that in the Viability Appraisal the developer profit has been set at 20% GDV.

Members may recall that a hearing for the Highfields development was adjourned in September

following the Inspector inviting the applicant to re run profit margins at 17.5% rather than 20% in light of the revised NPPF and updated NPPG, which essentially advocated a plan-led approach. All of our plan and CIL work has been produced on a 17.5% profit.

The applicant has pointed out that this case involved conversion works on building of a highly sensitive and complex nature, with many 'hidden' issues which cannot be reasonably understood before stripping works take place on-site. I have sympathy with this position and consider a 20% profit margin in such circumstances is reasonable. As a Council we have taken a similar approach elsewhere when dealing with heritage assets. Notwithstanding this, a profit of 20% as opposed to 17.5% impacts on an already compromised developer contributions offer.

Community Infrastructure Levy

Spatial Policy 6 (Infrastructure for Growth) outlines the application of CIL which will be used for:-

Provision of improvements to the strategic highway network and other highway infrastructure, contribution towards secondary school and Sports and Leisure Facilities within the NUA and towards local Infrastructure, including facilities and services that are essential for development to take place.

The applicant has confirmed by email that at present all buildings except for the piggeries are currently in use for storage in association with the wider farming operation, or have been for 6 months out of the last 36 months. From various site visits it did appear that the buildings were being used including for storage of farm vehicles, equipment and other materials.

A 15/00784/FULM

Bulcote falls within the high zone of the CIL Charging Schedule which amounts to a payment of £70 per internal m2.

The agent has confirmed that the GIA of the buildings proposed to be demolished on this site equates to 1535 sq.m and GIA of the proposed enabling development to be constructed on the site to equate to 3423.8 sq.m. This would result in an increase in GIA across the site of **1888.8 sq.m**

The total CIL charge for this site will therefore amount to **£154,093.47**.

I am mindful that the latest Viability Assessment deposited in 2016 included a CIL payment of £119,718. This has been robustly assessed and the conclusion reached that although the development would be unviable if developer contributions were to be paid it could viably afford the aforementioned CIL payment. At the current time the CIL payment with indexation would equate to £154,093.47 which although exceeds the figure contained within the latest reviewed Viability Assessment and notwithstanding any impact on viability would be required to be paid in full should members be minded to grant permission.

B - 17/02325/FULM

The agent has confirmed that the GIA of the buildings proposed to be demolished on this site equates to 3053 sq.m and GIA of the proposed enabling development to be constructed on this

site to equate to 1792 sq.m. There would therefore be no increase in GIA across this site and therefore the development proposed by this application would not incur CIL charges.

S106

A S106 Agreement will tie the three applications together (15/00784/FULM, 17/02325/FULM and 15/00785/LBC) and will secure a detailed phasing strategy with regards to the Listed building conversion works and the phasing of the proposed enabling development to safeguard the appropriate delivery of the residential conversion and any developer contributions.

Other Matters

Location of community building

The comments received with regards to the location of the new community building which would be on the edge of the village are noted. However, the community building is currently located on the edge of the village within the Listed Building of the Model Farm complex and as such its relocation within the converted building would not be entirely different to the current situation. Furthermore an area of open space is also proposed for community use.

Bins and waste management plan

I note the comments raised with regards to waste management. Details of waste management for the converted buildings have been requested from the applicant. Notwithstanding this this could be secured by condition should Members be minded to grant permission.

Construction Works

Concerns have been raised with regards to the impact of the development during construction. Given the scale and location of the development it is considered that it would be reasonable to attach a condition should Members be minded to grant permission requiring the submission of a construction management plan to secure good working practices.

Setting of precedent

Concerns have also been raised with regards to setting of precedent should permission be granted for the proposed development. However this proposal is unique and exceptional situation given that the enabling development is proposed in order to bridge the deficit gap for the conversion and the subsequent securing of the long term viable use of an important heritage asset which is at some risk. The special circumstance of the proposed development has therefore to be assessed and weighed against the material planning considerations. Any future applications for development in the village would, as with any planning application, be assessed against their own planning merits.

Land Ownership

Concern has been raised with regards to the proposed highway improvements and areas of land which do not fall within the ownership of the applicant or the NCC. This would be a private legal matter.

Conclusion and overall planning balance

The scheme proposes a significant and disproportionate (against the context of the Council's spatial development hierarchy) increase in dwelling numbers for Bulcote. The proposals represent inappropriate development within the Green Belt and it proposed some residential units within flood zone 2. The highways authority is additionally maintaining a long-standing objection, albeit one which the applicant has worked to resolve through their own audits, surveys, examples and advice. Finally the scheme fails to provide any developer contributions to mitigate the impacts of the development. The scheme is, however, acceptable in many other regards. It presents a very special circumstance capable of outweighing harm by reason of Green Belt inappropriateness in presenting an enabling heritage case. This case is supported by the Council's conservation advisor, who had worked to develop an 'enabling' rather than 'cross-subsidy' scheme for many years. The scheme proposes the minimum level of development required to secure the longevity of the building (having discounted a mothballing case), save for any grant funding to close the deficit further. The use of language finely balanced should not be banded too freely in offering a professional view. However, in this case officers do consider that this case is balanced. There is planning harm and clear benefits. Ultimately, if one accepts that mothballing and grant funding is unlikely (as I conclude) then one needs to weigh the harm of losing the building (even with enforcement action, repairs notices, and CPO which still creates a viability issue for any new owner) against the harm of new development. In this case, I conclude that the planning balance falls on the side of refusal given the outstanding highway objection (a matter the highway authority are prepared to defend at appeal) and the shortfall of an education contribution within an overall planning balance.

RECOMMENDATION

The LPA is aware of the advice contained within the NPPF and NPPG with respect to both viability and sustainable development when the Development Plan and all material planning considerations are considered. Whilst there are clearly benefits associated with the proposals, including the heritage enabling nature of the proposals, there is equally planning harm. In the opinion of the Local Planning Authority, the inability of the scheme to provide for any developer contributions, together with the outstanding objection from the highway authority and Rights of Way on safety grounds given the unacceptable increase in danger to the users of Old Main Road, results in an unacceptable and unsustainable form of development.

The development is thereby contrary to Spatial Policy 6 (Infrastructure for Growth), Spatial Policy 7 (Sustainable Transport), Core Policy 9 (Sustainable Design) and Core Policy 12 (Biodiversity and Green Infrastructure) of the adopted Newark and Sherwood Core Strategy and Policies DM3 (Developer Contributions and Planning Obligations), and DM12 (Presumption in Favour of Sustainable Development) of the adopted Allocations and Development Management DPD which together form the relevant policies of the Development Plan and does not constitute sustainable development for which there is a presumption in favour of as set out in paragraph 11 of the NPPF.

BACKGROUND PAPERS

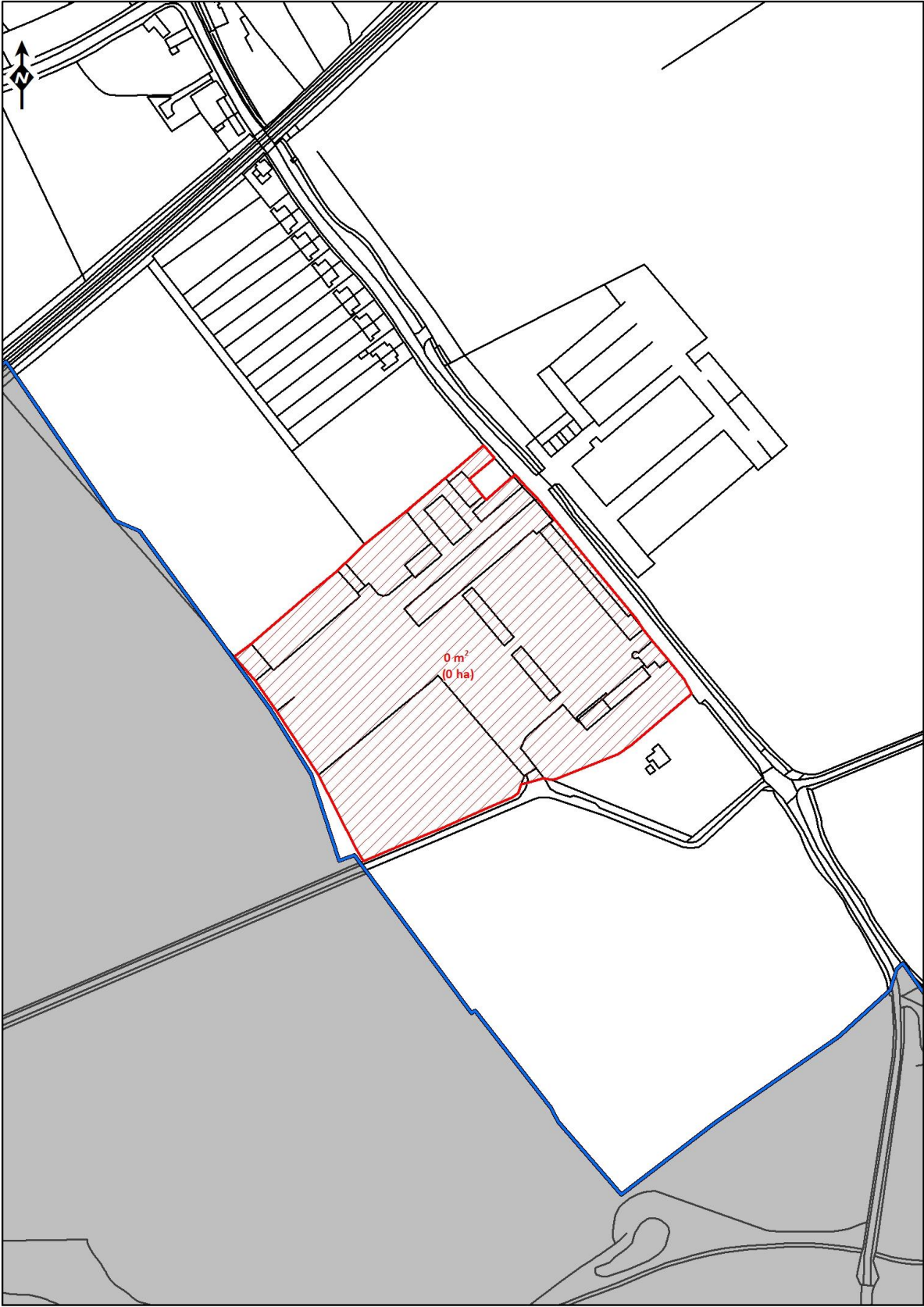
Application case file.

For further information, please contact Bev Pearson on ext 5840.

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

Matt Lamb

Business Manager – Growth and Regeneration



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CONSULTEE COMMENTS

Bulcote Parish Council – Comments Received 15.06.15

Introduction

The Council accepts that the Bulcote Farm redundant buildings will need to be re-developed and it expects that the re-development will be sympathetic and minimal. However, the current proposal has neither of these attributes and appears to be an attempt to maximise profit at the expense of the Bulcote community and with little regard to the latter.

Planning

The extended development into the Green Belt is not in accordance with the National Planning Policy Framework (NPPF) or the Local Plan which make a strong presumption against new development.

The development, in what is effectively open countryside, is against Spatial Policy, which only supports new development in sustainable locations. Bulcote is not considered to be a sustainable location as it does not possess its own amenities but relies on those in Burton Joyce and Lowdham.

The NPPF and the Local Plan make no provision for enabling development and there is no apparent reason why the existing Grade II listed buildings should not be developed in their own right. The principle of "enabling development" is not accepted and there are a great number of farm building conversions schemes that have been undertaken with little or no new build. The English Heritage (Historic England) document "Enabling Development and the Conservation of Historic Places" states that Enabling Development should always be seen as a subsidy of last resort, since it is an inefficient means of funding a conservation deficit. In addition the document states that proposals to provide the majority of subsidy through enabling development would be self-defeating if its extent and scale would be out of keeping with the character of the local landscape. We consider that these are relevant arguments against the proposals for new build.

Building outside the village confines will extend the built up area. The 3D view drawings clearly shows the massing of the new build elements which are considered to be disproportionate to the existing single storey buildings on the west side of the quadrangle. Whilst it is noted that the majority of the new build is on the footprint of previous buildings, it is understood that this has not been accepted as a valid argument in recent planning applications.

It is considered that the new build will increase the Bulcote population by some 50% and by almost 100% within the Bulcote Conservation Area and is therefore contrary to the principle of sustainable development. Bulcote Village has a strong social identity and community spirit, despite being attached to Burton Joyce. Allowing such a large development, surrounding its own open public amenity and accommodating a community building that is so remote from the village centre is likely to fragment the community into two factions, viz, those in the village itself to the north of the railway and those to the south of it.

Infrastructure Matters

1. Schools

There is concern at the number of Pre, Primary, and Secondary School places which would be required as a result of the proposed development. Burton Joyce School is already full

2. Health Facilities

Medical Centres and Dental Practices in surrounding villages are already stretched and additional population would exacerbate the situation.

3. Flooding and Drainage

The content of the Flood Risk Assessment is acknowledged, although not all of the proposed Flood Mitigation Measures have been carried to the Conclusions. These include the creation of a flood action plan and safe access and egress routes to areas of higher ground. It is not clear who will prepare and manage the flood action plan or how the safe access and egress routes are to be defined.

Whilst it is accepted that the final drainage schemes will need to be approved by the Environment Agency, N&SDC and Severn Trent Water it is noted that the proposed layout does not include the 39 new build dwellings. There are also some fundamental issues that could have been resolved with further enquiries. One is the ownership and capacity of the foul pumping station which is understood to be private. In addition the ditch into which it is proposed to discharge surface water is believed to be managed by Newark Internal Drainage Board who do not appear to have been consulted and would be required to give Consent to Discharge.

Environmental and Design Matters

- 1.** The new build dwellings are urban in Character and are not sympathetic to the existing Grade II listed buildings. The terraced properties are more of a throwback to the Industrial Age than being in keeping with a rural conservation area.
- 2.** There is no provision for garaging/storage and the 145 parking spaces will be detrimental to the setting within the Conservation Area. There is, also, no provision for the siting of the 128 wheelie bins required for household waste and recycling. A notional concession has been made by the introduction of a couple of bin areas, but it is not clear how these will cater for the 64 waste bins, 64 recycling bins and possibly a number of garden waste bins.
- 3.** The location of the community building is far from ideal and would be better located to the north closer to the village, which would avoid the parking of cars within the development, and where sufficient parking can be provided for disabled and less mobile residents. Bulcote Village has an active social committee which has been promoting regular social events in the village for in excess of forty years. For the past thirty years or more many of these events have been held within the Gate House; which has been provided by Severn Trent Water for the benefit of the community. Many of the social events take place in the evening and include music. Notwithstanding its poor location in relation to the village centre it seems entirely inappropriate for it to be immediately next to a dwelling. Moreover the floor area of the proposed community building is less than that currently available in the Gate House. This seems entirely illogical given that there could be potential 50% increase in village population. Furthermore one document of the planning submission implies that for historical and

conservation reasons the weighing equipment will be retained in the Gate House, although the house plan shows it to be removed and placed in the Community Building. This will obviously further reduce the available floor space.

Highway and Health and Safety Matters

Increased traffic and the safety of pedestrians is a major concern. Bulcote is a tiny hamlet and increased traffic would be detrimental to the village setting.

The Transport Statement appears to have been prepared against the background of pre-application discussions with NCC Highways who, although having made a number of comments, appear to have had no objections to a formal application being submitted. It is significant to note however, that this initial consultation is based on the conversion of the existing buildings to 25 dwellings and does not include the 39 new build dwellings. Furthermore the report lacks objectivity and derives its conclusions on the desired outcome, which is the development of 64 dwellings on the site. We would make the following comments in relation to the report and its conclusions.

In support of sustainable development the report argues the case for the site being served by sustainable modes of transport i.e. accessibility by foot, cycle, bus and rail. We would accept that the site is reasonably well served by cycle and bus routes although the argument for rail is debatable given that the nearest station is a good 25 minute walk away. Reference is made to the IHT document "Guidelines for Providing Journeys on Foot" which quotes a distance of 800m as being the preferred maximum distance to access town centres and 2km as the preferred maximum for commuting. The report then argues that because amenities such as shops, school and medical centre etc are within 2km they would be accessed on foot albeit the guidelines say that 800m is the preferred maximum distance to walk to town centres. As a point of contention the distance to the school from the site has been measured by GPS as 1900m and not 1450m as stated. The conclusion that "the site is located within close proximity to a number of useful local amenities.." is therefore incorrect. A further statement that the existing and proposed pedestrian infrastructure will facilitate safe and direct pedestrian linkages between the site and local destinations is also false, given that there is no footpath on the section of road from the rail crossing to Old Main Road and no means of providing one. Similarly the section of Old Main Road up to the nearest bus stop on the A612 does not possess any footpath.

The section of road between Old Main Road and the rail crossing is shown in the photograph below. This road is entirely rural in character and any attempt to widen it, if this were possible, would destroy its setting within the Conservation Area. Furthermore it can be seen that of necessity residents park on one side of the road immediately approaching the crossing and severely reducing the effective width of the

Increased traffic flow over the rail crossing would be a concern and NCC Highways recommended that Network Rail be consulted. No reference to any consultation with Network Rail is included in the report. On occasion the rail crossing is closed for maintenance. There is no alternative route to access the site by public road and the private roads are normally secured.

The conclusions of the traffic impact study show that at peak periods there would be an additional vehicle every two minutes along Old Main Road. It is concluded that the development will generate a very low level of additional traffic. This however is all relative and in percentage terms we would contest that it is a significant increase above current traffic levels.

Concerns

1. The stretch of road along Old Main Road to the Church and the nearest bus stop has no footpath and there is no width available to accommodate one.
2. Similarly, the farm access road from the junction of Old Main Road to the railway crossing is narrow with no footpath and is restricted in width by parking for residents of the cottages that front the road. The road is little more than single track. The only way to provide any increased road width would be to culvert the drainage ditch giving concern that the culvert could become blocked greatly enhancing the risk of flooding to adjacent housing.
3. During harvest and other times, the volume of farm traffic increases and, as a result, the road is restricted for both vehicles and pedestrians. The land is farmed to produce material for the Digester at Stoke Bardolph and, as this farming becomes more intense, it will lead to even more traffic servicing the farm.
4. The railway crossing is unmanned and there is only a 30 second interval between the barrier alarm sounding and the train arriving. The frequency of the trains, which pass at full power, is shortly to be increased to half hourly each way and freight trains run between times. There is little hope of or, indeed, facility to increase the width of the crossing.
5. The narrowness and congestion on the access road into the development could impede emergency services would give cause for concern.

To summarise the above points, there is little opportunity to improve the vehicle and pedestrian access from Old Main Road. The railway crossing would be a major danger area, especially in peak times, and the increased flow of traffic onto the A612 would be a further potential danger point.

Conclusion

This appears to be an ill thought out proposal; the only evident thought is that of profit. The plan does not cater for many of the problems which would clearly arise if it were to be implemented and leads one to wonder whether the architects ever actually visited the village.

The Council accepts that the re-development of the existing buildings is desirable but sees no need whatsoever for new build. There is strong support in the Village against any new build as can be seen from the public consultation. We would be concerned that if permission were given for the new build then this would set a precedent for future development to be extended into the area currently designated as pasture. The road layout seems to have been designed in anticipation of this.

Comments received 14.02.18

Previous comments are reiterated. The following additional/revised comments have been made:-

We have been given the opportunity to examine the Viability Assessment prepared by the applicant to justify the Enabling Development together with the independent assessment undertaken by Jones Lang Lascelles on behalf of Newark & Sherwood District Council. However, we were only allowed to view these documents at the District Councils offices in the presence of a planning officer and we were not allowed to make notes or copies. This is considered to be a

totally unsatisfactory way of being able to fully study the documents and to be able to challenge their content. In particular, given the importance of the Viability Assessment in supporting the Enabling Development, we believe this should be offered for public scrutiny as with any other supporting document. More so the independent report which was commissioned by the District Council and presumably paid for by public funds. We consider there are a number of details within these documents in relation to costs and the expected profitability of the scheme that could be challenged e.g. the fact that the profit on the development appears to be relative to that expected by a PLC volume housebuilder, whereas it could be undertaken by a smaller developer whose overheads are less and whose expectations on profit might also be more modest. The costs included for professional services could also be challenge, not only in relation to the percentages quoted, but also in regard to different disciplines included e.g. it is unlikely that a Project Manager, would be required for such a scheme and the role of the Mechanical and Electrical Engineer would be absorbed within the specialists Sub-contractors costs. Furthermore with a ratio of 48 new build dwellings to 24 converted dwellings, it clearly does not appear logical that two new dwellings are required to enable the conversion and refurbishment of one dwelling in the existing farm buildings where the main components of the structure, foundations, walls, floors, roof etc. are already present. The fact that this is open to question is also to be found in Jones Lang Lascelles assessment, which considers that less Enabling Development would be required than that proposed in the Viability Assessment.

In favour of Enabling Development the Viability Assessment quotes at length the English Heritage (Historic England) document "Enabling Development and the Conservation of Historic Places". However it fails to make any reference to the fact that this document also states that "...Enabling Development should always be seen as a subsidy of last resort, since it is an inefficient means of funding a conservation deficit." In addition the document states that proposals to provide the majority of subsidy through Enabling Development would be self-defeating if its extent and scale would be out of keeping with the character of the local landscape. We consider that these are relevant arguments against the proposals for new build and Historic England's response as a consultee appears to reinforce this. Furthermore it is not clear what efforts have been made to avoid extensive Enabling Development. It is considered that the new build will increase the Bulcote population by some 80% and by more than 100% within the Bulcote Conservation Area and is therefore contrary to the principle of sustainable development. Bulcote Village has a strong social identity and community spirit, despite being attached to Burton Joyce. Allowing such a large development, with its own open public amenity and accommodating a community building that is so remote from the village centre that it is likely to fragment the community into two factions. Those in the village itself to the north of the railway and those to the south of it. Moreover this proposed development cannot be treated in isolation and should be considered with regard to the proposed development of the Burton Joyce Car Sales site for which planning permission is also currently being sought. These developments if permitted will more than double the size of Bulcote within a very short period of time.

Infrastructure Matters

Flooding & Drainage

The proposal to discharge surface water into this ditch, albeit attenuated, is of concern as additional flows may restrict flows upstream where it passes through the village bordering Old Main Road and where flooding occurred in 2007.

The report also refers to the River Rother passing to the southeast of the site and not the River Trent. This failure to get the primary river correct questions the credibility of the report, much of which is generic.

Environmental and Design Matters

There is no provision for garaging/storage within the confines of the existing farm buildings and the 152 parking spaces will be detrimental to the setting within the Conservation Area. There is, also, no provision for the siting of the 144 wheelie bins required for household waste and recycling. A notional concession has been made by the introduction of a couple of bin areas, but it is not clear how these will cater for the 72 waste bins, 72 recycling bins and possibly a number of garden waste bins.

If the Council are of a mind to approve the application then Bulcote Parish Council would seek a Section 106 contribution by way of land (which could be offered at zero cost) where a suitably sited Community Building might be constructed e.g. in the land to the north west corner beyond the proposed play area.

Highway and Health & Safety Matters

In support of sustainable development the report argues the case for the site being served by sustainable modes of transport i.e. accessibility by foot, cycle, bus and rail. We would accept that the site is reasonably well served by cycle and bus routes although the nearest bus stop is beyond the 400m guidance recommended by the Highway Authority. Furthermore the argument for rail is debatable given that the nearest station is a good 25 minute walk away. Reference is made to the IHT document "Guidelines for Providing Journeys on Foot" which quotes a distance of 800m as being the preferred maximum distance to access town centres and 2km as the preferred maximum for commuting. The report then argues that because amenities such as shops, school and medical centre etc are within 2km they would be accessed on foot albeit the guidelines say that 800m is the preferred maximum distance to walk to town centres. As a point of contention the distance to the school from the site has been measured by GPS as 1900m and not 1450m as stated which throw into question the other distances quoted. In particular the quoted distance to Tall Trees Garden Centre is 600m from the development is contested. Not only does the garden centre no longer exist, but there is no footpath to it on the south side of the A612 and no safe crossing point opposite its entrance. The conclusion that "the site is located within close proximity to a number of useful local amenities...." is therefore incorrect. A further statement that the existing and proposed pedestrian infrastructure will facilitate safe and direct pedestrian linkages between the site and local destinations is also false, given that there is no footpath on the section of road from the rail crossing to Old Main Road and no means of providing one. Similarly the section of Old Main Road up to the nearest bus stop on the A612 does not possess any footpath.

The section of road between Old Main Road and the rail crossing is shown in the photograph. This road is entirely rural in character and any attempt to widen it, if this were possible, would destroy its setting within the Conservation Area. Furthermore it can be seen that residents park on one side of the road immediately approaching the rail crossing and severely reducing the effective width of the highway. This is of necessity as there is no opportunity for off street parking. The suggestion that safety for pedestrians could be improved by using coloured surfacing might be acceptable in a town centre environment, but it would be inappropriate on a road of rural character in a Conservation Area.

Increased traffic flow over the rail crossing would be a concern, but the Transport Statement contains no reference to any consultation with Network Rail.

Under the previous application Network Rail have commented that the crossing is a borderline high risk crossing and that the risk would increase during peak periods with the forecasted increase in car traffic. This risk will no doubt increase further due to the increased number of houses although surprisingly Network Rail has not commented on this in their response to the latest plans. The potential risks at the crossing were recently evident when on the evening of Tuesday 30th January 2018 during the peak period a car hit the barrier and temporarily closed the line. Network Rail previously suggested some mitigation measures that could be incorporated such as yellow box markings on the crossing and additional signage, all of which would again be detrimental to its setting in a Conservation Area. On occasion the rail crossing is closed for maintenance. There is no alternative route to access the development by public road and the private roads are normally secured. This would isolate the development and prevent access for emergency vehicles should they be required. The Transport Statement suggests that the local highway authority will need to consider the implications of this problem, which in essence means the authors have no solution.

The conclusions of the traffic impact analysis show that at peak periods there would be 26 vehicle movements during peak periods which equates to an additional vehicle every two minutes along Old Main Road. It is concluded that the development will generate a very low level of additional traffic. This statement appears flawed given that there will be a six fold increase in the number of dwellings south of the crossing. In relative terms, given that the number of dwellings in Bulcote will double, we would contest that it is a significant increase above current traffic levels. The report also tries to justify the increase in traffic by suggesting that it would be less than for a commercial development, when no such proposals have been put forward.

Additional Concerns

The railway crossing is unmanned and there is only a 30 second interval between the barrier alarm sounding and the train arriving. The frequency of the trains, which pass at full power, is half hourly at peak times in addition to regular freight services. Some of the freight trains carry fuel and one can only speculate on the consequences of an incident involving one of these. There is little hope of or, indeed, facility to increase the width of the crossing.

To summarise the above points, there is little opportunity to improve the vehicle and pedestrian access from Old Main Road. The railway crossing would be a major danger area, especially in peak times, and the increased flow of traffic onto the A612 would be a further potential danger point where currently a wait of several minutes can be experienced at peak times.

Conclusion

This appears to be an ill thought out proposal; the only evident thought is that of profit. The plan does not cater for many of the problems which would clearly arise if it were to be implemented and leads one to wonder whether the design team ever actually visited the village.

The Council accepts that the re-development of the existing buildings is desirable but sees no need whatsoever for new build. There is strong support in the Village against any new build as can be seen from the public consultation and we are sceptical of the need for such extensive enabling development. We would be concerned that if permission were given for the new build then this would set a precedent for future development to be extended into the area currently designated as pasture. The road layout seems to have been designed in anticipation of this.

Comments Received 30.08.18

The following is Bulcote Parish Council's response to the Enabling Development Executive Summary dated July 2018, prepared by the applicant and submitted in support of the planning application at Bulcote Farm. The submitted document seeks to satisfy the following statements that form Historic England's "policy" on enabling development as set down in their guidance document "Enabling Development and the conservation of significant places"

Enabling development that would secure the future of a significant place, but contravene other planning policy objectives, should be unacceptable unless:

- a. It will not materially harm the heritage values of the place or its setting.
The Executive Summary attempts to reduce the architectural merits of the existing farm buildings in favour of its historical interest as a Model Farm. This has been done to try and offset the obvious impact that the new build housing will have on the Bulcote Farm setting. It also fails to acknowledge that the infill housing adjacent Corporation Cottages will result in the loss of a significant view that is identified in the Bulcote Conservation Area Report 2001. In fact the Parish Council feels that not enough consideration has been given to the proposed development being within the Conservation Area setting insofar as its designation should provide for ".....any changes or new development, either within or adjoining the area, to be sympathetic to and respect its character."
Historic England have commented that the development ".....will fundamentally change the agricultural character of the farmstead through domestication and intensity of use." And the terrace housing in particular ".....will harm the appreciation and understanding of the significance of the model farm, which in part is derived from its agricultural setting and direct, uninterrupted relationship with the rural landscape." They also state that "On the basis of the submission, we believe this proposal is harmful to the significance of the designated heritage asset."
- b. It avoids detrimental fragmentation of management of the place.
Given that the converted buildings will have a divided and separate ownership it is not clear how a unified regime of repair and maintenance will be managed to secure the long term future of the buildings. There will also be fragmentation of Bulcote Village with such a large proportion of new housing been provided south of the railway and benefiting from almost all of the village amenities.
- c. It will secure the long-term future of the place and, where applicable, its continued use for a sympathetic purpose
The Parish Council support securing the long term future of the farm buildings, but remain sceptical of the need for enabling development.
- d. It is necessary to resolve problems arising from the inherent needs of the place, rather than the circumstances of the present owner, or the purchase price paid.

The very large extent of the enabling development is caused by the circumstances of the present owner insofar as they are insisting that this is a "for profit" development. In addition whilst they are happy to insist that the community compromise and not get any CIL they are not prepared to similarly compromise on their commercial requirement for profit. It could also be argued that the extensive development is derived from the neglect of the owner in failing to maintain the buildings.

- e. Sufficient subsidy is not available from any other source
The Parish Council acknowledges this might be the case, but we are also aware that offers made by developers to acquire the buildings have been rejected, presumably so that the applicant can maximise the commercial value of the site if sold with planning permission.
- f. It is demonstrated that the amount of enabling development is the minimum necessary to secure the future of the place, and that its form minimises harm to other public interests
Bulcote Parish Council are not convinced of the need for enabling development and consider that it is being used as a device to obtain planning permission for commercial gain under the pretense of the need to secure the future of the listed buildings through repair and conversion to residential use. It is acknowledged that Jones Lang LaSalle have apparently undertaken an independent appraisal of the viability assessment, although we have recently been informed by the applicant that this was paid for by them. This surely brings into question whether the appraisal is entirely objective and independent.

The need for 48 new dwellings in order to subsidise the repair and conversion of 24 converted dwellings seems entirely illogical given that the primary structure and its foundations already exist. The Elemental Defect Appraisal Survey carried out by Sheperd Myers dated October 2012 states in its conclusions that for the majority of the buildings "The cost of repairs and conversion would be similar to that of an equivalent new build". It is therefore difficult to accept that there is an apparent conservation deficit of 2.86 million pounds. Unfortunately this cannot be challenged as the Viability Assessment and subsequent JLL appraisal have not been made available for public scrutiny.

- g. The public benefit of securing the future of the significant place through such enabling development decisively outweighs the disbenefits of breaching other public policies
Bulcote Parish Council would question what is the public benefit that is proved? The public, represented by the residents of Bulcote, are very much against the development as it is currently proposed. To suggest that the public benefit decisively outweighs public policy is not accepted.

The Enabling Development Executive Summary appears to try and make its point by an over use of the words "robust" and "rigorous" whilst at the same time being selective in terms of the references used to support its argument. For example it refers to the Building Condition Survey (referred to above) having identified serious structural damage in some buildings and seeks to support this with two photographs of what is relatively minor damage. The Parish Council have obtained professional structural engineering advice in relation to the structural condition of the buildings as reported and the structural defects are no more than would be expected of buildings of this age and being subject to a minimal level of maintenance. None of the defects identified can be described as serious and if that was the case why have they not been addressed by the owner.

Reference is made to the development being a significant public benefit and bringing other benefits to local community and area. Given that the local community is against the proposals it is difficult to appreciate what these might be.

The document concludes in summarising a number of points as follows.

The enabling development has been sensitively located to have the minimal impact on the setting of the listed buildings and has been located on the previously developed footprint of the farm. This minimises impact on the openness of the Green Belt and in places, such as the modern Dairy Farm, will dramatically improve it.

This does not appear to be the view of Historic England – see above – or Matthew Tubb, Senior Planner (Policy) for N&SDC.

In terms of highways, despite the constraints of the site, the proposals can clearly provide safe and accessible routes for residents that comply with national guidance such as the Manual for Streets. In fact, the highways proposals will significantly enhance the level of accessible and sustainable routes in this location, which do not currently exist, which will benefit existing and future residents alike.

According to the latest response from Notts. CC Highways this statement is entirely flawed and fails to recognise the impact of the safety requirements of the rail crossing and the effect on residents who have no off street parking. The approach to Bulcote Farm is what it is; a rural road within a Conservation Area and to try and create something that is akin to a modern residential development must be rejected.

1. In addition, the further benefits, outlined below, will be brought forward by the proposed development. A new, enhanced and larger community space will be created through the scheme which will create a focal point for the community providing space for events, classes and Parish Council meetings.
 2. The quadrangle will be landscaped to create 1,168m² of usable greenspace for residents within the area and a total of 1934sqm of additional open space is provided for the community.
 3. Road widening improvements and a new dedicated pedestrian footway, leading to the betterment of highways infrastructure for existing as well as new residents.
 4. During the construction phase, the proposals will support the economy through the creation of new jobs and training opportunities.
 5. Once completed, the development will contribute to diversifying the housing mix within Bulcote, and providing a much needed mix of smaller family homes, as identified within the District and will provide additional spending within the local area, supporting local facilities and services
- 1 & 2 have previously been commented upon in the Parish Councils original response. In essence the proposed community space is smaller in area than the current space and does not take account of the potential 50% increase in village population. The green space within the quadrangle is defined by the private residences that will surround it and as such is unlikely to be of benefit to the rest of the village.

- 3 Proposals for highway improvements have yet to be approved by Highways and there would appear to be very little likelihood of them doing so. In fact the applicant appears to have totally ignored this issue presumably in the hope that the overriding factor for planning approval will be the restoration of the farm buildings and that highway access will become a *faite accompli*.
- 4 The suggestion that the construction phase will support the economy through the creation of new jobs etc. is a stock phrase that will have no substance in reality. In fact the construction phase will have a very severe impact on the community with dust, noise and increased traffic.
- 5 Again this incorporates stock phrases that have no substance. Bulcote has no facilities and relies on those in Burton Joyce. It will therefore provide no benefit to Bulcote and in fact will place even greater pressure upon local schools and healthcare services in the neighbouring villages of Burton Joyce and Lowdham.

On balance it is considered that the very substantial public benefits from securing a sustainable use for a nationally important Grade II Listed Model Farm far outweigh the limited enabling development located on the previously developed footprint of the farm. The development has minimal impact on the openness of the Green Belt and will deliver highway improvements alongside the range of additional benefits the proposals bring.

The statements made in this concluding comment are not borne out by the evidence presented. Very substantial public benefits have not been proved and to suggest that there will be only limited enabling development is inconceivable. The fact that some of this enabling development will be on the footprint of the previously developed farm is not supported by N&SDC Planning Policy (Matthew Tubb) or Historic England in its proposed form. Similarly the suggestion that there is minimal impact on the openness of the Green Belt is not supported and the suggestion that the proposals will bring highway improvements alongside the range of additional benefits is arrogant and conceited.

This new document was expected to provide some clarity on the financial aspects of the Viability Assessment given that it purports to contain commercially sensitive information and has not been made available for public scrutiny. In essence it provides nothing more than headline figures even though it states that these are derived in part from Building Cost Information Service (BCIS) build costs which are broadly available to any construction professional. Furthermore the Historic England document on enabling development declares the likely profit to be expected. It is therefore difficult to appreciate, what commercially sensitive information it contains.

The “Enabling Development Executive Summary” has failed to change Bulcote Parish Councils view on the proposed development and has if anything reinforced some of our objections. Furthermore we consider that it has failed to fully satisfy any of the seven statements of The Policy set down in Historic England’s guidance document that would make Enabling Development acceptable. We remain supportive of refurbishing the existing farm buildings, but are not convinced of the need or motives for enabling development and therefore object to the submission in its current form.

Comments Received 20.09.18

With reference to the Parish Councils recent response on the above application we would like to comment further following our understanding that the McCarthy Stone development on the Burton Joyce Car Sales site has recently been approved. We would reiterate our previous comments that this application and the Bulcote Farm development cannot be treated in isolation. The impact on local services should both developments be approved would be significant and unsustainable.

We would also comment further on the arguments put forward for the Enabling Development. The alleged conservation deficit of £2.86 million pounds equates to an average cost per new build dwelling of just under £60,000. Given the assumption as quoted that the developers profit would be 20% and say half goes towards the conservation deficit. This would mean that the average price of each new build dwelling would need to be approximately £600,000 which is clearly unrealistic. We acknowledge that the costs have supposedly been vetted, but we would question whether Jones Lang Lascelles have been sufficiently objective in their appraisal.

The Parish Council are also mindful that the provision of a Community Hall within the current application is entirely inappropriate in both its size and location. Should Newark & Sherwood DC be of a mind to approve this application, Bulcote PC would ask that consideration be given to dedicating the land at the rear of Corporation Cottages to Bulcote Parish Council for community use under a Section 106 agreement in the absence of any Community Infrastructure Levy.

Comments received 29.11.18

The following is Bulcote Parish Council's response to further information received in relation to highway access with regard to the above planning applications.

It is noted that the proposed highway layout is fundamentally the same as that submitted previously and rejected by Nottinghamshire County Council Highways in May 2018. The drawing has been amended in accordance with a Stage 1 Road Safety Audit (RSA), although the carriageway widths and footways are essentially the same and Notts CC Highways comments appear to have been ignored.

The RSA records that a site visit was undertaken during early afternoon when traffic was noted unsurprisingly, as being light and is therefore unlikely to be a fair indicator of traffic movements at peak periods. During the 35minute visit the level crossing was noted to have closed twice. Again this is unlikely to be representative of level crossing closure during peak periods. Reference to anticipated traffic movements are taken from the original Transport Statement and quoted as 37-39 vehicles during the am and pm peak periods. Given that this represents approximately one vehicle for every two of the 86 dwellings that would need to use this route, it is judged as being an underestimate. The fact that there is no public transport or schools within reasonable walking distance of the development, would mean many families are likely to be making school journeys and work journeys separately during the am peak period. The estimated number of vehicle movements could therefore be closer to 60.

The RSA supposedly indicates a proportionate and viable means of eliminating or mitigating the identified problems of highway access, but ignores narrowing of the road by parked cars close to the level crossing or the influence of the level crossing itself. The level crossing has been identified by Network Rail as borderline high risk and the need to provide additional signage and extensive

road marking to ensure its safety in accommodating any additional traffic. This has been ignored in the RSA and no reference is made to its regular closure for maintenance and the temporary isolation of vehicles south of the railway. It also ignores the fact that residents adjacent the railway have no facility for off street parking and therefore create an unavoidable narrowing of the road adjacent the crossing.

Bulcote Parish Council does not believe that the proposals put forward offer a viable solution to the problem of accessing the size of development proposed. The existing highway is a rural road within a Conservation Area and any attempt to upgrade it would be detrimental to its character and setting. In the same way that there is a desire to secure the future of the existing farm buildings, this should equally extend to the preservation of the character of the Bulcote Conservation Area as defined by its existing roads.

Burton Joyce Parish Council – 09.07.15 - It was resolved to register an objection to the proposed new build at Bulcote Farm based on the following criteria:

The proposed new housing development at Bulcote Farm would put an unsustainable pressure on the amenities at Burton Joyce including the primary school and the GP surgeries which are already full to capacity. The Parish Council is also aware that the new development in Bulcote could exacerbate parking issues in Burton Joyce Village centre. It is felt that this application should be considered in conjunction with the proposed new housing development at Teal Close Burton Joyce will be enclosed on either side by significant housing schemes which will increase the volume of heavy traffic through the village.

Nottinghamshire County Council Highway Authority

Comments received 15.06.15 - The application site is located on an unadopted section of Old Main Road, gaining access over Bulcote level crossing. As submitted, the site location plan does not demonstrate a connection to the public highway within the red line of ownership, and therefore, no means of access to the site.

For this size of development, the carriageway leading to the development is required to be 5.5m in width and be adopted by the Highway Authority. The adopted section of Old Main Road carriageway varies in width between 4.8m and 4.9m and the unadopted section, after the level crossing and leading to the application site, varies between 5.1m and 5.3m. There are no footways along this section of Old Main Road, therefore, providing no facilities for pedestrians, and as such is not considered to be a sustainable location. This section is a bridleway, and is not segregated from the farm access, so the Rights of Way section have raised the concern that ramblers, cyclists and equestrian users will be using this route along with the traffic to/from the site for approx. 300m.

As the proposed layout is making use of existing buildings within the site, the routes into the site are shown between two buildings and do not provide any visibility for emerging vehicles. Some dwellings to the east (around the large 'green area') are positioned too far from the main spine route to provide suitable carrying distances for waste collection, i.e. residents should not be required to carry waste more than 30m and waste collection vehicles should be able to reach within 25m of the storage point.

It is unclear which sections of the layout are to be adopted, and so the internal layout has not been thoroughly studied due to the above issues requiring attention. Taking all of the above into account, it is recommended that this application be refused due to insufficient carriageway widths leading to the site, lack of visibility and sustainability issues due to the lack of footways in the

vicinity.

Comments received 29.01.18 - Since the correspondence summarised below (Sept 2017) I have had no further feedback from the Applicant /Agent. So I am surprised that this new application does not address my comments and there has been no change to the highway plan relating to these comments and now submitted again (Drawing No. 0398-02 Rev C).

Furthermore the submission states that "Access to and within the site conforms to national and local standards". This statement is false.

On 1st September 2017 Savills and Croft were told via email that:

Information on their drawing that stated "subject to confirmation of surveyed boundary on site" and "subject to topo survey" offered no confidence in what was being proposed in terms of carriageway and footway widths. In an attempt to be helpful, Notts CC Officers visited the site and took measurements to verify what width was available within the constraints of the public highway boundary.

It was found that the highway, north of the level crossing, is restricted; measuring between 6.2m at its narrowest, and for 40m or so never gets wide enough to offer a minimum requirement of 1.8m footway + 5.5m carriageway + 0.4m margin to boundary fence (7.7m in total).

Whilst on site, other matters came to light which exacerbate the access situation. On street parking occurs and further restricts carriageway widths in the vicinity of the level crossing. Also the bus stop at Nottingham Road is not only further from the site than the Highway Authority guidance of 400m (maximum) and 250m (desirable), but also has no additional linking footway north of the corner by Kings Barn. It was concluded that the site would, therefore, not support the use of sustainable travel. One bus stop is about 600m away with no linking footway and another (that is linked by footway) is about 900m from the site.

On 4th September 2017 the following details were also pointed out to Savills and Croft in an email:

The offer of a footway of 1.2m north of the level crossing "subject to confirmation of surveyed boundary on site" is not possible within the measured parameters of the public highway.

It was pointed out that a road having a 5.5m wide carriageway fed from one that is 4.8m and one that lacks adequate & safe pedestrian facilities was irrational.

Conclusion:

It was, and remains the conclusion that Old Main Road is unsuitable to support a development of the size and nature being applied for. Perhaps the applicant may wish to respond to the above comments prior to a recommendation to refuse or otherwise is offered by this Authority.

Comments received 23.04.18 - I remain unconvinced that adequate and safe access is being offered for the type and size of development being proposed.

I have previously pointed out the an access carriageway width of 5.5m was required and it does not make sense to have a 5.5m c/way south of the level crossing served from a 4.8m c/way north of the level crossing.

In addition the access layout now being put forward offers too many compromises to be acceptable. In each of the following cases the minimum highway design guidance figures are not met.

A general footway of 1.8m is offered when 2.0m is the min. standard.

A 'short' length of 1.2m footway over 14m is offered when a pinch point of 1.2m footway should only extend up to 6m.

A carriageway of 4.8m is offered when 5.5m is the min. standard.

A verge of 0.2m – 0.4m is offered when 1.0m is the min. standard.

Whilst this Authority may accept some level of flexibility in some circumstances; using the guidance alongside engineering judgement, it is considered that the combined effect of the compromises being sought is unacceptable in this case.

Furthermore, given the requirement for a 5.5m c/way, none of the offered footway/verge widths can be achieved.

I conclude that Old Main Road is unsuitable to support a development of the size and natures being applied for.

I will therefore be recommending that the Planning Authority refuse the application on the grounds that:

- The vehicular and pedestrian traffic generated by the proposed development would be likely to result in an unacceptable increase in danger to the users of Old Main Road due to the increased use of the an access which is geometrically substandard for the type and size of development being proposed. The proposal is contrary to Spatial Policy 7 since it fails to provide safe, convenient and attractive accesses for all, including the elderly and disabled, and others with restricted mobility.
- The proposal is contrary to Spatial Policy 7 since it would not support sustainable travel insofar as inadequate provision is made for pedestrian access, and; access to bus service provision is poor.

Comments received 26.11.2018 - The application site is located on an unadopted section of Old Main Road, gaining access over Bulcote level crossing.

For this size of development, the carriageway width leading to the development is required to be 5.5m and be adopted by the Highway Authority. The adopted section of Old Main Road carriageway varies in width between 4.8m and 4.9m and the unadopted section, after the level crossing and leading to the application site, varies between 5.1m and 5.3m. It is unacceptable, nor does it make sense, to have a 5.5m carriageway south of the level crossing served from a 4.8m carriageway north of the level crossing. In addition, the access layout now being put forward offers too many compromises to be acceptable. In each of the following cases the minimum Nottinghamshire County Council highway design guidance figures are not met:

- A general footway of 1.8m is offered when 2m is the minimum standard.
- A 'short' length of 1.2m footway over 14m is offered when a pinch point of 1.2m footway should only extend up to 6m. The Planning Authority's Spatial Policy 7 seeks the provision of not only safe provision, but also convenient and attractive access for all including the elderly and disabled, and others with restricted mobility.
- A carriageway of 4.8m is offered when 5.5m is the minimum standard.
- A verge of 0.2m-0.4m is offered when 1m is the minimum standard. 'Manual for Streets' suggest a minimum clearance of 450mm to street furniture and the same distance is used for traffic

sign clearance in the Dept. for Transport's Traffic Signs Manual. An existing protective post and rail fence runs alongside the carriageway edge north of the level crossing. Given this exists, a 0.4m verge would be accepted but nothing less, given the additional traffic that would be generated by the proposal. If inadequate clearance is given, drivers tend to steer clear of any obstruction and effectively reduce the width of the 'running' carriageway (which in this case is already proposed to be less than required).

Whilst the Highway Authority may accept some level of flexibility in some circumstances by using the guidance alongside engineering judgement, it is considered that the combined effect of the compromises being sought is unacceptable in this case.

Furthermore, given the requirement for a 5.5m carriageway, none of the offered footway/verge widths can be achieved. There is a distance of approx. 40m where the available highway width never gets wide enough to offer a minimum requirement of 1.8m footway + 5.5m carriageway + 0.4m margin to boundary fence (7.7m in total). On street parking further exacerbates the situation.

The bus stop at Nottingham Road is not only further from the site than the Highway Authority guidance of 400m (maximum) and 250m (desirable) but also has no additional linking footway north of the corner by Kings Barn. It is concluded that the site would, therefore, not support the use of sustainable travel. One bus stop is approx. 600m from the site with no linking footway and another (that is linked by footway) is approx. 900m from the site.

With regard to the layout, the visibility splays onto Old Main Road from the main spine road have not been demonstrated. The parking spaces shown at the turning head of the spine road are unlikely to be used. It has been noted in the past with previous development sites that an increase in on street parking in the vicinity occurs as residents prefer to park their vehicle adjacent their property.

It is therefore, recommended that this application be refused for the following reasons:

1. The vehicular and pedestrian traffic generated by the proposed development would be likely to result in an unacceptable increase in danger to the users of Old Main Road due to the increased use of an access which is geometrically substandard for the type and size of development being proposed. The proposal is contrary to Spatial Policy 7 since it fails to provide safe, convenient and attractive access for all, including the elderly and disabled and others with restricted mobility.
2. The proposal is contrary to Spatial Policy 7 since it would not support sustainable travel insofar as inadequate provision is made for pedestrian access, and access to bus service provision is poor.

Comments received 07.12.18 - Further to comments dated 6 November 2018, additional information has been made available in terms of two independent Road Safety Audits based upon the same drawing 0398-02-E.

The first audit was carried out by Go Surveys Ltd at the request of the applicant/agent. The other audit was carried out by Via East Midlands on behalf of the Highway Authority.

Some of the issues raised in each audit can be resolved or are not considered to be critical to a recommendation or decision. However, I draw attention to the following issues contained within these audits which are considered to be seriously significant:

Re: Go Surveys audit

'Problem 5' identifies the need for guardrailing/handrail which the applicant/agent offers to provide. This is on the section of footway that is proposed to be 1.2m. The erection of the guardrail/handrail will take up 0.1m - 0.2m, thus narrowing the footway to 1.0m – 1.1m. A wheelchair user requires 0.9m, so there would be no room for a person to pass in the opposite direction without stepping into the carriageway. Two adults passing one another usually require 1.5m, and the width for a child walking with an adult would also be compromised (1.2m is required according to Manual for Streets).

With 'Problem 7' comes a recommendation to realign the post and rail fencing on the north-east side of the road. This is unlikely to be possible for two reasons:

- a) The extent of the public highway may not allow for it to be set back without encroaching on third party land, and;
- b) There is no room to do this since the fence is located on a very narrow verge between the carriageway and the ditch.

It is noted within '3.1 Observations/Notes' that the existing signs would need resiting so that they do not reduce the effective width of the proposed footways. This point has not been addressed in the 'designer's response'; yet a scheme to relocate the signs would need to be assessed. Without further information there is a fear that a further reduction in the footway width may occur.

Re: Via East Midlands audit

'Problem 3.2' draws attention to some steps leading to adjacent dwellings, along the section of footway that is proposed to be 1.2m wide, just north of the level crossing. Further site investigation has revealed that these steps are at one of the narrowest points of the public highway and the top step that lies at the height of a potential footway is only 0.75m – 0.85m wide. At this point, 3 options to tackle the issue of the steps may be argued, but none of them is acceptable, as follows:

- a) Retain the footway at 1.2m by setting the steps back. This involves third party land and permission, and is therefore outside the control of the applicant.
- b) Have the 1.2m wide footway narrowed further at the steps to, say, 0.8m; and so retain the steps. This is not wide enough for a wheelchair user and further exacerbates concerns over the footway width and the potential need of pedestrians/wheelchair users to move into the carriageway.
- c) Retain the footway at 1.2m and retain the steps by narrowing the carriageway below 4.8m. This would add further compromise to the scheme in terms of the highway standards and cause conflict between opposing traffic movements.

Any further Safety Audit of these options is unlikely to conclude a 'safe' outcome.

'Problem 3.3' again draws attention to the "inadequate footway width" which could force pedestrians into the carriageway; a problem made worse by the presence of parked cars. Whilst there is a recommendation to widen the footway it has already been identified that this is not possible. Furthermore the Applicant Agent' response to this issue, dated 26 November 2018, suggests that 1.9m is required for two wheelchair users to pass one another. This calls into question not only the adequacy of the 1.2m wide footway but also the 1.8m wide footway that is more extensively proposed.

Conclusion

I remain unconvinced that adequate and safe access is being offered for the type and size of development being proposed and my comments of 6 November 2018 remain valid, including the recommendation to refuse the application on the following grounds:

☒ The vehicular and pedestrian traffic generated by the proposed development would be likely to result in an unacceptable increase in danger to the users of Old Main Road due to the increased use of the an access which is geometrically substandard for the type and size of development being proposed. The proposal is contrary to Spatial Policy 7 since it fails to provide safe, convenient and attractive accesses for all, including the elderly and disabled, and others with restricted mobility.

The proposal is contrary to Spatial Policy 7 since it would not support sustainable travel insofar as inadequate provision is made for pedestrian access, and; access to bus service provision is poor.

Comments received 03.01.19 - Further to comments dated 7 December 2018, a telephone conference with the applicant's agents was held on 17 December 2018 and further representation was made by email on 20 December 2018 by the agent, including new suggestions to deal with the highway issues.

In response I would raise the following points (which are not necessarily exhaustive, but offered to aid the time line):

1. I do not accept the agent's comment that the degree of risk was agreed as being "finely balanced, rather than there being a significant safety issue". My understanding was that the agents saw the risk as "acceptable" whereas I took the opposite view. No joint view was agreed over whether or not the risk was low or not.
2. Clarity is required over who "they" refers to under 'Road Safety Audits' section when it states: "they are satisfied all safety concerns they raised have been addressed".
3. Via's Road Safety Auditor, Simon Taylor's suggestion of a give way/ priority arrangement was, I understand, an unpremeditated idea to be investigated. This does not mean that such an arrangement would be automatically endorsed by him, or by the Highway Authority.
4. Drawing 0397-05 of a proposed give way/priority arrangement was submitted. This should be the subject of a further safety audit. Network Rail may also have a view on this scheme, and it is recommended that the Planning Authority re-consult them since any risk here could have major implications on train safety.
5. The proposals to overcome the 'step' issue requires further investigation. However, whilst this may offer a solution to the step problem, it does not take away from the fact that the footway will be down to 1.0m-1.1m wide which is insufficient for an adult and child to walk along this stretch, let alone two adults to pass one another.
6. The email representation refers to "improvements providing a significant enhancement and benefit to the arrangement that currently exist". This must be measured against existing and proposed flows of vehicles and pedestrians. The same is true when the possibility of pedestrians stepping into the carriageway is mentioned. Whilst the submissions refer to traffic and pedestrian flows generated by the development, no counts of current use have been taken, as far as I am aware. In such a rural setting the pedestrian flows can heavily fluctuate depending on weather and seasons, bearing in mind also that the access south of the level crossing is a public bridleway. In conclusion then, insufficient information has been submitted to assess the degree of benefit the proposed improvements would bring over existing conditions (if indeed one exists that is not detrimental to highway safety). I should

also point out that at the time of writing the submitted pedestrian flow generation figure has not been checked.

In conclusion, I currently remain unmoved from my stance of recommending refusal of the applications as stated in earlier comments.

Comments received 24.01.19 -

Further to comments dated 3 January 2019, a road safety audit has been carried out on the proposal to offer a 'priority traffic' system, and additional representation was received on 22 January 2019 including an updated safety audit and a technical note.

I have had limited time to assess this new information before issuing these comments in time for the Committee report to be prepared, so I wish to reserve the right to comment further prior to the meeting if necessary.

Drawing 0398-05 has been submitted as a possible solution to the 'narrow footway' issue discussed at length in earlier correspondence. This proposal would provide a 'give way/priority traffic' system with a narrowed carriageway and a wider footway. Despite suggesting that this be subjected to road safety audit in earlier comments, the applicant has not done this. However Via East Midlands have, at my request, carried out an audit and this is to be submitted to the Planning Authority. A response to the Audit is normally requested from the scheme designer. The audit raises some issues but, most notably, concerns are raised about the potential for vehicles to become trapped on the railway level crossing and in collision with a train. In order to address this concern the auditors recommend that on-street parking be removed from the immediate approaches and exits of the level crossing, whilst also pointing out that any yellow box and/or parking restrictions are unlikely to be enforced. Consequently this raises a whole range of new questions:

To what extent should parking be restricted?

- b) How many residents will be affected? What alternative parking arrangements do they have?
- c) Where might displaced parking occur? Would that generate other issues to be addressed?
- d) Would a Traffic Regulation Order be approved by this Authority given that it is open to a consultation and democratic process? Such restrictions could not be guaranteed at this stage.
- e) What if such restrictions, if introduced, were ignored and predictably un-enforced?

Should this option be pursued it is recommended that Network Rail be re-consulted since any risk here could have major implications on train safety. However, as it stands, this proposal is neither sufficiently advanced to remove safety concerns nor can a satisfactory solution be assured, particularly since any required Traffic Regulation Order is outside the control of the applicant and Planning Authority; it is open to a separate consultation, democratic and legal process.

Drawing 0398-02-G remains the applicant's preferred road scheme option and provides further information on how it is proposed to overcome the issue of further narrowing of the proposed footway by the steps to the adjacent dwelling. The suggestion is that the last step two steps can be remodelled into one step. I consider that this is an unworkable solution, since it would provide a last step that would have a riser greater than the maximum set out in various Regulations and Guidance Notes, and a flight of steps with inconsistent height risers which is considered unsafe. See footnote for further information. If the step issue cannot be addressed satisfactorily, then the footway at this point would be as narrow as 0.75m – 0.85m. This is not wide enough for a wheelchair user and further exacerbates concerns over the footway width and the potential need

of pedestrians/wheelchair users to move into the carriageway. Furthermore, it still fails to address the issue that, even if a 1.0m -1.1m footway could be achieved by addressing the step matter, this is not considered acceptable or safe.

The updated safety audit submitted by the applicant’s agent, Go Surveys (January 2019), now provides a ‘risk assessment’ section and the conclusion reached by them is that all matters can be safely addressed. This fails to consider that at least one of the recommended mitigation measures cannot be implemented, as discussed in my comments dated 7th December 2018, and fails to assess any of the separate risks identified in the Via East Midlands safety audit dated November 2018.

The newly submitted Technical Note 1 compares the proposed road scheme (Drawing 0398-02-G) with 3 other sites in the Country which also have a narrow footway. None of these offer a like-for-like comparison.

- The ‘Chew Valley Road’ example has a 5.8m (approx.) carriageway.
- The ‘Pepper Street’ example is a one-way street with a 4.4m (approx.) carriageway and 3.4m (approx.) approach and exit; thus restraining speeds and avoiding vehicle conflicts.
- The ‘Oughtrington Lane’ example is signalised and so operates as ‘one-way’, with no vehicle conflicts. This also appears to have a 5.3 metre (approx.) carriageway where traffic is two-way. The humped back bridge scenario is historical and clearly not one that should be held up as an example to follow.

None of these reflect the road scheme dimensions or scenario being proposed. Notwithstanding this, no details are provided of any accident records or speed readings, nor any information about whether or not these sites have been considered in association with significant planning applications. There may be lots of examples of poor standard footways historically inherited by the Highway Authority, but this does not mean that such poor standards should be concluded as acceptable or safe for future residential development.

The submitted Technical Note 1 provides further information on the existing and predicted vehicle and pedestrian flows on Old Main Road. The table below offers a summary:-

	Existing	Existing and Development
Vehicles	94	410
Pedestrian	19	135

Notwithstanding the question over whether a pedestrian count in January offers a typical value (as recorded in the Technical Note), it can be seen that the proposal would add significantly to the flows on Old Main Road. Using the above figures, vehicle flows would more than quadruple, and pedestrian flow rise seven-fold.

In conclusion, the details and proposed mitigation measures that have been submitted fail to overcome safety concerns. I currently remain unmoved from my stance of recommending refusal of the applications as stated in earlier comments.

- The vehicular and pedestrian traffic generated by the proposed development would be likely to result in an unacceptable increase in danger to the users of Old Main Road due to the increased use of the an access which is geometrically substandard for the type and size

of development being proposed. The proposal is contrary to Spatial Policy 7 since it fails to provide safe, convenient and attractive accesses for all, including the elderly and disabled, and others with restricted mobility.

- The proposal is contrary to Spatial Policy 7 since it would not support sustainable travel insofar as inadequate provision is made for pedestrian access, and; access to bus service provision is poor.

Footnote:

It is suggested to raise one of the top steps by 20mm. This would take a riser height to 180mm (Note: the submitted survey information which suggests the new riser height would be 170mm is disputed).

Building Regulations 2010 part M (2015 edition) states that steps should be uniform with a rise of between 150mm and 170mm.

Department of Transport's document 'Inclusive Mobility' states: "A riser height of 150mm can be managed by most people; a little more than this is possible if there are well designed handrails but 170mm should be regarded as the maximum in normal circumstances".

Highways England's DMRB BD29/17 document states that risers and treads of each step in a flight of stairs shall be uniform, and the riser shall be not more than 150mm.

It is considered that a rise of 180mm and the lack of uniformity in the riser heights is not compliant with the above and potentially a safety risk particularly since there is no handrail either.

Nottinghamshire County Council Rights of Way – comments received 25.1.18

I have checked the Definitive Map for the Bulcote area and can confirm that Bulcote Bridleway No 1 runs through the development site. I attach a plan showing the definitive route of the bridleway. This route forms one entrance to a large bridleway network including definitive and permissive routes between Burton Joyce, Bulcote, Gunthorpe and Hoveringham

Bulcote Bridleway No 1 is also the vehicular route for the existing farm and the proposed new development. While this is currently used predominately by farm traffic, a development of this size and the extra traffic that it will generate (shown in Technical Note 1 as a 4 fold increase in cars) will compromise the safety of the users of the public bridleway (public on foot, cycle and horseback). The additional traffic will cause significant damage to the surface of the bridleway.

There has been no acknowledgement of the bridleway and the implications for the safe use by equestrians if the development is granted permission.

Therefore we object to the development on the basis of the reduced public safety due to vastly increased vehicular traffic in the same space with no offer of a suitable solution, and increased damage to the surface of the bridleway which would be the responsibility of the vehicle users/developer/landowner.

While the damage issue could be resolved by constructing the road to adoptable standards, it would need to be taken on by the Highways Authority and maintained as part of the adopted road network. The issue of ensuring the safety for the public on horseback has not been addressed.

These comments have been provided by Via East Midlands Limited on behalf of Nottinghamshire County Council, in its capacity as Highway Authority, through Via's continuing role of providing operational services on behalf of the County Council

Nottinghamshire County Council Policy – comments received 17.06.15

Introduction

Nottinghamshire County Council (NCC) has been asked for strategic planning observations on the above planning application and this letter compiles responses from Departments involved in providing comments and observations on such matters. The following comments were agreed with the Chairman of Environment and Sustainability Committee.

The planning application is accompanied by an Environmental Statement, Design and Access Statement and a range of other supporting documents. This response is based on the information submitted with the application in the context of national, regional and local policy.

Description of Development

The development will create 64 dwellings, which will comprise the following mix, in terms of conversion, new build and unit sizes. The development will also contain:

- o A 95sqm new community building, located in the Old Dairy;
- o 1,168sqm of accessible shared amenity space within the Courtyard.
- o 145 parking spaces; and
- o 25 cycle parking spaces throughout the development.

National Planning Context

One of the core principles of the National Planning Policy Framework (NPPF) is to support and deliver economic growth to ensure that the housing, business and other development needs of an area are met. The NPPF looks to boost significantly the supply of housing. The principles and policies contained in the NPPF also recognise the value of and the need to protect and enhance the natural, built and historic environment, biodiversity and also include the need to adapt to climate change.

A key aspect of the NPPF is that it includes a presumption in favour of sustainable development which means that, for decision-taking, local planning authorities should approve development proposals that accord with the development plan without delay or where a development plan is absent, silent or out of date, grant permission unless any adverse impacts of the proposal outweigh the benefits, or specific policies in the NPPF indicate that development should be restricted.

The NPPF also discusses the weight that can be given in planning determinations to policies emerging as the local authority's development plan is being brought forward. The weight given to these policies will be very dependent on; their stage of preparation, the extent to which there are unresolved objections and the degree of consistency with the NPPF.

The Government is committed to securing economic growth, with the planning system encouraging sustainable growth, as set out in paragraphs 18 and 19 of the NPPF.

Paragraphs 29-41 of the NPPF address the issue of sustainable transport. The NPPF requires all major planning applications to be supported by an appropriate Transport Assessment (TA) and concludes that new development proposals should only be refused on transport grounds where the residual cumulative impacts would be severe.

County Planning Context

In relation to the Minerals Local Plan, the proposed site is not in close proximity to any existing or proposed mineral extraction allocation sites (although a potential allocation, Shelford West, is south of the site, on the opposite side of the River Trent). However, the site lies within a Mineral Safeguarding and Consultation Zone for sand and gravel. In line with the National Planning Policy Framework (paragraph 143) the Minerals Local Plan Preferred Approach (2013) sets out a policy (DM13) concerning these zones. As the re-use of an existing building and farm site the provisions of this policy are not relevant in this instance and so there is no mineral safeguarding objection to raise.

In terms of the Waste Core Strategy, there are no existing waste management sites within close proximity of the site and so the proposal does not raise any issues in terms of safeguarding our existing waste management facilities (as per Policy WCS10 of the Waste Core Strategy). As a new housing and community use development we 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.'

Public Health

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

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.

Strategic Planning Issues

Strategic Highways

The County Council does not have any strategic highways objections to the proposed development.

Ecology

The application is supported by an Ecological Appraisal (dated April 2015) and Bat Mitigation Strategy (dated April 2015). The proposals will not affect any designated sites or areas of notable habitats, and with the exception of bats (see below), no significant impacts on protected or otherwise notable species appear likely, subject to the follow mitigation/enhancement measures being secured through a condition (s):

1. A pre-commencement inspection of working areas for badgers (as per paragraph 6.5 of the Ecological Appraisal)
2. Standard controls relating to nesting birds during the period March to August inclusive, relating to both vegetation and buildings (as per para. 6.8 of the Ecological Appraisal)
3. The submission of a detailed Landscaping Scheme (as per para. 6.11 of the Ecological Appraisal)
4. The installation of bird boxes (targeting house sparrow, starling and swift) within the fabric of the new/renovated buildings (as per para. 6.13 of the Ecological Appraisal)

With regards to bats, surveys have confirmed the presence of three transient summer roosts (used by common and soprano pipistrelles) in the buildings identified as B6a, B10 and B12 in the Ecological Appraisal/Bat Mitigation Strategy. A number of mitigation measures are outlined in section 4 of the Bat Mitigation Strategy, which appear to be appropriate.

All species of bats are European Protected Species, by virtue of the Conservation of Habitats and Species Regulations 2010 (the 'Habitats Regulations'), which implement Council Directive 92/43/EEC on the Conservation of natural habitats and of wild fauna and flora (the 'Habitats Directive'). Under regulation 53 of the Habitats Regulations, activities which would otherwise contravene the strict protection regime offered to European Protected Species under regulation 41 (which includes the destruction of roost sites) can only be permitted where it has been shown that certain tests have been met. Within the context of a planning application, these are that;

- the activity is for the purpose of preserving public health or safety or for other imperative reasons of overriding public interest ("IROPI");
- there is no satisfactory alternative
- the favourable conservation status of the species in question is to be maintained

Furthermore, under regulation 9(5) of the Habitats Regulations, local planning authorities, in the exercise of their functions, have a statutory duty to have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions. What this means is that consideration must be given (during the determination process) to whether or not the three tests outlined above have been met. In this case, the tests outlined above are addressed in sections 6.76.9 of the Bat Mitigation Strategy, and it is concluded that the favourable conservation status of the species concerned will be maintained.

In any event, a licence will be required by the applicant to carry out works affecting roosting bats, as per the regulations outlined above. It is indicated that further bat survey work will be carried out in 2015. As the results of these surveys are obviously not yet available, but may potentially result in the need to amend the mitigation measures proposed, it is requested that a condition is used to require compliance with the Bat Mitigation Strategy, unless otherwise amended or superseded by the requirements of a Natural England Protected Species Licence.

Landscape and Visual Impact

The applicant has not provided a landscape appraisal; the site lies within TW06 Bulcote Village Farmlands, and alongside the western edge of TW51 Stoke Lock River Meadowlands, both of

which have 'Conserve and Create' as overall policy.

However, the development will remove modern agricultural buildings and although more building is proposed, the new buildings are of vernacular design, and the development reinforces the traditional character of the retained buildings. The development is also contained within existing field boundaries and will form a tighter cluster of structures than the current farm buildings.

TW51 Landscape Features

- . **Conserve** the traditional pastoral character and undeveloped flood plain adjacent to the River Trent.
- . **Enhance** the ecological diversity of the river meadowlands and seek opportunities to recreate wet grassland.
- . **Reinforce** and strengthen the continuity and ecological diversity of stream and water courses.
- . **Conserve** and enhance the pattern and special features of meadowland hedges.
- . Seek opportunities to convert arable land to permanent pasture.
- . Enhance visual unity through appropriate small-scale tree and woodland planting.

Built Features

- . **Conserve** the existing field pattern by locating new small scale development within the existing field boundaries.
- . Promote sensitive design and siting of new agricultural buildings.
- . Promote measures for reinforcing the traditional character of farm buildings using vernacular styles.

TW6 Landscape Features

- . **Conserve** existing meadowland hedgerows and seek opportunities to restore the historic field pattern with new hedgerow planting.
- . Seek opportunities to restore arable land to permanent pasture.
- . Strengthen the continuity and ecological diversity of stream corridors.

Built Features

- . **Conserve** the historic character and setting of village settlement of Bulcote – new development should respect the scale, design and materials used traditionally.
- . **Conserve** historic field pattern by containing new development within historic boundaries.
- . **Create** small scale woodlands and carry out appropriate tree planting to reduce the visual impact of large scale agricultural sheds and commercial development along the A612.
- . Promote sensitive design and siting of new agricultural buildings.
- . Promote measures for reinforcing the traditional character of farm buildings using vernacular styles.

Development Contributions

Libraries

There is currently a proposal for a new development on Bulcote Farm. This would comprise 64 new dwellings. At an average of 2.4 persons per dwelling this would add 154 to the existing libraries' catchment area population. The nearest existing library to the proposed development is Burton Joyce Library.

New Development: a standard approach” recommends a standard stock figure of 1,532 items per 1,000 population.

The County Council would not seek any costs towards increasing the size of the library to accommodate this population but for this development a contribution will be sought just for library stock. An increase in population of 154 would put pressure on the stock at this library and a developer contribution of £2949 would be expected to help address this situation.

The County Council would seek a developer contribution for the additional library stock that would be required to meet the needs of the 154 population that would be occupying the new dwellings. This is costed at 230 (population) x 1,532 (items) x £12.50 (cost per item) = £2949.

Education

With regard to the above application the County Council can confirm that the proposed development of 64 units would yield an additional 13 primary and 10 secondary places.

Based on current projections, the primary and secondary schools are at capacity and cannot accommodate the addition 10 primary places and 8 secondary places arising from the proposed development on land at Bulcote Farm, Old Main Road, Bulcote.

The County Council would therefore wish to seek an Education contribution of **£321,515** (£148,915 (13 x £11,455) to provide primary provision and £172,600 (10 x £17,260) to provide secondary provision) to accommodate the additional pupils projected to arise from the proposed development.

Conclusions

The County Council do not have any strategic highways objections to the proposed development. The County Council do not have any objections to the proposed development from a Minerals and Waste perspective.

In terms of Ecology, the County Council suggest a number of mitigation measures and conditions, as set out in detail above.

In relation to Landscape and Visual Impact the applicant has not provided a landscape appraisal, this should be provided. However, the development will remove modern agricultural buildings and although more building is proposed, the new buildings are of vernacular design, and the development reinforces the traditional character of the retained buildings. The development is also contained within existing field boundaries and will form a tighter cluster of structures than the current farm buildings.

The County Council would seek a developer contribution for the additional library stock that would be required to meet the needs of the 154 population that would be occupying the new dwellings. This is costed at 230 (population) x 1,532 (items) x £12.50 (cost per item) = £2949.

The County Council would therefore wish to seek an Education contribution of £321,515 (£148,915 (13 x £11,455) to provide primary provision and £172,600 (10 x £17,260) to provide secondary provision) to accommodate the additional pupils projected to arise from the proposed development.

Comments Received 27.09.18

Ref: 17/02325/FULM, Development comprising 16 residential units (Use Class C3) associated with Planning Application 15/00784/FULM and Listed Building Consent 15/00785/LBC for the Conversion of Grade II Listed Farm Complex "Bulcote Steading" and associated enabling residential development, with associated infrastructure, parking and landscaping.

Ref: 15/00784/FULM, Full Planning Application and Listed Building Consent for a development comprising 64 residential units (Use Class C3) and community building (Use Class D1) through the conversion of a Grade II Listed Farm Complex "Bulcote Steading" and associated enabling residential development, with associated parking and landscaping. To be read in conjunction with application ref: 17/02325/FULM.

Location: Bulcote Farm, Old Main Road, Bulcote

Thank you for your letters received by the County Council on 9th August 2018 requesting strategic planning observations on the above applications. The County Council would draw attention to previous comments made in reference to application 15/00784/FUL in a letter dated 17th June 2015 to Newark and Sherwood District Council. I have consulted with councilors and colleagues across relevant divisions of the County Council and have the following comments to make.

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 17 of the National Planning Policy Framework (NPPF) covers the sustainable use of minerals. Paragraph 203 points out that ‘It is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs.’

Paragraph 204 states that planning policies should:

- ‘safeguard mineral resources by defining Mineral Safeguarding Areas; and adopt appropriate policies so that known locations of specific minerals resources of local and national importance are not sterilised by non-mineral development where this should be avoided (whilst not creating a presumption that the resources defined will be worked);
- set out policies to encourage the prior extraction of minerals, where practical and environmentally feasible, if it is necessary for non-mineral development to take place’.

In Nottinghamshire, minerals safeguarding and consultation areas are defined in the emerging Nottinghamshire Minerals Local Plan (Draft Plan Consultation 2018) and supported by Policy SP8, which also covers prior extraction.

In terms of the role of local planning authorities in planning for minerals, paragraph 206 of the NPPF states that: ‘Local planning authorities should not normally permit other development proposals in Mineral Safeguarding Areas where if it might constrain potential future use for mineral working’.

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

Section 9 of the NPPF addresses the issue of sustainable transport. The NPPF, in paragraph 111, requires all developments which will generate significant amounts of movement to provide a travel plan and the application for such a development to be ‘supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed’. It also states, in paragraph 108, that it should be ensured that ‘appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of location and its

location' and 'any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree'.

Education Provision

Paragraph 94 of the NPPF states that:

'It is important 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:

- a) give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications; and
- b) work with schools promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted.'

Healthy Communities

Paragraph 91 of the NPPF points out that 'Planning policies and decisions should aim to achieve healthy, inclusive and safe places which enable and support healthy lifestyles, especially where this would address identified local health and well-being needs...'

With regard to public rights of way, paragraph 98 states that they should be protected and enhanced, 'including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks..'

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.

Strategic Highways

Although a development of this size is not likely to have a significant impact on traffic volumes on the strategic highway network in isolation, when considered in combination with other proposed development in both Newark and Sherwood and Gedling district the impacts are likely to be severe, especially on the A612 / A6097 and A6211. In which case NSDC operate a CIL policy which

requires financial contributions from qualifying development towards highway infrastructure improvement schemes. It is assumed that this development, if approved by the LPA, would be subject to a CIL contribution towards strategic highway infrastructure improvements which include the upgrade of the A612 /A6097 Lowdham roundabout.

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 and in accordance with Policy SP8 of the emerging draft Minerals Local Plan (July 2018) these should be taken into account where proposals for non-minerals development fall within them.

Minerals

In relation to the Minerals Local Plan, the site is within a sand and gravel Minerals Safeguarding and Consultation Area. Regarding Minerals Safeguarding areas, Policy SP8 in the emerging draft Minerals Local Plan states the following:

‘Development within minerals safeguarding areas will have to demonstrate that mineral resources of economic importance will not be needlessly sterilised as a result of the development and that the development would not pose a serious hindrance to future extraction in the vicinity.’

To the south and east this application site is in close proximity to areas allocated under Policy M6.6 (Gunthorpe) of the adopted Minerals Local Plan (2005). However in the period since this area has been allocated no permission has been granted for this area to be worked and the site has not been put forward as a potential site allocation as part of the Draft Minerals Local Plan.

Under these circumstances and in light of previous County Council comments stating that this site is of no concern regarding minerals sterilisation, it is deemed unlikely that this proposed development would pose a sterilisation risk, as there has been no indication that the site is due to come forward as an area of extraction in the foreseeable future. Therefore the County Council does not wish to raise any objections to the proposal from a minerals perspective.

Waste

In terms of the Waste Core Strategy, there are no existing waste sites within the vicinity of the site whereby the proposed development could cause an issue in terms of safeguarding existing waste management facilities (as per Policy WCS10). As set out in Policy WCS2 ‘Waste awareness, prevention and re-use’ of the Waste Core Strategy, any development on the site 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, proposals likely to generate significant volumes of waste would benefit from being 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.

Ecology

The County Council does not have any further comments in respect of ecology.

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@nottscc.gov.uk or 0115 9939309) with any queries regarding developer contributions.

Education

The proposed developments of 80 dwellings would yield an additional 17 primary and 13 secondary places.

We would therefore wish to seek an education contribution of £232,152 (17 x £13,656) to provide primary and £230,789 (13 x £17,753) to provide secondary provision to accommodate the additional pupils projected to arise from the proposed development.

Please note the cost per place may change if a number of developments come forward in an area which will require master planning and will result in an extension to an existing school or a complete new school build with land. This will be based on build cost, which would be subject to final confirmation.

Further information can be found in an education statement attached to this response in Appendix 1.

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.

Nottinghamshire County Council Education – comments received 04.06.15 - Based on current projections, the primary and secondary schools are at capacity and cannot accommodate the addition 10 primary places and 8 secondary places arising from the proposed development on land at Bulcote Farm, Old Main Road, Bulcote.

We would therefore wish to seek an Education contribution of £321,515 (£148,915 (13 x £11,455) to provide primary provision and £172,600 (10 x £17,260) to provide secondary provision) to

accommodate the additional pupils projected to arise from the proposed development.

This development would also impact on the local library service and at an average of 2.4 persons per dwelling, the 64 new dwellings would add 153 to the existing library's catchment area population. If this development went ahead we would seek a Library contribution of £2,929 for the additional stock that would be required.

Nottinghamshire County Council Education comments received 14.12.18 - I am contacting you in respect of the education contributions which would be sought as a result of the cumulative impact of the above applications. The County Council can confirm that a development of 72 dwellings would generate 15 primary school places and 12 secondary places. Therefore the County Council would be seeking a primary education contribution of £204,840. In terms of secondary education; this will be covered by CIL.

Independent Viability Assessor – (in respect of viability report focusing on developer contributions) – comments received 05.11.18

The Heritage Deficit Appraisal

- 9.1. This section sets out the results of the heritage deficit appraisal that JLL have undertaken.
- 9.2. Critically, this appraisal focuses on the proposals to convert the existing buildings as anticipated by the Applicant. This appraisal does not at this stage incorporate any enabling development into the scheme.
- 9.3. The assumptions for undertaking this appraisal are set out at the end of Section 7 of this report. The appraisal seeks to analyse the viability of the conversion scheme in isolation and thereby assess the extent of the Heritage Deficit.
- 9.4. The following provides an overview of the assumptions that we have adopted and the rationale for our assumptions.
 - Sales values – we have assumed a floor area of 31,807 sq ft (net) and applied an average sales value of £193.20 per sq ft in line with Savills' assessment. The capital values applied in Savills' analysis have been reviewed by JLL Residential team who are broadly content with the sales values that have been applied in the appraisal (albeit that this assumes that demand can be secured for the units, in particular for those which are of a non-standard configuration such as the four bedroom apartment). JLL Residential Surveyors have highlighted that some units could be difficult to sell, due to the site's untested location and that there is very limited comparable evidence to guide an opinion of the sales values achievable for the conversion element. This increases the risk associated with delivering the conversion scheme.
 - Acquisition costs – we have assumed an Existing Use Value in line with Smiths Gore's assessment of £450,000. Please note that this does not include the incentive allowance previously allowed for by Savills. We have applied standard acquisition costs to the Existing Use Value equating to 5.8%, in line with market practice. Please note that this is higher than Savills' original appraisals which assumed approximately 5.5%. JLL's allowance reflects VAT on the Agent's and Legal fees at the prevailing rate of 20%.
 - Conversion costs – we have applied a conversion cost of approximately £122.91 per sq ft applied over the gross area that has been calculated by the Applicant's QS of 3,744 sq m (40,311 sq ft). To this we have applied a 5% contingency to reflect the risk associated with conversion schemes.
 - Professional Fees - We have applied 12% professional fees for the Heritage Deficit Assessment. Please note that this is the highest professional fee allowance that we

would anticipate in our experience, and reflects the fact that the building is Grade II Listed (and hence would require a sensitive conversion scheme).

- This is higher than the Applicant’s assumption which equates to approximately 8% (for both the conversion and the New Build scheme).
- Marketing – we have applied a ‘spot’ figure of £50,000 for marketing, bearing in mind the small scale nature of the conversion scheme. This equates to £2,000 per unit. This is lower than the assumption that Savills have applied of 2% of GDV. We believe that Savills’ allowance is high in this case, given the nature of the scheme.
- Disposal fees – we have assumed 1% agent’s fees and 0.5% legal fees, in line with standard market practice.
- Finance – we have assumed a debit rate of 7%, which is at the higher end of a range of 6%-7% that we would normally anticipate. This reflects both the risks associated with a conversion scheme and the fact that no finance arrangement or exit fees have been allowed for.

- Developer’s return for risk (profit) – we have assumed a 20% profit on GDV. This is line with Savills’ assumptions and reflects the fact that a conversion scheme is likely to be viewed as more risky by potential developers in the market. Developer’s levels of return for risk (profit) are now starting to fall from the 20% GDV which was typical throughout the market downturn. Accordingly, we have reduced this rate for the new build element of the scheme to reflect the lower risks involved.

9.5 Our conclusion as to the level of the Heritage Deficit is as follows:

- Table 9.1 – Results of The Heritage Deficit Appraisal

Scenario	Residual land Value
The Heritage Deficit (Conversion only)	Scenario Residual Land Value (£) The Heritage Deficit (conversion only) - £1,651,094

Source: JLL Analysis (October 2015)

9.6 Table 9.1 shows that, when incorporating JLL’s assumptions into the development appraisal analysis, the heritage deficit is approximately £1.65 million.

9.8 The next section sets out our calculation of the new build residential development, assuming that no affordable housing or other planning contributions (other than CIL which is mandatory) are incorporated into the development appraisal. This needs to be compared with the Heritage Deficit figure above to which it should be broadly equivalent.

10 The New Build Appraisal

10.1 This section sets out an appraisal of the new build development with no affordable housing or Section 106 costs (other than CIL which is mandatory).

10.2 From this analysis, a ‘plot value’ per residential new build dwelling is generated. This can in turn then be used to estimate how many new build units will be required to meet the gap in the development appraisal of the conversion scheme ‘The Heritage Deficit’ and generate the Existing Use Value that has been agreed at approximately £450,000 for the site.

10.3 Drawing on our analysis in Section 7, we have applied the following assumptions in the appraisal of the new build element of the scheme:-

- We have assumed 39 units in line with the Applicant’s original VAR assessment. We

have relied on the floor areas provided in Savills assessment, given that this equates to the schedule of areas provided by Shaw Jagger Architects, which we were given on 4 August 2015.

- Sales revenue – we have applied an average sales value of £230.32 per sq ft to assess this scheme. This is in line with the original Savills' VAR appraisal and has been considered by JLL's Residential Surveyors who are broadly content albeit assuming that demand for units in this location does exist.
- Acquisition costs – we have applied Stamp Duty at 4% and agent's and legal fees at 1% and 0.8% respectively, in line with the Heritage Deficit Appraisal. Please note that this is slightly higher than Savills assumption of 5.5%. JLL's assumptions reflect VAT at 20% on the Agent's and Legal fees.
- New build units construction costs – we have applied the 'Upper Quartile' BCIS Build Costs rebased to 'Nottinghamshire' of £108.23 per sq ft. We have applied this to the area identified in Savills appraisal, given that Shaw Jagger Architects schedule confirms that this relates to the GIA of the buildings. In the new build scheme, there are also no apartments included (and hence there is no allowance for circulation space required).
- Developer's Contingency - We have applied a developer's contingency at 3%. This is lower than Savills' assessment of 5% and reflects the reduced risk for new build development. The allowance of 3% is in line with JLL's experience for new build development schemes.
- Community Infrastructure Levy – we have assumed an allowance of £271,450, applied to the Gross Internal Area (GIA) of the new build at a rate of £65 per sq m, in line with Newark & Sherwood's CIL Charging Schedule. Please note that we have not applied an inflation allowance and have assumed that no reduction for vacant buildings on site can be made.
- Professional fees – we have applied 8% professional fees. This is in line with Savills' assumption. This level of professional fees is more appropriate for the new build element of the scheme. The allowance of professional fees can vary widely in developers' appraisals and some assume lower levels. An 8% allowance is however in line with Newark & Sherwood's Allocations and Development Management DPD Residential Viability Assessment (August 2012).
- Marketing – we have assumed a 'spot' figure allowance of £75,000. Please note that this is lower than Savills' assessment, which applied 2% of GDV for marketing costs. Our reduced allowance reflects the size of the development scheme and the likely allowance that a developer would make to market the new build proposals. Please note that this equates to a total allowance of £125,000 when combined with that of the Heritage Deficit Appraisal (i.e. for the whole scheme).
- Disposal fees – we have assumed Sales Agent's fees of 1% and Sales Legal fees of 0.5%, in line with market practice.
- Finance – we have applied a finance rate of 6.5%, reflecting the lower risk of this scheme when compared to the conversion project of the Heritage Deficit Appraisal. The rate of 6.5% also reflects the fact that no finance arrangement or exit fees are allowed for in the development appraisal. Savills applied 7% in all of their development appraisals.
- Developer's return for risk (profit) – we have applied a developer's return of 18.5% on GDV, to reflect the lower risk associated with the new build development proposals. Developer's profit rates have begun to reduce as the market has improved and we believe this slightly lower rate reflects the reduced risks associated with new

development.

10.4 Table 10.1 sets out the results of our appraisal of the new build element of the scheme, assuming that 39 new build units are provided (as originally envisaged by the Applicant in their VAR submission).

- Table 10.1 – Results of The Appraisal of New Build Development

Scenario	Residual land Value
Appraisal of new build only	£2,084,084

Source: JLL Analysis (October 2015)

Table 10.1 shows that a residual land value of £2,084,084 is generated for the new build development in isolation, based upon JLL's revised assumptions. This equates to a plot value of £53,438 per dwelling.

10.7 The value generated by the New Build Appraisal exceeds the Heritage Deficit calculated in the previous section of -£1,651,094. This suggests that the amount of new build development to enable the development should be lower. If the Heritage Deficit is divided by the Plot Value, this suggests that approximately 31 new dwellings would be required to meet the Heritage Deficit.

10.8 We have therefore 'sense checked' our development appraisal by reducing the number of units in the appraisal to 31 new build units. This produces a residual land value of £1,649,769 which broadly equates to the Heritage Deficit of -£1,651,094. This confirms that approximately 31 new build units would be required in order to meet the Heritage Deficit.

10.9 Please note that the amount of enabling development would increase if planning contributions and affordable housing were also sought.

10.10 The next section provides our summary and conclusions.

11 Summary and Conclusions

11.1 JLL was instructed by Newark & Sherwood District Council in November 2014 to provide development viability advice in relation to the planning application made for development at Bulcote Steading by the Applicant, Northern Trust Developments (NTD).

11.2 A site visit was undertaken on 11 December 2014 alongside an initial meeting at Savills' offices in Nottingham. Following this, the viability submission was submitted by Savills in May 2015 and a meeting was held, following the submission of further information, on 22 July 2015. The Applicant's advisers, Savills, provided further information on 4 August 2015 and 1 September 2015. All of this information has been reviewed to inform our viability analysis.

11.3 The site is located in Bulcote village to the north east of the city of Nottingham. The site is in a semi-rural location, where the majority of land uses are agricultural, with residential dwellings to the north comprising the settlement of Bulcote. The site comprises a complex of Grade II Listed agricultural buildings dating from approximately 1904. They were built as a 'model farm' to accommodate cattle, pigs, horses and food/feed storage. However, the site became redundant in 2013 when the last of dairy herd moved out.

11.4 The Applicant proposes that the existing farm buildings are redeveloped for residential use. The planning application is submitted in full and involves the conversion of the Listed buildings to form approximately 25 dwellings, along with a new community building and

accessible shared amenity space within the courtyard. There is also new build development which the Applicant states will enable the conversion scheme.

- 11.5 We have also commented on the marketing exercise undertaken by the Applicant, the scope of which was agreed with Newark & Sherwood District Council officers in 2014. We have not had sight of the scope of what was agreed, and have been provided with a summary from Smiths Gore of the actions that have been undertaken. Whilst the property appears to have been marketed for the period of time that we understand was agreed with Newark & Sherwood District Council, we have provided a number of comments on the marketing process for officers' consideration and highlighted where we believe that NSDC officers should request additional information from the Applicant to ensure that the marketing initiatives were undertaken.
- 11.6 Having reviewed the Applicant's development appraisal approach and assumptions, we have made a range of comments on the robustness of the approach and assumptions adopted. We have undertaken our own viability analysis of the scheme with revised assumptions, and have assessed the Heritage Deficit at approximately £1,651,094 million. We have then undertaken a development appraisal of the 39 new build dwellings proposed by the Applicant to assess the residual land value that would be produced. This appraisal produced a residual land value of £2,084,084 (which is higher than the Heritage Deficit). This suggests that the amount of new build development to enable the conversion scheme should be lower.
- 11.7 Our analysis suggests that approximately 31 new dwellings would be required to meet the Heritage Deficit and enable the conversion scheme.

Comments received 18.05.18 Following the submission and reassessment of a Revised Heritage Deficit Appraisal the following comments have been received:-

As instructed, I have reviewed the revised Heritage Deficit Appraisal for the conversion of the existing buildings in isolation, and also the appraisal of the proposed Enabling Development. This has involved reconsidering a number of issues that were previously considered in 2015 in light of the revised scheme.

Critically, the red line area boundary has now changed to include the adjacent dairy buildings to the east of the site. These were not included in 2015. I understand that this area has now been included on the basis that the former dairy building and associated hard standing areas can be built on to reduce the density of the enabling development (and hence the impact on the Listed Buildings) across the wider site. I consider this issue later below.

Given the significant negotiations that have been undertaken to arrive at the agreed viability position, I do not provide a chronology of correspondence here. However, set out below is a summary of the position reached regarding the Heritage Deficit Appraisal and the Enabling Development Appraisal and provide a commentary on each assumption.

Heritage Deficit Appraisal

The Heritage Deficit Appraisal was finalised with Savills on 7 February 2017. Savills' email included two Development Appraisals, one sensitivity testing JLL's timescales and the other sensitivity testing Savills' proposed timescales. The agreed model is Savills' timescales (they are slightly different and produce a slightly more viable position) which I have attached.

The brief overview of the agreed Heritage Deficit Appraisal is as follows:

• Sales Revenue - The conversion units have been valued at an average sales revenue of £202.45 per sq ft. This provides an average capital value for each unit of £248,250, over a total area of 29,429 sq ft net sales area. We have reviewed the sales value information provided by Savills in January 2017 and have concluded that the sales values that they have applied are robust. This represents approximately a 5% increase in sales values since our 2015 assessment. Whilst the Land Registry data we have researched and assessed suggests that there has been a higher increase, we cannot find any evidence in the local market for increasing sales values any higher than those applied by Savills. This therefore provides a total Gross Development Value (GDV) for the Heritage Deficit Appraisal of £5,958,000.

- Acquisitions costs – the previous assumption of £450,000 is being assumed, with Stamp Duty being applied in line with the March 2016 budget assumptions. Agent's fees are being applied at 1% and 0.8%, and hence we are content with this assumption. These assumptions have been updated through debate with Savills, given that they were previously applying different assumptions. Please note that this excludes the value of the dairy building which is now included in the red line boundary. I consider this further below.
- Conversion costs – total conversion costs of £183.98 per sq ft (applied over the net saleable area of 29,429 sq ft). This was subject to a detailed review in September 2016 with JLL building surveyors and the total costs were revised and agreed as £5,414,402.
- Contingency – Savills have applied a contingency of 5% on the conversion costs, which we believe to be appropriate for a conversion scheme of this nature.
- Professional fees – Savills have applied 10% professional fees to the conversion cost element. We previously advised that 12% should be applied for the conversion element of the scheme; however have now argued for a reduced level of professional fees as in our experience, professional fees have reduced as a percentage of build costs (given that build costs have increased significantly since our 2015 assessment). Therefore, we are content with the assumption adopted with Savills for the conversion element of the scheme.
- Marketing and letting – an allowance of 1.85% of GDV has been applied. We would usually anticipate an allowance of between 1%-2% for a scheme of this nature, and argued that the lower end of the range this should apply in 2015. Savills's total allowance equates to £110,223 and whilst this is at the higher end of the range that we would anticipate, we believe we are happy to adopt the 1.85% level as a compromise through our detailed negotiations and based upon the evidence Savills provided of a scheme in the local area.
- Disposal fees – Savills have applied standard disposal fees of 1% and 0.5% and hence we are content with this.
- Finance costs – Savills have applied a debt finance rate of 7% which we are comfortable with for a conversion scheme of this nature.

The result of the Heritage Deficit Appraisal generates a negative profit of £1,158,210, and a Heritage Deficit of £2,349,810. Therefore, the Heritage Deficit has increased from -£1,651,094 that we estimated in November 2015 Report.

The Enabling Development Appraisal

The Enabling Development Appraisal was then circulated in mid-February 2017 along with supporting evidence required for assessing for the new build elements of the scheme in relation to sales values (etc.). In addition, the Conservation Deficit Appraisal was also updated to include the value of the Dairy Building, given that the Heritage Deficit Appraisal set out above did not include

the existing use value of this building. This has increased the value of the site from £450,000 to £940,000 (an increase of £490,000), albeit this was subsequently reduced to £900,000 following us querying the area with Savills. This increased the Heritage Deficit from £2,349,810 to £2,862,361.

There were then discussions regarding:

- the appropriateness of the sales values for the Enabling Development;
- the appropriateness of the 20% profit margin on the Enabling Development; and
- the value of the existing buildings for the dairy element of the scheme.

The final Enabling Development Appraisal was circulated by Savills on 16 March 2017. This includes the Conservation Deficit Appraisal with a slightly reduced existing use value of £900,000 based upon our discussions with Savills. All other assumptions remain the same. This provided a revised heritage deficit of £2,861,361. It should be noted that for some reason, Stamp Duty has not been applied in this Heritage Deficit appraisal and hence this would increase the Heritage Deficit slightly if it were applied.

Savills' approach to the Enabling Development appraisal is slightly different to that that JLL adopted in our November 2015 report. In essence, they have undertaken the Enabling Development Appraisal in isolation and have run two scenarios for 47-48 dwellings to demonstrate a residual land value which represents the Heritage Deficit that they have estimated above.

Savills' key assumptions in the Enabling Development appraisal are as follows:

- GDV – they have assumed a total new build area of 49,740 sq ft to which they have applied an average sales rate of £236.33 per sq ft rate of (an average of £250,106 per dwelling).
- Residualised price – Savills have residualised the land value and have applied Stamp Duty and Agents and Legal fees to arrive at this amount. It should be noted that Agent's fees are still 1.5% in this appraisal and they should be 1% to be in line with the Heritage Deficit Appraisal. Savills should be asked to correct this.
- Construction costs – Savills applied a sales rate of £100 per sq ft as an all-in cost for the new build development. As set in our November 2015 report, this appears to be a 'say' figure and does not appear to have been costed by the Applicant's Quantity Surveyors. We believe that this build cost is appropriate (albeit that is at the lower end of the range that we would anticipate for new build development in this location, bearing in mind that any new development will have to be built to a high standard given its proximity and impact on the setting of the listed buildings).
- Developer's contingency – Savills have applied a lower rate of 3% contingency to the enabling development.
- CIL – a CIL rate of £93,450 has been applied by the Applicant, given that the enabling development is new additional development which is CIL chargeable. NSDC Officers should check that the Applicant has calculated CIL correctly and also consider the impact of Regulation 40, as discussed further below.
- Demolition Allowance - The Applicant has assumed an allowance for demolition of £75,000 which relates to the demolition of the dairy building only. Given that we estimate that the dairy building is approximately 38,000 sq ft, we are broadly comfortable with this 'say' allowance for demolition (which equates to £2.00 per sq ft to remove both the substructure and the concrete base of the existing dairy building).

