



*Castle House  
Great North Road  
Newark  
NG24 1BY*

*Tel: 01636 650000*

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

**Monday, 25 March 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, 2 April 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](mailto:catharine.saxton@newark-sherwooddc.gov.uk).**

## AGENDA

### Page Nos.

1. Apologies for Absence
2. Declarations of Interest by Members and Officers
3. Declaration of any Intentions to Record the Meeting
4. Minutes of the Previous Meeting

### **Part 1 - Items for Decision**

- |    |  |           |
|----|--|-----------|
| 5. | 1 Elm Avenue, Newark<br>Site visit: 11.25am – 11.35am  | 5 - 13    |
| 6. | Fox Inn Public House, Main Road, Kelham 18/01414/FUL<br>Site visit: 10.00am – 10.10am                                      | 14 - 35   |
| 7. | Land Adjacent Fish Pond Farm, Main Street, Eakring 18/02159/FUL  | 36 - 65   |
| 8. | Yorke Drive And Lincoln Road Playing Field, Lincoln Road, Newark<br>18/02279/OUTM (MAJOR)<br>Site visit: 10.45am – 11.00am | 66 - 145  |
| 9. | Land Off Hutchinson Road, Newark 19/00192/RMA<br>Site visit: 11.15am – 11.20am   | 146 - 153 |

### **Part 2 - Items for Information**

- |     |                    |           |
|-----|--------------------|-----------|
| 10. | Appeals Lodged     | 154 - 155 |
| 11. | Appeals Determined | 156       |

### **Part 3 - Statistical and Performance Review Items