- Professional fees – a lower rate of 8% professional fees has been applied for the new build element. We are comfortable with this allowance.
- Marketing costs – an allowance of 1.85% has been assumed of the GDV. This is in line with the Heritage Deficit Appraisal and our discussions/negotiations with Savills on this issue and the compromise we reached in relation to the Heritage Deficit appraisal.
- Disposal fees – an Agent’s fee of 1% has been applied (which we are content with). A legal fee of £500 per unit has been applied. This is lower than the assumption we would normally apply of 0.5%, although we are broadly content with the assumption adopted.
- Finance rates – an allowance of 7% has been applied of the new build development which we are broadly content with.
- Developer’s return for risk (profit) – a profit of 20% of GDV has been applied for the new build (enabling) development. Although in our November 2015 assessment we adopted a lower level of profit on the new build element (given that it was all for market sale) of 18.5% we have discussed this issue with Savills at length, and Savills have provided a research paper on developer’s profit levels, seeking to justify the 20% assumption on GDV. Although we still have some reservations about whether developers in the market for the site would require a return of 20% on GDV on the new build enabling development, we have reviewed the scheme with our colleagues in our residential agency team who have reiterated to us that there is an element of uncertainty as to how successful the scheme will be (given its relatively untested location) and the bespoke nature of the scheme. In addition, the level of enabling development has increased meaning that the development is more likely to attract a regional/sub-regional, rather than local, house builder. Hence, we have therefore reluctantly accepted the Applicant’s proposal for 20% profit on GDV.

The Applicant’s updated viability analysis suggests that the Heritage Deficit required between 47 and 48 units of Enabling Development on the site, as the residual land values are as follows:

- 47 Enabling Dwellings - £2,788,584 – slightly lower than the Heritage Deficit of £2,861,361.
- 48 Enabling Dwellings - £2,979,661 – higher than the Heritage Deficit.

Summary and Conclusions

The Heritage Deficit has increased significantly since our November 2015 assessment, at which point the Heritage Deficit was £1,651,094 and it required approximately 31 units in order to fund the scheme. The reason for this increase in the Heritage Deficit is threefold:

- The general increase in build costs that has been experienced since our 2015 assessment has increased the cost of the scheme. Accordingly, the ‘on costs’ such as professional fees and contingency (which are related to the build costs) have also increase (albeit that these have been reviewed and adjusted as appropriate to reflect change in market conditions). However, the sales values in the area have not increased enough to offset the rise in build costs.
- The increase in Developer’s Return for Risk (Profit) that we have reluctantly agree of 20% on the Enabling Development rather than 18.5% - Which we estimate increases costs in the appraisal by approximately £176,325 based upon the GDV for the 47 Enabling Unit scheme.
- Although the change in the scheme in February 2017 to incorporate the Dairy Buildings should in theory mean that the Enabling Development can be dissipated across the wider site (to reduce the impact on the setting of the Listed Building), this has also meant that the Development Appraisals have been required to be updated to increase the existing use value for the site to approximately £900,000 (given that if the dairy building is to be used to make way for development, its value also needs to be included in the existing use calculation). In addition, there are other costs associated with this approach, such as the need to demolish

the dairy building (which adds approximately a further £75,000 of cost to the scheme).

Therefore, NWDC Officers may wish to consider whether the dairy building is worth being included.

There are a number of minor issues with the current appraisal (e.g. Stamp Duty etc.) which Savills should correct before confirming the final position. In addition, it should be noted that the scheme for the enabling development is indicative and it would be prudent to refine the viability appraisal when the Enabling Development element of the scheme is refined. For example, the sensitivity test of a 47 and 48 dwellings enabling development scheme shows that the square footage increases significantly by approximately 4,000 sq ft. This is very large for a dwelling house and hence this should be reviewed when the final scale and mix is agreed, to ensure that the impact of viability is properly understood.

It should be noted that we have assumed that the Applicant's assessment of the Community Infrastructure Levy (CIL) for the Enabling Development is correct. This should be clarified by NSDC Officers. In addition, it may be that the CIL can be reduced under Regulation 40 by using the dairy building to offset the CIL on the enabling development.

Finally, it should also be noted that, as we have stated previously, we have not provided advice on the architectural, planning, design and heritage aspects of the project. In particular, NSDC will need to determine whether the Enabling Development proposed by the Applicant is acceptable from a heritage/design perspective (etc.).

NSDC Planning Policy comments received @@@

National Policy

Reflecting a presumption in favour of sustainable development national policy confirms that the National Planning Policy 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.

Defines the fundamental aim of Green Belt policy as being the prevention of urban sprawl by keeping land permanently open. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The construction of new buildings is regarded as inappropriate, save for a limited range of exceptions.

Requires Authorities to maintain a supply of specific deliverable sites sufficient to deliver a five year housing land supply.

A sequential approach to development and flood risk should be followed, with the objective of steering new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. If, following application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, then the Exception Test can be applied if appropriate.

Development Plan

Core Strategy DPD
Spatial Policy 4A 'Extent of the Green Belt'
Spatial Policy 4B 'Green Belt Development'
Core Policy 1 'Affordable Housing Provision'
Core Policy 3 'Housing Mix, Type and Density'
Core Policy 'Sustainable Design'
Core Policy 10 'Climate Change'
Core Policy 13 'Landscape Character'
Core Policy 14 'Historic Environment'

Allocations & 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'

Assessment

Green Belt

The application site is entirely located within the Green Belt, and I see no reason to disagree with the previous planning policy input provided in June 2015. This advised that the conversion element of the proposal could be consistent with the allowance in national policy for the re-use of buildings in the Green Belt, providing that they are of a permanent and substantial construction. The existing listed buildings would clearly meet this test, and in accordance with the remaining elements of para 90 their conversion would not in itself compromise the openness of the Green Belt nor conflict with the purposes of including land in the designation.

Beyond this the remainder of the scheme, some 48 dwellings, constitutes new build development which is suggested as necessary to support the conversion of the existing buildings. Again I agree with the previous advice, this would clearly represent inappropriate development in the Green Belt. As per national policy such development is by definition harmful to the designation, and should only be approved in very special circumstances. The applicant contends that the conversion is not viable on its own, needs the new build to make it so, and the benefits of this in terms of giving the listed buildings beneficial use constitute very special circumstances. This would nonetheless represent a significant level of development. Setting aside my concerns, over the impact on the openness of the Green Belt and whether the application site represents a suitable location for this scale of development, we will need to be convinced that the numbers proposed have been restricted to purely that necessary. The information provided by the applicant seems to suggest that this is now the case, but I would nevertheless emphasise the importance of this being robustly tested.

It will then be necessary to balance the level of harm to the Greenbelt against the desirability of retaining the listed buildings through conversion. This will clearly partly depend on the view that we come to over their heritage significance, and I would defer to the expertise of colleagues for advice on this. Beyond this the level of harm to the openness of the Green Belt by virtue of the amount and form of development proposed is also a relevant consideration. Given that the application concerns a farm it would be considered greenfield and not brownfield as per para 89 of the NPPF. Notwithstanding this I would recognise that there is clearly existing built

development and areas of hard surfacing within the application site, and so you may wish to consider whether to exercise some pragmatism.

The applicant has indicated that the 48 dwellings will be primarily sited on the footprint of the demolished south western ranges. In this respect I am sympathetic to the argument that due to the removal and non-replacement of existing buildings and areas of hard surfacing there may be no overall increase in the footprint of the developed area. Though again we will need to be content that this is indeed the case. Notwithstanding this whilst the absence of development is integral to how 'openness' should be viewed, this does not mean that landscape and visual considerations are not also relevant. The applicant refers to an overall decrease in the density of development, however this appears to relate back to the profile of the site at the height of its use (a photograph from the 1950's is provided). It is clear that significant demolition has subsequently occurred and that the site is now host to extensive areas of hard surfacing and pasture land. The replacement of these areas with housing would clearly have a greater impact on openness from a landscape visual perspective than the status quo. It is therefore important that we come to a view over what point in time provides an appropriate basis of comparison for the proposed development.

National policy is clear that substantial weight should be given to any harm to the Green Belt. Given the significant amount of development proposed and the danger from the precedent this could set it is reasonable to expect a comparatively significant justification to be present in support of the proposal.

Sustainable Development

Regard will need to be had to whether the proposed development is consistent with the aim in national and local planning policy of delivering sustainable development. In this respect, bearing in mind the scale of development proposed, I would point to the comparatively isolated location of the application site. Actively managing patterns of growth to make the fullest possible use of public transport, walking and cycling and focusing significant development (my emphasis) in locations which are or can be made sustainable is a core planning principle of national policy. Furthermore national policy also states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Elsewhere the need for an integrated approach to considering the location of housing, economic uses and community facilities and services is referenced.

The spatial distribution of development promoted by Spatial Policy 2 is consistent with this approach, with limited levels of development anticipated below the 'Principal Village' level of the Settlement Hierarchy. Spatial Policy 4B then effectively defines where, and under what circumstances, housing development will be deemed to enhance or maintain the vitality of rural Green Belt communities. It does so through seeking to focus new housing development within the settlement boundaries of Blidworth, Lowdham and the part of Bulcote attached to Burton Joyce. Beyond this it allows for consideration to be given to rural affordable housing exceptions sites within or adjacent to the main built-up area of a number of Green Belt settlements – including Bulcote. The proposal would therefore be at variance with this approach.

Flood Risk

The aim of the Sequential Test is to steer new development to Flood Zone 1 (areas with a low probability of river or sea flooding). Where there are no reasonably available sites in Flood Zone 1, then the flood risk vulnerability of the proposal should be taken into account and reasonably available sites in Flood Zone 2 considered, applying the Exception Test if required. Only where

there are no reasonably available sites in Flood Zones 1 or 2 should the suitability of sites in Flood Zone 3 (areas with a high probability of river or sea flooding) be considered, taking into account the flood risk vulnerability of land uses and applying the Exception Test if required. This approach is reflected in Core Policy 10 and Policy DM5.

Much of the site is located within Flood Zone 2 and whilst part of the scheme constitutes a change of use, where the Sequential and Exception Tests shouldn't be applied, there is still significant new build development proposed, some of which would be located within Zone 2. As per the notes to table 3 'Flood Risk Vulnerability and Flood Zone Compatibility' in the Planning Practice Guidance, some developments may contain different elements of vulnerability and the highest vulnerability category should be used. This is unless the development is considered in its component parts – disregarding the change of use element effectively does this.

The Authority can clearly point to numerous reasonably available sites at lesser flood risk than Flood Zone 2 which are capable of accommodating the new build element through its housing and mixed use allocations. On this basis the only conclusion which can be reasonably reached is that the proposal would be unable to satisfy the sequential test. National policy is very clear that development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. To depart from this and support the proposed development we would, in my opinion, need to come to the view that the heritage significance of the listed buildings and the desirability of their retention is such that this outweighs the issue of flood risk, and the failure to satisfy the sequential test.

Housing Mix

The housing mix is overwhelmingly weighted towards 3 and 4 bed units with very little provision of 1 and 2 dwelling types. I would underline that providing for a mix of dwelling types which reflects the nature of local housing need (in line with Core Policy 3) contributes towards the creation of mixed and balanced communities, a key objective of sustainable development. Without justification, in line with the terms of CP3, the proposal would fall short of supporting this.

Developer Contributions

Given its scale the proposed development would potentially trigger a range of developer contributions, including affordable housing provision. Clearly as with housing mix such contributions are integral to the promotion of a sustainable form of development. No provision will therefore require robust justification as a result of viability concerns and/or site specific circumstances. The applicant has pointed to the overall viability picture and need to restrain the levels of development to purely that necessary to sustain the conversion in support of the approach. We will therefore need to be convinced that this has been robustly justified.

Conclusion

National policy is clear that substantial weight should be given to any harm to the Green Belt. In this case that harm could derive from a loss of openness caused by an increase in the footprint of development and/or from landscape/visual considerations. To be acceptable in Green Belt terms this level of harm would therefore need to be clearly outweighed by other considerations. Such considerations would also need to outweigh the fundamental reservation I have outlined over the appropriateness of the scale of development in this kind of location, and given the inability to pass the sequential test the matter of flood risk. Whether other considerations are sufficient to clearly outweigh these concerns will hinge on the view we come to over the heritage significance of the listed buildings and the desirability of their conversion. Notwithstanding this the issues I have identified are significant and ought to weigh heavily against the development, as proposed.

The change of use element is likely to be acceptable in green belt terms, and exempt from application of the sequential and exceptions tests from a flood risk perspective. Pending the view of Conservation, a scenario can be envisaged where this aspect of the scheme with its lower numbers could be acceptable, my remaining locational concerns having been outweighed by the desirability for conversion to occur. The potential for this to be supported by enabling development in a more suitable location could be explored.

Comments received 04.09.18

These comments follow those provided in February of this year, and seek to respond to the applicant's enabling development report. In addition since my previous comments the updated NPPF has also been published, and the main modifications to the Amended Core Strategy have been placed on deposit for public consultation.

Green Belt

I'm of the view that Spatial Policy 4B within the Amended Core Strategy can now be afforded meaningful weight, according to the tests at paragraph 48 of the revised NPPF. With respect to Bulcote, the policy seeks to focus new housing development within the part of the village attached to Burton Joyce. The part of Bulcote 'washed over' by the Green Belt has not been identified for limited infilling. Aside from rural affordable housing the policy defers to national policy for consideration of other forms of development.

National policy outlines that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. As per my earlier comments the conversion element of the proposal is likely to be consistent with the allowance for the re-use of buildings in the Green Belt- providing that they are of a permanent and substantial construction, that they would preserve the openness of designation and that it would not conflict with the purposes of including land within it.

The framework is clear that the construction of new buildings should be considered inappropriate, save for a range of exceptions. I note that in the 'density' section of the Enabling Development Report the applicant has built a case around the focusing of development on what they consider to be 'previously developed' parts of the site, going on to calculate that the proposed development footprint would be less than that occupied by the current operation. However as an agricultural use the land would not be defined as previously developed land, meaning that the proposal falls beyond the exception allowing for the re-use of such land. I'm also of the view that no part of the scheme would be consistent with the exception supporting 'limited infilling in villages', given that the location is not within the village.

Consequently a significant proportion of the scheme would represent inappropriate development in the Green Belt, and so would by definition be harmful to the designation. Accordingly it should not be approved unless there are very special circumstances. Those very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. National policy requires that substantial weight is given to any harm to the Green Belt, and so a high threshold should be applied when considering whether 'very special circumstances' exist.

I would accept that it is possible for the desirability of retaining a heritage asset to be a consideration which could outweigh harm to the Green Belt. Though given the high threshold necessary to establish very special circumstances it should be expected that the significance of the asset would be similarly high. I would defer to the expertise of colleagues in Conservation for guidance over the significance of the asset.

In terms of other considerations, the smaller footprint of the proposed development when considered against the historic and existing operation may help restrict the harm to the openness of the designation, but in coming to a view on this you will need to also be content from a landscape/visual perspective. Ultimately the judgement which needs to be made is whether the desirability of facilitating the conversion of the heritage assets outweighs the level of harm to the Green Belt, and so represents the 'very special circumstances' necessary to justify inappropriate development.

Flood Risk

Large parts of the application site fall within Flood Zone 2. Given the range of allocations made through the Development Plan there are numerous reasonably available sites at lesser flood risk, capable of accommodating the new build element of the scheme (the change-of-use element is exempt from the Test). We will therefore need to be convinced that the desirability of the conversion of the Listed Buildings, and so their heritage significance, is such that this justifies a departure from the sequential approach to the location of development and flood risk. As with matters around the Green Belt this ought to, in my opinion, carry a high threshold. Should we be satisfied that this is the case then there would still be the need for the proposal to pass the Exception Test, making the important demonstration that the development itself will be safe from a flood risk perspective and that it will not increase risk elsewhere. I would defer to relevant stakeholders on that aspect.

Sustainable Development

I continue to hold reservations over the location and scale of development and how consistent this is with the desire to promote sustainable patterns of development. In this respect the proposal would not accord with the spatial strategy within either the adopted or emerging Amended Core Strategy. The housing mix is also overwhelmingly weighted towards 3 bed units, with little provision of 1 and 2 bed dwelling types. Core Policy 3 would require a mix which reflects the nature of local housing need, and in the absence of a local Housing Needs Assessment the Sub-Area Report to the Housing Market and Needs Assessment (2014) indicates significant demand for 2 bed units (representing 36.6% of the households who responded to the survey) within the market sector in the Nottingham Fringe Area. I am however receptive to the fact that there is likely to be a viability case in support of the proposed mix, and I am also mindful of the need for any enabling development to be restricted to that purely necessary to support the conversion.

Given its scale the proposed development would potentially trigger a range of developer contributions, including affordable housing provision. Clearly as with housing mix such contributions are integral to the promotion of a sustainable form of development. No provision would therefore require robust justification as a result of viability concerns and/or site specific circumstances. My understanding is that we are now at the point where the enabling case has been accepted, and so again there would be viability justification in support of the approach.

Conclusion

There are a number of issues with the development as proposed – not least the fact that it would represent inappropriate development within the Green Belt. Ultimately it will therefore come down to the exercising of judgement over whether these issues are outweighed by the desirability of retaining the Listed Buildings via their conversion.

Natural England – 02.06.15

Statutory nature conservation sites – no objection

Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes.

Green Infrastructure

The proposed development is within an area that Natural England considers could benefit from enhanced green infrastructure (GI) provision. Multi-functional green infrastructure can perform a range of functions including improved flood risk management, provision of accessible green space, climate change adaptation and biodiversity enhancement. Natural England would encourage the incorporation of GI into this development.

Protected Species

We have not assessed this application and associated documents for impacts on protected species.

Natural England has published Standing Advice on protected species. You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence is needed (which is the developer's responsibility) or may be granted.

If you have any specific questions on aspects that are not covered by our Standing Advice for European Protected Species or have difficulty in applying it to this application please contact us with details at consultations@naturalengland.org.uk.

Local Sites

If the proposal site is on or adjacent to a local site, e.g. Local Wildlife Site, Regionally Important Geological/Geomorphological Site (RIGS) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application.

Biodiversity Enhancements

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the National Planning Policy Framework. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that 'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. Section 40(3) of the same Act also states that 'conserving biodiversity includes, in

relation to a living organism or type of habitat, restoring or enhancing a population or habitat’.

Landscape Enhancements

This application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for example through green space provision and access to and contact with nature. Landscape characterisation and townscape assessments, and associated sensitivity and capacity assessments provide tools for planners and developers to consider new development and ensure that it makes a positive contribution in terms of design, form and location, to the character and functions of the landscape and avoids any unacceptable impacts.

Sites of Special Scientific Interest Impact Risk Zones

The Town and Country Planning (Development Management Procedure) (England) Order 2015, which came into force on 15 April 2015, has removed the requirement to consult Natural England on notified consultation zones within 2 km of a Site of Special Scientific Interest (Schedule 5, v (ii) of the 2010 DMPO). The requirement to consult Natural England on “Development in or likely to affect a Site of Special Scientific Interest” remains in place (Schedule 4, w). Natural England’s SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the gov.uk website.

Comments received 15.08.18 - Natural England has no comments to make on these applications.

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 – 08.06.15

Thank you for consulting Nottinghamshire Wildlife Trust on the planning applications detailed above. We are pleased to see updated ecological information has been submitted to allow proper consideration of protected species.

The Ecological Assessment Report (TEP, April 2015) states that a number of buildings proposed for development have confirmed bat roosts present and others are considered to have potential for bat roosts to be present but this has not been able to be confirmed. Table 5 of the report is reproduced here for reference:

Table 5: Daytime Bat Assessment of Buildings

BAT ROOST VALUE	BUILDINGS REFERENCE
Negligible	1, 4 and 5
Low	6b
Moderate	2, 3, 7, 8, 9 and 11
Confirmed Roost	6a, 10 and 12

The Bat Mitigation Strategy Report (TEP, April 2015) gives details of required mitigation for buildings 6a, 10 and 12, where evidence in the form of droppings was recorded during the 2014 survey. The general situation has been assessed and roosts (including species and size) have been confirmed – an EPS licence will be required. Part of the proposed mitigation strategy is to carry out updated surveys during 2015 to account for the possibility that location and aspect of roost access points may have altered since previous activity surveys were carried out. We are satisfied that sufficient information has been gathered with respect to Buildings 6a, 10 and 12 at this stage.

We are unclear as to whether the proposed development would impact on any of the features in buildings 6b, 2, 3, 7, 8, 9, and 11 where potential was noted during 2014, but not confirmed through further activity survey work. We assume that these features will remain unaffected, as the TEP reports do not suggest that further investigation is required. However, we recommend that the LPA requests confirmation that any potential (unconfirmed) roost features within buildings 6b, 2, 3, 7, 8, 9, and 11 will not be damaged, disturbed or obstructed in any way during works. Otherwise, the LPA may wish to request that activity surveys are carried out before the application is determined to confirm whether roosts are in fact present and the EPS license will need to include works to these buildings.

As you will be aware all birds, their nests and eggs (except pest species) are protected by the Wildlife and Countryside Act 1981 (and as amended). Given the previous evidence of breeding birds, any development would be constrained by the bird breeding season. No vegetation clearance, or works to or demolition of buildings or structures that may be used by breeding birds should take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds’ nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Sections 6.4, 6.5 and 6.6 of the TEP Report gives detail of recommendations with respect to run-off, badgers and brown hare. These measures should be secured by way of planning condition.

We would be supportive of ecological enhancements being incorporated into the proposed development as encouraged under paragraph 118 of the NPPF. This may include bird boxes, bat boxes (in addition to those required under EPS license), additional native planting and habitat creation (i.e. native wildflower areas).

Comments received 09.01.18 – No further comments will be made

Nottinghamshire County Council Ecology – comments are included within the Nottinghamshire County Council Policy comments

Nottinghamshire County Council Minerals - comments are included within the Nottinghamshire County Council Policy comments

Nottinghamshire County Council Rights of Way - no comments received

Ramblers – 26.01.18 This development should not impede pedestrian access to the river (although it will make it much less attractive) and we have no objection.

Nottinghamshire County Council Lead Local Flood Authority - 17.07.15 –

- 1 The following comments are based on the source-path-receptor methodology to manage the flood risk from the proposed development to 3rd party properties both adjacent and at distance from the proposed sites. The risk to new properties within the proposed development are also considered.
- 2 The Flood & Water Management Act 2010 recognises the need for engineered management of the flooding risks from surface water and much work has been done by DEFRA, Lead Local Flood Authorities, the Environment Agency and many other organisations to consider the appropriate approaches to reducing the flooding risk to existing properties from existing pluvial & fluvial sources. In addition to this, the mitigation of any increase in flood risk arising from new development or redevelopment has been recognised as a priority for Local Planning Authorities and Lead Local Flood Authorities.
- 3 The site is shown within an area indicated on contemporary records as susceptible to fluvial flooding with an annual probability of occurring between 0.1 & 1% however it is not shown on the Environment Agency 'flood map for planning' as within FZ3 (with an annual probability of flooding occurring greater than 1%).
- 4 The site floor slab levels are proposed as 19.10m or higher to give 250mm freeboard above the 100yr + climate change flood modelled flood level. This is a reasonable approach to take and represents around 500mm above the nearest 100 year flood levels within the most upto date model.
- 5 The site is not shown within an area indicated on contemporary records as susceptible to pluvial (surface water) flooding. We would nevertheless advise that the site levels design enables water to flow away from the proposed dwellings to reduce any residual flooding risk.
- 6 The site investigation trial pit logs note sands and gravels with a water table approximately 2.4m below ground level. In this regard infiltration drainage may be a feasible option and should be investigated further. In this case, care would need to be taken to design soakaways to avoid saturation of ground near foundations and also to ensure that infiltration testing and soakaway design are in accordance with contemporary standards. The use of permeable paving may prove suitable for the site and reduce the amount of surface water attenuation storage required.
- 7 The site drainage strategy proposes disposal to watercourses however this should be regarded as a second choice if infiltration drainage is feasible on the site. Additionally, the local surface water drains may become full at certain times and this may compromise the efficiency of a drainage system designed to discharge into the nearby ditches.
- 8 If infiltration drainage is not feasible, the site would need to attenuate water to the greenfield run-off rate indicated in the Flood Risk Assessment.

- 9 Calculations need to be provided to demonstrate that the system will accommodate all events upto a 100yr + 30% climate change severity with all attenuated water remaining within the site boundary. The drainage design should be submitted to the LLFA and include a fully referenced network plan and also a summary of the drainage simulations for the 100yr +30% climate change event with rainfall event durations ranging from 15 minutes to 24 hours. Where the model shows that flooding may occur at particular nodes, the drainage design should be accompanied by a levels plan to demonstrate how the flood volume would be accommodated.
- 10 A flood routing plan should be provided to show exceedance routes for the surface water drainage system. The flood routing plan should be based upon a detailed levels design for the site and clearly show the levels on the site and finished contours. It is important that all flood routing is directed within the site and towards the attenuation system rather than across the site boundaries at various points.
- 11 The information provided at the present time from the various documents and investigations indicates that the designers are aware of the need to manage the rainfall run-off although further detail would be required to justify the approach taken and demonstrate that the site meets the required standards for flood risk mitigation and surface water management. Nevertheless the strategy is broadly acceptable to Nottinghamshire County Council as a basis for surface water management on the proposed development. This statement is however qualified by the need for detailed design documentation to be provided (possibly at a later date) to justify the assumptions and statements made in the strategy documents submitted as part of this application.
- 12 Information that should be included with a detailed drainage design submission:
- 12.1 Drainage layout plan with model references as appropriate.
- 12.2 All infiltration areas with supporting specification, calculations and construction details.
- 12.3 Attenuation pond/tank details including volumetric calculations, geotechnical & slope-stability calculations as appropriate, specification of materials used to construct any berms.
- 12.4 Full specification & 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.
- 12.5 Full documentary evidence for consideration by the LPA/LLFA legal advisors of the rights to discharge to any watercourse.
- 12.6 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.

Comments Received 17.01.18 - No objections to the proposals.

Environment Agency comments received 01.06.15 This site falls in Flood Zone 2 and as such the Sequential Test will apply and only when the LPA confirm the location is acceptable will I consult the teams and this email can be taken as an objection until this matter is resolved. The issue of surface water disposal is now a matter for the Lead Local Flood Authority who should be consulted regarding this proposal.

Comments Received 24.06.15 - We object to this application in the absence of any evidence to demonstrate that the flood risk Sequential Test has been applied. We recommend that until then

the application should not be determined for the following reasons:

Reasons

The application site lies within Flood Zone 2 defined by the Environment Agency Flood Map / Strategic Flood Risk Assessment as having a Medium probability of flooding. Paragraph 101 of the National Planning Policy Framework requires decision-makers to steer new development to areas at the lowest probability of flooding by applying a 'Sequential Test'. In this instance no evidence has been provided to indicate that this test has been carried out.

Overcoming Our Objection

You can overcome our objection by providing evidence that the Sequential Test has been completed and demonstrates that there are no reasonably available alternative sites in areas with a lower probability of flooding that would be appropriate for the type of development proposed.

Comments Received 11.01.18 This site falls in Flood Zone 2 and as such Standing Advice can be applied. You may wish to consult the LLFA regarding surface water disposal.

Severn Trent Water - 08.06.15 – No objections subject to the following condition:-

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 LPA. 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 to reduce the risk of creating or exacerbating a flooding problem and to minimize the risk of pollution.

01.02.18 - Pervious comments are reiterated together with a 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.

Trent Valley Drainage Board – 24.06.15 The site falls within the Boards District and is served by the Board maintained by Bulcote Farm Feeder an open watercourse which is located to the eastern side of the carriageway.

The Board notes the applicant's proposal to discharge surface water at a rate of 10L per second per hectare. The Boards recommends that the existing run off rate is confirmed and the run off rate designed to be restricted to the greenfield run off rate or a significant reduction on the existing run off rate

The Boards written consent will be required prior to the alteration of flows to any receiving watercourse at the site.

Infilling or culverting of any watercourse at the site must not be undertaken without the Boards prior written consent. If not already done so the Board recommends that the LLFA is consulted on the application in regards to the management of surface water run off.

Comments received 10.10.18 – The site is within the TVIDB district. The Board maintained Bulcote Farm feeder an open water course exists on the eastern site of the carriageway of the site to which BYELAWS and THE LAND DRAIANGE ACT APPLIES.

The Boards 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 9m of the top edge of any Board maintained watercourse or the edge of any Board maintained culvert.

The Boards consent is required for any works whether temporary or permanent in over or under any Board maintained watercourse or culvert.

The Board's written consent is required for any works that increase the flow or volume of water to any watercourse or culvert within the Boards district (other than directly to a main river for which the consent of the EA will be required).

Under the Land drainage act the board are permitted to deposit arising from the watercourse on adjoining land. Any occupier of adjacent land wishing to remove the spoil should note that an exemption under the Waste Management regulations may be required from the EA.

No development should be commenced until the LPA in consultation with the LLFA has approved a scheme for the provision, implementation and future maintenance of a surface water drainage system. The Board would wish to be consulted directly if the following cannot be achieved and discharge affects the Boards District:-

- Existing catchment and sub catchments to be maintained
- Surface water run off limited to 1.4l/s/ha for pumped lowland catchments

Surface water run off rates to receiving watercourses must not eb increased as a result of development

The design, operation and future maintenance of the site drainage systems must eb agreed with the LLFA and LPA.

A permanent undeveloped strip of sufficient width should be made available to the bank top of all watercourses on site to allow future maintenance works to be undertaken. For access strips alongside Board maintained watercourses the access width must be at least 9m wide unless otherwise agreed in writing by the board. Where the watercourse is under riparian control suitable access arrangements to the access strip should be agreed between the LPA, the LLFA and the third party that will be responsible for the maintenance.

NSDC Strategic Housing 07.08.15 - Looking at their application we can seek affordable housing on 39 of their units. Policy requires us to seek on-site affordable housing and in this respect we would look to secure 11 affordable homes on the following tenure:-

Affordable Housing Provision = 11 units 7 for rent and 4 for intermediate			
	Rent Soc/Aff	Intermediate S/O	Totals
1 Bed	2	-	2
2 Bed	3	2	5
3 Bed	2	2	4
Total	7	4	11

They should be contacting a Registered Provider to secure an offer on the affordables which would give them an indication of how viable it is to provide them. If a commuted sum was applied I would need to increase the amount of affordables calculated as they are increasing the number of market homes so I would calculate this on 14 units. To calculate a commuted sum I would need to know the proposed sales values of the houses so they should really provide this information therefore mine is only a guesstimate. Are they taking the view they don't want to provide affordables without doing the figures?

I would on the value of properties worth around £150k calculate a figure based on 60% rent and 40% intermediate housing to be £900,000. This is based on a two bed units. Depending on what they are developing i.e. someone beds this figure would be reduced.

Environmental Health Contamination –

Comments received 02.06.15 A Phase I Geo-Environmental Site Assessment has been submitted with the planning application. This report was produced by Resource Environmental Consultants Ltd of behalf of the developer (Ref: 45153p1r0 dated September 2013).

This document describes the history of the site as a mixed use farm which carried out spreading of sewage sludge on land to act as fertilizer. The preliminary risk assessment discusses the potential impacts of these previous uses in relation to the proposed residential development and indicates the probable contaminants of concern. The report then concludes with a series of recommendations including a scope of intrusive investigations/targeted soil sampling to be carried out.

I generally concur with these recommendations and look forward to receiving the Phase 2 Site Investigation report on the findings of the intrusive investigations. I would recommend the use of our full phased contamination condition in order to ensure that this work is carried out to Environmental Health's requirements.

I note that the report states that the site lies in an area where 1%-3% of homes are affected by the presence of radon; however our records show that it is 3%-5%. I would therefore expect the applicant to provide more detailed evidence to provide justification that radon protection is not required at this site.

Furthermore the report describes that the site is potentially within an area affected by historic coal mining. A coal mining report should be submitted with the phase 2 site investigation.

09.01.2018 – Previous comments received 02.06.15 are reiterated

Comments received 15.03.18 details re coal mining and radon survey if the contamination condition is on we can do it through that. The desktop found potential contamination so a phase 2

SI is needed so the condition is required anyway

Gedling Borough Council – Comments received 22.06.15

While the site is located within Newark & Sherwood District the main local services and facilities that are likely to be accessed by residents are in the village of Burton Joyce which lies within Gedling Borough. Consideration should be given to the impact on the services and facilities in Burton Joyce and, where necessary, appropriate contributions made towards mitigating any impact.

Nottingham City is likely to be a destination that will attract a significant number of the vehicle movements generated by the proposal. Consideration should also be given to the impact increased vehicle movements will have on safety and amenity for residents of Burton Joyce.

It is noted that the site is located within the Green Belt and includes a Listed Building. You will need to be satisfied that the proposal accords with Green Belt and Historic Environment policies contained in the NPPF.

Comments received 15.01.18 - These comments relate to the cross-boundary implications of planning application references 15/00784/FULM and 17/02325/FULM that are currently being determined by Newark and Sherwood District Council (NSDC). These proposals comprise the development of 72 dwellings (of which 24 are through the conversion of existing buildings and 48 are new build). The reason for Gedling Borough Council's comments is that the application, being in Bulcote which is effectively an eastern extension to the settlement of Burton Joyce, is located on the Borough boundary and therefore has possible cross-boundary implications. In this respect, the key concern is the potential impact of the proposal upon infrastructure within Burton Joyce given the size of the application being considered.

If minded to grant permission, it is advised that NSDC consult the following:

- County Education for information on the capacity of local schools to accommodate the anticipated number of students arising from the proposal.
- County Highways on the impact on highway safety, in particular in Burton Joyce centre.
- Nottingham North and East CCG on the impact of local health services.

Gedling Borough Council would also support the following development principles if NSDC is minded to approve these applications:

- The provision of open space as part of the development.
- Design that is sympathetic to the rural environment, in particular it takes account where practicable of Policy Zone TW06 of the Greater Nottingham Landscape Character Assessment.
- The provision of an appropriate level of affordable housing if viable
- NSDC securing adequate development contributions towards education, health and open space.

In addition to the above, it is noted that local concern has been raised (see Burton Joyce Parish Council's comments) on the potential impact of the proposal on parking capacity in Burton Joyce centre.

Comments received 29.08.18 - As the additional information relates to the matter of enabling
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development, I have confined consultation to our Conservation Officer only. However, previous comments made by Gedling Borough Council on 19th June 2015 and 15th November 2017 remain relevant.

Bulcote Steading at Bulcote farm, Bulcote is located within Newark and Sherwood District and N&S DC Councils jurisdiction. Gedling Borough Council is consulted on the applications described above because it is within proximity of the border between the two Councils, located 1.13km to the east of the Burton Joyce/Bulcote shared village hall, on old Main Road. Burton Joyce and Bulcote are conjoined settlements along the A612 and the river Trent meanders close by to the south surrounded by fields.

The grade II listed farm steading c1902 is a model farm comprising a range of brick built farm buildings set out in quadrangular form and designed by the city engineer Arthur Brown. They are located within a predominantly rural landscape setting. Across from and opposite the steading are modern steel barns. The buildings are located within the Bulcote Conservation area which is characterised by a number of large dwellings set within large mature plots either side of old Main Road and which is bounded by mature hedgerows with open views between. Towards the farmstead to the south of the railway line is a row of C20th semi-detached houses built by the corporation.

The farmstead has been redundant from its use for some time and the information provided explains the details of this and the marketing that has occurred prior to the application being submitted. The scheme is one that seeks residential conversion with enabling development and it is apparent that negotiations over the scheme have been ongoing for some years. Enabling development is the minimum necessary extra development allowed to fund the conservation deficit which occurs when the costs of repairs and conversion to beneficial use outweigh the end value once repaired. Such a calculation requires a quantified repairs schedule to be undertaken by accredited professional, repairs that are to conservation standards. Clearly, the amount of enabling development hinges upon the accuracy of such works and even then they must respect the special architectural and historic interests of the listed buildings. An amount of developers profit is allowed for to ensure a development is worth undertaking. Since no figures are sent with the information I am unable to comment upon the need for the enabling development proposed. I have read through the conservation officers comments which are very detailed, particularly on the history of the site however I cannot agree that there is to be no harm caused when a row of new housing immediately within the setting of the farm stead is proposed that would change the landscape view and the surroundings in which the heritage assets are experienced. I will assume however, that considerable discussions have taken place given the planning history and that have led to the scheme as proposed and inevitably when it comes to the reality a balanced judgement is required that sustains the assets going forward. I understand the importance of saving heritage assets at risk and if nothing is done then they remain as such and a burden to the owners, local community and the local authority alike. Overall the scheme appears to be acceptable and I will assume that the enabling argument is made and that the level of benefits outweighs the level of harm caused. The new housing is sensitively designed in its form and sympathetic to the existing pattern of development nearby (corporation cottages) although detailing could be much improved. In terms of the conversion, new openings are kept to a minimum and existing apertures utilised for glazing, windows and doors and this will help retain the character of the original building in conversion. New boundary fencing should be post and rail with natural native species hedgerows to complement, retaining the rural nature of the site.

I also urge the use of an article 4 direction to withdraw permitted development rights around the

heritage asset and to protect its setting in conversion as residential use will bring demands from multi-ownership/use that may conflict with the historic farmstead and its setting/appearance. It will also be important to ascertain the future management of the site and this can be particularly important where multi ownerships are involved.

I am in agreement with the conservation officers planning policy analysis and I recommend that Gedling Borough Council support the application from a conservation perspective.

Primary Care Trust (Clinical Commissioning Group) – Comments received 01.06.15 NHS England Derbyshire & Nottinghamshire Area Team (AT) has reviewed the planning application for the proposed housing development site on the land at Bulcote Farm in relation to the potential impact on primary and secondary care health services.

From the information provided the AT is aware that the application outlines the development of 64 dwellings. The proposal would trigger the need to provide health related section 106 funding of £551 per dwelling based on 2.3 person occupancy. A development of this nature would result in increased service demand which would not be easily accommodated within existing primary care resources.

It is unlikely that the Area Team would support a single handed GP development as the solution to sustainably meet the needs of the housing development and that the health contribution would ideally be invested in enhancing capacity/infrastructure with existing local practices. We would wish to explore further in conjunction with the CCG and other stakeholders including what options are available and ensure value for money for all parties.

The local practices are in the process of assessing the options available to them due to the significant amount of houses being proposed in the area. As the GP practices are independent contractors we must work to support them to identify a solution that does not destabilise the local health economy. Options available to the practices include increasing capacity at each premise by extending their existing premises a new premise. Until all the options have been explored we are unable to give a definitive answer where the contribution will be spent however we will ensure that the solution provides the best value for money for all parties.

Finally, any such development would need to be considered and approved through the NHS England national process and would no doubt be considered more viable with section 106 contributions.

NSDC Parks and Communities – Comments received 17.06.15 As a development of 64 units this proposal should include provision for public open space in the form of amenity green space (14.4m²/dwelling) and provision for children and young people ((18m² per dwelling). The proposed site layout shows an area of open space in the courtyard totalling 1200m² which fulfils the amenity green space requirement. The layout also shows a large area of pasture; however the supporting documentation does not seem to describe any particular use for this or suggest that it will be publically accessible. The applicants thus need to demonstrate how they will deliver the requirement for 1,206m² of children's playing space.

NSDC Communities – No comments received.

NSDC Waste- Comments received 22.06.15

1. What are the road surfaces on which the refuse freighters are to travel and turn.
2. What are the properties individual refuse arrangements
3. What is anticipated for the two bin stores on the plan. Communal recycling areas are not acceptable
4. What waste management arrangements have been anticipated for the communal building
5. Any other waste management information that is available

Network Rail – Comments received 12.08.15 With reference to the protection of the railway, Network Rail is objecting to the proposals due to the increase in traffic over the railway level crossing on Old Main Road, Bulcote.

The location of the development on Old Main Road in relation to the railway will increase the risk of road traffic 'blocking back' onto Bulcote automatic half-barrier level crossing, and will also create another community that is locked in by the railway which, in turn, will result in major problems when the crossing has to be closed for maintenance purposes.

The risk of 'blocking back, i.e. road traffic becoming stationary on a level crossing for a period of no less than five seconds, is one of two significant factors governing the installation of automatic half-barrier protection at level crossings like Bulcote, the other being that there must not be a significant risk of road traffic 'grounding' on the crossing. Furthermore, Bulcote L.C. is a borderline 'high risk' crossing with a current risk score of D4 and an FWI of 0.00412121 in the All Level Crossings Risk Model following the introduction of additional passenger trains between Nottingham and Lincoln in May 2015, and whilst the risk score would remain unchanged at D4 from input of the additional forecast levels of use by cars in the two peak-hour periods, the FWI (Fatality and Weighted Injuries) score would increase to 0.001173362. This empirically demonstrates that the risk will increase.

Clearly, the scope of the development is insufficient to justify the conversion of the crossing to full-barrier protection or its replacement with a road bridge over or under the railway. However, there is scope for yellow box markings to Diagram 1045 in the Traffic Signs Regulations and General Directions 2002 to be applied over the crossing surface to mitigate the risk as stated above of road traffic 'blocking back' onto the railway, using a paint product which has now become available that reduces the amount of times that the markings have to be re-applied. Additionally, extra signage on approach to the crossing nearer to the development would also be required. We would remove our objection on confirmation that the cost of this yellow box marking and signage is met in full by the applicant.

In the event of planning permission being granted for this application, the following are requirements that must also be met,

Drainage

All surface and foul water arising from the proposed works must be collected and diverted away from Network Rail property. In the absence of detailed plans all soakaways must be located so as to discharge away from the railway infrastructure. The following points need to be addressed:

1. There should be no increase to average or peak flows of surface water run off leading towards Network Rail assets, including earthworks, bridges and culverts.
2. All surface water run off and sewage effluent should be handled in accordance with Local Council and Water Company regulations.
3. Attenuation should be included as necessary to protect the existing surface water drainage systems from any increase in average or peak loadings due to normal and extreme rainfall events.
4. Attenuation ponds, next to the railway, should be designed by a competent specialist engineer and should include adequate storm capacity and overflow arrangements such that there is no risk of flooding of the adjacent railway line during either normal or exceptional rainfall events.

It is expected that the preparation and implementation of a surface water drainage strategy addressing the above points will be conditioned as part of any approval.

Abnormal Loads

From the information supplied, it is not clear if any abnormal loads will be used in the construction of the development and therefore be accessing the site via the level crossing. We would have serious reservations if during the construction or operation of the site, abnormal loads will use routes that include Network Rail assets. Network Rail would request that the applicant contact our Asset Protection Project Manager to confirm that any proposed route is viable and to agree a strategy to protect our asset(s) from any potential damage caused by abnormal loads. I would also like to advise that where any damage, injury or delay to the rail network is caused by an abnormal load (related to the application site), the applicant or developer will incur full liability.

Noise/Soundproofing

The Developer should be aware that any development for residential use adjacent to an operational railway may result in neighbour issues arising. Consequently every endeavour should be made by the developer to provide adequate soundproofing for each dwelling. Please note that in a worst case scenario there could be trains running 24 hours a day and the soundproofing should take this into account.

Lighting

Where new lighting is to be erected adjacent to the operational railway the potential for train drivers to be dazzled must be eliminated. In addition the location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. Detail of any external lighting should be provided as a condition if not already indicated on the application. Network Rail will require steps to be taken and paid for by the Developer to mask any light on the site, or to prevent dazzle to trainmen from road vehicle lights.

Access to Railway

All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development. No part of the development shall cause any existing level crossing road signs or traffic signals or the crossing itself to be obscured. Clear sighting of the crossing must be maintained for the construction/operational period and as a permanent arrangement. The same conditions apply to the rail approaches to the level crossing. This stipulation also includes the parking of vehicles, caravans, equipment, and materials etc., which again must not cause rail and road approach sight lines of the crossing to be obstructed.

Railway Maintenance

Network Rail reserves the right to provide and maintain existing railway signals/signs (whistle boards etc.) and level crossing equipment along any part of its railway. It should be noted that this has been the subject of several complaints recently where householders have said that, by stopping trains outside their houses, we are invading their privacy, and by trains whistling creating a noise nuisance.

Level Crossings

You are also obliged to consult with H.M. Railway Inspectorate at the Office of Rail Regulation on the application (in accordance with the provisions of the Town & Country Planning (General Development Procedure) Order 2010, SI:2010 No.2184 and Paragraph 13, Appendix B of Department of Environment Circular 9/95).

Network Rail is required to recover all reasonable costs associated with facilitating these works.

I would advise that in particular the drainage and abnormal loads should be the subject of conditions, the reasons for which can include the safety, operational needs and integrity of the railway. For the other matters we would be pleased if an informative could be attached to the decision notice.

Comments received 29.01.18 - 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, especially with the close proximity to the development of railway level crossing.

Level Crossings

The safety of railway level crossings and crossing users is of paramount importance to us and we would have concerns over any development that may impact on the safety of an operational crossing. In this instance, access to the proposed development is over the Bulcote Level Crossing. We can confirm that we have **no objection** to the development in its revised form providing the developer reaffirms its commitment from 2015 to again meet the cost in full of the provision of yellow box markings to Diagram 1045 in the Traffic Signs Regulations and General Directions 2016 to the crossing surface of Bulcote automatic half-barrier level crossing to mitigate the risk of road traffic blocking back onto the railway, i.e. becoming stationary on the level crossing for at least five seconds, and the cost in full of updating the associated Level Crossing Ground Plan to highlight the yellow box markings therein.

You are also obliged to consult with H.M. Railway Inspectorate at the Office of Rail and Road on the application (in accordance with the provisions of the Town & Country Planning (General Development Procedure) Order 2010, SI:2010 No.2184 and Paragraph 13, Appendix B of Department of Environment Circular 9/95).

Abnormal Loads

From the information supplied, it is not clear if any abnormal loads will be using routes that include any Network Rail assets (e.g. bridges and in particular the Bulcote Level Crossing). We would have serious reservations if during the construction or operation of the site, abnormal loads will use routes that include Network Rail assets. Network Rail would request that the applicant contact our Asset Protection Project Manager to confirm that any proposed route is viable and to agree a strategy to protect our asset(s) from any potential damage caused by abnormal loads. I would also like to advise that where any damage, injury or delay to the rail network is caused by

an abnormal load (related to the application site), the applicant or developer will incur full liability.

Noise/Soundproofing

The Developer should be aware that any development for residential use adjacent to an operational railway may result in neighbour issues arising. Consequently every endeavour should be made by the developer to provide adequate soundproofing for each dwelling. Please note that in a worst case scenario there could be trains running 24 hours a day and the soundproofing should take this into account.

Access to Railway

All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development. No part of the development shall cause any existing level crossing road signs or traffic signals or the crossing itself to be obscured. Clear sighting of the crossing must be maintained for the construction/operational period and as a permanent arrangement. The same conditions apply to the rail approaches to the level crossing. This stipulation also includes the parking of vehicles, caravans, equipment, and materials etc., which again must not cause rail and road approach sight lines of the crossing to be obstructed.

Network Rail is required to recover all reasonable costs associated with facilitating these works.

I would advise that in particular the level crossings, abnormal loads and soundproofing should be the subject of conditions, the reasons for which can include the safety, operational needs and integrity of the railway. For the other matters we would be pleased if an informative could be attached to the decision notice.

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.

Comments received 22.08.18 - In relation to the above application I can confirm that Network Rail have no further comments to make on the additional information supplied other than those returned in response to the original application and 17/02325/FULM attached which still apply.

Office of Road and Rail – Comments received 04.04.18 The Office of Rail and Road (ORR) has no comment on the proposals.

NSDC Access Officer – Comments received 11.06.15 It is recommended that the developer be advised to provide inclusive access and facilities for all, with particular reference to disabled people.

In respect of the new build dwellings, Lifetime Homes Standards, BS 9266:2013 'Design of accessible and adaptable general needs housing – Code of Practice' as well as Approved Document M and K of the Building Regulations – Sections 6 to 10, contain useful guidance. 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 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. Firm wide 'traffic free' non-slip pedestrian pathway routes clear of vehicular traffic are required from the edge of the site and vehicular parking to the dwellings. Consider parking provision for disabled motorists. Any formless or granular material is unsuitable for any pedestrian route to the dwellings. It is recommended that inclusive access be considered to garden areas, amenity spaces and external features. Carefully designed 'step-free' approach, ramps, level flush thresholds, generous doorways, all carefully designed to facilitate easy access and manoeuvre 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 dwelling together with suitable accessible WC and sanitary provision etc.

With regard to the conversions to dwellings, it is recommended that the inclusive access provisions described above are incorporated as far as is reasonably practicable.

With regard to the community building, as well as minimum Building Regulations accessibility standards described in Approved Documents M, K and B, BS8300:2009 'Design of buildings and their approaches to meet the needs of disabled people – Code of practice' contains further useful information in this regard. Access to, into and around the proposal along with the provision of inclusive accessible features and facilities, should be carefully considered together with access from the boundary of the site and from car parking where carefully laid out provision for disabled motorists should be available. BS8300:2009 give further information in this regard including proportion of spaces, layout and design. Access to the development by pedestrians on foot will need to be carefully considered. Safe segregated 'traffic free' pedestrian pathway routes should be considered from the boundary of the site to the proposals and from car parking with dropped kerbs and tactile warnings as appropriate. Access to, into and around the proposal together with provision of suitable accessible facilities and features should be carefully considered. Easy access and manoeuvre for all, including wheelchair users, should be considered throughout together with provision of accessible toilet and sanitary facilities. The internal layout should be carefully designed to be wide enough to allow easy access by wheelchair users, turn and manoeuvre without restriction, barriers to access or obstructions. Available facilities should be accessible to all. Means of escape should be carefully considered and level or ramped egress should be considered from all external doors.

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

Comments received 10.01.18 and 10.08.18 - No observations beyond those previously advised.

HERITAGE COMMENTS

NSDC Conservation Comments Received 07.09.15

Preliminary

The proposal seeks to alter and convert the Grade II listed former farm complex at Bulcote Steading to residential use. The proposal also seeks to erect new residential units and a community building within the wider grounds of the farm site, identified as 'enabling development'. The site is located within Bulcote Conservation Area (CA).

Pre-application advice had been sought before this formal submission/refs PREAPP/00235/12 and

PREAPP/00170/14). Concerns and issues were raised during these pre-application discussions on specific issues, including likely difficulties in conversion and the prematurity of considering new development for enabling purposes without evidence of marketing or figures pertaining to the perceived heritage deficit.

Main issue(s)

Key issues to consider in this case:

- i) Whether the proposal preserves the listed buildings, including their setting and any architectural features they possess;
- ii) What impact the proposal has on the character and appearance of the CA;
- iii) Whether the benefits of the proposed enabling development, which otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.

Legal and Policy Considerations

Sections 16 and 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 addition, section 72 of the Act requires the LPA to pay special attention to the desirability of preserving or enhancing the character and appearance of the CA. In this context, the objective of preservation is to cause no harm, 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).

In addition, in accordance with paragraph 140 of the NPPF, the LPA should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies. Historic England guidance on enabling development is contained within the 2008 publication 'Enabling Development and the Conservation of Significant Places' which remains a valid and material policy document (this policy applies only to development contrary to established planning policy, not proposals to secure the future of significant places that are in accordance with the LDF and NPPF). The policy itself now sits within the framework provided by Historic England's 'Conservation Principles, Policies and Guidance for the Sustainable Management of the Historic Environment' (2008), which promotes a values-based approach to assessing heritage significance. The detailed practical guidance provided in the enabling development policy document should be applied within the context provided by the Principles.

Enabling development that would secure the future of a significant place, but contravene other planning policy objectives, should be unacceptable unless:

- a) it will not materially harm the heritage values of the place or its setting;
- b) it avoids detrimental fragmentation of management of the place;
- c) it will secure the long-term future of the place and, where applicable, its continued use for a sympathetic purpose; it is necessary to resolve problems arising from the inherent needs of the place, rather than the circumstances of the present owner, or the purchase price paid;
- d) sufficient subsidy is not available from any other source;
- e) it is demonstrated that the amount of enabling development is the minimum necessary to secure the future of the place, and that its form minimises harm to other public interests;
- f) the public benefit of securing the future of the significant place through such enabling development decisively outweighs the disbenefits of breaching other public policies.

If it is decided that a scheme of enabling development meets all of these criteria, Historic England believes that planning permission should only be granted if:

- a) the impact of the development is precisely defined at the outset, normally through the granting of full, rather than outline, planning permission;
- b) the achievement of the heritage objective is securely and enforceably linked to it;
- c) the place concerned is repaired to an agreed standard, or the funds to do so are made available, as early as possible in the course of the enabling development, ideally at the outset and certainly before completion or occupation;
- d) the planning authority closely monitors implementation, if necessary acting promptly to ensure that obligations are fulfilled.

The Conversion of Traditional Farm Buildings: A guide to good practice (English Heritage 2006; <https://historicengland.org.uk/images-books/publications/conversion-of-traditional-farm-buildings/>) and Traditional Windows: Their Care, Repair and Upgrading (Historic England 2015; <https://historicengland.org.uk/images-books/publications/traditional-windows-care-repair-upgrading/>) also provide useful guidance relevant to this case.

Significance of the Heritage Asset(s)

The listed building identified as Bulcote Farm comprises a series of farm buildings dated 1902 laid out in a quadrangular plan (the north-west and north-east ranges are two storeys). They were

designed by the Nottingham City Engineer Arthur Brown and can be identified by the red brick structures with blue brick and cill bands with stone ashlar dressings. The roofs are covered in plain tiles with various ridge stacks. The fenestration includes metal framed windows with central opening casements and segmental headed windows. The main buildings include fire-proofed brick arched floor construction with concrete floors.

The north-east stable range has a recessed centre with 20 bays divided by pilaster strips. Every fourth bay has a tall glazing bar window with a smaller window above, and every intermediary bay has a single smaller window above. The projecting block with 3 windows to the left has large glazing bar windows with smaller windows above, and the 5 window projecting block to the right has large glazing bar windows with a central taking-in door (above) with a single smaller window to left and 2 to the right. To the south is a set of ornate iron gates with gabled iron gate piers linking to single storey office building. The office building has two tall brick chimney stacks, a metal roof ventilator and plate-glass sash windows throughout. Street front has a double and 2 single sashes. Gabled south-east facade has two pairs of sashes and a door to left gable and a large triple sash to right gable. Main courtyard front has octagonal corner bay window topped with an iron weather vane. To left a door flanked by single sashes and beyond a pair of sashes. In front of this façade is an interesting 15 ton weigh-bridge made by W & T Avery Ltd, London & Birmingham. The south-east stable range is two storey with a single dairy range to right. Stable range has 12 bays with alternating doors and windows from left, above a taking-in door and three small windows. Dairy to right has deeply overhanging roof supported on circular cast-iron columns. Seven bays, from left a glazing bar sash then a doorway, two further sashes, another double door and another two sashes beyond. Two ten bay pig sty ranges to south-west, single storey with slate roofs. Both main fronts have ten small glazing bar windows and ten roof-lights. Rear facades have ten small segment arched doorways. Gable ends have irregular roofline with single doorways, these doorways lead into corridors which serve the individual styes. These corridors have narrow gauge railway-lines for feeding trucks. Both these ranges have similar facades to the inner courtyard. North-west storage range has 20 bays with 13 large glazing bar windows which alternate irregularly with three cart entrances and a broad entrance to the inner courtyard. Beyond to right is a later 20th extension, not of special interest. To the north-west there are 2 specialist single storey buildings with large glazing bar windows with segmental heads.

Bulcote Farm is an important example of an industrial farmyard. It was constructed specifically by Nottingham City Corporation in order to assist with the dispersal of the solid waste produced by the sewage works at Stoke Bardolph. The Nottingham and Leen Valley Sewerage Board was established following the Nottingham and District Sewerage Act of 1872 in response to resolving pollution of the River Trent and River Leen from the city of Nottingham and surrounding areas. In 1877, the Board's powers passed to the Corporation of Nottingham. The Corporation leased 638 acres of land at Stoke Bardolph from Earl Manvers in 1878, and later purchased the estate. Construction of a sewage farm began under the direction of the Municipal Engineer M. Ogle Tarbotton (surveys of the land at Stoke Bardolph identified it as a suitable area with good drainage, where the sewage could be disposed of by means of spreading it on farm land and letting it seep through into the soil; the first sewage was received on 17 June 1880). The area covered by the farm increased in subsequent years and it soon extended into the neighbouring parish of Bulcote after the Corporation purchased 650 acres of land. Bulcote Farm became fully operational in 1904.

Proposals were put forward in the mid-1960s to expand the piggeries and convert the cow sheds, but this was not taken forward. Shortly after, much of the animal husbandry structures were demolished, including cow sheds, calf pens and piggeries. A new dairy farm was erected on the

other side of the road in 1987. Operations on the site have been scaled back since then, and the site effectively became redundant in 2013.

The former farmstead has group association with the farm manager's house to the south and the 6 semi-detached labourer houses known as Corporation Cottages (these structures are all Grade II listed, and were, according to the listings, also designed by Brown, 1902. Nonetheless, late-19th century maps suggest that Field House predates the model farm). The site and its buildings form an important grouping within the CA.

Demolition

Several modern 20th century buildings are proposed for demolition. These are identified on plan as D, K and H.

Open barn 2 (ref D) is very similar to the barn to the south (ref C) and is formed by a steel frame with timber cladding and fibre cement roof. The frame is probably of some age, noting that cart sheds appear to have been located in this area on the original site plans. However, the cladding materials are modern and the structure is otherwise in poor condition. On balance, the loss of this barn is not harmful to the overall special interest of the listed farmstead in this case.

The grain drying barn (ref G) is a modern portal framed construction attached to the end of the original brick built grain room range (ref K). It is clad with profiled fibre cement sheets above a low level brick plinth. The list entry clearly identifies this structure as having no special interest. Its removal is therefore acceptable.

Machinery barn (ref H) is an open sided, modern portal framed construction. Although the barn is of a similar size to an earlier Dutch barn (constructed in 1913), it is accepted that this barn is of no architectural merit.

Overall, the demolition of these three structures will cause no harm to the setting of the listed farmstead or character and appearance of the CA.

Conversion

The proposal seek to adapt and convert the historic model farm buildings identified as A, B, C, E, F, G, I, J and L. It is recognised that the conversion of the gate house (ref L) appears to involve limited alteration, and that the limited foot print of the piggery structures (refs E and F) ensures that these have limited usage beyond storage (their retention is welcomed however). These elements of the scheme do not appear to be contentious.

We have a number of concerns with the proposed conversion scheme however:

- The internal works include subdivision and alteration. The plan form of a building is frequently one of its most important characteristics and internal partitions, staircases and other features form part of the significance of the farmstead. Proposals to remove or modify internal arrangements, including the insertion of new openings and partitions, will be subject to the same considerations of impact on significance (particularly architectural interest) as for externally visible alterations. The sub-division of the larger barns, for example, which are significant in part for their open interiors, will have a considerable impact on significance. In broad terms, it is felt that the extent of internal sub-division and alteration is harmful in this

case;

- Although it is recognised that thermal efficiency and the installation of new services, both internal and external, are essential to adapt the buildings, the cumulative impact of dry-lining, plumbing, meter boxes, flues and other accretions will all have a considerable effect on the appearance and significance of the listed buildings. Whilst the impact of necessary services could be minimised by avoiding damage to decorative features and by carefully routing and finishing (including the use of materials appropriate to the relevant period, such as cast iron grilles), no details have been submitted to demonstrate how historic fabric will be treated or adapted. In this regard, it should be noted that Building Regulations do not necessarily supersede listed building control and a level of sensitivity is required. It is acknowledged that suitably worded conditions could potentially address some of these aspects. There is, however, currently insufficient detail within the application to demonstrate that the proposals represent the optimum conservation approach. These aspects also form an important element of the enabling argument (see below);
- In addition to the above, no details are provided on what measures might be proposed for flood resilient design within the building fabric (as per the flood risk assessment). Tanking methods, including alterations to floor levels and external windows and doors, could potentially be harmful to the special interest of the listed buildings. Any alterations should be clarified;
- A number of new roof lights are proposed to buildings A, B, I and K. The insertion of new elements such as doors and windows, (including roof lights to bring roof spaces into more intensive use) could adversely affect the building's significance. The use of domestic style roof lights, as is the case with buildings A, B and I, does not reflect the architectural interest of the roof scape in this case. The loss of historic roof lights on building K results in a loss of interest furthermore, and no clear and convincing justification has been made for this element of works;
- Other external alterations include new windows and doors, as well as the blocking-up of existing windows and doors. Whilst some of these alterations are not harmful on their own, there is a degree of harm to architectural interest through cumulative change. Some elements of the scheme could readily be amended to address these concerns by retaining joinery, including for example retaining upper storey loading doors (or perhaps considering half glazing them). In other circumstances, alterations should be removed from the scheme (if the alterations do not have a clear and convincing justification for example). Examples of this include blocking up historic doorways and inserting new windows and doors;
- No details are given on the conservation of architectural features such as loading pulleys or feeding stalls. These should form an essential part of the project and be detailed within a schedule of works. In many instances, it is unclear as to whether these features would be retained.

Enabling Development

In the absence of independent scrutiny of the submitted figures, please treat this advice as interim guidance only. We recognise that this process is in hand, and that further discussion will be undertaken in due course which shall likely impinge upon the advice contained within this consultation response.

I can confirm that the marketing strategy utilised in this instance was discussed with the Council prior to the submission of the applications, and that this strategy conformed with the advice given at that time. I will comment in more detail on this aspect once the independent review has been completed.

Nevertheless, it has not yet been demonstrated what the heritage deficit is (if any) and whether the proposals for new build are the minimum necessary to enable the conservation of the listed buildings at Bulcote Farm. The heritage deficit includes conservation-led renovations to the historic buildings. Since this is not detailed within the scheme, it is difficult to have confidence in the figures. For example, the figures appear to allow for extensive replacement of windows and roof coverings, whereas the optimal conservation approach would be to conserve historic fabric. This is not to say that these elements do not require substantial repair or even replacement, but no details are submitted on the individual condition of these elements which might otherwise indicate what level of conservation is applicable. It is recognised that these elements could significantly affect the figures either way. However, as advised above, I will review this on completion of the independent review of the figures.

Having reviewed the submitted plans, nonetheless, I have significant concerns with the quantum of proposed new development proposed, and the design and appearance of some of the residential blocks. Whilst it is appreciated that the original layout of the farm is referenced in parts of the proposed enabling scheme, many of the new buildings appear to dominate the site (notably the blocks to the southwest, for example).

Summary of Opinion/Recommendations

In its current form, Conservation objects to the proposed development and works to the listed buildings.

It is difficult to comment on the enabling aspect at this time until the independent scrutiny of the figures has been completed. Nevertheless, there are certain aspects of the proposals which could be addressed/clarified:

- Concerns regarding subdivision: in these circumstances, the use of pods or other design devices that allow the entirety of the space to be read might be considered;
- Schedule of works detailing the conversion works. This should ideally detail repairs, renovations and alterations on a room by room basis, with thought given to the conservation of internal architectural features. Any flood mitigation works should be included;
- Historic roof lights should be retained and reused. New roof lights removed as far as is practicable with a justification made for their installation;
- Internal and external alterations reduced as far as is practicable. Retention of historic joinery should be maximised.

Comments Received 09.08.18 – These reiterate the above comments in relation to the main issues, legal and policy considerations and the significance of the heritage assets. Additional comments are noted below:-

Decision-Making

The decision-maker should be mindful of the need to give great weight to the conservation of designated heritage assets (NPPF para. 193). 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 reminds us 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 16, 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.

Enabling Development

Paragraph 202 of the NPPF states that local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies. The key public benefit is usually perceived as securing the long term future of the heritage asset concerned.

The Historic England (HE) (formerly English Heritage) document ‘Enabling Development and the Conservation of Significant Places’, offers specific guidance and criteria to be used in the assessment of enabling development proposals. Paragraph 202 of the NPPF makes it clear that the benefits of an enabling development proposal should simply outweigh the disbenefits of departing from other policies unlike the HE criteria which set out the tests of ‘decisively’ outweighing disbenefits. Given the status and up-to-date nature of the NPPF, and in the absence of any specific development plan policy on this matter, paragraph 202 forms the overarching test in this case, although the HE document remains a useful advice note.

Fundamentally, although the HE guidance predates the NPPF, it still stands as HE’s position on the

concept of enabling development and sits within the framework provided by HE's 'Conservation Principles, Policies and Guidance for the Sustainable Management of the Historic Environment' (2008), which promotes a values-based approach to assessing heritage significance. The detailed practical guidance provided in the enabling development policy document should therefore be applied within the context provided by these principles.

The HE enabling guidance explains that a complex task of assembling the application (by the applicant), and assessing it (by the LPA) is involved. On page 5 it sets out 'The Policy' relating to enabling development. Enabling development that would secure the future of a significant place, but contravene other planning policy objectives, should be unacceptable unless:

- a) it will not materially harm the heritage values of the place or its setting;
- b) it avoids detrimental fragmentation of management of the place;
- c) it will secure the long-term future of the place and, where applicable, its continued use for a sympathetic purpose
- d) it is necessary to resolve problems arising from the inherent needs of the place, rather than the circumstances of the present owner, or the purchase price paid;
- e) sufficient subsidy is not available from any other source;
- f) it is demonstrated that the amount of enabling development is the minimum necessary to secure the future of the place, and that its form minimises harm to other public interests;
- g) the public benefit of securing the future of the significant place through such enabling development decisively outweighs the disbenefits of breaching other public policies.

HE advises that if these criteria are met, planning permission should only be granted if:

- i. the impact of the development is precisely defined at the outset, normally through the granting of full, rather than outline, planning permission;
- ii. the achievement of the heritage objective is securely and enforceably linked to it;
- iii. the place concerned is repaired to an agreed standard, or the funds to do so are made available, as early as possible in the course of the enabling development, ideally at the outset and certainly before completion or occupation;
- iv. the planning authority closely monitors implementation, if necessary acting promptly to ensure that obligations are fulfilled.

The basic proposition in enabling development is that there is a conservation deficit, where the cost of repair and conversion to beneficial use is greater than the market value on completion of those works, so that based on a financial appraisal, some subsidy is required. In short, the enabling development provides a public subsidy in the form of development that would not otherwise be permitted. The HE guidance says market testing is normally the first step in establishing the need for subsidy, and Paragraph 3.6.2 sets out the information needed to cover all financial aspects of the proposal.

Assessment of Proposal

Conservation has no objection to the proposed development.

Bulcote Farm was conceived as a quadrangle with several ranges of buildings providing housing for cows, pigs and horses as well as food storage. The majority of buildings are constructed from red brick with concrete vaulted floors, blue brick detailing, slate roofs and metal framed arched head

windows. Two ranges to the southwest and one within the main quadrangle were demolished in the 1960's (presumably due to underuse/maintenance issues) whilst several portal framed buildings were added over the years in order to adapt to modern agricultural practices. The significance of the current complex, which was designated Grade II in 2005, relates to its architectural interest and social history concerning the model farm movement in the post-medieval era. The farm complex derives significance also from its rural setting and relationship to adjacent listed buildings.

The proposal before us seeks to restore and renovate the listed buildings whilst accommodating a new residential use. The additional provision of enabling development is necessary and justified in this case. The proposal can be summarised as:

- Conversion of the historic farm buildings to form 24 dwellings;
- Enabling development comprising 48 new build dwellings to the northwest of the remaining farm buildings, between the farm and Corporation Cottages, and on the site of the modern dairy farm;
- Over 160 car spaces within the quadrangle, private driveways and parking courts;
- New community use within the former dairy building on the southeast side;
- Public open space within the quadrangle and to the north of the existing historic farm buildings.

The renovation of the historic farm buildings includes removal of modern extensions and portal elements within its setting, resulting in an enhancement to the significance of the listed buildings. The removal of the grain dryer to the end of the granary range for example, and reinstatement of matching period windows will help better reveal the significance of the main range.

There remain elements of agricultural machinery within the granary, including grinding and willowing machines. These are not fixed, and as plant, not protected by the listing in this case.

This machinery is not thought to be located in its original position, although recording will be necessary if a scheme is approved. We recognise that some of these machines might be donated to a museum, but this in itself should not be perceived as a benefit as there is no certainty as to whether such a donation would be accepted, and the removal of the machinery will result in some loss of interest to the model farm. Nevertheless, there are also a number of cast iron hand operated winches fixed to the concrete upper floors, and we are pleased to see that many of these will be retained as part of the scheme (this will need to be conditioned).

The applicant has responded positively to our original concerns regarding alterations to the listed buildings, and the scheme has been significantly revised. Nevertheless, the most significant internal intervention relates to stairways, which are currently limited in number.

The conversion scheme of the main northeast range for example requires individual staircases in each bay. However, this helps reduce internal subdivision and the external reading of the bays remains unaffected. Inevitably, the subdivision of some spaces impacts the legibility of the barns, as do alterations of some of the more specialist areas such as the stables. Overall, we feel that the applicant has struck the right balance between intervention and historic fabric retention/plan-form legibility. New internal walls have been reduced to the minimum necessary, and where intervention is required, it has a clear and convincing justification. Wherever possible, for example, living areas are open plan to maintain a sense of openness, and new walls aligned logically within

the vaulted ceilings or by the line of roof trusses.

We recognise and support the minimisation of new external openings. Exceptions to this include the southwest elevation where the modern grain store will be removed (an enhancement), and some minor alterations to plots 17 and 21. The removal of new roof lights from the scheme is welcomed.

Careful consideration has also been given to Building Regulations and services. Although it is accepted that the industrial character of the buildings generally enables some pragmatic interventions, we welcome the efforts to minimise intervention and visual accretions in prominent positions. The replacement or alteration of existing concrete ground floors for flood resilience is also considered to be acceptable, and the industrial character of the buildings will remain unaffected. Whilst these elements will require appropriately worded conditions, we feel that the indicative strategies for services and insulation are suitable in this case.

It should also be noted that the repair schedule anticipates appropriate repair and renovation as far as practicable, ensuring that good conservation values are followed. The revised annotations for conversion allow for repair and renovation of existing windows rather than replacement for example. Over 50 per cent of the roof slates are anticipated to be salvageable, furthermore. The scheme expects to retain extensive architectural elements throughout, including winches (associated with taking-in doors), pulleys, belt drive system, trap doors and external light fittings. We also welcome the retention of plank doors to be pinned back (enabling openings to be glazed). The preservation of glazed brick walls in the proposed community space is positive, as is the conservation of the narrow gauge feeding tracks and fabric of the piggery building (to become a useful ancillary element to new residential units). The applicant acknowledges that the manager's office includes extensive interest in terms of joinery, fire places and elements associated with the weighbridge. Suitable conditions will be required governing any repairs, including temporary removal for cleaning/repair.

The car parking within the courtyard will have a significant impact on the setting of the listed farm complex, although it is accepted that the existing extent of hard standing and industrial character ensures that this aspect of the proposal is not fundamentally harmful. The proposal indicates that the central area will be landscaped and used as shared amenity, ensuring that the spaciousness of the yard is sustained, thus preserving the overall stack yard setting of the main listed building range. Landscaping and surfacing will need to be carefully considered nevertheless.

Overall, we consider the conversion scheme to be well-considered and positive.

The new build 'enabling' development can be split into three distinct elements:

- The terraced elements to the southwest and northwest;
- The semi-detached infill adjacent to Corporation Cottages; and
- The detached houses to the northeast replacing the modern dairy farm.

We are convinced that the re-imagining of the demolished historic courtyard rows is acceptable. The intensity of the development in this part of the site is consistent with the historic plan-form of the model farm, furthermore, and the scale and design of the new build reflects aspects of the vernacular farm buildings previously there. The design approach is positive, although careful consideration will need to be given to the subdivision of garden plots (hedges and post and rail fences should be utilised rather than standard panel fences for example).

As for the new semi-detached houses along the roadway, it is felt that these continue the

planform of Corporation Cottages, and although the design is a modern interpretation, the general form and scale is commensurate with the significance of the model farm site and the listed former labourer cottages adjacent. The loss of the views from the road towards rural countryside between Corporation Cottages and the model farm slightly contradicts the aspirations of the adopted CA Appraisal. However, we feel that this is not profoundly harmful, noting that views will still be afforded between buildings. Moreover, there is no planned vista or material receptor in this location, the identified view being more associated with the experience of moving through the site and the sense of space between buildings. The existing hedgerow currently prevents views through this part of the site in any case. The tightknit arrangement of new dwellings proposed along Old Main Road does not preclude the ability to experience the rural setting beyond it. Indeed, early discussions on new build in this area discounted any form of tandem or back-land layouts in order to protect the plan-form and plot arrangement of Corporation Cottages, and in this context, we feel that the infill semidetached dwellings is successful.

The removal of the modern late 20th century dairy farm on the northeast side is welcomed, and will result in a significant improvement to the setting of the model farm and conservation area. The modern farm buildings comprise a significant foot print, and include extensive modern portal elements which are unattractive and obtrusive when compared to the aesthetics of the model farm. Although we accept that the new build component is ostensibly different in character to the existing farm buildings, we feel that the benefit of removing the modern dairy farm complex is a significant consideration. Moreover, the scale, form and design of the new dwellings fits in with the labourer cottage character of Corporation Cottages, and we are therefore satisfied that the development is not harmful to the setting of the listed buildings in this case. Whilst the development sits in proximity to the northeast range of the main listed farm complex, the dwellings will be set well back from the roadway and not unduly prominent.

In conclusion, having scrutinised the plans and details for the conversion and new build, we are satisfied that the proposed redevelopment of the listed buildings at Bulcote Steading and the new development within their setting sustains their overall special interest and causes no harm to the setting of Corporation Cottages or Field House. No harm is perceived to the character and appearance of the Bulcote CA furthermore. The revised plans fully address concerns raised in our previous advice regarding the conversion strategy, and overall I consider the conversion scheme to be acceptable. Change is inevitable in any conversion scheme and in this case, I consider that the revised plans reflect detailed dialogue between the applicant and the Council seeking to minimise conflict between the heritage asset's conservation and various aspects of the proposal. Fundamentally, most of the external historic fabric of the listed buildings is retained, with opportunities taken to improve them wherever practicable.

For clarity, we are satisfied that the overall development is not harmful to the special interest or setting of any listed building, and nor is it harmful to the CA, including its setting. Whilst we accept that the quantum of development is considerable, we are content that a significant portion of the new development is located where previous important historic buildings were situated (the courtyard development), and where it does not, forms a natural continuation of existing buildings (the modest rounding off to Corporation Cottages) or replaces negative brownfield elements (the modern dairy farm).

Given that the enabling figures have been independently scrutinised, we see no reason to dispute the quantum of development. In accordance with Historic England's advice, the enabling should be the minimum necessary to resolve the heritage deficit. If the applicant is required to contribute to local infrastructure via s.106 agreement, the quantum of enabling development will inevitably

rise. I would be concerned by any further development on the site beyond that shown in the revised plans and an increase in the numbers in any part of the site is likely to tip the balance from no harm to harm. Harmful development would clearly contradict the HE guidance on enabling development.

In addition, Severn Trent sites in this District are all operational, ensuring that off-site enabling is not a realistic option either.

The applicant has set out clearly that they would be prepared to enter into a s.106 to secure all of the repairs to the listed buildings as part of a phasing agreement.

Other Matters

In accordance with the Historic England methodology for Heritage at Risk, empty and vacant listed buildings with some level of neglect or deterioration are considered to be at risk. Newark and Sherwood District has 1387 buildings, structures and monuments that are regarded to be of national significance and designated as listed buildings. Whilst the great majority are in good condition, there are a number of buildings that have fallen into disuse and disrepair. These structures are commonly referred to as 'Buildings at Risk' (BaR).

Nottinghamshire County Council (NCC) has been carrying out condition surveys of vulnerable buildings since the 1980s. The County Council first published details of buildings at risk in the Historic Buildings at Risk in Nottinghamshire 2004, and have resurveyed the District within the last 5 years. Historic England also publishes a register of nationally significant designated heritage at risk, including all Grade I and II* structures. Consequently, there is no need to replicate this in the local BaR Register. The purpose of the Register is to raise awareness of the deteriorating condition of a number of listed buildings and to generate interest among the local community and potential investors. Listed buildings that are not being maintained in a reasonable condition can be subject to legal action by the Council to enforce proper repairs. In the most extreme cases, neglect may lead to compulsory purchase proceedings by the Council.

The risk level is determined by assessing the condition of a building (usually by external inspection only). Risk level is determined by condition and occupancy, with level 1, 2 and 3 being 'at risk' and 4 being 'vulnerable' or 5 'not at risk'. Extreme risk (level 1) is the worst level and is determined by severe structural failure and redundancy. At the other end of the scale, buildings and structures that are in a fair or good structural condition may still warrant regular inspection due to their vacancy or lack of maintenance, both of which can lead to longer term problems.

In Bulcote, the only listed building formally added to the Register is the gates and piers to Kingswood (based upon a condition assessment). Having discussed the model farm with NCC colleagues, they advise me that it was last surveyed in 2013. The survey results at that time advised that the overall condition was fair (except for the condition of the architectural detail which was classed as poor) but that it was part occupied and therefore classified as risk category 4 (vulnerable). The submitted condition survey of the model farm (forming part of the enabling baseline data and the historic building record/photographic record) reveals that there is masonry cracking in a number of structures, some of which is serious. I believe that this puts the building range into category 3 (at risk). Structural assessment could be used to clarify some of the

observations by Shaw and Jagger in terms of vulnerability/parlous condition of barns. However, having inspected the barns several times over the last 5/6 years, I am satisfied that the buildings are at risk in the context of the HE methodology. It is worth noting that empty and derelict listed buildings can put conservation areas at risk. At present, Newark, Ollerton and Upton are all identified as being at risk on the national Register. In all three cases, empty and decayed listed buildings are a key factor for designation.

Mothballing is only a temporary measure. Given that urgent works procedures can only agree the minimum works to make the buildings wind and watertight, including plastic roof coverings and other temporary measures, the public perception of dereliction is not necessarily addressed and underlying risk factors remain. The 2015 HE guidance on mothballing advises that an active management strategy should be used, ranging from urgent works to security measures, propping, works to reduce the risk of arson, control of vegetation and finding temporary uses. On a site of the size and complexity of Bulcote model farm, many of these issues present cost burdens and practical difficulties. Kelham Island in Sheffield is an example of a conservation area at risk with many historic buildings mothballed for some time before eventually being redeveloped. The former Green Lane Works is a good exemplar of this, and it took support from Historic England in resolve.

In this case, the applicant has indicated the considerable heritage deficit inherent to the site, along with perceived repair costs. It is anticipated, for example, that the cost of essential repairs to the roofs (including rainwater run-off), masonry, windows, floors and asbestos removal is likely to require investment of £1.6 million. The applicant has actively explored other funding sources to address the heritage deficit, and I have no reason in this case to dispute their conclusion that funding from alternate sources is unlikely.

In this context, we feel that the proposal before us represents the optimum viable use of the site with acceptable new development surrounding it which is the minimum necessary to address the heritage deficit.

Summary of Opinion

No objection. In accordance with paragraph 202 of the NPPF, we believe that the case for enabling development has been made and justifies departing from planning policies which would otherwise conflict in this case. The proposal will preserve the special interest of Bulcote Steading and the character and appearance of Bulcote CA. No harm will be caused to the setting of Corporation Cottages or Field Farm, both Grade II listed buildings. The proposed development and works therefore accord with section 16, 66 and 72 of the Act. The proposal also complies with heritage advice contained within the Council's LDF DPDs and section 16 of the NPPF.

Conditions

If the scheme was approved, the following matters will need to be conditioned on the listed building application in conjunction with standard model conditions:

No works of demolition shall begin until a binding contract has been entered into for the carrying out of works for redevelopment of the site in accordance with all the necessary permissions and consents.

Reason: To ensure that the development will proceed in accordance with para.198 of the NPPF.

Before work begins a site meeting shall be held between the local planning authority and the persons responsible for undertaking the works to ensure that the Conditions attached to the Listed Building Consent are understood and can be complied with in full. Notification of the date and time of a meeting shall be made in writing to the Local Planning Authority.

Reason: This condition is to ensure that follow-up action can be taken before works begin on site. This is a complex scheme where there will be a number of other conditions, and where planning permission has also been granted.

Before work begins it shall be agreed in writing with the Local Planning Authority the appropriately qualified professional specialising in conservation work who will supervise the hereby approved works of alteration or demolition. Any proposed changes to the agreed supervision arrangements shall be subject to the prior written agreement of the LPA.

Reason: To ensure that the works respect the special interest of the listed buildings.

Before the commencement of works, an updated schedule of works, including structural engineering drawings and method statement shall be submitted to and approved in writing by the Local Planning Authority. The details shall include:

- a method statement for ensuring the safety and stability of the building fabric identified to be retained throughout the phases of demolition and renovation;
- the arrangements for temporary secure storage of salvage materials and architectural features to be repaired off-site; the person or body specialising in this procedure appointed by the applicant; and a timetable for their reinstatement, re-use or disposal;
- a detailed methodology for the repair and renovation of the building fabric to be retained; and
- an updated methodology for all service and utility interventions, thermal upgrading and flood resilience improvements to concrete floors.

Particular regard should be given to the following items: chimney-pieces; cast guttering and hopper-heads; windows containing historic window glass; historic light fittings; hoist winches; loft hatches; glazed brick faience; architectural elements associated with the weighbridge; metal-work; vaulted ceilings; historic timber beams, joists and rafters.

No such features shall be disturbed or removed temporarily or permanently except as indicated on the approved drawings or without the prior approval in writing of the Local Planning Authority. Where appropriate, sound materials/features/fixtures forming part of the building shall be carefully taken down, protected and securely stored for later re-use. The agreed measures shall be carried out in full.

Reason: to ensure that the works take the form envisaged by the Local Planning Authority and that they respect the special architectural and historic interest of the listed building.

During the works, if hidden historic features are revealed they should be retained insitu unless otherwise agreed in writing with the Local Planning Authority. Works shall otherwise be halted in the relevant area of the building and the Local Planning Authority should be notified immediately. Failure to do so may result in unauthorized works being carried out and an offence being committed.

Reason: To ensure that the works respect the special interest of the listed buildings.

A programme of historic building recording and full recording report shall be submitted to and approved in writing by the Local Planning Authority before work commences.

Reason: To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the building.

In addition, conditions will need to address all aspects of the new build (joinery schedule, masonry construction, chimneys, eaves/verges and facing materials). All external accretions, including rainwater goods, vents and other elements will need to be agreed. Particular attention will need to be paid to masonry construction (sample panel should be agreed showing bricks, mortar specification, pointing finish and brick bond). Joinery and chimneys should be retained, and thought given to appropriate restriction of permitted development (notably to roofs and potential visual domestic clutter within the setting of the listed buildings).

Informative notes shall include:

This Listed Building Consent is granted in strict accordance with the approved plans. It should however be noted that: a) Any variation from the approved plans following commencement of the development, irrespective of the degree of variation, will constitute unauthorized development and may be liable for enforcement action. b) You or your agent or any other person responsible for implementing this permission should inform the Local Planning Authority immediately of any proposed variation from the approved plans and ask to be advised as to the best method to resolve the matter.

The applicant is advised that the proposed development will require approval under the Building Regulations. Any amendments to the hereby permitted scheme that may be necessary to comply with the Building Regulations must also be approved in writing by the Local Planning Authority in order that any planning implications arising from those amendments may be properly considered.

All new works unless specified on the approved plans and works of making good, whether internal or external, should be finished to match the adjacent work with regard to the methods used and to material, colour, texture and profile.

Historic England – 15.06.15 - Bulcote Corporation Model Farm is a Grade II listed building of special architectural and historic interest in a national context. Designed by the Nottingham City Engineer Arthur Brown it is considered to be an important example of an industrial farmyard, constructed by Nottingham City Corporation to assist with the dispersal of the solid waste produced by the sewage works at Stoke Bardolph. Historic England (formally English Heritage) previously provided the applicant with pre application advice on the 17th October 2013 – a copy of which was sent to your authority. Though we were (and remain) supportive of finding new sustainable uses for the model farm we did not consider principle of residential use was proven to be the most viable use compatible with the conservation of the heritage asset. At that time we felt it was premature to discuss the details of different options and recommend an adequate period of marketing be required to explore options for future uses. No further pre application advice was requested.

Our advice is given in line with the Planning (Listed Buildings and Conservation Areas) Act 1990, the NPPF the Planning Practice Guidance and the Historic Environment Good Practice Advice in Planning - notes 1-3. *The Conversion of Traditional Farm Buildings: a Guide to good practice* (English Heritage 2006). This is complimented by our recent guidance on Energy Efficiency and Historic Buildings (English Heritage 2013) both available to download via [helm.org.uk](http://www.helm.org.uk) <<http://www.helm.org.uk> which provides detailed technical advice on improving thermal performance of historic buildings - a subject which will generally be integral to a proposed change of use.

Additional Comments received 25.01.18 - Thank you for your letter of 8 January 2018 regarding the above application for planning permission. On the basis of the information available to date, we offer the following advice to assist your authority in determining the application.

It will be for your authority to determine whether this is an enabling development case to repair and bring back into use the vacant farmstead - with uses that are compatible with its special interest. We are unable to assess the arguments on viability and therefore advise your authority to obtain sufficient information and satisfy yourselves that the scheme is sustainable, safeguarding the significance of the designated heritage assets; and to balance all planning considerations in determining this application.

Significance

Bulcote Farm was listed Grade II in 2005 in recognition of its national significance as an example of a late model farm designed in 1902 by Arthur Brown specifically for Nottingham City Corporation to assist with the dispersal of the solid waste produced by the sewage works at Stoke Bardolph. The buildings are constructed of red brick laid with Flemish bond with blue engineering stretcher bond brick bands and some stone dressings with concrete cills. The farm is located within the Bulcote conservation area and forms part of a wider group of related structures (some independently listed) and including a farm manager's house to the SW and row of cottages to the NW.

Nationally it is a rare and important example of an industrial farmyard based around a quadrangle with ranges of buildings providing housing for livestock as well as food storage. It's historical and communal value lies in the development of sanitary provision in British cities as well as the development and use of model farms. Technically the farm was highly mechanised in its production with feed crops stored and processed on site or consumption by the livestock. The architectural and technical value is clearly expressed through the surviving farm layout, design and fixtures, which followed modern thinking at that time.

Impact of Proposals on Significance

As previously advised, in our national experience, the conversion of traditional farm buildings to residential use does result in a change in character and, if not carefully considered, this change can be harmful. Here the proposals submitted require significant alteration to the Grade II listed buildings through the proposed conversion to accommodate the number of units and residential / change of use requirements. With the benefit of continuing advice from your conservation officer, Oliver Scott, we note that some changes and improvements have been made to the internal layouts working within the historic structural components. We remain surprised that limited information is provided which we do not consider proportionate to fully explain the proposed internal changes and to assess the impact within the heritage statement.

Notwithstanding this, the extent of subdivision will undoubtedly result in the loss of both the historic plan form and fabric - this loss will harm the historic, architectural, aesthetic and communal value of the farm. Externally proposals include glazing door openings and fixing the doors back, new openings and areas of blocking up. If minded to approve we would strongly recommend that robust conditions are imposed to cover all areas of internal and external works to the listed buildings to meet good conservation practice.

Combined with the proposed conversion, the new build which has increased within the setting of Bulcote model farm, within the conservation area, will fundamentally change the agricultural

character of the farmstead through domestication and intensity of use. As previously advised, whilst there may be scope for some sensitive development on the footprint of the demolished south western ranges, the design of the proposed terrace lengths for example, with front, rear gardens, separate curtilages and driveways and the additions which accompany residential use, through domestication, will harm the appreciation and understanding of the significance of the model farm, which in part is derived from its agricultural setting and direct, uninterrupted relationship with the rural landscape. We are supportive however of the removal of the proposed units within the quadrangle and recommend this is sensitively landscaped to retain the open character and unity of the farmstead.

Policy and Historic England Position

As the applications affect a listed building and a conservation area, the statutory requirements to have special regard to the desirability of preserving the building, its setting and any features of special interest (s.16, s.66, 1990 Act) and to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area (s.72, 1990 Act) must be taken into account by the authority when determining the application.

The NPPF is clear that great weight should be given to the objective of conserving designated heritage assets. (Paragraph 132) All harm, including that arising from development within the setting of a designated heritage asset, requires 'clear and convincing justification'. Substantial harm to or loss of a grade II building should be exceptional.

The applications refer to enabling development in the form of the change of use to residential and the additional new build on the site and within the farm's setting. It is for your authority to determine whether the proposed use is contrary to policy and whether there is a case for enabling development. On the basis of the submission, we believe this proposal is harmful to the significance of the designated heritage asset. We understand your authority commissioned Jones Lang LaSelle to undertake an independent assessment of the financial information submitted. We were not party to this information. From the submission online, we do not know if there is a conservation deficit or that the proposed works will facilitate (or enable) benefits that outweigh harm. There is no evidence submitted to prove the proposed alterations and new build are the minimum necessary. We refer you to further guidance Enabling Development and the Conservation of Significant Places. This Guidance still stands as Historic England's position on Enabling Development. (references to PS56 Policy HE11 is replaced with paragraph 140 of the NPPF). It is for your authority to ensure you have sufficient information and to satisfy yourself on the viability arguments put forward and whether the scheme presented meets the tests within the NPPF.

Historic England has **concerns** regarding the application on heritage grounds.

We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 128-134, 137 and 140 of the NPPF.

In determining this application you should bear in mind the statutory duty of sections 16 (2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess. We refer to section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If there are any material changes to the proposals, or you would like further advice, please contact us.

Additional comments received 14.08.18 - The advice given in this letter responds to revised information for listed building application 15/00785/LBC and planning application 15/0784/FULM for the conversion of the Grade II listed farmstead and associated residential development comprising a total of 64 residential units and community building; and the new planning application 17/02325/FULM for 16 residential units. Historic England (formally English Heritage) provided the applicant with pre application advice on 17 October 2013 - a copy of which was sent to your authority. We also provided advice in relation to these applications in our letters of 15 June 2015 and most recently in our letters of 27th January 2018 which still remain relevant. It will be for your authority to determine whether this is an enabling development case to repair and bring back into use the vacant farmstead - with uses that are compatible with its special interest.

We have been consulted in relation to the additional information provided within the Enabling Development Executive Summary Report dated July 2018. The applications refer to enabling development in the form of the change of use to residential and the additional new build on the site and within the farm's setting. As previously advised it is for your authority to determine whether the proposed use is contrary to policy and whether there is a case for enabling development. On the basis of the submission, we remain of the view this proposal is harmful to the significance of the designated heritage asset. We understand your authority commissioned Jones Lang LaSelle to undertake an independent assessment of the financial information submitted. We were not party to this information. Whilst the additional information provided indicates a conservation deficit, no detailed figures have been provided. Your authority would need to be satisfied that the financial information provided is robust and the proposed alterations and new build are the minimum necessary. We refer you to further guidance Enabling Development and the Conservation of Significant Places. This Guidance still stands as Historic England's position on Enabling Development. (references to PS56 Policy HE11 is replaced with paragraph 202 of the NPPF). It is for your authority to ensure you have sufficient information and to satisfy yourself on the viability arguments put forward and whether the scheme presented meets the tests within the NPPF.

Recommendation

Historic England has concerns regarding the application on heritage grounds as outlined in our previous letters of 27th January 2018. We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 189-196, 200 and 202 of the NPPF.

In determining this application you should bear in mind the statutory duty of sections 16 (2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess. We refer to section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If there are any material changes to the proposals,

or you would like further advice, please contact us.

Comment received 18.10.18 - Thank you for your letter of 24 September 2018 regarding further information on the above application for planning permission. On the basis of this information, we offer the following advice to assist your authority in determining the application.

Historic England Advice

We have previously provided advice on this application on 14 August 2018 and 27 January 2018 which remains relevant. We have been consulted in relation to the additional information provided within the 'Summary of Conservation Deficit'. As previously advised it is for your authority to determine whether there is a case for enabling development. We remain of the view this proposal is harmful to the significance of the designated heritage asset. It is for your authority to ensure you have sufficient information and to satisfy yourself on the viability arguments put forward and whether the scheme presented meets the tests within the National Planning Policy Framework.

Recommendation

Historic England has concerns regarding the application on heritage grounds. Your authority should take these representations into account in determining the application. If there are any material changes to the proposals, or you would like further advice, please contact us. Please advise us of the decision in due course.

Nottinghamshire Building Preservation Trust – 12.06.15 The Nottinghamshire Building Preservation Trust is concerned that the application for the conversion to residential use of the former farm buildings with the extensive 'enabling works' will place unacceptable pressures on the highway and community structure of Bulcote.

Whilst it is desirable to find a sustainable use for the listed buildings the Trust is of the opinion that blocks 17, 18, 19 & 20 are uncharacteristic of the site and could be omitted.

The re-siting of the other blocks would allow reduce the extent of road infrastructure and that this and the retention of only a sample of the pig sty blocks would reduce the amount of obtrusive car parking in the former crew yard.

The Trust therefore requests that the application be refused and a less intensive solution be requested.

Victorian Society – 22.07.15 - This case has been discussed by the Society's Northern Buildings Committee at its recent meeting, and I write not to object to the applications for the adaptation and conversion of the listed farm buildings, as well as the construction of a large expanse of enabling development on the wider historic site.

We have read the comments of Ellis Scott of Historic England, in his letter of 15 June. The Society is fully supportive of the concerns and objections it raises to the proposed scheme. Converting the listed former agricultural buildings to residential use would compromise and harm their impressively well-preserved character and appearance. It would also entail the disposal of a number of interesting pieces of historic machinery, the removal of which would be detrimental to the interest of the complex.

We also echo Historic England's objection to the enabling development proposed to the west of the main group of farm buildings. The scale and number of the new buildings, and the somewhat

suburban idiom adopted, allied to their poor detailing, would be detrimental to the setting of the listed buildings. Moreover, we remain unconvinced that the application provides the information necessary to establish the principle of enabling development. In light of the above we urge you to refuse this ill-justified application consent. I would be grateful if you could inform me of your decision in due course.

AMS – No comments received

CBA – No comments received

SPAB – No comments received

20th Century Society – No comments received

APPENDIX 2 BULCOTE FARM APPLICATIONS

THIRD PARTY REPRESENTATIONS

15/00784/FULM AND 15/00785/LBC

JUNE 2015

Principle of 25 dwellings in the conversion of the building may be acceptable but matters of infrastructure and access would need to be addressed

Support principle of bringing building back to use but questions need for this much new building enabling development

Development is too large

Area does not have the infrastructure (health and school facilities) to support this level of development

HIGHWAYS

Potential damage to unadopted road

Increased traffic generated on road not designed to carry this amount of traffic

Increased congestion onto the A612

Impact on highway and pedestrian safety

Vehicle and pedestrian access over the railway line is unsuitable

Increased traffic would result in congestion at the railway crossing

Current farm traffic not compatible with level of traffic generated by the development and would impact on residents of new development

Lack of parking at the community building

Village roads could not cope with increased traffic

Existing cottages have no of street parking

Insufficient parking for new dwellings

HERITAGE

Questions purpose of listed buildings and conservation designations

This is a historic and a conservation village with a number of Listed Buildings

New dwellings are out of character with design of Listed Buildings

Adverse impact on Conservation Area and will endanger conservation village status

ECOLOGY

Impact on protected nesting birds and wildlife

CHARACTER

Adverse impact on the Green Belt

Adverse impact on the countryside and public enjoyment of the area

The village would become bigger losing its attractive and tranquil character

The proposal is out of proportion with the size of the village

The Development would be a blight on the village and the surrounding area

This is an agricultural site

FLOOD

The site is in a flood plain and area more susceptible to flooding – exacerbated by additional development

Impact of additional surface water run off on the dyke – surface water should not be directed into the dyke

The proposal would exacerbate existing drainage issues

MISC

Developers have taken little notice of previous residents comments from community consultation

Agree with Parish Council comments

Development will also impact on neighbouring villages

Community building is in an unsuitable location

Existing utilities would need major upgrading with extensive works having to come through the village

Pollution from increased traffic

There is contamination on the site

The surrounding fields have been sprayed with sewage and cannot be used to grow food for human consumption

A more suitable use of the building would be as a museum or educational facility

The proposal will destroy the tranquillity of the village

Impact on amenity during construction

The school at Burton Joyce is already at capacity

The proposal raises health and safety issues

15/00784/FULM 15/00785/LBC and 17/02325/FULM

JAN – MARCH 2018 (some standardised letters and some from same address)

HIGHWAYS

Inadequate highway width and concerns with regards to highway safety – could alternative routes used by the farm not be considered

Inadequate footpaths and pedestrian safety

Highway and railway safety – photos provided regarding an incident at the level crossing which blocked the road

HERITAGE

There is no objection to the proposed renovation of the farm buildings

The support for the enabling development has not been demonstrated.

CHARACTER

Impact on Green Belt – the proposals are contrary to national and local policies

The urban design of the dwellings is out of character

FLOOD

The proposal would put pressure on existing drainage

MISC

The proposal would set a precedent

Noise nuisance from increased traffic

Bulcote is a self contained village which is some distance from bus stops and which relies on Burton Joyce for services which would also be affected - the proposals would put pressure on local schools and health services

15/00784/FULM, 15/00785/LBC and 17/02325/FULM

AUG-SEPT 2018 (some standardised letters and some from same address)

Support the Parish Council comments

HIGHWAYS

Inadequate roads and footpaths and pedestrian safety by virtue of increased volume of traffic

Well used bridle way and roads used by walkers, cyclists horse riders as well as cars and farm vehicles.

There is no footpath to the bus stop

If the road is closed there is no other access to the site

HERITAGE

The enabling development is not justified in accordance with HE guidance

NOV – 2018 DEC 2018

1 letter of support has been received.

HIGHWAYS

Proposed road improvements fail to address highway and pedestrian safety issues

Loss of on street parking serving existing cottages as a result of the proposed road improvements

Loss of verge to create footway as part of the proposed road improvements

Access road is not suitable for heavy traffic

Safety issues particularly at the level crossing

If permission were ever to be granted then there should be an access road to Gunthorpe or Burton Joyce

AMENITY

Unacceptable impact on amenity of the village and villagers

HERITAGE

Unacceptable impact on Conservation Area

MISC

Sections of land to facilitate the highway improvements is not within the ownership of the applicant.

The proposal is a waste of public monies.

PLANNING COMMITTEE – 5 FEBRUARY 2019

Application No:	15/00785/LBC	
Proposal:	Listed Building Consent for a development comprising 64 residential units (Use Class C3) and community building (Use Class D1) through the conversion of a Grade II Listed Farm Complex "Bulcote Steading" and associated enabling residential development, with associated parking and landscaping. To be read in conjunction with application ref: 17/02325/FULM	
Location:	Bulcote Farm Old Main Road Bulcote Nottinghamshire	
Applicant:	Mr John Tootle Northern Trust Company Ltd	
Registered:	11th May 2015	Target Date: 10th August 2015
	Extension of time agreed in principle	

This application has been referred to Planning Committee by the Business Manager for Growth and Regeneration given that it relates to applications ref. 15/00784/FULM and 17/02325/FULM which form comprehensive enabling development to facilitate the Listed Building works proposed in this application and which are before Members.

The Site

The application relates to circa 2.7hectares of land on the south eastern edge of Bulcote Village comprising the site of Bulcote Steading, a model farm building constructed in 1904 which is Grade II Listed and the site of associated former outbuildings (demolished in the 1960s) used for housing animals and storage purposes. There remain some associated barns/outbuildings in situ. Although predominantly redundant there are still some small areas being rented out for stabling and storage.

To the north of the site there is ribbon development comprising Corporation Cottages, a terrace of Grade II Listed residential properties. Beyond these is a further Grade II Listed Building, Bulcote Crossing Cottage.

Field House a Grade II Listed Building lies to the south.

Relevant Planning History

15/00784/FULM – A Full Planning Application has been submitted in conjunction with this Listed Building Consent application which seeks permission for a development comprising 64 residential units (Use Class C3) and community building (Use Class D1) through the conversion of a Grade II Listed Farm Complex "Bulcote Steading" and associated enabling residential development, with associated parking and landscaping. This application is also before Members at this Committee.

17/02325/FULM – A full planning application has also been submitted in December 2017 in

conjunction with this application seeking permission for an additional development comprising 16 residential units (Use Class C3). This application is also before Members at this Committee.

The Proposal

Listed Building Consent is sought by this application for the:-

The restoration of the Grade II Listed Model Farm Building to facilitate the conversion to provide 24 dwellings comprising:-

- 1 no. 1 bed
- 8 no. 2 beds;
- 14 no. 3 beds;
- 1 no. 4 bed; and

- the provision of a new community unit of circa 95 sqm within the retained dairy on the south eastern side of the building.

- Circa. 1168 sqm of shared amenity space is proposed within the courtyard.

- Provision of circa 160 parking spaces (within the quadrangle, private driveways and parking courts).

The proposal would involve the demolition of several later modern 20th Century buildings which include an open barn a grain drying barn a modern portal framed building attached to the end of the original brick built grain farm forming part of the main farm building and a machinery barn.

The proposed conversion works comprise

- Internal sub division of buildings to form internal rooms
- New/repared staircases
- Some infill of existing door and window openings
- Minimal new openings
- Repair/replacement of windows and secondary glazing
- Repair to existing external and internal walls (including glazed brick walls in community building)
- Repairs and reroofing of existing roof tiles (new tiles to match)
- Roofing over an existing roof light
- Repairs to or new internal fixtures and fittings
- Retention of architectural elements including winches, pulleys, belt drive system, trap doors and external light.

The following documents have been deposited in support of this application:-

Bulcote Conservation Deficit – received 19.09.18

Revised Heritage Statement – received 05.01.18

Statement of Community Involvement (and appendices) - received 12.05.15.

A raft of drawings have been deposited with the application for both the proposed conversion works and enabling development:

Proposed community building (04) 001 Rev C

House Type 5 (04)005 Rev B

House Type 2 (04)002 Rev C

House Type 4 (04)004 Rev C

House Type 7 (04)007 Rev B

House Type 9 (04)011 Rev B

House Type 20 (04)022 Rev B

House Type 21 (04)023 Rev B

House Type 22 (04)024 Rev B

House Type 14 (04)016 Rev B

House Type 6 (04)006B Rev B

House Type 8A (04)008 Rev B

House Type 8B (04)009 Rev B

House Type 8C (04)010 Rev B

House Type 10 (04)012 Rev B

House Type 11 (04)013 Rev B

House Type 12 (04)014 Rev B

House Type 13 (04)015 Rev B

House Type 16 (04)018 Rev B

House Type 15 (04) 017 Rev B

House Type 17 (04)019 Rev B

House Type 18 (04)020 Rev B

House Type 19 (04)021Rev B

Typical House Types Services Strategy (04)050 Rev A

Retained Stable Units (04) 003 Rev C

Ref G and Ref J Proposed Elevations Rev B

Ref K Proposed Elevations (02)042 Rev B

Ref K and J Proposed Elevations (02)043 Rev B

Ref J and Ref K Proposed Elevations (02)044 Rev B

Ref A and Ref B Proposed Elevations (02)046 Rev B

Ref L Proposed Elevations (02)047 Rev B

Ref I Proposed Elevations Rev B

Ref E and Ref F Proposed Elevations (02)049 Rev B

Ref D Proposed Elevations (02)050 Rev B

Typical Conversion Methodology Stable Range Unit 9 (02) 055 Rev #

Typical Conversion Methodology Stable Range Unit 16 (02) 056 Rev #

Proposed Drainage Strategy (02) 100 Rev A

Proposed services Strategy (02)0101 Rev A

Proposed site layout (02) 003 Rev E

Conversion Properties Proposed Ground Floor Layout 02(009) Rev D

Conversion Properties Proposed First Floor Layout 02(010) Rev D

Site Elevations and Sections Proposed Layout (02) 016 Rev B

Site Elevations and Sections Proposed (02) 017 Rev B

Departure/Public Advertisement Procedure

Occupiers of 65 properties have been individually notified by letter. Site notices have also been displayed near to the site and notices posted in the press.

Planning Policy Framework

The Development Plan

The Courts have accepted that Section 54A of the Town and Country Planning Act 1990 does not apply to decisions on applications for Listed Building Consents, since in those cases there is no statutory requirement to have regard to the provisions of the development plan. However, Local Planning Authorities are required to be mindful of their duty under the legal framework in determining such matters, i.e. Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and take into account the following other material considerations:

- *National Planning Policy Framework (NPPF) Adopted March 2018*
- *Planning Practice Guidance (PPG) - on line resource*
- *Historic England's Good Practice Advice Note 2 and 3 – Managing Significance in Decision Taking in the Historic Environment and The Setting of Heritage Assets*
- *Historic England Advice Note 2 – Making Changes to Heritage Assets*
- *Historic England Advice "Stopping the Rot"*

Consultations

All comments received during consultation have been appended in full within the Heritage section at Appendix 1 Bulcote Farm Applications attached to Agenda Item 16.

Representations have been received from local residents/interested parties which are summarised within the heritage sections of comments received attached as Appendix 2 Bulcote Farm Applications attached to Agenda Item 16.

Appraisal

Principle of Development

The significance of the affected heritage assets namely the Grade II Listed Model Farm and the Conservation Area are detailed within the Conservation Officer comments contained within Appendix 1.

Section 16 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, and is a matter of paramount concern in the planning process.

The Courts have accepted that Section 54A of the Town and Country Planning Act 1990 does not apply to decisions on applications for Listed Building Consents since in those cases there is no statutory requirement to have regard to the provisions of the development plan. However, LPAs are required to be mindful of other material planning considerations in determining such matters, such as the National Planning Policy Framework (NPPF - revised July 2018), PPG as well as the legal framework set out in the previous paragraph.

I note that the internal Conservation Officers comments make reference to the now superseded NPPF (2012). However the commentary in Section 16 of revised NPPF (2018) does not significantly differ to the superseded text and the revised document does not alter the following assessment. It is noted that Section 16 (Conserving and enhancing the historic environment) does refer to more recent case law in stressing that harm is harm irrespective of whether it is less than substantial or not, however the application is assessed on the basis and in the knowledge of this case law in any case.

The importance of considering the impact of new development on the significance of designated heritage assets is expressed in section 16 of the NPPF (2018). Paragraph 193 advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, for example. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. In determining applications, local planning authorities should take account of: a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) the desirability of new development making a positive contribution to local character and distinctiveness. LPAs should also look for opportunities to better reveal the significance of conservation areas when considering new development (paragraph 200).

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).

The LBC decision process should determine what impact the proposed works have on the special interest of the listed building as outlined in the Conservation Officers comments.

Bulcote Farm was designated Grade II Listed in 2005. Its significance relates to its architectural interest and its social history as defined within the Listing which is detailed below together with its rural setting and relationship to adjacent Listed Buildings.

Bulcote Farm comprises a series of farm buildings dated 1902 which are laid out in a quadrangular plan designed by the Nottingham City Engineer Arthur Brown and identified by red brick with blue brick bands and cill bands plus ashlar dressings. There are plain tile roofs with various ridge stacks.

Fenestration includes metal framed windows with central opening casements and segmental headed windows throughout.

The main buildings include fire-proofed brick arched floor construction throughout with concrete floors.

Both the north-west and north-east ranges have two storeys.

The north-east stable range has recessed centre with 20 bays divided by pilaster strips. Every fourth bay has a tall glazing bar window with a smaller window above, and every intermediary bay has a single smaller window above.

The projecting block with three windows to the left has large glazing bar windows with smaller window above. The five window projecting block to right has five large glazing bar windows with a central taking-in door with a single smaller window to left and two to right.

To south is a set of ornate iron gates with gabled iron gatepiers linking to the single storey office building. This building has two tall brick chimneystacks, a metal roof ventilator and plate-glass sash windows throughout.

The street front has a double and two single sashes.

The gabled south-east facade has two pairs of sashes and a door to left gable and a large triple sash to right gable.

The main courtyard front has octagonal corner bay window topped with an iron weather vane. To left a door flanked by single sashes and beyond a pair of sashes.

In front of this façade is a 15 ton weighbridge made by W & T Avery Ltd, London & Birmingham.

South east stable range has two storeys with a single dairy range to right. The stable range has 12 bays with alternating doors and windows from left, above a taking-in door and three small columns.

The dairy to right has deeply overhanging roof supported on circular cast-iron columns. Seven bays, from left a glazing bar sash then a doorway, two further sashes, another double door and another two sashes beyond.

There are two single storey ten bay pig sty ranges to south-west with slate roofs. Both main fronts have ten small glazing bar windows and ten roof-lights. The rear facades have ten small segment arched doorways.

The gable ends have irregular rooflines with single doorways which lead into corridors serving the individual styes and which have narrow gauge railway-lines for feeding trucks. Both these ranges have similar facades to the inner courtyard.

The north-west storage range has 20 bays with 13 large glazing bar windows which alternate irregularly with three cart entrances and a broad entrance to the inner courtyard. Beyond to the right a later C20 extension which is not of special interest. To north-west two specialist single storey buildings with large glazing bar windows with segmental heads.

Shortly after the mid-1960s, much of the animal husbandry structures on the site were demolished, including cow sheds, calf pens and piggeries. A new dairy farm was erected on the other side of the road in 1987. Operations on the site have been scaled back since then, and the site effectively became redundant in 2013 although some of the buildings have remained in storage use.

Bulcote Farm is an important example of an industrial farmyard constructed specifically by Nottingham City Corporation in order to assist with the disposal of the solid waste produced by their new sewage works at Stoke Bardolph - surveys of the land at Stoke Bardolph identified it as a suitable area with good drainage, where the sewage could be disposed of by means of spreading it on farm land and letting it seep through into the soil. The area covered by the farmland increased in subsequent years subsequently extended into the neighbouring parish of Bulcote after the Corporation of Nottingham purchased 650 acres of land. Bulcote Farm consequently became fully operational in 1904.

The former farmstead also has group association with the farm manager's house to the south and the 6 semi-detached labourer houses known as Corporation Cottages which are all Grade II listed, and were, according to the listings, also designed by Brown, 1902.

The site and its buildings form an important grouping within the Conservation Area as noted within the Bulcote Conservation Area Appraisal (2001) which identifies Bulcote Farm as being a unique example of municipal agricultural design being an extensive complex of turn of the century model farm buildings.

Turning to the proposed renovation and conversion works to the Listed Building, following detailed discussion and negotiation with the internal Conservation Officer a revised scheme has been submitted in relation to the proposed conversion works. The repair schedule largely includes:

- Internal sub division of buildings to form internal rooms
- New/repared staircases
- Some infill of existing door and window openings
- Minimal new openings
- Repair/replacement of windows and secondary glazing
- Repair to existing external and internal walls (including glazed brick walls in community building)
- Repairs and reroofing of existing roof tiles (new tiles to match)
- Roofing over an existing roof light
- Repairs to or new internal fixtures and fittings
- Retention of architectural elements including winches, pulleys, belt drive system, trap doors and external light

The proposals have been assessed by a number of heritage bodies including Historic England.

The Council's Conservation Officer now raises no objection to the significantly revised scheme of conversion works. It is accepted that the most significant internal intervention would be the

introduction of the new staircases. However new internal walls have been kept to the minimum and have been positioned on existing structural lines. Intervention has been kept to a minimum and has been clearly justified, there are minimum new external openings and accretions and the previously proposed new roof lights have been removed from the scheme. The replacement or alteration to existing concrete floors to enable flood resilience is considered acceptable.

Minimal alterations to the fabric of the building are proposed. The roofs are to be repaired or re-roofed with existing salvageable slate coverings where ever possible and any new slates will be sourced to match existing. Bearing this in mind I would concur with the internal conservation officer's opinion that the proposed works would not significantly affect the industrial of the heritage character of the buildings or their setting.

It is acknowledged that the car parking within the courtyard will significantly impact on the setting of the listed farm complex. However being mindful of the existing extent of hardstanding and the industrial character of the site this is not considered to be so fundamentally harmful, particularly as landscaping is proposed to the central area. Officers are satisfied that this will preserve the stack yard setting of the listed building range.

The comments of Historic England are noted with regards to the proposed renovation and conversion scheme. They consider that notwithstanding the revised proposal, which it is accepted has made some changes and subsequent improvements to the internal layout and which would work with existing historical structural components, the proposed works are still considered to be harmful to the significance of the designated heritage asset. Historic England has however recommended that it is for the LPA to be satisfied that it has sufficient information to satisfy that the proposal meets the tests within the NPPF -if the LPA is minded to approve then robust conditions should be imposed to cover all areas of external and internal works to meet good conservation practice. It should be noted that the applicant has made a concerted effort to contact and engage with Historic England in discussions with regard to this matter. However further advice from Historic England has not been forthcoming.

Although Historic England continue to have concerns about the overall scheme, following discussions the Council's Conservation Officer is satisfied that Historic England have not fundamentally objected, particularly given their recommendation that it is for the LPA to be satisfied that the proposal meets the tests set out within the NPPF. In their earlier comments, they had raised concerns about the enabling development and the conversion. Notwithstanding concerns about the quantum of enabling, the applicant has sought to address concerns about the conversion works in the revised plans, notably to the dairy range and in the general conservation strategy to preserve architectural details and reduce intervention. Retention of the single storey piggery was also a significant revision in these earlier discussions. On balance, it is considered that that the current conversion proposals are acceptable and do address the comments raised initially by Historic England who have subsequently raised no specific concerns about the proposed conversion.

Taking the above into account and the latest comments from Historic England, officers are satisfied that in considering the proposed scheme appropriate weight has been given to the significance of the heritage asset and that the applicant has a) demonstrated that no alternative viable uses have been found through the marketing of the site and b) that there is no available funding which would enable the conservation of the buildings.

Furthermore officers are satisfied that the application has been accompanied by sufficiently detailed plans and supporting information (including financial information) to allow a thorough and robust assessment of the proposed scheme in terms of the proposed renovation works. I would concur with the internal Conservation Officer that the repair schedule which proposes repair and renovation as far as practicable, follows good conservation practice, and is a well-considered and positive conservation approach to the development which would sustain the special heritage interest of this important Listed Building complex, securing its long terms retention and its contribution to the heritage setting of the site without causing any significant harm to the asset or its setting.

Conclusion

It is therefore concluded that the proposal will preserve the special interest of the listed building and no harm would be caused to the setting of nearby listed buildings. The proposed works therefore accord with section 16 of the Act. The proposal also complies with heritage advice contained within Section 16 of the NPPF and the PPG as well as other relevant guidance produced by Historic England.

Taking this into account it is considered that there is no reason to withhold consent in this instance.

RECOMMENDATION

Grant Listed Building Consent subject to the conditions set out below:

Conditions

01

The works hereby permitted shall begin within a period of three years from the date of this consent.

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

02

The works hereby permitted shall not be carried out except in complete accordance with the following approved plans, reference:-

Proposed community building (04) 001 Rev C

House Type 5 (04)005 Rev B

House Type 2 (04)002 Rev C

House Type 4 (04)004 Rev C

House Type 7 (04)007 Rev B

House Type 9 (04)011 Rev B

House Type 20 (04)022 Rev B

House Type 21 (04)023 Rev B

House Type 22 (04)024 Rev B

House Type 14 (04)016 Rev B

House Type 6 (04)006B Rev B
House Type 8A (04)008 Rev B

House Type 8B (04)009 Rev B
House Type 8C (04)010 Rev B
House Type 10 (04)012 Rev B
House Type 11 (04)013 Rev B
House Type 12 (04)014 Rev B
House Type 13 (04)015 Rev B
House Type 16 (04)018 Rev B
House Type 15 (04) 017 Rev B
House Type 17 (04)019 Rev B
House Type 18 (04)020 Rev B
House Type 19 (04)021Rev B
Typical House Types Services Strategy (04)050 Rev A
Retained Stable Units (04) 003 Rev C

Ref G and Ref J Proposed Elevations Rev B
Ref K Proposed Elevations (02)042 Rev B
Ref K and J Proposed Elevations (02)043 Rev B
Ref J and Ref K Proposed Elevations (02)044 Rev B
Ref A and Ref B Proposed Elevations (02)046 Rev B
Ref L Proposed Elevations (02)047 Rev B
Ref I Proposed Elevations Rev B
Ref E and Ref F Proposed Elevations (02)049 Rev B
Ref D Proposed Elevations (02)050 Rev B
Typical Conversion Methodology Stable Range Unit 9 (02) 055 Rev #
Typical Conversion Methodology Stable Range Unit 16 (02) 056 Rev #

Proposed Drainage Strategy (02) 100 Rev A
Proposed services Strategy (02)0101 Rev A

Proposed site layout (02) 003 Rev E
Conversion Properties Proposed Ground Floor Layout 02(009) Rev D
Conversion Properties Proposed First Floor Layout 02(010) Rev D
Site Elevations and Sections Proposed Layout (02) 016 Rev B
Site Elevations and Sections Proposed (02) 017 Rev B
Site Elevations and Sections Proposed (02) 018 Rev B

Reason: To ensure that the works take the agreed form envisaged by the District Planning Authority when determining the application and thus result in a satisfactory form of works.

03

No works of demolition shall begin until a binding contract has been entered into for the carrying out of works for redevelopment of the site in accordance with all the necessary permissions and consents.

Reason: To ensure that the development will proceed in accordance with para.198 of the NPPF.

04

Prior to commencement of works a site meeting shall be held between the local planning authority and the persons responsible for undertaking the works to ensure that the Conditions attached to the Listed Building Consent are understood and can be complied with in full. Notification of the date and time of a meeting shall be made in writing to the Local Planning Authority.

Reason: This condition is to ensure that follow-up action can be taken before works begin on site. This is a complex scheme where there will be a number of other conditions, and where planning permission has also been granted.

05

Prior to commencement of works it shall be agreed in writing with the Local Planning Authority the appropriately qualified professional specialising in conservation work who will supervise the hereby approved works of alteration or demolition. Any proposed changes to the agreed supervision arrangements shall be subject to the prior written agreement of the LPA.

Reason: To ensure that the works respect the special interest of the listed buildings.

06

Prior to commencement of works, an updated schedule of works, including structural engineering drawings and method statement shall be submitted to and approved in writing by the Local Planning Authority. The details shall include:

- a) a method statement for ensuring the safety and stability of the building fabric identified to be retained throughout the phases of demolition and renovation;
- b) the arrangements for temporary secure storage of salvage materials and architectural features to be repaired off-site; the person or body specialising in this procedure appointed by the applicant; and a timetable for their reinstatement, re-use or disposal;
- c) a detailed methodology for the repair and renovation of the building fabric to be retained; and
- d) an updated methodology for all service and utility interventions, thermal upgrading and flood resilience improvements to concrete floors.

Particular regard should be given to the following items: chimney-pieces; cast guttering and hopper-heads; windows containing historic window glass; historic light fittings; hoist winches; loft hatches; glazed brick faience; architectural elements associated with the weighbridge; metal-work; vaulted ceilings; historic timber beams, joists and rafters.

No such features shall be disturbed or removed temporarily or permanently except as indicated on the approved drawings or without the prior approval in writing of the Local Planning Authority. Where appropriate, sound materials/features/fixtures forming part of the building shall be carefully taken down, protected and securely stored for later re-use. The agreed measures shall be carried out in full.

Reason: to ensure that the works take the form envisaged by the Local Planning Authority and that they respect the special architectural and historic interest of the listed building.

07

During the works, if hidden historic features are revealed they should be retained insitu unless otherwise agreed in writing with the Local Planning Authority. Works shall otherwise be halted in the relevant area of the building and the Local Planning Authority should be notified immediately. Failure to do so may result in unauthorized works being carried out and an offence being committed.

Reason: To ensure that the works respect the special interest of the listed buildings.

08

A programme of historic building recording and full recording report shall be submitted to and approved in writing by the Local Planning Authority before work commences.

Reason: To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the building.

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

REASONS FOR APPROVAL IN ACCORDANCE WITH THE TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE) (ENGLAND) (AMENDMENT) ORDER 2010

The Courts have accepted that Section 54A of the Town and Country Planning Act 1990 does not apply to decisions on applications for Listed Building Consents since in those cases there is no statutory requirement to have regard to the provisions of the development plan. However, in determining such matters, Local Planning Authorities are required to be mindful of the objective of preservation required under Section 16(2) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 and other material planning considerations such as the National Planning Policy Framework (Adopted March 2012).

03

This Listed Building Consent relates solely to the plans, drawings, notes and written details submitted with the application, or as subsequently amended in writing and referred to on this decision notice. Any variation of the works or additional works found to be necessary before work starts or while work is in progress [or required separately under the Building Regulations, by the County Fire Service or by environmental health legislation] may only be carried out subject to approval by the Local Planning Authority. Unauthorised modifications, alterations, or works not covered by this consent may render the applicant, owner(s), agent and/or contractors liable to

enforcement action and/or prosecution.

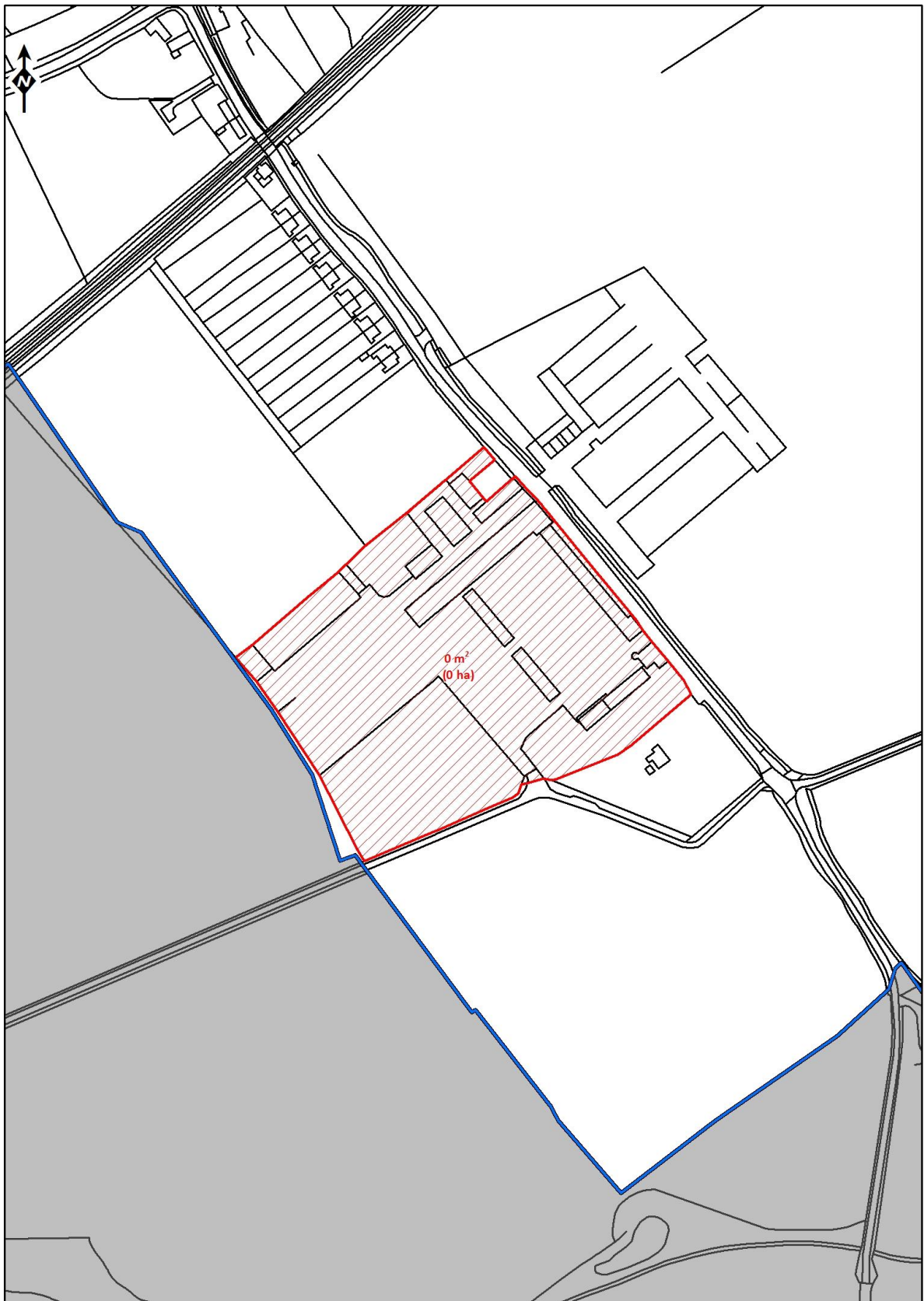
BACKGROUND PAPERS

Application case file.

For further information, please contact Bev Pearson on ext 5840.

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

Matt Lamb
Business Manager – Growth and Regeneration



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PLANNING COMMITTEE – 5 FEBRUARY 2019

Application No:	16/00506/OUTM	
Proposal:	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.	
Location:	Land At Fernwood South, Nottinghamshire	
Applicant:	Persimmon Homes (East Midlands)	
Registered:	20 April 2016	Target Date: 10 August 2016 Extension of Time Agreed in Principle

Members will note that this is the third occasion that the application has been brought before Planning Committee. The first was on 13 September 2016 with an Officer recommendation of approval subject to conditions and an associated Section 106 agreement. The second, was 24 July 2018 where Officers outlined a viability case which had been presented by the applicant as well as outlining the changes which had occurred between 13 September 2016 and 24 July 2018 in respect of Section 106 negotiations and other changes in material planning considerations. For the avoidance of doubt a decision has not yet been issued and thus the application remains pending consideration.

The following report forms an edited version of the original 13 September 2016 report in order to 'sense check' that revisions to the National Planning Policy Framework on 24 July 2018 do not materially affect previous conclusions and the wider planning balance.

The report below references the report presented to Members on July 24 2018 where relevant (coincidentally the same day as the revised NPPF was published) albeit this later report is also appended in full at Appendix 1 for transparency.

The Application Site

The application site comprises approximately 93.6 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 separated from the site by a vacant parcel of agricultural land to the northern boundary of the site which extends approximately 170m in width at its narrowest point. Other nearby settlements include the village of Claypole to the east of the site.

The application site is formed of nine agricultural fields with a mix of arable crops and livestock grazing. It can readily be interpreted as three parcels of land delimited by the existing highways network which runs through the site.

Boundaries are defined by the Shire Dyke to the south 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 (including both the A1 trunk road and the B6326 Great North Road) and the aforementioned neighbouring agricultural land to the north.

The red line site location plan submitted to accompany the application demonstrates a number of parcels of land which are excluded from the application site; namely the curtilages of three existing residential properties and the existing industrial steelworks accessed from Sylvan Way. The red line site location plan incorporates areas of the highway network to allow the development to apply appropriate mitigation measures.

There are a number of constraints which affect the site including the existence of a gas pipeline which runs north-east to south-west as well as electricity cables which run in a north to south direction along the west of the site. These are supported by pylons approximately 46m in height. A significant proportion of the site along the eastern boundary is classed as being land within Flood Zones 2 and 3 according to the Environment Agency maps owing to flood plain extremities of the River Witham which runs south to north further east of the site. 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 approximately 800m to the west of the site 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.

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 2015 (reference 15/SCO/00001).

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 29th September 2017.**

18/00526/RMAM - Reserved matters submission for 1050 residential dwellings public open space, sports provision, allotments and associated infrastructure. **Application approved 9th August 2018. This is the scheme promoted by Barratts David Wilson Homes.**

17/01266/OUTM - 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". **Application approved 13th December 2018. This is the scheme promoted by Larkfleet Homes.**

92/50020/HAZ – Storage of ammonium nitrate. *This relates to the land occupied by the existing steelworks off Sylvan Way which has been excluded from the application site. As is discussed further in the detailed discussion of the report, NSDC have revoked the Hazardous Substance Consent by letter dated 29th June 2016 on the basis that there has been a change in site ownership since the consent was granted in 1993. No application for the continuation of the consent has been received since this change in ownership as per the requirements of the relevant regulations (Section 17 of the Planning (Hazardous Substances) Act 1990).*

Background

Members will be aware that what is now known as existing Fernwood was originally allocated for housing development in the Councils 1999 Local Plan. The site of the former Balderton Hospital has been built out over the last 15 years, being completed this year (it is noted that less units that consented have actually been built out).

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), even on the basis of more recent objective assessment of overall housing numbers required for the District over the next 20 years. This is a matter I discuss further when capturing the 5 year housing land supply position in the appraisal section of the report below.

The Proposal

Outline consent is sought for a residential led mixed use development comprising up to 1,800 dwellings, a Local Centre, a Primary School, a Sports Hub with extensive areas of public open space and associated infrastructure. The application has been submitted on the basis of all matters except access being reserved.

Despite being outline in nature, the application has been accompanied by an indicative masterplan which demonstrates the amount and disposition of the proposed uses:

Land Use	Land Area (ha)
Developable Housing Area (up to 1,800 units)	47.90
Primary School	2.2
Primary School Expansion Land	0.8
Local Centre	0.75
Green Infrastructure	31.8
Highway Infrastructure	10.15
Total Area	93.6

Residential

- The residential area of the site would occupy approximately 47.9 hectares representing a density of 37.56 dwellings per hectare comprising a mix of open market and affordable dwellings;
- There will be a mix of housing of different sizes and tenures;
- Although not a matter for consideration at this stage, there is an intention that the majority of the houses would be two stories in height.

Primary School

- The proposed primary school would occupy a land take of approximately 2.2 hectares and be positioned in the north west corner of the site adjacent to Great North Road;
- It will provide a 2 form entry 420 place primary school;
- To the north of the proposed primary school is an area of land allocated as potential for a school expansion site being approximately 0.8 hectares in extent.

Local Centre/Community Hub

- The proposed Local Centre (LC) would also be in the north western corner of the site adjacent to the school accessed from Shire Lane, this would occupy approximately 0.75 hectares and comprise the following:
 - Up to 535m² of A1 retail
 - Of which up to 115m² of A3 food and drink uses
 - Up to 1,413m² of D1 community uses
 - Community / Sports Hall up to 1,113m² including a badminton court
 - Land for a medical facility of up to 300m²
- The Community Hub will be supported by footpaths, cycle paths and crossing facilities to allow connectivity to the development within the site. There will also be areas of car parking and other associated infrastructure.

Open Space/Sports Hub

The proposal includes approximately 31.8 hectares of green infrastructure predominantly positioned along the eastern boundary of the site

- 19.1ha of natural and semi-natural green space;
- 6.4ha of amenity green space and provision for children and young people including:
 - Pocket Parks and Greenways across the Development; and
 - 2 x Local Equipped Area for Play (LEAP) facilities and 1 x Neighbourhood Equipped Area of Play (NEAP) facility designed to meet standards;
- 2ha of allotments in two separate locations; and
- 6.5ha of space for sports provision, comprising a Sports Hub to include:
 - 2 adult football pitches (one grass and one AGP);
 - 2 mini football pitches;
 - 1 junior football pitches;
 - 1 adult and youth cricket pitch;
 - 1 adult rugby pitch;
 - A 252sqm sports pavilion and changing facilities;
 - Additional changing facilities to support pitches north of Claypole Lane; and
 - 4 tennis courts.

Infrastructure

- The masterplan demonstrates the provision of SUDS drainage basins approximately 1.9 hectares in area as well as proposed swales along the eastern boundary of the site;
- Extensive walking and cycling routes throughout the site;
- Vehicular access points into the site:
 - The main access will be from the B6326 Great North Road onto Shire Lane requiring conversion to a roundabout junction;
 - Shire Lane/Claypole Lane will be redesigned to provide a 6.75m wide footway with new access points into the site
 - The second vehicular access point off the B6326 will be at Sylvan Way which will comprise a 7.3m wide carriageway;

- The third access point will be at the south of the site from a new roundabout with access from the A1;
- A bus service comprising an extension and enhancement of existing services is to be introduced.

The development is intended to be delivered over three phases in a north to south direction across the site. Phase 1 would include the delivery of the Local Centre as well as part the Sports Hub to the north of Shire Lane. Subject to gaining outline and subsequent reserved matters permissions, the applicant intends to commence on site in ~~2017 delivering 50 units for the remainder of that year.~~ **This timescale has clearly since passed with the latest intentions suggesting a build commencement in 2020.** Thereafter it is envisaged that the site will deliver a build out rate of 110 units per year. The build period is anticipated to last 17 years.

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:
 - A: Application Boundary
 - B: Land Use
 - C: Residential Density & Building Heights
 - D: Access
 - E: Green Infrastructure
 - F: Phasing
 - Masterplan
- Planning Statement;
- Design and Access Statement (D&AS);
- Tree Survey & Constraints;
- Statement of Community Involvement (SCI); and
- Management Plan.

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 including the industrial uses off Syvlan Way and the existing industrial development at Fernwood. Site notices have been placed at varying locations around the site as well as in nearby villages of Fernwood and Claypole. An advert has also been placed in the local press.

Planning Policy Framework

The Development Plan

Fernwood Neighbourhood Plan (made 10th 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 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
- 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 DM11 Retail and Town Centre Uses
- 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.
- South Kesteven Character Assessment, Trent and Belvoir Character Area
- Fernwood Neighbourhood Plan (for the avoidance of doubt this is at a very early stage and attracts no weight in planning terms but it is noted for awareness)

Consultations

Fernwood Parish Council – Comments received 21 June 2016:

‘Fernwood Parish Council discussed the above at their meeting on 20 June and they object to the proposal with reservations and comments will follow shortly.’

Further Comments received 26 July 2016:

‘As a result of the meeting that took place on Wednesday 29 June 2016, I have been asked to write to you to communicate the concerns of the Parish Councils whose Parishes are going to be directly

impacted on by the proposed developments of Barrett/David Wilson Homes (B/DWH) and Persimmon Homes.

Fernwood currently, is a small village with the road infrastructure and amenities to match. Historically the B6326 was a country road which serviced the local villages of Balderton, Claypole, Dry Doddington, Stubton, Fenton and the area which was once RAF Balderton. This road has changed very little in the last 100 years.

The development of Fernwood Central, as it is now known, has brought with it highway issues, not only in the Village itself but also on the B6326. It is not unusual to have major traffic congestion on this road when an accident happens on the A1 stretch of road between Long Bennington and the A46. This traffic congestion impacts on Claypole, Balderton and Newark when vehicle drivers try to circumnavigate traffic congestion by using Shire Lane, Hollowdyke Lane and London Road.

With the submission of the proposed developments in the area, Persimmon Homes to the South which includes the development of 1800 dwellings and B/DWH to the North and their revised plans to build 1050 dwellings, Parish Councils of the villages above are very concerned that very little is being done with regard to improving the highways infrastructure in the area.

It seems that current plans have focused on present road usage and not future usage. When the various developments are looked at along with an increase in vehicle usage, the outlook for residents in the various Parishes and their ability to commute from A to B is very bleak. Fernwood Parish Council has estimated the increase of vehicles per development in and around the area to be as follows:

Fernwood North 1050 dwellings — additional 1500+ privately owned vehicles

Fernwood South 1800 dwellings — additional 3000+ privately owned vehicles

Bowbridge Lane 3150 dwellings — additional 6500+ privately owned vehicles

Single carriageway southern relief road — usage unknown.

The totals above do not take into account haulage vehicles, farm, bus provision or vehicles used to access the business park.

When considering the applications put forward by the above developers and the limited highway improvements proposed, we would like to draw your attention to paragraphs 64, 66 and 70 of the National Planning Policy Framework:

- Paragraph 64 which states 'permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the *way it functions*.'
- Paragraph 66 which states 'Applicants will be expected to work closely with those directly affected by their proposals to *evolve designs* that take account of *the views of the community*.'
- Paragraph 70 which states 'to deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:
 - plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to *enhance the sustainability of communities* and residential environments;
 - ensure that established shops, facilities and services are able to *develop and modernise in a way that is sustainable*, and retained for the benefit of the community; and
 - ensure an integrated approach to considering the location of housing, economic uses *and community facilities and services*.'

The lack of vision in highways infrastructure in the area displayed by the developers and to a degree, Newark and Sherwood District Council, is of serious concern to the residents that live in the area and it will be these residents who will be directly impacted on during the developments and for many years after completion. B/DWH for example, intend to block off Hollowdyke Lane which would in effect isolate residents of Fernwood, Claypole and surrounding villages in the event of an accident on the A1, A1 bridge or London Road. We would also draw your attention to the design and safety issues arising from the impact on Shire Lane contained in Claypole Parish Council's well –argued submission, and the sensible alternative they put forward.

The Parish Councils would urge NSDC, NCC and Government to rethink its approach to development and move away from the piecemeal approach and consider an approach that includes sustainable highway infrastructure that services the ongoing developments in an area, a highway infrastructure that enhances business opportunities, identifies and obtains additional funding requirements outside of that provided by the developers in order to provide an effective and efficient transport infrastructure for the long term and an infrastructure that takes into account the health and wellbeing of the current and future residents of the area.'

Barnby Parish Council – 'Barnby in the Willows Parish Council does not oppose the application, but is concerned that the area is not sustainable for this level of growth in terms of shopping, medical provision etc. and would therefore add to the congestion problems of Newark and surrounding areas. There are also concerns about the increase in traffic that the development would generate - improvements to the A1 access should be implemented at an early stage of the development.'

Balderton Parish Council – 'Object to the proposal. Members consider that the application must be rejected to on the grounds that local infrastructure cannot cope with the extra traffic generated from this development.'

Further comments received on 1 August 2016:

Members are still very concerned about the impact upon the local infrastructure which cannot cope with the extra traffic generated from this development.

Members consider that the Southern Link Road should be completed fully before the major developments in the area are commenced and are seeking the support of the local M.P. in this respect.

Newark Town Council - No comments received.

Hawton Parish Council - No comments received.

Farndon Parish Council - No comments received.

Cotham Parish Council - No comments received.

Coddington Parish Council – 'Coddington Parish Council supports the proposal, but wishes to comment with regard to the traffic assessment pp49-53 (A1T/B6326 Fernwood South).

This Council endorses the views expressed already that the trigger point for the implementation of remodelling the A1 central reservation crossing, and the extension of the north and south slip roads, should be advanced for initiation and completion at the start of the project.'

Further comments received as follows:

Coddington Parish Council (CPC) supports the Proposal for Fernwood South but has studied with particular interest the accompanying Transport Assessment (TA) (Appendix 6.1). 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 (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. CPC is therefore pleased to note that the TA, in considering Hollowdyke Lane, has chosen (para 6.64) not to vary the related proposal contained in the 2014 Fernwood North (Barratt/David Wilson Homes) application. That proposal makes provision to convert the northern end of Hollowdyke Lane to a bus-only link-up to Coddington Road in Balderton, as part of the developments sustainable transport package.

CPC had noted in the Newark Advertiser (19 May 2016) the reported concerns of Fernwood Parish Council, in relation to the current consultation, with regard to the restricted use of the Hollowdyke Lane/C83 entry-exit in the event of accidents on the B6326 (A1(T) Overbridge). Those concerns are now being reiterated in a letter arising from a traffic meeting attended by representatives of Balderton, Coddington, Fernwood and Claypole Parish Councils. Whilst Coddington PC is fully in agreement with the need for improved local traffic infrastructure to be addressed, it does not wish to be included as a named collaborator in that letter. Coddington village has already experienced a substantial increase in traffic on its roads, arising from the C83 route and the growth of Fernwood. The continued growth-associated open use of the Hollowdyke Lane/C83 junction would only serve to 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. Proposed mitigation measures for the A1(T) Overbridge include its widening by the addition of a second north-bound lane. This, alone, should help prevent a road blockage at this point. We suggest, however, that contingency measures for that possible event should include the capability of the emergency services to override, temporarily, any barrier operation on the remodelled northern Hollowdyke Lane entry/ exit; this strategy would maintain the routine day-to-day integrity of the bus-only link.'

South Kesteven District Council – 'Thanks you for consulting South Kesteven District Council on this application.

South Kesteven District Council recognises that the site is part of a strategic allocation and therefore has no fundamental objection to the proposal. However, as the site is adjacent to the district boundary we would advise that NSDC carefully considers the following points:

- 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.
- 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.
- 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

- South Kesteven have received the following comments from Claypole, Fernwood, Stubton and Fulbeck parish Councils. We would urge NSDC to take into account and address all the material issues raised by them'

Claypole Parish Council -

Initial comments received as follows:

1. 'Introduction

- 1.1 Claypole is a village located at the end of Shire Lane, entered at 1.1 miles from the junction of Shire Lane (C412) and the Great North Road (B6326). It is a community of approximately 1200 residents and enjoys a village identity with a primary school, sports facilities, a public house, a village hall, a shop, a butcher, and a hairdresser.
- 1.2 While acknowledging the importance of the new homes which this development will provide, our primary concerns are that Fernwood South, either during its construction phase, or in its final form, should not undermine our village, nor create safety hazards or undue inconvenience for Claypole residents, or indeed for residents of Fernwood South.
- 1.3 These concerns are reflected in the following observations.

2. Shire Lane (C412)

- 2.1 Shire Lane is routinely used by residents of Claypole, and also by residents of nearby villages (e.g. Dry Doddington, Stubton, Brandon) as the key route to Newark for work, shopping, access to amenities, to schools, and to access the railway and bus network. It is the route for the public transport bus and for school transport, and for farm and business traffic.
- 2.2 At times, when there are accidents on the A17 or A1 south of the A17/46 junction, traffic is diverted through Claypole to reconnect with the A1. This is itself a cause of inconvenience and safety concern to Claypole residents who are placed at danger through large flows of traffic through the village, not least if such diversions coincide with secondary school transport and the start and end of the primary school day (between 7.30 and 9.00am and 3.30 and 5.00pm).
- 2.3 Paragraphs 3.9 to 3.12 of the Environment Statement 1 claim to address the vehicular impact on Shire Lane during the construction phase and eventual use. A conclusion is made that there will be no significant impact on the grounds that the total eventual traffic flow, while increased by an estimated 30% during the construction phase, will remain below the theoretical capacity for Shire Lane quoted in para 3.11. At the time of the operational phase, the report suggests that the routine vehicle flow on Shire Lane will almost double, from 6,700 vehicles a day to 12,485. This is a highly significant increase that will change the whole nature of the road use.
- 2.4 Our view is that, without questioning the basis of the "theoretic capacity" calculation, it was determined for a stretch of road without any significant junctions (save for Broad Fen Lane and the HGV vehicles of Laffey's Construction); an otherwise continuous flow of vehicles from Claypole to the junction with the B6326 and vice versa.
- 2.5 The proposed Masterplan (Environment Statement 1 Appendix 1.2), however introduces four major junctions onto Shire Lane from the housing areas, and two further junctions with car parking areas. These junctions inevitably create a hazards as potential accident sites for vehicles emerging on to Shire Lane and for vehicles using Shire Lane. They would in any case obstruct the flow of traffic to and from Claypole, leading to queuing and frustration and higher vehicular emissions. The proposal is to widen Shire Lane at points and to construct central reservations at some of these junctions. Claypole Parish

- Council's view is that this work is not the most effective solution; it will not remove the hazard of vehicles joining a busy Shire Lane and will cause queuing.
- 2.6 We submit that a solution to this significant problem would be for the plan to adopt a ribbon development layout with the provision of service roads at either side of Shire Lane linking the three proposed residential roads to the proposed roundabout junction with the B6326. In this way, vehicles from the housing areas would not connect directly with Shire Lane and thereby not impede traffic flow and reduce the potential for accidents.
 - 2.7 Claypole Parish Council rejects the suggestion made in para 3.9 of the Environmental Statement 1, that there will be a "negligible" impact on Shire Lane during the construction phase. The prospect of 330 additional traffic interventions each day, including 120 HGV movements, continuing over several years is far from negligible on an otherwise quiet country road that provides a major and sole access to Newark and the A1 for Claypole residents.
 - 2.8 Our concerns is not only for vehicle movements but for the dirt and slippery road surface inevitably caused by construction traffic moving on and off a development site.
 - 2.9 Construction work brings not only an unacceptable level of HGV activity, but also temporary traffic control measures and mud on to road surfaces. The report indicates a building schedule over a period of some 17 years. *It is outrageous* to expect Claypole residents, and those from the surrounding villages to accept months and years of frustrating delays from temporary traffic lights, obstruction, dirt and other control measures as they seek to continue their lives routinely travelling to Newark.
 - 2.10 The proposed widening of Shire Lane with the construction of central barriers in the Masterplan would lengthen the time of inconvenience to road users during the construction phase exacerbate and means that Shire Lane would remain the point of access to the "estates" during the whole of the construction phase.
 - 2.11 Again, we submit that the inclusion of the service roads as described created at the outset, would shorten the impact of the development on Shire Lane users to the initial stages of construction work, and then largely resolve this problem by avoiding the further need for construction traffic to be routed on to Shire Lane. Accordingly we request that the service roads be completed at the initial stage of construction and that construction traffic be then barred from using Shire Lane.
 - 2.12 The Parish Council is also concerned that Fernwood South residents who wish to connect to the A17 towards Sleaford and the East Coast, will be tempted to travel through Claypole rather than on the A1 to the A46/A17 junction. In the short to medium term at least, the known traffic problems associated with this junction is likely to encourage people to take a route through Claypole. Claypole's narrow main street with homes and businesses directly onto the road is not suitable for this kind of through traffic. It is important to Claypole, therefore, that the layout and design of the development should facilitate and encourage traffic towards the A1 rather than to Claypole. The service roads taking traffic west to the B6326 junction, rather than directly on to Shire Lane will assist this objective.
 - 2.13 There are two further concerns with regard to Shire Lane that were raised with the representative of Persimmon who attended a meeting with the Parish Council. Notwithstanding the importance of discouraging an increased flow of traffic from the development towards (and through) Claypole, we are aware that some increase will be inevitable. We therefore first point out the narrowness and weakness of Shire Dyke Bridge located to the eastern extreme of the development. This is a longstanding concern of the village. It creates a blind bend and has contributed to many road accidents. While it could be argued that the bridge/bend creates a natural traffic

calming measure, on balance we feel that an improvement to this part of the road would be one minor compensation for Claypole residents who will be disadvantaged in so many other ways by this development, even with the installation of the proposed service roads.

- 2.14 We therefore propose that the road at Shire Bridge be straightened, including provision of a new bridge as a part of the new road development.
- 2.15 Second, in the longer term, when the new development with its thriving shops and amenities are in place, it is highly probable that Claypole residents may wish use them. While much of this submission, and indeed the Environmental Assessment, is focused on vehicles, we are likely also to see an increase in pedestrian and cycle traffic, not least from Fernwood to Claypole and the countryside beyond. Para 3.14 of the Environmental Statement 1 makes reference to developing the cycle and pedestrian infrastructure but no clarity is given about the extent of this. Shire Lane is presently not at all suited to pedestrian and cycle use.
- 2.16 We submit that a footpath/cycleway should be installed the length of Shire Lane, from the proposed service roads to Claypole for the advantage of both Fernwood South residents, Claypole residents and for the safety of road users.

3. *Proposed School*

- 3.1 The development plan positions the proposed school at the junction of the B6326 and Shire Lane. Even with the introduction of the service roads proposed in this submission, the Parish Council is deeply concerned about the hazard implications rising from this.
- 3.2 The problems for child safety and traffic congestion outside schools, especially primary schools, at the start and end of the school day is one of wide concern. Various measures have been introduced by schools and by local authorities to restrict, control and calm traffic, aimed at parents dropping off and collecting children, and for children on foot. Seldom are these measures entirely successful in providing a permanent solution. These are huge problems for established schools seeking to cope with increased road traffic past their schools and coming to terms with the changing practice of parents. It is more than appropriate, therefore, to ensure that any new school plans for these problems at the outset.
- 3.3 It is noted that the school entrance is sited off one of the new roads from Shire Lane. Again, the introduction of the service roads described above will mitigate some of the problems, reducing the likelihood of parents parking temporarily on Shire Lane. Nor can it be assumed that parents who cannot park immediately outside the school gate will limit their parking to Shire Lane. Observation of practice elsewhere shows that parents will be willing, if necessary, to park some distance from the school gate. It cannot be assumed that some parents will not park on the B6326, causing a potential major obstacle and hazard on what will become an extremely busy road.
- 3.4 Claypole Parish Council asks that the siting of the school be relocated so that it and its surrounds are within the residential boundary and away both from Shire Lane and the Great North Road.
- 3.5 While it is acknowledged that the opening of the proposed school is not entirely within the hands of the developer, the Parish Council is anxious about the impact that the development will have in the short-term prior to the opening of the new school, and then once opened, on Claypole Primary School. The Claypole School provides first choice places for children from Claypole, Dry Doddington, Westborough, Stubton and Fenton. We are concerned about the impact of a large volume of new housing prior to the new school opening that may deprive places to children from these villages while

causing the school to staff to capacity, only for this situation to be reversed once the new school is opened.

- 3.6 Accordingly we request that a dialogue be opened between the relevant education authorities to manage this situation, and that the planning arrangement should ensure clarity about the planned opening of the new school.

4. *Great North Road (B6326)*

- 4.1 The Environmental Statement 1 assesses that there will be no significant impact on the Great North Road (B6236) either during the construction phase or at the operational stage. We reject this entirely. The road is currently takes a fast moving traffic flow as the southerly access to the A1 south from Newark. Traffic heading south from the existing Fernwood development has added to this. At the same time, all traffic from Shire Lane, whether heading towards Newark or to the A1, north or south, uses this road. There have been several accidents at the junction of Shire Lane with the Great North Road.
- 4.2 It is also worth noting that should there be an accident at this roundabout then all movement from Newark/Balderton to the A1 South would be impacted; residents from Fernwood South would be unable to leave their estate and there would be the potential of some 12,485 vehicles, 3% of which would be HGVs (Environmental Statement 1, para 3.14), seeking a detour through the village of Claypole and then Dry Doddington or Stubton/Fenton.
- 4.3 Design of the roundabout at this junction should be carefully considered to ensure it properly manages the doubling of vehicle numbers emerging from Shire Lane (including the requested service roads) on to a busy and otherwise fast moving Great North Road.
- 4.4 The increased use of the Great North Road will exacerbate the already evident unsuitability of the slip road on to the A1 South. As traffic has grown it is now not uncommon to witness traffic queuing because a vehicle has not managed to join the A1 safely without coming to a halt. This has already caused several accidents. A longer slip road is needed.
- 4.5 The north bound slip road now also causes problems that can only become worse as more domestic and commercial traffic is added from the new developments of Fernwood South and those neighbouring. Although a longer slip road, sight of traffic already on the A1 heading north is obscured for joining traffic by the dense trees between the Balderton roundabout and the A1.
- 4.6 We strongly urge that the highways improvements that are needed, already evidenced by current traffic use, are carried out before the development is started and not as a response to the accidents and injury that will inevitably occur when the operational phase of the development is reached.

5. *Drainage*

- 5.1 The Parish Council notes that despite the creation of Fernwood, the business park and this proposed development, there is no apparent major investment in drainage solutions, relying instead on SUDS. We question whether this is a sustainable solution in an area of heavy clay.
- 5.2 We also note that on the Fernwood South development masterplan the location of the new SUDS will not be isolated. Indeed major SUDS are located adjacent to the area identified as "Proposed Play Area". We question the safety and wisdom of this.'

Following the submission of a rebuttal to the above comments the following revised comments were received dated 10th August 2016:

'A copy of your letter addressed to Fernwood Parish Council, with the accompanying rebuttal from Persimmon Homes to our submission dated 16 May 2016, has been forwarded to us. We are at a loss to understand why a similar letter was not forwarded direct to us with the invitation to comment further.

We have carefully considered the response by Persimmon, and would comment as follows using Persimmon's numbering for ease of reference:

In the generality we find Persimmon's rebuttal to be disingenuous and based on a fanciful notion of the development they propose and an approach to public safety that relies wholly on compliance with standards and without regard to "real world" behavioural practice. We find therefore, that Persimmon appear disengaged from the real threat of accidents occurring, should aspects of their plans not be modified, to the point of negligence.

1.0 Claypole Parish Council's primary concern are the hazards that will be created by introducing seven junctions onto the main thoroughfare out of Claypole and for villages beyond, towards Newark and the A1. While we acknowledge Persimmon's commitment to design standards, these standards can only reduce or ameliorate the hazards created and do not *remove* risk. If the plan proceeds as currently proposed there *will* be accidents at these junctions.

Persimmon comments that many vehicular accidents arise from people travelling too quickly. This is correct, but again, simply reducing the speed limit will not itself prevent those who are determined to speed from doing so. Persimmons are incorrect in asserting that there will be no queuing on Shire Lane. Queuing *already occurs* at the junction with the Great North Road, especially at peak times. This will be exacerbated by the increased volume of traffic from the Fernwood development, and naturally when vehicles emerge from the side roads onto Shire Lane. Queuing is also recognised as a key cause of vehicular accidents.

We wholly reject Persimmon's comparison of their development with "any village settlement" to justify going ahead with these junctions. The suggestion that we are considering a village with a main road running through it is a falsity. A plainly more apt and factual description of the reality is that Persimmon are proposing to build a housing estate at each side of the busy Shire Lane, the key thoroughfare for residents from Claypole and the villages beyond to Newark and the A1 for access to jobs, shopping, services, amenities and public transport, and for their return. This is the starting point from which safety considerations should and can be built in to the design. In any case, in a true village settlement, like Claypole, there are constant concerns about the safety of vehicles and for pedestrians emerging from side roads on the main street, or crossing the main street. To simply infer that it is appropriate for a new settlement to accept these risks because they occur elsewhere is both arrogant and negligent. We have the opportunity now to ensure the design of the development acknowledges the reality of Shire Lane being a main thoroughfare and to alter the road design accordingly.

With concerns about safety, and the inevitable accidents that will occur if this proposal goes ahead un-amended, it is equally inevitable that residents of the new estate will begin to lobby for a bypass taking Claypole traffic away from the centre of their community. We have proposed a sensible solution to traffic safety concerns by adopting a ribbon development with service roads running parallel to Shire Lane to take traffic from the estate roads to the new roundabout at the Shire Lane/B6326 junction. This would have the additional advantage of ensuring that the design

of this roundabout properly controls traffic flow, when it is widely acknowledged that roundabouts at “T” junctions (as proposed) tend to be ignored by traffic on the major road who mistakenly believe they have priority. A multiple junction roundabout will better control traffic flow and will be safer. The alternative at this early stage would be to pre-empt the bypass argument and consider creating a new road to link Claypole with the B6326 possibly at a modified Hollow Dyke Lane junction.

1.3 Claypole Parish Council’s second issue arises from a demand that our residents, and residents from the villages beyond, are treated with respect during the development process. Persimmon confirm that the “roadworks contract”, presumably to install the junctions onto Shire Lane, will last up to 9 months. That is 9 months of interruption and delay on our sole thoroughfare as our residents make their way to and from work or to the services and amenities of Newark. And this assumes no extension as we have witnessed at the junction of Bowbridge Road and Hawton Lane where motorists have had months and months of holdups. But unlike there, Claypole does not have an easy alternative route.

Beyond these “9 months”, construction traffic will be using Shire lane to access their sites. This will continue throughout the development for some 20 years. While we welcome that construction traffic will be barred from travelling through Claypole itself, the very fact is that they will be using Shire Lane, creating holds ups and hazards – slow moving vehicles, mud from wheels, dropped loads, etc. This is an appalling intrusion on the lives of the people of Claypole. Again, Claypole Parish Council’s suggestion of creating service roads would remove this hazard and inconvenience completely.

1.5 Claypole Parish council expressed concern that residents on the Fernwood development will be likely to travel through Claypole to access the A17. Persimmon acknowledge that no consideration has been given to behavioral practice, and that they have relied wholly upon the Newark Traffic Model. Consequently their response fails to address our concerns nor provide any satisfaction.

In a pragmatic response to this issue we have drawn attention to the hazards around Shire Dyke Bridge on Shire Lane. Our concerns are not only about the structural weakness of the bridge, but also about the road layout at this point, a “blind” bend that has resulted in several vehicular accidents on the Claypole side. We are puzzled by Persimmons comments under 1.7 in their rebuttal that suggests they believe they will be able to provide “good inter-visibility ...to approaching vehicles from both directions” without significant change to the actual road alignment. We submit that given that there will be an inevitable increase in traffic flow to some degree, it would be responsible to review the road layout at this point and to make it safer. It is worth noting that should the road from Claypole to the B6326 be diverted to meet at Hollow Dyke Lane as suggested above, then this would make a significant contribution to minimising the tendency to use Claypole as a “rat run” to the A17, and thereby causing increased traffic and dangers on Claypole’s narrow main street.

1.8 We welcome the proposal to create a footway from the GNR to Mill Lane. We suggest that this also be designated a cycleway, and we look forward to seeing the proposed design.

1.9 Claypole Parish Council is concerned about the hazards created by the proposed siting of the primary school. While we welcome the proposal to create a dedicated drop-off and pick-up zone, it is clear from real life experience that such measures are inadequate on their own. Again Persimmon’s approach does not take account of behavioural considerations.

In Claypole, we already have a defined drop-off and pick-up zone outside the primary school which is situated away from the main street and down a side road. Yet despite this we receive repeated concerns from parents about the hazards created by parents dropping off their children away from the dedicated zone. It is an issue that has been raised with parents by the headteacher, and the Parish Council are in communication with the County Council over this issue.

Even when parents are “threatened” by police monitoring, as in the case at John Hunt School on Balderton Road, parents continue to act in ways which they regard as safe for themselves but without regard to others.

In the case of the Fernwood development, no consideration has been given to the possibility of parents not using designated zones for reasons of congestion or convenience. In their comments Persimmon say “the proposed local centre location benefits from excellent connectivity to the surrounding areas”. This is just our point and because of this connectivity it is more than probable that some parents will feel they “need” to drop off their children on the Great North Road or on Shire Lane without regard to the obstruction and hazards they cause. This is particularly alarming when one reads Persimmon’s description of the road layout they propose associated with the junction of Shire Lane and the B6326.

While we feel that the creation of the service roads will ameliorate the situation to some degree, we still strongly suggest that it would be safer that the school was sited further away from the main roads.

These are our primary concerns, although we remain unassured about the impact this development will have on the B6326 and its junctions with the A1 to the south and north. We would welcome an opportunity to discuss our concerns and the possible solutions in person, and we trust our points will be given due consideration by the Planning Committee. In that regard, we would much appreciate some indication from you as to the next stage and how we might reinforce our concerns direct to the Planning Committee.’

The LPA have met with Claypole Parish Council during the life of the application to discuss their concerns, this has been incorporated within the appraisal below and an additional letter response has been received:

‘The concerns of Claypole Parish Council essentially rest on two issues – safety, and the huge impact the development will have on Claypole residents. On the understanding that this letter will, as with our previous two letters, be included in the paperwork distributed to members in advance of the meeting, I feel it would be helpful to summarise our key points.

1. The proposals to create seven new road junctions on to Shire Lane is inherently unsafe. Shire Lane is the sole route for people from Claypole and the villages beyond to access Newark for work and business and to access services. At peak times it is a very busy road. While the design of the junctions will meet design standards, these standards can only ameliorate the situation; they cannot prevent accidents. People are sometimes careless or negligent or make mistakes. Accidents will occur.
2. Persimmon clearly have a vision of creating a new village community. Whilst ever Shire Lane, the key thoroughfare for residents of Claypole and the villages beyond to access Newark and the A1 cuts through the centre of the proposed settlement, the truth is that Fernwood South will amount to nothing more than two large and divided housing estates.

3. The siting of a school, despite the provision of drop off zones, again pays no regard to how people act in practice. *Some* parents sometimes *will* drop off their children on the busy Shire Lane or on the B6326 causing a hazard for themselves, their children and for other road users. The school would be better sited away from any busy road.
4. The proposal for Shire Lane, and its use for access by construction traffic to the building sites, will mean not months, but years of disruption, “temporary” traffic controls, slow moving vehicles, and dirt. The proposal show no respect for the community of Claypole and the right of people to regain a normal life within a reasonable time, effectively blighting their lives for a considerable time.
5. All of these problems could be resolved by diverting Shire Lane around the northern boundary of Fernwood South to join the B6326 south of the Hollow Dyke Lane junction. It is acknowledged that this will be, in money terms, a more costly option. But we submit, without cynicism, that it is better to act today to provide a safe infrastructure from the outset, rather than to count the deaths and injuries that will inevitably lead to a demand from the new Fernwood community for a “bypass”. In short, the present proposal is in no-one’s interest other than that of the developer. Diverting Shire Lane could provide a solution that will be welcomed by the users today and the residents of Fernwood South tomorrow.

We acknowledge that through a lack of recent contact with Claypole Parish Council from Persimmon it has not been possible to identify and explore this proposal sooner. We therefore ask the Planning Committee to defer this element of the proposals to allow further meaningful dialogue and assessment to take place.’

Stubton Parish Council – ‘I refer to the above planning application which has been sent on to us by Claypole Parish Council. We find it amazing that Stubton Parish Council, a village which is only 3 miles away from the above development, have not in any way been consulted regarding such a massive development of 1800 dwellings plus associated infrastructure.

Claypole Parish Council have contacted us asking for our views on their submission concerning this proposed development. We would comment as follows:

1. Stubton Parish Council is in total agreement with the submission from Claypole Parish Council and would add the following additional comments.
2. It is totally unacceptable that no thought whatsoever has been given to involving Stubton Parish Council and, in fact, other communities such as Brandon & Hough and Stragglethorpe and Fenton which are so close to and will be affected by highway issues relating to such a massive development literally on our doorsteps.
3. We refer to Point 2.2 in Claypole’s submission regarding diversion of traffic through our villages when there are incidents on either the A17 or A1. We can support this point with a set of photographs which are being forwarded separately. These pictures show the chaos in Stubton when the incidents referred to in the Claypole submission occurs.
4. This leads on to Point 2.12 in Claypole’s submission, on this occasion relating to traffic that will try and access the A17 towards Sleaford and the East coast through our villages. The increase in traffic from 1800 additional homes through Claypole and then Stubton will be substantial. The roads in this area are already in an appalling state and will deteriorate rapidly with such an increased traffic flow. In the last 2 years the Parish Councils of Claypole, Stubton,

Fenton and Dry Doddington/Westborough wrote a joint letter to the Chair of Lincolnshire County Council raising the issue of the state of roads in this area. I can see no reference in the planning application documents of Lincs County Council Highways being a consultee - this should be corrected.

Finally, we believe that virtually no thought has been given to the Lincolnshire villages that come under SKDC's jurisdiction and that so closely adjoin this development. This is particularly so with regard to highways issues and we urge you in the strongest possible terms to emphasise these points on behalf of the village communities in your area that are going to be affected.

As nobody has had a proper opportunity to look at the main planning documents, there may well be further comments coming from Stubton Parish Council.'

Fulbeck Parish Council – 'At the last meeting of the Fulbeck Parish Council meeting, DC Sampson brought to our attention the above application.

The Parish Council strongly endorse the concerns highlighted by Claypole and Stubton Parish Councils.

We wish to make it clear that the increase and impact of traffic from 1800 new homes adjacent to our existing rural infrastructure will be significant. The condition of our existing roads and verges due to the total lack of highways maintenance means that they are not capable of supporting present road traffic use to acceptable road safety standards. The future safe use of our rural roads will suffer even more when/if traffic has to be diverted off the A17 or A1 in the event of any accidents or closures.'

Highways England – *Letter dated 13th May 2016:*

'Referring to the planning application referenced above, consultation dated 22 April 2016 for the development of up to 1,800 dwellings, mixed use local centre, 535m² of A1 retail, A3 food and drink uses (not exceeding 115 m²), D1 community uses (not exceeding 1,413 m²); sports pavilion up to 252m²; primary school (22,000m²) and informal open space at Fernwood South, Nottinghamshire, 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);

1. Introduction

In this Technical Note, on behalf of Highways England, AECOM reports on the findings of the VISSIM modelling carried out in order to determine the suitability of the mitigation schemes proposed for the Greater Fernwood developments. The Greater Fernwood area consists of the Fernwood North Fernwood South sites, and the mixed use Business Park / residential developments between the A1 and the B6326 Great North Road.

The purpose of this Technical Note is to reassess the impact of these developments on the Strategic Road Network through a cumulative assessment. AECOM has adopted the previous VISSIM model used for the Greater Fernwood assessment reported on in TN6, and revised traffic flows taken from the Newark Traffic Model (NTM). These revisions take into account the updated development proposals and highway improvement plans.

2. Background

In August 2015, AECOM produced a Technical Note (TN6) on behalf of Highways England, with the purpose of providing a response to the Fernwood North application. This TN concluded that the mitigation package proposed was sufficient to alleviate the impacts of the developments.

The three developers working together towards provision of the mitigation scheme have reconsidered their proposals, and therefore the aim of this modelling work is to assess these changes. As agreed for previous modelling undertaken for the Fernwood application, the assessment year will be 2026.

3. Mitigation proposals

AECOM has been provided with the design for new Southern Link Road (SLR) roundabout (*Drawing 70006704 – SK101 A*) conditioned to the Newark South development (reference 14/01978/OUTM), allowing direct access between Staple Lane and the B6326. This is shown in Appendix A.

Furthermore, several schemes have been included in this model, as per drawings received in October 2015 from Waterman and Milestone Transport Planning:

- Goldstraw Lane Roundabout Improvements (Appendix B)
- A1 overbridge dualling (Appendix C)
- Dale Way roundabout Improvements (Appendix D)
- London Road Improvements (Appendix E)
- Shire Lane Roundabout (*Drawing 14106/025 Rev C*) (Appendix F)
- Drawing 14106/027 rev B prepared by Milestone proposes a change to the layout of the B6326 / A1 “southern Fernwood” junction, removing the right-turn facility from the B6326 to the A1 northbound, adding an off-slip to the A1 southbound that merges with the right-turn link from the A1 to the B6326, and a new roundabout to the east of the junction. (Appendix G)

4. A1 Fernwood Traffic Modelling

In order to determine the future cumulative traffic impact of these developments, 2026 traffic flows have been extracted from the VISUM NTM, as received from WYG Consultants in January 2016. These include the flows generated by the Greater Fernwood developments, and take into account committed sites, such as the Newark South development and its associated SLR roundabout scheme.

4.1 Network Generation

The network layout of the VISSIM model in the vicinity of the Fernwood South development has changed since the previous modelling assessment as reported on in AECOM TN6. The “southern Fernwood” junction has been modified, and incorporates a new site access. An additional access to the mixed use development south of the Shire Lane roundabout is also included.

Recent updates from the Newark South developer indicate that the design of the SLR roundabout will now incorporate a 65m ICD.

These network changes have been made to the A1 Fernwood VISSIM model, as detailed in Table 1 and shown in Figure 1.

4.2 Flows

In January 2016 AECOM received the most recent revision of 2026 assessment year AM & PM predicted flows from WYG, displaying LGV & HGV movements in PCUs within origin-destination

(O-D) matrices, which can be seen in Appendix H. The HGV matrices have been converted from PCUs using a reduction factor of 2 to represent heavy vehicles.

To represent an appropriate traffic 'build-up' we have modelled an additional 15 minute period prior to the main peak hour at half of the network demand. This is consistent with all previous VISSIM modelling carried out for the Fernwood developments.

4.3 Routing Decisions

In order to determine the realistic traffic demands on the A1 "southern Fernwood" junction and the A1 southbound off-slip approach to the Goldstraw Lane / B6326 roundabout, the routing decisions in the VISSIM model have been reviewed. Closures have been applied to ensure that:

- all vehicles travelling between the A1 north and the zones in the Greater Fernwood area south of the Shire Lane roundabout use the "southern Fernwood" junction;
- all vehicles travelling between the A1 north and the zones in Greater Fernwood north of Hollowdyke Lane use the A1 SB off-slip to the Goldstraw Lane / B6326 roundabout;
- all vehicles travelling between the A1 south and the zones in the Greater Fernwood area south of the Dale Way roundabout use the "southern Fernwood" junction; and
- all vehicles travelling from the A1 south and the two zones west of the A1 use the A1 NB off-slip.

Vehicles travelling between the A1 north and the zones served by Hollowdyke Lane and the Shire Lane roundabout will make routing decisions based on costs.

Vehicles travelling between the A1 south and the zones served by the Goldstraw Lane and Dale Way roundabouts will make routing decisions based on costs.

4.4 Results

The AM & PM 2026 VISSIM models were run for network performance and queue results, which were averaged over 10 random seed runs. Screenshots of the typical network performance were also obtained based on the network parameter results. A full range of the screenshots is shown at Appendices I and J, where operational conditions can be observed at each junction at 15 minute intervals throughout each AM & PM peak hour.

Both peak hours experienced unreleased vehicles due to high numbers emerging from the Fernwood development area in the AM peak hour, and from the London Road approach to the A1 off-slip / B6326 roundabout, as follows:

- 259 unreleased vehicles from Goldstraw Lane (zone 4) and 110 from the SLR roundabout eastbound approach (zone 10) in the AM.
- 150 unreleased vehicles from the SLR roundabout eastbound approach in the PM.

Maximum queue lengths on the A1 southbound off-slip approach to the Goldstraw Lane roundabout are 206 and 166 metres in the respective AM and PM peak hours. Average queues over each peak hour are 16 and 12 metres long respectively.

Maximum queue lengths on the A1 northbound off-slip to Newark-on-Trent are 52 and 35 metres in the respective AM and PM periods, while average demands on the approach through each peak hour results in no queueing.

Maximum queue lengths on the A1 northbound right-turn lane to the “southern Fernwood” junction are 33 and 42 metres in the respective AM and PM peak hours. Average queues over each peak hour are just 2 metres and 1 metre long – less than one vehicle length.

Both AM & PM models show the A1 northbound off-slip to Newark-on-Trent, A1 southbound off-slip to the Goldstraw Lane / B6326 roundabout and the A1 northbound right-turn lane to the B6326 Great North Road to be operating satisfactorily in each peak period.

5. A1 Overbridge Dualling Scheme

AECOM has tested an alternative option without the northbound dualling of the A1 overbridge in order to determine the effects of this scheme not being delivered until the full occupation of the developments.

5.1 Network Generation & Flows

For this test, the A1 overbridge scheme has been removed from the model. This has allowed us to identify the possible impacts of a one-lane exit from the Goldstraw Lane roundabout towards the SLR roundabout. The flows used for this modelling exercise remain unchanged.

5.2 Routing Decisions

As stated in Section 4, routing decisions have been adjusted to ensure routes chosen are sensible and enable the modelled scenarios to best represent the realistic network operation in terms of impacts on the A1.

5.3 Results

Both the AM & PM 2026 VISSIM models were run for network performance and queue results, which were averaged over 10 random seed runs.

Both peak hours experienced unreleased vehicles, as follows:

- 304 unreleased vehicles from Goldstraw Lane (zone 4), 7 unreleased vehicles from Hollowdyke Lane (zone 6), 1 unreleased vehicle from William Hall Way (zone 9) and 25 unreleased vehicles from the eastbound approach to the SLR roundabout (zone 10) in the AM peak period.
- 94 unreleased vehicles from William Hall Way and 58 unreleased vehicles from the eastbound approach to the SLR roundabout in the PM peak period.

Maximum queue lengths on the A1 southbound off-slip approach to the Goldstraw Lane roundabout are 358 and 178 metres long in the respective AM and PM peak hours. Average queues over each peak hour are 48 and 15 metres respectively.

Maximum queue lengths on the A1 northbound off-slip to Newark-on-Trent are 57 and 40 metres respectively in the AM and PM periods, while the average queues over each peak hour are 2 and 1 metre long respectively.

Maximum queue lengths on the A1 northbound right-turn of the “southern Fernwood” junction are 33 and 42 metres in the respective AM and PM peak hours. Average queues over each peak hour are just 2 and 1 metres.

3 of the 10 seed runs for the AM model show the A1 southbound off-slip to the Goldstraw Lane / B6326 roundabout to be operating over the link length capacity, with the average length over all

10 seeds (358m) extremely close to the limit. This poses a significant risk of queues reaching back to the A1 mainline.

The modelling undertaken demonstrates that the dualling of the B6326 exit at the Goldstraw Lane roundabout is essential for the continued safe operation of the network. **Figure 4** below shows an example of maximum queuing on the A1 southbound off-slip back to the mainline.

6. Conclusions

In order to reassess the potential impact of the proposed developments in the Fernwood area on the Strategic Road Network, VISSIM modelling was conducted by AECOM for two scenarios based on a 2026 assessment year:

- Scenario 1: Greater Fernwood development (Fernwood North, Fernwood South, and Business Park), with mitigation at the A1 overbridge providing 2 lanes in the northbound direction.
- Scenario 2: Greater Fernwood development (Fernwood North, Fernwood South, and Business Park), without mitigation at the A1 overbridge.

Scenario 1 modelling showed queues at the:

- A1 southbound off-slip (towards Goldstraw Lane / B6326 roundabout) to be a maximum of 206 and 166 metres long, and average of 16 and 12 metres long in the respective AM and PM peak hours.
- A1 northbound off-slip to Newark-on-Trent to be a maximum of 52 and 35 metres in the respective AM and PM periods, while average demands on the approach through each peak hour results in no queueing.
- A1 northbound right-turn lane to the “southern Fernwood” junction to be a maximum of 33 and 42 metres in the respective AM and PM peak hours. Average queues over each peak hour are just 2 metres and 1 metre long – less than one vehicle length.

The Scenario 2 modelling showed queues at the:

- A1 southbound off-slip (towards Goldstraw Lane / B6326 roundabout) to be a maximum of 358 and 178 metres long, and average of 48 and 15 meters long in the respective AM and PM peak hours.
- A1 northbound off-slip to Newark-on-Trent to be a maximum of 57 and 40 meters respectively in the AM and PM periods, while the average queues over each peak hour are 2 and 1 meter long respectively.
- A1 northbound right-turn lane to the “southern Fernwood” junction to be a maximum of 33 and 42 metres in the respective AM and PM peak hours. Average queues over each peak hour are just 2 metres and 1 metre long – less than one vehicle length.

Based on queue length and network performance results, the Scenario 1 assessment concluded that the highway improvement works proposed were sufficient for mitigating development impacts on the Strategic Road Network. However, Scenario 2 (without the A1 overbridge dualling scheme) demonstrates that the overbridge works are essential for the continued safe and effective operation of the A1, as there is a significant risk of queues reaching back to the mainline.

7. Recommendations

Acceptable trigger point testing is yet to be provided to support the proposed phasing of the developments in conjunction with the delivery of the highway improvement works. AECOM recommends the developers submit a phasing plan and suitable supporting modelling in order to determine trigger points for the delivery of the improvement works.'

The applicant submitted a rebuttal to the above and on this basis revised comments were received on 16th June 2016.

Although A-One+ raised concerns around the potential departures from standards being required, AECOM have recommended that the application be approved on condition to providing the mitigation at the proposed triggers, and final scheme drawings being approved.

Delivery of highway mitigation:

In May 2016 Highways England responded to the application recommending conditions, stating that the proposed trigger point for the delivery of improvement works at the southern Fernwood junction (as shown in Milestone drawing *14106/027 revision C*) as detailed in the Transport Assessment was not acceptable.

From modelling work conducted in support of the revised trigger points for delivery of mitigation at the A1 / B6326 junction south of Fernwood (as shown in Milestone drawings *14106/037* and *14106/027 revision C*), it is considered that the SRN will suitably accommodate the anticipated traffic demands.

As developers at Greater Fernwood are collaborating to deliver a package of works to accommodate the cumulative development impacts, all developers should be aware that the implementation of the interim measures at the southern Fernwood junction could result in the requirement for the Goldstraw Lane improvement works earlier than currently planned. This will be reviewed in response to the respective Barratt David Wilson Homes planning application anticipated in the coming months for land at Fernwood North.

Conditions:

1. Prior to the commencement of any part of the development hereby approved, details of the form of the A1 / B6326 junction (as shown in Milestone drawing *14106/037*, and *14106/027 revision C*) shall be submitted to and agreed by the Local Planning Authority in consultation with Nottinghamshire County Council (acting as Local Highway Authority) and Highways England.
2. 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.
3. 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, 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.

INFORMATIVE NOTE TO APPLICANT

The highway mitigation works associated with this consent involves works within the public highway, which is land over which you have no control. Highways England 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 Highways England Section 278

Business Manager David Steventon to discuss these matters on david.steventon@highwaysengland.co.uk

The applicant should be made aware that any works undertaken to Highways England network are carried out under the Network Occupancy Management policy, in accordance with Highways England procedures, which currently requires notification/booking 3 months prior to the proposed start date. Exemptions to these bookings can be made, but only if valid reasons can be given to prove they will not affect journey time reliability and safety. The Area 7 MAC's contact details for these matters is area7.roadspace@aone.uk.com.

Nottinghamshire County Council Highways – Comments received 7th July 2016:

‘Over the last year or more meetings and correspondence between the Planning Authority, the Highway Authority, Highways England and the Developer/Agent have taken place to consider the impact of the proposed development on the highway network. The developer was provided with traffic flows that were derived by the Highway Authority in liaison with the Planning Authority and analysis carried out using the Newark Traffic Model operated by White Young Green. The developer has used these flows to determine the type and scale of highway improvements required to mitigate the impact of the traffic generated by the development. This has gone through a design iteration process to arrive at proposals that are broadly agreed for the Great North Road B6326 corridor. The Highway Authority traffic flow figures used for this process have considered the ‘worse case scenarios’ of total build-out of all development at Fernwood according to the LDF Allocation including the highest peak hour generation figures for potential commercial development (i.e. offices). It is acknowledged that this will take decades to come to fruition and may not be fully realised e.g. commercial development is unlikely to be office dominated, work travel patterns may become more flexible and more home working increase. Notwithstanding this, the methodology has ensured that mitigation measures are fully robust.

Notwithstanding the above, the following comments refer to the submitted Transport Assessment:

Paras. 4.17; 4.19; 4.22 The use of “changes of surface treatment or shared surface areas” should be discussed in detail, perhaps at a later stage. Changes in treatment can offer maintenance issues and shared surfaces are not encouraged except in mews-type development.

Para. 4.18 The introduction of 20 mph limits is only realistic where the street design naturally restricts speeds to this level.

Para. 4.20 On-street parking should be discouraged and provision made off-street.

Para. 4.41 As it is described in the submission, it would appear unlikely that the Greenway Corridors would be adopted (unless constructed differently perhaps). If this is so, then maintenance of these corridors will need to be arranged and secured.

Para. 4.42 Ditto with reference to the new footpath. The developer's intentions should be clarified regarding adoption.

Para.4.43 Further discussions will need to take place with respect to the introduction of a 30mph limit. Perhaps 40mph would be more appropriate.

Para. 4.46 The cross-sectional detail in the text and drawing do not match. Clarification is needed.

Para 4.49 Drainage details may be required where slopes occur.

Para. 4.61 & 4.62 Confirmation is awaited about the level of contribution or alternative arrangements to provide adequate and reasonable bus services to serve the site.

Paras 4.70-4.73 The Framework Travel plan is being considered and will be responded to later.

Para 5.12 Confirmation is awaited on whether or not a S106 Agreement is the appropriate method of securing Travel Plan measures.

Para. 6.52 It is unlikely that a build out and one way traffic system will be appropriate on Shire Lane, but this, or an alternative design to help pedestrians to cross, can be determined at a later stage.

Para. 6.61 see note on 4.41 above.

Para 6.68 It has been agreed that improvements are not required at the Dale Way roundabout.

General Points:

Trigger points for the various junction delivery and improvements has been discussed with the Planning Authority and they will agree these. Such trigger points may not be as quoted in the Transport Assessment and may be the responsibility singularly of more than one developer.

Improvements to the Goldstraw Lane roundabout have yet to be safety audited.

Improvements to the A1 Overbridge are still being investigated and the details of this will take a while to be confirmed. However, the Planning Authority are expecting to be responsible for securing this improvement using CIL receipts (tbc).

Further discussions with appropriate NCC Officers are required in order to agree the works on Shire Lane due to the proposed widening of the highway boundary, maintenance issues, commuted sums, etc. It is clear however that within the extent of the public highway boundary and the developer's land holding, an agreed layout can be found.

A similar discussion may be required regarding the temporary bus terminus if it is intended for this to be part of the adoptable highway (clarification should be sought).

Once the above points are clarified, recommendations for suitable planning conditions will be made.'

The applicant has been in direct contact with colleagues at NCC Highways department to clarify the above matters. On this basis further comments have been received:

'Further to my comments dated 7 July 2016, many of the previously raised issues will be addressed at the reserved matters stage. However it is clear that further discussions with appropriate NCC Officers are required in order to agree the works on Shire Lane due to the proposed widening of the highway boundary, maintenance issues, commuted sums, etc. It is clear however that within the extent of the public highway boundary and the developer's land holding, an agreed layout can be found. *This issue is reflected in a condition below.*

Over the last year or more meetings and correspondence between the Planning Authority, the Highway Authority, Highways England and the Developer/Agent have taken place to consider the impact of the proposed development on the highway network. The developer was provided with traffic flows that were derived by the Highway Authority in liaison with the Planning Authority and analysis carried out using the Newark Traffic Model operated by White Young Green. The developer has used these flows to determine the type and scale of highway improvements required to mitigate the impact of the traffic generated by the development. This has gone through a design iteration process to arrive at proposals that are broadly agreed for the Great North Road B6326 corridor. The Highway Authority traffic flow figures used for this process have considered the 'worse case scenarios' of total build-out of all development at Fernwood according to the LDF Allocation including the highest peak hour generation figures for potential commercial development (i.e. offices). It is acknowledged that this will take decades to come to fruition and may not be fully realised e.g. commercial development is unlikely to be office dominated, work travel patterns may become more flexible and more home working increase. Notwithstanding this, the methodology has ensured that mitigation measures are fully robust.

In terms of a Section 106 Agreement, whilst largely addressed by the conditions below, consideration may be given to whether or not to include the following matters within an Agreement:

- Bus service provision and potential subsidy
- Commissioning and implementation of a School Safety Zone and paying associated costs
- Commissioning of traffic counter and paying associated costs
- Implementation, monitoring and review of the Travel Plan
- Bus stop infrastructure
- Commissioning a Traffic Regulation Order (speed limit) and paying associated costs

It is assumed that improvements to the A1 south/B6326 Great North Road will be conditioned in accordance with Highways England recommendations and include all works shown on drawing 14106/027/C.

It is concluded that the proposal can be approved subject to conditions.'

Nottinghamshire County Council Transport & Travel Services -

'General Observations

The planning application covers an area East of the A1, South of Fernwood, with a proposed development of 1800 dwellings.

Bus Service Support

Transport and Travel Services has conducted an initial assessment of this site in the context of the local public transport network.

Centrebus currently operate an hourly service between Newark and Grantham which follows the perimeter of the development. There is also a Council funded off-peak service between Fernwood and Newark. As Stagecoach are the major commercial operator in Newark they have already been included in discussions as to how the Fernwood area can be best served in the future.

Sections 4.55 to 4.69 of the Transport Assessment describes the level of funding for provision of local bus services to serve the site, including reference to discussions with the County Council and bus operators.

Transport and Travel Services request that the developer continue to liaise with the Council regarding the provision bus service provision to serve the site.

Infrastructure

Transport and Travel Services requires new bus stop infrastructure to be installed throughout the development through Section 38 and Section 278 agreements where appropriate. This includes the below standards at all relevant bus stops:

- Real Time Pole, Displays and Associated Electrical Connections
- Bus Shelter (Polycarbonate) or Bus Shelter (Wooden)
- Solar/Electrical Lighting in Bus Shelter
- Raised Kerb
- Bus Stop Clearway
- Additional Hard Stand (if required)

It is noted that Section 4.64 of the Transport Assessment states... “Within the Site bus stop infrastructure will be provided as a capital cost by the developer and will be designed in accordance with the 6CsDG specification...” including... “Provision of infrastructure to enable Real-time information (e.g. underground ducting);” The Council request that the cost of the provision of Real Time information displays at stops are also funded and installed by the developer.

Transport & Travel Services requests 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 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 new residents 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, including the provision of Real Time information displays at stops.’

Nottinghamshire County Council Rights of Way – ‘There are no Public Rights of Way within the application site. However there are a number of issues which relate to the network that requires further consideration.

Proposed link south to a footpath in Lincolnshire

There is a footpath on the south side of the Shire Drain which currently has no link into the application site. Such a link will require a bridge over the Drain and should be provided by the developer to link with the paths proposed in the open space. The link was mentioned in the

application but no mention of how that link would be made was considered. The bridge has informally discussed with Lincolnshire CC (Chris Miller/Andy Savage) and they are in agreement that such a bridge is needed. Future maintenance needs to be considered, preferably a commuted sum from the developer or the agreement of both Authorities to jointly maintain. We would welcome further discussion on this point.

Footpaths and cycleways

There are a number of footpath/cycleways shown on the MasterPlan. Consideration should be given to the status of the routes, who should maintain them, and what is the expectation by users. It is unlikely that they would be adopted as highways or accepted as a new right of way. While we may consider new routes that link to and enhance the existing rights of way network it is unlikely that we would accept these links. There are all within open space that needs to be managed and the paths should be managed in line with that. There is no legal status (in public rights of way) that allows walkers and cyclists only. The legal status above a footpath to allow cyclists would be a bridleway which also includes horse riders.

Path along the Shire Drain

This path is welcomed and would provide a useful circular route using the new estate. It is accepted that a continuation' outside of the application area to link with Fernwood Footpath No 4 is outside of the remit.

Lincolnshire County Council Rights of Way – 'There are no Public Rights of Way within the application site. However there are a number of issues which relate to the network that requires further consideration.

Proposed link south to a footpath in Lincolnshire

The layout plan shows a connection between the proposed development and Westborough and Dry Doddington Public Footpath No. 6 – please find enclosed a plan for your information.

At present this route does not physically exist on the ground and legally terminates at the Shires Dyke. Whilst a programme of works will be required in order to make this route available it is considered that the footpath has great potential to provide a useful pedestrian link between the nearby communities of Long Bennington and Dry Doddington and the proposed development.

In particular a new bridge is required over the Shires Dyke to enable pedestrians to travel between the proposed development site and the public footpath. Lincolnshire County Council believes that the proposed link would greatly benefit the local access network and as such the developer should be encouraged to provide a bridge over the Dyke. Future maintenance of such a structure needs to be considered, preferably a commuted sum from the developer or the agreement of Lincs CC and Notts CC to jointly maintain. The County Council would welcome further discussion on this point.'

Ramblers Association – 'We have no objection to this proposal.

We welcome the construction of a new right of way along the edge of Shire Dyke. This would be much more valuable, however, if it were extended northwards beyond Shire Lane so that it links up with the existing footpath between Fernwood and Claypole.'

Nottinghamshire County Council Developer Contributions – *Additional comments dated 29th March 2018:*

“I am contacting you to confirm Nottinghamshire County Councils position in respect of the education provision which will be required to mitigate the impact of the above development.

This application, which includes the delivery of up to 1,800 dwellings, a local centre, primary school and land to allow the expansion of the primary school has been approved subject to a S106 agreement. As currently set out it is proposed that Persimmon Homes will provide a 2FE (420 Place) School along with a 0.8ha site to allow future expansion to take account of future developments in the area. Persimmon have indicated that they would be willing to transfer the school land for

£1 however in agreeing to this they wish to move the trigger pattern for the delivery of the school places to later in the build profile where more dwellings have been built. The County Councils understanding of this is as follows:

1 FE provision (210 places)

The current draft agreement delivers the infrastructure and 4 classrooms at 200 dwellings (providing 120 places) which accommodates the early arrivals (42 places on formulae), a further 3 classrooms are provided at 450 dwelling providing 210 primary places in total. The proposed triggers provide the 1 FE (Form of Entry) provision in one phase at 450 dwellings. This equates to 95 primary places before school places are provided.

2 FE provision (420 places)

The current draft agreement provides an additional 120 primary places at 900 dwellings and the final 90 places at 1,400 dwellings. The proposed trigger provides the additional 1 FE at 1,400 dwellings which equates to 84 pupils without a place before the final phase is provided.

Whilst acknowledging the benefits of the school expansion land being transferred for

£1, the County Council have significant concerns about the approach to the triggers. The reason being that, based on projections, this would lead to a significant shortfall in primary places in the first phase (50 – 60 places) and up to 84 places in the second phase and, as it stands, there would be nowhere for these pupils to be accommodated. To clarify these figures; in the September 2016 proposal there are 4 classrooms at 200 dwellings which, based on formula, equates to 42 primary aged students. In the July 2017 revised offer 7 classes are available at 450 dwellings which, based on formula equates to 95 students. Therefore in terms of the first phase, 95 places minus 42 places equals 53 places which is between the two figures in brackets above. In terms of the second phase; in the 2016 proposal, 11 classes become available at 900 dwellings but in the July 2017 proposal the 7 classes are the only provision until there are 1400 dwellings. Therefore, based on formula, the 1 FE school that has been provided only provides sufficient accommodation up until the 1000th

dwelling at which point it could be full. Therefore there is a gap in places between the 1000th dwelling and the 1400th dwelling where there are 400 dwellings worth of pupils without a school place in this area. Utilising formula the deficit is 84 places (400 dwellings multiplied by 0.21 pupils per 100 dwellings).

The County Council have also examined the cost of providing a temporary solution should the triggers be amended. On the basis of this work it is estimated that the costs for a mobile classroom per year would be £125,000 for which a method of funding would have to be identified along with a location for this provision to be provided. Due to the costs involved and the overall uncertainty about where such provision could be accommodated such an approach is considered unacceptable.

Therefore as a result of the above it is considered that the triggers should remain and if these are to be amended the County Council would raise significant concerns due to the impact on the ability to delivery education in this part of Newark.”

Original comments:

'In respect of education, the County Council has had dialogue with both the District Council and the developer to confirm the primary school provision that will be required to meet the needs of the development of 1,800 dwellings. This is reflected in paragraphs 3.4.1, 3.4.3 and 7.3.3 and 7.3.12 of the applicants Planning Statement of March 2016 but which in summary incorporates a 2 form entry, 420 place primary school to be provided on a 2.2ha area of land (which has been identified on the masterplan accompanying the application) along with a further 0.8ha of land alongside the school site (also identified on the masterplan) to accommodate expansion to a 3 form entry school which will accommodate the needs of future development at Greater Fernwood. It is anticipated that the developer will deliver the school. However should the County Council provide the school they would require the fully serviced site to be transferred on commencement of the residential element of the scheme and the appropriate contributions of £6,080,000 (based on Q4 2014 costs which are subject to change and indexing using the PUBEC Index) to be paid in accordance with an agreed phasing programme. The final arrangement for the delivery of the primary school will be confirmed within the S106 agreement.

With regard to secondary education, the District Council have an adopted Community Infrastructure Levy (CIL) Charging Schedule. The Regulation 123 List of infrastructure includes reference to secondary school provision. It is therefore anticipated that CIL will be used to fund the secondary school provision which will be required as a result of this development.

In terms of libraries the County Council would wish to seek developer contribution for the additional stock that would be required to meet the needs of the 4,320 population that would be occupying the new dwellings. This is costed at $4,320 \text{ (population)} \times 1,532 \text{ (items)} \times \text{£}12.50 \text{ (cost per item)} = \text{£}82,728$.

Further information about the contribution that would be sought and the justification for this can be found in the attached document.

1. Background

The County Council has a statutory responsibility, under the terms of the 1964 Public Libraries and Museums Act, to provide "a comprehensive and efficient library service for all persons desiring to make use thereof".

In Nottinghamshire, public library services are delivered through a network of 60 library buildings and 3 mobiles. These libraries are at the heart of our communities. They provide access to books, and DVDs; a wide range of information services; the internet; and opportunities for learning and leisure.

The County Council has a clear vision that its libraries should be:

- modern and attractive;
- located in highly accessible locations
- located in close proximity to, or jointly with, other community facilities, retail centres and services such as health or education;
- integrated with the design of an overall development;
- of suitable size and standard for intended users.

Our libraries need to be flexible on a day-to-day basis to meet diverse needs and adaptable over time to new ways of learning. Access needs to be inclusive and holistic.

2. Potential Fernwood South development

There is currently a proposal for a new development on land on Fernwood South this would comprise 1800 new dwellings. At an average of 2.4 persons per dwelling this would add 4320 to the existing libraries' catchment area population. The nearest existing libraries to the proposed development are Newark and Balderton Libraries.

The Museums, Libraries and Archives Council (MLA) publication "Public Libraries, Archives and New Development: a standard approach" recommends a standard stock figure of 1,532 items per 1,000 population.

We would not seek any costs towards increasing the size of the library to accommodate this population but for this development a contribution will be sought just for library stock. An increase in population of 4200 would put extreme pressure on the stock at this library and a developer contribution of £80,430 would be expected to help address this situation.

We would seek a developer contribution for the additional stock that would be required to meet the needs of the 4320 population that would be occupying the new dwellings. This is costed at $4320 \text{ (population)} \times 1,532 \text{ (items)} \times \text{£}12.50 \text{ (cost per item)} = \text{£}82,728'$

Further Response received 26 August 2016:

'I've had a closer look at the library stock levels for Newark & Sherwood and produced the attached which compares library catchment population with current stock numbers compared with MLA optimum stock targets

As you will see libraries aim to meet the MLA target of 1,532 items per 1,000 population across the district. As many stock items are on rotation to maximise usage, the stock levels at each individual branch can fluctuate so do not necessarily meet the target at each individual branch. The stock level at Dukeries Library is unusually high as it also serves the Dukeries Academy school. Furthermore, the library service is gradually increasing its list of e-book titles which are available to all library users and these counts towards the optimum stock levels.

In short, library provision is 1,199 items above the current MLA target in Newark & Sherwood District. However, we are aware there are a number of items on the system which are long overdue or missing/lost items. The library systems team is currently planning an update to the libraries management system which will remove these items from the system and this is likely to reduce or remove the small current over provision in Newark & Sherwood Libraries.

It will also be noted the total population catchment figure for the libraries in Newark & Sherwood is higher than the resident population in the district. This is because some Newark & Sherwood library catchments extend into neighbouring districts. The library catchment areas are based on work carried out in 2012/13. I can obtain lists of postcodes included in each library catchment if required.'

An additional response in respect of education has been received:

'The triggers outlined are acceptable. Clearly, indexation and site availability etc. would be factors in the S106 agreement in due course, but only if the developer decides not to build the school themselves. Transitional arrangements during the period leading up to the occupation of the 200th dwelling. These will need to be in the form of a double mobile classroom on (preferably) the Fernwood annexe site; or, if this is not possible on the nearest practicable site (John Hunt – Balderton or Sir Donald Bailey Academy - probably). Clearly, the County Council cannot dictate to a school that it must accommodate children who are without a school place on their site in a

temporary classroom. There would have to be negotiations around this. However, the CC needs to have the confidence that the funding would be in place to accommodate potentially 42 children who may be without a school place during the transitional period.'

Lincolnshire County Council Planning – 'With the site being located in Nottinghamshire and primarily connected to the strategic road network in that county, the impact on LCC's highway is limited and the estimated change in traffic flows on Shire Lane is acceptable.

The application proposes a continuous footway link on Shire Lane between the development and Claypole (Paras 6.53 and 6.58). This requires 2 pedestrian bridges, one across the Shire Dyke and one across River Witham. However, the Transport Assessment (TA) does not provide any estimates of pedestrian flows between the development and Claypole. The distance between these is over 1km and it does not seem apparent that a footway would be necessary. It should be noted that any Section 106 planning obligations should comply with Para. 204 of NPPF and meet the following tests:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

LCC requests further information to demonstrate that the proposed footway link is necessary.

The TA only proposes to provide the bridge across the Shire Dyke (Para. 6.53). If evidence is provided to demonstrate that a footway is necessary to link the development with Claypole and a bridge across the Shire Dyke is deemed necessary, then it follows that a pedestrian footbridge across River Witham is also necessary and should be provided by the development.

It is unlikely that a reduction in speed limit on Shire Lane (TA Para 6.62) would comply with LCC's Speed Policy.

In addition to these specific comments on highways, LCC Children's Services and Public Health both expect schools and health capacity to be established within or near to the SUE but recognise that parent and patient choice might lead to greater demand for existing services within Lincolnshire. This would be welcomed for secondary school provision. In the case of health services Lincolnshire GP practices may be impacted and so appropriate Clinical Commissioning Groups should be consulted.'

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.

Sport England is aware that discussions have taken place between the council and the applicants with regard to the provision of on-site sports facilities and or a contribution to off-site facilities.

The proposed on site facilities have been evidenced by the councils playing pitch strategy. It is understood that options for a contribution to sports facilities off-site have also been discussed and the conclusion is to provide all facilities on site which includes the provision of the 3G AGP on site.

A part of our assessment Sport England has consulted National Governing Bodies from Sport;

The Football Association (FA) have advised;

The FA (and Nottinghamshire County FA) would fully support the proposed development but would like to understand the development timeframe specifically relation to the proposed leisure facilities. The FA would also welcome the thoughts of the council in relation to how this development would fit with the proposed Newark Sports Hub? Whilst it is acknowledged that this development may be some years off the same may be said of the proposed Newark Sports Hub scheme.

Would there be any potential to tie the developer in to providing these facilities in advance of the housing being completed?

In addition the Rugby Football Union (RFU) have advised;

The RFU has no objections to the proposal. They would encourage that the applicant considers ensuring the proposed 3G AGP pitch meet the criteria of World Rugby Regulation 22 to allow contact rugby to be played. As for the proposed single rugby pitch on site, the RFU do not believe there to be a strategic need for a single pitch venue. However, there are recognised facility needs for Rugby Union locally at Newark RFC that would ultimately serve this housing conurbation and therefore would wish to explore the ability to secure off-site contributions towards the Rugby Club's development.

Sport England does not therefore wish to raise any issues with regard to the principle of the provision of a Sports Hub on site including the provision of supporting infrastructure, pavilion, changing rooms car parking etc. Sport England would anticipate that whilst the principle of a sports hub is agreed that further discussion would take place around the final provision of the facilities proposed and the timescale for delivery as further details are worked up as part of any reserved matters application 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. Sport England would commend the use of the guidance in the master planning process for new residential developments. The document can be downloaded via the following link:<http://www.sportengland.org/facilities-planning/planning-for-sport/planning-tools-andguidance/active-design/>

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.

Thank you once again for consulting Sport England. We would be grateful if you would advise us of the outcome of the application by forwarding a copy of the decision notice.'

NSDC Community Sports and Arts – Support proposal.

NSDC Parks and Amenities - No comments received.

NSDC Strategic Housing – ‘Support the proposal.

Summary

- The Council’s Strategic Housing Business Unit supports the proposed development of up to 1800 dwellings on land east of Newark.
- The proposed scheme should fully accord with the housing need identified in the Council’s DCA Housing Market and Needs Assessment (2014) (Sub-area Report – Newark Sub Area) for smaller homes (2 and 3 bedrooms).
- The scheme will attract affordable housing provision as detailed in the District Council’s Affordable Housing Supplementary Planning Document (2013). (Core Policy 1 refers). In this respect the requirement is for 540 affordable units. Of these the developer has offered up to 48% designated for affordable rent and the remaining 52% will be for intermediate tenure (usually shared ownership but to include discount for sale), as detailed below.

Type	Aff Rent	Intermediate (S/O)	Discount for sale 75% of OMV	Total
1 Bed	50	-	-	50
2 Bed	130	40	125	295
3 Bed	70	30	80	180
4 Bed	10	-	5	15
Totals	260	70	210	540

The Strategic Housing Unit would normally seek a tenure closer to the Council’s policy but accept that the developer is seeking a more viable option for the site.’

NHS Newark and Sherwood CCG –Support the proposal.

NHS Lincolnshire – ‘This development is proposing up to 1,800 new dwellings. As this submission deals chiefly with the affect that would be felt by Lincolnshire, numbers are based on 2.4 per dwelling as laid down in the South Kesteven District Local Authority (SKDC) Planning Obligations Supplementary Planning Document June 2012. This may result in an increased patient population of 4,320.

The calculation below shows the likely impact of new population in terms of number of additional consultations by clinicians. This is based on the Department of Health calculation in HBN11-01: Facilities for Primary and Community Care Services:

Consulting Room GP

Proposed population	4,320
Access rate	5260 per 1000 patients
Anticipated annual contacts	4.320 x 5260 = 4.320
Assume 100% patient use of room	22,723
Assume surgery open 50 weeks per year	22,723/50 = 454.5
Appointment duration	15 mins
Patient appointment time per week	454.5 x 15/60 = 113.6 hrs per week

Treatment Room Practice Nurse

Proposed population	4,320
Access rate	5260 per 1000 patients
Anticipated annual contacts	$4.320 \times 5260 = 22,723$
Assume 20% patient use of room	$22,723 \times 20\% = 4,544.6$
Assume surgery open 50 weeks per year	$4,544.6/50 = 90.89$
Appointment duration	20 mins
Patient appointment time per week	$90.89 \times 20/60 = 30.3$ hrs per week

This housing development is being considered under the Nottinghamshire area, however, we believe that one Lincolnshire practice is liable to be highly affected by the development: The Medical Centre in Long Bennington.

This proposed housing development does fall within the practice boundary of The Medical Centre and patient choice allows a patient to choose which practice to register with if they reside in that area. A practice cannot decline these patients unless their patient list is closed, which does not apply to any practice in Lincolnshire at present.

I understand that NHS Nottinghamshire have been consulted with regard to this planning application and have no doubt forwarded a submission for a healthcare contribution covering GP practices in Newark and surround that may be affected by the proposed development.

Alongside this, the affect that the proposed development would have on Long Bennington needs to be taken into consideration. The village adjacent to the proposed development, Claypole, and the immediate surrounding area currently make up over 10% of the patient list at Long Bennington (see attached map). It is a very real possibility that the future residents would choose to register at this town practice.

Long Bennington currently has an average patient per metre² ratio; this assessment is made by practice population and size of current premises. This is a monitor to gauge how any further increase in practice population may impact on building capacity issues.

The current list size as of April 2016 is over 5,700 patients; an increase in patients on a scale such as this proposed development would have a significant affect.

The above table indicates the increased number of hours required per week for consultations for 4,320 new patients: just under 144 hours. Those appointments not only impact on consulting space and clinicians but reception and administrative staff too.

Sufficient provision to mitigate the impact of an increased population on primary healthcare facilities in Long Bennington must be allowed for as additional patients increase pressure on GP and primary care services and put the existing infrastructure at risk.

Any proposed development needs to be acceptable in planning terms, with sufficient mitigation to address increasing pressure on the existing primary care facilities.

The s106 contribution would provide capital as an option to extend or reconfigure the building. This of course would be subject to a full business case and approval by NHS England. Any proposed expenditure would take place when the s106 funds are released by the developer as per the agreement and within the agreed timescale for expenditure of the funds.

Given at this stage we do not know the mix of the dwelling size or the spread of any future residents across the two councils, we suggest a total healthcare contribution of £799,200. This is based on an average of the above dwelling sizes (£444) multiplied by 1,800. NHS Nottinghamshire may have a different average dwelling amount.

The first trigger point would be after the first 50 dwellings are built.

This total healthcare contribution would need to be appropriately distributed between healthcare facilities affected by the proposed development including, if appropriate, The Medical Centre at Long Bennington.'

National Planning Casework Unit - No comments received.

NSDC Planning Policy - 'The application is on part of a strategic allocated site covered by Core Strategy Policy NAP 2C – Land around Fernwood. The principle of development is therefore facilitated by this policy and it follows to assess the specific nature of the proposal against the other relevant development plan policies.

The districts 5 year housing land supply is currently in deficit and approval of appropriate development on the scale proposed would help to remedy this.'

Historic England – 'Thank you for your letter of 22 April 2016 notifying Historic England of the above application. This is an outline planning application for a phased residential development of up to 1,800 dwellings, with and including, a mixed use centre, sports pavilion, primary school and open space provision.

Historic England Advice

This site forms part of the strategic housing site to the south east of Newark and Balderton. Along with land to the north and west, we understand the site is allocated within your authority's adopted Core Strategy as part of a Sustainable Urban Extension (SUE). In March 2015 we were consulted on the scoping request for this site and advised that heritage should be scoped into the report. We advised that there is a need to provide an assessment of the impacts of the development upon the significance derived from the setting of heritage assets at Claypole (in South Kesteven) including the Grade I listed church which lies to the west of the village. We also advised that pre-determination geophysical survey is required and should not be left until post-determination (email dated 17 March to NSDC from Claire Searson refers).

We have now considered the archaeological desk-based assessment (DBA) and Archaeological Evaluation produced by CgMs consulting / Wessex Archaeology. We strongly recommend you seek further guidance from Nottinghamshire County Council Archaeologist with regard to the appropriate mitigation of impacts upon the Iron Age - Roman period remains revealed in geophysical survey and trial trenching, which is contra the rather dismissive approach to archaeological potential in the desk based assessment (CgMs desk-based assessment, section 4.6).

We consider the Palaeo-environmental / early and late prehistoric landscape potential appears under-assessed - given the scope along the Trent, Devon and Witham for old river channels and for forth, containing important wet remains. Here we also refer you to the advice of the county archaeologist with regard to appropriate geo-archaeological modelling and mitigation. We find no assessment of the significance of the historic Shire Dyke and the impact of development there-on.

With regard to the setting of the Grade I Church of St Peter Claypole the assessment in the CgMs DBA does not appear to conform to the approach set out in GPA3. We strongly recommend further guidance is sought from your conservation officers and we refer to Government guidance within the Planning Practice Guidance and the sector-wide Historic Environment Good Practice in Planning Notes 2-3.

In assessing and determining this planning application we refer you to the Planning (Listed Buildings and Conservation Areas Act) 1990 which advises local authorities to pay special regard to the desirability of preserving the building, its setting and any features of special interest - sections s.66 (1) and s.72, the latter for conservation areas. Recent appeal decisions have confirmed that considerable importance and weight is to be given to the desirability of preserving the listed building or its setting to discharge these legal requirements. This applies irrespective if the harm is substantial or less than substantial. The role of the LPA should also aim to achieve the objective of sustainable development. In this, the NPPF is clear that great weight should be given to the conservation of designated heritage assets.

The effect on the significance of the non-designated archaeological remains within the outline development site should be taken into account in determining the application (paragraph 135), bearing in mind the need to understand that significance in more detail.

Recommendation

We recommend this application is determined in line with the Planning (Listed Buildings and Conservation Areas) Act 1990, the NPPF, the Planning Practice Guidance and the Historic Environment Good Practice in Planning Notes 1-3. Ultimately it will be for your authority to balance all planning considerations in determining this application. We strongly recommend further advice is sought from your conservation officer and archaeological adviser.'

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

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 1800 houses and mixed uses with all matters reserved. By virtue of its scale, form and potential layout, the proposed Fernwood South extension is capable of affecting the historic environment.

The NPPF sets out a "presumption in favour of sustainable development" within 12 core land-use planning principles that underpin both plan-making and decision-taking. The historic environment is addressed in paragraphs 17 and 126-141, among others. Annex 2 of the 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' furthermore, 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.

The DCLG Planning Practice Guidance (PPG) should be read in conjunction with the NPPF and includes guidance on matters relating to protecting the historic environment in the section: Conserving and Enhancing the Historic Environment. In addition, Historic England have produced a series of Good Practice Advice (GPA) notes that provide supporting information on good practice, particularly looking at the principles of how national policy and guidance can be put into practice. It follows the main themes of the planning system - planning-making and decision-taking - and other issues significant for good decision-making affecting heritage assets. GPA2 – Managing Significance in Decision-Taking in the

Historic Environment and GPA3 – Setting and Views are relevant in this case, as well as HE Advice Note 2 – Changes to heritage assets and HE Advice Note 3 – Site allocations.

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. Fundamentally, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation and the more important the asset, the greater the weight should be. Paragraph 132 of the NPPF states that significance can be harmed or lost through alteration or development within the setting of a heritage asset. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. The setting of a heritage asset is defined in Annex 2 of the NPPF. Setting is the surroundings in which an asset is experienced, and 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.

The proposal represents a large development on the southern side of Fernwood, which is in itself a large urban extension. The A1 corridor is an important modern landscape feature, and the depot site and pylons to the east of the proposal site represent further modern landscape intervention. The indicative details submitted show a network of primary streets linked by junctions leading to streets and residential lanes. New buildings would have a maximum height of 2 storeys with some opportunity for 2.5 and 3 storeys on primary streets. 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.

It is nonetheless recognised that the proximity of the Church of St Peter at the western edge of Claypole suggests that the Fernwood South development could have an impact on the wider landscape setting of the Grade I church. Whilst I would defer to Conservation colleagues in South Kesteven for their view on this matter, the Council must pay special regard to the consideration of the setting of this listed building.

I note from Historic England comments that concern is raised in the non-conformity of the submitted CgMs report with GPA3. Additional work might be undertaken to address this. Nevertheless, given the indicative proposed layout of the scheme, it seems likely that there are 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 proposals for sports and amenity areas will help in this regard.

In addition, the development site contains archaeological interest. The County Historic Environment Record (HER) and National Monuments Record (NMR) identifies three sites of interest within the Fernwood NE site, including an undated cropmark enclosure (possibly prehistoric in origin), a ring ditch feature and various linear features identified on aerial photographs. There is one identified feature within the Fernwood SW site comprising linear cropmarks of unknown origin, but this would not be affected by the proposal. Nevertheless, 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). I defer to the County Archaeologist Ursilla Spence on these matters.'

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 - Thank you for requesting comments on the archaeological implications of this proposed development.

Archaeological evaluation has been undertaken on this site, and is reported upon in the ES as Appendix 13. I monitored the work closely. In the Northern part of the site, traces of Iron Age settlement activity were revealed. I take some exception to the statement in the evaluation report that these comprise regionally typical remains, as we have relatively few settlements of this period in this county or regionally. In the southernmost part of the development site extensive remains of Roman settlement activity were located, including human burials. Between these two areas further Roman activity had been affected by Medieval and later small scale industrial extractive processes which were not fully comprehensible from the limitations of the trial trenches. So the site has considerable archaeological potential, although none of what I have seen so far on the site provides me with grounds for recommending refusal. Having said that, the known archaeological resource will require considerable mitigation measures which will have significant time and cost impacts. Your authority needs to ensure that the developers fully appreciate the level of mitigation which will be required to ensure a level of archaeological investigation and recording appropriate to the level of significance of the remains. I would recommend that the area of the Roman settlement to the south and the Iron Age settlement to the north be subject to open area excavation. The mixed area between probably also needs to be stripped and then decisions need to be made about areas for sample excavation and further monitoring. The programme of mitigation can be sorted through an appropriate condition, requiring a scheme of mitigation and programme of archaeological work to be approved by you and then fully implemented to your satisfaction.

Natural England – ‘Thank you for your consultation on the above dated 22 April 2016 which was received by Natural England on the same date.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Wildlife and Countryside Act 1981 (as amended)

No objection – no conditions requested

This application is unlikely to affect designated sites that Natural England has a duty to protect. Should the details of this application change, Natural England draws your attention to Section 28(1) of the *Wildlife and Countryside Act 1981 (as amended)*, requiring your authority to re-consult Natural England.

Natural England can provide advice on the following areas:

We acknowledge that the site forms a Sustainable Urban Extension, part of a strategic allocation site Policy NAP 2C ‘land around Fernwood’ in the 2011 Core Strategy.

Soils and Land Quality

1 Although we consider that this proposal falls outside the scope of the Development Management Procedure Order (as amended) consultation arrangements, Natural England draws your Authority’s attention to the following land quality and soil considerations: Based on the information provided with the planning application, it appears that the proposed development

comprises approximately 93 ha of agricultural land, including 55.8 ha classified as 'best and most versatile' (Grades 1, 2 and 3a land in the Agricultural Land Classification (ALC) system).).

2 Government policy is set out in paragraph 112 of the National Planning Policy Framework which states 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'.

3 It is recognised that a proportion of the agricultural land affected by the development will remain undeveloped (for example as green infrastructure, landscaping, allotments and public open space etc.). In order to retain the long term potential of this land and to safeguard soil resources as part of the overall sustainability of the whole development, it is important that the soil is able to retain as many of its many important functions and services (ecosystem services) as possible through careful soil management.

4 Consequently, we advise that if the development proceeds, the developer uses an appropriately experienced soil specialist to advise on, and supervise, soil handling, including identifying when soils are dry enough to be handled and how to make the best use of the different soils on site. Detailed guidance is available in Defra *Construction Code of Practice for the Sustainable Use of Soils on Construction Sites*.

Green Infrastructure

The proposed development is within an area that Natural England considers could benefit from enhanced green infrastructure (GI) provision. Natural England welcome the incorporation of 31.8 hectares of GI into this development, made up of children's and youth provision, pocket parks and greenways, semi-natural greenspace and structural planting/landscape buffer. We also welcome the references to the Natural England Green Infrastructure Guide and to the Statements of Environmental Opportunity in relevant National Character Area profiles in the Environmental Statement.

Multi-functional green infrastructure can perform a range of functions including improved flood risk management, provision of accessible green space, climate change adaptation and biodiversity enhancement. The proposed scheme offers the opportunity to enhance green infrastructure through the provision of open spaces, habitat areas, green corridors and landscape features that link together to form a network of multifunctional green space. This has the potential to deliver multiple benefits for both people and wildlife providing opportunities for access, recreation, biodiversity enhancement and flood mitigation.

We note the master planning process has aimed to meet the current and future needs of the area but that the development provides less semi-natural greenspace than the Council's standard. We would welcome the creation of priority habitats that contribute to local biodiversity priorities identified in the local Biodiversity Action Plan to further help to maximise the benefits of the scheme. Walking and cycling routes form an important part of the GI network and we note that the proposals deliver footpaths and cycleways linking this site to the town and wider countryside which will encourage more sustainable modes of travel and provide informal recreation opportunities, helping to improve the health and well-being of residents.

Other advice

We would expect the Local Planning Authority (LPA) to assess and consider the other possible

impacts resulting from this proposal on the following when determining this application:

- local sites (biodiversity and geodiversity)
- local landscape character
- local or national biodiversity priority habitats and species.

Natural England does not hold locally specific information relating to the above. These remain material considerations in the determination of this planning application and we recommend that you seek further information from the appropriate bodies (which may include the local records centre, your local wildlife trust, local geoconservation group or other recording society and a local landscape characterisation document in order to ensure the LPA has sufficient information to fully understand the impact of the proposal before it determines the application. A more comprehensive list of local groups can be found at Wildlife and Countryside link.

Protected Species

We have not assessed this application and associated documents for impacts on protected species.

Natural England has published Standing Advice on protected species.

You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence is needed (which is the developer's responsibility) or may be granted.

Further comments received 24th August 2016:

'Natural England has previously commented on this proposal and made comments to the authority in our attached letter dated 10 June 2016

The advice provided in our previous response applies equally to this **amendment** although we made no objection to the original proposal.

The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

Should the proposal be amended in a way which **significantly** affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us the amended consultation, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.'

Nottinghamshire Wildlife Trust – 'Thank you for consulting Nottinghamshire Wildlife Trust on the planning application detailed above. We have reviewed the plans and supporting documentation, specifically the Environmental Statement (Vol. 2 March 2016) and Masterplan and we have the following comments to make.

We are pleased to see that an ecological assessment of the site has been carried out as this allows consideration of protected and priority species and habitats in the determination of the application. We are generally satisfied with the methodology used and conclusions reached, although we have some concerns regarding loss of habitat for skylark and yellowhammer, both farmland birds of conservation concern (see link below). These species are birds of open countryside and are likely to be displaced by the development.

With respect to breeding birds, disturbance could be minimised by retaining boundary hedgerows and ensuring adequate protection during construction (ideally, works near hedgerows would avoid the bird breeding season March to August inclusive). If any vegetation clearance is required, it is imperative that this is undertaken outside of the bird breeding season. As you will be aware all birds, their nests and eggs (except pest species) are protected by the Wildlife and Countryside Act 1981 (and as amended) and we recommend a suitably worded condition, for example:

“No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds’ nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.”

Should the LPA grant permission for this proposal we feel that there is an opportunity to create a development that largely protects habitats of nature conservation value and enhance biodiversity through meaningful habitat creation which would also act as an informal amenity green space for local residents. We encourage the applicant to take every available opportunity to maximise biodiversity within the new development. Having studied the masterplan carefully I find I am generally supportive of what is being proposed but I would encourage the applicant to consider the following;

- Drainage features can add to the habitat mosaic of an area if they are designed with wildlife in mind. There are many examples however, where they are designed to be purely functional and consequently their wildlife value is limited. We would be happy to discuss the design of these features but encourage the applicant to be innovative so that features are multi-functional to maximise biodiversity opportunities. This approach would also create a pleasant environment for residents.
- It is reassuring to know that many existing hedgerows will be retained and that meadows will be created. Retained hedgerows should ideally be free-standing so they do not form part of residential curtilages to ensure that they are sympathetically managed. I would also suggest including grass / scrub mosaics which can be high in biodiversity.
- Implement a managed access strategy to ensure that some areas are ‘wildlife only’ to minimise disturbance. Use natural planting to encourage people to stay on the path network where appropriate.

Land around sports pitches to be managed as informal green space with man-made furniture kept to a minimum. Provide interpretation that explains why green space is being managed informally to maximise biodiversity opportunities. We are aware of instances where informal areas of grassland have been established but due to pressure from the local community they have then had a formal management strategy implemented to make the area tidy. This could be an issue where sports facilities such as playing pitches are situated adjacent to informal green infrastructure.

Ideally, all new planting should be of native species and reflect the landscape character area. Avoid 'simplification of habitats' i.e. 'lolly-pop' trees and lawns.

Management Plan

We welcome the proposed informal green infrastructure including tree and shrub planting, and meadow creation. In order to ensure that newly created habitats are managed to maximise their benefit to wildlife a habitat management plan should be produced (see below). This document should include a monitoring element to assess habitat establishment and to ensure that habitats are being managed sympathetically, in accordance with the management plan. All habitat creation should have consideration for the Nottinghamshire Local Biodiversity Action Plan (as you will be aware Core Policy 12 of NSDC's Adopted Core Strategy March 2011 refers to LBAP habitats).

Implementation

In relation to implementation of the scheme, if approved, we recommend that the following is secured via condition:

- A construction environmental management plan, with details of procedures/ timing of works to avoid impacts on protected species and retained habitats.
- Detailed plans for green infrastructure (this should include species lists for hedges, trees, shrubs, meadows etc.).
- Details on management of new habitats during the establishment phase.
- A habitat/ biodiversity management plan, which should include a monitoring element.
- A mechanism to secure implementation of the management plan in the long-term must be put in place (i.e. funding must be available for the developer, local council or another organisation to cover habitat management/ maintenance costs).
- We welcome measures such as bat and bird boxes but we currently see no clear mechanism proposed to secure these and who will advise on their location.
- We fully support the mitigation proposals stated in section 9.9 of the Environmental Statement and we would like to see these secured through the planning system.'

RSPB - No comments received.

Sustrans - No comments received.

Network Rail – *Email dated 2 June 2016:*

'Thank you for your letter of 22 April 2016 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.

Given the size and proximity of the development in relation to the railway it is considered that there may be significant impacts particularly upon Newark North Gate railway station. It is noted that cycle links are proposed between the development site and the existing National Cycle Route 64 that runs northwards towards the station and is anticipated that this will result in significant additional use of facilities at the station.

It is therefore appropriate that a contribution is sought from the developer towards station facility improvements. Works are currently planned to improve connectivity between the station forecourt, cycle parking facilities and the cycle network. A key element of this is a link from the cycle way into the station including a new ramp. We consider that a contribution of £3,000-

£4,000 from the developer towards further improving this connection would be appropriate given the increase in cycle traffic that the development is likely to generate. This would be a small but welcome improvement to cycle connectivity.

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.'

Email dated 1st July 2016:

'What we are seeking funding for is a ramp within the station area to enable ease of access for cyclists to the station facilities.

I've attached a photo for your reference showing the area of the station where the ramp would be required which I think demonstrates how the ramp would increase cycling connectivity/ease of use between the cycle network and facilities at the station itself.

Virgin Trains East Coast is currently planning works to improve cycling facilities at the station, however, this ramp is not in the scope of their works and extra funding would enable this link between their improvements and the wider cycle network. Additionally, any extra funding would go towards secure single cycle pods and a possible changing hut for cyclists.'

Email dated 1st September 2016:

'Thank you for your letter of 18 August 2016 providing Network Rail with a further opportunity to comment on the abovementioned application.

We note with disappointment the response from the developer in relation to our previous request. However we would comment further as follows.

Firstly the developer has misunderstood the reason for the suggested improvement. It is not to primarily help safety issues within the forecourt - as they rightly point out that is the rail industry's responsibility and to that end you will be aware of the current LBC application for forecourt works which addresses that very point. It is also erroneous to say that it is a DDA requirement - the Equality Act (DDA is no longer extant) is concerned with access for all to the station and this is already in place, so there is no requirement on our part to provide this enhancement. We are not funded to provide improvements to the cycle network.

There will be an increase in cycle trips along the cycle route (not only to the station) when taken over the whole of the Fernwood development so it is logical that the simple improvement to route 64 at Newark NG station is provided, but given the reluctance of the development industry in general to fund this (despite the extremely modest cost) is this something the Council could seek to fund through the Community Infrastructure Levy?'

NSDC Environmental Health (Contaminated Land) – 'Air Quality: I generally concur with the findings of the submitted air quality assessment (Technical

Appendix 7.1 of RSK submitted documentation March 2016). I shall await submission of the dust management and traffic plans as described in proposed mitigation measures. We welcome the incorporation of electric vehicle charge points at dwellings within the development.

Contaminated Land: I have now had the opportunity to review the Preliminary risk assessment submitted by RSK (December 2014) in support of this development. This includes an environmental screening report, an assessment of potential contaminant sources, a brief history of the sites previous uses and a description of the site walkover. Following this work, several potential pollutant linkages have been identified and the report concludes by recommending a full scope of intrusive investigations in order to further refine the conceptual model. I would therefore recommend that the full phased contaminated land condition is attached to any planning approval for this site.'

NSDC Environmental Health (Noise) – 'The report does take account of the industrial units to the South East and advocates mitigation measures. These will need to be required and detailed on any approval given.

In respect of the A1 it is no surprise to see that the site experiences high noise levels. The stretch of road adjacent to the site is not currently identified as a Noise Action area but levels are high. Some properties adjacent to the A1 will experience very high noise levels above the relevant criteria. In respect of the properties themselves they can be protected inside, but external space is harder to protect. Were measures not put in place to protect the external spaces then the properties themselves could turn into acoustic prisons.

Therefore full details of steps to protect external space around the residential dwellings, as well as the dwellings themselves would need to be required as part of any approval given.'

The agent has addressed the above comments throughout the life of the application through the submission of a further noise modelling technical report. The following additional comments have been received:

'The submitted report does not in itself add a great deal to the process. To achieve suitable internal noise levels specification details will still be needed from the developer to ensure that the structure provides sufficient protection. In respect of the gardens modelling shows these to just achieve the criteria through the use of walls and fencing. Again we would need details of these and proof that they achieve the required levels of protection.'

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, attention is 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, as well as wheelchair user 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.

Inclusive access should be carefully considered throughout where all users, including disabled people, can equally use the development.

Pedestrian approaches should be carefully designed to ensure that they provide a safe, barrier free level approach to the proposals from the edge of the site, as well as car parking where suitable provision for disabled motorists to park should be provided, with dropped kerbs, appropriate tactile warnings and carefully designed road crossings etc. as applicable. Routes should be carefully designed so as to be smooth, level, non-slip, and barrier free and of sufficient width. Site gradients will need to be carefully assessed to ensure that these are accessible to all users with any sloping pathway designed to meet level or ramped approach standards. It is recommended that separate traffic free pedestrian pavements with kerbs will be provided throughout the development to separate vehicular routes from pedestrian pathways and any danger to pedestrians from being required to walk along vehicular routes avoided.

It is important to restrict the number of barriers, restrictions or other hazards that disabled people encounter on the approach to and from the proposals. Uneven surfaces and gaps between paving materials cause problems for wheelchair users, people with impaired vision and people who are, generally, unsteady on their feet. Paving materials should be smooth, level and non-slip. Similarly car parking surfaces should be smooth, firm, non-slip and level with no uneven surfaces or gaps. Any street furniture such as litter bins, bollards, signposts etc. whether free-standing or projecting from the building are hazardous if not carefully designed and positioned clear of pedestrian routes. They should be carefully designed so as to be readily apparent and illuminated. For people with impaired vision, this is particularly important to reduce the risk of colliding with items located along the access route. Any external seating including benches should be carefully designed at an appropriate height and design so as to be suitable for ambulant disabled people with arms rests to give additional support and help when standing together with space for wheelchair users to sit alongside their seated companions. Carefully designed inclusive access routes should be considered to all external features and facilities and the developer should carefully considers their accessibility.

It is recommended that information and directional signs around the development, to and within the buildings etc. be clear and positioned so as to be easy to read. The JMU Sign Design Guide and BS8300 give guidance in this regard for buildings. It is further 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' which explains how the built environment can be designed to anticipate, and overcome, restrictions that prevent disabled people making full use of premises and their surroundings,.

The proposal should be required to meet minimum requirements of the Building Regulations and it is recommended that the developer be mindful of the requirements of the Equality Act 2010.'

DEFRA - No comments received.

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

National Grid – *Letter dated 3 May 2016:*

'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.

The National Grid apparatus that has been identified as being in the vicinity of your proposed works is:

- High or Intermediate pressure (above 2 bar) Gas Pipelines and associated equipment
- Low or Medium pressure (below 2 bar) gas pipes and associated equipment. (As a result it is highly likely that there are gas services and associated apparatus in the vicinity)
- Electricity Transmission overhead lines
- Above ground electricity sites and installations

As your proposal is in proximity to National Grid's apparatus, we have referred your enquiry / consultation to the following department(s) for further assessment:

- Land and Development Asset Protection Team (High Pressure Gas Transmission and Electricity Transmission Apparatus)
- Gas Distribution Pipelines Team

We request that you take no further action with regards to your proposal until you hear from the above. We will contact you within 28 working days from the date of this response. Please contact us if you have not had a response within this timeframe.

Requirements

BEFORE carrying out any work you must:

- Ensure that no works are undertaken in the vicinity of our gas pipelines and that no heavy plant, machinery or vehicles cross the route of the pipeline until detailed consultation has taken place.
- Carefully read these requirements including the attached guidance documents and maps showing the location of National Grid apparatus.
- Contact the landowner and ensure any proposed works in private land do not infringe National Grid's legal rights (i.e. easements or wayleaves). If the works are in the road or footpath the relevant local authority should be contacted.
- Ensure that all persons, including direct labour and contractors, working for you on or near National Grid's apparatus follow the requirements of the HSE Guidance Notes HSG47 - 'Avoiding Danger from Underground Services' and GS6 – 'Avoidance of danger from overhead electric power lines'. This guidance can be downloaded free of charge at <http://www.hse.gov.uk>
- In line with the above guidance, verify and establish the actual position of mains, pipes, cables, services and other apparatus on site before any activities are undertaken.'

Email dated 10 May 2016:

'We have received the Fenclosed regarding a proposed development. There is a High Pressure Gas Pipeline in the vicinity and NG must be consulted before any works take place.

A PADHI+ assessment should be carried out to determine the suitability of any development near such a pipeline.

NG has an easement on this pipeline and would object to any development within the vicinity until the developer engages in detail discussions.'

Letter dated 13 May 2016:

'National Grid has no objections to the above proposal which is in close proximity to a High Voltage Transmission Overhead Line – 4VK.'

Health and Safety Executive – Comments received 1 June 2016:

'The Health and Safety Executive (HSE) is a statutory consultee for certain developments within the Consultation Distance of Major Hazard Sites/ pipelines. This consultation, which is for such a development and also within at least one Consultation Distance, has been considered using HSE's planning advice web app, based on the details input on behalf of HSL.

HSE's Advice: Advise Against. The assessment indicates that the risk of harm to people at the proposed development site is such that HSE's advice is that there are sufficient reasons on safety grounds, for advising against the granting of planning permission in this case.

Major hazard sites/pipelines are subject to the requirements of the Health and Safety at Work etc. Act 1974, which specifically includes provisions for the protection of the public. However, the possibility remains that a major accident could occur at an installation and that this could have serious consequences for people in the vicinity. Although the likelihood of a major accident occurring is small, it is felt prudent for planning purposes to consider the risks to people in the vicinity of the hazardous installation. Where hazardous substances consent has been granted (by the Hazardous Substances Authority), then the maximum quantity of hazardous substance that is permitted to be on site is used as the basis of HSE's assessment.

If the proposed development relates to an extension to an existing facility, which will involve an increase of less than 10% in the population at the facility, then HSE may reconsider this advice; please contact HSE's Planning Advice team if this development involves such an extension.

Pipelines

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 our assessment of the pipeline as originally notified to us. It may be that in the vicinity of the proposed development the operator has modified the pipeline to reduce risks by, for example, laying thick-walled pipe. If you wish to contact the operator for this information then HSE is willing to re-assess the risks from the pipeline, relative to the proposed development, if all the following details are supplied to HSE by you:

- pipeline diameter, wall thickness and grade of steel.
- start and finish points of thick-walled sections (not required if it is confirmed that they are more than 750m from all parts of the development site).

These details to be clearly marked on a pipeline strip map, or other appropriate scale map, then included with the full consultation and submitted to CHEMHD5, HSE's Major Accidents Risk

Assessment Unit, Health and Safety Executive, Redgrave Court, Merton Road, Bootle, Merseyside, L20 7HS to allow it to be individually assessed. Please clearly identify on your covering letter that it is a resubmission with additional details of the major hazard pipeline.'

Following the revocation of the nearby Hazardous Substance Consent the following revised comments have been received:

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

British Gas PLC - No comments received.

The Environment Agency – 'Thank you for referring the above application which was received on 22 April 2016.

The Agency has no objections, in principle, to the proposed development but recommends that if planning permission is granted the following planning conditions are imposed:

The Local Planning Authority must be satisfied that the site is sequentially preferable given that parts of the site are located within Flood Zones 2 and 3.

The submitted Flood Risk Assessment (FRA) is dated March 2016 but has used data obtained from the Environment Agency back in November 2014 hence the references to the new Upper Witham Modelling data which we confirm is now available.

The FRA has identified a Sequential Approach to the proposed development by locating 'More Vulnerable' residential development within Flood Zone 1 which we support.

The FRA has acknowledged that climate change figures have been amended and that the site is located in the Anglian River Basin Area. The FRA recommends that the Higher Central limit of 35% is used. Given the scale and nature of the development the Environment Agency recommends that the Upper End level of 65% is consider for sensitivity testing given the number of houses proposed.

Section 10.5 identifies the possible need for Flood Plain compensation for any development within flood Zone 3. It references the old climate change figure which would need to be amended to reflect the new guidance. This is particularly relevant if the proposed football pitches are to be raised rather than remain at the existing greenfield site levels.

The Environment Agency no longer comments on Surface Water details as this is the responsibility of the Lead Local Flood Authority. Part of the site is proposed to discharge into Shire Dyke therefore we recommend that the Upper Witham IDB are consulted as part of the planning application and drainage strategy comments.

In summary we are satisfied that the FRA is appropriate given the outline nature of the development and recommend the following:

Environment Agency position

The proposed development will only meet the requirements of the National Planning Policy Framework if the following measures as detailed in the Flood Risk Assessment dated March 2016 submitted with this application are implemented and secured by way of a planning condition on any planning permission.

Condition

1. Provision of compensatory flood storage where land raising is proposed in Flood Zone 3 subject to an Environment Agency approved assessment used to determine the volume and level required.
2. Each Phase of development or subsequent detailed submission should include an updated Flood Risk Assessment which takes into account the proposed development and latest flood risk information.
3. All residential development must be located in Flood Zone 1 as recommended in the FRA dated March 2016.

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 prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided.
2. To reduce the risk of flooding to the proposed development and future occupants.
3. To reduce the risk of flooding to the proposed development and future occupants.'

Further comments received on 11 August 2016 on the basis of updates provided by the applicant during the life of the application:

'Further to our previous reply to the application an additional statement has been submitted by RSK dated 8th August 2016 in regards to our original proposed conditions and acknowledgment of the updated flood risk information for the site.

The submitted Master Plan 6534-L-07 dated 16 February 2016 shows how the current proposal is affected by the amended information and the Environment Agency are satisfied that the projected outlines are representative of the flood risk to the site.

Taking the points from the statement in turn we can confirm that we are satisfied that the additional information submitted in regards to loss of floodplain are satisfactory and demonstrates that the proposed land raising will not have a significant impact on third parties. Approximate volumes have been identified from the Master Plan and provided these remain consistent for the final development the Environment Agency are happy to withdraw our original flood plain compensatory condition. The proposed amended Flood Risk Assessment should include this information as part of the proposed update to the document.

We note that an amended Flood Risk Assessment is proposed for the whole site rather than the original recommendation of individual FRAs for the different phases of development.

Please note that the following condition supersedes the condition in our initial response to this proposal.

As residential development is now proposed within the Flood Plain the amended FRA will need to include proposed mitigation measures to demonstrate the development is 'safe'. These mitigation measures will need to follow the principles highlighted within the statement of raising floor levels appropriately above the predicted flood level on site and incorporating Flood Resilient construction techniques where appropriate.

Environment Agency Position

The proposed development will only meet the requirements of the National Planning Policy Framework if the following measures as detailed in the Flood Risk Assessment dated March 2016 and additional statement update on 8 August 2016 submitted with this application are implemented and secured by way of a planning condition on any planning permission.

Condition

No development is to take place until an updated Flood Risk Assessment for the proposed site is submitted and agreed in writing. The amended FRA will take forward the principles identified in the statement dated 8 August and the identified flood risk in Plan 6534-L-07 dated 16 February 2016.

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 prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided. To reduce the risk of flooding to the proposed development and future occupants.'

Further comments received 31 August 2016 on the basis of the latest revised FRA submitted during the life of the application:

'Additional information has been submitted dated 12 August 2016, reference 890034CWL02 which looks to address the Environment Agency previous condition recommendation of a Flood Risk Assessment.

The principle area of additional information is around identifying a suitable finished floor level for the proposed residential development within Flood Zone 3 based on the new Upper Witham Modelling and addressing the impacts of climate change over the life time of the development.

The Environment Agency are satisfied with the proposed mitigation measures and wish to amend our previous recommendation to reflect the additional information within this Flood Risk Addendum, as follows:

Condition

The finished floor levels of residential development identified in the 2d Flood Depths within drawing 6534-L-07 are to be set 600mm above the predicted 1% 2015 flood level based on the flood risk depths.

Reason: To reduce flood risk to the proposed development'

Nottinghamshire County Council Flood Team – No objection in principle subject to the following:

1. A detailed surface water drainage proposal is approved by the LPA prior to any commencement on site.
2. This condition is requested as the LLFA considers the surface water drainage has not been adequately addressed within the existing flood risk assessment. The following points must be conserved / adhered to in any revised proposals:
 - a. The greenfield run-off rate of 301 l/sec is not disputed. This is based on the 93ha of existing arable farmland draining to the watercourse on the eastern boundary.

- b. The applicant states that only approx. 25 ha of the existing 93 ha site will become impermeable as a result of the development. This is an extremely low percentage for a modern residential development and must be justified.
 - c. The applicant states that the entire Qbar discharge rate of 301 l/sec will be allocated to the 25 ha of impermeable area and has sized the surface water attenuation volumes on this basis. The LLFA contends that this methodology is flawed as some discharge from the remaining 68 ha is inevitable and will almost certainly travel towards the surface water attenuation system. It is quite likely that lawned areas and other 'green' areas would become compacted and the 'greenfield' discharge coefficient would increase with proportionately more water discharging from these areas than is the case at the present time. In this regard the attenuation storage is likely to be considerable under-sized and would overflow in an extreme event with large volumes of water passing to the watercourse.
 - d. It is quite possible that there would be an increase in the flood risk to 3rd parties as a result of unregulated overflows from the site therefore this is contrary to the aims of the NPPF.
 - e. The applicant is showing the positioning of surface water detention basins within an area indicated at risk of flooding from the Shire Dyke. It is unclear how these would be expected to function in the design event as presumably the Shire Dyke would be using all the available flood plain at this time. It is likely that the discharge rates from any surface water attenuation features would also be compromised in this scenario.
 - f. Any drainage design simulations should check the entire drainage system on the site including plot drainage for flooding during all storm durations from 15 minutes to (at least) 24 hours with any/all flood volumes shown to be directed away from the site boundaries and propose properties and instead directed to the surface water attenuation system.
3. The LLFA suggest that the surface water drainage strategy is revisited and additional design input added to address the points made in 1a-e. We suggest that an attempt is made at an outline drainage design that uses contemporary ground modelling software and drainage software to accurately simulate the behaviour of the drainage system for both the proposed land uses and also the position of the surface water attenuation features.
 4. The applicant states in correspondence with the Environment Agency that they will create flood compensation areas. A condition needs to be added to any planning permission that requires the flood compensation design to utilise a 3D ground model and produce a grid of levelled coordinate points for the existing and proposed topography. This is required in order that the design may be checked and also independently verified following the implementation of the proposed earthworks.
 5. Any future planning permission should also require the surface water, foul drainage and highway designs to be designed to the appropriate adoptable standards and technical approval for any future adoption achieved before the commencement of any development on the site. This is to ensure that the drainage design performs correctly for the lifetime of the development.

Further comments received in relation to suggested wording for a suitable condition:

'No development shall be commenced within each Phase or phase pursuant to Condition 4 until a detailed surface water drainage scheme for that Phase or sub-phase, 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:

- 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;
- 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 3rd party land are not acceptable.
- Detailed consideration of the risk of accumulation and mitigation of the pluvial flooding as shown on the Environment Agency surface water flood risk plans.
- 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 7th edition in terms of the criteria for pipe-full flows, surcharge and flooding;
- 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 3rd party properties and should use public open space and highways.
- All infiltration areas with supporting specification, calculations and construction details.
- Attenuation pond/tank details including volumetric calculations, geotechnical & slope-stability calculations as appropriate, specification of materials used to construct any berms.
- Full specification & 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.
- Full documentary evidence for consideration by the LPA/LLFA legal advisors of the rights to discharge to any watercourse.
- 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;
- Timetable for its implementation;
- 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.

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.'

Severn Trent Water – 'I confirm that Severn Trent Water Ltd has NO Objection to the proposal subject to the inclusion of the following condition.

Condition

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 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.

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.'

Anglian Water –

'Section 1 – Assets Affected

1.1 There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. Anglian Water would ask that the following text be included within your Notice should permission be granted.

“Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.”

WASTEWATER SERVICES

Section 2 – Wastewater Treatment

2.1 The site is in the catchment of Claypole Water Recycling Centre which does not have the capacity available. A drainage strategy will need to be prepared in consultation with Anglian Water and the Environment Agency to determine whether additional flow can be discharged to watercourse and to cover temporary measures in the interim, if additional capacity can be provided at the STW.

We request a condition requiring the drainage strategy covering the issue(s) to be agreed.

Section 3 – Foul Sewerage Network

3.1 Development will lead to an unacceptable risk of flooding downstream. A drainage strategy will need to be prepared in consultation with Anglian Water to determine mitigation measures. We request a condition requiring the drainage strategy covering the issue(s) to be agreed.

Section 4 – Surface Water Disposal

4.1 From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments on the suitability of the surface water management. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse.

4.2 Should the proposed method of surface water management change to include interaction with Anglian Water operated assets, we would wish to be re-consulted to ensure that an effective surface water drainage strategy is prepared and implemented.

Section 5 – Trade Effluent

5.1 Not applicable

Section 6 – Suggested Planning Conditions

Anglian Water would therefore recommend the following planning condition if the Local Planning Authority is mindful to grant planning approval.

Foul Sewerage Network (Section 3)

CONDITION

No development shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have

been carried out in accordance with the foul water strategy so approved unless otherwise approved in writing by the Local Planning Authority.

REASON

To prevent environmental and amenity problems arising from flooding.'

Trent Valley Internal Drainage Board – 'The site is outside of the Board's district and catchment. All matters relating to surface water drainage should be agreed with Upper Witham IDB and the appropriate Lead Local Flood Authority.'

Upper Witham Drainage Board – 'The Board has no objection to the proposed development provided it is constructed in accordance with the submitted details and Flood Risk Assessment and Drainage Strategy. It is noted that:

- 9.3 the discharge will be restricted to 301.6 l/s for the 93.17ha site.
- 10.4 a strip 6m wide will be left both sides Shire Dyke to allow the Board to access for maintenance, repair and improvement.
- 10.4 Upper Witham IDB By-law Consent is required for anything within the 6m By-law distance from the top of the bank of Shire Dyke.
- Upper Witham IDB Consent will be required for any works within Shire Dyke including outfalls.
- The applicant is aware that there is an impounding structure in Shire Dyke and the water level is raised during the Summer months.
- At the detail stage provision will have to be made to allow the Board's plant and equipment to access the maintenance strip adjacent to Shire Dyke.
- At the detail stage provision will have to be made to allow the Board's plant and equipment continuity of access across Shire Lane.

No development should be commenced until the Local Planning Authority, in consultation with the Lead Local Flood Authority has approved the final details of the scheme for the provision, implementation and future maintenance of the surface water drainage system.'

Further comments received 23 August 2016:

The Board supports the position of the Environment Agency and the proposed revisions. It is noted that the Zone 3 outline has changed because of updated modelling of the River Witham and there is proposed to be ground raising and compensatory flood plain storage.

Police Architect – 'I would like to comment upon the above planning application in my role as the Force Architectural Liaison Officer, the planning application consultation documents received recently.

Having viewed the outline planning documents for this large development I would like to comment as follows: -

The proposed development of up to 1800 dwellings mixed use local centre, sports pavilion, primary school and other infrastructure will be located some five miles from Newark Town centre in currently a very rural location, and has borders with the neighbouring county of Lincolnshire. It is essential that the development achieves a high level of sustainability from all matters, including crime and disorder.

This not only includes the need to use environmentally friendly materials, construction and operational methods, but also the need to raise awareness of the reduction of crime as a positive sustainability issue.

I can see only vague references to the development being sustainable from crime and disorder or no reference to Designing out Crime within the D&A Statement or other planning statements. The proposed development is very large and the potential for crime and disorder both at the construction stage and once built and occupied is high.

All measures should be taken to mitigate any future crime and disorder concerns for this development; therefore I would strongly advise that the development is built to Secured by Design standards to ensure the sustainability. Secured by Design (SBD) is a police initiative to guide and encourage those engaged within the specification, design and build of new homes to adopt crime prevention measures in new development and to reduce the opportunities for crime and disorder.

Secured by Design is owned by Police CPI and is supported by the Home Office and Communities and Local Government (DCLG).

The environmental benefits of Secured by Design are fully supported by independent research proving that SBD housing developments suffer at least 50% less burglary, 25% less vehicle crime and 25% less criminal damage. Therefore the carbon costs of replacing windows or doorsets on SBD developments as a result of criminal activity is more than 50% less than that of non-SBD developments.

In addition to the reduction in crime and disorder, recent academic research conservatively estimates the annual carbon cost of crime within the UK to be in the region of 6,000,000 tonnes of CO₂. This is roughly equivalent to the total CO₂ output of 6 million UK homes. At current domestic burglary rates the marginal carbon costs of building a home to SBD standards will be recovered within four years.

In support of my comments, the ODPM publication 'Safer Places – the Planning System and Crime Prevention, published in 2004, includes a section on 'Access and Movement' making reference to both the advantages of well connected layouts together with a layout with fewer connections. The two advantages of a well connected layout are: -

- Clear views and easy orientation
- More activity and so more potential for natural surveillance.

The Safer Places documents then includes a further advantage of enabling more intrinsically secure building types which are outlined under the sub heading 'Structure' and explains how this is achieved and the pitfalls to avoid.

Potential 'honey pots' i.e. places where people congregate and linger require particular planning so as not to bring crime and anti-social behaviour into the area. Within a similar context, out of scale facilities such as supermarkets or leisure facilities that are intended for the wider, rather than local community should be sited with care.

Specific areas of concern are as follows: -

- I note within the Design and Access statement that the developers have not made any direct reference to the sustainability of the proposed development through designing out crime. I would recommend this development works towards achieving the Secured by Design Award. Paragraphs 58 and 69 of the National Planning Policy Framework are relevant in this instance.
- Vehicular and pedestrian routes should be designed to ensure that they are visually open, direct, and well used. They should not undermine the defensible space of neighbourhoods.

Design features can help to identify the acceptable routes through a development, thereby encouraging their use, and in doing so enhance the feeling of safety.

Where it is desirable to limit access/use to residents and their legitimate visitors, features such as rumble strips, change of road surface (by colour or texture), pillars, brick piers or narrowing of the carriageway may be used. This helps to define the defensible space, psychologically giving the impression that the area beyond is private.

- Routes for pedestrians, cyclists and vehicles should not be segregated from one another. Networks of separate footpaths to unsupervised areas facilitate crime and anti-social behaviour and should also be avoided.

Public footpaths and green access routes should not run to the rear of, and provide access to gardens, rear yards or dwellings as these have been proven to generate crime. Where a segregated footpath is unavoidable, for example a public right of way, an ancient field path or heritage route, designers should consider making the footpath a focus of the development and ensure that it is:

- as straight as possible
- wide
- well lit
- devoid of potential hiding places
- The provision of public open amenity space, as an integral part of new residential developments, should make a valuable contribution towards the quality of the development and the character of the neighbourhood.

In order to do this it must be carefully located and designed to suit its intended purpose – mere residual space unwanted by the developer is very unlikely to be acceptable. In particular:

The open space must be designed with due regard for natural surveillance, and adequate mechanisms and resources must be put in place to ensure its satisfactory future management, and care should be taken to ensure that a lone dwelling will not be adversely affected by the location of the amenity space.

It should be noted that positioning amenity/play space to the rear of dwellings can increase the potential for crime and complaints arising from increased noise and nuisance

- I note within the D&A statement, the vision to provide a good mix of dwelling types, whilst I agree with this concept, it is important to ensure the layout and orientation of dwellings is designed to afford “active edges” to the street, so as to provide good natural surveillance over the street, and vehicle parking areas.
- I note within the D&A Statement that the provision for vehicle parking or parking within areas that can be seen by the respective owner, will be on plot parking with the desire not to provide rear parking courts, I would support this design choice. Specifically vehicles should either be parked in locked garages or on a hard standing within the dwelling boundary, preferably behind a gate.

Where communal car parking areas are necessary they should be in small groups, close and adjacent to homes and must be within view from routinely occupied “active” rooms of the owners’ premises. It may be necessary to provide additional windows to provide the opportunity for overlooking of the parking facility.

If car parking must be contained within an internal courtyard, although this practice is actively discouraged due the introduction of access to the rear of dwellings, then it must be protected by an automatic gate, incorporating access control and be overlooked by neighbouring homes.

Where dedicated garages are provided within the curtilage of the dwelling then the entrance should be easily observed from the street and neighbouring dwellings.

Locating garages forward of the building line can obscure views of both the entrance to the garage and the dwellings.

Where parking is designed to be adjacent to or between units a gable end window should be considered to allow residents an unrestricted view over their vehicles.

The outline planning documents do not include specific layout detail for the proposed new homes, parking facilities, public open space provision, footpath orientation or green access routes. I would like to have sight of these plans as soon as they become available and I would ask the developer engage in pre planning discussions with myself to ensure the opportunities for crime and disorder can be minimised.

The development of this site will have significant Policing and road traffic implications to this area both during the construction phase and when complete. Due to the large size of this development it may be necessary to incorporate a small Police Office into the community hub. I have informed the Divisional Commander of these proposals and I am awaiting further information regarding the Policing requirements.

I would ask to be kept informed as matters progress in order to maintain liaison and also appraise operational Policing colleagues both in this County and in Lincolnshire as appropriate.'

East Midlands Ambulance Service – No comments received.

Fire Brigade Headquarters - No comments received.

British Horse Society – No comments received.

NEWARK STEEL LTD – *Letter received 23rd October 2018 (For the avoidance of doubt this representation was submitted significantly after the public consultation and resolution to approve):*

Thank you for informing my client Newark Steel Ltd (hereafter 'NSL') of the material changes that have been made to the abovementioned planning applications. I am writing on behalf of NSL with respect to both applications submitted by Persimmon Homes and Larkfleet Homes, respectively.

Newark Steel Ltd and Depot Location

NSL became a subsidiary company of Barrett Steel Ltd in 2002; the UK's largest independent steel stockholder. The founding company was established in 1866 and the group now consists of more than 40 companies operating from 27 sites across the UK. Barrett Steel Ltd is therefore well versed with integrating with its neighbours and takes pride in establishing itself into local communities. NSL has had a presence in Newark for over 40 years¹. It relocated to its current site in August 2002 and it currently employs 44 members of staff. NSL is therefore an important asset to the town and the local economy.

The NSL depot is located to the south of Fernwood at the eastern end of Sylvan Way. The Persimmon Homes' application site (Ref. 16/00506/OUTM) therefore adjoins the NSL depot on three sides. The Larkfleet Homes' application site (Ref. 17/01266/OUTM) is located to the north of the NSL depot (beyond the Permission Homes' application site to the north).

Depot Site and Industrial Activities

The NSL depot is best described as a steel stockholding and processing site which operates from 03:30 hrs to 16:30 hours on weekdays, and on Saturday mornings; the site office is open until 18:00 hours.

Notwithstanding this, NSL have a long lease so had previously had positive discussions with planning officers at the LPA to potentially operate 24 hours a day 7 days a week. In accordance with its growth plans, NSL is aiming to implement these changes in the next 12-18 months.

A range of industrial and associated activities take place at the site (both inside and outside buildings) including unloading inward delivery vehicles, un-securing steel deliveries, steel cutting, shot blasting², painting, moving the steel goods around the site, outside storage, securing finished products for outward deliveries, loading delivery vehicles for customers, staff parking, client parking, visitor parking and staff visits from other Barrett Steel sites, amongst other things.

I attach a Site Plan of the depot for assistance; this shows Warehouse B at the northern end of the depot. To the south is a trailer park beyond which is Warehouse A. At the southern end of the depot are 4no. overhead cranes split into two separate areas (Location N and Location T) with a yard in between. A visitor car park, offices, staff car park and goods in lay-by exist on the west side of the depot. The Site Plan also shows that there is a single point of vehicular access into and out of the depot and it exists in the south-west corner.

Finally, the Site Plan shows that the same vehicular access point also serves two other industrial businesses, which operate to the north of the depot, namely: Rototek, a plastic moulding company; and, a used tyre storage and processing company. Part of this road abuts the Permission Homes' application site.

Potential Impacts and Concerns

The isolated nature of the site from residential dwellings has allowed the company to sustainably grow without hindrance since their beginning at the site. Given the NSL depot neighbours the Persimmon Homes' site, there is the potential for significant adverse impacts on the future residential occupiers. Conversely and more importantly, the proposed relationship with some of the residential properties and the depot means there might be pressure applied to the Council by residents, at a future date to, control operations inside and outside the industrial operations which could prejudice the business. This would be completely unjust and should be avoided at all costs.

To avoid the above scenario, it is important that the NSL's concerns with the two planning applications are fully considered by the Council. Each concern is discussed in turn below.

a) Noise – The Persimmon Homes' Masterplan (Dwg. No. 6534-L-07-I) shows residential properties adjacent to the south and west boundaries of the NSL depot. Residential properties are also shown adjacent to Sylvan Way (both sides). Consequently, there is the potential that residential amenities within the proposed development could be affected by the activities that take place inside the depot, particularly as the operations commence at 03:30 hrs. For example, there will be noise outside of the depot buildings from several sources including from the manoeuvring of Heavy Goods Vehicles (HGVs), the coming and going of delivery HGVs, warning

sounds from unloading and packing HGVs, reversing alarms on forklift trucks and side-loaders, as well as from slinging chains over loads. There will be additional noise from activities that take place inside the warehouses including from the steel dragger system (which is how the steel moves between certain equipment and processes within the warehouses), 4no. steel saws, a saw drill line and shot blaster³; large doors on both sides of the two warehouses are open when the site is in operational use. Given the proposed residential development adjoins the NSL depot on three sides, we would expect the Permission Homes' Noise and Vibration Assessment (NVA) to have considered these activities however, a review of this documents suggests that these activities have been significantly underplayed.

For example, the monitoring location closest to the NSL depot⁴ is located next to Warehouse B and shielded by dense overgrowth. This is both quite far from Warehouse A, which is where the noisiest industrial activities take place, and behind a hedgerow that is outside of the applicant's control so its long-term retention cannot be secured via an appropriately worded planning condition. It is suggested that this monitoring location will not lead to accurate findings. NSL would have been pleased to have discussed its operations with Persimmon Homes' acoustics advisor if they had bothered to contact them; the scope of the NVA would then have been robust.

The NVA suggests that the extraction equipment on the warehouses are the most likely source of noise from the depot. This is incorrect for the reasons explained previously. Furthermore, this fails to appreciate that the extraction equipment is located on the east-facing elevations i.e. opposite the rear of the depot so away from the Persimmon Homes' site.

More significantly and worrying are the baseline noise model maps⁵; these show the warehouses as white boxes with no noise emission levels. This suggests there is no sound generated from the warehouses, which again is incorrect.

Tables 3.2 to 3.5 show the unattended and attended monitoring results however, the exact start and end times are not specified. It is not therefore clear if the NVA adequately captures the noise generated from the NSL depot, particularly during its night-time operations.

Given it has been nearly 4 years since the NVA was undertaken and during the same period NSL has incrementally grown its operations at the depot, we consider noise levels have probably increased and this, in itself, justifies an updated NVA.

Whilst traffic noise has been assessed adjacent to the A1, the B6326 Great North Road and Shire Lane, it has not been assessed adjacent to Sylvan Way. No reasons are given for this exclusion but it should be an important consideration because residential properties are proposed on either side of Sylvan Way. The road is currently used as the access into and out of 3 industrial sites, namely: the NSL depot; the Rototek site; and, a used tyre storage and processing compound. It is understood that Persimmon Homes intend to make the western end of Sylvan Way into a bus route; the western end will also act as a vehicular access into the residential block to the north of Sylvan Way and a smaller block to the south. Consequently, noise from traffic along Sylvan Way will increase as a result of the residential developments. However, the omission of this road represents an inconsistency and undermines the credibility of the NVA.

Additionally, it is likely that the industrial noise from the depot will increase when NSL pursues its growth plans.

For the above reasons, the robustness of the Persimmon Homes' NVA is questionable. Notwithstanding a resolution to grant outline permission has been given for this planning application (Ref. 16/00506/OUTM), we consider an updated NVA should be undertaken as a matter of urgency. We also question why a similar assessment was not undertaken both to inform and support the Larkfleet Homes' planning application (Ref. 17/01266/OUTM).

b) Gantry Flood Lights – As the NSL depot is operational when it is dark there are flood lights on both gantries, warehouses and offices. These have the potential to have adverse impacts on the east side of the Persimmon Homes' site. The machinery and vehicles at the depot are additional sources of light. However, no lighting assessment has been prepared to inform and support the planning application.

c) Transportation & Movement Impacts – The proximity to the A1 has been an asset to NSL in that it has allowed the company to both receive deliveries and transport orders from the depot without the need to go near residential properties. This has been important to NSL because the deliveries and orders are on 16-28 tonne HGVs and loads generally leave the depot between 06:30 hrs to 09:30 hrs i.e. during rush hour. It is therefore unfortunate that there only limited information on the NSL operation within the Transport Assessment (TA).

We would expect the existing vehicle traffic movements to have been considered in the TA. This should include 10 NSL HGV fleet, 6-12 Barrett Steel and outside hauliers/suppliers visiting the depot per day, 6-12 collection vehicles, cars from staff who work at the site, cars from staff who are visiting from other Barrett Steel sites and vehicles from third party visitors, such as customers⁶ (all of which would generate 2-way vehicular movements).

We would also expect detail on how the proposed alterations, new transport routes (roads, cycle paths, footpaths and bus routes) and access points systems will interact with surrounding uses, including our clients' site. Our concerns relating to the potential transportation and movement impacts are discussed below.

The proposed bus route at the western end of Sylvan Way will not only introduce a different form of large vehicle, on what is not the widest of roads, but also lead to a potential risk that is generated from users stepping off buses into the paths of the HGVs. Children who can be easily distracted and elderly people who often have mobility difficulties usually form a large percentage of bus users. It will be important that bus stops and crossings are suitably located across both residential developments. But they should be avoided along Sylvan Way if there is the potential for both collisions with traffic from the NSL depot, and the creation of queues onto the B6326.

In terms of this latter point, it should be noted that there are occasionally queues of HGVs on Sylvan Way waiting to access the depot. During these times and when the depot is at its busiest, this could have implications on the flow of traffic on Sylvan Way. Accordingly, there could be rare occasions when queueing HGVs make it difficult to use the two new vehicular access points into the residential development (one to the north side of Sylvan Way; and the other off Sylvan Way to the south).

Again, and notwithstanding the resolution to grant, we suggest the Council reconsiders the highway impacts of the Persimmon Homes' planning application (Ref. 16/00506/OUTM). We also suggest the Council considers the cumulative impacts with the Larkfleet Homes' planning application (Ref. 17/01266/OUTM). We consider the Council should only determine the two

planning applications once it is content that the additional vehicle movements resulting from the residential developments will not harm the safe movement of vehicles on the strategic and local highway network.

d) Distance from Warehouse Buildings – The office buildings on the depot are the closest NSL buildings to the Persimmon Homes’ site. We are concerned that these buildings are not shown on any of the sections contained within the Design & Access Statement. Yet, we estimate the west elevation is approximately 12m from the nearest residential properties. It is unlikely that being so close to the depot would result in acceptable internal and external levels of amenity for any new residential occupiers.

e) Construction Traffic Management Plan (CTMP) – Only after an updated NVA has been prepared and scrutinised, and the highway impacts have been reconsidered, and should the Council continue to look favourably at the Persimmon Homes’ planning application, we would expect a CTMP to be prepared for each phased of development. As NSL is an important local business and employer within the District, any impacts that might impede their operations should be avoided.

f) The Agent of Change Principle – As explained previously, there is the potential that in the future there might be pressure applied to the Council by the new residents to control operations at the NSL depot, both inside and outside, which could prejudice the business. This would be completely unjust particularly if NSL continued to operate within the parameters of its own planning permission(s). It would also conflict with the Revised National Planning Policy Framework (NPPF), specifically, that developments promote *“a high standard of amenity for existing and future users”* (Para 127(f)) (bold and underlined text – my emphasis) and ‘The Agent of Change’ principle (Para 182). This is the first time that national planning policy has made a specific reference to the agent of change principle; the principle by which a person or business introducing a new land use is responsible for managing the impact of that change. The onus is now wholly on applicants to secure suitable mitigation before developments are completed. For completeness, Para 182 states:

“Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or ‘agent of change’) should be required to provide suitable mitigation before the development has been completed.” (bold and underlined text – my emphasis).

We note that the noise mitigation measures within the Persimmon Homes’ application (Ref. 16/00506/OUTM) include a 3.0m high bund and a 1.5m high acoustic fence on the ridge line. For the reasons outlined previously, we are not convinced these measures are sufficient.

To avoid the above, it is recommended that the Council and statutory consultees, particularly the Environmental Health Department, reconsider the potential impacts on residential amenity from the industrial operations at NSL, Rototek and the adjoining used tyre storage and processing company.

Revisions to the Persimmon Homes' Masterplan might be required to ensure that there will be no adverse impacts on residential amenities.

We ask that these comments be brought to the attention of the planning case officer(s) and the planning committee and reserve the right to submit further comments, particularly in circumstances whereby additional amendments are submitted to the Council.

I would therefore be grateful if you could keep us informed of progress in respect of both planning applications.

Following a response from the Engineers RSK on behalf of Persimmon Homes (discussed further in the appraisal below), an additional letter dated 4th January 2019 was also received:

RESPONSE ON BEHALF OF NEWARK STEEL LTD

Thank you for informing us that The Larkfleet Homes' planning application (Ref. 17/01266/OUTM) has been approved and that The Persimmon Homes' planning application (Ref. 16/00506/OUTM) is still pending consideration.

Construction Environmental Management Plan (CEMP)

I note that Condition No. 7 attached to The Larkfleet Homes' planning permission requires the submission and written approval of the LPA to a CEMP. This should cover various matters including the means of access and routing strategy for construction traffic. But as outlined in our previous letter (Enclosure 1 refers), given Newark Steel Ltd (hereafter 'NSL') is an important local business and employer within the District, any impacts that might impede their operations should be avoided. Accordingly, we would be grateful if you could notify us within 5 working days of receiving an application from Larkfleet Homes', or any other applicant, for the approval of details pursuant to Condition No. 7.

Persimmon Homes' Noise and Vibration Assessment (NVA)

I have reviewed the Technical Note prepared by RSK in response to our letter. We remain very concerned with this aspect of the planning application, particularly, as RSK maintain their opinion that the air handling units on the roof of Warehouse A are the most dominant noise source at the NSL Depot. Whilst this may have been the case in February 2015 when the surveys were carried out, NSL has subsequently confirmed that this was a quiet month for the company with volumes of material processed being approximately half of what was processed in other months in 2015 and in subsequent years. The NVA is therefore based on surveys that do not reflect normal operations at the NSL Depot. We therefore maintain that as the NVA does not reflect the true picture of the locality, it cannot be relied upon in establishing the noise impacts on the internal and external levels of amenity for any new residential occupiers within the proposed development.

Additionally, the air vents in Warehouse A have subsequently been filled following the relocation of kit in the site. For these reasons alone, we would expect the noise levels and locations to be different to those mentioned in the NVA (which have not been altered in the Technical Note). Relying on a new survey to inform Reserved Matters applications, as is suggested in the Technical Note, is not a robust approach. For example, there is a real possibility that the noise maps within the NSL Depot will change and some of the amber noise contours

may change to red or vice versa. Such changes will have knock-on effects on the layout and design of the proposed development.

In the light of the above and for the reasons set out in our previous letter, we maintain that an updated NVA should be undertaken as a matter of urgency. Page 2 of the Technical Note suggests that the supplementary noise survey will include measurements taken at the boundary of the NSL Depot whilst Page 3 suggests measurements will be taken around the perimeter. However, NSL is content for equipment to be left at an agreed location(s) at the Depot to ensure it is robust. NSL is also content to agree with RSK, or any other acoustic consultant appointed by Persimmon Homes, a suitable time for the additional surveys to take place to ensure the findings reflect normal operations at the Depot. Notwithstanding this, we welcome RSK's acknowledgement at Page 4 that NSL and Rototek should be consulted to ensure a robust assessment.

Page 4 also confirms that traffic data was not available for the Sylvan Way link to inform the NVA. We suggest that NSL's existing vehicle traffic movements, as specified in our previous letter, are considered in the updated NVA.

Conclusion

NSL is continually looking to grow its business which could increase its operational hours at the Depot, amongst other things.

Whilst we appreciate Persimmon Homes' has subsequently appointed RSK to prepare the Technical Note in response to our concerns, the planning application is still not robust in terms of how noise impacts from neighbouring and nearby land uses have been assessed. Given the findings do not reflect normal operations at the NSL Depot, we request an updated survey is carried out as soon as possible and before it is determined otherwise there is a real risk it could be vulnerable to legal challenge. This is the reason I have sent copies of this letter to Members of the Planning Committee.

For the avoidance of doubt, all our concerns set out in our previous letter still stand.

Please ensure that a copy of this letter is sent to RSK so that we can agree a suitable time for the updated survey(s) and locations within the Depot for equipment to be left.

Finally, we look forward to hearing from you regarding details pursuant to Condition No. 7 attached to outline permission 17/01266/OUTM.

Representations have been received from 21 local residents/interested parties which can be summarised as follows:

Support

- In favour of progress and development, but with reasonable safeguards
- Improved public transport is to be applauded, particularly evening bus service to Newark (although timetable seems optimistic)
- Development needed urgently

Character

- Fernwood will become part of a much larger conurbation – the land gap between the two developments should be increased to protect the rural character of Fernwood
- Removing vegetation will have a significant adverse impact on visual amenity value

Highways and Parking

- The area around Fernwood already has a huge amount of traffic due to its proximity to the A1
- Any further increase in housing will increase traffic leading to problems of poor road safety, accidents and increase in loss of life
- The road system cannot cope with a potential increase in traffic of 3600 vehicles from this development along with 2000 vehicles from the DWH development and the south Newark relief road
- At peak periods there are long tailbacks of vehicles trying to cross the A1 towards Newark
- The junction between the Great North Road (B6326) and the A1 needs improving, especially for traffic turning right from the A1 onto the B6326
- Don't believe that provision on safety or noise of the increased traffic has been taken into consideration
- Traffic on London Road will be brought to a standstill
- Highways should not be a reserved matter
- There isn't sufficient highways access into Newark from the area with only one small bridge across the A1 and A1 south not providing enough slip road
- Conditions should be in place to deliver public transport prior to completion of build
- Not enough parking around shops
- Traffic at rush hours is already bad – public transport isn't an option for everyone such as those running small businesses
- Houses need more parking provision
- The proposal will affect the safe access and exit from the properties accessed off the A1 northbound; Cowtham House, Cowtham Cottage and the Woodwork Business
- The B6326 is the only road allowed Fernwood residents to enter Balderton and Newark and to join the A1 southbound
- More stationary vehicles queuing will lead to more accidents
- There isn't enough parking at train station to accommodate more commuters
- There is already huge problems with on road parking
- Increasing traffic near a primary school is a bad idea
- School traffic near the junction will cause traffic congestion and a safety hazard
- Concern about the number of access points onto Shire Lane – the layout should be changed to reduce this down to 2
- The southern section of the development has only one entrance / exit point – this roundabout is the final junction leading onto the A1 southbound and the first off the A1 northbound if vehicles cross the A1
- There is a possibility of drivers using the link road, Great North Road and Shire Lane as a short cut to the A17
- There should be a new access to the A1 in this area
- The A1 north bound slip road should be closed as it is dangerous
- There are no guarantees to introduce public transport
- Access to the houses by car has not been mentioned apart from where the road accesses are
- There has not been a study of how many cars will access existing roads where are already parking problems causing severe blockages

Impact on Wildlife

- Hedgerows needs to be retained under the Enclosure Act 1765 – during window they provide shelter for ecology
- Hedgerow removal will remove green link in the area

Local Centre

- The local centre will not be sufficient to meet the needs of 1,800 households so residents will be forced to travel to Newark town centre

Health Care

- Balderton is already stretched to breaking point with waits of 4 weeks for non-urgent appointments – only locums will be providing health care cover for the foreseeable future
- An increase in population needs another health centre to be built

Flood Issues and Drainage

- Any additional building will increase the risk of flooding
- Lessons should have been learnt from other parts of the country where housing has been built on flood plains
- Community playing fields shouldn't be next to drainage pond or in flood area
- Drainage ponds shouldn't be used – they have to be maintained and aren't safe – they are positioned in areas where children could be playing

Housing Delivery

- There are many houses on Fernwood for sale or rent
- There is no waiting list and no need for extra homes to be built
- If the extra housing is to accommodate potential immigrants, it should wait until after the EU referendum in June

Heritage Issues

- There is no mention of recent archaeology – the site was RAF Balderton during WWII

School Provision

- Where will children from existing Fernwood go
- The position of the school at the junction of Shire Lane and Great North Road will lead to traffic problems at school times
- Until the school is built children will be going to school in Claypole and Balderton, the current Chuter Ede annex is already oversubscribed

Sporting Facilities

- Concern over who will be responsible for the maintenance of the facilities

Management Company

- Planning approval should be conditioned to ensure the developer makes additional costs clear at point of sale
- Existing residents on Fernwood are being billed twice for the maintenance of open space
- There should be fairness and equality for all residents of the village with everyone paying towards the upkeep and maintain of the open spaces through council tax

Comments relating to other planning applications on the Strategic site

- The area will be too built up
- There is enough traffic and parking problems around Fernwood already
- Loss of privacy to existing residents
- Concern regarding plans for Hollowdyke Road
- Applications shouldn't be considered in isolation

Other Matters

- Decision should wait until Fernwood Parish plan is in place
- Objection to LCC suggestion of bridge – land owners not notified
- There will be 17 years of disruption
- The Newark growth point has ruined the town

In the interest of completeness, the LPA have taken the opportunity to instruct an additional period of consultation to neighbouring parties (including all properties within existing Fernwood) through a bespoke letter which presented the presented viability position (i.e. the 10% offer).

An additional 5 no. of letters have been received on the basis of this revised consultation, details of which can be summarized as follows:

- **10% affordable housing is too low – it should at least meet David Wilson figure of 11.5%**
- **Still concern about access and traffic problems which when coupled with the proposed school at Fernwood will rocket**
- **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**
- **The council should enter into partnership with farmers and smaller builders to provide the houses**
- **To reduce from 30 to 10% affordable housing flies in the face of the Neighbourhood plan, national housing need and local need**
- **It is dishonest of Persimmon and they should not be allowed to get away with it**
- **They would have known the deficit at the outset**
- **Affordable housing is for young families and singletons trying to start on the housing ladder.**

Comments of the Business Manager

The Principle

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 1800 units, themselves split into 3 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 BDW Homes scheme) do not significantly exceed those originally envisaged (as detailed below all impacts in cumulative terms have been based on 3500 dwellings).

With respect to commercial uses, and both the site specific policy and Core Strategy Policy CP 8 it is noted that out of centre uses are promoted. It is equally noted that a local centre forms part of the strategic allocation. Each of the proposed uses is accompanied by a maximum quantum of floorspace and subject to conditions to control this I am satisfied that the size and scale of what is proposed is proportionate to the size of the scheme.

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 second to be submitted on Land around Fernwood, noting the first was submitted by Barratts David Wilson Homes. The remainder of the Fernwood allocation includes two more substantive landowners, those in control of land to the west of the B6326 and those in control of land between the Persimmon and BDW schemes. Officers, developers, and land owners have engaged on a number of cumulative matters, both in terms of allowing the completion of the respective Environmental Statements (ES) but equally in terms of highways impacts and mitigation, again as detailed below.

In policy terms the scheme is acceptable, subject an assessment of technical impacts, all of which I address below.

Paragraph 59 of the revised NPPF document confirms that the Governments agenda remains focused on 'boosting the supply of homes' and that 'the needs of groups with specific housing requirements are addressed.' The NPPF also re-affirms the plan-led approach, which is reflected in the context for this scheme by the fact that this site forms part of a SUE, the promotion of which is identified in both the Council's Adopted and Revised Core Strategy.

5 Year Housing Land Supply

Members are fully aware of the Council's current position with respect to the 5YLS, as detailed in the note brought to this Committee at the June (2016) meeting. I will not re-rehearse the full details of this note here save to note the following significant matters. Firstly, the note confirms the Council's view that it has a 5YLS on the basis of its Objectively Assessed Need. Whilst there remains debate as to the weight that can be attached to the OAN in the absence of being tested via Plan Review the Council remains firm that it does have a 5YLS against its OAN. On this basis paragraph 49 of the NPPF is not engaged and the Council's housing policies continue to carry full weight. What is critical in this conclusion is that meeting the OAN is predicated on the SUE sites delivering housing in 2017. To date a start on site has not been made on any of the SUE's. It remains a significant material planning consideration that approving this scheme, and unlocking the ability for the applicant, a national housebuilder, to apply for reserved matters will ultimately allow the delivery of new homes.

The Plan Review remains to be ongoing with the Inspectorate considering the responses to Main Modifications. Nevertheless, the position in respect to the Council's ability to demonstrate a 5 year housing land supply is not considered to have changed. It is noted that the 2018 NPPF

outlines a standardised methodology for calculating housing land supply but given that this is due to be revised again, and indeed that it allows for transitional arrangements, this is not considered to materially affect the current application. In any event this site contributes to the Council's 5 YLS as part of an adopted SUE.

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 15th 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
- Noise
- Ecology and Nature Conservation
- Landscape and Visual Impact
- Flood Risk and Surface Water Drainage
- Soils
- Heritage
- Utilities
- 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.

Paragraph 43 of the NPPF emphasizes that the right information is crucial to good decision making, particularly where formal assessments (such as EIA's) are required. For the avoidance of doubt, Officers consider that the originally submitted EIA remains fit for purpose despite the time that has lapsed since its preparation (the EIA is dated March 2016). This is primarily because of the limited changes at the site that have occurred on the ground within this time.

It is noted that the letters submitted on behalf of Newark Steel (listed in full above in the consultation section) contend that the Noise Chapter of the ES should be updated. Officers view on this matter is outlined in the relevant section below.

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 development is split into 3 phases and will be broadly built out on a north to south trajectory. The first phase will deliver approximately 841 dwellings, the second phase approximately 537 dwellings and the third phase approximately 422 dwellings. Indicative residential densities have been demonstrated on Parameters Plan C showing the lowest density to be broadly central within the site (in Phase 1) and pockets of higher residential densities throughout all phases, the majority of which are surrounded by medium density development. Maximum heights of the development overall (albeit exact details are to be agreed through reserved matters) would be 13m arising from buildings in the LC. The residential elements however are stated as being a maximum height of 12m (up to three storeys). It is suggested that all density categories (lower, medium and higher) will provide a combination of 2; 2.5 and 3 storey dwellings.

The delivery of the phasing in a broadly north to south direction is considered the most logical route for development. The closest existing residential properties of existing Fernwood are to the north of the development and thus (notwithstanding the inevitable separation due to the aforementioned parcel of land in separate ownership) occupiers of the first Phase will be afforded greater opportunity for integration to the wider community. Nevertheless the delivery of the LC in the first phase will ensure that the community of Fernwood South will begin to establish early in the development delivery timescale. This is considered a great benefit to the scheme. Indeed the first phase includes at least an element of all proposed land uses. By the time the third phase is delivered, the LC, primary school and all sports hub facilities will have been built.

I note the comments received during consultation regarding the indicative disposition of uses in the site. Particular concern has been expressed regarding the positioning of the LC and primary school in the north west corner. I am mindful that this originally derived from the indicative map within the Core Strategy (NAP 2C) and it is on this basis that the scheme has evolved. Nevertheless officers remain of the view that this would be the most appropriate positioning for the LC and the primary school. It would allow ease of integration should the land immediately to the north come forward to be developed in the future but also takes advantage of a highly accessible part of the site. There are other advantages of situating the LC and primary school at the corner of the site in amenity respects in that playing fields associated with the school will be bounded to the west by the road network and open countryside beyond. Claypole PC have raised what is considered to be a legitimate concern that there may be a tendency for parents to drop their children off on Great North Road and Shire Lane instead of using the designated spaces. However, I consider that appropriate measures could be put in place to minimise the likelihood of this. I would suggest that it is reasonable to attach a condition requiring a parking and management plan to come forward with any application for the school. I am also mindful that the parking available in the adjacent LC could be used during busy periods of drop off and pickups.

In some respects the positioning of the sports hub facilities 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 these uses are less vulnerable. In any case the incorporation of a 'green infrastructure corridor' 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 green corridor 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.

The Design and Access Statement includes discussion of the evolution of the Masterplan throughout pre-application discussions with key stakeholders and the authority, but also given the outcome of a range of public consultations.

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.

The 2018 NPPF does not alter the above assessment.

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.

This is addressed through Chapter 16 of the ES. It is agreed that 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 equally agreed that the consideration of alternatives in this instance is most appropriately focused on the alternative land use arrangements within the site. The ES details a thorough evolution of the scheme taking into account the numerous constraints which exist on the site. 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.

The revised NPPF does not explicitly refer to the process of undertaking an ES noting that this is covered by the EIA regulations. The 2018 NPPF therefore does not alter the above assessment.

Impact on Highways Network

Perhaps unsurprisingly given the scale of the development, the majority of objections received from interested parties have focused on the implications of the development on the highway network. Clearly assessing such 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 2 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 acknowledged that the build period will span over 17 years and thus will undoubtedly represent 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 numerous parties during consultation on the application.

The ES, at Chapter 6, identifies the importance of the preparation of a Construction Management Plan (CEMP) to be secured by condition to ensure that all reasonable steps are taken to minimise and mitigate adverse effects from construction traffic. This will include, but is not limited to; details of vehicle routing and hours of construction; construction noise and dust management and details proposed site compounds.

The principal elements of construction traffic comprise; HGV traffic transporting materials and plant; the removal of surplus excavated material and waste; as well as staff and operatives transport. Overall it is anticipated that the delivery of general construction materials would result in a peak of no more than 80 - 120 two-way HGV trips per day, the majority of which would occur outside of typical highway network peak periods spread evenly throughout the day. In addition, it is anticipated that there will be vehicular movements associated with site operatives and staff generating no more than 210 vehicle movements over a daily period during peak activity on the site. Access will be from the B6326 Great North Road in all phases and the C412 Shire Lane in phases 1 and 2.

Although construction traffic impacts are recognised as having a minor negative environmental impact and thus minor adverse significance of effect, based on the Institute of Environmental Assessments Guidelines, the traffic generated during even the peak periods of construction activity will have a negligible impact.

Impacts from Operational Development and Mitigation

The Transport Assessment submitted to accompany the application has set out to identify the anticipated highways and transport impacts associated with the development. The study area focuses on highway links and junctions along the B6326 Great North Road corridor from its junction with the A1 at 'Fernwood South' to the A1 / London Road roundabout to the north as well as the C412 Shire Lane from its junction with the B6326 Great North Road through to the County Boundary to the east of the site. It is these road corridors, and the junctions along these corridors, that will experience the greatest traffic impact arising from the development.

The methodology used is based on a comparison between predicted traffic flows on potentially affected roads, with and without development. The ES has considered the Institute of Environmental Assessment's Guidelines. Increases in traffic flow below 10% are generally considered to be insignificant. Guidance suggests that community disruption becomes sensitive to increases in traffic flow at a 30% increase (considered to be a minor impact). It is considered appropriate for a 60% and 90% increase to be classed as moderate and substantial impacts respectively. It must be noted that these percentages relate to the increase in traffic flows, that is not to say that such increases are unacceptable (either with or without mitigation), a matter which then needs to be assessed.

It is accepted that the 'with development' scenario would result in a 'minor impact' at two locations; namely C412 Shire Lane (between accesses) and B6326 (north of C412 Shire Lane). In addition the C412 Shire Lane between the B6326 and the first access would see an increase in traffic flows considered to be of 'moderate impact'. The significance of these is in part linked to the low baseline traffic flows (relative to the capacity of the roads) that exist on these road corridors. A development of 1800 dwellings will inevitably increase traffic flows. It is worth noting however that the level of vehicular movements will still be well below the theoretical link capacity of the affected roads. For example, typically the B6326 Great North Road has a theoretical link capacity in excess of 33,000 vehicles per day. Under the 'with development' case flow conditions, this section of the road would, as a maximum, carry 13,506 vehicles per day.

The work undertaken in the preparation of the Transport Assessment, in line with discussions with relevant bodies such as NCC Highways and Highways England, has identified a number of mitigation measures required by the current application notably at the following locations:

Highway Work	Proposed Mitigation	Drawing No. / Location	Trigger for Delivery
A1 South/B6326 Fernwood South	Various works including <ul style="list-style-type: none"> • Creation of left-slip from A1 (south) • Banning right turn from B6326 to A1 north • Roundabout to serve Phase 3 of the Persimmon development 	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 th dwelling on the Persimmon scheme; 1b) Creation of left slip road from A1 will be completed prior to occupation of the 900 th 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 th 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"> • continuous carriageway of 6.75m wide • including the provision of a continuous shared 3m footway/cycleway on the northern side of the carriageway • including a 2m footway on the southern side of the carriageway 	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
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 th dwelling of the Persimmon development

The measures outlined for each of the locations are at a scale so as to address any residual impact of development. As set out above, the detail of these works has been subject to numerous discussions prior to the submission of the application. The above mitigation measures represent measures attributable, on a proportionate basis, to solely the Permission proposals. In addition to this, there is a wider package of highway mitigation as detailed in the table below. 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.

The following table outlines the highway requirements which fall beyond the responsibility of Persimmon (save for works required in the event that only Persimmon come forward):

Highway Work	Proposed Mitigation	Drawing No. / Location	Trigger for Delivery
Goldstraw Lane/B6326 Roundabout	Works involve: <ul style="list-style-type: none"> Increased flare length on Goldstraw Lane to extend the 2 lane entry; Increased flare length on the B6326 southern arm to extend 2 lane exit; Widening of the B6326 on the norther arm to provide a 2 lane exit; Increase flare length on the A1 slip road with 40m taper to provide a 2 lane entry 	Watermans; 210354/06/008/A03 <i>Appendix 1 of Barratt/DWH Transport Assessment (application submission 14/00465/O UTM)</i> Milestone: 14106/038 <i>Annex 2 of Technical Note from Milestone Transport 28.06.2016</i>	Triggered on commencement of development for the Barratt/DWH scheme with completion required prior to first occupation of the 100 th dwelling on the Barratt/DWH scheme In the event that the Barratt/DWH scheme does not come forward then Persimmon to undertake interim works prior to first occupation of the 630th dwelling on their scheme
A1 Over-bridge	Widening to provide to 2 lanes north bound towards Newark	Watermans - 210354/06/15 A01	For NSDC to take forward through CIL
B6326/London Road Balderton Roundabout	Widening of the B6326 southern arm to create two lanes to accommodate continuous 2 x 3.3m lane approach	Watermans: 210354/06/010	This improvement is not triggered until the much later in the Great Fernwood Allocation delivery No trigger for Persimmon
B6326 between Dale Lane and Goldstraw Lane junctions	Exact scheme subject to discussion	Watermans: 210354/06/008 Rev AO3 <i>Appendix 1 of Barratt/DWH Transport Assessment (application submission 14/00465/O UTM)</i>	Triggered on commencement of Barratt/DWH development with completion required prior to first occupation of the 100 th dwelling No trigger for Persimmon
Hollowdyke Lane/B6326 Great North Road	Improvements to visibility; <ul style="list-style-type: none"> Widening of HDL at its junction 	Watermans: 210354/03/005.4 Rev E	Final works to Hollowdyke Lane and its junction with the B6326 is triggered later in the Greater

Junction	<p>with the B6326 to 6m wide for a distance of approx.30m</p> <ul style="list-style-type: none"> Increasing the corner radii on HDL to 10m <p>Hollowdyke wider works including passing bays</p>	<p><i>Appendix C of Barratt/DW H Transport Assessment (application submission 14/00465/O UTM)</i></p>	<p>Fernwood Allocation deliver Interim improvements still under discussion</p> <p>No trigger for Persimmon</p>
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It is worth noting at this stage the comments of Fernwood Parish Council with respect to the lack of a coordinated/comprehensive approach to highways impacts and a request for a new A1 over-bridge. I have already commented on the collaborative approach between agencies, landowners, developers, and our own highway consultants. On the issue of a second A1 over-bridge whilst I concede this is desirable it is not, based on all statutory agencies (and indeed the evidence presented by the applicants) necessary. In any event it is likely to be cost abortive based on span, landownership, and design constraints. In terms of the existing A1 over-bridge the applicant's responsibility would be to pay any CIL monies when due. It would be for the collecting authority (in this case NSDC) to deliver the bridge at a time it deems it appropriate (dependent on the level of development coming forward), in conjunction with the highway authorities.

Other strategic road networks likely to be affected by the development include the A46 itself (which would be easily accessible upon completion of the NSLR). Highways England have made clear that any impact upon the A46 network are for any wider capital scheme to consider following two successive Autumn Statements (2014, 2015) confirming a commitment to the A46 proposals as part of the Road Investment Strategy.

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 (including long-stop dates in the event that some developers do not build out) 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.

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. **This stance is carried through by Chapter 9 (Promoting sustainable transport) of the NPPF 2018.**

The aim of the Movement & Access Strategy is to ensure that all development within the site is located within 400m walk distance of public transport services that provide a frequency of at least every 30 minutes during daytime hours. The applicant has undergone discussions with NCC Public Transport Group as well as local operators to promote an extension to the existing Town Services coupled with revisions to the respective routes and timetables. Bus services will be delivered at 15 minute frequencies to / from the Town Centre and Northgate Retail Park and at 30 minute frequencies to / from Newark Hospital and Newark North Gate station (Monday to Saturday). To facilitate this the applicant is offering revenue contributions towards the additional costs to support the enhanced service over a five-year development period at a total sum £500k indexed linked (the majority towards the day time service but 100k to deliver the evening service).

The services are intended to deliver competitive journey times to key destinations to present a realistic alternative to private car use, albeit the highway flow work undertaken does not have regard to any reduction given the worst case scenario approach. Although the extension to existing services proposed will be delivered in a phased manner to link with the phasing of the build out, the presence of existing adopted roads (notably Shire Lane) opens up the opportunity for an early intervention within Phase 1. To ensure effectiveness of implementation, a Travel Plan Coordinator will be appointed by the developer prior to the initial occupation of the proposed development. Other measures such as free four week bus season tickets and a commitment to provide every household with a Travel Information Pack are being promoted to increase the likelihood of public transport usage. The details contained with the submitted Travel Plan dated March 2016 can be secured by condition.

Sustainable Access including Cycle Routes and Public Footpaths

The internal street hierarchy is designed to give local streets that provide a permeable, legible circulation pattern where pedestrians and cyclists are afforded the same, if not greater, priority than vehicular traffic. The general characteristics of local streets follows the design principles as set out in the 6Cs Design Guide incorporating primary streets; secondary streets; lanes; shared service corridors and private driveways all with individual functions.

As well as parking provision, dwellings will be provided with secure, covered cycle storage facilities within each plot. For the non-residential uses cycle parking will be provided in accordance with the 6Cs Design Guide and will include a combination of long term and short term spaces.

A series of informal footpath routes through the open space areas is proposed, as well as along the Shire Dyke. This will be secured by reserved matters and appropriate conditions for the accompanying masterplans and landscape submissions. As part of the highways mitigation works proposed, it is proposed to reconstruct the entire length of the C412 Shire Lane between the proposed roundabout junction with the B6326 and the County Boundary at the bridge over Shire Dyke. This will deliver a continuous 3.0m shared footway / cycleway on the northern side of the carriageway and a 2.0m footway on the southern side of the carriageway.

It is also promoted that the development will make a full contribution to Lincolnshire County Council (LCC) towards the continuation of the 2.0m footway to connect to Claypole village, beyond the River Whitham bridge. It should be stressed that this element of the works is not considered necessary or directly attributable to the proposed development and as a consequence will not be incorporated into the associated S106 agreement. I note that LCC concur in their consultee submission that the continuous footway is potentially not necessary. Furthermore, it is noted that it is unlikely that the reduction in speed limit suggested along this length of Shire Lane would be accepted by LCC. This is not promoted by the ES as being necessary and is given in the context as the need for further consultation with relevant authorities.

The applicant has sought to respond to community and relevant consultees concerns throughout the life of the application. Specifically a response to the comments of Fernwood and Claypole PC was received on July 27th 2016.

Claypole Parish Council consider that instead of the six junctions proposed to access Shire Lane, the masterplan is re-designed to adopt a ribbon development layout with the provision of service roads at either side of Shire Lane. Officers would concur with the response of the applicant that the scheme presented has been designed on the basis of road safety impacts, and has been endorsed by NCC highway engineers as acceptable.

Comments regarding the weakness of the existing bridge across the Shire Dyke at the eastern boundary of the development are noted. However, it is equally noted that the capability of this bridge has not been identified as an issue during traffic modelling and that Shire Lane to the westernmost section will still be operating at less 45% of its link capacity. Further solutions suggested by Claypole Parish Council are therefore considered unreasonable nor attributable to the proposed development.

Comments have also made reference to the implications to traffic congestion if there is an accident on the A1 or the B6326 which has knock on consequences for the road network surrounding the site. Officers consider that the method of assessment employed by the applicant in the Transport Assessment submitted is appropriate. Based on Institute of Environmental Impact guidelines this methodology includes an assessment of accident data which concludes that the accident rate is well below the annual average accident rate for the geometric layout and traffic flow conditions. On the basis of the level of assessment undertaken, it is not considered reasonable to resist the application on this basis. On the rare occasion that accidents do occur, appropriate diversion routes will be put into place by the appropriate authorities, which could include the A1 underpass.

Comments have been received from the NCC Rights of Way Officer suggesting that a footpath on the south side of the Shire Dyke should be linked to the development site through a bridge over the Dyke. It is noted that there are no existing public rights of way within the application site. Whilst this request may be desirable in connectivity terms, it is not considered necessary to the acceptability of the development noting the level of footways and cycleways intended for the site itself. In any case this land is outside of the applicants ownership or control and comments have been received during consultation from the landowner stating that the provision of a new bridge would not be supported.

The 2018 NPPF does not alter the above assessment.

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.

The overall thrust of national planning policy in respect to conserving and enhancing the natural environment has been carried forward to the 2018 revision of the NPPF as detailed in Chapter 15.

Trees

The application has been accompanied by a standalone Tree Survey & Constraints Report dated March 2016. The preparation of this involved survey of 26 individual trees as well as 13 groups of trees and 3 hedges present within the site categorised according to suitability for retention. Of the individual tree specimens surveyed, the majority were considered to be of low quality (category C, with a life expectancy of 10-20 years) with 9 categorized as being of moderate quality (category B, life expectancy of 20-40 years) and just two trees; both English Oak, categorized as being of high quality (category A, life expectancy of 40 or more years) (T15 and T26). None of the trees within the site have been designated worthy of retention through a tree preservation order.

T26 appears to be within the residential curtilage of Balderfield Cottage along their southern boundary. T15 appears to be situated just outside their residential curtilage on the eastern boundary between the highway and an area of hedgerow. Having assessed the indicative masterplan I am confident that the development will not impact upon the retention of T26. I would have greater concerns to the longevity of T15 given its positioning closer to the indicative residential development however protection measures could be secured at reserved matters stage and the roots are already established in close proximity to existing hard surfacing which provides access to the existing dwelling. In any case in the context of the overall scheme I am mindful of the intentions to retain tree cover where possible and it is noted that the level of additional landscaping will be significant.

Ecology

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. Appropriate search radiuses were established between 1 and 10kms around the site. There are no sites of international importance within 10km of the site and no designated sites of national importance within 2km of the site. There are however nine non-statutory designated sites within 2km of the site (three of which are within 1km), the closest being the Shire Dyke Local Wildlife Site (LWS) forming the boundary of the site.

Further to this, numerous field surveys were undertaken from a period between November 2014 and September 2015. Both Natural England and Nottinghamshire Wildlife Trust (NWT) have provided detailed comments on the application. Natural England has welcomed the incorporation of the green infrastructure corridor along the eastern boundary of the site and pocket parks etc. within the site. NWT have confirmed that they are generally satisfied with the methodology used and conclusions reached. Suitably worded conditions are suggested within the response. Notwithstanding this, NWT do raise concern regarding the potential loss of habitat for skylark and yellowhammer. This is discussed below in the relevant section on nesting birds.

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.

Surveys undertaken indicate that a small number of standard trees within the hedgerows provide roosting potential for bats, although no evidence of occupation by bats was recorded in association with any of the trees. It is considered that the trees on the site are unlikely to constitute a significant resource for bats locally. Given the predominance of arable land, the site overall is considered to be suboptimal value for bats. Potential for foraging habitat is further reduced given the management of the existing hedgerows. Retention of the mature ash trees will reduce impacts on roosting bats, should they utilise the suitable roosting features present on occasion.

Otter

Evidence of otter along Shire Dyke was recorded during the survey work undertaken however no couches, holts or slides were confirmed present. The dyke is therefore considered to be used on occasion basis by commuting otter, facilitating movement between more optimal habitats.

Reptiles

The majority of the site was considered to be unsuitable as foraging or refuge habitat for reptiles due to its arable nature. However the dyke, hedgerow boundaries and areas of ruderal vegetation were considered to offer suitable potential cover. Notwithstanding this, no evidence of reptile species was recorded during targeted surveys. Given that the dyke forms the boundary of the green infrastructure corridor some distance from the built form of the development, no significant impacts on reptiles are anticipated to arise from the development.

Amphibians and Water Voles

No records of great crested newts were obtained either arising from the desk based or field surveys. No suitable breeding habitat was identified within the site nor the area surrounding 500m of the site boundary.

Whilst water voles are known to be present in the area, no evidence of water vole were recorded during the survey.

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.

The site as existing supports nesting and wintering bird species typical of the habitats available. The hedgerows and limited tree and scrub cover on site provide further potential nesting, shelter and foraging habitat. Overall, surveys recorded 42 bird species during the breeding season. All of the species identified are fairly to very common species in Nottinghamshire and the UK. No significant populations were registered. Given the characteristics of the site, the site is considered to be of no more than local nature conservation value in the breeding season.

Concerns regarding the potential for the development to impact upon skylark and yellowhammer

(birds of open countryside) are noted. Both are farmland birds of conservation concern. It is acknowledged by the submitted surveys that these species are likely to be lost to development. However the modest populations recorded suggests that the site is of little importance for skylarks or yellowhammers in winter and thus the residual impact is likely to be negligible. I am mindful that NWT have had sight of these surveys and still felt it necessary to explicitly raise concern (noting a lack of formal objection). Nevertheless I am also conscious of the overall opportunities for habitat creation across the wider site, for example the Sustainable Urban Drainage (SUDs) basins. Whilst this may offer no benefit to skylark or yellowhammer specifically, as an overall ecological balance the impact on these two species is not considered significant.

Invertebrates

A single Natural Environment and Rural Communities (NERC) Act Section 41 species; the cinnabar moth was recorded present within the site. Although this is a declining species, the ES concludes that it is widespread and common, highlighted for conservation action for further research rather than protection of individual sites. Overall the site is considered to be of low to moderate importance for invertebrates at a County level, given the number and proportion of Key Species recorded. Nevertheless it is considered reasonable for mitigation measures to take specific regard of this species. This can be explicitly referred to in suitably worded conditions relating to ecological mitigations.

Loss of Hedgerow Habitat

Hedgerows form the majority of field boundaries within the site, with a total of 21 hedges present. The surveys undertaken show the existing hedgerows to be generally species poor and dominated by hawthorn with the majority cut to a height of less than 2m. None of the hedgerows were assessed as being 'important' under the Hedgerow Regulations 1997. Hedgerow H12 to the immediate north of Shire Lane was considered as being of moderately high to high value. All other hedgerows were of low to moderate value.

The majority of the hedgerows, notably including H12, are intended to be retained which will reduce impact on ecological receptors. However, given the scale of the development, it is inevitable that there will be some loss and degradation to the existing hedgerows and their associated habitats within the site. This includes the loss of five of the existing hedgerows including one defunct, and partial losses (generally short sections of less than 20m) from nine of the remainder. Hedgerow losses would total circa 800-980m which accounts for approximately 15% of the existing hedgerow resource. This is considered to be a marginal percentage when taken in the context of the overall site area and the level of additional landscaping which will be introduced through the development.

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 large area of public open space afforded by the green corridor 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 detention 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 and further detailed in Chapter 9 of the ES would be appropriate to compensate for very minor loss of habitat necessitated by the development. Indeed the ES concludes that, overall the development will result in up to moderate (significant) positive benefits to habitats across the site compared with the existing site. A corresponding positive benefit is anticipated for wildlife across the site, including notable and protected fauna.

NWT within their response have helpfully offered, amongst other advice, to provide more detailed design advice to ensure that the drainage features of the site offer the best opportunities for wildlife enhancement. It is considered beneficial to bring this to the applicants attention through a suitably worded informative should permission be granted. Subject to consideration of this 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

Natural England's comments on soil and land quality have been noted. Of the 93ha site area, approximately 55.8ha is classified as being the 'best and most versatile' agricultural land (Grades 1, 2, and 3a land in the Agricultural Land Classification system). It should be noted that there is no land of Grade 1 or Grade 2 quality within the site. However, it is also fully appreciated that the majority of the built form proposed by the development is within Grade 3a land.

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'.

This stance has been replicated by paragraph 170 of the 2018 NPPF.

Matters of agricultural land quality have been considered within Chapter 12 of the ES. The ES assumes for the purposes of assessment that all agricultural land within the site would be lost. This would undoubtedly impact upon the existing land use and the magnitude of effect is recognized as being high with an overall effect on agricultural land quality being of moderate adverse significance. 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.

The 2018 NPPF does not alter the above assessment on matters of trees, ecology or nature
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conservation.

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 within Chapter 10 forming the LVIA to the application. Given the scale of the proposed development, the landscape impacts will undoubtedly be beyond the administrative boundaries of NSDC acknowledging the juxtaposition of the site boundaries to neighbouring authorities. In this respect, the comments of neighbouring authorities have been afforded appropriate weight in the consideration of the scheme. Specifically SKDC have suggested that the boundary of the site should be sensitively landscaped to ensure visual impact is minimised.

The LVIA has selected a number of representative viewpoints grouped based on their positioning in relation to the site, namely:

- Shire Lane & Broad Fen Lane;
- Great North Road & A1(T);
- Hollowdyke Lane & Fernwood;
- Claypole;
- Stubton;
- Doddington; and
- Fernwood South.

The methodology and assessment within the LVIA is considered appropriate in terms of allowing a thorough assessment of the likely impacts of the proposal. It is agreed that the site is strongly influenced by existing surrounding urbanized elements including the built form of the urban edge of Newark. Notwithstanding this, it is undoubtedly the case that the proposal will impose a fundamental change to the character of the site when compared to its existing form.

Of the detailed assessment contained within the LVIA, the following key conclusions are drawn for the attention of Members:

Landscape Effects

- The long term effects on SN PZ08 (which covers the greatest proportion of the site) are considered to be negligible to minor adverse in the vicinity of the site, taking into consideration the beneficial effects arising from the structural landscaping and green infrastructure across the site.
- The long term effects on the landscape of SN PZ09 due to the proposed green infrastructure will become minor beneficial in close proximity to the site.

Visual Effects

- The extent of visibility is controlled primarily by the topography of the local area.
- The majority of properties and settlements in the vicinity will have limited or no views of the site leading to a significance of no greater than negligible.
- The residential properties excluded, but surrounded by the site will be subjected to moderate to major adverse impacts with the properties at Airfield Cottages suffering a moderate adverse impact (reducing to minor to moderate adverse following establishment of the proposed buffer).
- Visual impacts to users of public rights of way, nearby footpaths and the road network range from minor adverse to moderate adverse again acknowledging that these impacts would reduce on establishment of site screening.

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. Moreover, landscaping and structural planting has been indicated throughout the site and along the western boundary. 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.

The 2018 NPPF does not alter the above assessment.

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.

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.

The proposal represents a large development on the southern side of Fernwood, which is in itself a large urban extension. The A1 corridor is an important modern landscape feature, and the depot site and pylons to the east of the proposal site represent further modern landscape intervention. The indicative details submitted show a network of primary streets linked by junctions leading to streets and residential lanes. New buildings would have a maximum height of 2 storeys with some opportunity for 2.5 and 3 storeys on primary streets. 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.

It is nonetheless recognised that the proximity of the Church of St Peter at the western edge of Claypole suggests that the Fernwood South development could have an impact on the wider landscape setting of the Grade I church....Nevertheless, given the indicative proposed layout of the scheme, it seems likely that there are 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 proposals for sports and amenity areas will help in this regard.

The proximity of the site to the Grade I listed Church of St Peter is acknowledged within the Heritage assessment contained within Chapter 13 of the ES and indeed its high sensitivity is recognized. Members will note that colleagues at South Kesteven have requested that due regard is had to the impacts on the setting of this asset. The comments make clear that it is for this Council as decision maker to come to a view in this regard. It is considered that the development around the Church obscures all views to the east, south and west (and subsequently the site). Further, it is stated within the ES that the Church primarily draws its historic and aesthetic significance from its immediate setting (i.e. the churchyard and the village of Claypole) which will not be impacted by the proposed development. In the context of the above conservation comments, I am minded to agree with this assessment. Moreover 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. The ES details the results of geophysical surveys and trial trenches undertaken which acknowledges there to be three main areas of archaeological activity. In the northern part of the site, traces of Iron Age settlement activity were revealed. In the southernmost part of the site extensive remains of Roman settlement activity were located, including human burials. In between these two areas it appears that further Roman activity had been affected by Medieval and later small scale industrial extractive processes.

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 archaeological remains. The comments of NCC Archaeology are noted particularly in terms of the considerable mitigation measures deemed necessary to facilitate the development. Nevertheless this is recognized through the ES. 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.

The 2018 NPPF does not alter the above assessment. It is noted that Section 16 (Conserving and enhancing the historic environment) does refer to more recent case law in stressing that harm is harm irrespective of whether it is less than substantial or not, however the application was assessed on the basis and in the knowledge of this case law in any case.

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.

The above stance has been carried by Chapter 14 the NPPF 2018.

Chapter 11 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). 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 constitutes the eastern and southern boundaries of the site. As a consequence of this, areas to the east and south of the site are recognized as being within Flood Zones 2 and 3 for fluvial flooding with the remainder (and indeed the majority of the site) within Flood Zone 1. The original application submission marked out the indicative floodplain on the submitted Green Infrastructure plan (Parameter Plan E reference 6534-L-05 dated 15th February 2016). This plan demonstrated the ability to confine all residential elements of the proposal within Flood Zone 1 with less vulnerable uses such as community spaces and allotments within the areas designated as being Flood Zone 2 and 3.

The original application submission has been assessed by relevant consultees. Of particular relevance is the original response from the Environment Agency (EA) dated 4th May 2016. The overall conclusion of this response was that the submitted FRA was appropriate given the outline nature of the development, no objection in principle was raised and conditions were suggested should the application be approved. Notwithstanding this, the response did also provide commentary on the data sources of the FRA acknowledging that the data used was obtained back in November 2014 and did not consider the new Upper Witham Modelling data. On the basis of this advice, during the life of the application, the applicant has instructed further work by their consultants RSK Environmental Ltd. The results of this work are outlined by letter dated 8th August 2016 and through a revised FRA and ES addendum received 17th August 2016. These details have

been subjected to an additional consultation period in line with the Town and County Planning (Development Management Procedure) Order.

The additional works have now considered the updated Upper Witham Modelling data. The updated flood modelling data illustrates a wider flood extent than that which was used to develop the masterplan such that areas in the north east and south of the site, indicated for residential development on the masterplan, would now be situated within Flood Zone 3. Measures to overcome this have been suggested such as ensuring that the finished floor levels of the plots are raised to meet the EA requirements.

RSK have been in direct discussions with the EA and indeed the EA have provided further comment on the additional details provided. The EA have confirmed that they are satisfied that the additional information submitted in regards to loss of floodplain are satisfactory and demonstrate that the proposed land raising will not have a significant impact on third parties. 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 the proposal would now represent a departure from the aspirations of Policy NAP2C in that a small number of residential properties would be situated within Flood Zone 3 (without mitigation via groundworks and design). In this instance it is considered appropriate to take a pragmatic approach acknowledging that the applicants made best endeavors to develop a policy compliant scheme on the basis of the data available at the time of application submission. The proposal therefore falls to be assessed against the exception test outline by paragraph 102 of the NPPF. **Now outlined as a requirement of paragraph 162 of the NPPF 2018.**

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 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. In terms of the requirement to not increase flood risk elsewhere, the EA have confirmed satisfaction that the proposed land raising will not have a significant impact on third parties.

The 2018 NPPF does not alter the above assessment.

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 (stated as being 27%). Given the proximity to surrounding watercourses there is potential for this to lead to increased instances of flooding if not addressed.

The indicative masterplan submitted demonstrates that three SUDs attenuation areas are proposed. Two of these would be located adjacent to the Sports Hub designed as grass, landscaped depressions with no permanent bodies of water. Sloping into the depressions has

been designed to allow safe and easy access. The attenuation area situated within the southern part of the site has greater scope to provide wetland and aquatic habitats. The drainage strategy also includes conveyance swales, filter drains and permeable paving designed to drain survey water to convey it towards the detention basins. The proposed SUDs features are designed to provide approximately 16,400m³ of storage. The submitted Surface Water Drainage Strategy states this as being in excess of the 13,447m³ required volume to retain the 1 in 100 plus an allowance for climate change event.

Relevant consultees have assessed the development as proposed. Specifically, the original comments of NCC Flood Team are noted. Whilst not objecting to the application, their original comments imply that details of surface water drainage required further work to be secured by condition. The applicant has appointed their consultants to provide a rebuttal to these comments during the life of the application and NCC Flood have suggested a suitably worded condition to deal with issues of drainage.

The Upper Whitham Drainage Board have also raised no objection to the proposed development provided it is carried out in accordance with the application submission and a condition is attached to the grant of any permission to approve the final details of the scheme for the provision, implementation and future maintenance of the surface water drainage system. The comments of Anglian Water are noted in terms of the lack of capacity of Claypole Water Recycling Centre to cope with the wastewater treatment arising from the development. However, this does not constitute an objection to the proposal. It is suggested that this matter can be overcome through condition requiring the submission of a drainage strategy. This is in line with the comments of Severn Trent. Therefore I am satisfied that the proposal as submitted accords with the requirements of NAP2C.

The 2018 NPPF does not alter the above assessment.

Water Quality

Impacts on the natural environment including water quality is addressed through paragraph 109 of the NPPF and the associated online guidance of the NPPG. **The advice has been carried to Chapter 15 (Conserving and enhancing the natural environment) of the NPPF 2018.** This is addressed within Chapter 11 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. The overall significance of construction activity impact on the water quality of the Shire Dyke is considered to be moderate adverse. Whilst this would undoubtedly be an undesirable impact arising from the development, I would concur with the ES in terms of this being a short term, non-permanent impact which is more importantly reversible. Moreover, the ES details numerous elements of legislation which will be adhered to during construction. 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.

The 2018 NPPF does not alter the above assessment.

Air Quality

Chapter 7 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. The assessment concludes that there are two types of air quality impact to be considered for the proposed development:

- The impact of existing sources in the local area on the development;
- The impacts of the development on the local area.

The focus of the impacts of the development on the local area include an assessment of dust emissions during construction. Mitigation measures are suggested such as the requirement for the submission of dust management plan including monitoring requirements during the construction phase (no monitoring is required during the operational phase of the development). This could be secured by condition as an incorporation of the Construction Environmental Management Plan (CEMP).

The traffic data used includes the increase in traffic from the development as well as all other committed developments in the area. If Members were minded to approve the application, it is recommended that a condition is attached to require the submission of a Travel Plan so that sustainable means of transport are encouraged for occupiers. The Travel Plan could incorporate the suggestion of at least one electric vehicle charge point per 10 residential dwellings.

The site is situated adjacent to an existing steel works depot as well as being in close proximity to the A1. Nevertheless, the illustrative masterplan demonstrates the ability for buffer zones between these existing uses.

No exceedance of any of the applicable air quality standards have been predicted in terms of any of the assessed pollutants with the majority of receptors considered to experience a negligible impact on air quality. With the ability to secure mitigation measures by condition the proposal is considered acceptable in respect of air quality impacts.

The 2018 NPPF does not alter the above 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.

This stance is followed to the 2018 NPPF at paragraph 180.

The applicant has fully assessed the implications of the development through a noise and vibration assessment discussed within Chapter 8 of the ES. Of key consideration is whether the site is suitable for residential development with reference to indoor and outdoor design criteria of the associated noise legislation. Particular sources of noise include traffic (noting the proximity to the A1 and Great North Road); sports noise from the proposed facilities and the presence of existing industrial uses adjacent to the site. Further, there is noise associated with construction, both movements/activities and associated plan.

With regards to the industrial uses present, paragraph 123 of the NPPF is of relevance at its third

bullet point where it states that existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established.

The letter submitted on behalf of Newark Steel dated 23rd October 2018 has been taken into account noting that this makes reference to the current application as well as the now approved application adjacent to the site for Larkfleet Homes (outline approval for up to 350 units approved by reference 17/01266/OUTM). It has been stated that the Newark Steel Ltd. depot (immediately adjacent to the site) has the potential to operate 24 hours a day, 7 days a week (by virtue of a historic planning permission which does not condition hours of operation). The LPA were aware of this, and have been so for some years. As is implied within the letter, Newark Steel Ltd. have engaged with the LPA in recent years and for the avoidance of doubt, the presence of the site allocation and the operational ability of the site was explicitly discussed.

The concern raised through the letter is that the residential development surrounding the established commercial use would hamper the established use of the site through the Council receiving future pressure to control operations which could prejudice the business. Concern is also raised that there is potential that the residential amenities within the proposed development could be adversely affected by the commercial activities within the site operating at unsociable hours.

Representatives of Newark Steel Ltd. contend that the Noise and Vibration Assessment submitted to accompany the application significantly underplays the existing commercial activities within the site. Their later representations (dated 4th January 2019) suggest that the time the surveys were undertaken was a 'quiet month' for the business. No evidence to substantiate this point has been provided however. Newark Steel Ltd. has strongly requested that the applicant is required to undertake updated Noise and Vibration Surveys prior to determination of the outline application.

Officers have carefully considered the responses received and indeed sought comments from the applicant and colleagues in Environmental Health. The applicant's noise consultant 'RSK' have provided a technical note to the letter dated 26th November 2018. For completeness this is attached in full at Appendix 3. The key point to take from this response (and indeed discussions with NSDC Environmental Health Officers) is that the applicant will be required to supplement the original noise surveys prior to any development happening on site. This is confirmed by the recommendation of Officers to attach condition 14 (Appendix 4) which requires a Noise Assessment and where necessary attenuation / mitigation scheme for each reserved matters application. These additional surveys would clearly capture any variance of noise levels which have occurred since the original survey. The applicant has confirmed that this would include the traffic flows utilizing Sylvan Way and if required a number of mitigation measure (such as façade treatments; orientation; and stand off distances) could be used.

On the basis of the ability for the LPA to insist on further noise surveys prior to the development commencing, it is not considered reasonable nor necessary to insist on further work at this time. The applicant is clearly aware of the potential to employ appropriate mitigation measures pending the results of further surveys. Given that the application is at outline stage there is clearly scope that any reserved matters submission affecting the residential development closest to the existing commercial uses could be designed to appropriately mitigate matters of noise and vibration. It is also worthy of note that even the indicative layout includes allowance for noise mitigation through a 3m high earth bund and 1.5m acoustic fence (as also referenced in further detail below).

As is implied above, reference is also made in the responses on behalf of Newark Steel Ltd. to the 'Agent of Change' principle which has been introduced at paragraph 182 of the 2018 NPPF. This paragraph states:

“Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or ‘agent of change’) should be required to provide suitable mitigation before the development has been completed.”

It is fully appreciated that Newark Steel Ltd. is an important local business and employer within the District and thus any impacts that may impede their operations should be given careful consideration. However, the application site forms part of a wider Strategic site allocation which has been allocated for residential development since the adoption of the Core Strategy in 2011, having been emerging for a considerable period prior to this formal adoption. The allocation, as one would expect when forming part of a Development Plan, has been subject to extensive and wider ranging consultation, including with Newark Steel Ltd. It is this allocation which represents the ‘existing’ context in terms of land use. In allocating the site, the LPA were fully aware of the presence of the Newark Steel Ltd and were equally aware of the need for land-uses to co-exist and be designed appropriately. The ‘Agent of Change’ principles in the NPPF are principles that this Authority already has regard to in its decision making for new uses and activities being proposed. It remains the ability of the reserved matters submission to agree matters of noise mitigation in this respect if deemed necessary. The ‘agent of change’ principle introduced by the 2018 NPPF does not materially affect the current assessment of the application.

Environmental Health officers (EHO) agreed the methodology for noise assessment prior to the submission of the application. Baseline conditions were monitored by unattended noise meters for a 6 day period along Great North Road; the A1; and close to the industrial facility to the east of the site. Further short term monitoring equipment was placed at four further locations around the site.

Officers have assessed the associated chapter of the ES and more explicitly the associated Noise and Vibration Assessment with its accompanying figures. There are two broad noise issues to address, one for residential amenity when development is complete and one for the construction phase(s).

It is acknowledged that the site experiences high noise levels due to the proximity of the A1. The original comments received from the EHO raised concerns that some properties would experience very high noise levels which could create issues for external spaces turning the properties into ‘acoustic prisons.’ The ES divides assessment to indoor/outdoor living spaces as well as specifically addressing the implications for the proposed primary school.

In relation to indoor living space, it is brought to the attention of Members that for all twelve of the receptors assessed, there is an exceedance of between 17dB(A) and 31dB(A) of the 35dB(A) criteria. Where ambient façade noise levels are predicted to exceed 35dB(A) by more than 10dB(A) (as is the case across all 12 receptor points) additional mitigation will be required. It should be noted that further into the site, façade noise levels would be expected to reduce given the barrier presented by the built form along the edge of the site.

Moving to assess outdoor living space, the design criteria for traditional external areas that are used for outdoor living space is that levels should not exceed 50dB(A) (with 55dB(A) used as an upper limit). In the south of the development, within Phase 3, the gardens closest to the A1 are predicted to have levels in excess of 55dB(A).

With respect to the Primary School predicted façade noise levels on the north, south and west elevations at both ground floor and first floor are expected to exceed noise criteria levels to a degree of moderate significance. The eastern elevation would be affected to a level of minor significance.

The above was raised as a concern with the applicant during the life of the application and has been addressed through an additional response by RSK Environmental Ltd dated July 2016. This acknowledges that, should development be unmitigated, a number of properties in the final masterplan would be exposed to noise levels which would exceed relevant design criteria. As such, the additional response goes on to provide details of how internal and external living spaces will be protected through mitigation. This includes additional fencing/noise buffering to the western boundary of the site not previously submitted through the original 'worst case scenario.'

No formal objection to development has been raised by the EHO but the stance remains that a condition will be required to seek further details of noise mitigation measures within each Reserved Matters phase to ensure that they achieve the required levels of protection. It is noted that at present, the Masterplan has a wide landscaped buffer area, however if a noise barrier similar to that screening the industrial area were to be designed there would be a benefit to future residents of Phase 3. In addition facades of properties facing the existing and proposed road noise sources will require mitigation. Other measures suggested include a noise mitigation barrier along the boundary between the industrial area; suggested as a 3m high earth bund with an acoustic fence a further 1.5m high giving a total bund height of 4.5m. Furthermore it is confirmed that the masterplan allows for the incorporation of a landscaped standoff area for the boundary of the site facing onto Great North Road. This is suggested as being a bund of approximately 1.4m in height.

The assessment goes on to consider the implications of the sports facilities usage. The tennis courts and Artificial Grass Pitch have been modelled assuming full operation from 10am to 11pm (these are not necessarily the hours of use but are considered appropriate in terms of noise assessment for a worst case scenario). The change in noise level in comparison to traffic noise is approximately 2dB(A) and thus of negligible significance.

The ES details 5 existing residential receptors which have been assessed in the context of construction noise. These include the properties which are surrounded by (but excluded from) the site area. There would undoubtedly be noise impacts to these properties during the general earthworks, construction and fit out phases of the development. Predictions based on estimated plant usage, measured from the facades of the properties, shows that the levels of noise at these receptors would exceed the 65 dB(A) threshold of potential significance at Balderfields and Balderfields Cottage. This is an undesirable impact of the proposal but 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 these 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. **This stance is carried to the 2018 NPPF document.** It is noted that the site has comprised agricultural land use since prior to the 1880s until present and as such no significant contaminative land uses are present within the site.

The application has been accompanied by a Preliminary risk assessment which considers the possible direct or indirect effects that construction and operation of the development could have on the ground conditions both beneath and immediately adjoining the site. As expected, the majority of the potential effects on ground conditions are predicted to occur during the construction phase of the development. The significance of effect of potential risks to human health of future site users via direct contact with contaminants in soils during the operational phase (post mitigation) would be minor adverse.

The ES, at paragraph 12.9 details a number of mitigation measures which will be secured by condition including submission of a Construction Environmental Management Plan and a Site Waste Management Plan. The comments of internal colleagues in environmental health are listed in full above confirming that the recommendations of the report advising a full scope of intrusive investigations should be secured by condition. On the basis of these conditions I am confident that the approval of outline residential consent would be appropriate and that any adverse impacts arising from land contamination factors could be readily mitigated by appropriate planning and design.

The 2018 NPPF does not alter the above assessment.

Utilities and Services

Residential development of the scale proposed will implicitly have implications on service infrastructure and utilities. Chapter 14 of the ES has considered the supply of electricity, gas, water and telecommunications to the site and the means of providing foul drainage disposal as well as the effects on the existing infrastructure and the environment. 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. **This stance is carried to the 2018 NPPF document.** 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. It is noted that their original response dated 1st June 2016 advised against residential development on the basis that a hazardous substances consent was identified at the existing industrial units adjacent to the development. On receipt of this response, the applicants have worked with the LPA and the HSE to demonstrate that the consent should be (and subsequently has been) revoked on the basis of a change in site ownership. On this basis the HSE have provided revised comments confirming that they do not object on safety grounds.

Foul drainage is proposed to discharge via a pumped outfall into the existing public sewer system. The nearest sewer network is in Fernwood village to the north of the proposed development. Whilst not incorporated within the formal response to the application from Severn Trent Water (STW), the ES states that, at pre-development enquiry stage, STW confirmed incapacity of the existing foul sewer network to serve the foul flows from the development. Despite this, the role of STW includes a requirement to carry out any works necessary off-site to meet additional capacity required by the development informed by their detailed modelling work. In any event STW have made clear that they do not wish to object subject to a condition to deal with sewerage.

The proposal would necessitate the diversion of some of the existing infrastructure within the site including pole mounted 11kV and 33kV cables; cables supplying the maintained dwellings off Claypole Lane; the medium pressure gas mains and telecommunication cables. Details of diversionary works 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.

The 2018 NPPF does not alter the above assessment.

Developer Contributions

The applicants have been in discussion with the authority since 2014 which has enabled negotiations on the delivery of contributions associated with the development. The following section examines the developers offer against that anticipated by the authority. Further detail is provided at the table contained within Appendix 5 attached to this report.

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 1800 dwellings this equates to 540 dwellings.

The proposed scheme is policy compliant numerically in terms of affordable housing provision with the intention for each phase to include affordable housing delivery. Whilst the applicant has not departed from the aspiration of providing 30% of affordable units on site, through pre-application discussions a revised mix has been presented:

- 52% of units will be intermediate provision (the policy aspiration is 40%), consisting of:
 - 25% of units to be shared ownership;
 - 75% of units to be Discount Open Market Value (DOMV) properties, with a discount of 25%;
- 48% of units will be affordable rent provision (the policy aspiration is 60%), owned and managed by a Private Registered Provider or the Local Authority

The accompanying S106 will include a clause which allows 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 default position would be towards monetary contributions off site but only in the scenario where a number of stringent requirements have been met. A financial contribution would represent a

last resort with all other avenues to secure a registered provider(s) having been exhausted.

Colleagues in Strategic Housing have assessed the latest offer acknowledging that it represents a departure from the 60/40% split aspired by policy. A pragmatic view has been reached in order to secure full 30% provision in numerical terms and no objection has been raised. The following tenure mix has been suggested:

Type	Aff Rent	Intermediate (S/O)	Discount for sale 75% of OMV	Total
1 Bed	50	-	-	50
2 Bed	130	40	125	295
3 Bed	70	30	80	180
4 Bed	10	-	5	15
Totals	260	70	210	540

The above position has changed substantially since Members first considered the application in September 2016. The details of the changes in affordable housing provision based on a viability case were presented to Members through an update report in July 2017 (Appendix 1). To confirm, the negotiated position is now that the proposal will deliver 13% affordable housing (234 units). The detail and breakdown of these units is included within the report at Appendix 1.

Notably, the 2018 NPPF and associated NPPG online guidance has evolved further since the report presented on July 24th 2018 in respect to matters of Viability. The processes for the consideration of viability have been rewritten in an effort to appear *'proportionate, simple, transparent and publically available'* (Paragraph: 010 Reference ID: 10-010-20180724). This therefore aids in reinforcing paragraph 57 of the revised NPPF which explains that:

'Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force. All viability assessments, including any undertaken at the plan-making stage, should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available.'

In line with the requirements of the Viability Guidance Note (Ref ID 10-007-20180724) and paragraph 57 of the revised NPPF the weight to be given to a viability assessment is a matter for the decision maker.

Whilst it is recognised that under paragraph 019 Reference ID: 10-019-20140306 of the replaced Viability Guidance Note (2014) that where an applicant is able to demonstrate to the satisfaction of the Local Planning Authority that planning obligations would cause development to be unviable, the Local Planning Authority should be flexible in speaking such obligations, in particular affordable housing, this is no longer the case.

Paragraph 64 of the revised NPPF now expects that for major development, planning decisions should expect at least 10% of homes to be available for affordable home ownership, unless *this*

would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups.' The paragraph goes on to list exemptions to this 10% requirement, which does not include discussions around viability. This is a new requirement which The Government had previously not placed substantial weight on.

The affordable housing offer remains above the 10% requirement of paragraph 64 with the offer agreed representing what is reasonably viable (in also accepting that irrespective of viability 10% is a minimum on-site contribution) according to the Council's independent viability expert. This is based on significant infrastructure costs to mitigate this development, which have a dual benefit of improving the transport infrastructure for the wider area. The review mechanisms previously sought will be maintained.

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).

The development incorporates a Local Centre which is intended to be the community hub of the proposal. This will include a new Community / Sports Hall with a floor space of up to 1,113m². This is of an appropriate size to provide an indoor badminton facility. Again this has been discussed throughout pre-application discussions and deemed appropriate and commensurate to the scale of the development. Delivery of this will be secured through the accompanying S106. Securing all required community facilities on-site negated the need to secure any financial payments.

The 2018 NPPF does not alter the above assessment.

Health

Policy NAP2C states a requirement for a three GP facility for the whole allocation for the Land around Fernwood (circa 3,200 dwellings). The applicants acknowledge that, whilst not constituting the whole allocation, the development of 1800 dwellings would form a significant proportion. It is accepted that the proposed development through this application alone would not generate the need for a three GP practice. The applicant has proactively engaged with local health providers in order to establish the most appropriate form of health care for the development.

At this stage, there is not a clear steer as to whether the health facility will be delivered on site (incorporated within the Local Centre) or whether it would be more appropriate to provide off-site contributions. The latest discussions have however suggested that the latter option would be most favorable to meet healthcare needs at this time. On this basis the S106 will be worded 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. Any off site contributions would be capped at £1.71M (derived from per dwelling figures of the SPD). The applicants have confirmed that they would reserve land for the healthcare facility until the healthcare review has reached a conclusion on where the contribution should be met. In the event that the review identifies an on-site facility, the applicant will transfer the land to the healthcare body to deliver the facility.

As identified above the application site boundary forms the administrative boundary of the District. It is therefore perhaps unsurprising that comments have been received from NHS Lincolnshire stating that the development is likely to affect the medical centre in Long Bennington. Justification for this is provided in full in the above consultee section but essentially the response confirms that the proposed housing development falls within the practice catchment for at GP surgery at Long Bennington.

NHS Lincolnshire have requested a commuted payment from the development based on the full 1800 units proposed and based on a 'health calculator' used by a Lincolnshire Planning Authority. Whilst there remains no objection to a health contribution, this can only be calculated on the basis of this Council's guidance, hence the £1.71m cap detailed above. Further, any proportion of this £1.71m which does go to Lincolnshire should be both reasonable in terms of evidence and detailed in terms of spend. For the avoidance of doubt NHS Nottinghamshire remain unconvinced that Lincolnshire are entitled to any proportion of monies secured. From a planning point of view the value of contribution is clear, as is the ability to spend some in Nottinghamshire and Lincolnshire. A S106 can be drafted on this basis, allowing debate and discussion between health authorities to continue. The exact split of where the contributions would be attributed could be decided through the healthcare review, a mechanism introduced and tied by any S106 agreement.

The proactive and flexible nature of the applicant in the delivery of healthcare provision should be noted and indeed is fully supported by officers. The exact wording of the agreement would be secured through the S106 but I remain confident that the applicant would be providing healthcare facilities (by some means) which would meet the needs generated by the development.

The 2018 NPPF does not alter the above assessment.

Education

There is no dispute that a development for 1800 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.

The proposal for 1800 dwellings would generate approximately 378 primary school places. As demonstrated on the masterplan the proposal includes 2.2hectares of land within the north western corner of the site to deliver a two form entry primary school (420 places). In addition to this, an area of land approximately 0.8 hectares would be provided adjacent to the school to allow for expansion to a three form entry in the event that future housing is delivered (by other landowners) in line with the aspirations of the strategic site allocation. On this basis the proposal would be policy compliant with respect to education needs. Triggers for delivery have been agreed with the County Council as the Education Authority through pre-application discussions and will be secured through the S106.

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

The comments received from interested parties in respect of education provision are noted and the concern that the development would affect the existing primary provision in other schools is a legitimate one. Education would be delivered early in the development build out. By the occupation of the 200th dwelling, infrastructure for the school (including core facilities such as the school hall and dining room) and 4 classrooms would be delivered to cater for early occupations.

The applicants offer is considered to make adequate provision for primary school facilities to serve the needs of the development itself. It is acknowledged that there may be some consequences for other schools in the vicinity during the very early stages of development but unfortunately this is deemed as inevitable and unavoidable given the scale of the development. NCC Education raise no objections to the delivery mechanism and triggers proposed.

The position in respect to the education contribution has been subject to lengthy discussions since this time as outlined by the update report presented in July 2018 (Appendix 1). However, despite these discussions, the position remains as presented originally and the 2018 NPPF does not alter the above assessment.

Libraries

The Council's SPD allows for contributions towards library stock at a cost £47.54 (based on 2016 indexation). This would equate to £85,572 based on a development of 1800 dwellings. NCC have requested full stock costs (it is noted that the actual amount stated is slightly lower on the basis that it has not accounted for indexing).

This figure has been subject to dispute from the applicant in terms of whether it forms a CIL compliant request on the basis of the impact of solely this development. Officers have met with NCC to discuss the approach to the request and to seek comfort as to where the monies would be spent and how they are reasonably related to the development. Members will note an additional response listed in the consultee section above. It is acknowledged that Balderton and Newark libraries both have an existing shortfall in stock. It is equally acknowledged that it does not fall for the applicant to mitigate against existing stocking issues. NCC state that each new development places pressure on the library stock available. What is unfortunately not clear, is how specifically the development for 1800 dwellings will impact upon local libraries and thus where and how the contribution sought would be spent. Without this justification officers are unfortunately not satisfied that the request for a contribution towards library stock would be CIL compliant. On this basis, library contributions will not feature within the accompanying S106.

The 2018 NPPF does not alter the above assessment.

Public Open Space

Allotments and Community Gardens

The Council's SPD provides that 12m² should be provided per dwelling. Based on 1800 dwellings this would amount to 21,600m² (2.16ha). The masterplan demonstrates the delivery of 2ha of allotments to be delivered at two areas of the site (north east adjacent to the sports hub and south). The shortfall from policy aspirations is considered negligible in the context of the whole development (indeed acknowledging overprovision in other areas as discussed below). As such the proposal is deemed appropriate in this respect. Delivery of the allotments would be secured by the S106 with the north east area being delivered within Phase 1 and the southern area within Phase 3.

Amenity Green Space and Provision for Children and Young People

The SPD requires provision of 14.4m² per dwelling for amenity green space and 18m² per dwelling for provision for children and young people. The applicant has presented a combined offer of 6.4ha which would far exceed the policy requirements of 5.83ha. This would be delivered in the

form of Pocket Parks and Greenways, as well as a Neighbourhood Equipped Area of Play (NEAP) and two Local Equipped Area of Play (LEAP). Precise details of what the NEAP should include are best decided in consultation with the new community and therefore this matter will be left flexible within the S106 Agreement to facilitate this. However in accordance with guidance it would need to include both grass and hard surfaced areas, 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), a buffer zone of a minimum of 30m between the activity zone and the boundary of the nearest property. It would also be expected to contain a minimum of 9 experiences (such as balancing, climbing, sliding etc), seating and litter bins. 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. 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 43.2ha) 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 93.6ha to deliver 43.2ha 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 19.1ha alongside structural planting and landscape buffer areas totaling 6.7ha. All residents would live within the 300m zone as demonstrated by the masterplan and thus the proposal is policy compliant in this regard.

Outdoor Sports Facilities

The delivery of sports facilities has been subject to numerous negotiations throughout the pre-application process with the Councils Sports, Community and Arts Manager. The applicant has taken the decision to deliver all facilities on site (there had been discussion of off-site contributions at one stage). As a consequence the sporting offer within the Sports Hub is comprehensive and includes:

- 2 adult football pitches (one grass and one AGP);
- 2 mini football pitches;
- 1 junior football pitches;
- 1 adult and youth cricket pitch;
- 1 adult rugby pitch;
- A 252sqm sports pavilion and changing facilities;
- Additional changing facilities to support pitches north of Claypole Lane; and
- 4 tennis courts.

Specifications for the sports pavilion have utilised Sports England advice. These facilities combined are considered to be a significant offer which weighs positively in the overall balance of the scheme.

I note the comments received from Sports England which suggest (through comments by the Rugby Football Union) that there may not be a need for a single rugby pitch venue and as such off site contributions to Newark RFC should be considered instead. This does not an advance to an objection to the development and having discussed with the Sports, Community and Arts Manager, officers are satisfied that on-site provision as envisaged is appropriate.

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.

The 2018 NPPF does not alter the above assessment.

Maintenance of Public Open Space

Maintenance of the public open space is still subject to negotiation. The District Council has confirmed that it would not take on the maintenance of the POS. **Whilst not materially affecting the planning decision the District Council has not now ruled out the ability to take on the POS as part of the wider management of the whole Fernwood SUE.** The POS amounts to a total of approximately 31.9ha (which represents 34% of the site area) and includes a range of facilities including, equipped areas of play, sports pitches, 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. During the life of the application, the applicant has engaged with the LPA, the Parish Council and the local MP. On the basis of these discussions a revised Outline Management Strategy has been submitted during the life of the application.

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. The revised strategy, at page 5, provides detail as to what a ManCo is:

'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.'

The intention is for maintenance to be delivered by an Umbrella MANCO (responsible for the whole site) as well as Phase Specific ManCos (responsible for phase specific needs such as open space and landscaping features within individual phases). The following charges and fees are outlined to facilitate operation of the ManCo:

- An annual administration charge – for operation of the ManCo; and

- A combined Umbrella ManCo service charge (for the physical maintenance of the overarching development) and phase specific MANCO service charge (for phase specific maintenance) [with breakdown of costs between Umbrella MANCO and phase specific ManCo].

These charges will be made readily available to prospective purchasers in an upfront and transparent manner. It has been explicitly stated that there will be no additional charges for items such as solar panels or satellite dishes. 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 has been suggested. 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. In the short term it is suggested that the ownership obligations and maintenance responsibilities of the Community Hall/Sports Hall could be transferred to the Parish Council upon its completion. Furthermore, a stream lined approach is suggested for the holding of community events on ManCo managed land.

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.

The 2018 NPPF does not alter the above assessment.

Transport

The highways mitigation works discussed above in the Highways Impact section of the report (and incorporated within Appendix 2) would be secured through conditions and the associated S106 agreement. As previously discussed within the relevant sections, the intentions of the Travel Plan would be secured through condition.

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. Their initial response sought a financial contribution of between £3-4k to be spent towards further improving Newark North Gate Station facilities. Specifically works to improve the connectivity to the station by cycle were referenced. This request was relayed to the applicant during the life of the development and further discussions were entered into with Network Rail and officers in order to ascertain a more specific request which could be considered CIL compliant. A further response was received (again listed in full above) which confirmed that Network Rail are seeking funding for a ramp to enable ease of access for cyclists. This ramp was stated as being outside of the scope of works currently planned by Virgin Trains East Coast.

Understandably, the applicants want to secure that all requests are reasonable and relatable solely to their development in order to ensure a CIL compliant scheme. The applicants have provided a Technical Note undertaken by their Transport Consultants dated 20th July 2016. This response states that the ramp is covered under DDA compliance regulations and is therefore the

responsibility of Network Rail. Further details are provided in terms of the level of cycle trips which will actually be undertaken between the development site and Newark North Gate station (a distance of 6.2km by cycle). Reference is also made to the bus services funded by the development which include a 30-min frequency from the site to the station. Despite the latest comments offered by Network Rail clarifying matters surrounding safety regulations, Officers concur with the overall conclusions of the technical note and agree that, in this instance, it would not be reasonable to require the applicant to make the contribution requested by Network Rail. As such this has not been incorporated within the S106.

The 2018 NPPF does not alter the above assessment.

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 and Noise and Vibration. 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.

The 2018 NPPF does not alter the above assessment.

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 15 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 **approved applications** submitted by Barratt / David Wilson Homes and **Larkfleet Homes referred to in the relevant planning history section above.**

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.

The 2018 NPPF does not alter the above assessment.

Consultee Comments

The majority of consultee concerns/comments have been addressed with the relevant sections above.

The detailed comments of the Access and Equalities Officer and the Police Architect Liaison Officer (listed in full above) have been noted. Indeed the importance of creating safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion is explicitly identified by paragraph 58 of the NPPF in the context of requiring good design. **This stance has been carried to Chapter 8 (Promoting health and safe communities) of the NPPF 2018.** Given the outline nature of the development it is not possible (nor appropriate) to interrogate the development at the level of detail referred to by these comments. Nevertheless it is considered reasonable to include an informative drawing attention to the principles of Secured by Design and the requirements of Building Regulations. It should however be noted that the final street hierarchy will be designed such that fire appliances will be able to reach within 45m of any residential dwelling and the maximum carry distance for refuse collection be 25m.

Overall Planning Balance and Conclusions

This planning application represents an opportunity to deliver one of the Council's allocated Strategic Urban Extension sites. The delivery of housing, in this case promoted by a national housebuilder is a significant material planning consideration. 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 inevitably change the existing character of the location. However, it does not follow that a significant change must equate to unacceptable harm.

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 details above approval is recommended. **The above judgement is taken in the contact of the updated national policy position as published on July 24th 2018.**

RECOMMENDATION

That outline planning permission is approved subject to the conditions appended at Appendix 4 and the sealing of an associated Section 106 legal agreement on the basis of the contributions outlined in Appendix 5.

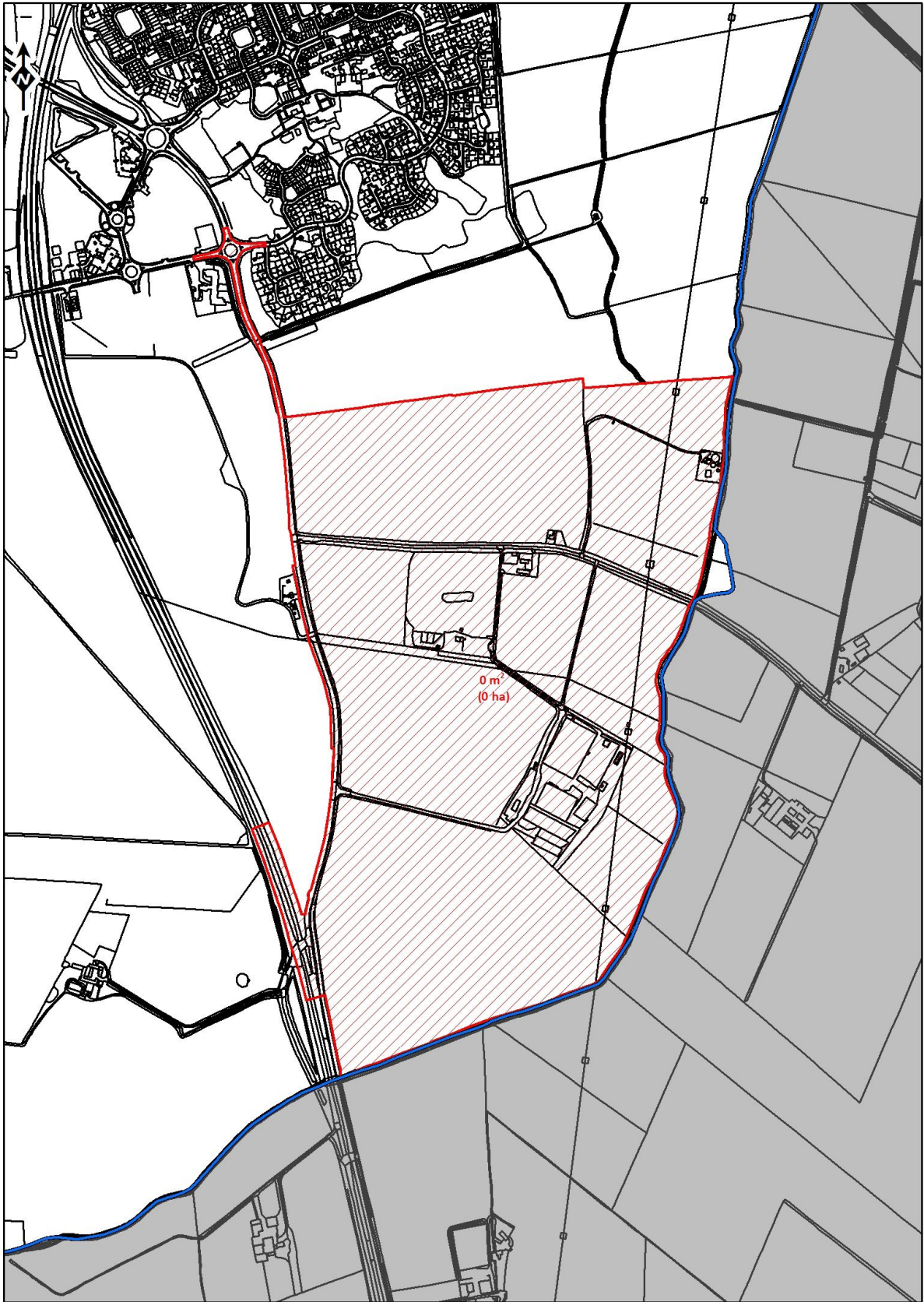
Background Papers

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.

Matt Lamb
Business Manager Growth and Regeneration



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Application No:	16/00506/OUTM	
Proposal:	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.	
Location:	Land At Fernwood South Nottinghamshire	
Applicant:	Persimmon Homes (East Midlands)	
Registered:	20 April 2016	Target Date: 10 August 2016 Extension of Time Agreed in Principle

Background

Members will recall that the application has been previously considered at the Planning Committee Meeting of 13th September 2016. For the avoidance of doubt, whilst Members resolved to approve the application in line with the Officer recommendation (subject to conditions and the sealing of an associated Section 106 agreement), a decision has not yet been issued and thus the application remains pending consideration.

The latest position is that the Applicant is now presenting a viability case which states that the application can no longer meet the policy aspirations of 30% affordable housing on site. On this basis the scheme is brought back before Members in order to determine whether the updated position would change the original resolution of the September 2016 meeting.

The structure of the following report will focus around the viability case presented but also identify any other material planning considerations which have changed since the time of the last Committee Meeting. The original report presented to Members as well as the Late Items and Committee Minutes has been appended for completeness.

Viability Case

At the time of the September 2016 Committee Meeting, Members resolved to approve a policy compliant scheme in terms of developer contributions including the delivery of 30% of affordable housing on site (540 units). A compromised position of 52% affordable rent and 48% intermediate provision (25% shared ownership / 75% discounted open market value (DOMV)) was however accepted. The policy aspiration of Core Policy 1 of the extant Core Strategy is for 60% affordable rented / 40% intermediate housing.

On February 16th 2018, the LPA received a 'Financial Viability Report' dated February 2018 and undertaken by Atlas Development Solutions on behalf of the applicant. The position presented by this report is that since 2016, the scale of the abnormal costs associated with the proposed development have been quantified by further works to qualify the exact costs of associated infrastructure including highways, archaeology and drainage. Whilst it is positive that further works (which themselves involve a cost) have been undertaken by the developer, a sign in itself, of the seriousness of the interest in building out, these items are predicted to cost an additional £9.7million. This amounts to approximately £5,400 per plot. On the basis of these additional costs, the report ascertains that the proposal would now seek to deliver all other contributions in full except affordable housing which would be delivered on the basis of 10% on site (180 units). The tenure split suggested by the Applicant at in the February 2018 appraisal was for a split of 50% Affordable Rent and 50% Open Market Discount Sale (to be sold at 80% of full market value).

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 other schemes within the Fernwood policy allocation, 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. Discussions between viability expertise has been ongoing throughout the process with the *final* report of the Council's independent review from Whiteland Strategies (WLS) received on 2nd July 2018.

It should be noted that WLS has provided intermediate responses and reports throughout the discussion. The original response (received in April 2018) raised fundamental issues with the Applicant's appraisal submission due to a number of inconsistencies including in respect to matters of land value. The Applicant's viability expert has worked with WLS in an attempt to overcome these concerns. The final report concludes that on the whole, the Applicant's assumptions (which as referenced have been subject to negotiations and further submissions of evidence) are, in the most part reasonable. There does however remain areas of dispute including; land value; timing of land payments; infrastructures costs relating to preliminaries, contingency and fees; and finance costs. On the basis of these disputed matters, the independent viability Consultant acting for the LPA considers that the scheme could deliver 13% affordable housing on site rather than the suggested 10%. This position has now been agreed between the parties such that the decision of Members should be based on the completion of an associated legal agreement which secures that the scheme can deliver 13% affordable housing provision on site (234 units). At present, the agreement is that this would be based on a mix of 52% Affordable Rent and 48% Discount of Market Value.

It is however necessary to bring to Member’s attention that this level of affordable housing on site (i.e. the 13% agreed figure) would still be subject to other compromises; notably that the tenure split as appraised differs from that agreed previously (both in the context of this site but also the approval at the neighbouring sites within the overall Fernwood Strategic Site). It is also the case that, in the Applicant’s model presenting 10% affordable (which the LPA’s Consultant has extrapolated to reach the 13% position); the affordable units are smaller in housing size focused on flats and 1 and 2 bed properties (whereas the housing mix in the 30% model has 3 and 4 bed units). I shall discuss each of these matters in turn below.

Dealing firstly with housing mix, since September 2016, the village of Fernwood have adopted a Neighbourhood Plan. The implications of this in terms of it being an additional material planning consideration are identified below but for the purposes of a viability discussion, it is necessary to identify that the Neighbourhood Plan references a desired housing mix sought in respect to number of bedrooms. For the avoidance of doubt, the 13% affordable housing offer negotiated has not been broken down into a fixed unit breakdown but instead based on the mix provided by the Applicant in their 10% model. This model broadly accords with the aspirations of the Neighbourhood Plan in respect to the majority delivery of 3 bed units, followed by 2 beds, followed by 4 bed and above.

As referenced however, the viability case does skew affordable units towards 1 and 2 beds. A case could be presented that given that Officers have negotiated an additional 54 affordable units (the difference between 10% which would equate to 180 units and 13% which would equate to 234 units), there would remain the ability to adjust the final mix at the time of the reserved matters submissions to suit the latest evidence available. Indeed Officers have taken the opportunity to seek guidance towards a mix which would be preferable in respect of the affordable units in discussion with colleagues in Strategic Housing. Following discussion with Housing Associations who are likely to take the affordable units, it has been confirmed that the preference would be two bedrooms. The table below outlines a suggested mix which Officers would expect the Applicant to broadly align with at the time of reserved matters submission.

	Rent	Intermediate	Total
1 bed	24	-	24
2 bed	80	72	152
3 bed	14	40	54
4 bed	4	-	4
Total	122	112	234

It is accepted by the independent viability advice that the 13% would potentially allow the ability to adjust the mix to suit. However, this does not address the impact that the lack of shared ownership in the intermediate provision would have.

Officers have taken the opportunity to discuss with the viability Consultant as to whether the extra 3% affordable housing provision delivery would give the LPA flexibility to introduce a policy compliant mix which meets the Neighbourhood Plan aspirations AND introduces an element of shared ownership properties to align with the previous agreement for 25% of the intermediate provision to be shared ownership. The advice received is that it is difficult to be definitive on this matter as it could come down to unit size mix as much as tenure mix so the addition of shared ownership could reduce overall viability below the agreed 13%. It is acknowledged that if the affordable mix were altered to increase introduce 3 and 4 bed units as per the table above, then the larger units would deliver less value per square foot. On this basis,

the advice to Officers is that it would be unlikely that the any final mix in respect of tenure split and housing mix would be able to negotiate both larger affordable units in bedroom terms *and* introduce an element of shared ownership. To be clear therefore, whilst in agreeing the drafting of the associated Section 106 and ultimately the housing mix agreed through reserved matters, the LPA may be able to utilise the negotiated additional 3% affordable housing (i.e. 54 units on the ground) for one or the other, it is unlikely that it would amount to being able to secure shared ownership properties at 25% of the affordable provision *and* affordable units of a greater bedroom size in line with the aspirations of the Neighbourhood Plan and indeed the suggested split of Officers in Strategic Housing without reducing the overall viability below the agreed position of 13%.

As Members will be aware, the LPA have accepted compromised viability positions elsewhere within the Fernwood Strategic Site. The signed agreement for Barrat David Wilson refers to 11.5% affordable housing provision on site. The resolution of Members to grant the Larkfleet scheme was on the basis that it could secure between 14 and 15% affordable housing on site provision (pending highways infrastructure). Officers have therefore been mindful throughout negotiations that a figure around these previous agreements would be sensible and reasonable. The agreement to increase on site affordable housing from the 10% offer to 13% is considered appropriate and Officers would be reluctant to see this figure decrease on the basis of further negotiations in respect to matters of tenure and housing mix. The preference for Officers would be that the additional 3% secured should be attributed towards allowing flexibility in meeting the aspirations of the Neighbourhood Plan in respect to housing mix (i.e. securing 3 or 4 bed units for the affordable provision rather than just the 1 and 2 bed units suggested). Given the above discussion therefore, this would be on the acceptance that the associated Section 106 legal agreement would secure 52% affordable rent and 48% DOMV (i.e. no shared ownership).

Conditions and Section 106

Following the resolution of Committee in 2016, the LPA and the Applicant have been in ongoing discussions to both the conditions originally presented and the wording of the S106 agreement.

Conditions

The condition schedule at Appendix 4 largely follows the principles of the original conditions presented to Members. For clarity, the changes presented at the current time are summarized as follows:

Condition No.	Topic	Changes since 2016 drafted conditions
4	Phasing	Point II has been amended to include reference to bus stop infrastructure.
6	Design	Additional wording has been added to clarify that this includes details for the sporting provision to the north of Shire Lane.
12	Parking and Management Plan	Reserved wording to clarify that detail only required in relation to the Phase which includes the delivery of the Primary School.

13	Construction Management Plan	The final bullet point has been added in relation to how access to existing properties will be maintained during development.
23	Flood Risk	Further detail added to clarify document reference that the figures are derived from in relation to flood risk mitigation measures.
24	Travel Plan	The requirement to update the Travel Plan through each reserved matters submission has been removed.
26	Marketing Brief	<p>The wording of the final sentence has been changed to allow flexibility in respect to the delivery of the local centre.</p> <p><i>2016 drafting:</i></p> <p>The reserved matters application for the Local Centre shall be submitted in accordance with the approved Marketing Brief.</p> <p><i>Current drafting in Appendix 4:</i></p> <p>The development shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.</p>
32	NCC Highways	Drawing reference has been updated.
37	NCC Highways	Condition as drafted in 2016 (relating to bus stop infrastructure) has been deleted on the basis that it has been incorporated into condition 4 as set out above. Additional wording has been added to the 1 st informative in relation to Condition 4 for the avoidance of doubt.
38	NCC Highways	Condition 38 as drafted in 2016 is now condition 37 on basis of above deletion.

Section 106

As is expected to a scheme of this scale, the complexities of the associated legal agreement have warranted significant discussion. Officers consider that there are elements of these discussions which are relevant to bring to Members attention at the current time. Notably, there have been lengthy discussions in respect of the Education contribution which would be associated with the application including in the context of the triggers for the delivery of the Primary School associated with the development.

At the time of the September 2016 Committee Meeting the following was presented to Members within Appendix 2 in relation to the education contributions:

“Definition within S106

The sum of up to £5,751,854 to secure the provision of the Primary School

2.2ha of the site identified for future development of the Primary School

0.8ha of the site adjoining the Primary School site to be reserved for future possible expansion of the Primary School

The detailed specification for the proposed Primary School to be produced by the County Council to include (where applicable) the proposed phasing for the construction of the Primary School

Formula / SPD Requirement

A development of 1800 dwellings would generate 378 primary places

The LEA require a new 2 form entry (420 place) primary school to be constructed on site. A site allowance of 2ha would be required. Build specification should meet DfE requirements and Education Funding Building Bulletin 103

Site is required to be clear of contamination, level and serviced prior to transfer to LEA/construction of school

Secondary education is delivered through CIL

Anticipated Contribution

The delivering of a 2 form entry primary school and expansion land to allow for the creation of a 3 form entry

Trigger Points

The triggers for the delivery of the 2fe primary school if the County Council was to design and build it would be as follows:

- Transfer of the level, contamination free, serviced site to the County Council on commencement of the residential development;***
- 10% of the total costs to be paid on commencement of the residential development (to cover the design, planning and procurement;)***
- 37% on occupation of the 30Pth P dwelling;***
- 15% on occupation of the 330th dwelling***
- 23% on occupation of the 780th dwelling; and***
- 15% on occupation of the 1280th dwelling***

The triggers for the delivery of the 2fe primary school if it is to be construction by the developer would be as follows:

- Phase 1: Infrastructure for 420 places plus 4 classrooms to be completed by the occupation of the 200th dwelling OR within 16 months of commencement of the residential development(First occupation) whichever is the sooner;***

- *Phase 2: 3 additional classrooms to make 210 places to be completed by the occupation of the 450th dwelling;*
- *Phase 3: 4 additional classrooms to be completed by the occupation of the 900th dwelling;*
- *Phase 4: 4 remaining classrooms to provide 420 places to be completed by the occupation of the 1400th dwelling.”*

Discussions on the wording of the S106 agreement have stalled in recent months but since the September 2016 meeting the Applicant has sought amendments to the education provision outlined above through drafting. For the avoidance of doubt the S106 has not been signed and therefore the triggers as requested by the Applicant have not been formally agreed by the LPA.

The rationale behind the amendments sought is that the Applicant would be transferring the school expansion land for £1 (rather than based on the land value for residential development) so as a compromise would wish to move the trigger pattern for the delivery of the school places to later in the build profile when more dwellings have been built. The latest S106 draft which the Council’s Solicitor sent to the Applicant’s Solicitors on 8th September 2017 for comment incorporated the following amendments in respect to education.

Additional Definition:

“Second Form of Entry: means the final 8 classrooms together with any remaining associated buildings and additional car parking play space and associated infrastructure (if any) required to educate up to an additional 210 pupils and forming the second phase of the Primary School”

Delivery of Primary School Triggers summarized as follows:

- No more than 50 dwellings occupied until construction of the Primary School or the First Form of Entry has commenced;
- No more than 450 dwellings occupied until available for use by 210 primary school pupils;
- No more than 1400 dwellings occupied until the Second Form of Entry (as defined above) has been completed and available for use for 420 pupils.

The clear change between the triggers presented in September 2016 and the applicant’s request during the latest S106 drafting is therefore the omission of the 900th dwelling trigger. This has clearly been subject to lengthy negotiations as to whether it remains appropriate to the overall delivery of Primary Education warranted by the development. On this basis, the following response has been received from NCC Developer Contributions Practitioner dated 29th March 2018:

“I am contacting you to confirm Nottinghamshire County Councils position in respect of the education provision which will be required to mitigate the impact of the above development.

This application, which includes the delivery of up to 1,800 dwellings, a local centre, primary school and land to allow the expansion of the primary school has been approved subject to a S106 agreement. As currently set out it is proposed that

Persimmon Homes will provide a 2FE (420 Place) School along with a 0.8ha site to allow future expansion to take account of future developments in the area. Persimmon have indicated that they would be willing to transfer the school land for £1 however in agreeing to this they wish to move the trigger pattern for the delivery of the school places to later in the build profile where more dwellings have been built. The County Councils understanding of this is as follows:

1 FE provision (210 places)

The current draft agreement delivers the infrastructure and 4 classrooms at 200 dwellings (providing 120 places) which accommodates the early arrivals (42 places on formulae), a further 3 classrooms are provided at 450 dwelling providing 210 primary places in total. The proposed triggers provide the 1 FE (Form of Entry) provision in one phase at 450 dwellings. This equates to 95 primary places before school places are provided.

2 FE provision (420 places)

The current draft agreement provides an additional 120 primary places at 900 dwellings and the final 90 places at 1,400 dwellings. The proposed trigger provides the additional 1 FE at 1,400 dwellings which equates to 84 pupils without a place before the final phase is provided.

Whilst acknowledging the benefits of the school expansion land being transferred for £1, the County Council have significant concerns about the approach to the triggers. The reason being that, based on projections, this would lead to a significant shortfall in primary places in the first phase (50 – 60 places) and up to 84 places in the second phase and, as it stands, there would be nowhere for these pupils to be accommodated. To clarify these figures; in the September 2016 proposal there are 4 classrooms at 200 dwellings which, based on formula, equates to 42 primary aged students. In the July 2017 revised offer 7 classes are available at 450 dwellings which, based on formula equates to 95 students. Therefore in terms of the first phase, 95 places minus 42 places equals 53 places which is between the two figures in brackets above. In terms of the second phase; in the 2016 proposal, 11 classes become available at 900 dwellings but in the July 2017 proposal the 7 classes are the only provision until there are 1400 dwellings. Therefore, based on formula, the 1 FE school that has been provided only provides sufficient accommodation up until the 1000th dwelling at which point it could be full. Therefore there is a gap in places between the 1000th dwelling and the 1400th dwelling where there are 400 dwellings worth of pupils without a school place in this area. Utilising formula the deficit is 84 places (400 dwellings multiplied by 0.21 pupils per 100 dwellings).

The County Council have also examined the cost of providing a temporary solution should the triggers be amended. On the basis of this work it is estimated that the costs for a mobile classroom per year would be £125,000 for which a method of funding would have to be identified along with a location for this provision to be provided. Due to the costs involved and the overall uncertainty about where such provision could be accommodated such an approach is considered unacceptable.

Therefore as a result of the above it is considered that the triggers should remain and if these are to be amended the County Council would raise significant concerns due to the impact on the ability to delivery education in this part of Newark.”

Clearly it remains the case that a proposal for 1800 units 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. The need for Primary School delivery is not, and indeed at no point has been, a matter of dispute between any parties. Officers agree with the comments of NCC Education detailed above that the offer by the Applicant to provide the school expansion land for a nominal cost of £1 is extremely reasonable. Nevertheless, the concerns of NCC in respect to the revised triggers since the time of the September 2016 Committee Meeting are clearly relevant and must be afforded weight in the overall planning balance.

Officers have discussed the position as outlined by NCC Education with the Applicant. There has been some debate as to whether the land value of the expansion land should now be agricultural or indeed residential if the school were to be extended for a need arising from 3rd party developers. However, this is clearly a different position to that presented in the past (and indeed considered by NCC in their comments above) and therefore would not be acceptable (without appropriate discussions as to how / if this would affect the overall viability position which would clearly delay the determination).

It has therefore been confirmed by email dated 4 July 2018 that the Applicant would be willing to agree matters of education including in respect of the transfer of the land for £1 but also the delivery triggers as previously agreed such that the focus of the current re-consideration of the scheme can be towards the viability position presented in relation to affordable housing. To confirm therefore, despite lengthy discussions, the Applicant would be willing to sign an associated legal agreement which includes the triggers for education delivery which Members were minded to approve in September 2016.

Changes in Material Planning Considerations

At the time of the 2016 consideration, the Neighbourhood Plan was at the very early stages and Officers did not consider it to attract weight in planning terms. This position has clearly evolved since this time.

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 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 below.

- 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

Having reviewed the content of the made Neighbourhood Plan in detail, Officers have identified no issues which would affect the overall principle of the development. It is of course the case that the detail of the Neighbourhood Plan will become more relevant in the determination of any subsequent reserved matters applications should outline planning permission be granted. This includes in the context of the housing mix delivered on site which has been referenced through the viability discussion above (albeit the market housing which would incorporate 87% of the scheme broadly aligns which the mix sought through the Neighbourhood Plan in any case).

Additional Neighbouring Consultation Responses

In the interest of completeness, the LPA have taken the opportunity to instruct an additional period of consultation to neighbouring parties (including all properties within existing Fernwood) through a bespoke letter which presented the presented viability position (i.e. the 10% offer).

An additional 5 no. of letters have been received on the basis of this revised consultation, details of which can be summarized as follows:

- 10% affordable housing is too low – it should at least meet David Wilson figure of 11.5%
- Still concern about access and traffic problems which when coupled with the proposed school at Fernwood will rocket
- 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
- The council should enter into partnership with farmers and smaller builders to provide the houses
- To reduce from 30 to 10% affordable housing flies in the face of the Neighbourhood plan, national housing need and local need
- It is dishonest of Persimmon and they should not be allowed to get away with it
- They would have known the deficit at the outset
- Affordable housing is for young families and singletons trying to start on the housing ladder.

Conclusion

The circumstance to which the current application is being presented to Members is rare insofar as the development proposals in the same quantum have already been considered by Members with a resolution to grant in September 2016. However, a decision remains to have been issued and thus the application remains pending.

Clearly a change from 30% on site affordable housing provision to just 13% on site affordable housing provision (306 less units in real terms) is not a decision to be taken lightly. However, unfortunately the Applicant's need for requesting re-consideration of the proposals on a

viability basis is a position that Members will be more than familiar of through the determination of other applications within the Fernwood Strategic Site. It remains the case that despite the aspirations of the Core Strategy, the delivery of the Fernwood Strategic Site is yet to commence on the ground.

As with the other development proposals within the Strategic Allocation, the LPA has worked with an independent Consultant to ascertain whether the position presented is reasonable. As is outlined above, Officers have secured an additional 3% of affordable housing provision (i.e. 13% rather than the original offer of 10%) through negotiation.

The delivery of housing, in this case promoted by a regional housebuilder is a material planning consideration which must be afforded significant positive weight. Whilst this shortfall in affordable housing provision is undesirable (particularly in this specific circumstance where the original position in 2016 sought to agree a policy compliant 30%), in line with the NPPF, and through assurances from independent advice that 30% would not be viable, it is considered unreasonable to resist the application solely on this basis.

As was presented to Members in 2016, it remains the case that this planning application represents an opportunity to deliver one of the Council's allocated Strategic Urban Extension sites. It is hoped that through adopting a pragmatic approach to viability, as has been done through Member's resolution to grant other applications within the overall Strategic site, will allow for development to begin to materialize as envisaged on the ground.

All other material planning considerations have already been presented to and debated by Members through the previous committee report included at Appendix 1.

The recommendation of Officers is therefore that outline planning approval is granted subject to the conditions appended at Appendix 4 (noting as outlined above the minor changes since the last resolution to grant) and the signing of a S106 agreement to secure the contributions in Appendix 5.

RECOMMENDATION

That outline planning permission is approved subject to the completion of an associated Section 106 agreement; and the finalization of conditions in substantive accordance with those Appended through Appendix 4.

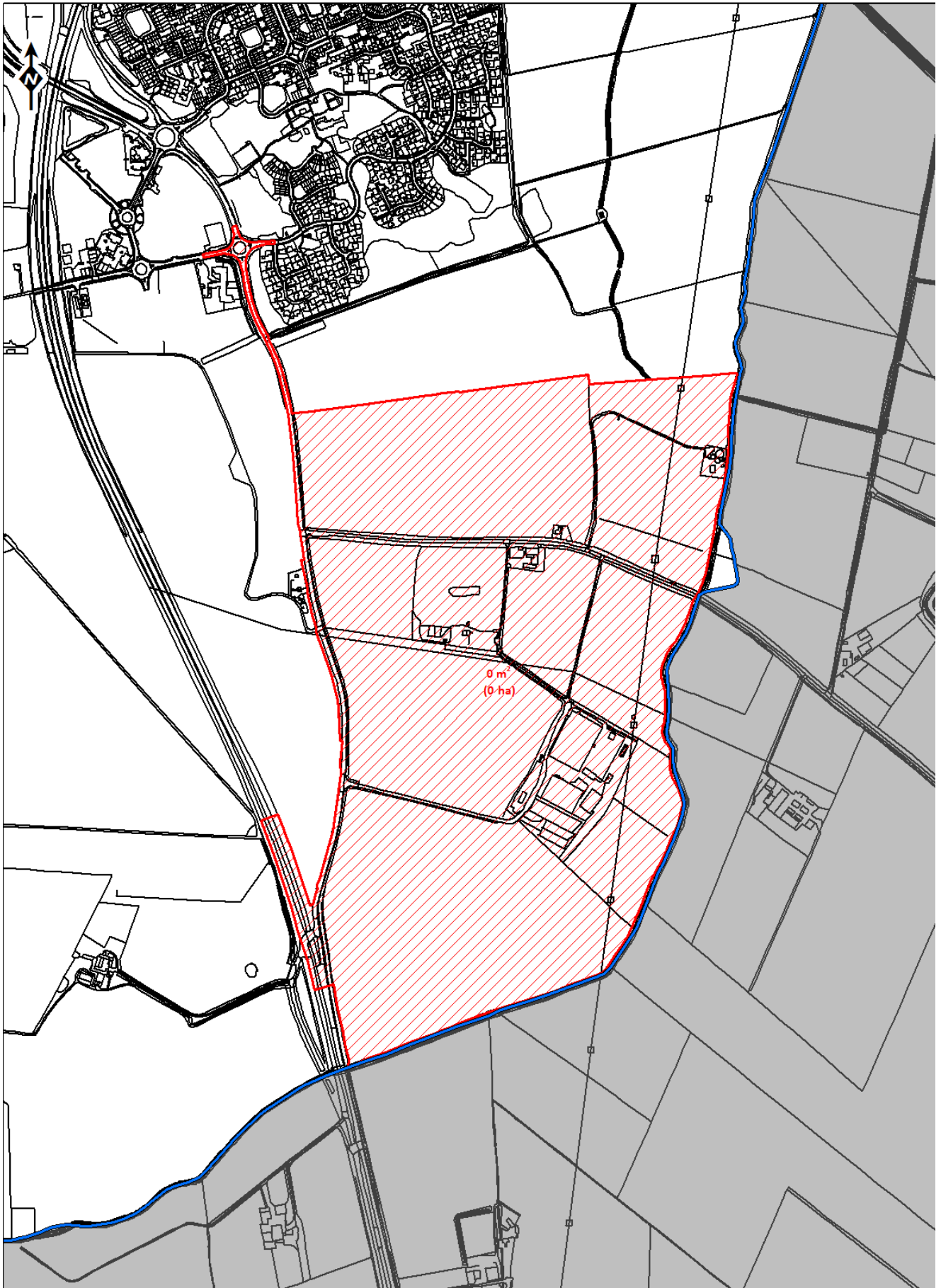
Background Papers

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.

Matt Lamb
Business Manager – Growth and Regeneration





Ref: LT090462-01/RJW/220816

For the attention of:

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Kelham
Nottinghamshire
NG23 5QX

18th 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"> • Creation of left-slip from A1 (south) • Banning right turn from B6326 to A1 north • Roundabout to serve Phase 3 of the Persimmon development
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"> • continuous carriageway of 6.75m wide • including the provision of a continuous shared 3m footway/cycleway on the northern side of the carriageway • including a 2m footway on the southern side of the carriageway (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"> • Increased flare length on Goldstraw Lane to extend the 2 lane entry; • Increased flare length on the B6326 southern arm to extend 2 lane exit; • Widening of the B6326 on the northern arm to provide a 2 lane exit; • Increase flare length on the A1 slip road with 40m taper to provide a 2 lane entry
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 15th August 2016 and the following suggested trigger points and completion points proposed:

Highway Work	Trigger for Delivery
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 th dwelling (Persimmon development); 1b) Creation of left slip road from A1 will be completed prior to occupation of the 900 th 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 th 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 th 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 th 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 th 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 th 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



TECHNICAL NOTE

TITLE: Fernwood South – Noise Assessment Comments

CLIENT: Persimmon

DOCUMENT REFERENCE: 296381-01(00)

Author:	Mark Underhill - Principal Consultant (MIOA)	Technical reviewer:	Jonathan Mart - Principal Consultant (MIOA)
Date:	26 November 2018	Date:	26 November 2018

MIXED USE DEVELOPMENT AT FERNWOOD SOUTH – PLANNING APP. RE. 16/00506OUTM

1. INTRODUCTION

This document provides responses to the comments received in respect of the Fernwood South noise and vibration assessment, which was undertaken by RSK in 2015. The comments have been provided by Sanderson Weatherall (SW)¹ who are acting on behalf of Newark Steel Ltd (NSL). NSL operate a steelwork stockholding and processing facility, which is located adjacent to the boundary of the proposed development site.

2. SW COMMENTS AND RSK RESPONSES

SW comment No.1:

“a) Noise – The Persimmon Homes’ Masterplan (Dwg. No. 6534-L-07-1) shows residential properties adjacent to the south and west boundaries of the NSL depot. Residential properties are also shown adjacent to Sylvan Way (both sides). Consequently, there is the potential that residential amenities within the proposed development could be affected by the activities that take place inside the depot, particularly as the operations commence at 03:30 hrs. For example, there will be noise outside of the depot buildings from several sources including from the manoeuvring of Heavy Goods Vehicles (HGVs), the coming and going of delivery HGVs, warning sounds from unloading and packing HGVs, reversing alarms on forklift trucks and side-loaders, as well as from slinging chains over loads. There will be additional noise from activities that take place inside the warehouses including from the steel dragger system (which is how the steel moves between certain equipment and processes within the warehouses), 4no. steel saws, a saw drill line and shot blaster; large doors on both sides of the two warehouses are open when the site is in operational use. Given the proposed residential development adjoins the NSL depot on three sides, we would expect the Permission Homes’ Noise and Vibration

¹ Sanderson Weatherall letter ref. 182370/NH, dated 23 October 2018

Assessment (NVA) to have considered these activities however, a review of this documents suggests that these activities have been significantly underplayed.

For example, the monitoring location closest to the NSL depot is located next to Warehouse B and shielded by dense overgrowth. This is both quite far from Warehouse A, which is where the noisiest industrial activities take place, and behind a hedgerow that is outside of the applicant's control so its long-term retention cannot be secured via an appropriately worded planning condition. It is suggested that this monitoring location will not lead to accurate findings. NSL would have been pleased to have discussed its operations with Persimmon Homes' acoustics advisor if they had bothered to contact them; the scope of the NVA would then have been robust."

RSK response to comment No.1:

An unattended noise logger was set up along the western boundary of the industrial site with the intention of capturing the noise emissions generated by the various industrial activities. For robustness, the noise measurements at this location were taken over a seven-day period (05 – 11 February 2015). The resultant dataset has been used to determine the suitability of the site for residential development and establish the requirement for any associated mitigation measures.

The methodology for the baseline noise survey was agreed with the local authority prior to commencement.

During the deployment of the monitoring equipment, the surveyor subjectively considered the contribution of the noise emissions arising from the NSL site and positioned the logger at a representative location to capture the various perceptible sources of noise. The dominant source was noted to be attributable to roof mounted ventilation plant on Warehouse A however, other less prevalent noise sources were also noted to occur intermittently. The noise from both continuous and intermittent sources, during daytime and night-time hours would have been adequately captured by the long term monitoring position and utilised accordingly for the purposes of associated mitigation.

Concerns about the perimeter hedge are not considered to be significant. To provide effective acoustic screening, vegetation would typically need to be at least 10 metres deep, dense and consistent over its full height. It would also need to be evergreen to ensure year-round attenuation.

To inform the reserved matters application for the development (at a later stage), it is intended that a supplementary noise survey will be undertaken, including a series of measurements taken at the boundary of the industrial depot. The mitigation strategy for the proposed dwellings will be refined to reflect the latest survey data.

SW comment No.2:

"The NVA suggests that the extraction equipment on the warehouses are the most likely source of noise from the depot. This is incorrect for the reasons explained previously. Furthermore, this fails to appreciate that the extraction equipment is located on the east-facing elevations i.e. opposite the rear of the depot so away from the Persimmon Homes' site.

More significantly and worrying are the baseline noise model maps; these show the warehouses as white boxes with no noise emission levels. This suggests there is no sound generated from the warehouses, which again is incorrect.”

RSK response to comment No.2:

As noted above, the air handling units on the roof of Warehouse A were subjectively noted as being the dominant noise source whilst the monitoring equipment was being deployed/retrieved. The duration of the baseline measurements taken adjacent to the boundary of the NSL site should ensure that other prominent noise producing activities would have been adequately captured.

The noise model has been calibrated against the measured levels taken at the site boundary (Position LT2), with the emission source being assigned to the roof mounted ventilation equipment (dominant contribution). Such an approach is standard practice where on-site measurements of specific plant items cannot be obtained. The noise maps clearly show the noise source attached to the warehouse building and denoted by the change in coloured noise contours (coloured red and changing to amber as the noise level reduces). If the specific source noise were to be assigned to an alternative source within NSL, the resultant levels at the monitoring location (and subsequent assessment conclusions) would not alter because the noise levels obtained during the long term would still be used as a means of calibration.

SW comment No.3:

“Tables 3.2 to 3.5 show the unattended and attended monitoring results however, the exact start and end times are not specified. It is not therefore clear if the NVA adequately captures the noise generated from the NSL depot, particularly during its night-time operations.”

RSK response to comment No.3:

The unattended noise measurements taken adjacent to the western boundary of the NSL site (Position LT2) commenced at approximately 16:00 hrs on 5 February 2015 and recorded continuously during both daytime and night-time periods (07:00-23:00 and 23:00-07:00 hrs respectively), terminating on 11 February 2015 at mid-day.

The duration of the survey was therefore considered sufficient to capture both daytime and night-time noise emissions occurring at the adopted measurement location.

SW comment No.4:

“Given it has been nearly 4 years since the NVA was undertaken and during the same period NSL has incrementally grown its operations at the depot, we consider noise levels have probably increased and this, in itself, justifies an updated NVA.”

RSK response to comment No.4:

As noted above, it is intended that a supplementary noise survey will be undertaken to inform the reserved matters application (detailed design stage) for the proposed development. This would include a series of supplementary measurements taken around the perimeter of the NSL site. On this basis,

the potential variance in the noise levels generated by the NSL facility including any operational growth over the last four years would be captured.

To ensure a robust assessment at reserved matters stage, it would be prudent for NSL and Rototek to be consulted regarding the strategy for any subsequent baseline noise measurements. This should ensure that the monitoring accurately captures the industrial noise climate.

SW comment No.5:

Whilst traffic noise has been assessed adjacent to the A1, the B6326 Great North Road and Shire Lane, it has not been assessed adjacent to Sylvan Way. No reasons are given for this exclusion but it should be an important consideration because residential properties are proposed on either side of Sylvan Way. The road is currently used as the access into and out of 3 industrial sites, namely: the NSL depot; the Rototek site; and, a used tyre storage and processing compound. It is understood that Persimmon Homes intend to make the western end of Sylvan Way into a bus route; the western end will also act as a vehicular access into the residential block to the north of Sylvan Way and a smaller block to the south. Consequently, noise from traffic along Sylvan Way will increase as a result of the residential developments. However, the omission of this road represents an inconsistency and undermines the credibility of the NVA.

RSK response to comment No.5:

Traffic data was not made available for the Sylvan Way link to inform the noise assessment. The traffic flows utilising this road link will be assessed as part of the reserved matters applications with an appropriate mitigation strategy introduced for the proposed road side receptors, where necessary. A number of mitigation measures including façade treatments, orientation and stand-off distances can be utilised which should not preclude the inclusion of new residences adjacent to Sylvain Way.

SW comment No.6:

“Additionally, it is likely that the industrial noise from the depot will increase when NSL pursues it growth plans.”

RSK response to comment No.6:

The proposed growth plans are understood to comprise revised working hours that will permit 24 hr operation, seven days a week. This can be accounted for as part of a reserved matters application using the refined measurement data.

Conditions and Informatives for 16/00506/OUTM

Commencement	01	<p>The development hereby permitted shall be begun either before the expiration of five 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 five years from the date of this permission and all subsequent reserved matters applications shall be submitted before the expiration of fifteen 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>
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 & Compulsory Purchase Act 2004 and for reasons of sustainable travel and highway capacity.</p>
Phasing	04	<p>The development hereby approved shall be implemented in accordance with the Phasing Plan (drawing no. 6534-L-06) and each reserved matters application for each phase or sub phase of the development 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"> I. Development area or parcels, including broad areas, range of residential unit numbers and/or floorspace or non-residential uses. II. Site accesses and major internal infrastructure including internal roads, pedestrian and cycle crossings, footpaths, cycleways and bus stop infrastructure.

		<p>III. Confirmation of the timescale for the implementation of the off-site highway infrastructure including highway improvements/traffic management.</p> <p>IV. Timing and delivery of the associated Green Infrastructure within that phase (including public open space, formal sports recreation facilities, 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 matters submissions for any phase or sub phase hereby approved shall be carried out in accordance with the following plans:</p> <ul style="list-style-type: none"> • Parameters Plan A Application Boundary FPCR Drawing Reference No. 6534-L-01 • Parameters Plan B Land Use FPCR Drawing Reference No. 6534-L-02 • Parameters Plan C Residential Density FPCR Drawing Reference No. 6534-L-03 • Parameters Plan D Access FPCR Drawing Reference No. 6534-L-04 • Parameters Plan E Green Infrastructure FPCR Drawing Reference No. 6534-L-05 Rev A • Parameters Plan F Phasing FPCR Drawing Reference No. 6534-L-06 <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	06	<p>The submission of each reserved matters and the implementation of development shall be carried out in substantial accordance with the principles described and illustrated within the Illustrated Masterplan Ref 6534-L-07 rev. I and the Design and Access Statement. For the avoidance of doubt this should include changing facilities, toilets and car parking for the sporting provision to north of Shire Lane for the relevant phase or sub phase of the development.</p> <p>Reason: To ensure that the site is developed in a satisfactory manner and for the avoidance of doubt.</p>
	07	<p>Each application for reserved matters approval for each phase or sub phase of the development shall include a statement detailing how the application responds to the design principles contained within the Masterplan and Design and Access Statement on the following matters, subject to revisions agreed in writing by the Local Planning Authority;</p>

		<ul style="list-style-type: none"> • Place making including build form, design, scale, height and massing; • Design, materials, detailing and boundary treatment; • Movement including street hierarchy, connectivity and design principles; and • The design and function of landscaping, green infrastructure and open space <p>Reason: To ensure consistency with the Masterplan and Design and Access Statement and ensure the site is developed in a satisfactory manner.</p>
Development Quantum Residential	08	<p>The development hereby permitted authorises the erection of no more than 1800 dwellings falling within Use Class C3.</p> <p>Reason: To define the planning permission and to ensure the development takes the form agreed by the authority and thus results in a satisfactory form of development.</p>
Development Quantum Local Centre	09	<p>The development hereby permitted authorises no more than 0.75ha gross of A1, A3, D1 uses to be provided within a Local Centre as indicated on Parameters Plan B Land Use FPCR Drawing Reference No. 6534-L-02.</p> <p>Reason: To define the planning permission and to ensure appropriate development takes the form agreed by the authority and thus results in a satisfactory form of development.</p>
Development Quantum Specific Uses	10	<p>Within the Local Centre as indicated on Parameters Plan B Land Use FPCR Drawing Reference No. 6534-L-02, A1 food retail uses shall not exceed 420sqm (gross floor area) with non-food retail not exceeding 115sqm, D1 community uses not exceeding 1,413sqm and sports pavilion not exceeding 252sqm.</p> <p>Reason: To define the planning permission and to ensure the development takes the form agreed by the authority and thus results in a satisfactory form of development.</p>
Land Contamination	11	<p>Unless otherwise agreed by the Local Planning Authority, development in any relevant phase or sub phase which has potential sources of contaminants as identified by the Preliminary Risk Assessment undertaken by RSK and dated December 2014, 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.</p> <p>Part A: Site Characterisation</p>

		<p>An investigation and risk assessment for the relevant phase or sub phase of the development, 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:</p> <ul style="list-style-type: none"> (i) a survey of the extent, scale and nature of contamination; (ii) an assessment of the potential risks to: <ul style="list-style-type: none"> • 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). <p>This must be conducted in accordance with DEFRA and the Environment Agency's <i>'Model Procedures for the Management of Land Contamination, CLR 11'</i>.</p> <p>Part B: Submission of Remediation Scheme</p> <p>A detailed remediation scheme for the relevant phase or sub phase of the development 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</p>
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		<p>Protection Act 1990 in relation to the intended use of the land after remediation.</p> <p>Part C: Implementation of Approved Remediation Scheme</p> <p>The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of the relevant phase or sub phase of the development, other than that required to carry out remediation and 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.</p> <p>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.</p> <p>Part D: Reporting of Unexpected Contamination</p> <p>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.</p> <p>Following completion of measures identified in the approved remediation scheme a verification report must be prepared for the relevant phase or sub phase of the development, which is subject to the approval in writing of the Local Planning Authority in accordance with Part C.</p> <p>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.</p>
<p>Parking and Management Plan</p>	<p>12</p>	<p>The reserved matters application for the relevant phase or sub phase of the development relating to the delivery of the primary school shall include a parking and management plan (including appropriate provision to utilise car parks associated with the Local Centre and a school safety zone which shall include appropriate</p>

		<p>signing, lining, traffic calming, coloured surfacing, and parking restrictions) and shall be submitted to and approved 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 of doubt.</p>
<p>Construction Management Plan</p>	<p>13</p>	<p>No development shall take place on any phase or sub phase of the development until a Construction Environmental Management Plan (CEMP) for that phase or sub phase of the development has been submitted to and approved in writing by the local planning authority. The CEMP shall be updated if required as part of each Reserved Matters submission for each phase or sub phase of the development. The approved CEMP shall be adhered to throughout the construction period. The CEMP shall set the overall strategies for the following showing explicit regard for all existing neighbouring receptors:</p> <ul style="list-style-type: none"> • the parking of vehicles of site operatives and visitors including manoeuvring arrangements; • loading and unloading of plant and materials; • storage of plant and materials used in constructing the development; • the proposed site compound; • the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate; • wheel and vehicle body washing facilities; • provision of road sweeping facilities; • measures to control the emission of noise, dust and dirt during construction; • a Site Waste Management Scheme for recycling/disposing of waste resulting from demolition and construction works; • a Materials Management Plan (MMP) to address the storage and handling of materials; • a Noise Mitigation Scheme (NMS) designed to minimise noise levels during construction such as adopting Code of Construction Practice, adopting principles of Best Practicable Means to reduce noise levels during construction work; • the means of access and routeing strategy for construction traffic; • details of construction traffic signage; • management and procedures for access by abnormal loads; • a strategy to control timings of deliveries to avoid the morning and evening peak travel times where possible; • hours of construction work;

		<ul style="list-style-type: none"> • a construction Travel Plan; • management of surface water run-off, including details of a temporary localised flooding management system; • the storage of fuel and chemicals; • the control of temporary lighting; • measures for the protection of retained trees, hedgerows and watercourses as identified in Tree Survey and Constraints Report dated 19th October 2015; • Appropriate controls for the storage of hazardous materials and fuel storage and filling areas • A scheme to demonstrate how reasonable access to existing properties bordering the site will be maintained during development <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>
Phased Noise Attenuation submitted with each RMA	14	<p>Each reserved matters application for each phase or sub phase of the development hereby approved shall be accompanied by a Noise Assessment and where necessary a Noise Attenuation / Mitigation Scheme shall be submitted to and approved in writing by the Local Planning Authority. The approved attenuation scheme shall be implemented on site prior to first occupation of any dwelling in that phase or sub phase or to an alternative implementation timetable as may be agreed in writing by the Local Planning Authority.</p> <p>Reason: To ensure that noise levels, specifically from the A1 Trunk Road are appropriately mitigated and that the mitigation measures are implemented in a timely manner. This condition accords with the expectations of the Environmental Statement submitted as part of this application and to ensure that the development accords with Policies DM5 and the NPPF.</p>
Noise of plant	15	<p>All new buildings containing plant and/or machinery or fixed external plant should be attenuated to achieve the noise criteria of 5dB below the measured background (L₉₀) at adjacent dwellings' (with an acoustic feature correction applied) unless otherwise agreed in writing by the LPA.</p> <p>Reason: To protect the amenity of the occupiers of the proposed development.</p>
Phased Archaeology	16	<p>No development shall take place within each phase or sub phase of the development hereby approved (pursuant to Condition 4) until an Archaeological Scheme of Treatment Work for the relevant phase or sub</p>

		<p>phase is submitted to and approved in writing by the Local Planning Authority. Thereafter the development in any relevant phase or sub phase shall be implemented in accordance with the approved Archaeological Scheme for Treatment Work unless otherwise agreed in writing by the Local Planning Authority.</p> <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>
Bird protection	17	<p>No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.</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>
Habitat Creation & Management Plan	18	<p>No development (pursuant to Condition 4) shall take place within each phase or sub phase until a Habitat Creation and Management Plan which relates to the green infrastructure associated with that phase or sub phase has been submitted to and approved in writing by the Local Planning Authority.</p> <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	19	<p>Applications for reserved matters approval for each phase or sub 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>

		Reason: This condition is necessary to ensure that the impacts of external lighting on nocturnal wildlife, particularly bats are reasonably minimised in accordance with CP12 and the NPPF and to protect drivers from uncontrolled light sources near the public highway.
Foul Sewage Disposal	20	<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 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>
Detailed Surface Water Drainage Scheme	21	<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. 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.</p> <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>
Suspended Solids	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 for that phase or sub phase 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>
Flood risk	23	<p>The finished floor levels of residential development identified in the 2d Flood Depths within drawing 6534-L-07 rev. I submitted to accompany the letter from RSK dated 8th August 2016 are to be set 600mm above the predicted 1% 2015 flood level based on the flood risk depths.</p> <p>Reason: To reduce flood risk to the proposed development.</p>
Travel Plan	24	No development shall commence within each phase or sub phase until a scheme of implementation in

		<p>accordance with details as contained within the Framework Travel Plan dated March 2016 and prepared by Milestone Transport Planning has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details. For the avoidance of doubt the scheme shall include the following:</p> <ul style="list-style-type: none"> • Timing and means of delivery for the revenue contributions towards the additional costs to support the bus provision; • Timing and means of delivery for on site bus infrastructure; • Timing of delivery for the temporary terminus / turn-round point for the extended bus service to the site; • Details of appointment and job description of the Travel Plan Coordinator in line with Table 6.1 of the Framework Travel Plan dated March 2016. <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>
Management Company	25	<p>Prior to the commencement of any phase or sub phase (pursuant to Condition 4) of the development hereby approved a brochure outlining management arrangements and associated charges relating to that phase or sub phase shall be submitted to and approved in writing by the local planning authority. Thereafter potential residential purchasers will be provided with the approved brochure by the developer prior to completion of sale.</p> <p>Reason: To ensure future residents are aware of the management arrangements and obligations and to deliver a satisfactory development.</p>
Marketing Brief	26	<p>Prior to the occupation of 300 dwellings, a Marketing Brief for the Local Centre to include the mix and disposition of uses, access and circulation, public realm, parking, and urban design principles shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.</p> <p>Reason: To ensure consistency with the Design & Access Statement and ensure a satisfactory form of development and in the interests of the character and appearance of the area.</p>
Highways England	27	<p>Prior to the commencement of any part of the development hereby approved, details of the form of the A1 / B6326 junction (as shown in Milestone drawing 14106/037, and 14106/027 revision C) shall be submitted</p>

		<p>to and agreed by the Local Planning Authority in consultation with Nottinghamshire County Council (acting as Local Highway Authority) and Highways England.</p> <p>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.</p>
	28	<p>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.</p> <p>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.</p>
	29	<p>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, subject to Detailed Design and Road Safety Audit.</p> <p>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.</p>
NCC Highways	30	<p>Notwithstanding the submitted indicative masterplan and layout drawings, all site highway layouts should comply with the 6Cs design guide unless otherwise agreed by the Highway Authority (see www.leics.gov.uk/index/6csdg) and be submitted to and agreed in writing by the LPA.</p> <p>Reason: To ensure the development is constructed to adoptable standards.</p>
	31	<p>Prior to the occupation of Phase 2 of the development hereby approved improvements to the B6326 Great North Road/ Sylvan Way shall be delivered and made available to traffic as illustrated by drawing 14106/026 Rev. A (or through a subsequent revised drawing agreed by the LPA).</p> <p>Reason: In the interest of highway safety and capacity.</p>
	32	<p>Before occupation of the 50th dwelling, improvements to the B6326 Great North Road/ Shire Lane junction</p>

	<p>shall be delivered and made available to traffic as illustrated by drawing 14106/025 Rev. F (or through a subsequent revised drawing agreed by the LPA).</p> <p>Reason: In the interest of highway safety and capacity.</p>
33	<p>Prior to the completion of Phase 1 of the development hereby approved improvements to the C421 Shire Lane corridor shall be delivered and made available to traffic as illustrated by drawing 14106/018 Rev. E (or through a subsequent revised drawing agreed by the LPA).</p> <p>Reason: In the interest of highway safety and capacity.</p>
34	<p>Before occupation of the 50th dwelling, improvements to the B6326 Great North Road between Shire Lane and Dale Way shall be delivered and made available to traffic as illustrated by drawing 14106/016 Rev. D (or through a subsequent revised drawing agreed by the LPA).</p> <p>Reason: In the interest of highway safety and capacity.</p>
35	<p>In the event that the Barratt/DWH development the subject of planning application LPA reference 14/00465/OUTM does not commence, and unless an alternative scheme has been approved in writing and thereafter completed to the satisfaction of the Local Planning Authority, before occupation of the 630th dwelling, improvements to the Goldstraw Lane/B6326 roundabout shall be delivered and made available to traffic as illustrated by drawing 14106/038 (or through a subsequent revised drawing agreed by the LPA).</p> <p>Reason: In the interest of highway safety and capacity.</p>
36	<p>No dwelling shall be occupied until the associated parking areas and manoeuvring areas for that dwelling have been drained and surfaced in accordance with the details approved in writing by the Local Planning Authority. The areas so provided shall not be used, thereafter, for any purpose other than the parking and manoeuvring of vehicles, unless otherwise agreed in writing by the Local Planning Authority.</p> <p>Reason: In the interest of highway safety.</p>
37	<p>Prior to development commencing, a scheme to provide street lighting on the B6326 Great North Road between Dale Way and the A1 slip road, south of the development, shall be submitted to and approved in writing by the LPA, and thereafter implemented in accordance with the approved details.</p> <p>Reason: In the interest of highway safety.</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. In relation to the following explicit conditions, the applicant would be expected to provide the following:

Condition 4 – Phasing

The applicant is advised that bus infrastructure, as referred to in this condition should be agreed (at the very least communicated to prospective purchasers likely to be affected by provision) prior to occupation for each phase or sub phase in accordance with the Phasing Plan (drawing no. 6534-L-06) .

Condition 13 – Construction Management Plan

The Noise Mitigation Scheme (NMS) relating to the construction phase of the development NMS shall be designed to minimise noise levels during construction work such as adopting a Code of Construction Practice, adopting principles of Best Practicable Means to reduce noise levels during construction work, selecting the most appropriate plant, the use of localised hoardings where noise levels at noise-sensitive properties during certain specified periods of the construction, arrangements for liaison with local residents to inform them of periods where noise levels might be higher and any other appropriate measures.

Condition 18 – Habitat Creation and Management Plan

The Habitat Creation Plan shall include details of the following within each phase, as appropriate:

- The location and extent of all new habitats including all works required for the creation;
- For the creation of new habitats, these details shall identify target habitats with reference to the Nottinghamshire Local Biodiversity Action Plan and habitats specifically designed for the cinnabar moth, 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 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 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.
- Measures to enhance retained habitats;

- How public access will be controlled to limit disturbance to wildlife;
- Ecological enhancements to include (but shall not be limited to) bird, bat boxes and the creation of artificial hibernaculae for reptiles at appropriate points within the site which should offer immediate enhancements (prior to first occupation) and longer term enhancements where appropriate;
- Opportunities to enhance the proposed drainage features on site to benefit biodiversity;
- 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;
- An implementation timetable for all elements.

In addition to the above each reserved matters application shall be accompanied by an updated Extended Phase 1 Habitat Survey together with any Protected Species Surveys identified as being required. Where protected species are identified as being present on site, a scheme of mitigation shall be submitted. Any scheme of mitigation shall include a working design, methods statement and timetable of works to mitigate any adverse effects to protected species.

Condition 21 – Detailed Surface Water Drainage Scheme

The scheme to be submitted shall include

- 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;
- 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 3rd party land are not acceptable.
- Detailed consideration of the risk of accumulation and mitigation of the pluvial flooding as shown on the Environment Agency surface water flood risk plans.
- 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 7th edition in terms of the criteria for pipe-full flows, surcharge and flooding;
- 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 3rd party properties and should use public open space and highways.
- All infiltration areas with supporting specification, calculations and construction details.

- Attenuation pond/tank details including volumetric calculations, geotechnical & slope-stability calculations as appropriate, specification of materials used to construct any berms.
- Full specification & 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.
- Full documentary evidence for consideration by the LPA/LLFA legal advisors of the rights to discharge to any watercourse.
- 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;
- Timetable for its implementation;
- 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;
- In addition to dealing with surface water drainage this scheme shall also be designed to maximize biodiversity opportunities.

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 (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.

04 (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

05 (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

Heritage England

Ancient Monuments Inspector

44 Derngate

Northampton,

NN1 1UH

Tel: 01604 735400

Fax 01604 735401

E-mail: 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

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".

06 (National Grid)

The following advice from National Grid should be noted:

'BEFORE carrying out any work you must:

- Ensure that no works are undertaken in the vicinity of our gas pipelines and that no heavy plant, machinery or vehicles cross the route of the pipeline until detailed consultation has taken place.
- Carefully read these requirements including the attached guidance documents and maps showing the location of National Grid apparatus.
- Contact the landowner and ensure any proposed works in private land do not infringe National Grid's legal rights (i.e. easements or wayleaves). If the works are in the road or footpath the relevant local authority should be contacted.
- Ensure that all persons, including direct labour and contractors, working for you on or near National Grid's apparatus follow the requirements of the HSE Guidance Notes HSG47 - 'Avoiding Danger from Underground Services' and GS6 – 'Avoidance of danger from overhead electric power lines'. This guidance can be downloaded free of charge at <http://www.hse.gov.uk>
- In line with the above guidance, verify and establish the actual position of mains, pipes, cables, services and other apparatus on site before any activities are undertaken.'

07 (STW)

The following advice from Severn Trent Water should be noted:

‘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 (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).

09 (CIL)

The applicant is advised that all planning permissions granted on or after the 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/

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.

010 (Police Architect)

The comments of the Police Force Architectural Liaison Officer should be noted in respect of the design presented at reserved matters stage.

011 (Hours of construction)

Condition 13 requires consideration of hours of construction. These would be expected to be broadly with those outlined within the ES unless otherwise justified through the discharge of condition 13. For the avoidance of doubt the hours of construction referred to in the ES are: 0700 – 1900 Monday to Friday and 0700 – 1300 Saturday (and not at all on Sundays or Bank Holidays).

012 (NWT)

The comments of Nottinghamshire Wildlife Trust should be noted in terms of the offer for further advice as to how drainage features can be designed with additional wildlife benefits.

013 (Natural England)

Natural England offer the following advice:

‘It is recognised that a proportion of the agricultural land affected by the development will remain undeveloped (for example as green infrastructure, landscaping, allotments and public open space etc.). In order to retain the long term potential of this land and to safeguard soil

resources as part of the overall sustainability of the whole development, it is important that the soil is able to retain as many of its many important functions and services (ecosystem services) as possible through careful soil management.

Consequently, we advise that if the development proceeds, the developer uses an appropriately experienced soil specialist to advise on, and supervise, soil handling, including identifying when soils are dry enough to be handled and how to make the best use of the different soils on site. Detailed guidance is available in Defra *Construction Code of Practice for the Sustainable Use of Soils on Construction Sites.*'

014 (NCC Highways)

Section 38 Agreement (Highways Act 1980)

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. A Section 38 Agreement can take some time to complete. Therefore, it is recommended that the developer contact the Highway Authority as early as possible.

It is strongly recommended that the developer contact the Highway Authority at an early stage to clarify the codes etc. with which compliance will be required in the particular circumstance, and it is essential that design calculations and detailed construction drawings for the proposed works are submitted to and approved by the County Council in writing before any work commences on site.

Section 278 Agreement (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. Please contact Dave Albans on telephone number 01158 040015

It may be appropriate/helpful to submit a Design Code to include details of:

- street type/function;
- the principal dimensions of streets and boundary treatments include sight lines (visibility splays);
- junctions and types of traffic calming;
- treatment of major junctions public transport links;

- location and standards for on and off-street parking, including cycle parking, car parks and parking courts, and related specifications;
- street lighting and street furniture specifications and locations;
- pedestrian and cycle links including appropriate crossing facilities between all existing and proposed infrastructure;
- drainage which shall accompany any road layout submission;
- routeing and details of public utilities which shall accompany any proposed road layout submission;
- arrangements for maintenance and servicing including refuse collection/bin storage;

Developer Contributions for 16/00506/OUTM

Contribution	Definition within S106	Formula / SPD Requirement	Anticipated Contribution	Trigger Points
<i>Affordable Housing</i>	Affordable Rented, Discounted Low Cost Affordable Dwellings as defined in Annex 2 to the NPPF (or any successor document or definition produced by HM Government or any agency thereof)	13% (reflecting a mix of 52% affordable rent and 48% Discounted Open Market Value)	<p>234 (13%) affordable dwellings to be delivered on site:</p> <p>52% of units will be affordable rent provision owned and managed by a Private Registered Provider or the Local Authority</p> <p>48% of units to be Discount Open Market Value (DOMV) properties.</p>	<p>Affordable Housing Scheme to be submitted prior to the commencement of development of each phase</p> <p>Construct Affordable Housing in compliance with the approved scheme (each phase will include Affordable units)</p> <p>No occupation of more than 60% of the individual completed properties constructed on the site within any phase until at least 45% of the Intermediate Housing within any phase has been completed and transferred to an Affordable Housing Provider</p> <p>No occupation of more than 90% of the individual completed properties within any phase until the remaining 55% of the Intermediate Housing within any phase has been completed and transferred to an Affordable Housing Provider</p>

<p><i>Community Facilities</i></p>	<p>The provision on site of a Community Hall which shall incorporate a badminton court having a total gross floor area not exceeding 1,113m² and a sports pavilion which shall include changing rooms having a total gross floor area not exceeding 252m²</p>	<p>Provision of new infrastructure from development proposals. Where existing infrastructure exists or where small scale developments do not warrant new infrastructure, a contribution may be appropriate.</p>	<p>Community Hall with badminton court within the Local Centre</p> <p>Sports Pavilion within the Sports Hub</p>	<p>To be delivered in accordance with the phasing arrangements of the development</p> <p>No development to commence within each phase to which community facilities are to be location until a Community Facilities Specification has been submitted and approved by the LPA</p>
<p><i>Health Provision</i></p>	<p>The sum of £1.71 million to secure Healthcare Provision</p>	<p>Core Strategy Policy requirement for strategic site to provide facilities for 3 GPs.</p> <p>The Developer Contributions SPD requires a contribution of £950 per dwelling.</p> <p>£950 per dwelling would equate to a contribution of £1.71 million</p>	<p>Pending a Healthcare Review the monies will either be contributed towards existing healthcare facilities at the following locations:</p> <ul style="list-style-type: none"> • Balderton Health Centre • Lombard Medical Centre, Newark • Fountain Medical Practice, Newark • Bowbridge Road Surgery, Newark • Newark Hospital <p>Or the healthcare provision will be delivered through an on site Health Centre with a maximum floor area of 300m² with associated car parking</p>	<p>Prior to the occupation of the 700thP [still under review by Officers and applicant] dwelling, the owner, the District Council and the CCG will carry out a healthcare review in order to determine the most suitable means of addressing the healthcare needs of the development</p> <p>An area of land within the site will be reserved to accommodate the Health Centre pending the outcome of the Healthcare Review</p>

<p><i>Education Provision</i></p>	<p>The sum of up to £5,751,854 to secure the provision of the Primary School</p> <p>2.2ha of the site identified for future development of the Primary School</p> <p>0.8ha of the site adjoining the Primary School site to be reserved for future possible expansion of the Primary School</p> <p>The detailed specification for the proposed Primary School to be produced by the County Council to include (where applicable) the proposed phasing for the construction of the Primary School</p>	<p>A development of 1800 dwellings would generate 378 primary places</p> <p>The LEA require a new 2 form entry (420 place) primary school to be constructed on site. A site allowance of 2ha would be required. Build specification should meet DfE requirements and Education Funding Building Bulletin 103</p> <p>Site is required to be clear of contamination, level and serviced prior to transfer to LEA/construction of school</p> <p>Secondary education is delivered through CIL</p>	<p>The delivering of a 2 form entry primary school and expansion land to allow for the creation of a 3 form entry</p>	<p>The triggers for the delivery of the 2fe primary school if the County Council was to design and build it would be as follows:</p> <ul style="list-style-type: none"> • Transfer of the level, contamination free, serviced site to the County Council on commencement of the residential development; • 10% of the total costs to be paid on commencement of the residential development (to cover the design, planning and procurement;) • 37% on occupation of the 30PthP dwelling; • 15% on occupation of the 330th dwelling • 23% on occupation of the 780th dwelling; and • 15% on occupation of the 1280th dwelling <p>The triggers for the delivery of the 2fe primary school if it is to be construction by the developer would be as follows:</p> <ul style="list-style-type: none"> • Phase 1: Infrastructure for 420 places UplusU 4 classrooms to be completed by the occupation of the 200PthP dwelling OR within 16 months of commencement of the
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				<p>residential development(First occupation) whichever is the sooner;</p> <ul style="list-style-type: none"> • Phase 2: 3 additional classrooms to make 210 places to be completed by the occupation of the 450th dwelling; • Phase 3: 4 additional classrooms to be completed by the occupation of the 900th dwelling; • Phase 4: 4 remaining classrooms to provide 420 places to be completed by the occupation of the 1400th dwelling. 	
<i>Public Space</i>	<i>Open</i>	<p>The areas of open space comprising; Amenity Green Space; On-site Children’s Play Areas to include 2 LEAPs and 1 NEAP; On site Sports Facilities; Allotments and Community Gardens; Natural and Semi-Natural Green Space</p>	<p><i>Natural and Semi Natural Green Space</i> Policy = 10ha per 1,000 population or all residents to live within 300m. 1800 dwellings = 43.2 ha policy requirement.</p> <p><i>Amenity Green Space</i> Policy = 0.6ha per 1000 population 1800 dwellings = 2.59 ha</p> <p><i>Children and Young People</i> Policy = 0.75ha per 1000 population. 1800 dwellings = 3.24ha</p>	<p>19.1 hectares alongside structural planting and landscape buffer areas totaling 6.7 hectares including allotments</p> <p>6.4 hectares of amenity green space and provision for children and young people include pocket parks, 2 LEAPs and 1 LEAP</p> <p>2 adult football pitches (one grass and one AGP)</p> <p>2 mini football pitches</p> <p>1 junior football pitches</p>	<p>To be delivered in accordance with the phasing arrangements of the development</p> <p>No development to commence within each phase to which public open space are to be located until an On-site Open Space Scheme has been submitted and approved by the LPA</p>

		<p><i>Allotments and Community Gardens</i></p> <p>Policy = 0.5ha per 1000 population</p> <p>1800 dwellings = 2.16ha.</p>	<p>1 adult and youth cricket pitch</p> <p>1 adult rugby pitch</p> <p>Changing facilities north of Claypole Lane</p> <p>4 tennis courts</p>	
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PLANNING COMMITTEE – 5 FEBRUARY 2019

Application No:	16/02173/OUTM
Proposal:	Residential Development up to 800 dwellings (Class C3), Strategic Employment Site comprising up to 4,855 sqm Class B1a, up to 13,760 sqm Class B1c, and up to 13,760 sqm Class B2, a new Country Park, a Local Centre, "The Heart of the New Community" containing a mix of leisure (to include zip wire), commercial, employment, community, retail (up to 500 sqm), health, and residential uses, a Primary School, Open Space and Green Infrastructure (including SUDS), and associated access works including the details of the primary access junctions into the site from Ollerton Road.)
Location:	Former Thoresby Colliery Ollerton Road Edwinstowe
Applicant:	Harworth Estate Group
Registered:	23.12.2016
	Target Date: 29.03.2017 Extension of Time Agreed in Principle

Members will note that this application has been brought before Planning Committee on the 19th October 2017 with an officer recommendation for approval subject to conditions and an associated S106. Draft conditions were detailed in the Schedule of Communications distributed at the meeting, with any re-drafting being delegated to Business Manager Growth and Regeneration.

The following report forms an edited version of the original presented to the 19th October 2017 meeting. The matter is brought back to Members in order to 'sense check' that revisions to the National Planning Policy Framework published on 24th July 2018 do not materially affect previous conclusions and the wider planning balance. Any additional commentary has been captured in bold text within the 'Comments of the Business Manager' section.

The Application Site

The application relates to the former Thoresby Colliery site which closed in July 2015 and comprises the former pit yard area; spoil heaps and some arable fields fronting the A6075 Ollerton Road to the south.

It is irregular in shape, extending to some 150.3ha and comprises several parcels of land namely:-

- The former pithead area in the centre of the site, including mine shafts, winding houses, coal preparation plant (now demolished) and surface facilities;#
- Agricultural fields in the south of the site, fronting the A6075 Ollerton Road;
- The central tree lined existing access road, with gatehouse, which bisects the fields;

- A railway cutting and former sidings in the west of the site, and south of the pithead area;
- Former coal stocking area south of the pithead;
- A settlement pond in the southeast of the site, for the storage of surface water prior to outfall from the site; and
- Spoil tipping areas to the west, north, and east of the pithead buildings.

The site lies to the north east of the settlement of Edwinstowe and is primarily accessed from the A6075 Ollerton Road via the existing colliery access road.

Residential properties adjoin the eastern and western corners of the site.

To the north and east it is bounded by the Birklands and Bilhaugh Special Area of Conservation and Special Sites of Scientific Interest that lie within the adjacent Special Area of Conservation (Birklands and Bilhaugh; Birklands West and Ollerton Corner). The Sherwood Forest National Nature Reserve (NNR) and Country Park lies to the west. The site also lies within the 5km buffer zone of the Sherwood Important Bird Area, and parts of the site are within 500m of an Indicative Core Area identified by Natural England for a potential prospective Special Protection Area (SPA).

Background

Thoresby Colliery closed in 2015, with the loss of 600 jobs. It was the last deep coal mine to close in Nottinghamshire. The spoil heap to the north are already subject to a significant restoration scheme agreed with Nottinghamshire County Council which will see it restored to heathland, woodland and grass land.

The applicants, Harworth Group are a large property regeneration company which specialise in the remediation of brownfield sites such as former colliery sites and coking works.

The site is proposed to be allocated as a Strategic Urban Extension site in the Amended Core Strategy. This was published for a period seeking representations between 17 July and 1 September 2017. Following this consultation the site remains a proposed allocation by this Council, as ratified by a Full Council meeting on the 26th September 2017. Consequently this site, which forms part of the Council's Amended Core Strategy DPD was formally submitted to the Secretary of State for Examination on Friday 29 September 2017. It is anticipated that the Examination Hearings will be held in December 2017, with adoption to follow in March/April 2018 (based on the timetable for previous DPDs this Authority has submitted).

The proposed site allocation policy within the Publication Amended Core Strategy (Policy ShAP4) identifies the application site for large scale housing development, employment land uses, leisure and community uses including retail to meet local needs and associated green, transport and other infrastructure.

Relevant Planning History

A scheme for the restoration of the former spoil heaps has been approved by Nottinghamshire County Council originally in 1996 (3/96/0531). This was updated in 2012 (31/11/01826/CMA). The movement of soils and spoil spreading, seeding and planting to restore the spoil heap have consequently commenced and are ongoing

16/SCR/00009 – A screening opinion was submitted in August 2016 seeking an opinion on a proposal for mixed uses including residential, employment and recreational uses. The Council considered that any application would need to be accompanied by an Environmental Statement.

The Proposal

This application seeks outline planning permission with access to be considered (and all other matters reserved for subsequent approval) for:-

- a residential development of circa 30.6 hectares of land comprising up to 800 dwellings of a mix of tenure, sizes and types (Class C3),
- a strategic employment site, comprising up to 4,855sq.m. Class B1a, up to 13,760sq.m. Class B1c, and up to 13,760sq.m. Class B2 located to the south eastern corner of the site with access to be provided from the A6075,
- a new Country Park comprising circa 99 hectares of land to the north of the site,
- a local centre, containing a mix of leisure (to include zip wire), commercial, employment, community, retail (up to 500sq.m.), health, and residential uses,
- a primary school site comprising circa 1.3 hectares located towards the southwestern boundary of the site,
- open space and green infrastructure, and
- associated access works including the details of the primary access junctions into the site from Ollerton Road.

A breakdown of the amount of development is shown within the table below:-

USE	HECTARES	ACRES	DELIVERY
COUNTRY PARK	99.03	244.72	The former soil heap will be restored, creating multiple ecological habitats
RESIDENTIAL (Cumulative total)	30.65	75.76	The site has the potential to deliver 800 new residential dwellings, ranging from apartments and starter homes through to 3 bedroom houses and a retirement village.
EMPLOYMENT	8.11	20.05	The site has enormous potential to deliver of approximately 250, 000 sq.ft of new commercial space. This has the potential to produce up to 1, 000 new jobs.
SCHOOL SITE	1.3	3.2	Area to provide site for new school creating further linkages to wider community through leisure facilities and employment opportunities. Site area allows for possible future expansion.

The existing vehicular access point off the A6075 Ollerton Road will be retained as the main access point serving the development. An employment access route is proposed further east of this from Ollerton Road. An access point from the A616 Swinecote Road will serve the proposed primary

school, and will be a safeguarded route for alternative access to the new Sherwood Forest Visitor Centre.

Land will be provided to accommodate a primary school site together with a financial contribution towards the building which is detailed within the Developer Contributions section of this report.

The proposal seeks to retain and enhance existing green infrastructure and open space as shown within the indicative master plan

The illustrative Master Plan submitted with the application shows the broad locations of land uses (such as houses, school, open space, employment land) and the Environmental Statement (as the screening opinion in the planning history section above concluded this scheme represents EIA development) outlines typical building scales of 2 and 2.5 storey residential properties with ridge heights of up to 10m, employment properties with ridge heights of up to 10m, primary school with ridge height of up to 9.5m and local centre buildings with ridge heights of up to 12m.

An Indicative Phasing Plan has been submitted which shows how the developer envisages the scheme coming forward.

7 phases (4 phases of residential development located either side of the existing main access road) are shown that indicate the development would come forward from south to north with the first 2 phases (1 and 2) being to the west of the existing main access road. Phase 2 would include the school. The latter phases include the heart of the community zone.

Three character zones are identified within the site, namely 'Forest' 'Heathland' and 'Industrial'.

Given the outline nature of the application details of scale, landscaping and appearance will be determined at reserved matters stage should Members be minded to approve this outline application. However, this outline will allow Members to approve maximum parameters within which any reserved matters should come forward.

Subject to gaining outline consent and associated reserved matters approval, the developer anticipates lodging a reserved matters application for phase 1 in the first calendar year quarter of 2018, and commencing on site in during the third quarter of 2018. Build-out rates have been indicated as being circa 75 dwellings per year and the build programme is anticipated as lasting approximately 10 -12 years. As I explore further below the applicant has provided evidence of their track record of timing, delivery, and build out of similar sites elsewhere.

The application has been accompanied by an Environmental Statement. The scope of the statement covers ecological and nature conservation impacts and socio economic impacts. It demonstrates that there would be no significant adverse or unacceptable environmental effects resulting from the proposed development and no overriding environmental constraints that should preclude the mixed used development of Thoresby Colliery, subject to appropriate mitigation. Given the scale of development proposed, there will inevitably be environmental effects during the construction phase and once the development is built and occupied. Consequently it is important that such impacts are assessed and mitigated for where required. These are matters I deal with throughout the appraisal section below.

Other submissions include the following:

- Flood Risk Assessment
- Design and access Statement
- Planning Statement
- Air Quality Assessment (Executive Summary dated 11th April 2017, technical note scope dated 5th May 2017 and AQ technical note dated 12th May 2017)
- Employment and Residential Travel Plans (revised May 2017)
- Heritage Assessment and Addendum
- Landscape Visual Impact Assessment
- Noise Assessment
- Phase 1 Desk Top Studies
- Supporting Statement in relation to brownfield sites and delivery of development
- Retail Statement
- Illustrative proposed Section plans
- Visualisation plan
- Western and Eastern access junction plans
- Green infrastructure plan
- Consultation Statement
- Land use distribution plan (including phasing)
- Additional supporting statements regarding brownfield sites and policy commitment to delivery

Given the level of infrastructure and S106 requirements required in this case the applicant has formally presented a viability case to the Council for consideration. This was received in July 2017 and has been independently assessed by an expert appointed by the Council.

Departure/Public Advertisement Procedure

Occupiers of 3460 neighbouring properties (both residential and commercial) have been notified by letter of the proposal, site notices have been displayed at various locations in and around the site and neighbouring settlements and a press advert has been placed in the local press . Additionally officers attended a public consultation afternoon at the Parish Council offices.

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy (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 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 7 | Tourism development |
| • Core Policy 8 | Retail and Town Centres |
| • 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

Newark and Sherwood Allocations & Development Plan Document (adopted July 2013)

- 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 DM12 Presumption in Favour of Sustainable Development

Plan Review - Publication Amended Core Strategy July 2017

- Spatial Policy 1 Settlement Hierarchy
- Spatial Policy 2 Spatial Distribution of Growth
- Spatial Policy 5 Delivering the Strategy
- Spatial Policy 7 Sustainable Transport
- Spatial Policy 8 Protecting and Promoting Leisure and Community Facilities
- Core Policy 1 Affordable Housing
- Core Policy 3 Housing Mix, Type, and Density
- Core Policy 6 Shaping our Employment Profile
- Core Policy 7 Tourism development
- Core Policy 8 Retail and Town Centres
- 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 Environments

ShAP3 Role of Edwinstowe – Land at Thoresby Colliery

Other Material Planning Considerations

- Newark and Sherwood Affordable Housing SPD (June 2013)
- Newark and Sherwood Developer Contributions SPD (December 2013)
- National Planning Policy Framework 2012.
- National Planning Policy Guidance, March 2014.
- Newark and Sherwood Landscape Character and Assessment SPD (2013)
- 6 C's Design Guide

Consultations

Edwinstowe Parish Council

The Parish Council has sought the views of Edwinstowe residents and seeks to represent the range of views. We recognise there are different views within the village ranging from support through to opposition and a variety of mixed views in between. Many residents welcome the creation of jobs but there are concerns about the impact of the number of houses unless issues relating to infrastructure and village amenities are addressed. Therefore the Parish Council does not support

or oppose the application at this stage but will seek to influence any development should it be approved and represent residents views through the various planning stages. We strongly urge the planning committee and the planning officers of NSDC to fully consider the views of Edwinstowe residents and ensure that through the use of planning powers and negotiation with developers and relevant bodies the following matters relating to infrastructure and the capacity of village amenities are addressed in the event of approval for the proposed development:-

- Management of traffic flows and parking
- Improvement of Ollerton roundabout
- the capacity of the doctors surgery
- primary and secondary school places
- connectivity with the village
- play and leisure amenities.

In addition we submit a summary of all the suggestions and concerns raised by residents. We recognise that most if not all of these issues will be addressed as reserved matters and some will be matters for other public bodies but should outline approval be given we urge NSDC to commence the process of addressing these matters.

- Not enough amenities to cope with additional residents
- Capacity at doctors surgery
- Increase in traffic through the village
- Capacity at local schools including the Dukeries Academy
- Impact on High Street of proposed new retail space
- Transport links
- Availability of affordable housing for the young
- Funding for health, social community education and transport provision
- Ollerton roundabout requires improvements
- Loss of village status and becoming a town
- Total new housing allocation for Edwinstowe
- Sustainable/renewable energy, environmental issues and carbon footprint impact
- Design/density of development
- Design of landscaping and paths at green open space/country park to make the accessible by all
- Location of proposed new school – should it be in the centre of the village
- Impact on parking in the village when using local services and the need to provide/improve pedestrian and cycle routes to and from proposed development
- Retention of existing buildings needs to be considered
- Demand for parking at the country park/zip wire site – concerns there will be disruption from on road parking
- Is access to the development available from A616 Worksop Road possible
- Historically the ponds were prone to flooding
- Visual impact of new development (area of natural beauty)

Perlethorpe Parish Council

It is understood that this is an outline application only. The committee are in favour of the redevelopment of this site and as brownfield is ideal for village type residential development also the whole proposal will bring sustainable employment to the local area.

Regarding the 800 dwellings no mention of what these will consist of is currently available, nor is health facilities. Will this include a doctors surgery as both the one doctors surgeries in Ollerton and Edwinstowe are already at breaking point.

Our prime concern in the infrastructure to the site from day one start of construction this will be a further burden that the Ollerton roundabout where it joins the A614 and the traffic lights at Rose Cottage the direct route form Edwinstowe for residents of the village looking to join the A614 these are all minor B roads and do not appear to have current facilities to be widened.

The planning officer was not aware that the A614 was frequently used as a diversion route if problems occurred on the M1going from junction 29 and also for traffic coming from Blyth on the A1. The public consultation meeting is welcomed. We are not a parish meeting who is against change but do feel much more information is required from Haworth Group PLC before anyone can either support or object to this proposal.

Bilsthorpe Parish Council

Bilsthorpe Parish council discussed the planning application 16/02173 at their council meeting on the 13th February and would like to make their previous concerns over traffic to be highlighted as comments please.

Can consideration please be taken when making a decision as to the increased activity at the junctions on the A614 and A617? The roads are already busy and with the amount of traffic already there and the recently proposed applications for the area the traffic will therefore increase, this we feel will be adding additional risks to users of these junctions. Can traffic lights and /or a roundabout be installed on the A614 and A617. The overall visibility needs to be improved and we welcome suggestions.

Ollerton Town Council

Supports the proposal.

Highways England

Referring to the planning application referenced above notice is hereby given that Highways England's formal recommendation is that we offer no objection.

Nottinghamshire County Council (Highways Authority)

25.01.17 - I wish to submit this as a holding response, to request more time to assess the submitted Transport Assessment. Notwithstanding the above, it has already been identified that there are significant flaws in the traffic modelling carried out, such that revisions will be necessary and checked further, particularly with respect to the A614/A616/A6075 Ollerton roundabout. Further, more detailed comments will follow in due course.

12.09.17 - Further to comments made on 25th January 2017, a meeting with the Applicant's Highways Agent has been held and after additional correspondence a Transport Addendum report has been submitted. The impact on the capacity and safety of the public highway network has been checked and the principle of the proposal is acceptable.

In line with the Addendum report, it has been assessed and agreed that a financial contribution towards the NCC-protected Ollerton Roundabout improvement scheme at the A614/A616/A6075 junction should be made in the order of £710,000. This should be secured via a Section 106 Agreement. Without this roundabout scheme being delivered the type and scale of development being proposed would add significantly more congestion to a junction already experiencing serious capacity problems. Furthermore, assuming approval is given, the scale of development actually delivered should be restricted to a specified size until the roundabout scheme itself is delivered. For example, perhaps only 150 dwellings plus, say, a ¼ of the employment site can be occupied before the roundabout is improved.

It has also been agreed that technical improvements to the signalised junctions within Edwinstowe should be made to maximise capacity. It is considered that this can be achieved via a planning condition (see later).

Drawings have been submitted to indicate how the site will gain access from the A6075 and these are acceptable for planning purposes, but may require amendments as part of the detail design and safety audit process involved in a Section 278 Agreement (Highways Act 1980).

Subject to the above and the following conditions, it is considered that no objection be raised to this application:

No part of the development hereby approved shall be occupied / brought into use unless or until junctions with the A6075 have been provided as shown for indicative purposes only on the drawings no. ADC/1343/001B and ADC/1343/02A to the satisfaction of the Local Planning Authority.

Reason: In the interests of Highway safety.

No part of the development hereby approved shall be occupied / brought into use unless or until modifications have been made to the traffic signal controlled junctions at A6075 Mansfield Road/West Lane, and A6075 Mansfield Road/Ollerton Road/Church Street/High Street to improve capacity. This will involve the installation of MOVA (or similar) in agreement with the Highway Authority.

Reason: In the interests of Highway capacity.

No more than 150 dwellings and/or ¼ of the employment site shall be occupied/brought into use until the A614/A616/A6075 Ollerton Roundabout improvement scheme has been delivered.

Reason: In the interests of Highway safety and capacity.

No part of the development hereby permitted shall take place until details of the new roads have been submitted to and approved in writing by the Local Planning Authority including layout, street lighting, drainage and outfall proposals, and any proposed structural works. The development shall be implemented in accordance with these details to the satisfaction of the Local Planning Authority.

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

The approved Residential and Employment Travel Plans (version 4 in each case) shall be implemented in full and in accordance with the timetable set out in those plans unless otherwise agreed in writing by the local planning authority.

Reason: To promote sustainable travel.

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.

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. Please contact david.albans@nottsc.gov.uk for details.

Nottinghamshire County Council (Highways Authority) – Transport & Travel Services

19.06.17

General Observations

The outline planning application covers the former Thoresby Colliery and extends to a total of approximately 150.3ha. The site comprises the former pit yard area and the spoil heap at Thoresby Colliery, as well as two arable fields fronting the A6075 Ollerton Road.

The proposed development includes up to 800 new residential dwellings, restoration and commercial development to provide new jobs, and the restoration of the spoil heap to provide leisure and recreation opportunities.

Bus Service Support

Transport & Travel Services has conducted an initial assessment of this site in the context of the local public transport network.

Stagecoach are the main commercial operator in this area. Services 14 and 15 combine to provide a 30 minute service to Mansfield. Sherwood Arrow provides an hourly service to Nottingham and links to Worksop, Retford and Tuxford every 2 hours.

Additional services are provided by Travel Wright and Nottinghamshire County Council fleet under contract to the Local Authority. These services have recently been the subject of a service review in which significant cuts were made to the County Council local bus service budget.

At this time it is envisaged that Transport & Travel Services will wish to negotiate with the developer and Highways Development Control regarding provision of appropriate bus service enhancements to serve the site.

Infrastructure

Fronting the Site

The plans for the new junctions onto Ollerton Road will require the relocation of existing, and installation of new bus stops.

The current infrastructure is set out below:

NS0276 Colliery Lane – Wooden Bus Shelter, Raised Boarding Kerbs and Layby

NS0536 Colliery Lane – Bus Stop Pole and Raised Boarding Kerbs.

The Western site junction plan shows the closure of the bus stop layby and the easterly relocation of both NS0276 and NS0536. Should these locations meet with Highways safety approval then Transport & Travel Services will require the following standards at these stops:

NS0276 Colliery Lane – Real Time Bus Stop Pole & Displays including Associated Electrical Connections, Polycarbonate Bus Shelter, Solar Lighting, Raised Boarding Kerbs and Enforceable Bus Stop Clearway.

NS0536 Colliery Lane – Real Time Bus Stop Pole & Displays including Associated Electrical Connections, Polycarbonate Bus Shelter, Solar Lighting, Raised Boarding Kerbs and Enforceable Bus Stop Clearway.

The Eastern site junction plan shows the installation of two new bus stops, should the locations meet with highways safety approval then Transport & travel Services will require the following standards at these stops:

New Bus Stop 1 (Eastbound) - Real Time Bus Stop Pole & Displays including Associated Electrical Connections, Polycarbonate Bus Shelter, Solar Lighting, Raised Boarding Kerbs and Enforceable Bus Stop Clearway

New Bus Stop 2 (Westbound) - Real Time Bus Stop Pole & Displays including Associated Electrical Connections, Polycarbonate Bus Shelter, Solar Lighting, Raised Boarding Kerbs and Enforceable Bus Stop Clearway.

Transport & Travel Services request that a planning condition be issued that states the below:

No part of the development hereby permitted shall be brought into use unless or until the relocation of two bus stops on Ollerton Road (NS0276 and NS0536) and two additional new bus stops have been installed to the satisfaction of the Local Planning Authority, and shall include real time bus stop poles & displays including associated electrical connections, polycarbonate bus shelters, solar lighting, raised boarding kerbs, and enforceable bus stop clearways.

Reason: To allow safe access to the development and to promote sustainable travel.

Within the Site

As a portion of the development will be more than the recommended 400 metre walking distance from the existing bus stop infrastructure, Transport & Travel Services require new bus stop infrastructure to be installed on the spine road of the development through Section 38 and Section 278 agreements where appropriate, with reference to the agreed format and route of the enhanced bus service provision serving the site. This includes the below standards at all bus stops:

- Real Time Bus Stop Pole & Displays including Associated Electrical Connections
- Polycarbonate Bus Shelter
- Solar Lighting
- Raised Boarding Kerbs
- Enforceable Bus Stop Clearway

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

Nottinghamshire County Council Transport Planning /Programmes Team

Confirm that Version 4 of the Employment and Residential Travel Plans are acceptable.

Nottinghamshire County Council (Archaeology)

I do not think I have seen the geophysical survey and I can't see it on your web-site. The Heritage assessment notes there were some results from this which warrant further investigation. If these are evaluated they may well demonstrate that further archaeological mitigation is warranted, so a phased approach will be needed. I am also not clear on what level of building recording has been undertaken, although I am pleased that the plan is to retain some of the colliery buildings. So a condition requiring the development and implementation of a programme of archaeological investigation and mitigation, with consideration given to the need for building recording, would be useful. A condition such as the following might be appropriate;

"No development shall take place within the application site until a written programme of archaeological mitigation has been submitted to and approved in writing by the CPA."

"Thereafter, the scheme shall be implemented in full accordance with the approved details."

Additional Comments received 16.01.19 – The evaluation undertaken on the above site has shown, that despite potential, that there is little surviving archaeology on this site. Given this it would seem onerous for the condition requiring further work (Condition 13 of the Draft planning consent) to still be required.

My recommendation is that no further work is required on this site and that the inclusion of condition 13 requiring archaeological monitoring in any forthcoming planning consent is no longer required.

Nottinghamshire County Council (Education) – There have been regular meetings between officers of NCC, NSDC, and the applicants in order to agree the level of provision in terms of a one form entry school. Triggers for its provision are yet to be agreed and these are recommended to be delegated to officers in consultation with NCC.

Nottinghamshire County Council (Lead Flood Authority)

No objections to the proposals are raised subject to the following condition:-.

It is recommended that a detailed surface water design and management proposal is approved by the LPA prior to any construction works commencing. The submitted Flood Risk Assessment should be used as foundations for any future detailed submissions.

Nottinghamshire County Council (Strategic Planning)

Outlines national and local policies in relation to waste, minerals, transport, healthy communities, education provision and public health are outlined. The following comments are then made:-

Minerals Planning Issues

The red line of the application encompasses both the former colliery tip subject to an extant NCC permission (plus other parts of the tip which have been restored and completed aftercare) and also the former pit head site which is also subject to GPDO requirements to restore to a green end use.

NCC has agreed an alternative restoration scheme for the former spoil heap and works are currently underway to deliver this. (NB the scheme doesn't involve importation). These works ought to be completed this year. NCC have agreed to defer requesting the detailed restoration scheme for the Pit Head pending this application coming forward as the two would be mutually incompatible.

In general terms I have no issue with the proposals and it will be for NSDC to determine the planning merits of this. However, NCC are concerned that the red line covers both the pit head and the spoil tip (for creation of the country park). Therefore if granted and lawfully implemented this will in effect supersede the minerals permission on the tip. This may be academic in many ways if the application isn't determined and implemented for 5 years as the spoil tip will hopefully by this stage be restored and coming to the end of aftercare. If this comes forward more quickly or the entry of the site into aftercare is delayed then NSDC will need to be sure that any permission they grant covers by condition any shortcomings of remaining works required under the extant minerals permission for the tip. NCC can advise on the status of this permission nearer the time to ensure that this is covered.

Any new permission should also have conditions requiring the enhancement of the restored tip to deliver the country park element and also to ensure and provide for its longer term maintenance and management, plus covering any liabilities which may arise if something on the tip was to fail.

NCC has an extant permission for the siting of a metal shipping container on the tip to house switchgear for a ground water abstraction borehole. Again this will need to be picked up.

Secondly the element relating to the pit head should overcome the need for the restoration of the site under the GPDO. However, NSDC will need to be sure that if there are to be any items from the former pit head to be retained that these are adequately conditioned to maintain and or require their removal at a future point linked in with the development. The coal mine methane plant etc. spring to mind.

It is disappointing to note that the applicant has not considered the Waste Core Strategy and emerging Minerals Local Plan, as advised at the pre-application stage. In this regard, the County Council would reiterate the following points made at the pre-application stage:-

- In terms of the Nottinghamshire Waste Core Strategy (December 2013), the proposed site does not cause any issues in terms of the safeguarding of our 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, where proposals are likely to generate significant volumes of waste through the development or operational phases, it would be useful to include a waste audit as part of the application. Specific guidance on what should be covered within a waste audit is provided within paragraph 049 of the Planning Practice Guidance.
- In terms of the emerging Minerals Local Plan (Policy DM13), the site does not lie within a Mineral Safeguarding and Consultation Area and so the County Council does not raise any concerns in terms of the safeguarding of mineral resources

Strategic Highways

The applicant has provided a Transport Assessment (TA) to support the planning application, this follows a recent meeting to discuss the scope of the assessment. However having received the TA it is clear that the County Council as local highway authority will require further clarification from the applicant on a number of matters contained within it and it is likely that further revised assessment will be required. In which case NCC will provide any observations we have directly to the district council.

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.

Travel and Transport

General Observations

The outline planning application covers the former Thoresby Colliery and extends to a total of approximately 150.3ha. The site comprises the former pit yard area and the spoil heap at Thoresby Colliery, as well as two arable fields fronting the A6075 Ollerton Road.

The proposed development includes up to 800 new residential dwellings, restoration and commercial development to provide new jobs, and the restoration of the spoil heap to provide leisure and recreation opportunities.

Bus Service Support

Transport & Travel Services has conducted an initial assessment of this site in the context of the local public transport network.

Stagecoach are the main commercial operator in this area. Services 14 and 15 combine to provide a 30 minute service to Mansfield. Sherwood Arrow provides an hourly service to Nottingham and links to Worksop, Retford and Tuxford every 2 hours.

Additional services are provided by Travel Wright and Nottinghamshire County Council fleet under contract to the Local Authority. These services have recently been the subject of a service review in which significant cuts were made to the County Council local bus service budget.

At this time it is envisaged that Transport & Travel Services will wish to negotiate with the developer and Highways Development Control regarding provision of appropriate bus service enhancements to serve the site.

Infrastructure

Fronting the Site

The plans for the new junctions onto Ollerton Road will require the relocation of existing, and installation of new bus stops.

The current infrastructure is set out below:

- NS0276 Colliery Lane – Wooden Bus Shelter, Raised Boarding Kerbs and Layby
- NS0536 Colliery Lane – Bus Stop Pole and Raised Boarding Kerbs.
- The Western site junction plan shows the closure of the bus stop layby and the easterly relocation of both NS0276 and NS0536. Should these locations meet with Highways safety approval then Transport & Travel Services will require the following standards at these stops:

- NS0276 Colliery Lane – Real Time Bus Stop Pole & Displays including Associated Electrical Connections, Polycarbonate Bus Shelter, Solar Lighting, Raised Boarding Kerbs and Enforceable Bus Stop Clearway.
- NS0536 Colliery Lane – Real Time Bus Stop Pole & Displays including Associated Electrical Connections, Polycarbonate Bus Shelter, Solar Lighting, Raised Boarding Kerbs and Enforceable Bus Stop Clearway.

The Eastern site junction plan shows the installation of two new bus stops, should the locations meet with highways safety approval then Transport & Travel Services will require the following standards at these stops:

- New Bus Stop 1 (Eastbound) - Real Time Bus Stop Pole & Displays including Associated Electrical Connections, Polycarbonate Bus Shelter, Solar Lighting, Raised Boarding Kerbs and Enforceable Bus Stop Clearway
- New Bus Stop 2 (Westbound) - Real Time Bus Stop Pole & Displays including Associated Electrical Connections, Polycarbonate Bus Shelter, Solar Lighting, Raised Boarding Kerbs and Enforceable Bus Stop Clearway.
-

Transport & Travel Services request that a planning condition be issued that states the below:

No part of the development hereby permitted shall be brought into use unless or until the relocation of two bus stops on Ollerton Road (NS0276 and NS0536) and two additional new bus stops have been installed to the satisfaction of the Local Planning Authority, and shall include real time bus stop poles & displays including associated electrical connections, polycarbonate bus shelters, solar lighting, raised boarding kerbs, and enforceable bus stop clearways.

Reason: To allow safe access to the development and to promote sustainable travel.

Within the Site

As a portion of the development will be more than the recommended 400 metre walking distance from the existing bus stop infrastructure, Transport & Travel Services require new bus stop infrastructure to be installed on the spine road of the development through Section 38 and Section 278 agreements where appropriate, with reference to the agreed format and route of the enhanced bus service provision serving the site. This includes the below standards at all bus stops:

- Real Time Bus Stop Pole & Displays including Associated Electrical Connections
- Polycarbonate Bus Shelter
- Solar Lighting
- Raised Boarding Kerbs
- Enforceable Bus Stop Clearway

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.

Ecology

Local context – designated sites

Thoresby Colliery is located in the most ecologically sensitive part of Nottinghamshire, with land within 500m of the application site designated variously as a Special Area of Conservation (Birklands & Bilhaugh SAC) to the west and north; a National Nature Reserve (Sherwood Forest NNR) to the west; Sites of Special Scientific Interest (Birklands & Bilhaugh SSSI and Birklands West and Ollerton Corner SSSI) to the east, west and north; Local Nature Reserves (Cocklode & Rotary Woods LNR and Sherwood Heath LNR) to the east; and a Local Wildlife Site (Birklands & Bilhaugh LWS) to the east, west and north.

The application site also lies within the buffer zone of (and immediately adjacent to land covered by) the Sherwood Important Bird Area (IBA), and the 'Indicative Core Area', upon which any future Special Protection Area (SPA) designation may be based. Whilst these sites would not be directly impacted by the proposal, there is the potential for significant indirect impacts to occur, during construction and subsequent operation as a result of changes to air quality, noise, lighting, disturbance, and predation by pets.

As a result, it is essential that comments from Natural England are sought as part of the planning consultation process, in relation to potential impacts on SSSIs, and the SAC and NNR, and I will refrain from commenting further on this aspect of the application. In addition, due to the proximity of the SAC, it appears necessary for Newark and Sherwood DC to carry out a Habitats Regulations Assessment (HRA), under the Conservation of Habitats and Species Regulations (2010) to assess impacts on the SAC and the 'possible' SPA, which should consider the Thoresby Colliery development alone and in combination with other proposals (such as the Sherwood Forest VC development). Again, Natural England's comments on the HRA should then be sought.

Observations

The application is supported by a range of up-to-date ecological survey work. The following matters are highlighted as key issues:

- Para 6.3.50 of the EclA identifies that one of the buildings on site (13) was considered to have 'moderate' bat roosting potential, with another (10) having 'low' potential. However, a contradictory statement is then provided, that 'none of the buildings were assessed as having the potential for roosting bats'. The Bat Conservation Trust (2016) publication "Bat Survey for Professional Ecologist – Good Practice Guidelines, 3rd Edition" indicates, in table 7.3, that structures with moderate roost suitability should be subject to two presence/absence surveys, and those of low roost suitability should have one presence/absence survey. Justification must therefore be sought as to why such surveys are not deemed necessary, noting that these surveys would need to be carried out prior to the

determination of this application to accord with paragraphs 98 and 99 of Government Circular 06/2005.

- Swallow, House Martin and Sand Martin all nest within the application site, the two former species in or on buildings, and the latter in a sand bank and by a settling pond. No mitigation is proposed for the loss of nesting habitat of these species.
- Nightjar were recorded nesting in the vicinity of (although not on) the application site, and are at risk from disturbance and predation.
- The use of 'Forest', 'Heathland' and 'Industrial' Character Zones within the development is generally welcomed. However, it is suggested that a palette of appropriate tree and shrub species is developed, drawn from the Nottinghamshire Landscape Character Guidelines species list for the Sherwood Landscape Character Area (see:
- <http://cms.nottinghamshire.gov.uk/home/environment/landimprovements/landscapecharacter.htm>), noting that species such as Scots Pine, Whitebeam and Pin Oak should be avoided. It is also suggested that the 'Industrial' Character Zone is restricted to the area immediately around the heritage buildings, to limit the extent of ornamental and non-native planting. See also below (landscaping condition).
- The EclA suggests that much of the habitat creation that is being carried out as a result of restoration of the colliery pit tip provides mitigation against some of the impacts of the proposed development, and that it contributes around c.100ha of new greenspace to the total provision of c.108ha of SANGS. However, it has to be recognised that restoration of the colliery pit tip is occurring as a result of planning requirements imposed as part of the mineral permission at the site, and will happen irrespective of the development of the colliery yard. In this respect, the proposed development does not provide any additionality, and only greenspace created directly as a result of the proposals should be considered as forming SANGS.
- There is no assessment of the impacts of the proposal on the habitats currently being restore on the colliery pit tip, or the species likely to benefit from this restoration (e.g. Nightjar and Woodlark).
- Recreational elements mentioned in the DAS, such as a zipwires, receive no mention in the EclA, nor is there any indication as to how recreation will be controlled and managed on the restored pit tip. It is requested that further information in this respect is provided.
- It is noted from the Air Quality Statement that air quality modelling in relation to the impact of changes to air quality on adjacent habitats is 'ongoing' (sections 1.2 and 5.1 of the Air Quality Statement). Any planning decision should be deferred until such a time that this information has been made available, as it will be required to assess the impacts of the proposals and to inform NSDC's Habitats Regulations Assessment.

Matters to be secured by condition

In order to mitigate against impacts identified in the EclA, it is requested that the following matters are secured through appropriate conditions:

- The submission of a bat sensitive lighting scheme, to be developed in accordance with the Bat Conservation Trust's 2014 publication 'Artificial lighting and wildlife – Interim Guidance: Recommendations to help minimise the impact of artificial lighting' (to ensure that artificial lighting at the site does not have a significant detrimental impact on nocturnal wildlife, including bats)
- The production of a Badger and Reptile Method Statement (outlining precautionary methods of working necessary to avoid adverse effects on Badgers and reptiles during construction)

- A Bee Orchid Translocation Method Statement (detailing methods and timings for the translocation of Bee Orchids from the development site to the colliery pit tip restoration)
- The control of vegetation clearance and building demolition or renovation during the bird nesting season, which runs from March to August inclusive (to protect nesting birds, including Swallows and House Martins)
- Details relating to dust management, measures to minimise the pollution of watercourses, and measure to protect retained vegetation during construction, to be incorporated into a CEMP (to minimise environmental impacts arising from construction works)
- The provision of an artificial Sand Martin bank, adjacent to one of the proposed waterbodies within the development site (to mitigate against the loss of existing Sand Martin nesting sites within the development)
- The appointment of an Ecological Clerk of Works (to undertake ecological supervision and ensure the implementation of the above mitigation measures)
- The submission of a detailed Landscaping Scheme, in advance of each phase of development, to cover:
 - Ground preparation
 - Topography
 - Species mixes
 - Establishment methods
 - Maintenance regimes
 - Enhancement of retained habitats, including woodland thinning and the removal of nonnative
 - or locally inappropriate species (to include Rhododendron, Himalayan Balsam, Swedish Whitebeam, Common Whitebeam, Norway Maple, Sycamore, Laburnum, Snowberry, Cotoneaster sp., False Acacia, Cherry Laurel, Red Oak, Sea Buckthorn, Green Alder, White Poplar, Grey Poplar)

Additional enhancements

The EclA recommends that additional enhancement measures can be provided by the scheme, particularly the provision of integrated bat and bird boxes incorporated into the fabric of a proportion of the proposed dwellings. To this end, the scheme should aim to deliver:

- Integrated bat roost boxes or soffit boxes, in 10% of the properties
- Integrated House Sparrow, Starling and Swift boxes, also within 10% of the properties, as well as artificial Swallow and House Martin nests on/within retained historic buildings.

Confirmation should be sought from the applicant that they are willing to do this, with a condition used to secure delivery. In addition, the commercial/industrial units provide an opportunity to install green or brown roofs, providing additional wildlife benefits and to soften what is currently a very hard boundary with the Cocklode and Rotary Woods LNR. It is requested that this is given consideration by the applicant.

Legal agreement

Provision needs to be made for the long-term management of the 'country park', i.e. finances for ongoing management, including the maintenance of access infrastructure, fencing and the management of retained and created habitats. A Section 106 agreement should be used to secure an appropriate sum, and to require the submission of a detailed habitat and recreation management plan.

Green Estates

Green Estates Team manage land on behalf of the Authority for public recreation and conservation to the south east of the proposed development. Rotary Wood is situated immediately adjacent and to the east of the proposed Employment Zone, on part of the restored Thoresby No1 Tip; Cockglode Wood an area of semi ancient natural woodland lies between Rotary Wood and the Sherwood Heath SSSI.

Green Estates Team seek further clarification regarding the impact of the development on our existing Green Space and site infrastructure. Green Estates Team considers that Cockglode and Rotary Woods will be a valuable asset on the doorstep of the development and that visitor pressure on our current landholding will increase dramatically as a result of the development. The County Council should be party to s106 agreement / discussions to ensure that the increase in visitor pressure is not to the detriment of the County Council's land, and to offset any increase in management costs associated with this increase in use as a result of development.

- NCC seeks further clarification and detail regarding the boundary treatments along our mutual boundary with the Employment Zone to ensure that the boundary is clearly defined and that the security of Cockglode Wood is not compromised. Our concern relates to the potential for increased fly tipping and access to the woodlands by 4x4 / off road motor-cycles from the development during the construction phase, and ongoing for the future.
- NCC seek further clarification and detail regarding the proposed access / fencing / boundary treatments along our mutual boundary with the proposed green space to the east of the development. Currently the ownership boundary between NCC land and the colliery is only part fenced along the tip with a dilapidated barbed wire fence. The boundary is not defined within Cockglode Wood – and a suitable boundary will need to be agreed and established. The Authority also would like to see the removal of the chain link safety fence (currently on NCC land with our agreement) that was retained during the working life of the colliery to prevent public access. Now that the Colliery has closed this fence will need to be removed and ground re-instated.

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@nottscc.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.

Nottinghamshire County Council Environmental Management and Design

At the pre application stage we provided an indication of content and structure of the Landscape and Visual Impact Assessment. I identified potential mitigation of negative impacts of the development on landscape, landscape character and visual amenity for residents and recreational users through reduction in extent and density of built elements and more substantial buffering to existing and consented semi natural habitats. This could include omission of the development from the field immediately adjacent and south of Cockglade Wood, and substantial reduction in housing density and extent with reciprocal increase in substantial landscape buffering/mitigation elements.

We identified that the proposals will result in a substantial change in the landscape from that which would result from the existing consented restoration scheme (to green field end use) and existing agricultural fields.

The Outline Proposals show an additional 11.89ha of greenspace over and above the restoration of the tip site already underway as part of the GDO consent associated with 40 ha of built development. As previously stated the provision of the Country Park area should not be considered as landscape mitigation for the mixed use development proposals as this is already underway as part of tip restoration for the colliery GDO not the proposed new development.

The additional landscape elements being proposed to that already required under the GDO are:

- green area to the south of Cockglade Wood,
- retention and enhancement of a green corridor, on line of existing mineral railway and settlement pond running through the site,
- retention and enhancement of existing tree planting along colliery access road and adjacent to Ollerton Rd.
- Small green amenity areas within the housing development

A significant proportion of these are retained existing vegetation rather than new planting and will also be used to accommodate SUDs proposals, which are not necessarily typical elements of wider landscape character.

The layout differs from that previously shown in site brochure in the omission of development on current agricultural land immediately east of Swinecote Lane and omission of industrial development immediately south of Cockglade wood. This is to be welcomed.

However the density and number of housing units, and other built development remains significant and the masterplan does not indicate development within a forest matrix as had been proposed as a potential mitigating measure. The development now separated from the edge of Edwinstowe will read visually as a new settlement between Ollerton and Edwinstowe.

The conclusion of the Landscape and Visual Impact Assessment states that the scale of the development is such that will not result in a substantial change in the 2 Landscape Character Areas affected. The negative landscape impacts of development on agricultural land is stated to be offset by the restoration of the spoil tip and former workings. However as the restoration work is an existing obligation I do not consider that this should not be considered as a mitigating factor. I therefore disagree with the conclusion that the impact at a Character Area scale will be negligible to minor beneficial and at a local level will be minor beneficial.

In terms of visual impact the applicant states that the significance of impact on receptors is limited, and will be mitigated by landscape/green infrastructure proposals. I think this will need to be demonstrated to a greater extent at reserved matters stage, and may require more substantial buffer than that indicated in the masterplan, particularly along Ollerton Road Boundary. The viewpoints referenced did not appear to be available to view on the NSDC website.

In conclusion, the proposed development will result in significant change from a landscape of agricultural and semi-natural habitat to an urban development albeit within a landscape structure containing some retained elements (hedgerows, colliery access avenue etc) , with adjacent establishing semi natural habitat on the restored tip. If consented careful consideration at reserved matters stage will be required of the layout and density of built elements impact and the establishment of a robust and extensive landscape structure to reduce negative to in terms landscape and visual amenity.

NHS Partnerships – All data we have previously provided you with for each application hasn't changed and will not change until developments are in place and all homes/new populations are functioning. Health's model is similar to that of educations.

Monies through s.106 will always be based on the cost the Planning Authority has highlighted within their Planning Guidance at a cost of £950.00 per dwelling in this case

Monies will always be assessed against existing health facilities based in that geographical area where the housing developments will be developed and will be used to reconfigure its space to allow for the injection of new population – demographics are hard to assess until populations have settled, but like with education, this will be staged.

Health for all developments have provided Planning Case Officers with relevant data to support the two above points (although I agree they may have missed off the actual funding requested, but they are working on the assumption Planners know this due to point 1 above), this will not change at this stage.

In addition, we must get better at aligning housing developments with jointly led health/planning projects and Ollerton is a good example of this. It is my understanding that Ollerton is a key area for the DC, likewise it is for health and I made that clear within the STP (Sustainability Transformation Plan).

Historic England

Summary

The site lies within the setting of the Scheduled and Grade I listed Rufford Abbey and Grade II registered PAG and the Grade I listed Thoresby Hall and Grade I registered PAG. The proposed mixed use development on the site of the former Thoresby colliery is assessed in relation to potential impacts on the setting of these highly graded assets and also the Edwinstowe and Ollerton Conservation Areas and highly graded assets within. We have already provided advice on the proposed Local Development Framework Plan review - Preferred Approach - Sites and Settlements (February 2017) raising concern over the soundness of the approach in relation to consideration of the historic environment. Assessment is included within this outline planning application and we are encouraged by the retention of a number of former colliery structures on the site. Our advice is given in line with the Planning (Listed Building and Conservation Areas) Act 1990, the NPPF, the Planning Practice Guidance and the Historic Environment Good Practice Advice in Planning Notes 1-3. We recommend your authority is satisfied there is sufficient

information to make an informed assessment on the impact of the proposals on designated and non designated heritage assets. We recommend further advice is sought from your conservation and archaeological advisers. We recommend opportunities are sought to enhance and reveal significance through maximising the secured retention and reuse of the colliery structures and to mitigate visual impacts on the wider historic landscape through the masterplan and landscape proposals.

Historic England Advice

The outline planning application includes residential development of up to 800 dwellings, a strategic employment site, a new country park, and a local centre with primary school, commercial and health uses. Historic England has been consulted as the proposed site falls within the setting of the Grade I registered Thoresby Park and Grade I listed Thorseby Hall and the scheduled and Grade I listed Rufford Abbey with Grade II registered historic park and garden.

Within Nottinghamshire the Estates of Rufford (not a ducal seat), Thoresby, Welbeck, Clumber and Worksop formed part of what is known as the Dukeries, lands historically taken from Sherwood Forest and remarkable not only for the number of ducal families in close proximity to each other but also because the estates were largely contiguous. In the early 20C the economic and social base of the Dukeries was dramatically influenced by its underlying coalfield, the eastern extension of the Nottinghamshire coalfield. This included the opening of Thoresby Colliery on former Thoresby estate land; the first two shafts sunk in 1925.

The Thoresby Estate was enclosed out of Sherwood Forest in the late 17C. The present Grade I listed Hall was built between 1864-1871 by Sydney Pierrepont, the 3rd Earl Manvers and designed by Anthony Salvin. The Hall lies within the Grade I registered mid 19C formal gardens designed by Salvin and pleasure grounds by Edward Milner. The grounds are surrounded by parkland of the late 17C with 18C alterations by Francis Richardson, and notably Humphry Repton who produced a Red Book in 1791. Rufford Park has a very rich and diverse historic environment which focuses on the scheduled monument of Rufford Abbey, a Cistercian monastic house of 12thC origin comprising impressive standing remains (also listed Grade 1 with the later Jacobean house), the foundations of the cloistral complex and ancillary buildings, and water-management earthworks. It lies within a Grade II registered park which contains several other listed structures including the grade II* former orangery.

Historic England responded to your authority's Local Development Framework Plan review - preferred Approach - Sites and Settlements (February 2017). We maintained our previous concerns in respect of the soundness of the allocation in respect of consideration of the historic environment in relation to the former Thoresby colliery site. I refer to this consultation response which remains relevant.

The Thoresby site is an early 20th century colliery, which by the 1980's was one of the largest producing pits in the country. The first shafts were sunk in 1925-8, and after privatisation, the mine continued to be worked under the auspices of RJB Mining. It was the first all-electric mine, the first to have fully mechanised coal production and also the first to achieve an annual saleable output of more than a million tons of coal.

In the late 1980s it raised output to exceed two million tons. A large number of its original buildings survive and this includes the large brick-built group surrounding the shaft mouths.

In response to the local plan allocation, we advised of the importance to ensure that a proper assessment and recording of the historic value of the buildings is carried out to both inform the process of identifying which buildings should be retained and to provide a comprehensive record'. This needs to be reflected both in Policy SHAP4 and in this current planning application. In line with paragraphs 128 and 129 of the NPPF, it will be for your authority to determine whether the information submitted is sufficient to fully understand the impact of this outline application on both non designated and designated sites - the latter to include the Edwinstowe and Ollerton Conservation Areas, the Grade I, II* and II listed buildings within those settlements, Thoresby and Rufford Park, the Sherwood Forest and landscape setting.

We note the submission of the Heritage Assessment produced by prospect archaeology and the proposed retention of several building as part of the redevelopment of the site - the main entrance, the main power house and electrician's and welders workshop. The retention and reuse of these buildings is supported and we recommend this is secured with agreed phasing, through any future S106 agreement. Through the masterplan we also recommend detailed consideration is given to the setting of the retained buildings to ensure their understanding and appreciation is fully realised.

In respect of the potential inter-visibility of the proposed development with Thoresby Park and Rufford Park, we would make the following observations.

Thoresby

The Heritage Assessment and LVIA indicate that the views from Thoresby Park to the proposed development should be blocked by the spoil heap which is in the process of being turned into a new Country Park. There is also extensive, longstanding enclosure with woodland planting on the south side of the park adjacent with the colliery site. With consideration of designed views/vistas the Chestnut Avenue, which the register entry for the site describes as 'a strong visual feature in the landscape' shown as early as the 1680 estate map, once extended as far as the present colliery site (via the Grade II Buck Gates), but this axial feature, with its vista, has been truncated by the colliery and spoil heap for some time. Whilst we understand the creation of the country park has consent, are there opportunities to enhance and reveal this vista through layout and planting? This needs to be in the context of mitigating any inter-visibility with new development.

Rufford

The LVIA notes filtered views from the A614 and Rufford Lane, and from public rights of way in the edge of Rufford Country Park that should decrease as vegetation matures, and in the case of the PROWs will also be mitigated by landform, but the spoil heap will be visible. In the case of the spoil heap it is presumed it is visible already, and that the new planting and creation of the country park may have a beneficial impact on views. Considering the potential views from the A614/Rufford Lane, again this might be an area where detailed design can/will mitigate impact on views to the proposed development. Unfortunately the LVIA document on the planning website was missing its figures, therefore we could not examine the existing photos from this viewpoint, or any mapping, including of TZVs (if there were any).

Policy Context

Our advice on this planning application is given in the context of the 1990 Act and Government policy and guidance provided in the NPPF and the Planning Practice Guidance. We also refer to the sector wide Historic Environment Good Practice in Planning Notes 1-3. It is a legal requirement that any decisions relating to listed buildings and conservation areas must pay special regard to the desirability of preserving a listed building, its setting or features of special interest

(section 66(1) of the 1990 Act) and to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area (s.72, 1990 Act). This is a high test and needs to be given the appropriate weight in determining these applications. The importance attached to setting is therefore recognised by the principal Act, by the NPPF, by the accompanying practice guide and in the good practice advice in planning.

As the NPPF states, great weight should be given to the conservation of heritage assets (paragraph 132). All harm requires 'clear and convincing justification' and the public benefit weighed against the harm caused.

Paragraph 131 of the NPPF, in determining planning applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness.

Recommendation

Historic England has concerns regarding the application on heritage grounds.

We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 128-137 of the NPPF.

In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess. We refer to section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. We also refer to section 38(6) of the Planning and Compulsory Purchase Act 2004 to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.

We recommend your authority is satisfied there is sufficient information to make an informed assessed and that further advice is sought from your conservation officer and archaeological adviser. We recommend opportunities are sought to enhance and reveal significance through maximising the secured retention and reuse of the colliery structures and to mitigate visual impacts on the wider historic landscape through the masterplan and landscape proposals.

Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice

Natural England

22.03.17

Outlines legislation and conservation objectives. Raises following comments:-

Natural England notes that the applicant has provided an air quality assessment which concludes there is no likelihood of significant effects from the proposal upon the above named designated sites.

On the basis of information provided, Natural England advises that there is currently not enough information to rule out the likelihood of significant effects. Natural England therefore advises that your authority should not grant planning permission at this stage. Natural England advises that the information and evidence gaps could potentially be resolved with additional information formally submitted by the applicant in order to amend the proposal. This would then provide an opportunity for your authority to repeat your screening to check for the likelihood of significant effects of the project as submitted (i.e. with all new information provided as part of the proposal).

Natural England advises that the following information should be provided in order that your authority may undertake an Appropriate Assessment as part of the Habitats Regulations

Assessment process:

Air quality

The air quality assessment document which was submitted to your authority on 27 February 2017 presents a very complicated case. The key pollutant which is of concern to Natural England in this case is NO_x and details of the relevant parameters measured for this pollutant (i.e. nitrogen deposition and NO_x concentrations) can be obtained from the following website: www.apis.ac.uk.

The applicant's report does not present the information specifically in relation to how Natural England would usually see an assessment of air pollution. Instead, the applicant has calculated the estimated overall concentrations of NO_x and nitrogen deposition in a scenario where the proposed development did not take place and in a scenario where it did. The relevant process contributions from the proposed development were calculated by subtracting the former from the latter. However, what is not clear is how the contribution of the Thoresby Colliery has been taken into account, as this could influence the process contribution from the proposed development since the colliery has now closed. This will potentially mean the background NO_x levels and nitrogen deposition will not be the same in both DM (do-minimum) and DS (do-something) scenarios, if the Colliery emissions are only included in one of the scenario. As a result the NO_x and nitrogen deposition process contributions from the proposed development may be over or under-estimated. For this reason,

Natural England requires clarification on whether the process contributions from the proposed development were estimated independently of the background concentrations, or the background concentrations were the same in both DM and DS calculations.

Natural England notes that under the presented method of assessing process contribution of NO_x concentrations, >1% of the critical load or level has been determined at 5 receptor sites. However, it is not clear how it was determined that there would be negligible effects, either alone or in combination with other process contributions. This matter needs more clarification before an LSE can be ruled out as well as any significant negative effects on the SSSIs.

Furthermore we would like clarification on how traffic levels were estimated for this proposal since the Transport Assessment and the air quality assessment appear to differ. In particular we would want to understand what the change to traffic along the Swincote Road (B6034) which runs immediately adjacent to the SAC will be.

Dust deposition is not recognised as an issue on the SSSIs and SAC, but Natural England would fully support appropriate measures (such as those employed in the mineral extraction industry) to

reduce the generation of dust during the demolition and construction phases through suitable suppression measures as part of the development conditions.

Finally, where mitigation is to be provided to offset negative effects upon the interest features of the neighbouring SSSIs and SAC, this provision must fully offset these identified effects in order to be acceptable. In the current planning application, mitigation is proposed but no negative effects were identified. As a result, it is not clear what the mitigation is to mitigate or indeed, how it will be quantified. However, the provision of measures to reduce vehicle use is welcomed although the lack of any specific cycling routes within the development seems an obvious omission.

SSSI Further Information

This application is in close proximity to Birklands and Bilhaugh and, Birklands West and Ollerton Corner Sites of Special Scientific Interest (SSSI). Natural England advises that further information on air quality should be requested from the applicant as described above.

Air Quality In-combination judgement

A High Court judgment was handed down on 20 March 2017 in Wealden District Council v Secretary of State for Communities and Local Government, Lewes District Council and South Downs National Park Authority [2017] EWHC 351 (Admin)). Wealden District Council brought a challenge against a Joint Core Strategy produced by two of its neighbouring authorities. Natural England provided advice to Lewes District Council and the South Downs National Park Authority on the assessment of air quality impact on Ashdown Forest SAC. This advice was based on nationally developed guidance agreed with other UK statutory nature conservation bodies. The court found that Natural England's advice on the in-combination assessment of air quality impacts in this case was flawed. We are considering the details of this decision and the implications for our advice.

Competent authorities should seek their own legal advice on any implications of this recent judgment for their decisions.

Increased recreational disturbance

The provision of Sustainable Alternative Natural Green Space (SANGS) and a minimum of at least 400 metres between the built development and the nearest SSSI/SAC are positively welcomed by Natural England. Natural England fully supports in principle the provision of the proposed green space as part of this development for both recreation and nature conservation. To ensure its successful implementation, your authority should ensure its long term financial security through a planning agreement or agreements, and secure through planning conditions, detailed plans on layout, habitat creation, set-up and management. It is also important to formalise links with existing rights of way which currently exist outside the application site. We suggest that this should be considered at the outline stage of the planning process or at least within the first reserved matters application. We also suggest that you may want to consider a green infrastructure management plan for the whole site which would include zoning for different uses such as dog walking and quieter areas as recommended in the environmental statement.

Consideration of the likely impacts from this development on breeding nightjar and woodlark within the Sherwood Forest area

We note that the proposal is located in the Sherwood Forest area in close proximity to habitats that have been identified as important for breeding nightjar and woodlark populations and

therefore we support the approach that has been adopted to consider the potential impacts of the proposal on these species and their supporting habitats. Natural England considers this risk based approach is in accordance with the recommendations outlined in the Advice Note attached, including helping the Authority to meet its duties given under regulation 9A of the Habitats Regulations, which requires LPAs to apply all reasonable endeavours to avoid the deterioration of wild bird habitat (including that of nightjar and woodlark) when exercising their statutory functions.

Invasive non-native species

In common with most developments, landscaping proposals submitted as part of the development will inevitably include non-native species as the case here. Where this is proposed in areas which are not earmarked for the promotion of nature conservation, Natural England recommends that the developer provides, as part of a condition, details that the species concerned will not naturalise. Norway maple and Turkey oak are very good examples of tree species which readily naturalise, and which potentially could have a negative impact upon the neighbouring SSSIs and SAC. This simple measure would ensure that the developer would not be unduly restrained from diversifying certain aspects of their development but at the same time ensure that the semi-natural habitats within the neighbouring SSSIs and SAC are not compromised.

Other advice

Further general advice on the consideration of protected species and other natural environment issues is provided at Annex A below.

16.06.17

Thank you for your consultation on the above comprising the Air Quality Technical Note which was received on 15 May 2017 and the In-Combination Assessment Report which was received on 8th June 2017.

SUMMARY OF NATURAL ENGLAND'S ADVICE

NO OBJECTION

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 & Bihaugh Special Area of Conservation Special Area of Conservation

Based on the plans submitted, Natural England considers that the proposed development will not have likely significant effects on the Birklands & Bihaugh Special Area of Conservation Special Area of Conservation 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:

The projected amount of nitrogen deposition from the proposed new development when considered alone and in combination with other proposals will be below the relevant threshold for significant effects for the Birkland and Bilhaugh SAC. In addition to individual planning proposals, in-combination assessments should consider “plans” however I am unsure what evidence is available from the emerging local plan review that may help in assessing this individual planning application.

Birklands West and Ollerton Corner Site of Special Scientific Interest

We note that the In-Combination assessment, which has now been submitted, identifies potential oxides of nitrogen (NOx) and ammonia (NH3) releases from a number of sources based on information obtained from Air Quality Assessments produced in support of planning or environmental permit applications. Impacts at sensitive receptors have been quantified using dispersion modelling, the results compared with the relevant benchmark level and the significance assessed in accordance with the appropriate guidance. The predicted annual mean NOx concentrations, nitrogen deposition rates and acid deposition rates were below the relevant criteria at all the ecological receptor locations. As such, the predicted impacts were considered to be insignificant, in accordance with the relevant guidance.

In addition to individual planning proposals, in combination assessments should consider “plans” however I am unsure what evidence is available from the emerging local plan review that may help in assessing this individual planning application.

Therefore based on the plans submitted, Natural England considers that the proposed development will not damage or destroy the interest features for which the site has been notified and has no objection.

Birklands and Bilhaugh Site of Special Scientific Interest

Based on the plans submitted, Natural England considers that the proposed development will not damage or destroy the interest features for which the site has been notified and has no objection

Improving Air Quality

We note that Spatial Policy 7: Sustainable Transport, of the Newark & Sherwood Core Strategy (adopted 2011), encourages sustainable transport provision across the District, including public transport, walking and cycling. Furthermore Policy DM5: Design of the Development Management Development Plan Document (adopted July 2013), also encourages the provision of alternative modes of transport. In addition Policy DM10: Pollution & Hazardous Materials states that proposals for potential point source polluters and other activities that have potential to lead to increased deposition of nitrogen should, as part of any planning application, consider the potential for effects on European sites and the scope for avoiding or mitigating these.

We therefore suggest that your authority takes a strategic approach to the improvement of air quality across the district by the implementation of local plan policies and other measures as appropriate. In areas where air pollution may be affecting sensitive receptors such as Ollerton Corner appropriate monitoring would help your authority to formulate a strategic approach to improving air quality information. Natural England would be happy to advise further on working towards a strategic solution to this issue.

Nottinghamshire Wildlife Trust

27.01.17

NWT recognise that redevelopment of the current footprint of the Colliery buildings has been an established principle in the Colliery restoration scheme for many years and that there is a need for replacement employment provision and new housing in the area. We acknowledge that a heavily disturbed industrial site such as this, which has been in use until very recently, would be suitable for redevelopment.

The Application site lies within the 5km buffer zone of the Sherwood Important Bird Area, and parts of the Application Site are within 500m of an Indicative Core Area identified by Natural England for a potential prospective Special Protection Area (SPA) (due to nightjar and woodlark that this area supports). The Application Site lies close to the Birklands and Bilhaugh Special Area of Conservation and Special Sites of Scientific Interest that lie within the Special Area of Conservation (Birklands and Bilhaugh; Birklands West and Ollerton Corner), as well as Sherwood Forest. This suite of protected nature conservation sites have been designated for their significant biodiversity value and there will, therefore, need to be a full and thorough assessment of the potential impacts to priority habitats and protected species. The applicant's ecologist states;

'Without mitigation, effects on the SAC were considered to be significant due to the increase in visitor numbers, predation by domestic pets and air quality issues. Similarly, without mitigation effects on the potential SPA could lead to a loss in the sites interest features to birds which may be significant due to increased visitor numbers, an increase in urbanisation which can cause disturbance to breeding and feeding birds from people, pets and traffic, and increased mortality from road traffic and any air quality issues.'

Background Information

The pit tip is in the process of being restored under a separate mineral planning permission, to habitats characteristic of the Sherwood area (heathland, acid grassland and woodland) and will, once established, be complementary to the important habitats in the National Nature Reserve (NNR/SSSI) and also provide valuable wildlife-rich public open space. The Tip habitats were designed to accommodate some informal recreational use, as had been promised to the local community under the restoration scheme but we have significant concerns about the scale of this proposal (800 dwellings) as it also extends on the adjacent fields which have not been previously developed. We acknowledge, however, that the proposal is broadly in line with policy ShAP4A contained within the Council's draft "Preferred Approach – Sites and Settlements" document. The proposed scale of residential dwellings would lead to a significant rise to the local population and thus increased footfall onto the restored former pit tip that may lead to disturbance of some of the sensitive species which is hoped will colonise the restored tip in the future. Dog ownership is likely to be high and it is reasonable to conclude that a high proportion of these animals would be exercised on the former pit tip. Predation and disturbance of ground-nesting birds by inadequately controlled dogs will undermine the ability of nightjar and woodlark to establish sustainable populations. These are both birds of conservation concern with important populations in the county. Dogs are also a hazard to grazing animals, used for conservation management of heathlands and acid grasslands when they are not appropriately controlled.

We welcome that the applicant has undertaken an assessment of cumulative effects, in line with NE and LPA expectations in the ppSPA area, **the conclusion however cannot be finally drawn until the deliverability of any mitigation and SANGS can be assured.**

Suitable Alternative Natural Greenspace (SANGS)

It is pleasing to note that the majority of the proposed development is beyond the 400m buffer required to protect the SAC. This is the distance used as a buffer to sensitive habitats in the

Thames Basin Heaths to mitigate indirect impacts from residential development. There are, however, a small number of residential developments close to the school that are within this buffer zone. The planning application correctly states that Suitable Alternative Natural Green Space' (SANGS) is required for the proposed development. SANGS is the name given to green space that is of a quality and type suitable to be used as mitigation in order to minimise impacts on priority habitats and protected species within the SAC. The effectiveness of SANGS as mitigation will depend upon the location and design. These must be such that the SANGS is more attractive to the residents than the SAC.

The application states that the entire former pit tip (now 'Country Park') and 11.89 hectares of proposed green infrastructure should be considered as SANGS. A key point of consideration is whether the whole of the country park can be included as SANGS. Natural England's guidance is clear that **'SANGS allow for pet owners to let dogs run freely over a significant part of the walk. Access on SANGS should be largely unrestricted, with both people and their pets being able to freely roam along the majority of routes. This means that sites where freely roaming dogs will cause a nuisance should not be considered for SANGS.'**

The guidance goes on to state that the identification of SANGS should seek to avoid sites of high nature conservation value which are likely to be damaged by increased visitor numbers. Where sites of high nature conservation value are considered as SANGS, the impact on their nature conservation value should be assessed and considered alongside relevant policy in the development plan.

<http://www.bracknell-forest.gov.uk/sangs-guidelines-and-checklist-12-06-08.pdf>

At this point it is worth acknowledging the good work being undertaken in relation to the tip restoration scheme and the extensive green infrastructure being proposed within the footprint of the former colliery. We are, however, of the opinion that including the entire pit tip as SANGS would be incongruous with the aims and objectives of the restoration scheme, as it would underline the value of the habitats for rare ground nesting birds, notably nightjar and woodlark. To avoid significant indirect impacts through recreational activity we would expect to see a comprehensive and workable visitor management strategy developed given the level of disturbance is likely to be greater than originally anticipated. Zoning levels of activity through fencing and natural barriers would be essential so that there would be quieter areas for sensitive bird species. We would expect this to be agreed at this outline stage, as it is an essential requirement to enable the LPA to rigorously assess the potential impacts of the scheme on these Annexe 1 bird species, for which the tip restoration has been designed.

The preparation of a detailed plan such as this would also clarify whether the necessary measures can be taken to accommodate this scale of development within this sensitive part of the County, or whether this scale of housing is too large.

It is also essential (as raised in our response to the allocation consultation) that in order for the benefits of any SANGS to be claimed, they must be available in good condition for the duration of the potential impact, i.e. for as long as houses are present on the site. **Thus assurance must be made of the availability of funds for the long term management of the habitats.**

Ecological Surveys

We welcome the provision of a thorough ecological appraisal of the site as this allows full consideration of protected and priority habitats and species in the determination of the

application. We have reviewed the above report and are generally satisfied with the methodologies used and conclusions reached. We would, however, take this opportunity to question the conclusion that the nightjar territories recorded on site are of only county importance. The number of nightjar breeding in Sherwood Forest NCA 2004-6 was 66 pairs. Breeding bird surveys revealed one possible breeding pair within the Application Site and one confirmed breeding pair in the wider survey area. These two pairs make up 3.03 % of the known population in the county. The application site should be seen as integral with the wider network of sites that currently meet the threshold to be designated as a SPA, an area of national importance and so the application site should not be viewed in isolation but rather as a piece of the pSPA area.

Air Quality / Nitrogen Deposition

The Environmental Statement (Section 6.4.19) indicates that the emissions of greatest potential concern in relation to ecology are oxides of nitrogen, sulphur dioxide and ammonia because of their fertilising or acidifying effect on ecosystems. Nitrogen dioxide and ammonia have a fertilising effect and all three can have an acidifying effect when deposited to soils. The document goes on to state 'Because of the proximity of sensitive ecological receptors to the Application Site, including European designated sites, it is of paramount importance to carefully consider these potential adverse ecological impacts.'

The Environmental Statement states 'the primary source of NOx will be traffic generated. The Transport Assessment demonstrates that the differential between the former colliery traffic and the traffic proposed to be associated with the development is not significant and therefore there is not likely to be any significant increase in NOx emissions from traffic (6.4.23)'. This conclusion seems to conflict with the information that is provided in the Transport Assessment document in the tables on pages 29-30. Predicted 2-way movements in the peak am and pm hours for the "existing" colliery use are 270 apiece, while the figures modelled for the future development (residential and employment) are 1063 (am) and 954 (pm). **This would appear to indicate a significant increase.** The Air Quality Assessment document states in Section 5.1 *Further work is ongoing to assess the effect of the proposed development upon the Special Area of Conservation (SAC) and Sites of Special Scientific Interest (SSSI's) within the local area using an air quality model and 'designated areas will be the subject of a specialist modelling report. This has been commissioned and will be published subsequent to this document'*. The document referred to does not appear to be available at this time. The data generated by the modelling work is likely to be crucial to the determination of this planning application, and at this time, until this information is available, NWT cannot be assured that any impacts could be mitigated.

We are particularly concerned about the deposition of nitrogen on established and restored heathland sites that are in close proximity to the application site. Research has revealed that nitrogen deposition can lead to heathlands becoming grass dominated, which in turn reduces the suitability of habitat for nesting woodlark and nightjar.

http://www.apis.ac.uk/overview/pollutants/overview_N_deposition.htm

Landscaping and Biodiversity Opportunities.

We welcome the green infrastructure proposals. The area is of a size and quality that is likely to be of wildlife value to certain bird species recorded during surveys and appeal to residents for informal recreation. This should help to minimise pressure on the restored pit tip and SAC. That said, we have a few constructive suggestions to enhance the proposed green infrastructure. We note that the within the Design and Access statement that landscaping for the proposed industrial area and elements of the green infrastructure running through the development comprise the

following non-native species ginkgo biloba, pin oak, sweet gum and tulip tree. We would strongly recommend the use of native species appropriate to the Sherwood area as outlined in Nottinghamshire Landscape Character Assessment. This would enhance green corridors through the site for wildlife and coalesce within the wider landscape, reflecting the unique character of the Sherwood region an internationally recognised place. The SuDS system could also include swales, which would further enhance the biodiversity of the site. The design of ponds should have gently sloping sides to maximise its biodiversity benefits. All planting for the ponds and bank side should consist solely of native species, of local provenance and sourced from a supply guaranteed to be free from contamination with alien species. The inclusion of bat bricks in dwellings adjacent to the site boundaries to provide roosting opportunities for bats within the new development. Light pollution to be kept to a minimum along the boundary with the adjacent tip and adjacent to green infrastructure to minimise disturbance to bats.

We think there is an excellent opportunity to provide nesting opportunities for little ringed plover, a species recorded during the breeding bird surveys by creating substantial areas of brown roofs that would replicate the brownfield land lost to the proposal (60.25ha). Open mosaic habitat on previously developed land is a habitat of principal importance for the conservation of biodiversity in England (Priority habitats under Section 41 of the Natural Environment and Rural Communities Act 2006). This S41 list guides decision-makers such as councils and statutory undertakers, as to their duty under Section 40 of the NERC Act, to “have regard to the conservation of biodiversity in England” in day-to-day decisions.

The proposed industrial units are an obvious location but the school building could also provide opportunities. Creation on the school building would provide educational benefits but also provide a wide range of other benefits. These include:

- Reduced rainwater runoff
- Enhanced roof insulation properties
- Attractive visual appearance
- Reduction in urban heat island effect
- Enhances roof lifespan by protecting underlying waterproofing system
- Provide green space in urban areas
- Encourage biodiversity

It should be noted, that all brown roof systems should use a high percentage of recycled products. Most materials used in the implementation of a brown roof can be up to 100% recycled. With the careful selection of products, it is possible to reach this percentage. Suppliers and manufacturers should also be able to provide certification to substantiate this. However if this is not possible, you should expect at the very minimum 40% recycled products.

(photographic examples are then provided)

Paragraph 109 of the NPPF states that the planning system should look to provide net gains in biodiversity where possible, whilst Paragraph 118 advises that opportunities to incorporate biodiversity in and around developments should be encouraged.

Bird nesting season

It is stated in Section 6.5.14 of the Environmental Statement that “Any potential impacts on breeding birds will be avoided by undertaking vegetation clearance including scrub or tree clearance outside of the bird breeding season (May to July for most species) unless prior nesting bird checks are undertaken by an appropriately qualified ecologist prior to clearance”. We strongly

recommend that this time period is amended to reflect the fact that resident species such as dunnoek can be nesting in early-mid March and that nightjar and yellowhammer could have active nests in August and therefore to minimise the risk of harm to nesting birds we would recommend that any vegetation clearance avoids the period March-September inclusive. If any works are to begin during this period then a suitably qualified ecologist should be on site to survey for nesting birds. As you will be aware all birds (except pest species), their nests, and eggs are protected from disturbance and destruction by the Wildlife & Countryside Act 1981 (and as amended).

Concluding Remarks

In the absence of the results of the detailed Nitrogen modelling and the necessary assurances on the zoning of the Tip habitats, visitor management and SANGS we are unable to support this application, as we cannot be certain that this scale of housing could be accommodated without harm to priority habitats and protected species, particularly from high levels of disturbance and the impacts of NOx. For this reason we have a position of a holding objection to this application.

I hope that you find our comments helpful. Please do not hesitate to contact me on 0115 958 8242 should you wish to discuss any of the above or for us to meet with you and the Applicants. We would be grateful if you would keep us informed about the progress of this proposal

21.03.17

Re: Air Quality Assessment

Thank you for consulting Nottinghamshire Wildlife Trust (NWT) on the Air Quality Assessment supplementary planning document. Having studied the document carefully we request a clearer explanation from the applicant's consultants on the following points before we are prepared to review our position of a holding objection to this planning application.

The Environmental Statement (6.4.23) states that the difference between traffic levels when the colliery was active and those arising from this proposal are considered to be 'not significant'. It is predicted, however, that peak traffic flows will be 3.5 – 4 times the levels associated with the active colliery.

We would like clarity on where the baseline nitrogen deposition rate is derived from (see below).

- We are unable to understand the relationship between the figures in Table 22 and 29.
- Table 22 highlights baseline nitrogen deposition rates;
- E1. Birklands West and Ollerton Corner – 18.62 (KgN/ha/yr).
- Table 29 highlights Predicted Annual Nitrogen Deposition Rates;
- E1. Birklands West and Ollerton Corner – 19.02 (KgN/ha/yr). This figure is without development (DM) but why is this figure different to the one in Table 22.

Having discussed the Air Quality Assessment with Colin Wilkinson (RSPB) we are of the opinion that a meeting with all parties would be useful in order to fully understand how the conclusions in the assessment have been reached.

09.05.17

Re: Air Quality Technical Note (Ecological Impacts)

Thank you for consulting Nottinghamshire Wildlife Trust (NWT) on the Air Quality Technical Note. Having studied the document carefully we find that our concerns relating to predicted air quality standards have been allayed. That said the assessment is wholly reliant on the reliability of the dispersion modelling process and an acceptance of this at face value. For this reason we feel that there is a strong case for a long-term air quality monitoring programme to be implemented. This is fully justified due to the scale of the proposed development and the proximity of priority habitats that are particularly sensitive to the effects of nitrogen deposition.

This programme would involve;

- Long-term air quality monitoring of atmospheric nitrogen (NOx) at the twelve receptor locations established in the recent assessment in years 1, 2, 3, 5, and 10. This could begin following completion of Phase 1 and continue after completion of the development.
- Provision of the monitoring results to the Local Planning Authority.
- Reviewing data to compare the accuracy of the original predictions to what is actually happening on the ground. If air quality is shown to be worse than predicted then a re-evaluation of the level of mitigation would be required.
- Traffic monitoring at the entrance of the development to assess predicted traffic movements against actual traffic movements. This would be in the interest of the applicant if air quality in the area deteriorates but evidence can be produced that confirms that the new development is not the source.

SANGS

The application states that the entire former pit tip (now 'Country Park') and 11.89 hectares of proposed green infrastructure should be considered as SANGS. **As stated in a previous response we do not agree with this approach** (letter dated 18 January 2017). We are of the opinion that including the entire pit tip as SANGS would be incongruous with the aims and objectives of the restoration scheme, as it would undermine the value of the habitats for rare ground nesting birds, notably nightjar and woodlark. To avoid significant indirect impacts through recreational activity, a comprehensive and workable visitor management strategy is required given the level of disturbance is likely to be greater than originally anticipated under the terms of the mineral restoration scheme. Zoning levels of activity through fencing and natural barriers would be essential so that there would be quieter areas for sensitive bird species. Previously we stated that we would expect this to be agreed at the outline stage, as we considered this to be an essential requirement to enable the LPA to rigorously assess the potential impacts of the scheme on these Annex 1 bird species, for which the tip restoration has been designed. After careful consideration we are now of the opinion that it would be more appropriate for this aspect of the application to be agreed at the reserve matters stage, as long as the requirement to do so is made clear in any outline permission.

We have identified a possible alternative approach that may achieve better conservation outcomes than the creation of conventional open space to meet SANGs requirements:

1. The alternative would comprise of informal habitat-rich recreational green space being created on the former arable land, to attract a significant number of local dog walkers away from the habitats on the Tip (dogs are a significant predator of ground-nesting birds) and also to achieve health and wellbeing benefits for the new residents, particularly the very young or more inform, who may wish to walk short distances on flatter ground than the Tip provides.

2. An extension of habitat management on the pit tip beyond the 5-year statutory aftercare period required under the current mineral permission, financed through this proposed development. The latter would enable the habitat complex to be managed to optimise its value for wildlife in the long term whilst also providing a valuable wildlife-rich greenspace for a sustainable level of informal recreation. In the absence of such a commitment to long term (at least 25 years) conservation management, the Tip habitats cannot be claimed as SANGS, as the impact of the residents would, of course, be in perpetuity.

Summary

Following the submission of Air Quality Technical Note (Ecological Impacts) we find that our concerns relating to predicted air quality standards have sufficiently allayed. We are of the opinion, however, that a long-term air quality monitoring programme is required to test the accuracy of the dispersion model. After careful consideration we are now of the opinion that it would be more appropriate for the issue of SANGS and a visitor management strategy to be dealt with at the reserve matters stage. In light of this we find that we are now able to remove our holding objection to this planning application, subject to the imposition of conditions to secure the monitoring and SANGS as describe above.

RSPB

26.01.17

Thank you for consulting us on this application. For the reasons explained below RSPB objects to this application, at least pending further information from the applicant regarding vehicle movements, air pollution, and nitrogen deposition on lowland heathland and acid grassland in nearby statutory sites for nature conservation. All comments about other aspects of the development below must considered without prejudice to this fundamental point of concern.

If we are sent further information in response to the points raised below, we will review our position.

The RSPB places the highest importance on the continued protection of statutory nature conservation sites including Sites of Special Scientific Interest (SSSIs) designated under the Wildlife & Countryside Act 1981, and sites such as Special Areas of Conservation (SACs) classified under Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora ("the Habitats Directive").

This proposal lies adjacent to Birklands and Bilhaugh SSSI to the north, to Birklands West and Ollerton Corner SSSI to the east, and is close to part of Birklands and Bilhaugh SAC, across Swinecote Road to the west. That part of the SAC which lies to the west is also designated as Sherwood Forest National Nature Reserve (NNR). Finally we believe Sherwood Forest qualifies for classification as a Special Protection Area (SPA) under Council Directive 2009/147/EC on the conservation of wild birds ("the Birds Directive") because it supports nationally important populations of nightjars and woodlarks, species listed on Annex 1 of the Birds Directive. No SPA has yet been classified in Sherwood Forest, but Natural England has issued guidance that a precautionary approach should be taken to granting permission for developments that may affect these two bird species. Collectively these sites are the single most important continuous assemblage of designated sites for nature anywhere in Nottinghamshire, in terms of physical scale, intrinsic value and statutory status. This is the context in which our response should be viewed.

Some of the land subject of this application is plainly previously developed land as defined by the National Planning Policy Framework and therefore the re-use of that part of the land is consistent with national policy. The type, scale and precise extent of development is for the Council to consider in the context of emerging local plan policy. These proposals seem to be broadly consistent with draft policies ShAP3 and ShAP4, contained in the Council's draft "Preferred Approach – Sites and Settlements" document now open to consultation. That said the scale and type of development envisaged in draft policy and this application does not look "plan-led".

We welcome the inclusion of an Environmental Impact Assessment with the application. We are satisfied the breeding and wintering bird surveys are adequate in terms of scope and methodology. The results raise no significant concerns for us that cannot be dealt with either through conditions, and/or at reserved matters stage.

We are satisfied the proposals generally avoid significant direct impact on existing features of nature conservation interest, including designated sites, protected species, and habitats of principal importance. The indirect impacts on nearby protected sites could be significant in two regards:

- 1) Increased nitrogen deposition on lowland heathland and acid grassland on nearby protected sites, arising from a significant increase in local vehicle traffic over base line levels.
- 2) Increased recreational disturbance (including from dog walking) and predation by domestic cats on nearby protected sites, arising from a large increase in the local residential population.

We deal with each of these in turn, below:

- 1) Increased nitrogen deposition

We have decided to object to this outline application because of what we believe is a lack of clarity (and missing information) relating to vehicle movements, air pollution, and nitrogen deposition on lowland heathland and acid grassland in nearby statutory sites for nature conservation. We explain the reason for our concerns

Paragraphs 6.4.18 – 6.4.25 of the Environmental Statement (ES) deal with indirect air quality impacts on nearby protected wildlife sites. 6.4.22 says, "the air quality assessment predicts that the deposition rates will be insignificant' but then mentions further modelling being done the results of which are not yet available. The agent for the application has told us (on 24 January) that this might be available in around two weeks. We believe this is critical information and we cannot submit a final response to this application until we have had a chance to consider it.

Based on ES paragraph 6.4.22, we have looked at the Air Quality Statement. This only deals with the public health impacts from air pollution not the ecological impacts. It certainly does not do what paragraph 6.4.22 says it does.

6.4.23 of the ES says, "With regard to the NO_x the primary source of NO_x will be traffic generated. The Transport Assessment demonstrates that the differential between the former colliery traffic and the traffic proposed to be associated with the development is not significant and therefore there is not likely to be any significant increase in NO_x emissions from traffic [Our emphasis].

This is at odds with what the Transport Statement says about baseline and future traffic levels. The consultants have chosen to use as their baseline the recent past level of colliery use at the point of its closure in 2015. Pages 29/30 of the TS contain the tables that model the traffic movements

then, and those that predict future traffic movements. Compared with 270 two-way vehicle movements during each peak AM and peak PM hour former colliery use, the future two way traffic movements from the housing and employment development represent an increase of around 394% in the peak AM hour, and 353% in the peak PM hour. We do not accept this is an insignificant difference, as suggested by the ES.

Ultimately, the threat of increased nitrogen deposition on nearby heathland is the most significant nature conservation issue to be addressed here. There are two reasons for this:

First, under the Conservation of Habitats and Species regulations 2010 the Council has to consider whether this proposal is likely to have a significant effect on the interest feature of the SAC, alone or in-combination with other plans or projects. As noted on the JNC Standard data Form1, the SAC is already threatened by diffuse aerial pollution; nitrogen deposition on SAC heathlands may already be approaching, if not already exceeding, recommended limits.

The ecological effects are insidious. Nitrogen is basically a fertiliser; when added to habitats that are naturally low-fertility, it encourages vigorous growth of competitive species like tussock forming grasses, nettles, brambles and scrub at the expense of specialist grasses, lichens heathers and shrubs adapted to low fertility conditions. The whole character of the habitat can change over time, leading to the loss of the invertebrates, reptiles, birds and other wildlife associated with heathland and acid grassland.

So, even a small increase in nitrogen deposition arising from this development may amount to a significant effect, alone or in combination with other plans or projects. As the application stands, we believe that as the competent authority, the Council cannot currently conclude there is not likely to be a significant effect on the features of interest of the SAC. Unless further information is produced by the applicant that models the predicted effects accurately and openly, and those effects prove to be insignificant (alone or in combination) our view is that the application should be refused.

Secondly, the applicant cannot realistically mitigate the amount of air pollution (and therefore nitrogen deposition) arising from private car use except by reducing the overall scale of the development to a level more commensurate with the scale of vehicle use seen previously, when the colliery was active. We have other concerns (discussed later) which can, potentially, be addressed by careful design and detailed mitigation plans at reserved matters stage, but this is not one of them. This matter must be properly considered and addressed or outline permission should not be granted.

2) Increased recreational disturbance and predation by domestic cats

Having looked closely at this issue we have decided not to object on this score, because the application does outline the mitigation measures to be employed, the detail of which can be refined and confirmed at reserved matters stage.

We do have some minor concerns about the proposed mitigation for the impacts of recreational disturbance and predation by domestic cats. If this application is approved, these points need to be addressed in full detail simply so that the Council and the applicant are aware of the issues when the time comes.

Role and function of the restored pit top, and mitigation for recreational disturbance

Avoiding residential development within 400m of the SAC is not the entire solution to mitigating offsite recreational impacts arising from that development, though the buffer is welcomed. In our response to PREAPP/00237/16 on 8 November 2016 we recommended this 400m buffer based on local plan policies and SPD adopted in the Thames Basin Heaths. These policies were based on detailed research into visitor recreational behaviour there that showed that if homes are built closer than 400m to large wooded/heathland areas, then the residents are likely to visit those areas almost regardless of the amount, location or quality of Sustainable Alternative Natural Greenspace (“SANGS”) provided as part of the development itself in effect for homes closer than 400m to sensitive habitats, the impacts cannot be mitigated.

Beyond 400m, the effect still exists but mitigation becomes more and more possible with increasing distance, through provision of SANGS. Housing development may be many kilometres away from the sensitive sites and still have to provide SANGS. The application does not really explain this very well: all of the housing proposed on the site, even on the eastern edge, has the potential to cause significant indirect impacts on the SAC unless fully mitigated by provision of SANGS

The stated aim of Harworth Estates’ planned restoration of Thoresby Colliery tip is to “create extensive areas of high priority BAP/Section 41 habitats that are characteristic of the Sherwood Forest Natural Character Area, in accordance with the aims of the UK BAP, The Nottinghamshire LBAP and Nottinghamshire Heathland Strategy. (Restoration Method Statement, March 2016).

It is now proposed that the restored pit top should become a country park and the application suggests that all of it (99.03 hectares) will serve as additional SANGS to that provided within the built development, as well as provide high quality new wildlife habitat.

Given that the primary function of SANGS is to attract visits from members of the local community who would otherwise have to use the nearby national and internationally important designated sites (e.g. for dog walking), one of the defining characteristics of SANGS is that it should be accessible. The Council’s Developer Contributions & Planning Obligation SPD confirms this, stating, “...in the context of the Birklands and Bilhaugh SAC the terms SANGS refers to... Sites that are freely accessible to people living within 5km of the SAC that provide an alternative to the SAC for regular (i.e. more than once a week) walking and dog walking. (Our emphasis).

Unconstrained public access and provision of high value wildlife habitats are not always mutually compatible, especially in the birds’ breeding season. On the pit top this will be an extended season, given the potential presence of nesting wood larks from mid Feb and nightjars until the end of August. Careful zoning and access controls to some areas in this extended period will be needed, and therefore not all of the country park can be counted as SANGS. In particular, if and when a reserved matters application is submitted, complete clarity over what areas of open space (within the development and on the pit top) will be made available for dog walking on and off leads will be required, along with full details of how this will be monitored and enforced.

Mitigation of domestic cat predation: Any reserved matters application must provide full design details of the location and design of physical buffers (including water features) designed to prevent domestic cats reaching the habitats on the restored pit top, including specifications for how they will be managed maintained in perpetuity, and deep water retained in them even during prolonged droughts. Without these safeguards, the mitigation could swiftly become useless

Choice of tree species in landscaping - The plan to use exotic tree species such as sweetgum, tulip tree, pin oak and maidenhair tree to landscape part of the built development is not appropriate to the area. The justification for using such exotic species is weak – the application mentions reflecting “fossil fuel heritage” (3.8.1 of the Design and Access Statement) even though most of these species arose entire geological ages after the Nottinghamshire coal field was formed. It will create an enclave of landscaping that is alien to the surrounding natural landscape of Sherwood. It will not aid habitat connectivity or native species movement across the site, or compensate in kind for loss of any existing native trees. We would strongly prefer to see a mix of native tree and shrub species appropriate to the natural character of the site and its surroundings, notably pedunculate and sessile oak, field maple, beech. Silver and downey birch and rowan, and hope the Council will insist on it.

Defining and achieving “outstanding quality” in the development, including for biodiversity enhancement: We welcome the applicant’s vision to “create a mixed – use development of outstanding quality”. However, the application does not really give a clear impression of what “outstanding quality” actually means in terms of the benchmarks and standards to be sought. Furthermore, draft Local Plan Policy ShAP4 does little more than facilitate the scale and location of the development desired by the applicant, and describe what would be expected of any mixed development of similar scale in a similar location. So on the face of it the power of the Council push for real “outstanding” quality is limited.

We hope and believe the applicant aspires to deliver a high quality, distinctive development that delivers much more than just a certain number of new homes that help meet local and sub regional housing needs. These high standards should span the full range of sustainability attributes, for example including water supply and re-use, energy efficiency and production and biodiversity enhancement.

Similarly, we hope that Newark and Sherwood Council will define a vision for the quality of this development that takes it far above “average” and sets a new high standard for sustainable, nature-friendly housing in the District that offers existing and new residents a high quality of life. We are worried that neither the current master plan, nor the draft Local Plan policies, will achieve this as they stand.

As stated in our response to PREAPP/00237/16 on 8 November 2016, there is great scope to incorporate nature-friendly features into the built development (as well as any green infrastructure), such as integral bird and bat boxes, choice of native plants, nature friendly Sustainable Urban Drainage Systems, green roofs and brown roofs for invertebrates and others. A more complete list of positive design interventions can be found in “Designing for Biodiversity: a technical guide for new and existing buildings”

The RSPB is working with a range of partners in the housing industry to bring about a much needed improvement in the design of large scale housing developments for nature on several major sites in the UK. We would be pleased to work with the applicant and the Council to consider ways that the redevelopment of Thoresby Colliery could define a new high standard for nature-friendly housing in Newark and Sherwood.

In this letter and previous responses to the master plan have listed our expectations of this development. We will expect all of these to be addressed through careful design and layout, or additional controls through conditions or planning obligations, at reserved matters stage. We summarise them all below and hope this is helpful:

- No housing should be located closer than 400m to the SAC; other land uses such as education, employment or open space may be acceptable within this buffer.
- Significant landscaping buffers and SANGS should be maintained between urban development and nearby protected sites (the SAC, NNR, SSSIs and Local Wildlife Sites) and habitats of principal importance including those to be created on the pit top.
- The development must provide enough SANGS (by a comfortable margin), that is located, designed and managed in such a way as to mitigate indirect impacts on the SAC and SSSIs, from recreational disturbance. Provision must be made for that SANGS to be managed in perpetuity.
- Not all of the restored pit top can be claimed as SANGS, because significant parts of it are intended to provide high quality habitats capable of supporting nesting nightjars, woodlarks and other wildlife sensitive to disturbance.
- Those areas of the restored pit top not designed to be publicly accessible (including to dogs on or off leads, and mountain bikes) must be clearly defined.
- Areas where seasonal public access may be appropriate should be defined on a zoning plan. Given the potential presence of nesting woodlarks and nightjars, the breeding season on open ground habitats should be taken to mean from 15 February to 31 August each year, inclusive.
- The means by which public access to these areas will be deterred and enforced, and arrangements for monitoring the effectiveness of these measures, must be provided.
- Full details of the physical features to be built into the development to prevent domestic cats reaching habitats on the restored pit top must be provided including details of how these will be maintained in perpetuity and (in the case of ditches) deep standing water retained in them at all times.
- A restrictive covenant on cat ownership by future residents would not be an appropriate part of the cat predation mitigation plan because it cannot be enforced effectively.
- The development proposals must include details of the any development on the former colliery site to help secure the long term financial costs of managing the habitats on the pi top.
- Landscaping schemes throughout the development and the open spaces should use only native species appropriate to the natural character of the site's surroundings. Exotic species such as those currently proposed for the "industrial character zone" should be avoided.
- Details of how the development will integrate with its surroundings, including access routes between the built development, the pit top, Edwinstowe village and the planned new Sherwood Forest Visitor Centre, should be included.

13.03.17 - Thank you for consulting us about the Air Quality Assessment February. In our previous letter of 25 January 2017 on this case, the RSPB objected pending further information from the applicant regarding vehicle movements, air pollution and nitrogen deposition on nearby statutory sites for nature conservation.

For reasons explained below we have decided to maintain our objection at this time, pending further information and an opportunity fully to discuss the implications with Natural England and the Wildlife Trust.

From the AQA we note the following salient points:

Local background concentrations of nitrogen dioxide (NO₂) are predicted to fall slightly over the next ten years (AQA Table 14, p24) continuing a trend apparently already in train. This promises a slight and gradual slow-down (though not a reversal) in the rate of nitrogen deposition on local semi-natural habitats including those in the Birklands and Bilhaugh Special Area of Conservation (SAC)

Baseline nitrogen deposition rates on the most sensitive habit types present at each sampling point in the designated wildlife sites around Thoresby Colliery exceed the 'high critical load in most cases. Notably, the baseline nitrogen deposition rates on the SAC at sampling points E10, E11 and E12 are almost double the "high" critical load for the oak woodland habitat present (AQA Tables 21/22, pp30-32)

In our opinion therefore, any proposal that would have more than a quite minimal effect in terms of additional nitrogen deposition, might well have a significant adverse effect on the features of interest of the SAC especially when considered in-combination with other plans or projects.

AQA Table 29 (p44) predicts increases in the annual nitrogen deposition rate at receptor sites in the SAC of 0.01 kilograms of nitrogen per hectare per year. As the consultants conclude, predicted change in annual nitrogen deposition rates is less than one percent of the critical load.

However, there are a several issues that mean we have decided to maintain our objection this time.

First, no new information has yet been provided to clarify the situation regarding expected increases in traffic movements compared to baseline levels. As we raised in our letter of 25th January 2017, we cannot reconcile the suggestion in 6.4.23 of the Environmental Statement that the "differential" between (past) colliery traffic levels and those arising from this proposal will be "not significant", with the prediction that peak hour traffic flows will be 3.5 to 4 times the levels associated with the former colliery use in its last years of operation. We would welcome further clarity from the applicant on this, as this crucial point underpins any assessment of the significance of changes in air pollution and nitrogen deposit.

Secondly, it would be helpful to get clarification on whether the "DM" figures in tables 27 and 29 include or exclude pre-existing emissions from the colliery use (including those arising from ongoing combustion of mine gasses on the site).

Lastly, to enable the competent authority and nature conservation stakeholders (particularly Natural England) to be able to understand the significance of the air pollution effects of this proposal when considered in combination with other plans or projects, it would be helpful if the AQA information could be presented in the same way as was used in application 16/01499/FULM for the new Sherwood Forest Visitor Centre. Specifically, we still have not yet seen a clear statement about how many vehicle movements associated with Thoresby Colliery proposals would be likely to use the B6034 between Edwinstowe and its junction with the A616. It seems unlikely to be "none". We feel that a clear description of the actual expected increase in vehicle

movements against base line levels on the Swinecote Road is a necessary part of the evidence base on which the AQA must be founded. Such was the approach followed in the case of the planned new Visitor Centre, that gave Natural England and the Council the confidence to be able recommend application 16/01499/FULM for approval.

Finally, as noted at the beginning we are in active conversations with Natural England and the Wildlife Trust on these matters. However, as the Council seems to have been a little inconsistent in consulting all of us concurrently about the same things we have decided to maintain our objection for now if only to allow reasonable time for the RSPB to understand their positions before responding fully and finally.

25.04.17

We ask that you consider the RSPB's objection pending the outcome of meeting between the applicant NSDC and NE and particularly, Natural England's position as a result. The following outlines the RSPB's views in the meantime, having read the technical note.

With reference to the three issues relating to the AQA we raised in our objection letter of 25 January 2017:

1. *(Quote): "it would be helpful to get clarification on whether the "DM" figures in tables 27 and 29 include or exclude pre-existing emissions from the colliery use (including those arising from ongoing combustion of mine gasses on the site)"*

Clarification that the "DM" figures in tables 27 and 29 do not include emissions associated with the former colliery use is helpful. We also note the explanation that the DM values take account of any emissions arising from mine gas combustion, but that the contribution from this source is likely to be extremely low. At this point we have no further comments or questions on this particular aspect.

2. *(Quote): "no new information has yet been provided to clarify the situation regarding expected increases in traffic movements compared to baseline levels. As we raised in our letter of 25 January 2017, we cannot reconcile the suggestion in 6.4.23 of the Environmental Statement that the "differential" between (past) colliery traffic levels and those arising from this proposal will be "not significant", with the prediction that peak hour traffic flows will be 3.5 to 4 times the levels associated with the former colliery use in its last years of operation. We would welcome further clarity from the applicant on this, as this crucial point underpins any assessment of the significance of changes in air pollution and nitrogen deposition."*

We note the following relevant reply from p4 of the technical note:

"Traffic data for use in the Air Quality Assessment was provided by ADC Infrastructure Limited, the Transport Consultants who produced the Transport Assessment for the development. If there are specific questions regarding the methodology used for the generation of flows then we would be happy to pass these on."

In our view the question we posed on 25 January 2017 remains unanswered. We did not specify that our question had to be resolved solely by the AQA, it was in part an inquiry based on an apparent discrepancy between the Environmental Statement, and the Transport Statement. We would be interested to know if the applicant intends to follow this up with ADC Infrastructure Limited if they are the best qualified party to help answer.

3 (Quote): “to enable the competent authority and nature conservation stakeholder (particularly Natural England) to be able to understand the significance of the air pollution effects of this proposal when considered in combination with other plans or projects, it would be helpful if the AQA information could be presented in the same way as was used in application 16/01499/FULM for the new Sherwood Forest Visitor Centre. Specifically, we still have not yet seen a clear statement about how many vehicle movements associated with the Thoresby Colliery proposals would be likely to use the B6034 between Edwinstowe and its junction with the A616. It seems unlikely to be “none”. We feel that a clear description of the actual expected increase in vehicle movements against baseline levels on the Swinecote Road is a necessary part of the evidence base on which the AQA must be founded – such was the approach followed in the case of the planned new Visitor Centre, that gave Natural England and the Council the confidence to be able to recommend application 16/01499/FULM for approval.

Having seen the response to this question, Natural England’s opinion on whether the method followed will allow the Competent Authority to rule out a likely significant effect is going to be the most important factor. As we are unable to attend the meeting we only observe at this point that the response relayed from ADC Infrastructure Ltd seems highly mechanistic and assumes, for example, that no one exiting the Thoresby Colliery development will make dual purpose trip to Edwinstowe or Forest Corner and then onwards, that people make rigid journey decisions based on small differences in the time taken over short distances, and the junction improvements at the Ollerton Roundabout will always perform flawlessly.

30.05.17

We welcome the Air Quality Technical Note, which resolves the outstanding queries we had relating to air pollution impacts on protected wildlife sites in the area, particularly Birklands and Bilhaugh Special Area of Conservation (SAC).

However, we believe that if the Council is minded to approve this application it would be important, and reasonable, to require the applicant to undertake long term air quality monitoring related to the development. This would enable all parties to test the accuracy of the modelling work in the Technical Note, and the predictions made. Also, if the predictions prove inaccurate and the impact of traffic emissions from the development on priority habitats is greater than predicted, there needs to be scope to at least consider implementing further mitigation options. As an example of how inputs to models can be e misjudged, we need only look at how certain car manufacturers have been caught falsifying vehicle emissions data recently.

So, the RSPB is prepared to withdraw our objection dated 25 January 2017, subject to a condition requiring long term air quality monitoring linked to the development

We are happy to leave the precise wording to Newark and Sherwood Council but in our opinion it should include the following:

- A vehicle movement counter to be positioned on the main access road into the development from the A6075 Ollerton Road.
- Air quality sampling to take place at the same 12 sampling locations as shown on Figure 1 of the Technical Note dated 12 May 2017.
- Monitoring sufficient to establish a clear pre-development baseline in all seasons, and then to take place in years 1, 2, 3, 5 and 10 from the completion of development.. Monitoring could begin earlier (e.g. on completion of phase 1) but the predictions in the Technical Note are founded on

the complete and operational development, so we believe the critical monitoring period will be from when the development is complete.

- Reports to the Council to be provided annually or when monitoring takes place as above

Suggested reason: to test the reliability of the Air Quality Assessment in the long term, monitor ongoing effects on local protected wildlife sites that may be attributable to the development, and provide a basis for discussion of further mitigation measures to be employed should these be deemed necessary.

We do not think this requirement is onerous or unreasonable.

Other issues:

Given the time that has passed since our original objection in 25 January 2017 it is appropriate to highlight once more the issues we raised then that we believe need to be fully addressed at reserved matters stage, if this Outline application is approved. These are:

No housing should be located closer than 400m to the SAC; other land uses such as education, employment or open space may be acceptable within this buffer.

Significant landscaping buffers and SANGS should be maintained between urban development and nearby protected sites (the SAC, NNR, SSSIs and Local Wildlife Sites) and habitats of principal importance, including those to be created on the pit top.

The development must provide enough SANGS (by a comfortable margin), that is located, designed and managed in such a way as to mitigate indirect impacts on the SAC and SSSIs, from recreational disturbance. Provision must be made for that SANGS to be managed in perpetuity.

Not all of the restored pit top can be claimed as SANGS, because significant parts of it are intended to provide high quality habitats capable of supporting nesting nightjars, woodlarks and other wildlife sensitive to disturbance.

We note that in section 3.3.4 the Air Quality Technical Note again suggests that large areas of heathland on the pit top are earmarked to serve as SANGS. We do not accept this is necessarily appropriate. The amount, location and nature of SANGS needs to be determined in consultation nature conservation bodies through Reserved matters

- Those areas of the restored pit top not designed to be publicly accessible (including to dog on or off leads, and mountain bikes) must be clearly defined.
- Areas where seasonal public access may be appropriate should be defined on a zoning plan. Given the potential presence of nesting woodlarks and nightjars, the breeding season on open ground habitats should be taken to mean from 15 February to 31 August each year, inclusive.
- The means by which public access to these areas will be deterred and enforced, an arrangements for monitoring the effectiveness of these measures, must be provided.
- Full details of the physical features to be built into the development to prevent domestic cats reaching habitats on the restored pit top must be provided, including details of how these will be maintained in perpetuity and (in the case of ditches) deep standing water retained in them at all times.

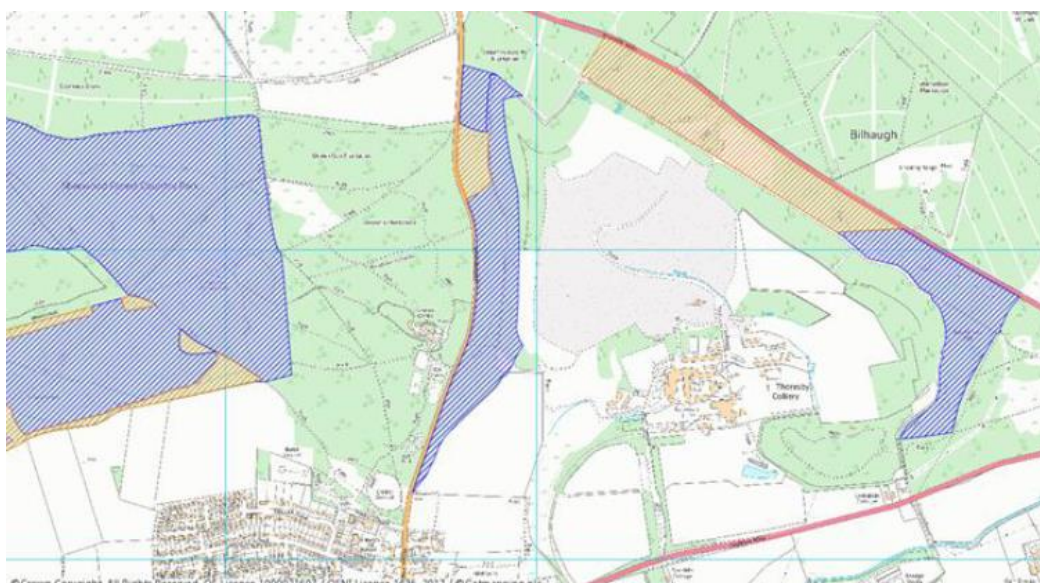
- A restrictive covenant on cat ownership by future residents would not be an appropriate part of the cat predation mitigation plan because it cannot be enforced effectively.
- The development proposals must include details of the any development on the former colliery site to help secure the long term financial costs of managing the habitats on the pit top.
- Landscaping schemes throughout the development and the open spaces should use only native species appropriate to the natural character of the site’s surroundings. Exotic species such as those currently proposed for the “industrial zone should be avoided.
- Details of how the development will integrate with its surroundings, including access routes between the built development, the pit top, Edwinstowe village, and the planned new
- Sherwood Forest Visitor Centre, should be included

For further details and rationale on some of these issues please refer back to our letter of 25 January 2017.

Woodland Trust

21.02.17 Outlines the role of the Trust and definition of ancient woodland.

The proposed development of the former Thoresby colliery site has the potential to negatively impact on ancient woodland contained within the planning application boundaries. The applicant appears to have correctly identified the location of the Birklands and Bilhaugh SSSI and SAC and the western boundary of the proposed development follows the edge of this designation. However, what is of concern to the Trust is that the applicant has failed to identify that ancient woodland on the ancient woodland inventory (AWI) extends at least 50m beyond the edge of the SSSI/SAC designation and on to the development site itself. The location of ancient woodland on the AWI is publically available and the applicant should have checked for this habitat at the same time as reviewing the location of other habitat designations (such as SSSIs and SACs) in the area. The map below shows the location of the ancient woodland in relation to the colliery site.



The lack of information regarding this ancient woodland and the impacts of the proposed country park upon it has meant it has been very difficult to ascertain exactly how the woodland may be affected. However, the illustrative masterplan shows what appear to be either footpaths or an

area of heathland within the ancient woodland. Ancient woodland in turn appears to have been removed. As previously stated, ancient woodland is an irreplaceable habitat and therefore everything should be done to protect this finite resource. Turning it into heathland or constructing paths through it would cause irreparable loss. As a minimum, the Trust would expect to see this section of woodland buffered with additional native woodland planting to protect it from encroachment from the proposed country park.

The fact that none of the planning documents recognise the significance of this section of ancient woodland coupled with the lack of detailed information regarding the proposed features within it the Trust objects to the proposal in its current form.

Severn Trent Water

With reference to the above planning application the Company's observations regarding sewerage are as follows.

I confirm that Severn Trent Water Ltd has NO Objection to the proposal subject to the inclusion of the following condition.

Condition

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 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.

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.

Environment Agency

The previous use of the proposed development site as a colliery and coking works presents a high risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is within Source Protection Zone 3 and is located upon Principal aquifer The 'Phase 1 Desk Study' (dated 14th December 2016, ref P16-424) submitted in support of this planning application provides us with confidence that it will be possible to suitably manage the risk posed to controlled waters by this development. Further detailed information will however be required before built development is undertaken. It is our opinion that it would place an unreasonable burden on the developer to ask for more detailed information prior to the granting of planning permission but respect that this is a decision for the Local Planning Authority.

In light of the above, the proposed development will be acceptable if a planning condition is included requiring the submission of a remediation strategy, carried out by a competent person in line with paragraph 121 of the National Planning Policy Framework

Without these conditions we would object to the proposal in line with paragraph 109 of the National Planning Policy Framework because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

Condition

Prior to each phase of development approved by this planning permission no development shall commence until a remediation strategy to deal with the risks associated with contamination of the site has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified:
 - all previous uses;
 - potential contaminants associated with those uses;
 - a conceptual model of the site indicating sources, pathways and receptors; and
 - potentially unacceptable risks arising from contamination at the site.
1. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
2. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the

remediation measures required and how they are to be undertaken.

3. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

Reason

- To ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution in line with paragraph 109 of the National Planning Policy Framework.

To prevent deterioration of a water quality element to a lower status class in the Nottingham Castle Sandstone.

The previous use of the proposed development site as a coking works and colliery presents a high risk of contamination that could be mobilised by surface water infiltration from the proposed sustainable drainage system (SuDS) leading to pollution of controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is within Source Protection Zone 3 and is located upon Principal aquifer.

In light of the above, we do not believe that the use of infiltration SuDS is appropriate in this location. We therefore request that the following planning condition is included in any permission granted. Without this condition we would object to the proposal in line with paragraph 109 of the National Planning Policy Framework because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

Condition

No infiltration of surface water drainage into the ground in areas affected by contamination is permitted other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reasons

To ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels water pollution caused by mobilised contaminants in line with paragraph 109 of the National Planning Policy Framework.

To prevent deterioration of a water quality element to a lower status class in the Nottingham Castle Sandstone.

For areas where there may be regular HGV manoeuvring the following condition will apply:

Condition

The development hereby permitted shall not be commenced until such time as a scheme to install oil and petrol separators has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

Reasons

To reduce the risk surface and groundwater pollution.

Condition

The development hereby permitted shall not be commenced until such time as a scheme to treat and remove suspended solids from surface water run-off during construction works has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

Reasons

To reduce the risk of silt pollution during the initial development stage.

INFORMATION:

Severn Trent Water Ltd should be consulted by the Local Planning Authority and be requested to demonstrate that the sewerage and sewage disposal systems serving the development have sufficient capacity to accommodate the additional flows, generated as a result of the development, without causing pollution.

Ramblers

We have studied the outline plans for this development and comment as follows:

We are neither supporting nor objecting but are concerned that the integrity of Edwinstowe Bridleways Nos. 16 & 24 may be affected at some later stage of development. We seek assurances that the availability of these rights of way will be maintained and not obstructed at any time.

NCC Rights of Way - This application may impact on Edwinstowe Parish Public Bridleways No 16 & 24, which run alongside 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

NSDC - Access and Equalities Officer

As part of the considerations of inclusive access and facilities for all, with particular reference to disabled people, attention is 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, as well as wheelchair user dwellings within the housing 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.

Inclusive access should be carefully considered throughout the overall proposal where all users, including disabled people, can equally use the development. As part of the developer's considerations of inclusive design to ensure that all places, spaces and buildings can be easily and comfortably accessed and used by everyone and to ensure that the development meets as many people's needs as possible, it is recommended that attention be additionally drawn to BS8300:2009 – Design of Building and their approaches to meet the needs of disabled people –

Code of practise which provides useful standards in this regard. . Everyone at some point will probably experience limited mobility – a parent with young children, an older person or an individual with injuries. It is important to identify barriers to inclusion as early as possible within the design process so that good design can overcome them. Inclusive design celebrates the diversity of people and should not impose disabling barriers. While the needs of wheelchair users and mobility impaired people are important it is also necessary to understand the barriers experienced by people with learning difficulties, mental ill health, visual impairments and hearing impairments.

Pedestrian approaches should be carefully designed to ensure that they provide a safe, barrier free level approach to the proposals from the edge of the site, as well as car parking where suitable provision for disabled motorists to park should be provided, with dropped kerbs, appropriate tactile warnings and carefully designed road crossings etc. as applicable. Car parking is required to be considered where carefully laid out provision for disabled motorists, whether members the public, visitors or staff, should be incorporated as close as feasible to the principal entrances of buildings. Minimum proportion and number of designated spaces is detailed in BS 8300: 2009. Directional signs should be provided to direct disabled motorists to designated parking spaces. It is important that the disabled motorist parking spaces themselves are signed both at ground level as well as sign posted should road markings be obscured. They should be carefully laid out and marked with safety and access zones around the space and a safe vehicular-free access route provided to buildings. Spaces for disabled motorists should be as close as feasible to the principal entrances and should be clearly signed from car park entrances. Signs should be provided indicating the accessible route to the buildings. It is important to consider the accessibility and location of any car parking ticket dispensers and controls and BS8300 gives further guidance in this regard. Designated setting-down, picking-up points are also an important provision. Routes should be carefully designed so as to be smooth, level, non-slip, and barrier free and of sufficient width. Site gradients will need to be carefully assessed to ensure that these are accessible to all users with any sloping pathway designed to meet level or ramped approach standards. It is recommended that separate traffic free pedestrian pavements with kerbs will be provided throughout the development to separate vehicular routes from pedestrian pathways and any danger to pedestrians from being required to walk along vehicular routes avoided.

It is important to restrict the number of barriers, restrictions or other hazards that disabled people encounter on the approach to and from the proposals. Uneven surfaces and gaps between paving materials cause problems for wheelchair users, people with impaired vision and people who are, generally, unsteady on their feet. Paving materials should be smooth, level and non-slip. Similarly car parking surfaces should be smooth, firm, non-slip and level with no uneven surfaces or gaps. Any street furniture such as litter bins, bollards, signposts etc. whether free-standing or projecting from the building are hazardous if not carefully designed and positioned clear of pedestrian routes. They should be carefully designed so as to be readily apparent and illuminated. For people with impaired vision, this is particularly important to reduce the risk of colliding with items located along the access route. Any external seating including benches should be carefully designed at an appropriate height and design so as to be suitable for ambulant disabled people with arms rests to give additional support and help when standing together with space for wheelchair users to sit alongside their seated companions. Carefully designed inclusive access routes should be considered to all external features and facilities and the developer should carefully considers their accessibility. Fieldfare Trust's BT Countryside for all provides useful guidance in respect of countryside paths and trails etc.

It is recommended that information and directional signs around the development, to and within the buildings etc. be clear and positioned so as to be easy to read. The JMU Sign Design Guide and BS8300 give guidance in this regard for buildings. It is further 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' which explains how the built environment can be designed to anticipate, and overcome, restrictions that prevent disabled people making full use of premises and their surroundings. It is recommended that the developer make separate enquiry regarding Building Regulations matters and also be mindful of the requirements of the Equality Act 2010.

NSDC- Environmental Health Contamination:

16.01.17 - Contaminated Land: I have now had the opportunity to review the Phase 1 Desk Study report submitted by Rodgers Leask Environmental in support of the above planning application. This document identifies several areas of particular concern in relation to contamination, namely the pit heads, coal stocking areas, railway sidings and coking works. The report recommends that an extensive scope of intrusive sampling and gas monitoring is carried out across the site as a result of the former uses. I generally concur with this initial assessment and shall await submission of the findings of this further works. In the meantime, I would recommend the use of our standard phased contamination condition.

Air Quality: An Air Quality Statement report has been submitted by Rodgers Leask. This document assesses the current status of air quality in the area of the development and concludes that the development will not have a negligible impact on air quality. However further work is proposed using air quality modelling, methodology for which has been agreed with the consultant (Redmore Environmental Ltd.) I shall await submission of this work prior to commenting further.

02.03.17 - An Air Quality Assessment has been conducted by Redmore Environmental (ref: 1459r2) dated 17th February 2017 in support of this planning application.

This document provides a comprehensive assessment of the air quality issues surrounding the proposed development, identifies the potential impacts from both the construction phase and operational phase.

The construction stage assessment identifies varying levels (ranging from high to negligible) of dust risk from the demolition and construction works and suggests numerous mitigation measures in order to control this risk (Table 24). Providing these are adhered to, I can concur with the assessment that that the dust risk is not significant.

The operational phase assessment included air quality modelling and predicted that the impacts during operational phase were negligible at all receptors. I can agree with these findings however also welcome the range of additional mitigation measures that are proposed (including incorporation of electric vehicle charging points, secure cycle parking facilities, travel plans etc.).

In summary, providing that the proposed mitigation measures are incorporated during construction and operational phases of the development, I can concur with the findings of the AQ assessment.

NSDC- Environmental Health

I have read the noise report which seems OK. It would be wise to require noise remediation measures for the properties near the main road, as suggested.

NSDC (Strategic Housing)

01.04.17 I have put together a draft table based on evidence from the 2014 Housing Needs Survey and our Housing Register. This required some further detailed work but can be used for guidance.

Type	Affordable Rent	Intermediate	Total
1 bed	30		30
2 bed	75	50	125
3 bed	35	46	81
4 bed	4		4
Total	44	96	240

In terms of type, Members will be seeking some bungalows.

09.05.17

- The total number of affordable housing units on the proposed site should be 240 out of a total of 800 dwellings representing 30% of the total scheme
- The Proposed tenure of the affordable housing should be agreed with the Council and should be based on 60% social or affordable rent and 40% shared ownership.
- The housing need in the area is for smaller homes. Demand for the Edwinstowe area is high and is led by one and 2 bed properties followed by 3 bed properties in the affordable sector. This information is derived from the DCA Housing Needs Study 2014 and covers the Sherwood area which includes other area such as Ollerton. In the absence of a parish housing needs survey; further evidence can be obtained from the District Council's Housing Register and the number of bids received by Newark and Sherwood Homes for properties in this location. 455 people in housing need have specified Edwinstowe at their preferred choice of area. 184 of those qualify for smaller homes, mainly one and two bedrooms and 225 are seeking supported housing. In terms of bids for properties, demand is high with 3 bed homes securing 20-30 bids, 1 and 2 bed homes receive 20+ bids and bungalows often attract over 40 bids.
- Registered Providers are stating a preference for 2 bedroom homes in favour of 1 bedroom set against the changes to the benefit system for tenants under the age of 35.
- I am also mindful that the District Council has recently completed 6 one and two bedroom homes for affordable rent in Edwinstowe and Newark and Sherwood Homes will also be completing a similar scheme in Edwinstowe.
- Taking the above into consideration, I note that there is demand for bungalows with 2 bedrooms and I would welcome a scheme that incorporated some units of this type. In the market sector there is demand for 2 bedrooms (335), 3 bedrooms (247) and 4 bedrooms (65).
- Overall until the Council has a full understanding of the viability issues on this proposed site then I refer to the Council's policy (CP1) for provision of affordable housing.

Comments:

I refer to the above pre-application enquiry and make the following observations on behalf of the Council’s Strategic Housing Service.

Affordable Housing provision:-

The Council’s Adopted (July 2013) Affordable Housing Supplementary Planning Document (Core Policy 1) sets the affordable housing targets for any suitable site at 30% and the qualifying thresholds for affordable housing provision are: 10 or more dwellings or sites of 0.4 ha irrespective of dwelling numbers for Newark and for the rest of Newark and Sherwood – all housing proposals of 5 or more dwellings or sites of 0.2 ha or above.

Therefore the following affordable housing requirements for the proposed site in Edwinstowe are 240 affordable homes out of a total of 800 dwellings. The applicant is offering 61% of the overall scheme on an affordable tenure.

Preferred Tenure/Type:-

Core Policy 1 further refers to the proposed tenure mix which is 60% social rented housing and 40% intermediate housing (Shared Ownership*). Therefore the Council requires that 144 of the proposed units will be for social or affordable rent and 96 will be for intermediate housing (shared ownership). I propose the following tenure for discussion with the applicant:-

Type	Social/Aff Rent	Intermediate Housing (S/O)	Total
1 Bed House	10		10
2 bed (4p) house	60	40	100
2 Bed Bungalow	30	20	50
3 Bed house (5p)	44	36	80
TOTAL	144	96	240

Demand for Affordable Housing/Housing Need

The new Housing Market and Needs Assessment (Sub area report) 2014, details the following affordable housing shortfalls for the Sherwood sub area (of which Edwinstowe is a part of) the highest proportion of demand is for two bedroom homes. Existing households also require bungalows to move into but there is no demand for concealed households for this type of property:-

Table 0-1 Social sector demand by bed size

Question 21 and Question 33

Property size	Existing Households		Concealed Households		Total existing & concealed demand	
	% responses	N ^{os} . Implied	% responses	N ^{os} . Implied	% response	N ^{os} . Implied

	s					
1 bedroom	19.7	138	100.0	78	27.7	216
2 bedrooms	64.5	453	0.0	0	58.1	453
3 bedrooms	7.1	50	0.0	0	6.4	50
4 bedrooms	8.7	61	0.0	0	7.8	61
Total	100.0	702	100.0	78	100.0	780

Source: DCA Newark and Sherwood 2014 Housing Needs Survey

Source: DCA Newark and Sherwood 2014 Housing Needs Survey

Table 0-2 Type of Property for households moving in the next three years

Question 20 and Question 32

Type of property	Existing Households		Concealed Households	
	% responses	N ^{os} . Implied	% responses	N ^{os} . Implied
Detached house	28.2	319	16.5	39
Semi detached house	22.1	250	83.5	197
Terraced house	0.0	0	0.0	0
Bungalow	36.2	408	0.0	0
Flat / Maisonette	5.7	65	0.0	0
Bedsit	0.0	0	0.0	0
Supported housing	7.8	88	0.0	0
Total	100.0	1,130	100.0	236

Source: DCA Newark and Sherwood 2014 Housing Needs Survey

Local Connection and Cascade Mechanism

The Council will seek to ensure that the first and subsequent occupancy of all new affordable housing with a S106 agreement is determined in accordance with a 'cascade' approach. This means that on the occasion of each vacancy, the individual dwellings are advertised through the Council's allocation scheme. The Council will require 100% nomination rights for subsequent re-lets. This allows Registered Providers to determine the allocation of a proportion of the properties in accordance with their own objectives and statutory requirements. However, in practice many Registered Providers locally continue to accept nominations from the Council on all future re-lets.

Design and Layout

With regard to the space/design standards the Council encourages developers to refer to point 3.14 of the Council's Affordable Housing Supplementary Planning Document for further details with regard to ownership and management. It is expected that all developers will meet the Homes and Communities Agency's Design Standards for the affordable housing units, for reference a link to this document is below. The units should also not be distinguishable from the open market housing and dispersed (pepper potted) on the scheme (see 3.16 of the

Council's Supplementary Planning Document). It is noted that the proposal segregates the affordable housing from the market housing and will not therefore meet the 'tenure blind' aspirations of the Government.

http://www.homesandcommunities.co.uk/sites/default/files/our-work/design_quality_standards.pdf

Registered Providers

The affordable housing on this site should be delivered by a Registered Provider (i.e. Registered with the Homes and Communities Agency). The Council currently works with several Registered Providers (see list below) and we recommend that the applicant contacts a Registered Provider to ensure that the proposed affordable housing meets their requirements. This should be undertaken prior to submission for planning consent.

- ☐ Nottingham Community Housing Association
- ☐ Derwent Living
- ☐ Waterloo Housing Association
- ☐ ASRA (Midlands) Housing
- ☐ Longhurst Housing Group
- ☐ Framework, (Specialist provider)
- ☐ Newark and Sherwood Homes (Management only)

Please refer to point 3.29 of the Council's Affordable Housing Supplementary Planning Document for further details with regard to ownership and management.

NSDC (Conservation)

Heritage assets affected

The proposal site is 300m from Edwinstowe Conservation Area (CA), and within 400m of St Mary's Church, a Grade I listed building. Edwinstowe Hall (Grade II) sits to the north of the church and is prominent on approach to the CA from the north. Carr Brecks Farm (Grade II) sits to the southeast of the proposal site, and Ollerton Hall (Grade II*) and Ollerton CA are within 1km to the east. Thoresby Park to the north is Grade I Registered, and Rufford Abbey Park to the southeast is Grade II Registered. There is a Grade II listed landscape monument (to a horse) on the Budby Road, north of the colliery site.

There is an area of archaeological interest in the southwest of the site identified on the Nottinghamshire Historic Environment Record (HER) as linear features, possibly a prehistoric trackway (ref L4143). There are nearby spot finds which include Roman and medieval coins. There are a number of Local Interest buildings within the wider landscape, notably Black Hills Farm to the south of the proposal site. In accordance with Annex 2 of the NPPF, Local Interest buildings and areas of archaeological interest are heritage assets, albeit non-designated. In addition, former colliery buildings and structures identifiable from the early 20th century could have a degree of industrial heritage interest, and may also be non-designated heritage assets.

Main issue(s)

The main historic environment issue in this case are:

- i) Whether the proposal would preserve the setting of nearby listed buildings, including the parish landmark of the Church of St Mary, a Grade I listed building;

- ii) What impact the proposal would have on the setting of nearby conservation areas, including Edwinstowe and Ollerton Conservation Areas;
- iii) What impact the proposal would have on the significance of the wider landscape setting of Thoresby Park, a Grade I Registered Park and Garden and Rufford Abbey, a Grade II Registered Park and Garden; and
- iv) What impact the proposal would have on the significance of any non-designated heritage assets, including archaeological interest, Local Interest buildings and any industrial heritage remaining within the former colliery site.

Legal and Policy framework

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 heritage asset(s) affected

Edwinstowe is an important medieval settlement associated with Sherwood Forest. The Conservation Area (CA) encompasses the historic core of the village. The CA was designated in 1994. St Mary’s Church is located on Church Street, and is a focal landmark building within Edwinstowe CA. The building was first designated in August 1961. The Church originates from the 12th century and has significant 13th, 14th, and 15th century phases. The listed building comprises a three stage west tower, with north and south aisles, adjoining mausoleum, nave, chancel, vestry and south porch. The distinctive octagonal broach spire was restored in 1680

and then in the 19th century. It was significantly re-roofed in 1892 and 1897. The main fabric includes coursed rubble, coursed squared rubble and ashlar, with ashlar dressings and lead roofs. Detailing includes crenellated parapets, coped gables and moulded eaves band.

The boundary wall and overthrow is separately listed.

Edwinstowe Hall is a polite Grade II listed Georgian house and was designated in August 1952. Although partially screened behind a brick boundary wall and tree cover, the former country house is a significant historic building complex at the entrance to the CA, and the adjacent fields contribute to its setting and significance. The building is three storeys in a square plan and comprises early and mid-18th century fabric, being rendered brick and colour washed with stone dressings and a plain tile hipped roof. Detailing includes a plinth, first and second floor string courses, moulded eaves with scroll brackets, a coped parapet and various tall chimney stacks.

Church Street and High Street form the central spine of the CA. There are a variety of historic buildings from the post-medieval period, notably 1-5 Church Street (Grade II). There are also a number of fine unlisted Victorian and Edwardian buildings. The colliery had a significant impact on the village, both socially and physically. The 1920s saw a planned village extension on the west side of the settlement (recognised on the HER as a good example of its type). The headstocks and industrial plant were also prominent features of the landscape on approach to the village from the east. Thoresby Colliery was opened on Outlying farms such as Carr Brecks Farm (Grade II listed) and Black Hills Farm (Local Interest) follow typical 18th and 19th century rural farmstead vernacular and provide reference to post enclosure patterns of development that typify the landscape setting of many historic villages in Nottinghamshire. Carr Brecks Farmhouse in particular, which is mid-19th century, forms an attractive grouping to the southeast of the proposal site. Ollerton was also significantly affected by colliery development, with a substantial planned settlement expansion from the early 20th century. The historic core however remains very legible on the western side of the settlement, and Ollerton Hall, which is Grade II* listed and has 17th century origins, is prominent. The Ollerton CA was designated in 1977 and is focussed on this historic core.

To the north, the landscape is irrevocably associated with the Dukery estates, of which Thoresby Park is a fine example of 17th century parkland with 18th century alterations by Francis Richardson, Lancelot Brown and Humphrey Repton. In this context, the monument to a horse on the Worksop Road is a reference to this important landscape. The monument also serves as a milestone, dating to 1834.

To the south, Rufford Abbey is considered to be one of the best-preserved remains of a Cistercian abbey west cloister range in England, dating mainly from around 1170. The Abbey remains are incorporated into part of a 17th century and later mansion, all set within Rufford Country Park, a Grade II Registered Park and Garden.

Assessment of proposal

Having reviewed the submitted plans and details, Conservation recognises that the development will have a significant impact on the wider landscape setting of heritage assets within Edwinstowe, Ollerton, Rufford Abbey and Thoresby Park. Given the landscape significance of Sherwood Forest and the Dukeries, the network of roads and paths which connect them provide significant opportunities to experience and appreciate these landscape

values. The proposal could also have a significant impact on the setting and experience of high grade listed buildings such as the Church of St Mary in Edwinstowe.

In accordance with Historic England Historic Environment Good Practice in Planning Advice Note 3 – the Setting of Heritage Assets, the best way to assess heritage assets and their setting is:

1. Identify which heritage assets are affected by the proposal, and what their setting is;
2. Assess whether, how and to what degree these settings make a contribution to the significance of the heritage asset;
3. Assess the effects of the proposed development on that significance;
4. Explore ways in which to maximise enhancement and avoid or minimise harm.

In this context, Conservation has assessed the indicative development proposals against the significance and setting of heritage assets within the landscape.

The applicant indicates that impact on the setting of listed buildings will be negligible (as set out in the submitted Heritage Assessment). This argument appears to be based upon a lack of perceived intervisibility. However, this argument does not sit well in the case of St Mary's Church in Edwinstowe, noting that views to and from the church spire are important throughout this landscape, particularly on approach to the village from the north. In addition, the NPPG (para. 13 of the Conservation section) makes it clear that direct intervisibility is not the only consideration in considering impact on the setting of heritage assets: "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.

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. This will vary over time and according to circumstance."

Given the large scale of the development proposed, as expressed in the indicative submitted layout, appropriate consideration needs to be given to the experience of the landscape, particularly in any contribution made to the setting of heritage assets. In this case, the undulating Nottinghamshire landscape surrounding the proposal site is intrinsically linked to a number of landscape features, including Sherwood Forest, Thoresby Park and Rufford Abbey. In addition, the conservation areas in Ollerton and Edwinstowe encapsulate the medieval and post medieval historic cores of those settlements, and despite the impact of modern development, enjoy a positive relationship with their wider hinterlands. There are also individual heritage assets between these areas, including historic farmsteads, areas of archaeological interest, as well as significance attributable to the former colliery itself.

It is accepted that in general terms, there is no direct view of the proposal site from any listed building in the area other than from the church spire of St Mary. This is nevertheless a material consideration. The Church can also be seen from a multitude of material receptors within the landscape, and the experience of travelling towards or away from Edwinstowe on either the Ollerton Road (B6075) or Church Street, will be affected by the intensity of proposed

development. In the open rural area immediately before Edwinstowe on approach to the CA from the Budby direction for example, the development could have a dominating impact when seen in aspect with the CA entrance and the attractive views of the church spire to St Mary. The proposal site is also in close proximity to the CA boundary, being only a few hundred metres from its eastern edge. Conservation therefore considers that the development could have some moderate adverse impact on the setting of the Church of St Mary and Edwinstowe CA. In the absence of more precise plans and details, it is difficult to provide a forensic assessment of impact on these assets, but based upon the indicative details, we feel that this impact is at worst, less than substantial harm. It is possible that positive attention to the layout of the proposals, incorporating a balance of landscape improvements/reinforcement as well as opportunities to align views and vistas of the Church spire from within the development could reduce this impact. Limiting the heights of new buildings predominantly to two storeys would also help in this context.

Nevertheless, it is recognised that the industrial character of the former colliery was in itself a notably entity in this landscape, and although set well back from the roadways, the elevated position and appearance of the site could be seen as obtrusive in this medieval and postmedieval landscape. Furthermore, it is acknowledged that the indicative landscape strategy will likely improve many aspects of the industrial scars left by mining. Conversely, the industrial heritage of the site and its relationship with Edwinstowe village (in terms of the early 20th century village expansion) is an important element of interest in the landscape.

The Nottinghamshire estates of Clumber, Rufford (technically for a ducal seat), Thoresby, Welbeck and Worksop Manor formed the Dukeries, an intimate and varied collection of parkland, polite architecture and plantations in close proximity. The early 20th century landscape of the Dukeries was hugely affected by the expansion of the Nottinghamshire coalfield. The ducal economic and social fortunes were therefore intrinsic, and although a contrast to the polite architecture of the main estate buildings, the coal mining legacy remains an important chapter in the landscape evolution of this part of the district. Having reviewed the submitted details, the extent of historic building recording of the former colliery is unclear, and a commitment to ensuring that a comprehensive record is made available to the HER and other appropriate archives is advisable (in accordance with paragraph 141 of the NPPF). Conservation otherwise welcomes the proposed retention of the main entrance, the principal power house and a couple of workshops.

The submitted heritage and landscape assessments suggest that the development will be screened from Thoresby Park by the spoil heap (which is currently in the process of being landscaped in accordance with approval from the County authority). It is accepted that there is also substantial woodland enclosure on the south side of the Park which provides a buffer to the former colliery site. Nevertheless, the remnants of Chestnut Avenue which is aligned directly with the former colliery can be read and understood in the landscape as part of an early designed landscape. In accordance with paragraph 137 of the NPPF, the proposals should consider opportunities to better reveal this older planned landscape.

Conservation accepts that impact on Ollerton CA and designated heritage assets within it are not unduly affected by the proposal. This is significantly helped by the distance between receptors, as well as screening afforded by trees and topography. Moreover, the modern roundabout at the western end of the CA and modern adjoining development is such that the historic core of the CA is isolated from the fringes of Thoresby Park. Whilst the experience of travelling south provides a better appreciation of Rufford Park, the elevation railway cutting

provides further separation. The distance between Rufford Park and the proposal site, furthermore, as well as the tree screening of the sensitive aspects of the Abbey grounds and the visual barrier created by rising land along the southern side of the B6075 ensures that the development will have a limited impact, despite the visibility of the spoil heap in longer views (potential landscaping will improve this). In this context, it is felt that the proposed development will not harm Ollerton CA or Rufford Park (and the many important heritage assets within it). Carr Brecks Farm is visually separated from the proposal site by topography, and it is better understood from the Nottingham Road side. The historic farmstead does derive setting interest from the wider landscape, but it is felt that the proposed development will not encroach upon this or be unduly prominent.

The proposal will have a more noticeable impact on the Local Interest building range at Black Hills Farm due to its proximity, although we recognise that the farmstead is set back from the road and does enjoy some tree screening. Paragraph 135 of the NPPF requires a balanced judgement and in this case the proposal is not likely to cause any harm to the significance of the Local Interest building.

Conservation recognises that the development may deliver significant public benefits. The NPPG explains that public benefits may follow from many developments and could be anything that delivers economic, social or environmental progress as described in the NPPF (paragraph 7). Public benefits should otherwise flow from the proposed development, and should be of a nature or scale to be of benefit to the public at large (and not just a private benefit). However, such benefits do not have to be visible or accessible to the public in order to be genuine public benefits. Public benefits can be heritage related, including development proposals that sustain or enhance the significance of a heritage asset (and the contribution of its setting), or where the development reduces or removes risks to a heritage asset or where it secures the optimum viable use of a heritage asset in support of its long term conservation (see paragraph 20 of the NPPG (ref ID 18a-020-20140306)). We therefore consider that the retention of some of the former colliery structures on the site could be a public benefit in this case, helping to sustain some of the industrial heritage interest of the site for future generations (this will need to be legally binding and deliverable to qualify as a benefit).

Summary of opinion

Overall, the proposed development will have some impact on the setting of designated heritage assets, notably St Mary's Church, a Grade I listed building, and on Edwinstowe CA.

This impact could be moderately adverse (less than substantial for NPPF purposes), but it is accepted that landscape mitigation, appropriate height restrictions, public benefits (in terms of colliery building retention) and opportunities to better reveal the significance of the Church and Thoresby Park (through layout) could reduce adverse impact to negligible (and therefore achieve preservation) .

If the scheme is amended or further clarified in light of the above observations, please reconsult us.

Following the submission of the addendum to the Heritage Statement Conservation is happy with the historic building record and deposit with Newark Museum (Presumably the Civil War Centre and our depository on Brunel Drive).

NSDC (Parks and Amenities)

As set out in the Council's Supplementary Planning Document on Developer Contributions and Planning Obligations this development of up to 800 dwellings will need to make provision for public open space in the form of provision for children and young people (18m² per dwelling), amenity green space (14.4m² per dwelling), outdoor sports facilities (52.8m² per dwelling), allotments and community gardens (12m² per dwelling) and Natural and Semi-Natural Green Space. In addition, as a development within a 5km radius of the Birklands and Bilhaugh SAC there is a requirement for the provision of Suitable Alternative Natural Green Space (SANGS).

Provision for Children and Young People

Given the size of the development I would expect it to include a range of local and neighbourhood playing spaces equipped with play facilities for children and young people. The neighbourhood area(s) should include appropriate provision for young people such as skateparks and multi-use games areas. Chapter 3.8.2 of the Design and Access statement describes recreational areas, residential squares and playing fields where such facilities could be located but further details are required as to how this open space element will be provided.

Amenity Green Space

The Green Infrastructure Strategy for the development shows residential areas and green corridors which should provide suitable amenity green space.

Outdoor Sports Facilities

Chapter 3.8.2 of the Design and Access Statement shows an area of playing fields to the west of the site and an area of playing fields associated with the proposed primary school. However no formal sports pitches are shown nor any ancillary facilities such as changing pavilions or car parking. The wider site contains cycling and running trails which may be considered to count towards the outdoor sports facilities requirement however I believe that there is also justification for an off-site contribution towards the provision/improvement and maintenance of outdoor sports facilities in Edwinstowe.

Allotments and Community Gardens

There is no obvious mention of these in the documentation and the applicant should be asked to demonstrate how this open space element will be provided.

Natural and Semi-Natural Green Space/SANGS

The restoration of the former pit tips and the proposed country park will provide significant areas of natural and semi-natural green space and SANGS. However as outlined by both Nottinghamshire Wildlife Trust and RSPB in their comments on the application there is a balance to be struck between providing publically accessible green space and natural green space which will support rare and valuable wildlife communities. Given the sites proximity to extremely sensitive and highly protected conservation areas it is essential that this development does not put additional pressure on these areas and protects existing and future areas of high biodiversity value within the application site.

Following these comments additional information has been provided. At the time of writing we await a formal reply, albeit it has been verbally confirmed that the green space provision is satisfactory.

NSDC (Community Sports and Arts)

When we met with the developers I was of the opinion that there was a clear willingness to integrate the new development into the existing infrastructure of Edwinstowe so as to achieve a level of cohesion and connectivity and to also avoid duplication of community resources which I hope can still be achieved.

However, I am not sure there is sufficient detail available currently around the proposals for community facilities to base an objective view on and thereby providing a considered response. For example if there were to be a split of onsite provision and offsite contribution what would this look like. As an established and growing community Edwinstowe would welcome the opportunity to contribute to the discussion around shaping the future improvements to its community infrastructure to ensure the best possible return to the community that this exciting scheme potentially offers. Accordingly the Parish Council has requested a meeting with myself and Phil Beard to discuss options and to put forward some well-reasoned proposals that the developers can consider.

Furthermore I have been made aware of the anticipated values for community facilities which are welcomed but there is a lack of clarity about what is being proposed other than the suggestion that the main provision is likely to be on site, further details would therefore be appreciated. When we met with the developer there was a discussion about the retained workshops, if this is the community facilities focus, what is proposed as the master plan suggests that this area is within Zone 2 which is designated as industrial development area.

There was also a discussion about the engagement of CRT, is this still the plan and what will CRT offer by way of community facilities as I am not sure workshops fit the policy guidance as set out in the SPD. There is also reference to an outdoor sports facilities contribution of £600,000 approximately and no doubt Phil will provide a view on this but I would assume that this money would be made available to improve and enhance the existing outdoor sport and formal/informal recreation provision within the village rather than new provision on site although again the master plan does not identify any significant sports pitch provision other than a reference to the sports pitches at the proposed school but how accessible would they be in terms of local provision.

Following the submission of an additional statement from the applicant the following comments have been received:-

I have the read the response from Steve Lewis-Roberts dated 14th September and I can confirm that the proposed allocation of community facilities monies is to be welcomed as per the proposals, ie £1,107,256.00 of which £607,256.00 will be allocated to off-site projects to enable improvements in the Edwinstowe village with the remaining £500,000 made available for on-site community facilities as part of the development of the community hub proposals. This proposal will significantly improve the community connectivity and cohesion between the new development and the existing community. Prioritisation of appropriate schemes and projects will be developed in consultation with Edwinstowe Parish Council and the wider community to enable the best return on the investment for the community.

38 individual representations (all of which raise objections and some of which include qualified support for elements of the proposals) were received in relation to the original consultation, which can be summarised as follows:

Principle

- Development too large for the area schools are already full and access to health centre difficult – requires more than one school
- Development would be intensive development, would be urban sprawl and a large scale extension of Edwinstowe towards Ollerton into the rural landscape which forms natural break between the 2 settlements
- Proposals will substantially change character and increase size of Edwinstowe
- A large part of the proposed housing development is on agricultural land and is not within the Brownfield footprint of the Thoresby Colliery site.
- Housing for local need has already been identified, permission has been granted for 102 houses with two more applications pending. Additional land has also been identified within the village envelope in the Strategic Housing Land Assessment.
- Development would never become part of Edwinstowe village community; it would be just a housing development between Edwinstowe and Ollerton.
- The development would completely change the character of the village
- The proposal doesn't accord with planning policies in terms of the need for these dwellings, employment, inappropriate development and not small scale, impact on landscape and infra structure, highways matters, loss of open space, impact on nature conservation assets

Health/Education

- No provision for services (which are already over stretched) other than a school
- Before any houses are built could there be at least a new health centre as existing Medical centre cannot cope with existing residents
- Extra schools and health facilities in the village should not have to depend on new housing
- The proposed school would increase traffic
- The proposed school would not compensate for 800 houses that could produce double that number of children.
- The proposed school is primary but there is no secondary school provision – secondary schools are already full

Highways

- Creation of further traffic hazard - Ollerton & Edwinstowe are already bottle necks,
- Increase in traffic which would further burden the road network which is already at overloaded capacity
- Impact on Ollerton Roundabout which is in urgent need of remodelling
- Impact on routes through Edwinstowe which are in need of improvement
- It would add to the congestion at the Ollerton Roundabout and the roads connecting Rufford Country Park, Sherwood Pines, Sherwood Forest and the whole Dukeries Area, these are the most popular tourist attractions in Nottinghamshire
- The village is already congested – additional traffic would bring it to a standstill
- There has been no joined up thinking regarding the access given the new RSPB visitor centre - the access is already extremely busy – plans should incorporate access to and egress from the RSPB parking from the same road as the Harworth development. It is then clear that one or two roundabouts would be required to facilitate traffic merging onto Ollerton Road. This must be preferable to jamming up the roads into and out of the main village and making Church Street/Swinecote Road

- The proposal would exacerbate existing parking issues in the village and would deter people for visiting the village for shopping etc.
- The traffic assessment fails to take into consideration the 500 homes built or pending construction, extra traffic on the A614 and A616 which are used as diversion routes and construction traffic.

Flood/Drainage

- Impact on existing sewerage systems which already have issues creating flood risk

Amenity

- The proposal would result in noise and air pollution

Ecology

- Proposed works about SSI which would be harmed by noise and fumes during construction
- Development will produce large number of pests likely to kill/disturb wildlife
- Buffer zone required development and SSI
- Difficult to fully assess the impact on wildlife
- Site is adjacent to the Sherwood Forest Wildlife Site and is in close proximity to the Birklands and Bilhough Special Area of Conservation.
- Proposal makes a mockery of the policies that have been put into place to protect Sherwood Forest and the surrounding countryside in Local Development Framework, the Green Infrastructure Plan, and the plans for the Sherwood Forest Regional Park and the Sherwood Community Forest
- Proposal would fail to accord with vision on Sherwood Forest Regional Park and would have a detrimental impact on one of the most important sites in Nottinghamshire
- Detrimental visual impact on entrance of Sherwood Forest
- Publicity has been given to the SSI in the forest (hence the proposed closure of the current Visitors Centre) so why are planners contemplating the vast change of an area which is within site of the village and its environs?
- The spoil heaps should not be considered as part of the green spaces included within the application as the County Council are committed to landscaping them which leaves relatively little green space for a development of this size.

Other

- The proposed retail element would detrimentally impact on shops in the village, causing shops to close
- This site could generate environmental, economic and social benefits of both local and national significance – there is golden opportunity to develop this site for visitor and local use, a destination for leisure, recreation and tourism, whilst conserving, enhancing and protecting the natural landscape and the Wildlife and Special Areas of Conservation.
- This is a rushed through application for a major lasting development, almost a new village.
- Notwithstanding extensive consultation no 3rd party comments appear to have been listened to
- It is noted that the local plan is currently being reviewed the application appears to be an under the wire approach – there is an opportunity to liaise with partners to create a centre of excellence.
- A reduction in housing numbers would reduce impact on the village of Edwinstowe
- Nearby commercial and retail units are not fully utilised
- Infrastructure should be a priority

- This would be a good time for the reopening of rail connection to Edwinstowe and Ollerton
- There is a lack of forward planning
- No cohesion between the new community which would not be joined to the older community with older housing stock which will become less attractive to buyers.
- The application was submitted on 23rd December which meant that the consultation period began during the Christmas break
- Local housing need has been identified as being 200 which is met by developments within the village
- The village is becoming more like a town in character
- The proposal would impact on the wellbeing of local residents
- Impact on tenants faring the agricultural land firming part of the application site
- The site should be returned to nature as promised.
- The application site has contaminated land given its former use
- The existing infrastructure is inadequate for such a large development
- Transport links to Newark Lincoln Doncaster and Sheffield are not good
- No data has been provided regarding the commercial viability of the leisure/commercial facilities
- Employment creation will be neutral

2no. representations of support have been received subject to Ollerton Roundabout improvements, the development not detracting from the main community centre of the village and the provision of additional health and education services.

Comments of the Business Manager

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 Regulations 1999 and 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 coming into force on 15th April 2015 which changes the threshold for developments constituting an EIA. For the avoidance of doubt the project would still constitute an EIA development.

The applicant submitted a scoping/screening application in August 2016. Having considered the details set out in the scoping report, the District council considered that the proposal was likely to have some complex and significant environmental affects and thus a formal Environmental Statement was required.

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:

- Non technical Summary
- Site Description

- Proposed Development and Alternatives Considered
- Summary Of Environmental Baseline And Assessment Of Effects
- Environmental Theme – Ecology and Nature Conservation
- Environmental Theme – Socio Economic
- Assessment Scope and Methodology
- Application site
- Proposed Development and Alternatives Considered
- Socio Economic Impacts
- Ecology and Nature Conservation

The ES considers the development in isolation but also in combination with a number of other assessment scenarios. These include the developments on allocated sites at Land North of Wellow Road Ollerton, Land adjacent to Hollie Close Ollerton, Land at the former Ollerton Miners Welfare, Land between Kirk Drive and Stepnal Heights and Hallam Road Ollerton, Boughton Industrial estate, Land at Rufford Avenue and Forest Road Ollerton, land to the east of Rufford Road and north of Mansfield Road Edwinstowe.

I am satisfied that ES provides sufficient information to enable a proper assessment of likely significant impacts, including cumulative impacts upon the environment. For the avoidance of doubt I have regard to the ES, its conclusions, and the required mitigation throughout my assessment below. I draw certain issues to Members attention in addressing each topic area.

EIA 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 ES addresses the alternatives in Chapter 4.

The main alternatives are consider to be

No Development Alternative

This refers to the option of leaving the application site in its current use and physical state. Without development the site would remain as a disused partly brownfield site in a locationally sustainable location in terms of proximity to Edwinstowe and given its remaining colliery infrastructure. Given that the Councils Local Plan Review seeks to allocate the site as a strategic site for mixed use development and push Edwinstowe higher up the settlement hierarchy; the need to meet strategic housing requirements; the need to maintain a five year housing land supply; the need to provide employment land in order to meet requirements; and the need to address a site which has large elements of brownfield land associated with it a 'no development' option is considered to be unrealistic and unsustainable.

If the proposed development does not come forward, it would be necessary for the Council to identify alternative locations to accommodate employment land and housing development in order to help meet its future employment and housing requirements. The Council could then face continued pressure for the release of housing and employment sites in less sustainable locations.

Given the current position with regards to the Local Plan Review it is my submission that the consideration of alternatives in this instance is most appropriately focused on the alternative land

use arrangements within the site. What this application therefore proposes to do is assess the appropriateness of overall quantum and disposition of uses within the site.

Alternative Designs

The constraints and opportunities presented by the application site have been used to inform the design principles, which in turn have helped refine and structure the proposed development.

The main alternative design approaches considered have looked at alternative locations for the proposed primary school and playing pitches, and the inclusion of the visitors centre car park.

The masterplan is considered to represent a logical but more importantly deliverable solution to development within the site. Officers are satisfied that there are no other alternatives which would present the opportunity to deliver the development envisaged.

The Principle of development

Members will be aware that a 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

In this case the Adopted Development Plan for the District is the Core Strategy DPD (2011) and the Allocations and Development Management Policies DPD (2013). Neither of these documents identifies this site as allocated. Indeed, at the time of adoption the colliery closure had not taken place. I am therefore required, as a starting point, to explore the acceptability of this scheme in overall terms against the Council's current Plan. That said, there are clearly other material planning considerations to assess in this instance (as there are on all development proposals). As a matter of policy principle this includes that the Council is now well advanced in submitting to the Secretary of State an Amended Core Strategy, which does seek to allocate the site. I am also mindful that the Council's position with respect to 5 year housing land supply is material. Taking each matter in turn I offer comment as follows:

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 1st 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 (dpa) 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 not only with our HMA colleagues but in association with all Nottinghamshire Authorities, is robust and defensible. It is noted that an Appeal decision in January 2016 disagreed with the Council's stance on attaching weight to an OAN of 454dpa. Since this time significant further work and qualification has been provided which has confirmed that the figure of 454dpa is both robust and appropriate. To this end all 3 of the HMA Authorities have now progressed their Development Plans to varying degrees, all incorporating the OAN figures agreed to make up the HMA requirement. As I detail elsewhere our proposed amended Core Strategy, which is underpinned in housing terms by the 454dpa figure, has now been submitted to the Secretary of State. An Inspector has been appointed and an Examination date is expected shortly. Furthermore, a recent Appeal Hearing decision (August 2017) has accepted that this Authority has a 5 year land supply against a 454 and

500dpa. Even at 550dpa that Inspector agreed that any shortfall in housing land supply would likely be made up.

For the purposes of planning decision making I must conclude that the Council has a robust housing target and deliverable supply against that target to such a degree that it has a 5 year housing land supply. Consequently, the Council's policies are not out-of-date for the purposes of decision making. That said, it is still open to this Council in an overall planning balance to consider schemes which significantly boost housing delivery, a key driver of the current Government. That is particularly the case in my submission when such sites are sustainable relative to the Council's settlement hierarchy; where there is no unacceptable planning harm, and where the proposals are supported and emerge via a plan-led, coherent, consulted-upon, comprehensive, and transparent approach to planning and delivering growth. In this case the site is fully supported by this Council (officers and Members alike) given its promotion through the Amended Core Strategy. It remains open to Officers and Members to attach weight to this emerging policy (see below) and to the ability of this site to delivery (again see below).

The Plan Review remains ongoing with the Inspectorate considering the responses to Main Modifications. The Main Modifications do not relate to the proposed Thoresby allocation. In any event, this site forms part of the Council's 5 YLS.

Existing Development Plan.

The sites former use as a working colliery clearly makes it a former employment site, the redevelopment of which under the current Development Plan would see its status protected by Core Strategy Policy 6 which provides that the economy of the District will be strengthened and broadened to provide a diverse range of employment opportunities by maintaining and enhancing the employment base of towns, The site is also partly previously developed in nature.

With respect to employment uses it is clear that the site is contaminated given its former use. Such levels of contamination make a full employment use challenging, as confirmed in the overall viability appraisal submitted and independently assessed as part of this application. That said, the Council has worked with the applicant (and a range of other stakeholders, as set out in the applicants community engagement submissions and chronology) since the inception of the scheme to ensure that significant and critically deliverable (based on market conditions) employment uses are provided for on-site. The jobs created as a result of this application are estimated to be c1000. In addition, housing, open space, community facility and school infrastructure is proposed in order to maximise the brownfield elements of the site.

In terms of brownfield land Members will be aware that the National Planning Policy Framework defines previously developed land as:

"Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or has been occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures; land in built-up areas such as private residential gardens, parks, recreation grounds and allotments; and land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time."

In this case the proposals for the housing and employment uses (the developable areas) is focussed to the former pit head and the two fields between it and Ollerton Road (this is notably also in accordance with the emerging Policy ShAP4). The former spoil heap will be restored to a range of natural habitats and the provision of a Country Park covering an area of approximately 99 hectares.

The illustrative masterplan shows that the majority of proposed built form will be focused on the former pit yard. A plan has been requested and submitted to demonstrate the extent of brownfield land. This illustrates that 89% of the built development, as defined on the ES Parameters Plan in the accompanying ES, will be on previously developed land. The elements of the site which are greenfield are somewhat perversely to the front of the site, between the former pit head and the main road. If one accepts the principle of development on the brownfield elements of the site, I consider that the scope and function of this residual agricultural land is diminished to such a degree that their loss in an overall planning balance should not be fatal to the scheme. The land is not the most versatile and high quality and also forms part of the emerging allocation.

Members will be aware that Government policy (notably one of the 12 core planning principles in the NPPF) is to encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value. This is repeated at paragraph 111 of the NPPF in the context of planning policies and decisions, which also advises LPAs to consider the case for a locally appropriate target for the use of the brownfield land. The chronology of the brownfield land debate and the central Government push for its appropriate redevelopment is helpfully summarised by the applicant in a letter to the Council during the lifetime of this application. I therefore quote from this to capture the position.

“Emerging Policy

As part of the consultation on proposed changes to the National Planning Policy Framework, the Government proposes:

“to ensure that all possible opportunities for brownfield development are pursued, we proposed to make clearer in national policy that substantial weight should be given to the benefits of using brownfield land for housing (in effect, a form of “presumption” in favour of brownfield land). We proposed to make it clear that development proposals for housing on brownfield sites should be supported, unless overriding conflicts within the Local Plan or the National Planning Policy Framework can be demonstrated and cannot be mitigated.”

The increasing weight to be afforded to housing proposals on brownfield land is also a key aspect of the Housing White Paper of February 2017. At paragraph 1.24 the Housing White Paper it states:

“we must make as much use as possible of previously developed (“brown field”) land for homes – so that the resource is put to productive use, to support the regeneration of our cities, towns and villages, to support economic growth and to limit the pressure on the countryside.”

Going further, paragraph 1.25 states:

“the presumption should be that brownfield land is suitable for housing unless there are clear and specific reasons to the contrary (such as high flood risk).”

This goes on to state that the Government will make clear that the Framework will be amended to give great weight to the value of using suitable brownfield land within settlements for homes.

On 5 June 2014, the Government introduced new legislation designed to encourage investment in Britain's infrastructure and 'Get Britain Building'. The Infrastructure Bill amongst other things sought to make it easier to sell surplus and redundant public sector land and property to help build more homes on brownfield land.

This push to 'get Britain Building' was further noted in the Right Honourable George Osborne annual Mansion House Speech of June 2014. In his speech, George Osborne spoke about the economic performance of the UK over the past year and as part of this he noted a need to increase the supply of homes: *"Last week we saw permissions for new homes rising by 20% in a year. We've got the biggest programme of new social housing in a generation; we're regenerating the worst of our housing estates; and we've got the first garden city for almost a century underway in Ebbsfleet. Now we need to do more. Much more. We have beautiful landscapes, and they too are part of the inheritance of the next generation. To preserve them, we must make other compromises. If we want to limit development on important green spaces, **we have to remove all the obstacles that remain to development on brownfield sites. Today we do that with these radical steps. Councils will be required to put local development orders on over 90% of brownfield sites that are suitable for housing.**"* (My Emphasis Added).

In a Government Response to inappropriate development on the Green Belt (August 2014,) The Right Honourable Brandon Lewis MP said that *"Local plans are now at the heart of the planning system, so councils decide where development should go. There is enough brownfield land to deliver up to 200,000 new homes, and councils should be using their powers and the support that's available from the government to prioritise development on these sites, and defend our valuable countryside against urban sprawl."*

The Government published a Press Release on 6 October 2014 which underlined the Government's commitment to protecting the Green Belt from development. The guidance reaffirmed how Councils should use their Local Plan, under the protections of the NPPF, to safeguard their local area against Urban Sprawl and protect the green lungs around towns and cities. The Right Honourable Sir Eric Pickles commented that this *"Guidance will ensure councils can meet their housing needs by prioritising brownfield sites, and fortifying the green belt in their area"*.

On 28 January 2015, the then Housing and Planning Minister Brandon Lewis announced a multi-million pound fund to help provide 200,000 new homes on brownfield sites across the country. In his Press Release Brandon Lewis said *"Our efforts to get the country building again are working – housing starts are at their highest since 2007 and climbing. But we need to do more, delivering more homes while at the same time protecting our precious green belt. That's why today I'm taking steps that will help to make enough brownfield land available for 200,000 homes up and down the country, creating the homes and jobs communities want and need."*

Between 28 January and 11 March 2015, the Government consulted on proposals for 'Building more homes on brownfield land'. The consultation sought views on the Governments proposals to identify suitable brownfield land and share data openly and transparently. The consultation document was closely followed by a planning update from the Right Honourable Sir Eric Pickles (25.03.2015) in which he noted that *"We are clear that brownfield land that is suitable for housing*

has a vital role to play in meeting the need for new homes and have challenged local authorities to have Local Development Orders in place on more than 90% of brownfield land suitable for new homes by 2020. We have agreed funding for those local authorities who successfully bid for funding to help deliver 200,000 new homes on brownfield sites across the country. These councils will deliver Local Development Orders for housing on brownfield land which will help to speed up the delivery of housing on these sites”.

At the 2016 Conservative Party Conference held between 1 and 4 October in Birmingham, Sajid Javid announced £5bn of support for the housebuilding industry and highlighted the Government’s commitment to developing brownfield sites. In his speech he said that *“we will bring forward a package of measure to encourage urban regeneration and to build on brownfield land. **We want to radically increase brownfield development and bring back life to abandoned sites**”* (My emphasis added).

On 7 February 2017, The Department for Communities and Local Government published a Housing White Paper (HWP) ‘Fixing our broken Housing Market’ which set a clear intent by the Government to *“make as much use a possible of previously-development (“brownfield”) land for homes so that this resource is put to productive use, to support the regeneration of our cities, towns and villages, to support economic growth and limit pressure on the countryside”* (Para 1.24).

The Housing White Paper goes on to that that *“The presumption should be that brownfield land is suitable for housing unless there are clear and specific reasons to the contrary (such as high flood risk). To make this clear, we will amend the National Planning Policy Framework to indicate that great weight should be attached to the value of using suitable brownfield land within settlements for homes”* (Para 1.25).

The HWP highlights that *“authorities and applicants need to be ambitious about what sites can offer, especially in areas where demand is high and land is scarce, and where there are opportunities to make effective use of brownfield land”* (Para 1.52).

Building upon the recently published Housing White Paper, the Government have committed to speeding up house building and one approach which they have taken to meeting this target is the promotion of Brownfield sites for development. On the 3 April 2017, in a press release to the technical consultation on the implementation of the Housing and Planning Act, (chapters 2 and 3 on permission in principle and brownfield registers), The Right Honourable Gavin Barwell said; *“We need to build more homes in this country so making sure that we re-use brownfield land is crucial. **We want to bring life back to abandoned sites, create thousands more homes and protect our valued countryside.** These new registers will give local authorities and developers the tools to do this”* (My emphasis added).”

I do not need to rehearse further the support for the redevelopment of previously developed land. That remains the case in the NPPF (and its proposed revisions) and will be the case in both this and emerging Development Plan. Paragraph 215 of the NPPF advises that due weight should be given to emerging policies according to their degree of consistency with the Framework. As set out below the redevelopment of the former Thoresby Colliery site is consistent with the Framework and weight should be given to policy SHAP4 in the determination of this planning application. I attach significant weight to the schemes appropriate redevelopment of this site, subject to the site specific and environmental considerations which I shall deal with below.

Emerging revised Core Strategy DPD.

Thorseby is a proposed new SUE allocation in the Amended Core Strategy. The site has been part of the Council's Plan Review process since Preferred Approach - 'Strategy' Consultation (29th July - 23rd September 2016). The Council published a Draft DPD for a period seeking representations between 17 July and 1 September 2017. Following this, on the 29th September 2017 the Drafted Amended Core Strategy was submitted to the Secretary of State. At the time of writing there remains only one objection (from Nottinghamshire CPRE) to the principle of allocating the site.

Members will be aware that paragraph 216 of the NPPF allows weight to be attached to emerging policy subject to a set of tests (stage of preparation, extent of unresolved objection and degree of consistency with national policy). In terms of the stage of preparation a Drafted Amended Core Strategy is well advanced (with Examination and Inspectors report remaining). In submitting the Strategy Officers and Members have satisfied themselves that the proposals are NPPF compliant. It is true that an unresolved objection means that full weight cannot be attached to the emerging policy in determining principle in this instance. That does not mean, however, that it should attract no weight. Indeed, the policy remains at an advanced staged. When coupled with the ability of the site to significantly boost housing supply (in an otherwise sustainable location in terms of geography and infrastructure), the fact that this brings back into use brownfield land, the economic and social benefits of the proposals (which will counter to a degree the impact of the pit closure and the consequential impacts on the community and economy), and the sites acceptability in all other respects (as I rehearse below) I conclude that the principle of the development of the site for the range of uses proposes is acceptable in this instance.

The Amended Core Strategy and evidence base documents have advanced since the application was presented to Planning Committee in 2017 and are currently under examination, with the hearings having been concluded in February 2018. The Inspector is now working towards the publishing of his report, which is anticipated in February 2019 (followed by Full Council in March 2019). There are no unresolved objections to the Thorseby allocation. The site remains acceptable in planning terms and approval will escalate the delivery of housing on a soon-to-be allocated site.

Land use Character Areas, Appropriateness of Uses and Amount

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, Land Use distribution plan and the indicative phasing plan shown on p51 of the Design and Access Statement deposited with the application. This does allow a broad assessment of the character of the proposed land uses and expected phasing of development.

Residential development would be likely come forward in phases as outlined below:-

PHASING AREAS:	RESIDENTIAL NUMBERS:
1. 8.2 Hectares (20.28 Acres)	194 DWELLINGS
2. 10.15 Hectares (4.1 Acres)	94 + 17 DWELLINGS
3. 5.4 Hectares (13.36 Acres)	130 DWELLINGS
4. 5.0 Hectares (12.25 Acres)	120 DWELLINGS
5. 4.6 Hectares (11.33 Acres)	109 DWELLINGS
6. 1.8 Hectares (4.36 Acres)	65 DWELLINGS
7. 3.3 Hectares (8.10 Acres)	71 DWELLINGS
TOTAL OF 800 DWELLINGS	

The mix of housing types will be dealt with at reserved matters stage, although this is envisaged to include a mix of house types from 1-5 bed properties. Affordable housing is proposed, although the details of this would again be a matter dealt with at reserved matters stage and would be subject to viability and to controls to secure affordable units in some form in early phases in order to avoid back-loading and risk of non-delivery (a matter for the Section 106 Agreement).

Based on the developable area of the site for housing (circa 30.65 hectares) the maximum number of dwellings would represent an average density of c30 per hectare which would accord with policies NAP2 and CP3, which seek to achieve average densities of between 30-50ph. I am therefore satisfied that the quantum of development proposed is appropriate.

The employment development land of some 8.11 hectares is located to the south-eastern corner of the site. The Master Plan indicates that this would deliver circa 250,000 sq. ft of commercial space.

The 'Heart of the Community' comprises circa 1.74 hectares of land which includes a mix of leisure and community use together with circa 500 sq. feet of retail use and would be shown to form Phase 8 of the development. It is located towards the northern perimeter of the built form, between phases 5 and 7 of the residential element of the proposal and directly adjacent to the country park. Several existing buildings will be retained within this zone retaining reference to the historic mining legacy of the site and considered to form a social hub within the development.

An area of circa 1.3 hectares of land to the western edge of the site is shown make provision for a primary school building and associated playing fields.

To the north of the site is circa 99 hectares of former spoil heap which is currently undergoing a restoration scheme agreed with Nottinghamshire County Council and is shown on the Master Plan to form a new country park and will form the main areas of public open space.

The site benefits from existing green infrastructure. Primary and secondary green infrastructure is defined on the Master Plan as green corridors crossing through the site and an existing framework of vegetation within the site. The Green Infrastructure framework will have three distinct zones which will draw on the local landscape and industrial legacy of the site.

Play areas are proposed to serve the residential zones and playing field/pitches associated with the proposed school site are shown on the latest indicative layout.

In terms of scale, this is indicated as being a maximum of 10m for the residential zones (which equates to 2-2.5 storeys), a maximum 10m for the employment zone, a maximum of 9.5m for the proposed primary school and 12m for the 'Heart of the Community' 12m. Again these are indicative at this outline stage and will be set at reserved matters.

It is not considered that the disposition of the development proposed would in principle have an adverse impact upon the amenity of existing dwellings or land uses, subject to detailed siting considerations at Reserved Matters stage. Indeed, the uses in the form proposed have been tested via the submitted ES.

The broad disposition of land uses and indicative phasing is considered to be to be appropriate to accommodate the scale of development sought 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, unless otherwise agreed by the LPA in granting subsequent Reserved Matters approvals.

The 2018 NPPF does not alter the above assessment.

Infrastructure (excluding highways)

It is noted that many local residents have raised comments and concerns in relation to the impact of the proposal on existing infrastructure, not surprisingly in particular to impact on health facilities (which are already perceived to be deficient), the highway network and education facilities.

Members will be aware that it is not for this scheme to resolve existing problems. It is however necessary to ensure that the development does not make any situation worse. In this case, as one would expect, the Council has consulted with a range of infrastructure providers and relevant professionals to understand the level of mitigation for this scheme required.

The forecasted increases in population over a 10 year construction period has been calculated as being circa 36% which equates to some 1,856 people. It is acknowledged that such an increase, without any mitigation would put unacceptable pressure on existing services and facilities within the existing settlements.

In relation to health impacts, the ES acknowledges that the proposal will have a potential impact on health in terms of additional and increasing pressures on existing health care services in the local area. Appropriate developer contributions are proposed to improve health facilities in the area and as an integral part of the scheme a design approach has been taken to encourage a healthy and active lifestyle. The proposal is considered to have a *minor beneficial effect*.

In terms of education, although it is not possible to calculate the exact number of school age children the proposal will generate, there will clearly be an increase in numbers and thus there are implications for local schools. NCC has confirmed (based on accepted methodology for calculating pupil numbers generated by a development contained within the Council's SPD) that the proposal would yield 168 primary and 128 secondary places. Although there is sufficient capacity at the local secondary school at Ollerton (and in any event secondary education falls within the remit of CIL), these additional primary spaces cannot be accommodated in existing schools.

The applicants have provided for a school site of sufficient size to accommodate a one form entry school (210 pupils). This issue is that this is a school which is technically larger than that is required. The issue in this case is that this development will, based on agreed methodology, generate 168 pupil places. As Members will be aware schools sizes come forward in half form entries (105 pupils, which under the free schools agenda are very difficult to attract sponsors to), 1 form (210 pupils), 1.5 form (315 pupils), and 2 form (420 pupils) entries. One cannot build a % of a school and thus, whilst in S106 formula terms the applicant would normally provide for £1.92m of school contributions (the SPD formula requires the number of houses to be multiplied by a set amount to get the £1.92m) in this case the Council needs to secure the physical provision of a school. To do this the school must be of a one form size (210). This physical provision costs £3.6m.

Turning to other elements proposes I note and agree with conclusions within the socio economic impacts of the ES, which identifies the provision of housing and the generation of employment opportunities would have a beneficial effect through the provision of housing and to provide economic growth in the District. This is similarly the case with the provision of the 'heart of the community' by the creation of a range of recreational facilities with social hub for both residents and visitors.

The ES notes that the proposal would generate additional demands for public open space. The development proposes a new country park together with open space within the built development which the ES considers to have a *moderate beneficial impact*.

A range of mitigation measures are therefore being offered to counteract any negative socio economic impacts. The application will make significant contributions to local infrastructure such as the provision of land together with the new primary school, and developer contributions towards health facilities and sports and community facilities. All these matters are covered in more detail in the Developer Contributions section later in this report and would be secured at appropriate intervals in the development.

Overall the ES concludes that the proposal would provide for a new sustainable neighbourhood incorporating education, community and leisure facilities, alongside new housing and employment opportunities. As a result the socio-economic impacts are likely to be positive, with any potential negative impacts addressed through the provision of appropriate and necessary contributions as part of a section 106 agreement. I would concur with this assessment.

The 2018 NPPF does not alter the above assessment.

Impact on Highways Network

Spatial Policy 7 sets out the criteria for assessing whether a development encompasses a sustainable approach to transport and includes that development proposals should include safe, convenient and attractive access for all be appropriate for the highway network in terms of volume and nature of traffic generated. This is reflected within the emerging Spatial Policy 7.

One of the most significant and understandable concerns raised by local residents is that of impact of the proposal on the highway network given the scale and nature of the development. Clearly assessing such impacts are a well-established material planning consideration. In policy terms such a requirement is underpinned in the NPPF, NPPG and Development Plan Policies. Policy ShA4P of the Publication Amended Core Strategy states that development should have a provision to minimise the impact on the existing transport network.

The applicant has held extensive pre and post application meetings and discussions with both Highways England and NCC Highway Authority and the LPA has led and coordinated a number of meetings between the applicant (Harworth), their Highway Consultants ADC and NCC as Highways Authority. Baseline traffic flows have been identified together with proposed traffic generation for each of the proposed land uses and the applicants have provided a Transport Assessment dated December 2016. A further addendum was produced in April 2017, the details and conclusions of which are discussed further below.

It is important to also note that any highways mitigation sought must be necessary and attributable to the impacts of the development being promoted. It is not for a development to fix existing infrastructure issues albeit it is incumbent upon the LPA, in conjunction with the highway authority, to ensure that any existing deficiencies are not unacceptably worsened. Provision of infrastructure must also be viable (NPPF) and include an assessment of the quality and capacity of existing infrastructure for transport (NPPF).

The 2018 NPPF does not alter the above assessment.

Construction Traffic Impacts and Mitigation

The construction phase of the development will obviously give rise to traffic and transport impacts. It is acknowledged that the build period will span comprising several phases over circa 10 years and thus will undoubtedly represent a major construction project in the local area potentially creating disturbance to the local community and other road users.

The principal elements of construction traffic is likely to comprise; HGV traffic transporting materials and plant; the removal of surplus excavated material and waste; as well as staff and operatives transport.

The revised Master Plan shows 2 no. temporary construction access points from Ollerton Road either side of the existing access into the former colliery site. This will allow the existing access to be retained solely for use by works traffic clearing the former pit yard area during the early phases of development.

A condition is recommended should permission be granted requiring the submission and approval of details of a Construction Management plan to ensure that all reasonable steps are taken to minimise and mitigate adverse effects from construction traffic. This will include, but is not limited to; details of vehicle routing and hours of construction; construction noise and dust management and details proposed site compounds.

Impacts from Operational Development and Mitigation (including Cumulative Assessment)

The ES and Transport Assessment seek to identify anticipated highway impacts and thus likely mitigation/intervention required to address the issue. The study area comprises:-

A616 Worksop Road/B6034 Swinecote Road T-junction
A6075 Ollerton Road/ Church Street/High Street crossroads
A6075 Mansfield Road/West Lane T-junction High Street/West Lane T-junction
A6075/A614/A616 roundabout (known as Ollerton roundabout)
A614 Old Rufford Road/B6034 T-junction
B6034/B6030 crossroads

A1/A614/A57 interchange
A1/B6387 Elkesley interchange.

In accordance with the Institute of Environmental Assessments Guidelines increases in traffic flow below 10% are generally considered to be insignificant. It is important to note that such assessments are based on percentage changes in traffic flows. There needs then to be an additional assessment as to whether the highway network/particular junction/roundabout is still acceptable (either with or without mitigation) with this additional level of flow.

The TA identifies a number of locations where it is predicted there would be significant increases in traffic flow as a result of the development, even with mitigation. Significant increases in traffic do not in-themselves dictate that a scheme is unacceptable. The key test is whether any increases cannot be safely accommodated within the constraints (with and without mitigation) of the highway network. The results show that there would be significant increases in traffic at the following locations:

- The A6075 Ollerton Road/Church Street/High Street
- The 5 arm Ollerton roundabout (interchange between the A614, the A616 a
- South of Edwinstowe, the A614 Old Rufford Road/B6034 Rufford Road junction

The work undertaken in the preparation of the Transport Assessment, in line with discussions with relevant bodies such as NCC Highways and Highways England, has identified a number of mitigation measures required by the current application. For the development when fully operational, the following mitigation measures are required in order to bring any impacts to an acceptable level.

- The A6075 Ollerton Road/Church Street/High Street junction - it is proposed to upgrade the control system of this junction, together with improvements the neighbouring A6075 Mansfield Road/West Lane junction, to MOVA to mitigate the development impact.
- The Ollerton roundabout - Nottinghamshire County Council have designed an improvement scheme, which would be capable of handling the development traffic. Harworth will contribute to the delivery of that scheme based on traffic flows through the roundabout which are directly attributable to this development. NCC, as highway authority, accept that it is for them, in consultation with other stakeholders (which includes NSDC and the applicants) to deliver the full roundabout scheme. Members will note that NSDC have submitted a bid for grant funding to unlock this infrastructure with the full support of NCC and applicant via the Housing Infrastructure Fund. A decision is expected by the end of this calendar year. NCC have suggested a trigger that would restrict build out and occupation of this scheme until Ollerton Roundabout works are implemented. The trigger currently stands at 150 residential units and ¼ of the employment occupation, albeit NCC as highway authority have accepted that further negotiation on this could take place at a later date.
- South of Edwinstowe, the A614 Old Rufford Road/B6034 Rufford Road junction would operate over capacity in 2026 with the development in place. However, improvements to the Ollerton roundabout would eliminate some of the rat-running through this junction

that would improve its performance and therefore no mitigation is proposed. At the A1, traffic increases would be unaltered.

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 (including long-stop dates in the event that some developers do not build out) 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.

Public Transport and Sustainable Travel

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. Policy ShAP4 of the Publication Amended Core Strategy provides that development should maximise opportunities for sustainable travel and increasing non car use, achieve suitable access to local facilities and will include improvement to passenger transport links to nearby communities together with safe, convenient pedestrian and cycle routes within and adjoining the development. **This stance is carried through by Chapter 9 (Promoting sustainable transport) of the NPPF 2018.**

A Framework Travel Plan (TP) for both the residential and employment elements of the proposal has been prepared and accompanies this application which sets out the long-term management strategy for the site to deliver its sustainable transport objectives.

The submissions make clear that the scheme has sought to encourage travel by sustainable modes.

There are good opportunities for pedestrian and cycle travel to and from the site, with employment, health, education and retail facilities within walking distance, and appropriate infrastructure provided along the desire lines, including footways and traffic-free public footpaths and bridleways. There are opportunities for bus travel, with regular bus services running along the A6075 Ollerton Road. To facilitate sustainable travel, footways would be provided throughout the development, and pedestrian/cycle connections would be made onto the existing public rights of way surrounding the site. The existing bus stops on Ollerton Road will be within walking distance of all residents and employees

Substantial sustainable travel infrastructure, including new footways, new cycleways, and improved and new bus stops will thus be provided as part of the development.

The proposed development would generate 103 pedestrian journeys, 13 cycle journeys, and 41 public transport journeys during a peak hour. These additional trips can be accommodated by the existing infrastructure and the proposed measures.

There are regular bus services running along the A6075 Ollerton Road. In terms of existing infrastructure the nearest operational bus stops to the proposed site are located on the A6075 Ollerton Road at the existing site access junction within 400m m of the majority of the application site. There are other bus stops regularly spaced along the A6075 Ollerton Road. These serve the Sherwood Arrow, 14, 15 and 15A services, all of which are run by Stagecoach. All of these services

run on an hourly basis throughout the day, apart from the 15A service which runs hourly on evenings between 18.48 and 22.48, but only from Monday-Saturday.

Other measures are also offered to influence sustainable travel patterns. They include the distribution of travel packs to new occupiers (providing useful information to help residents make informed choices on transport)) and the provision of incentives such as free bus passes to new householders for 3 months (or 1 free bus pass per dwelling for 6 months) in an attempt to influence travel patterns.

A Travel Plan Coordinator will be appointed by the applicant to co-ordinate the implementation and monitoring of the residential Travel Plan across the different phases of residential development, which will be constructed by different developers. The role will commence when the construction of the first residential dwelling begins until five years after 50% occupation

The applicant will also require each individual developer to appoint a Travel Plan Manager to work with the Coordinator. The Coordinator and managers main role would be to maintain Travel Plan promotion and awareness raising.

It is noted that provision is being made towards aspects of public transport in the form of the access design, the existing bus stops being modified to remove the layby and the provision of a new section of footway on the southern side of the carriageway along with a new bus shelter. A traffic signal controlled pedestrian crossing would also be provided to improve the opportunity and safety for pedestrians accessing the bus stops.

As part of the new eastern access junction design, bus stops with timetable information and shelters would be provided to the east of the junction.

Within the site itself the design philosophy for the masterplan has been to maximise the potential of the existing infrastructure within the site, and its connections to the existing external infrastructure. Accordingly, the existing railway cutting on the site will be altered to provide an off-carriageway pedestrian and cycling route through the site, linking with the A6075 Ollerton Road to the southwest, internal roads at various locations, external bridleways and providing sustainable connectivity with the new Local Centre and Country Park.

To the west of the site a pedestrian/cycle route will be secured and delivered by the development, to link the site with the proposed Sherwood Forest visitor centre development, providing a further route into the centre of Edwinstowe.

As part of the scheme, it is proposed that the western access road will be designed as a boulevard style route, providing a gateway to the development with excellent pedestrian and cycling facilities on both sides of the carriageway, including crossings where appropriate. The eastern access will also be designed to cater for pedestrians and cyclists with a three metres wide shared footway/cycleway on one side and a two metres wide footway on the other.

Away from the main accesses, to encourage pedestrian travel, two metres wide footways would be provided on both sides of all internal roads. Footways and shared space environments would be provided in accordance with Manual for Streets.

Two new bus stops would be provided east of the eastern access with a pedestrian refuge island to assist with crossing the A6075 Ollerton Road.

The construction of the development is anticipated to begin with the residential and employment zones closest to the A6075 Ollerton Road, and bus users will use the bus stops on the A6075, which are within walking distance. However, as site is built out further, it is proposed to bring one or more bus routes through the site, making use of the loop design. Bus stops would be located so that the entire site is within 400 metres of a bus stop, and to ensure that the proposed Primary School would be effectively served along with the Local Centre and country park.

The comments of the NCC Rights of Way and the Ramblers are noted with regards potential obstruction of footpaths 16 and 24. This can be controlled by condition should Members be minded to grant permission.

The 2018 NPPF does not alter the above assessment

Impact on 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, promotes the appropriate management of features of major importance for wild flower and fauna, provides suitable SANGs to reduce visitor pressure on the Districts ecological, biological and geological assets (particularly for 5kms around the Birklands and Bilhaugh SAC) and which supports the development of green infrastructure.

This aim of this is reflected in the emerging Core Policy 12 of the Amended Core Strategy. Policy DM7 of the DPD also seeks to protect, promote and enhance green infrastructure in line Core Policy 12 whilst policy DM5 of the DPD states that natural features of importance within or adjacent to development sites should, wherever possible, be protected and enhanced.

Furthermore emerging Policy ShAP3 – Land at Thoresby Colliery of the amended Core Strategy requires that the nature of conservation aspects must be addressed given the sites location close to designated conservation sites and that development should not put additional strain on the Sac or NNR. The provision of SANGS will also be required to serve day to day recreation needs.

The NPPF incorporates measures to conserve and enhance the natural and local environment and requires 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.

The overall thrust of national planning policy in respect to conserving and enhancing the natural environment has been carried forward to the 2018 revision of the NPPF as detailed in Chapter 15.

Impact on hedgerows

Policy ShAP3 of the publication amended core strategy identifies the need for the maintenance and reinstatement of former field hedge boundaries to mitigate the impact of the proposal. There are existing lengths of mature hedgerow of varying condition to the boundaries of the site with a section dividing the southwestern corner into two parcels and a shorter section dividing the eastern parcel of agricultural land from the wider area. The ES confirms that the proposal would result in the loss of some 266m of hedgerow which is anticipated would result in a moderate

negative impact. However, It is noted that as outlined in the ES that the proposed landscape scheme will incorporate the retention and enhancements of existing hedgerow and the creation of linear features and green corridors within the development which would mitigate any losses and which would connect habitats and wildlife corridors resulting in a beneficial residual effect on hedgerows. This can be secured by condition.

Impact on Trees and Woodland

The landscape strategy proposed by the applicant provides watercourses and tree and shrub planting which would provide habitat connectivity from east to west across the application site, creating wildlife corridors through the proposed development and linking surrounding ecological sites to the new Country Park.

It is noted that the indicative landscaping proposal comprises the use of 'Forest', 'Heathland' and 'Industrial' character zones within the development which is generally welcomed. However, it has been suggested by NE, NCC and NWT that further tree planting details are deposited at Reserved Matters stage to ensure that appropriate species are used and that there is no negative impact on the SSIs and SAC.

Precise details of landscaping will be submitted as part of any Reserved Matters application and further consultation will be undertaken at that time. For the avoidance of any doubt, particularly with respect to tree and woodland loss (picking up on comments from the Woodland Trust) it is recommended that a planning condition be attached to any consent requiring that any tree and hedgerow is identified and justified as part of the reserved matters approval process.

Ecology

The ES is accompanied by an extended Phase 1 Habitat Survey together with a number of field surveys undertaken between June and September 2016 and a protected species risk assessment.

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. Appropriate search radii were established at between 2 and 3km. This revealed the following statutory sites;-

Special Area of Conservation (SAC) Site of Scientific Interest (SSI) - Birklands & Bilhaugh

SSI - Thoresby Lake

SSI - Birklands West & Ollerton Corner

National Nature Reserve (NNR) - Sherwood Forest

Local Nature Reserve (LNR) - Cockglode & Rotary Wood

LNR - Sherwood Heath

LNR – Rufford Country Park

Indicative Core Area (ICA) / Important Bird Area (IBA) – Sherwood ppSPA (potential special protected area)

The survey revealed 7 non designated sites, the closest being Local Wildlife Site) (LWS Birklands & Bilhaugh although all were within 2m of the site.

The scope of the ecological survey also takes into account the previous surveys undertaken to inform the application for the spoil heap restoration scheme.

Both Natural England (NE) and Nottinghamshire Wildlife Trust (NWT) have provided detailed comments on the application, as noted in the consultation section of this report.

SANGS

The ES states that SANGS are to be provided as part of the development which is of a quality and type suitable to be used as natural green spaces by residents and visitors as an alternative to the Birklands and Bilhaugh Special Area of Conservation (SAC) located to the west of the site. It is intended to provide alternative green space to divert visitors from visiting the SAC and to provide mitigation for the potential impact of residential development by preventing an increase in visitor pressure on the SAC. 107ha of SANGS is proposed for the development.

The provision of SANGS and a minimum of at least 400 metres between the built development and the nearest SSSI/SAC are positively welcomed by Natural England who also supports in principle the provision of the proposed green space as part of this development for both recreation and nature conservation. Natural England considers that the proposal will not have significant adverse impacts on these designated sites.

NWT concurs with NE with regards to the separation between the proposed development and the Special Area of Conservation (SAC) and acknowledges the good works being undertaken in relation to the current pit top restoration scheme and the proposed green infrastructure. Initially concerns were raised by the Trust with regards to the proposal that the entire pit tops and proposed green infra structure should be considered as SANGS as this was thought to be incongruous with aims and objectives of the restoration scheme and that it would undermine the value of habitats for rare ground nesting birds. It is noted that details of fencing and barriers to zone levels of activity and a visitor management strategy were requested by the Trust which were to be agreed at outline stage given that the level of activity and disturbance the proposal would create would be likely to be greater than that originally anticipated under the terms of the restoration scheme. However the Trust has subsequently advised that this would be more appropriately dealt with at reserved matters stage.

It is noted that the NCC Ecologist also raises the matter of SANGS and the inclusion of the pit tip restoration and recommends that details of how recreation will be controlled and managed are required to be secured by conditions.

The RSPB comments reflect those of the NE, NWT and NCC in terms of the SANGS. It is noted that minor concerns are raised with regards to the SANGS proposal to include the pit tip restoration scheme and access to the SANGS. Again their recommendations can be secured via condition should members be minded to grant outline permission.

The Phase 1 Habitat Survey deposited with the application refers to a number of proposed mitigation measures in relation to the SANGS such as footpaths within the site being located so as to keep walkers and dogs away from sensitive areas, an area being designated to allow dogs to run freely away from sensitive areas together the introduction or enhancement of water features located so as to deter cats from entering sensitive areas.

Taking the above into account it is considered that the conditions suggested within the consultee responses to safeguard the SANGS and to secure how the use of these will be controlled and managed, together with measures mitigate impacts on sensitive areas are wholly necessary and reasonable.

Protected Species Impacts

The ES and Extended Phase 1 Habitat Survey deposited with the application is considered to be thorough and comprehensive. Standing advice (Natural England) has been used to assess the impacts upon protected species. NWT has advised that they are generally satisfied with the methodologies used and the conclusions reached. RSPB are also satisfied with the breeding and wintering birds survey that has been deposited with the ES.

Badgers

Survey work indicated that although there were no badger setts within the site there were signs that they foraged in the peripheral habitats and that they would be likely to use features such as the disused railway line to move onto the site. Due to underlying substrates and that the industrial land provides very poor habitat it is unlikely that the site is an important resource for local badger population. It is noted that mitigation measures are proposed as noted within the Ecology Survey which include a badger survey to be undertaken prior to the commencement of any development on the site and an increase in foraging habitat for badgers and hedgehogs.

The County Ecologist has also recommended that the LPA secures by condition a Badger Method Statement (outlining precautionary methods of working necessary to avoid adverse effects on badgers during construction).

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 ES concluded that trees within the site did not have any roosting opportunities for bats. The woodlands, plantation woodlands, scrub, semi-improved grasslands and hedgerows were found to have the potential to provide foraging habitat and flyways for local bats. The buildings to be demolished were assessed as not having any potential for roosting bats. Bat transects surveys found low levels of bat activity across the site.

The spoil heap and the application site comprise mostly buildings and bare sediment (inferior coal and spoil) and these areas are largely unsuitable for bats.

I note that the wildlife experts have raised no objections. It is also worthwhile pointing out habitat creation including woodland planting is proposed and the provision of bat tubes, bricks and boxes would be expected secured by condition on a phased basis together with an appropriate bat sensitive lighting scheme design.

Reptiles

The reptile survey findings recorded a small presence of common lizard. No other reptile species were recorded.

The County Ecologist has recommended that a Reptile Method Statement outlining precautionary methods of working necessary to avoid adverse effects reptiles during construction be secured by condition.

Amphibians

Common toads are recorded in the area but there are no records of protected species such as great crested newts in the local area. Ponds to the north east and to the north west of the site surveyed were found to be ephemeral in nature and are not suitable to support a population of great crested newts. Some of the ditches within the site hold pools of water and although they could be used by breeding frogs or toads but were considered sub optimal for great crested newts.

Mitigation measures are proposed in the form of the restoration of a pond to the north west of the site to provide suitable breeding habitats for amphibians and invertebrates discussed below. These can be secured by condition

Invertebrates

The surveys found that the pools and ditches near to the sub station building to the west of the site provides habitat for freshwater invertebrates and the soils storage area to the south of the site together with the birch/pine areas around the periphery of the site provide a good habitat for invertebrates. The large area of bare ground within the pit yard is largely unsuitable to support terrestrial invertebrates.

Mitigation measures include the restoration of ponds and the increase in acid grass land and heath will increase suitable habitats.

Fungi

The surveys found that fungi was predominantly associated with the peripheral tracks and paths and peripheral wooded areas.

Fungi were mostly associated with the peripheral tracks and paths through the wooded fringe. The peripheral birch-oak-pine areas appear to support a good range of mycorrhizal taxa and some notable species.

Birds

A breeding bird survey, winter bird and nightjar surveys were undertaken as part of the Phase 1 Habitat Survey

Breeding Birds

NE note that the proposed development is located in the Sherwood Forest Area in close proximity to habitats that have been identified as important for breeding nightjar and woodlark populations and support the approach that the Survey has undertaken in considering the potential impacts on these species and their habitats.

The ecology survey recorded a number of species of birds during breeding season. Mitigation measures include the provision of suitable and safeguarded habitat and measures incorporated into the design at both construction and operational times. Precise details of these measures can be secured by condition.

Nesting Birds

All nesting birds are protected under the Wildlife and Countryside Act, 1981 (as amended). Given that hedgerow and some trees on site are to be removed there is potential for this to provide habitat for nesting birds. It is therefore recommended that ground clearance works are undertaken outside of the bird nesting season (in this instance March to September) unless otherwise agreed (such that a qualified ecologist undertakes a thorough search before works commence). These precautionary measures would be secured via an appropriately worded condition. Whilst new nesting opportunities will be secured through the new habitat creation, these will take time to mature and therefore more immediate enhancements will be secured through requiring nest boxes on trees and boxes and/or bricks on new buildings. This is matter that should be controlled by condition. Similarly the provision of bird nesting boxes and artificial nest together with the provision of an artificial Sand Martin bank, adjacent to one of the proposed waterbodies within the development site (to mitigate against the loss of existing Sand Martin nesting sites within the development) can be secured by condition as suggested by the NCC ecologist.

Biodiversity Enhancements

The ES concludes that the scheme represents opportunities for biodiversity and ecological enhancements, which is also required by CP12 and the NPPF. Ecological enhancements, some of which are noted above, would include restoration of woodland and the provision of new habitats, a restoration and provision of ponds (including the SUDs attenuation ponds) provision of ditches and liner watercourses and scrub planting to provide habitat connectivity across the site, wildflower grasslands providing opportunities for wildlife particularly for reptiles and amphibians.

I consider that the proposed ecological enhancements together with those suggested by NWT, NE and RSPB should be secured through condition on a phase by phase basis.

Air Quality and Ecological Impacts

The initial Air Quality Assessment (AQA) deposited with the application in December 2016 considered impact on the local air quality environment. Potential causes of air quality impacts were identified as being as a result of dust emissions during demolition/construction and from road traffic exhaust emissions as a result of vehicular traffic during operation. Dispersion modelling was undertaken to predict pollutant concentrations at sensitive human and ecological receptors both with and without development.

Air quality impacts on humans is considered later within the Air Quality section of this report.

Due to the presence of the ecologically valuable sites around the proposed development site additional analysis has been undertaken of the effect of the pollutants on these habitats.

With regards to ecological impacts the initial (AQA) was considered by NE, NWT and RSPB as having insufficient information to allow a full assessment of the air quality impact on the ecology and on sensitive habitats, in particular the nearby SACs and SSIs. The main concerns centred around the key pollutant of nitrogen disposition and oxides of nitrogen (NOx) concentrations and to the methodology of the Assessment.

Following the receipt of the comments by the afore mentioned bodies a series of meetings and detailed discussions were held between NE, the LPA and the applicant and subsequently a

number of addendums to the Assessment have been submitted to address the concerns raised taking the advice of NE.

The latest AQA in the form of an In Combination Assessment dated 7th June 2017 has been deposited. This concludes that:-

‘Following submission of the original Air Quality Assessment¹⁴ and subsequent Technical Note¹⁵ in support of the Planning Application for the development, a consultation response was received from NE¹⁶. This indicated concerns regarding potential cumulative impacts on sensitive ecological designations as a result of atmospheric emissions from the proposals and other local sources. An In-Combination Assessment was therefore undertaken to address these comments by quantifying effects in the vicinity of the site.

Potential NO_x and NH₃ releases were defined from a number of sources based on information obtained from the relevant Planning or Environmental Permit applications. These were represented within dispersion models produced using ADMS-5 and ADMS-Roads. Impacts at sensitive receptor locations were quantified, the results compared with the relevant EQSs and the significance assessed in accordance with the relevant criteria.

Predicted annual mean NO_x concentrations and nitrogen deposition rates were below the relevant criteria at all receptors. As such, predicted impacts are considered to be insignificant, in accordance with the relevant guidance.’

NE concur that based on the information deposited the proposal will not harm the Birklands West and Ollerton SSSI or the Birklands and Bilaugh SSSI and SAC and therefore has no objection. Similarly the NWT now raises no objections subject to long term monitoring being secured which can be conditioned. The RSPB have now withdrawn their objection.

Taking this into account I am satisfied that the proposal would not result in a detrimental impact on air quality to such an extent as to harm nearby designated ecological sites.

Ecology Conclusions

A number of birds, mammals and invertebrates have been considered by the ES. NE, NWT and the County Ecologist overall raise no objection to the scheme subject to the suggested conditions. I therefore consider that subject to these suitably worded conditions to control the mitigation and enhancements identified and to safeguard the ecological value of the site and the nearby designated sites the proposal accords with the requirements of Policies and CP12 and DM7.

The overall thrust of national planning policy in respect to conserving and enhancing the natural environment has been carried forward to the 2018 revision of the NPPF as detailed in Chapter 15

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. This again is reflected in the wording of the emerging Core Policy 13 of the Amended Core Strategy. The adopted Landscape Character Assessment (SPD) is a district level assessment of landscape character (that sits hand in hand with Core Policy 13) and is a useful tool in assessing local landscape character in relation to specific sites. Policy ShAP3 of the Draft Amended Core Strategy recommends the development retains and potentially enhances of some existing landscape elements, maintains and reinstates former field hedge

boundaries and that there is substantial buffering of existing and proposed restored semi natural landscapes.

A Landscape and Visual Impact Assessment (LVIA) was submitted with the application.

The application site falls within two Landscape Character Areas (LCA) of the Sherwood region as identified within the Landscape Character Assessment SPD, namely Wooded Estatesland and Estate Farmlands. Landscape analysis has determined the Wooded Estateslands' LCA to be of medium to high value and medium to high susceptibility. Therefore, the LCA within the study area is considered to be of medium to high sensitivity in landscape terms. Turning the landscape analysis of the 'Estate farmlands' LCA this is considered to be of medium to high value and medium to high susceptibility. Therefore, the LCA within the study area is considered to be of medium to high sensitivity in landscape terms.

At the specific site level the site falls within the Birklands Wooded Estateslands regional character area (S PZ 25), as identified in the Landscape Character Assessment SPD.

The topography in this area is undulating with geometric pattern medium to large arable fields, trimmed Hawthorne hedges, large coniferous plantations, scrubby semi natural woodland and heaths and a strong health character. There are frequent views of wood skylines within this area. Landscape condition here is defined as good and there is a moderate sensitivity to change.

This is a large area which has a generally coherent pattern of elements with some detracting features. Thoresby Colliery and its associated spoil heaps are located to the east of the area.

There are several SINCs within the area as noted within this report.

The Landscape Actions within this area are to conserve and reinforce.

The LVIA identifies the key constraints and opportunities present in the site and surrounding landscape, and also the nature of the likely impacts that may arise from the proposed development. The LVIA has analysed the baseline information in the context of the proposed development and has informed the proposals for landscape mitigation. This concludes that the landscape impacts result from direct changes, limited to the site area, and associated with the change from the former colliery workings, spoil heaps and existing agricultural enclosures. The physical impacts of the proposal are considered in both negative and positive terms as, whilst the proposed residential and employment development will result in the loss of agricultural areas will be perceived as a negative influence on landscape character, the restoration of the spoil heaps and former workings (including removal of buildings) will remove a longstanding detracting feature from the landscape, which is positive. Furthermore, the proposed development retains key green infrastructure corridors and open spaces so as to retain (and enhance) the majority of vegetation across the site.

The assessment of impacts on landscape character has determined that the significance of effect on the 'Wooded Estateslands' and 'Estate Farmlands' LCAs will be 'negligible to minor beneficial'.

At a local landscape level the assessment concludes that the proposed development will result in a 'minor beneficial' effect.

In terms of visual impact, the LIVA has assessed the proposal from a number of receptors. Overall the significance of effect on visual receptors is considered to be limited and, from locations where the existing colliery buildings are prominent, there are also likely to be some beneficial effects. In

other locations further from the site the LIVA notes that the contribution of existing screening reduces the potential visual impacts and generally the significance of such effects is limited overall. Furthermore, for the majority of views, the inherent mitigation for the scheme, incorporating green infrastructure and open space (along with strategic landscape planting) is successful in mitigating impacts in the longer term (once this is established).

The LIVA concludes that on balance, the proposed development and likely landscape and visual effects are considered to be acceptable in landscape and visual terms.

NNC Environmental Management and Design has reviewed and appraised the proposal and the LIVA. It is noted that again it is considered that the provision of the country park should not be considered as landscape mitigation of the development as it forms part of the tip restoration for the colliery agreed with NCC and which is currently underway. A significant proportion of the proposed additional landscape elements are retained existing vegetation rather than new planting which are proposed to be used to accommodate SUDs which are not considered to be typical of the wider landscape character. It is also noted that for this reason the NCC disagree with the conclusion of the LIVA that in terms of Character Area scale the impact will be negligible to minor beneficial and at a local level will be minor beneficial.

Taking the above into account I would concur with NCC that the proposed development will by its scale and nature result in significant change from a landscape of agricultural and semi-natural habitat to an urban development albeit within a landscape structure containing some retained elements (hedgerows, colliery access avenue etc.) and with adjacent establishing semi natural habitat on the restored tip. The comments of the NCC are acknowledged and it is therefore recommended that should Members be minded to grant outline permission that further robust detail with regards to visual and landscape impacts are submitted at Reserved Matters stage to ensure that a reduction in any perceived negative impacts is secured.

The 2018 NPPF does not alter the above assessment.

Archaeology and Cultural Heritage

By virtue of its scale, form and potential layout, the proposal is capable of affecting the historic environment. An important objective in decision-making on proposals resulting in change to historic buildings and places, including those which are protected by the designation system, is to conserve heritage assets for the enjoyment of this and future generations.

The NPPF sets out the Government's planning policies for complying with the legislation (set out under The Town and Country Planning Acts and relevant regulations) and how they are expected to be applied. Its central theme is the "presumption in favour of sustainable development", set out in 12 core land-use planning principles to underpin both plan-making and decision-taking. The historic environment is covered in paragraphs 17 and 126-141, among others. Annex 2 of the 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' furthermore, 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 and assets identified by the local planning authority (including local listing). 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.

The associated PPG includes particular guidance on matters relating to protecting the historic environment in the section: Conserving and Enhancing the Historic Environment. In addition, Historic England have produced a series of Good Practice Advice (GPA) notes that provide supporting information on good practice, particularly looking at the principles of how national policy and guidance can be put into practice. It follows the main themes of the planning system - planning-making and decision-taking - and other issues significant for good decision-making affecting heritage assets. GPA are the result of collaborative working with the heritage and property sectors in the Historic Environment Forum and have been prepared following public consultation. GPA2 – Managing Significance in Decision-Taking in the Historic Environment and GPA3 – Setting and Views are relevant in this case (please note that GPA3 replaces the English Heritage 'Setting' guidance of 2011).

Development proposals that affect the historic environment are much more likely to gain the necessary permissions and create successful places if they are designed with the knowledge and understanding of the significance of the heritage assets they may affect. In accordance with paragraph 128 of the NPPF, the first step for all applicants is to understand the significance of any affected heritage asset and, if relevant, the contribution of its setting to its significance. In determining applications, therefore, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum, the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

This requirement is consistent with objectives contained within the Development Plan. Core Policy 14 (Historic Environment), for example, promotes the 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) seeks to deliver preservation and enhancement by ensuring that proposals 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.

Core Policy 14 of the Draft Amended Core Strategy reflects this guidance. Policy ShAP3 of this document requires that a proper assessment and recording of the historic value of the buildings on the site is carried out and identifies some nearby heritage assets advising that these will need to be considered as part of any application submission.

In addition to complying with the Development Plan, special regard must be given to the desirability of preserving listed buildings, including their setting, as set out under section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act'). In this context, the

objective of preservation means to cause no harm, and is a matter of paramount concern in the decision-taking process. Fundamentally, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation and the more important the asset, the greater the weight should be. Paragraph 132 of the NPPF states that significance can be harmed or lost through alteration or development within the setting of a heritage asset. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

The setting of a heritage asset is defined in Annex 2 of the NPPF. Setting is the surroundings in which an asset is experienced, and 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, it should be noted 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.

The applicant has provided a Heritage Assessment which in terms of designated heritage assets concludes that:

'None of the designated heritage assets in the study area (including those within the Edwinstowe and Ollerton Conservation Areas) share any intervisibility with the site, nor any historic landscape association (Pls 25-6). There will be no aesthetic change within views of the wider setting of the designated assets. The current landscaping programme of the coal tip can only enhance the setting of these assets enabling it to blend in with the agricultural character of the surrounding landscape. The building development to the south of the coal tip and the colliery buildings will be well screened from Edwinstowe Conservation Area by trees so long as any new build is low-rise.'

The applicant has provided a Heritage Assessment. This together with indicative plans and details of the proposed scheme have been fully assessed by both Historic England, NCC Archaeology and internal colleagues in conservation with their comments listed in full in the above consultation section of the report.

Impact on Heritage Assets

The main issues to consider are:-

- whether the proposal would preserve the setting of nearby listed buildings, including the parish landmark of the Church of St Mary, a Grade I listed building;
- the impact the proposal would have on the setting of nearby conservation areas, including Edwinstowe and Ollerton Conservation Areas;

- the impact the proposal would have on the significance of the wider landscape setting of Thoresby Park and Rufford Abbey; and
- the impact on the significance of any non-designated heritage assets, including archaeological interest, Local Interest buildings and any industrial heritage remaining within the former colliery site.

Although the application site does not contain any designated heritage assets it is within 300m from Edwinstowe Conservation Area and within 400m of St Mary's Church, a Grade I listed building. There are also a number of other designated heritage assets within the wider area, namely Edwinstowe Hall (Grade II) to the north of the church which is prominent on approach to the CA from the north. Carr Brecks Farm (Grade II) to the southeast of the proposal site, and Ollerton Hall (Grade II*) and Ollerton CA within 1km to the east. Thoresby Park to the north is Grade I Registered, and Rufford Abbey Park to the southeast is Grade II Registered. There is also a Grade II listed landscape monument (to a horse) on the Budby Road, north of the colliery site. An area of archaeological interest lies to the southwest

In weighing the application a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset and to the archaeological interest.

The submitted Heritage Assessment concludes that: _

'None of the designated heritage assets in the study area (including those within the Edwinstowe and Ollerton Conservation Areas) share any intervisibility with the site, nor any historic landscape association (Pls 25-6). There will be no aesthetic change within views of the wider setting of the designated assets. The current landscaping programme of the coal tip can only enhance the setting of these assets enabling it to blend in with the agricultural character of the surrounding landscape. The building development to the south of the coal tip and the colliery buildings will be well screened from Edwinstowe Conservation Area by trees so long as any new build is low-rise.'

It is noted that the Conservation Officer disagrees with the comments within the Heritage Assessment which considers the impact of the proposal on the setting of Listed Buildings to be negligible given a lack of perceived intervisibility. However, direct intervisibility is not the only consideration when taking account impact. The Conservation Officer considers views to and from the church spire is important particularly on approach to the village from the north.

It is accepted however, that generally, there is no direct view of the proposal site from any listed building in the area other than from the church spire of St Mary but that the church can be seen from a number of receptor points within the area and therefore the proposal could have a dominating impact when seen in aspect with the entrance to the Conservation Area and the views of the church spire. Taking this into account and that the application site is in close proximity to the eastern edge of the conservation boundary the Conservation Officer considers that the proposed development would have some moderate adverse impact on the setting of the Church of St Mary and Edwinstowe CA, although based on the indicative details submitted this would be considered less than substantial harm. It is considered however that improvement to the layout and landscaping together with limiting heights of buildings would assist in reducing this impact.

Although scale parameters can be set in the determination of this outline application this together with landscaping details would be a consideration of the detailed reserved matters application.

The industrial heritage of the site and its relationship with Edwinstowe is also an important consideration. It is noted that the main entrance, the principal power house and some workshops are to be retained and incorporated into the site. Following concerns raised by Conservation with regards to historic building recording an additional desk based Heritage Assessment has been deposited which comprises a map regression exercise and documentary search to provide background information about the history of the Site. Conservation is now satisfied with the historic building record which will be deposited at Civil War Centre and the Councils depository on Brunel Drive.

Given topography, separation distances and existing screening it is considered that the proposal would not have undue or significant impact on other nearby heritage assets such as Ollerton CA, Rufford Abbey, Carr Breks Farm.

However it must be noted that any impact is by definition harm and this has to be balanced in the planning judgement. It is accepted that the proposal would bring significant public benefit in terms of bringing the former colliery site back to a viable use with housing, employment, recreational and community facilities to serve both the future occupiers of the development and the population of nearby settlements. In heritage terms it would also include the retention of the former colliery buildings and structures which would retain the industrial heritage of the site and the local area for future generations.

Taking the above comments into account I would concur with the Conservation Officer that, although the proposal will have some moderate adverse impact (which is less than substantial in terms of the NPPF) on the setting of designated heritage assets, notably St Mary's Church and on Edwinstowe CA, landscape mitigation, appropriate restrictions in the scale of the development, public benefits (in terms of retaining some colliery structures) and opportunities to better reveal the significance of the nearby heritage assets noted above would sufficiently reduce the adverse impact to negligible and thus achieve preservation. Such matters would form part of the future reserved matters application.

Archaeological Impacts

It is noted that Heritage Assessment comments that the geophysical survey has indicated limited evidence of archaeological features but that these are of unknown date and extent and has hinted that a small number of linear anomalies are present in the eastern most field. Being mindful of the comments of the NCC Archaeology it is considered necessary and reasonable to attach a condition, should Members be minded to grant outline permission, requiring the submission written approval of a written programme of archaeological mitigation prior to any development commencing on site to safeguard any archaeological assets.

The 2018 NPPF does not alter the above assessment. It is noted that Section 16 (Conserving and enhancing the historic environment) does refer to more recent case law in stressing that harm is harm irrespective of whether it is less than substantial or not, however the application was assessed on the basis in the knowledge of this case law in any event.

Flooding/Drainage

The NPPF indicates that in determining applications Local Planning Authorities should ensure that flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment, it is demonstrated that

vulnerable development is located in the areas of lowest flood risk and development is appropriately flood resilient and that residual risk can be safely managed.

The above stance has been carried forward by Chapter 14 the NPPF 2018.

Core Policy 9 of the Core Strategy requires that all new development through its design proactively manages surface water including, where feasible the use of Sustainable Drainage Systems.

Core Policy 10 'Climate Change' requires that development be located to avoid both present and future flood risk and details that in considering site allocation and determining proposals the District Council will, led by the SFRA, adopt a sequential approach to future development and work alongside partners to secure strategic flood mitigation measures.

Core Policies 9 and 10 of the Draft Amended Core Strategy reflect the aims of these existing Core policies.

The application has been accompanied by a Flood Risk Assessment and Outline Drainage Strategy.

Drainage is a matter that would be dealt with in detail at reserved matters but the outline application provides an overarching preliminary drainage scheme. The general principle of the surface water drainage strategy for this site is to collect the runoff from and convey this to attenuation ponds located within the site, which are connected by way of swales/ditches, for which the captured water is then managed and controlled out of the site.

The attenuation ponds are proposed to be located in the centre and to the east of the site. The central pond will collect and manage the surface water runoff from the areas north of the pond as well as the land and cut off drains from the country park area.

The central pond will connect to a pond located in the south east corner of the development, which will be achieved by way of an open swale/ditch. The pond to the east, will collect and manage the development south of the central pond. The connecting swale/ditch will in part connect the 2 ponds, but will also run up the east side of the development to catch overland flow.

All captured surface water will be drained via gravity sewers in the main, with the exception of a pumped sewer into the south east pond.

The flow will be managed and controlled out of the south eastern attenuation pond into the outlet pipe from the site.

To manage overland flow, a swale/ditch is located on the southern boundary of the site to prevent discharge onto the road.

It is considered that the first phase of delivery of the plots, will be from south west area of the site, which will result in an outfall rate of 193.55 l/ or less. Once this rate is achieved, then the attenuation pond will the south east corner of the site will be constructed for the final managed solution.

With regards to foul water management a new foul water system to serve the development will connect into the foul sewer on Ollerton Road.

The FRA identifies flood risk management measures in line with discussions with and agreement from the Lead Local Flood Authority (LLFA). the discharge rate from the positive and overland

drainage will be restricted to greenfield runoff rates and attenuated on the wider development site before being discharged through the existing connection into the River Maun.

The proposed discharge rate will be restricted to that of greenfield runoff at 193.55 l/s.

Finished site levels will be engineered to provide positive drainage where required and prevent ponding.

The accumulation of standing water would therefore not occur and thus not pose a risk.

Gradients of the hardstanding areas, where possible, will be designed to fall away from buildings such that any overland flow resulting from extreme events would be channelled away from entrances.

As the site and surrounding areas are located within Flood Zone 1, it is considered that access and egress should not be affected during flooding, although further support will be given through the installation of the open ditch/swale located on the southern boundary of the site, which is positively drained.

In terms of offsite impacts the FRA concludes that due to preventative measures on the wider development, it is not expected that there will be any off-site impacts from the surface water drainage measures used on the proposed development.

With regards to residual risks the FRA identifies that the development and its drainage system will be designed to cope with the intense storm events up to and included the 100 year return period rainfall event with an allowance for climate change (40%).

If an extreme rainfall event exceeds the design criteria for the drainage network it is likely that there will be some overland flows which must be directed away from buildings and will follow their natural flow paths.

These are proposed to be captured by the centrally located attenuation pond if the flow is being conveyed north of this pond, or by the open swale/ditch if the flow is from south of the centrally located attenuation pond.

It is acknowledged that The LLFA has raised no objections to the proposal subject to a condition being attached requiring the submission and approval of a detailed surface water design and management proposal prior to any construction works commencing. The submitted Flood Risk Assessment should be used as foundations for any future detailed submissions.

I note that the Environment Agency have advised that the use of infiltration SuDs is inappropriate given the historic use of the site and that they have requested conditions be attached should permission be granted which ensure that no infiltration SuDs are used in ground areas affected by contamination and that details are to be submitted and approved in wiring with regards to the installation of oil and petrol separators together with a scheme of treating and removing suspended solids.

During construction in order to address potential pollution or water quality incidents the applicants will be required by condition to submit a Construction Environmental Management Plan which will cover avoidance measures such as provision of wheel washing facility before exiting the site, efforts to keep highways clear of mud deposits, road sweeping etc. Subject to mitigation/avoidance, it is considered that the environmental impact would be very low.

The NCC Lead Flood Authority have advised that a detailed surface water design and management proposal is approved by the LPA prior to any construction works commencing using the Flood Risk Assessment as foundations for any future detailed submissions. This can be secured by condition.

Severn Trent Water (STW) have advised that conditions requiring drainage plans for surface water and foul sewage a comprehensive drainage strategy should be attached to any permission, which reflects the advice of the Flood Authority

Overall the FRA concludes that the proposed development will not significantly impact upon the surrounding development in terms of flood risk and drainage. I have no reason to disagree with these findings and consider that the proposal accords with CP10 (Climate Change) and the NPPF.

The 2018 NPPF does not alter the above assessment.

Air Quality – Human Receptors

As outlined above an Air Quality Statement has been deposited with the application. Subsequent reports in the form of an Air Quality Report and Air Quality assessment and an additional Air Quality technical note have been submitted in response to issues raised in relation to ecological impacts by NE, NWT, NCC Ecology and the RSPB which are discussed in detail within the ecological section of this report.

The initial assessment looked at matters of air quality based on findings of the existing and proposed traffic flows and existing air quality conditions the predicted impacts on local air quality resulting from road source emissions generated by the development once it is fully operational. The assessment was broadly in line with the 'Screening Method' process advocated in the Design Manual for Roads and Bridges (The Highways Agency, 2007) using nine receptors as noted in the table below, comparing figures for no development and estimated figure for with development. The table below shows the screening model results.

The results showed that the pollutants levels change very little between no development and with development and fall within standards.

This assessment therefore concluded that the local air quality within the vicinity of the site was closed as generally good and being within the national guidelines. This was further confirmed by the site not being identified as within an air quality management area. The effects noted from the proposed development were considered negligible and the local air quality would remain unaffected and within national standards. It was therefore considered that no further work was required to ascertain the effect of development associated vehicular traffic upon air quality with regard to human health.

In conclusion in terms of operational air quality impacts from road traffic emissions, these are within acceptable limits in that there will inevitably be impacts but acceptable ones, albeit measures to mitigate operational phase impacts have been incorporated into the Travel Plan through the provision of cycle and bus links which are all designed with sustainability in mind and reducing the reliance on the private car.

Our EHO agrees with the findings of the Air Quality Assessment and raises no objections in this regard. In summary I consider that the applicant has adequately demonstrated that air quality in

relation to the development would be acceptable and in line with the NPPF and best practice guidance, which are material planning considerations.

However further work was ongoing at that time to assess the effect of the proposed development upon the Special Area of Conservation (SAC) and Sites of Special Scientific Interest (SSSI's) and this is discussed in details within the Ecology section of this report.

The 2018 NPPF does not alter the above 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.

A Noise Assessment has been deposited with the application. Officers have assessed the Noise Assessment. There are two broad noise issues to address, one for the construction phase(s) and one for residential amenity when development is complete.

In terms of the construction phase the applicant has fully assessed the implications of the development through a noise and vibration assessment discussed within chapter 6 of the Noise assessment document. To prevent noise and vibration nuisance during construction plant and machinery will be operated to strict guidelines and best practice methods including noise attenuation methods and appropriate hours of working in line with BS standards. These will be managed through the CEMP and are not anticipated to generate significant adverse effects.

With regards to the development itself, the noise Assessment identifies the local highway network as being the greatest source of noise. The site is located between three roads, and there is a mainline network to the south, although this is a freight line rather than a passenger line and the closure of the colliery has led to a reduction in freight movements.

Of key consideration is whether the site is suitable for residential development with reference to indoor and outdoor design criteria of the associated noise legislation.

The survey compared traffic flow and noise levels from 4 survey locations on the A614, two positions at the A6075 Ollerton Road and one at B6034 Swinecote Road and at 3 distinct time periods comparing the before and after development scenarios and the scenario of an active colliery, compared to the proposed development.

The standards for ambient noise levels range from 35-40 dbLAEQ during the day and 30 dbLAEQ at night.

The assessment estimated that highest noise levels would be experienced by dwellings close to the south-eastern boundary of the site adjacent to the A6075 (63-64dbAEQ). However noise levels are reduced by 15dbAEQ through glazing with openings and by 35dbAQE by non-openable glazing. Therefore the excess noise levels can be mitigated by location of dwellings and the positioning of windows.

The Noise Assessment concludes that it has been found that through the use of careful design and suitable measures within the building (such as trickle ventilation to enable windows to remain closed) that adequate internal noise levels can be easily achieved.

The internal Environmental Health officer has fully assessed the Noise Assessment document and is satisfied with its content subject a requirement for noise remediation measures for the properties near the main road, as suggested.

Subject to the imposition of suitable conditions, I therefore consider that the proposal can adequately deal with noise and vibration in line with the requirements of DM5 (criterion 3; amenity) and the NPPF.

This stance is carried forward to the 2018 NPPF at paragraph 180.

Geo-environmental and Land Contamination

Para 120 of the NPPF advises that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner. Para 121 goes on to add that –

‘Planning decisions should also ensure that:-

the site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation; and after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and adequate site investigation information, prepared by a competent person, is presented.’

A Phase 1 Desk Top Study has been undertaken and deposited with the application. The previous land uses on the site are noted as being historically agricultural fields prior to the opening of the colliery which opened with the sinking of the No1 and No2 shafts. Subsequently the site has undergone significant expansion and development to include:

A mineral railway and sidings;

Coking works;

A coal preparation plant;

Coal storage area south of the pithead; and

Spoil tip areas to the west, north and east of the pithead.

The study also notes that the spoil heaps to the west, north and east of the site are in the process of being landscaped and redeveloped to woodland and acid grassland.

Given the past use of the site, the following have been identified as potential contamination issues that require further investigation and may require remediation prior to the commencement of the proposed development:

Ground Contamination

The area of the former coking works and there is no information available on the demolition and clearance of these works,

Localised pockets of organic contamination may exist in the area of the former pithead buildings

Made ground across the pithead area may also be contaminated with eg. asbestos, heavy metals

Colliery spoil materials may also possess elevated calorific value which may present a risk of heating and combustion.

The fields to the south of the pithead area are in agricultural use, although the risk of contamination in this area is considered to be low.

The study notes that the above potential sources of ground contamination may present a risk to controlled waters.

Ground Gassing

The Study identifies that the risk of ground gassing impacting the site would be considered moderate in the former pithead, railway siding and coking works areas, and very low for the remainder of the site occupied by agricultural fields.

Gas monitoring is therefore considered necessary in order to quantify the gassing regime of the site and in order assess the requirement for gas protection measures for the proposed development.

Foundation Design

The Study recommends Intrusive works will be required in order to identify ground conditions and provide foundation recommendations for the site.

A tree survey shall be required which extends beyond the site boundaries for use in foundation design.

Mining Issues

Two mine shafts are present on site to c.900m depth. The Coal Authority has confirmed any movement in the ground due to coal mining activity should have stopped.

The Study confirms that any risk that could affect future development is considered very low given the Coal Authority have indicated any future ground movement should have stopped.

The two large diameter deep mineshafts will need to be either retained or treated. Any future development proposals shall need to take the presence of the mineshafts into consideration.

The indicative Masterplan shows existing infrastructure around the shafts to be retained. Methane is currently extracted from the shafts. Consideration therefore needs to be given to risk of gas emission on cessation of methane utilisation. It may be necessary to retain ventilation of the shafts.

Flood Risk

The Study considers that the overall risk of flooding on site is very low. Flood risk is covered in detail within the Flood section of this report .

The conclusion of the Study recommends that further remedial works involving removal of substructures, earthworks, assessment of the contamination status of the site through investigation, and undertaking of remedial works shall be required prior to development. It also confirms that it is the intention of the Client that these works shall be undertaken to facilitate the proposed development.

The Phase 1 Desk Top Study has been assessed by colleagues in Environmental Health and they have raised no objections subject to the inclusion of a phased contamination condition. On this basis I am confident that the approval of outline residential consent would be appropriate and that any adverse impacts arising from geo-environmental and land contamination factors could be readily mitigated by appropriate planning and design.

This stance is carried forward to the 2018 NPPF at paragraph 180.

Developer Contributions and Viability

Spatial Policy 6 'Infrastructure for Growth' and Policy DM3 'Developer Contributions and Planning Obligations' set out the approach for delivering the infrastructure necessary to support growth. The 'Developer Contributions and Planning Obligations' Supplementary Planning Document provides additional detail on the Council's policy for securing planning obligations from new developments and how this operates alongside the Community Infrastructure Levy (CIL). It must be noted that the application site falls within CIL zone 6 (Sherwood) where there is no CIL levy for development. However, the SPD is the starting point in setting out the approach to resolving elements not dealt with by the CIL and of the site-specific impacts to make a future development acceptable in planning terms.

The 2018 NPPF does not alter the above assessment. Paragraph 34 of the revised document sets out that plans should set out the contributions expected from development. This should include setting out the levels and types of affordable housing provision required, along with other infrastructure (such as that needed for education, health, transport, flood and water management, green and digital infrastructure). Such policies should not undermine the deliverability of the plan.

Members will be aware that this part of the District is zero CIL rated given that scheme are often more marginal than elsewhere in the District. Even with a zero CIL rating evidence gathered as part of the Plan Review processes past and present has confirmed that viability may be an issue to such a degree that the Council must accept a lower provision of affordable housing.

In this case Officers have been clear with the applicant from the outset that in addition to general contributions issues surrounding Ollerton Roundabout and the physical provision of a new school were important matters to address. The Ollerton Roundabout costs were originally to be £700,000 based on contributing a percentage based on traffic flows to the overall scheme costs. During the lifetime of the application NCC have updated costs for the Ollerton Roundabout scheme. Costs have increased to such a degree that based on this percentage a contribution of £1.198m from this development is now required. Given the level of contributions in this case the applicant has submitted a viability appraisal. This has been independently assessed by a relevant expert on

behalf of the LPA. This independent assessment has confirmed that the scheme is only viable subject to a lesser provision of affordable housing. Members will be offered a briefing on this detail prior to the Committee.

I comment on this further below but for now offer guidance on the level of other contributions that will be expected. Members may find the Appendix at the back of the report helpful in summarising the overall position.

Developer contributions by type.

Community Facilities

For developments of 10 or more dwellings a contribution towards community facilities can be sought which is based upon £1,384.07 per dwelling (indexed as of 2016), equating to £1,107,256 for the entire 800 units. This requirement has been factored into the viability appraisal and would be met in full. Following discussions with Officers it has been agreed that £500,000 of this figure can be utilized to support on-site provision. The remainder will be used within the wider Parish. The scheme is policy compliant in this regard.

The 2018 NPPF does not alter the above assessment.

Health

For developments over 65 dwellings (or where a development places an extra demand upon local health care) a contribution of £982.62 per dwelling (figure includes indexation to 2016) towards health can also be sought through the planning application as set out in our SPD. This equates to £78,6096. It is not proposed to provide any health care facility on site but to provide off site contributions. At this stage it has not been confirmed as to where the contributions would be allocated. However, the S106 will be worded to allow flexibility and the ability for a healthcare review to ensure that the contributions sought are appropriate to the evolving needs of the health providers and ultimately the local community. This contribution requirement has been factored into the viability appraisal and would be met in full.

The 2018 NPPF does not alter the above assessment.

Education

The Council's SPD on 'Developer Contributions and Planning Obligations' provides that contributions towards primary school education can be sought from planning applications for 10 or more dwellings.

As has been detailed above this site generates 168 pupils. If one were to use the SPD formula for a straight commuted payment the developer would be providing £1.92m. However, as has been rehearsed above there is no capacity in existing schools and consequently new physical provision is required in this instance. A single form entry would be too small to a very significant degree. A two form entry is larger than it needs to be for simply this development. A 210 one form entry school will cost £3.6m. Whilst I maintain that you can build 168/210th of a school it is clear that this proposal does over-provide from a strict policy position.

The 2018 NPPF does not alter the above assessment.

Libraries

Similarly, the Council's SPD allows for contributions towards library stock at a cost of £47.54 (based on 2016 indexation) per dwelling. The maximum contribution based on 800 dwellings would be £38, 032. This requirement has been factored into the viability appraisal and would be met in full.

The 2018 NPPF does not alter the above assessment.

Green Infrastructure/Public Open Space (minimum quantum to be secured via the S106 Agreement) including:

- Amenity green space is triggered at 30+ dwellings and our SPD indicates provision should be 14.4m² per dwelling. Each reserved matters phase will secure such space but in addition monies are required for enhancements elsewhere. This has been negotiated on the formula within the SPD as up to £226,352 (based on 800 dwellings).
- Natural and semi-natural green space. Our SPG suggests that 10ha per 1000 population should be provided but recognises that due to difficulties in achieving this a more realistic measure is that residents should live within 300m of an area of natural and semi-natural green space. Overall the applicants are providing 8.7 ha green space and 2.21 ha green corridor. That is in addition to the County Park (the provision of which is already a requirement via an NCC agreement, albeit I do accept that this scheme does offer some enhancement and visitor management).
- Outdoor sport facilities are triggered at 100+ dwellings with 52.8m² expected per dwelling thus giving a maximum provision of 0.4 hectares. This would equate to 4.2 ha. Whilst an outdoor playing field is provided in association with the school this will clearly not have full and open community use. On this basis the applicant has agreed to cover the full costs of the SPD to enhance or provide for additional provision off-site.
- Public open space for children and young people is required, based on 7.5m² per person and based on 2.4 persons per dwelling. As Members will be aware this is normally provided for via LEAPs and NEAPs, together with incidental areas of open space provision. Following negotiation with officers it is recommended that the S106 Agreement secures the minimum provision of 1 no. NEAP and 2 no. LEAPs. In addition Officers have negotiated a contribution for off-site provision of £741,808.
- Allotments and Community Gardens. This would ordinarily be sought in the first instance based on the SPD if a need is established. In this case the Parish Council have confirmed that there are sufficient good quality allotments in the parish and therefore this contribution should not be sought. The scheme is therefore policy compliant in this regard.

The 2018 NPPF does not alter the above assessment.

POS Maintenance

Maintenance of the public open space is to be via a Management Company given that the District Council has confirmed that it would not take on the maintenance of the POS without significant commuted payments from the applicants.

The 2018 NPPF does not alter the above assessment.

Affordable Housing

CP1 requires that 30% (in numbers terms) 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.

However as set out above both the developer and our own assessor has now confirmed that due to viability issues they are unable to offer preferred tenure split and quantum for affordable housing.

Essentially the Viability work undertaken benchmarks a value against which one can understand whether the scheme can be viable. The benchmark used, based on advice and industry standards is £106,676 per acre (gross land price with planning permission).

A scenario (no. 1) has been tested which will offer full 30% affordables and all S106 payments. This would achieve a residual land value per gross acre of £16,140, significantly below the accepted benchmark. A second scenario (no.2) would yield a residual land value per gross acre of £83,694. Whilst this still fails to achieve the required benchmark the applicants have accepted that in this case they would still proceed.

Scenario	Residual Land Value (£)	Residual Land Value per Gross Acre (£)	Comments
Scenario 1 – 30% Affordable / Compliant 106	£2.07m	£16,140	
Scenario 2 – 7.5% Affordable / Compliant 106	£10.74m	£83,694	
Threshold Land Value	£13.69m	£106,676	Rate per acre excludes the country park land

Table 7.3 – Summary of Results with the Threshold Land Value Comparison

Officers have asked for a third scenario to be tested which would look at all of the affordable provision being for Discounted Open Market Value (DOMV) product (discounted by 25%). The applicant has confirmed that they would be prepared to offer 20% affordables on this basis. At the time of writing Officers have not agreed to the 20% provision and an update will be provided at Committee. That said, it is clear that Scenario 3 will currently be a scheme of not less than 20% DOMV.

The applicants have not made clear a particular preference in this instance given that both schemes could work from a viability perspective. From an officer perspective whilst Option 1 delivers, as a matter of fact, more guaranteed numbers of affordable housing it does not reflect the current tenure needs of the Authority. This is more closely related to the split in Option 2, which of course would deliver less units. In attaching weight to the tenure type needed Officers submit that a preference is, on balance, Option 2.

Officers are satisfied that the Viability Submission has been through a robust nationally defined process with professional consultants advising us and that the findings are sound.

Whilst our viability consultant has not advised that a review mechanism is required I consider in this case that such a review is important. I say this given firstly the passage of time for the delivery of the scheme over approximately 10 years. The market may well change over this period, and if there were to be a change for the better (in that viability is more buoyant) it is only right that the scheme provide the opportunity to read the developers risk and the policy shortfall. Secondly, we do not yet know the final make-up of each phase of the development. It may be that a particular phase includes for more open space on-site in which case any off-site contribution could reduce. Any reduction should be diverted back towards affordable housing provision. Officers have agreed with the applicant that a first review should take place at 400 housing occupations. The review will follow the methodology followed to date, as captured in the S106 Agreement. Subject to this, Officers are satisfied that the scheme is acceptable.

The 2018 NPPF has changed since the report presented on 19th October 2017 in respect to matters of Viability. The processes for the consideration of viability have been rewritten in order to encourage that such assessments are '*proportionate, simple, transparent and publically available*' (Paragraph: 010 Reference ID: 10-010-20180724). This therefore aids in reinforcing paragraph 57 of the revised NPPF which explains that:

'Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force. All viability assessments, including any undertaken at the plan-making stage, should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available.'

In line with the requirements of the Viability Guidance Note (Ref ID 10-007-20180724) and paragraph 57 of the revised NPPF the weight to be given to a viability assessment is a matter for the decision maker.

Paragraph 64 of the revised NPPF now expects that for major development, planning decisions should expect at least 10% of homes to be available for affordable home ownership, unless '*this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups.*' The paragraph goes on to list exemptions to this 10% requirement, which does not include discussions around viability. This is a new requirement which The Government had previously not placed substantial weight on.

The affordable housing offer remains at 7.5% below the 10% requirement of paragraph 64 of the revised NPPF with the offer agreed representing what is reasonably viable taking account that the scheme would contribute to the Ollerton Roundabout and in accordance with the conclusions of the Council's independent viability expert.

In this case, unlike others, the proposals will provide (and over-provide in the case of education) for infrastructure that will benefit not only this development but the wider region in terms of a contribution to Ollerton Roundabout. This contribution is vital as a private sector contribution to the wider A614 Non Strategic Road Network (NSRN) funding secured by NCC in 2018 to upgrade Ollerton Roundabout. The Council and its advisors remain of the opinion that this soon-to-be

strategic site cannot be delivered without a 7.5% affordable contribution. To offer Members ongoing comfort the Viability Review mechanism originally reported will remain and will be triggered prior to the occupation of more than 400 dwellings. Any monies beyond the profit margin will then be recycled back to affordable housing.

Retail

Policy CP8 of the Core strategy sets out the retail hierarchy within the district, and seeks to protect the vitality and viability of existing centres and also provide for new centres within strategic sites across the district. It also states that retail development in out of centre locations will be strictly controlled and that proposals would need to demonstrate their suitability through a sequential site approach and provide a robust assessment of the impact on nearby centres. The NPPF at para 27 states that 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.

The indicative master plan shows a 'Local Centre', to the northern edge of the built form. This comprises a retail element of up to 500 sq. m of retail space.. This is expected to comprise a convenience store with limited comparison goods sales, although this is not detailed at outline application stage and other and service uses could be accommodated, subject to market demand, within the overall 500 sq. m.

Whilst it is noted that the floor area of the proposed retail unit at 500 sq. m falls below the threshold of 2500 sq. m contained within policy DM11 of the Allocations and Development Management DPD (and nationally within the NPPF and NPPG) in relation to out of centre retail development and the requirement for sequential and impact tests but it is above the emerging local threshold of 350 sq. m contained in Core Policy 8 in the Submission Amended Core Strategy.

Para 5 of Policy ShAP3 within the emerging Amended Core Strategy also states that new retail and Main Town Centre uses included as part of the Thoresby Colliery development should not undermine the vitality and viability of existing centres, and be restricted to a scale and function necessary to meet the day-to-day needs of the development. This is followed up with content in the new ShAP4 which in Section B point 5 outlines that the new mixed use community centre should not compete in function and scale with the nearby district centres of Edwinstowe and Ollerton and, should again be restricted to that which is necessary to meet the day to day needs of the development. Para. 10 v. of the policy requires the submission of a Retail Impact Assessment.

The Amended Core Strategy has now been submitted to the Secretary of State, and applying the tests set out at 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 policy content satisfies the tests to the extent that due weight can be attached to it in the development management process. Furthermore, there are no unresolved objection to the local threshold as part of the plan review process.

In line with this policy a Retail Planning Statement (RPS) has been deposited which considers the retail policy implications and assesses the impact of the retail element of the proposal on the vitality and viability of nearby district centre. The submission does not consider the existence of sequentially preferable sites.

The RPS has been independently reviewed by Retail Consultants on behalf of the District Council. Although no sequential test has been undertaken through the RPS, in reviewing the document the

consultant has identified other sites that could have been considered but which would fail a sequential test in this instance. In any respect, although the 'community centre' would not benefit from status as a defined centre within the 'Hierarchy of Centres' detailed in Core Policy 8, as amended, the site is nonetheless a location where an appropriate scale and form of retail development is supported through the emerging site allocation policy ShAP4. Consequently I am content that the site is sequentially appropriate.

Turning to impact, in the absence of an identified end user the RPS has made reasoned assumptions about the net retail sales area, the mix of convenience and comparison goods and the turnover of the proposed store. The net retail sales area could vary between 50% and 70% of the gross floor area and, for a local convenience store, 80% to 90% could be devoted to food and convenience goods.

Assumptions have also been made in respect of turnover, leading to what is suggested as a 'high-end estimate of the potential convenience goods turnover of the proposed store of £3.15m (£10,000 per sq. m), being generated from a net sales area of 350 sq. m (70% of the gross floor area) and with 315 sq. m of this devoted to convenience goods (90% of the net sales area)'.

Consumer expenditure would be generated by both the residential development (£3.5m) and the employment development (£0.25 to £0.5m) and the RPS considers that this will exceed that which could be accommodated by the proposed local centre. Given this the market share of the proposed community centre would be equivalent to only 8.5% of the wider catchment area in Edwinstowe and Ollerton.

As such the RPS concludes that it is not considered that there will be significant adverse impact from the proposal on the established centres of Edwinstowe and Ollerton, both of which will benefit from the additional trade and expenditure generated by the proposed development.

The review of the RPS considers the assumptions made in relation to turnover to be reasonable. Similarly the base line data used is agreed. Though it is noted that the RPS doesn't assess impact on a like for like basis in respect of this particular as advised by the NPPG guidance, and draws heavily on the recommendations of the Town Centres & Retail Study" (2016) (TC&RS). Despite this the Planning Practice Guidance outlines that the impact test should be undertaken in a proportionate and locally appropriate way. This is also reflected in the wording of Core Policy 8 as amended which requires impact tests exceeding the local threshold to be proportionate to the scale and type of retail floorspace proposed. Accordingly it is considered that sufficient information is available to come to a robust view over the likely impact of the proposal.

Having appraised the proposal the review of the RPS concludes that given the distance to Ollerton the proposal is unlikely to significantly impact on this District Centre. With regards to Edwinstowe, the retail consultant is satisfied that in all but the unlikely worst case scenario the impact upon the vitality of viability of this district centre will be within acceptable limits

Notwithstanding this concern has been raised that existing Coop Group stores in Edwinstowe or Clipstone may close and then relocate to the application site in which case the impact would be considered to be significant adverse. This could however controlled by condition which prevents occupation of the new retail unit by any retailer who at the date of occupation or 6 months prior, occupied floor space within neighbouring District Centres. This is recommended by the Council's retail consultant, who has directed officers to a similar condition in the case of R (*on the Application of Skelmersdale Limited Partnership ["SLP"] v West Lancashire Borough Council, St*

Mowden Developments (Skelmersdale) Ltd ["SMD"] [2016] EWCA Civ 1260. Subject to such a condition, I consider that any impacts can be adequately controlled and mitigated.

Taking account of the above I am therefore satisfied that the proposed retail within the 'Local Centre' would not be significant adverse on the vitality and viability of relevant centres, and so justify refusal on these grounds alone. The Planning Practice Guidance advises that if impact is unlikely to be significant adverse then the positive and negative effects should be considered alongside all other material considerations. Through the review of the RPS the positive and negative elements of the retail unit proposal and how they sit within the planning balance were considered, this is picked up later in this report. The positive impacts are considered to be reclamation, regeneration, employment, housing and new leisure / visitor attractions to complement existing attractions in the area. Significant weight can be attached to these benefits that are consistent with the aims and objectives of the emerging development plan. The proposal will also result in a second foodstore in Edwinstowe although the potential impacts on the district centre have to be weighed against other benefits. There might also be positive impacts in terms of reduced CO2 emissions as residents of North Nottinghamshire will have access to employment and leisure opportunities closer to home.

Turning to negative impacts, these are considered to be potential impact on the vitality and viability of Edwinstowe and the ecological impact of the wider proposal.

Taking the above into account the review of the RPS concludes that based on the supporting information the adverse impacts do not 'significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole'.

The 2018 NPPF does not alter the above assessment.

Other matters

Design

Given that this is an outline application this will be a matter for reserved matters approval to address. Members will note that the principles of the applicants Design and Access Statement, together with various parameter and density plans, are subject to recommended conditions.

The 2018 NPPF does not alter the above assessment.

Residential Amenity

Environmental impacts arising from the development upon residential dwellings has been properly assessed through the ES in the chapters such as Air Quality, Noise and Vibration etc. Subject to the use of appropriate conditions to control construction and other mitigation identified as required, I am satisfied that the proposal should not cause significant impacts. Specific impacts have been considered in each section of this report where relevant. Other impacts on residential amenity such as privacy will be considered at reserved matters stage.

The 2018 NPPF does not alter the above assessment.

Delivery

In this case it is noted that an established master developer is promoting the scheme. Harworth Group plc is one of the largest property and regeneration companies across the North of England and the Midlands, owning and managing 22,000 acres across 150 sites.

The Company has a track record in the implementation of residential, mixed use, industrial and low-carbon schemes.

The applicant has made clear a commitment to the early delivery of this strategic site which will significantly bolster the supply of housing in Newark and Sherwood. The table below sets out the timeline for the commencement of development and projected completions of new housing. It is worth noting that the Harworth Group have drawn officers attention to a former surface and deep mine site on the edge of Rotherham. This scheme also expressed a commitment to early deliver, a commitment that was ultimately provided quickly after receiving planning permission (there were 11 months between the reserved matters approval and first dwelling occupied). On average that site is delivering 120 – 150 dwellings per annum across three different housebuilders.

October 2015	Demolition commenced to provide a safe site and a development platform
October 2017	Construction of new electrical sub-station – completion in December 2017
October 2017	Consideration of planning application at Committee
December 2017	Demolition and Site Preparation will be completed
December 2017	Outline planning permission granted
Quarter 4 2017	First housebuilder to be selected
Quarter 1 2018	Submission of RM for Phase 1
Quarter 2 2018	Approval of RM for Phase 1
Quarter 3 2018	Discharge of Pre-Commencement Conditions
Quarter 3 2018	Commencement of Development
Quarter 4 2018	First occupation
2019/2020 onwards	75 completions per annum (two housebuilders on site) – through to completion in 2028/29

I am satisfied that weight can be attached to not only the quantum of housing that will contribute to the Council's overall land supply in future years (including within the next 5 years) but also to the fact that such quantum is likely to be genuinely deliverable in this case.

It should be noted that given the passage of time since the application was presented to planning committee in October 2017 these timescales have subsequently passed. The applicant has suggested that the submission of the first Reserved Matters for the provision of the initial infrastructure is expected during February 2019.

Planning Balance and Conclusions

A development of this scale will inevitably have impacts and will inevitably change the existing character of the location, albeit this can be balanced against the existing vacant appearance of the site and brownfield nature of the land. It does not, however, follow that a significant change must equate to unacceptable harm in planning terms.

This planning application represents an opportunity to deliver a substantial amount of dwellings, employment, and associated infrastructure. The delivery of housing, in this case promoted by a master developer with experience in the North and Midlands Regions, is a significant material planning consideration given the governments drive to encourage the delivery of new housing in the right places. On this latter point the site comprises large areas of vacant brownfield land, it contains significant existing infrastructure (which to remove also raises sustainability questions) and it is locationally well located with respect to Edwinstowe. The site is supported for adoption by this Council's Draft Revised Core Strategy, which is now in the latter stages of preparation having been submitted to the Secretary of State for Examination. The scheme is in accordance with the proposed site allocation.

The scheme will deliver a number of additional benefits to be weighed in an overall planning balance. The site will also contribute to boosting the Council's 5 year housing land supply and beyond. The redevelopment of the site will deliver more than 1,000 new jobs, new housing and thorough and careful restoration of the spoil heap to provide leisure and recreation opportunities. Whilst it is always disappointing when full affordable housing provision is not secured I am mindful of government guidance in this regard, albeit I consider that a review mechanism is appropriate in this case. I have assessed above all other technical matters and concluded that there are no issues, subject to conditions and mitigation that would warrant refusal of the application. On this basis I recommend that planning permission be granted.

RECOMMENDATION: that

Outline planning permission be granted subject to:

- (a) The conditions which will be subject to a separate Appendix to follow;
(The draft decision notice is attached at Appendix 2 of this report)
- (b) the completion of a S106 Agreement to control the matters outlined in this report and as summarised in Appendix 1; and
- (c) Officers also seek delegated authority to modify these conditions/S106 obligations in order to achieve the same objectives prior to the issuing of the decision notice as advised by legal representatives;

BACKGROUND PAPERS

Application case file.

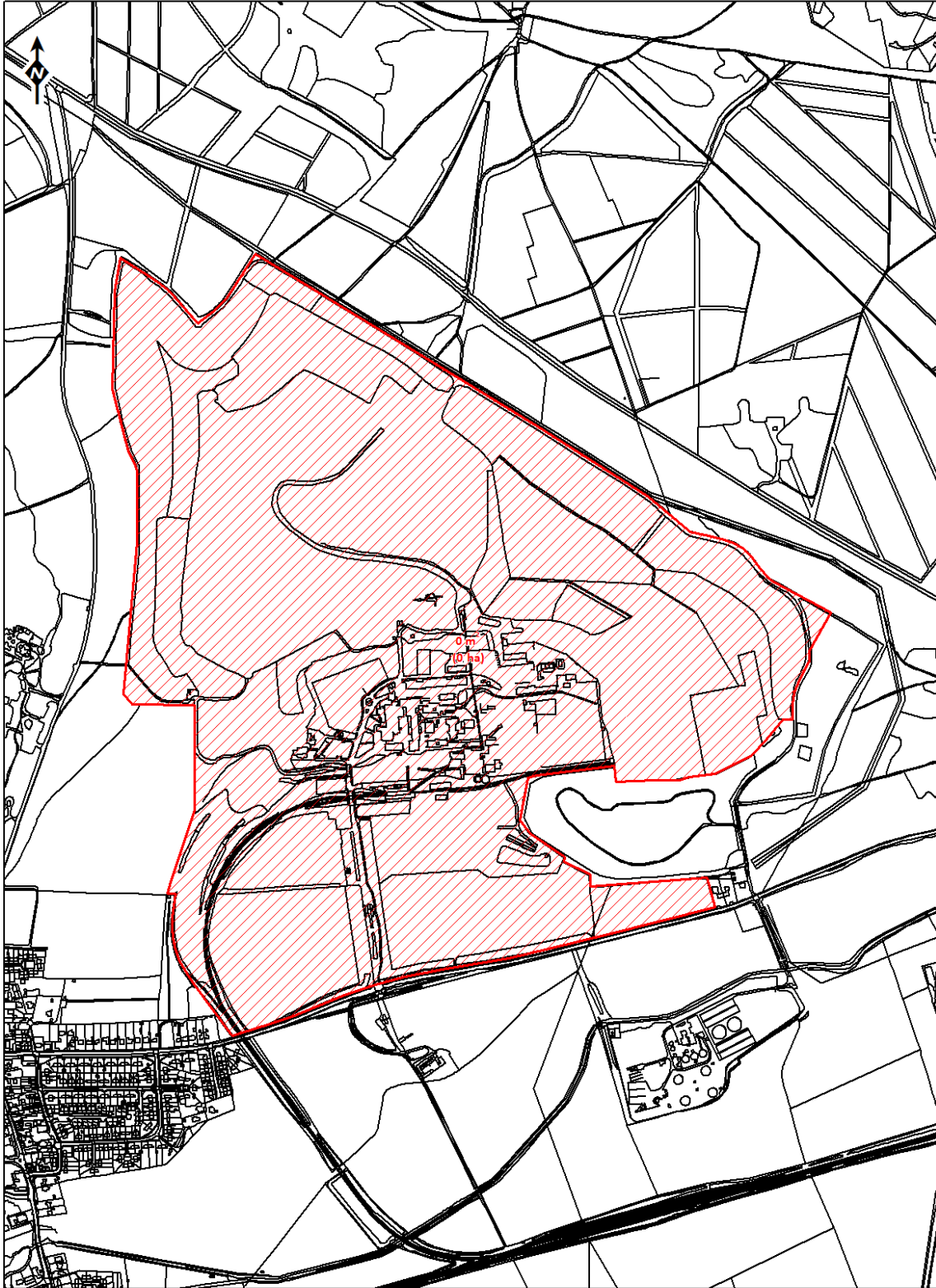
For further information, please contact Bev Pearson on Ext 5840

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

Matt Lamb
Business Manager Growth and Regeneration

Appendix 1

CONTRIBUTION	POLICY REQUIREMENT CURRENT CALCULATION TO INCLUDE INDEXATION AT 2016	PROPOSED
Affordable Housing (affordable rental and shared ownership)	30%	Either;- 7.5% 20% discounted market value dwellings (2 and 3 bedroom)
Community Facilities	£1384.07 per dwelling £1107256	Agreed.
Education Provision	£1.92m based on formula within SPD	£3.6m based on capital cost of physically building a new school.
Health	£982.62per dwelling £786096	Agreed
Libraries (Stock)	£47.54 per dwelling £38032	Agreed
Amenity Green Space	£282.94 per dwelling £226352	Agreed
Open Space for Children and Young People	£927.26 per dwelling £741808	Agreed
Outdoor Sports Facilities	£737.72 per dwelling £590176	Agreed
		£7,089,720
Ollerton Roundabout contribution	% of Ollerton Roundabout cost. £1.198m	Agreed
	TOTAL	£8,287720



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PEGASUS GROUP - MR STEVE LEWIS-ROBERTS
4 THE COURTYARD
CHURCH STREET
LOCKINGTON
DERBYSHIRE
DE74 2SL

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

Application For: Outline Planning Permission Major

NOTICE OF DECISION

Application No: 16/02173/OUTM **Previous Ref:** PP-05692082

Applicant: HARWORTH GROUP PLC - MR STUART ASHTON

Agent: PEGASUS GROUP - MR STEVE LEWIS-ROBERTS

Proposal: RESIDENTIAL DEVELOPMENT UP TO 800 DWELLINGS (CLASS C3), STRATEGIC EMPLOYMENT SITE COMPRISING UP TO 4,855 SQM CLASS B1A, UP TO 13,760 SQM CLASS B1C, AND UP TO 13,760 SQM CLASS B2, A NEW COUNTRY PARK, A LOCAL CENTRE, "THE HEART OF THE NEW COMMUNITY" CONTAINING A MIX OF LEISURE (TO INCLUDE ZIP WIRE), COMMERCIAL, EMPLOYMENT, COMMUNITY, RETAIL (UP TO 500 SQM), HEALTH, AND RESIDENTIAL USES, A PRIMARY SCHOOL, OPEN SPACE AND GREEN INFRASTRUCTURE (INCLUDING SUDS), AND ASSOCIATED ACCESS WORKS INCLUDING THE DETAILS OF THE PRIMARY ACCESS JUNCTIONS INTO THE SITE FROM OLLERTON ROAD.

Site Address: FORMER THORESBY COLLIERY OLLERTON ROAD EDWINSTOWE NOTTINGHAMSHIRE NG21 9PS

Newark and Sherwood District Council as Local Planning Authority in pursuance of their powers under the said legislation **APPLICATION PERMITTED OUTLINE PLANNING PERMISSION MAJOR** to the development described in the said application, subject to compliance with the condition imposed and the subsequent approval of all matters referred to in the conditions and for all the reasons set out below.

Conditions

01

The development hereby permitted shall be begun either before the expiration of five 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.

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.

02

The reserved matters application for the first phase or any sub phase of the development shall be made to the Local Planning Authority before the expiration of five years from the date of this permission and all subsequent reserved matters applications shall be submitted before the expiration of thirteen years from the date of this permission.

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

03

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 any sub phase 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 to comply with the requirements of Section 92 of TCP Act 1990, as amended by Section 51 of the Planning & Compulsory Purchase Act 2004 and in the interests of highway safety, sustainable travel and highway capacity issue.

04

The development hereby approved shall be implemented in accordance with the Indicative Phasing Plan (ref. 3.7.1 contained within the Design and Access Statement) and each reserved matters application shall be accompanied by an up to date phasing plan and phasing programme which includes details as follows:

- I. Site accesses and major internal infrastructure including internal roads, pedestrian and cycle crossings, footpaths and cycleways;
- II. improvements/traffic management and any restoration;
- iii. Timing and delivery of the associated green infrastructure (as indicated on the Provision of Open Space Strategy Drawing No. EMS.2508-004E) with that phase (including public open space, formal sports recreation facilities, NEAPs, LEAPs and associated parking facilities);

unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the site is developed in a satisfactory manner and for the avoidance doubt.

05

Reserved matter submissions for any phase or any use shall be substantively in accordance with the following plans:

Proposed Master Plan (drg no. 010 0519 P100)
Green Infra Structure Plan (drg. no. 003 0519 P00)
Land Use Distribution Plan (drg no. 004 0519 P00)
Western Site Access Junction (drg. no. ADC1343-001)
Eastern Access Junction (drg. no. ADC1343-002A)
Proposed Sections Sheet 1 (drg no: 030 0519 P00)

Proposed Sections Sheet 2 (drg no: 031 0519 P00)
Application Site Boundary (drawing no. EMS.2709_004 Rev B)

unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the site is developed in a satisfactory manner and for the avoidance doubt.

06

Each reserved matters application shall be broadly in accordance with the Proposed Master Plan (drg no. 010 0519 P100) and the approved Design and Access Statement or any forthcoming Design and Access in relation to any Reserved Matters application subject to revisions agreed in writing by the Local Planning Authority.

Reason: To ensure consistency with the Masterplan and Design and Access Statement and ensure the site is developed in a satisfactory manner.

07

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 on any phase or sub phase pursuant to Condition 4 (relating to phasing) until parts 1 to 4 (below) 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 point 4 has been complied with in relation to that contamination.

1 - 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:

- o human health,
- o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- o adjoining land,
- o groundwaters and surface waters,
- o ecological systems,
- o 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'.

2 - 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.

3 - 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.

4 - 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 point 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of point 2, 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 point 3.

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 and to prevent deterioration of a water quality element to a lower status class in the Nottingham Castle Sandstone.

08

No infiltration of surface water drainage into the ground in areas affected by contamination is permitted other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels water pollution caused by mobilised contaminants in line with paragraph 109 of the National Planning Policy Framework. To prevent deterioration of a water quality element to a lower status class in the Nottingham Castle Sandstone.

09

The development hereby permitted shall not be commenced until such time as a scheme to install oil and petrol separators has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

Reason:-To reduce the risk surface and groundwater pollution.

010

The development hereby permitted shall not be commenced until such time as a scheme to treat and remove suspended solids from surface water run-off during construction works has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

Reasons: To reduce the risk of silt pollution during the initial development stage

011

No development shall take place on any phase or sub phase pursuant to Condition 4 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:

- o the parking of vehicles of site operatives and visitors;
- o loading and unloading of plant and materials;
- o storage of plant and materials used in constructing the development;
- o the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- o wheel and vehicle body washing facilities;
- o provision of road sweeping facilities;
- o measures to control the emission of noise, dust and dirt during construction
- o a scheme for recycling/disposing of waste resulting from demolition and construction works;
- o the means of access and routing strategy for construction traffic;
- o details of construction traffic signage;
- o 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);
- o a construction Travel Plan;
- o management of surface water run-off, including details of a temporary localised flooding management system;
- o the storage of fuel and chemicals;
- o the control of temporary lighting;
- o measures for the protection of retained trees, hedgerows and watercourses;
- o details of pre-commencement surveys and mitigation measures for ecological sensitive areas (which should detail procedures/timings of works to avoid impacts on protected species and retained habitats);
- o the protection of (and avoidance of disturbance to) badger setts and the implementation of good working practices to minimise impacts on foraging or transitory badgers;
- o Pre-construction ecological surveys and mitigation measures including details of procedures/timing of works to avoid impacts on protected species and retained habitats.;
- o Appropriate controls for the storage of hazardous materials and fuel storage and filling areas

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 Policies CP9, CP12, CP13 Newark and Sherwood Core Strategy and CP9, 12 and 13 and ShAP3 and ShAP4 of the Amended Core Strategy.

012

No development shall be take place on any phase or sub phase pursuant to Condition 4 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.

Reason: In the interests of the environment

013

No removal of hedgerows, trees or shrubs shall take place between 1st March and 30th September inclusive. Where this is not possible, areas should be cleared of vegetation only if they have been surveyed by a suitably qualified ecologist and has 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 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.

Reason: To safeguard protected species and to accord with the objectives of the NPPF, Policy CP12 of the Newark and Sherwood Core Strategy and Policies CP12, ShAP 3 and 4 of the Amended Core Strategy

014

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:

- o Provision for replacement or new boundary treatments including hedgerows and trees (which shall be identified and justified) in line with the Illustrative Landscape and Ecology Masterplan (drg no. ems.2709_10C) or any updated version that shall be agreed through the relevant reserved matters approval
- o Hard landscaping details 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.
- o Soft landscaping details 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.

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 Policy CP12 of the Newark and Sherwood Core Strategy and Policies CP12, ShAP 3 and 4 of the Amended Core Strategy

015

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 any sub phase is occupied or in accordance with a programme which shall firstly be agreed in writing with 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.

016

Prior to commencement of development in any phase or any sub phase pursuant to Condition 4, an 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 any 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.

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.

Reason: To ensure that existing trees and hedges to be retained are protected, in the interests of visual amenity and nature conservation

017

Prior to commencement of development within any phase or any sub phase pursuant to Condition 4, a scheme to update the Extended Phase 1 Habitat Survey produced by AES dated 2016 appended to the Environmental Statement deposited with the application 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 statements (including Badger and Reptile Method statement) and timetable of works to mitigate any adverse effects to protected species. The development shall be implemented in accordance with the approved schemes unless otherwise agreed in writing by the Local Planning Authority.

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 Policy CP12 of the Newark and Sherwood Core Strategy and Policies CP12, ShAP 3 and 4 of the Amended Core Strategy

018

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 (to include the proposed SANGS) 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 08) and shall include details of the following within each phase, as appropriate:

- o The location and extent of all new habitats including all works required for the creation;
- o 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 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.

- o Measures to enhance retained habitats;
- o A Visitor Management Strategy to include details of zoning levels of activity, how public access will be controlled to limit disturbance to wildlife and physical features to prevent domestic animals from reaching habitats and how these will be monitored and enforced
- o Ecological enhancements to include bird and bat boxes at appropriate points within the site which should offer immediate enhancements and longer term enhancements where appropriate;
- o Opportunities to enhance the proposed drainage features on site to benefit biodiversity;
- o 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 10 years;
- o A Bee Orchid Translocation Method Statement (detailing methods and timings for the translocation of Bee Orchids from the development site to the colliery pit tip restoration)
- o The provision of an artificial Sand Martin bank, adjacent to one of the proposed waterbodies within the development site (to mitigate against the loss of existing Sand Martin nesting sites within the development)
- o The appointment of an Ecological Clerk of Works (to undertake ecological supervision and ensure the implementation of the above mitigation measures)
- o An implementation timetable for all elements.

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.

Reason: To safeguard protected species and their habitats and in order to provide ecological enhancements in a timely manner in line with Policy CP12 of the Newark and Sherwood Core Strategy and Policies CP12, ShAP 3 and 4 of the Amended Core Strategy and the advice contained in the NPPF as well to take account of the Nottinghamshire Local Biodiversity Action Plan.

019

First applications for reserved matters approval for each phase pursuant to Condition 4 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.

Reason: This condition is necessary to ensure that the impacts of external lighting on nocturnal wildlife, particularly bats are minimised in accordance with CP12 of the Newark and Sherwood Core Strategy and policies CP12, ShAP 3 and 4 of the Amended Core Strategy together with the NPPF and to protect drivers from uncontrolled light sources near the public highway.

020

Prior to commencement of development an Air Quality Monitoring Strategy shall be submitted in line with the Air Quality Assessments, and subsequent Technical Notes deposited with the application to be and approved in writing by the Local Planning Authority. This shall include:-

- o Details of vehicle monitoring to take place at the entrance to the development on the main access road into the development from the A6075 Ollerton Road.
- o Details of long term Air quality monitoring which shall take place at the same 12 sampling locations as shown on Figure 1 of the Technical Note dated 12 May 2017.

- o Details of the monitoring sufficient to establish a clear pre-development baseline in all seasons, and then to take place in years 1, 2, 3, 5 and 10 from the completion of development.
- o Monitoring results to be submitted to and approved either when monitoring takes place as noted above
- o Details of a review mechanism of data to compare the accuracy of the original predictions to results. Should air quality be shown to be worse than predicted then details of a re-evaluation of the level of mitigation shall be required.

Reason: To secure an Air Quality Assessment in the long term, monitor ongoing effects on local protected wildlife sites that may be attributable to the development, and provide a basis for discussion of further mitigation measures to be employed should these be deemed necessary and to safeguard protected species and their habitats

021

The proposed mitigation measures approved as part of Condition 21 shall be implemented at both construction and operation phases within any phase or sub phase pursuant to Condition 4 in accordance with details contained within the Air Quality Assessments, Reports and Technical Notes produced by Redmore Environmental deposited with the application, in particular those dated 17th February 2017 and 12th May 2017.

Reason: To ensure appropriate mitigation for the impact on residential amenity and to safeguard protected species and habitats.

022

No development shall be commenced within each phase or sub phase pursuant to Condition 4 until a detailed surface water and foul water drainage scheme for that phase or sub-phase, in accordance with the approved Flood Risk Assessment produced by SCP (Document ref. PTU/16423/FRA dated December 2016) 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:

- o 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;
- o 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 3rd party land are not acceptable.
- o 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 7th edition (or any later edition as may be published) in terms of the criteria for pipe-full flows, surcharge and flooding;
- o Full documentary evidence for consideration by the LPA/LLFA legal advisors of the rights to discharge to any watercourse.
- o Timetable for its implementation;
- o 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.

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.

023

No part of the development hereby approved shall be occupied / brought into use unless or until junctions with the A6075 have been provided as shown for indicative purposes only on the drawings no. ADC/1343/001A and ADC/1343/002A to the satisfaction of the Local Planning Authority.

Reason: In the interests of Highway safety.

024

No part of the development hereby approved shall be occupied / brought into use unless or until modifications have been made to the traffic signal controlled junctions at A6075 Mansfield Road/West Lane, and A6075 Mansfield Road/Ollerton Road/Church Street/High Street to improve capacity. This will involve the installation of MOVA (or similar) in agreement with the Highway Authority.

Reason: In the interests of Highway capacity.

025

No part of the development on any phase or sub phase pursuant to Condition 4 shall take place until details of the new roads have been submitted to and approved in writing by the Local Planning Authority including layout, street lighting, drainage and outfall proposals, and any proposed structural works. The development shall be implemented in accordance with these details to the satisfaction of the Local Planning Authority.

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

026

The approved Residential and Employment Travel Plans (version 4 in each case) shall be implemented in full and in accordance with the timetable set out in those plans or alternative timetable which may be agreed in writing unless otherwise agreed in writing by the local planning authority.

Reason: To promote sustainable travel.

027

No part of the development hereby permitted shall be brought into use unless or until the relocation of two bus stops on Ollerton Road (NS0276 and NS0536) and two additional new bus stops have been installed to the satisfaction of the Local Planning Authority, and shall include real time bus stop poles & displays including associated electrical connections, polycarbonate or wooden bus shelters, solar lighting, raised boarding kerbs, and enforceable bus stop clearways.

Reason: To allow safe access to the development and to promote sustainable travel.

028

Otherwise than in the circumstances set out at below, for a period of five years from the date on which the development is first occupied, no retail floor space hereby approved shall be occupied by any retailer who at the date of the grant of this permission, or within a period of 12 months immediately prior to the occupation of the development hereby approved, occupies retail floor space

which exceeds 250 sqm [Gross External Area] within the District Centres of Edwinstowe, Ollerton and Clipstone.

Such Occupation shall only be permitted where such retailer as identified in above submits a scheme which commits to retaining their presence as a retailer within the District Centres of Edwinstowe, Ollerton and Clipstone for a minimum period of 5 years following the date of their proposed occupation of any retail floorspace hereby approved, and such scheme has been approved in writing by the Local Planning Authority."

Reason: To safeguard the vitality and viability of the adjoining District Centre in accordance with the NPP and policy CP8 of the Newark and Sherwood Core Strategy together with policies CP8 and ShAP3 and 4 of the Amended Core Strategy.

029

The availability of the Edwinstowe Parish Public Bridleways No 16 & 24 shall not be affected or obstructed in any way by the proposed development at this location unless subject to an appropriate diversion or closure orders nor shall path users in the area be impeded or endangered by the proposed development.

Reason: to safeguard the Public Rights of Way and Bridleways.

030

No development shall commence until a scheme for the retention and refurbishment of buildings shown to be retained on site pursuant to the plan at 2.8 of the Design and Access Statement deposited with the application has been submitted to and approved in writing by the LPA. The scheme shall include details of internal and external works and phasing such that the buildings are preserved to an appropriate standard and are wind and watertight. The scheme shall be implemented in accordance with the approved details.

Reason: To ensure that the development takes the form envisaged and to protect buildings identified as heritage assets.

031

The first reserved matters application for each phase pursuant to Condition 4, shall be accompanied by a Noise Assessment which shall include updated background noise modelling data where appropriate (such as there being a change in circumstance since the original noise modelling was undertaken) and where necessary, a Noise Attenuation Scheme shall be submitted to and approved in writing by the Local Planning Authority. The approved attenuation scheme shall be implemented on site prior to first occupation of any dwelling in that phase or to an alternative implementation timetable as may be agreed in writing by the Local Planning Authority. For the avoidance of doubt this condition also relates to the construction phase of the development.

Reason: To ensure that noise levels and vibration are appropriately mitigated and that the mitigation measures are implemented in a timely manner in the interests of residential amenity. This condition accords with Policies DM5 and the NPPF

Associated Restoration of the Former Spoil Heaps

032

The restoration of the former Thoresby Colliery Spoil Tip shall be undertaken in accordance with the **(State timetable which presumably is set out within your planning application)**. The restoration works shall be carried out in accordance with the following documents, unless otherwise agreed in

writing by the Local Planning Authority, or where amendments are made pursuant to other Conditions:

- a Drawing No. 2256.01 titled 'Location Plan' received by the MPA on 30 November 2011;
- b Dwg No. 2256.06 Rev 2 dated Jan 2015 Proposed Scheme Amended Restoration Proposals;
- c Drawing titled Spoil Heap Plan Permitted & Proposed Contours;
- d Drawing titled Spoil Heap Plan Proposed Scheme Sections dated 6/1/2015;
- e NMA/3502 – Minor amendments to woodland planting areas, creation of small wetlands, realignment of footpaths, fencing, retention of lagoon & reshaping of contours – Dwg No. 001/THS/STR/A0 Rev 2 dated 30/6/2016 & Restoration method Statement dated March 2016 & additional info in e-mail dated 30 June 2016 from Stuart Ashton;
- f NMA/3673 - Restoration scheme amendments to mitigate against a repeat of heavy rain causing slippage of material from the flank. Achieved by more vigorous deep rooted grass/scrub mix.

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

033

From the commencement of the development to its completion, a copy of this permission shall always be available at the site offices for inspection.

Reason: To enable the Local Planning Authority to monitor compliance with the conditions of the planning permission.

034

Mitigation measures for the protection of breeding birds shall be carried out for the duration of the colliery tip restoration works and subsequent 5 year aftercare period in compliance with the letter from E3 Ecology Ltd dated 26th June 2013 together with plans showing Location of Bird Nest Boxes, Areas of Grassland/Woodland to be Retained and Areas to be Sown with Wild Bird Cover Mix dated May 2013 and the Ecological survey of Cell 12 area carried out on 31st October 2012.

Reason: To ensure the protection of breeding birds in the interest of nature conservation and to accord with Policy M3.17 (Biodiversity) of the Nottinghamshire Minerals Local Plan.

035

The method statement for the protection of Little Ringed Plover (whose habitat can be bare shale) set out within the letter from E3 Ecology Ltd 26th June 2013 shall be implemented for the duration of the Colliery Tip Restoration works.

Reason: To safeguard protected species

036

Within 28 days of the commencement of the colliery tip restoration works, the two drainage ponds/water bodies in the north-west and north-east corners of the site shall be inspected and the level of silt within the lagoons assessed to consider whether it is adversely impacting the water management of the wider colliery site. A copy of the inspection report and its recommendations shall be submitted to the Local Planning Authority for its approval in writing within 7 days of the inspection being carried out. Any approved remediation and desilting works within the ponds shall thereafter be carried out in accordance with a timetable agreed by the Local Planning Authority. The pond de-silting works shall be carried out in compliance with the scheme contained within correspondence from E3 Ecology Ltd dated 6th June 2013 and supporting UK Coal Operations Ltd, Thoresby Colliery Removal of Solids from Settlement Ponds Method Statement, subject to any modifications which shall be agreed in writing with the Local Planning Authority. The silt levels within the ponds shall thereafter be monitored in accordance with the agreed de-silting scheme to

ensure the drainage function of the ponds is satisfactorily maintained throughout the restoration and aftercare period of the site.

Reason: To prevent increased risk of flooding

037

The Surface Water Drainage Scheme provided by Land Drainage Consultancy Ltd deposited on the 26th July 2013 shall be implemented for the duration of the colliery tip restoration works and subsequent 5 year aftercare period

Reason: To prevent increased risk of flooding

038

No turf, soils or overburden shall be removed from the site.

Reason: To ensure conservation of soil resources and the satisfactory restoration of the site in accordance with Policy M4.3 (Soil Conservation) of the Nottinghamshire Minerals Local Plan

039

Unless otherwise agreed in writing by the Local Planning Authority, all soil storage mounds shall be no more than 3 metres high.

Reason: To safeguard the amenities of the area and to ensure the satisfactory working of the site in accordance with Policy M3.3 (Visual Intrusion) of the Nottinghamshire Mineral Local Plan

040

Details of the volumes and location of soils and overburden stored on the site shall be submitted to the Local Planning Authority along with a plan showing the status of the site by 31st December each year subsequent to the following details received:-

2014 Details received 22/12/2014 - projected surplus of 3538 cubic metres.

2015 Details received 19/01/2016.

2016 Details received 12/12/2016.

2017 Details received 4/1/2018.

Reason: To ensure the conservation of soil resources and the satisfactory restoration of the site in accordance with Policy M4.3 (Soil Conservation) of the Nottinghamshire Minerals Local Plan

041

Only low ground pressure machinery shall work on re-laid soils to replace and level soils.

Reason: To ensure the conservation of soil resources and the satisfactory restoration of the site in accordance with Policy M4.3 (Soil Conservation) of the Nottinghamshire Minerals Local Plan

042

Except in the case of emergency when life, limb or property are in danger (such instances which are to be notified in writing to the LPA within 48 hours of their occurrence), or with the prior written agreement of the Local Planning Authority the development hereby permitted on the spoil tip shall only take place within the following hours:

Colliery Spoil Disposal and On Site Transportation

Monday to Friday
Saturdays

0700hrs -1900hrs
0700hrs-1400hrs

No working on Sundays or Bank or Public
Holidays

Reason: In the interest of amenity and in accordance with Policy M3.5 (Noise) of the Nottinghamshire Minerals Local Plan

043

The Local Planning Authority shall be notified in writing at least 5 working days before each of the following, where applicable:

- a. Overburden has been prepared ready for soil replacement to allow inspection of the area before further restoration of this part is carried out;
- b. When subsoil has been prepared ready for topsoil replacement to allow inspection of the area before further restoration of this part is carried out; and
- c. On completion of topsoil replacement to allow an opportunity to inspect the completed works before the commencement of any cultivation and seeding operation.

Reason: To ensure the conservation of soil resources and the satisfactory restoration of the site in accordance with Policy M4.3 (Soil Conservation) of the Nottinghamshire Minerals Local Plan.

044

Soils and any overburden shall only be replaced when they and the ground on which they are to be placed are in a dry and friable condition and no movements, respreading, levelling, ripping or loosening of overburden or soils shall occur.

Reason: To ensure the conservation of soil resources and the satisfactory restoration of the site in accordance with Policy M4.3 (Soil Conservation) of the Nottinghamshire Minerals Local Plan

045

Plant and vehicles shall not cross any area of replaced and loosened ground or replaced soils except where essential and unavoidable for purposes of carrying out soil replacement, ripping and stone picking or beneficially treating such areas. Only lowground pressure machines shall work on prepared ground.

Reason: To ensure the conservation of soil resources and the satisfactory restoration of the site in accordance with Policy M4.3 (Soil Conservation) of the Nottinghamshire Minerals Local Plan

046

Prior to the replacement of soils and any overburden, the final profile of the colliery spoil heap shall be ripped using overlapping parallel passes:

- a. To provide loosening to a minimum depth of 450mm with tine spacings no wider than 0.6m; and
- b. Any rock, boulder or larger stone greater than 100mm in any dimension shall be removed from the loosened surface before further soil is laid. Materials that are removed shall be disposed of off-site or buried at a depth not less than 2 metres below the final contours.

Decompaction shall be carried out in accordance with the MAFF Good Practice Guide for Handling Soils Sheet 19: Soil Decompaction by Bulldozer Drawn Tines.

Reason: To ensure the conservation of soil resources and the satisfactory restoration of the site in accordance with Policy M4.3 (Soil Conservation) of the Nottinghamshire Minerals Local Plan

047

The Local Planning Authority shall be notified of the completion of restoration works in any phase or subphase.

Reason: To enable the effective monitoring of the development and to ensure the satisfactory restoration of the site

048

Following restoration, the Colliery Tip site shall undergo aftercare management for a 5 year period. Prior to any area being entered into aftercare the extent of the area and its date of entry into aftercare shall be agreed in writing with the Local Planning Authority. The 5 year aftercare period shall run from the agreed date. Aftercare operations shall be carried out in accordance with the following documents:

- Dwg No. 2256.06 Rev 2 dated Jan 2015 Proposed Scheme Amended Restoration Proposals;
- Drawing titled Spoil Heap Plan Permitted & Proposed Contours;
- Drawing titled Spoil Heap Plan Proposed Scheme Sections dated 6/1/2015;
- NMA/3502 – Minor amendments to woodland planting areas, creation of small wetlands, realignment of footpaths, fencing, retention of lagoon & reshaping of contours – Dwg No. 001/THS/STR/A0 Rev 2 dated 30/6/2016 & Restoration method Statement dated March 2016 & additional info in e-mail dated 30 June 2016 from Stuart Ashton;
- NMA/3673 - Restoration scheme amendments to mitigate against a repeat of heavy rain causing slippage of material from the flank. Achieved by more vigorous deep rooted grass/scrub mix.

Reason: To provide for aftercare of the restored site, in accordance with Policy M4.9 (Aftercare) of the Nottinghamshire Minerals Local Plan

049

Site management meetings shall be held with the Local Planning Authority in consultation with Minerals Planning Authority each year to assess and review the detailed annual programmes of aftercare operations referred to in Condition 50 (e) above, having regard to the condition of the land; progress in its rehabilitation and necessary maintenance.

Reason: To provide for aftercare of the restored site, in accordance with Policy M4.9 (Aftercare) of the Nottinghamshire Minerals Local Plan

050

The aftercare programme shall be implemented in accordance with the details approved under Condition 50 above, as amended following the annual site meeting referred to in Condition 49 above.

Reason: To provide for aftercare of the restored site, in accordance with Policy M4.9 (Aftercare) of the Nottinghamshire Minerals Local Plan

Note to Applicant

01

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

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

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

The applicant is advised to contact National Grid in advance of any works so that provisions can be agreed with regards to construction etc.

05

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:

- 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;
 - Include a timetable for its implementation; and
 - 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.

06

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.

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. Please contact david.albans@nottscc.gov.uk for details.

07

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).

08

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

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

Discharge of Conditions

Please note the Discharge of Condition incurs a fee and the service normally has 8 weeks to respond to each request from date of receipt.

A copy of the decision notice and the officer/committee report are available to view on the Council's website.

Date:

Authorised Officer on behalf of Planning Services,
Newark and Sherwood District Council

Note: Attention is drawn to the Notices Attached

Grant of Planning Permission

Application No: 16/02173/OUTM **Previous Ref:**PP-05692082

APPROVAL OF DETAILS (RESERVED MATTERS)

Applicants who receive an approval of details, known as “reserved matters”, under a previous outline permission are reminded of the requirements as to commencement of the development within the time specified in the conditions attached to the outline permission and to ensure that any other conditions attached to that outline permission are complied with.

IMPORTANT NOTE: THIS PERMISSION REFERS ONLY TO THAT REQUIRED UNDER THE TOWN AND COUNTRY PLANNING ACTS AND DOES NOT INCLUDE ANY CONSENT OR APPROVAL UNDER ANY OTHER ENACTMENT, BYELAW, ORDER OR REGULATION, INCLUDING THE PASSING OF PLANS FOR THE PURPOSE OF THE BUILDING REGULATIONS WHICH REQUIRES ADDITIONAL APPROVAL AND A SEPARATE APPLICATION MUST BE SUBMITTED.

1. If the applicant is aggrieved by the decision of the Local Planning Authority to grant permission or approval subject to conditions, he may appeal to The Planning Inspectorate, in accordance with Section 78 of the Town and Country Planning Act 1990, within SIX MONTHS of the date of this decision. The Planning Inspectorate has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances, which excuse the delay in giving notice of appeal. You must use a **Planning Appeal Form or Householder Appeal Form** when making your appeal which is obtainable from The Planning Inspectorate Room 3/15A Temple Quay House 2 The Square Temple Quay Bristol BS1 6PN. If requesting forms from the Planning Inspectorate, please state the appeal form you require.

The Planning Inspectorate is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the Local Planning Authority, or could not have been so granted otherwise that subject to the conditions imposed by them, having regard to the statutory requirements (*), to the provisions of the development order and to any directions given under the order. He does not in practice refuse to entertain appeals solely because the decision of the Local Planning Authority was based on a direction given by him.

(*) The statutory requirements are those set out in Section 79 (6) of the Town and Country Planning Act 1990, namely Sections 70 and 72 (1) of the Act.

2. If permission to develop land is refused, or granted subject to conditions, whether by the Local Planning Authority or by The Planning Inspectorate and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by carrying out any development which has been or would be permitted he may serve on the Council of the District in which the land is situated, a purchase notice requiring the council to purchase his interest in the land in accordance with the provisions of Part IV of the Town and Country Planning Act 1990.
3. In certain circumstances, a claim may be made against the Local Planning Authority for compensation, where permission is refused or granted subject to conditions by The Planning Inspectorate on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.

Notes for Minor Amendments

Application No: 16/02173/OUTM **Previous Ref:** PP-05692082

If you wish to make alterations to a scheme after it has been granted planning approval, some minor changes to approved plans can be dealt with under an amended plan procedure. If this is an option you wish to pursue, the relevant application forms entitled "Application for a non-material amendment following a grant of planning permission" should be completed and returned to us along with scaled plans showing the proposed amendments and a fee. The form can be downloaded from the planning portal at www.planningportal.gov.uk or alternatively, if you do not have access to the internet, please telephone our Customer Services on 01636 650000 who can arrange for a set to be posted to you. Guidance notes on how to complete these forms can also be found on the Planning Portal website.

We will in most cases accept the following as minor amendments to previously approved plans:

- Reduction in the volume/size of the building/extension
- Reduction in the height of the building/extension
- Amendments to windows/doors/openings that will not have any impact on neighbouring properties

However, this advice is given on an informal basis only and is therefore not binding on any future recommendation, which may be made to the Council or any formal decision by the Council.

We consider the following to normally take a development beyond the scope of the permission and will therefore require a fresh application to be submitted:

- Significant increase in the volume of the building/extension
- Significant increase in the height of the building/extension
- Changes which would conflict with a condition on the original approval
- Additional and/or repositioned windows/doors/openings that will have an impact on neighbouring properties
- Changes which would alter the description of development from the original application
- Amendments that would warrant re-consultation either of neighbours, council departments or statutory bodies

PLANNING COMMITTEE – 5 FEBRUARY 2019

APPEALS A

APPEALS LODGED (received between 31 December 2018 and 21 January 2019)

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 quoting the relevant appeal reference.

Matt Lamb
Business Manager Growth & Regeneration

Appeal reference	Application number	Address	Proposal	Procedure
APP/B3030/W/18/321771 1	17/00771/FUL	Land To The Rear Of 37 And 39 Halloughton Road Southwell Nottinghamshire NG25 0LP	Erection of 1No detached dwelling with attached garage	Written Representation
APP/B3030/W/18/321775 0	18/01495/FUL	Wharf Cottage Carlton Ferry Lane Collingham Newark On Trent Nottinghamshire NG23 7LZ	Proposed new driveway to serve Wharf Cottage	Written Representation
APP/B3030/W/18/321886 1	18/01946/FUL	Land At Grange Farm Staythorpe Road Staythorpe Nottinghamshire	Resubmission of application 18/00745/FUL. Erection of 2 bedroom single storey bungalow.	Written Representation

PLANNING COMMITTEE – 5 FEBRUARY 2019

APPENDIX B: APPEALS DETERMINED (between 31 December 2018 and 21 January 2019)

App No.	Address	Proposal	Decision	Decision date
17/00427/ENF	Burgess House Main Street Farnsfield Nottinghamshire NG22 8EF	Appeal against	DISMISS	11.01.2019

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 quoting the relevant application number.

Matt Lamb
Business Manager Growth & Regeneration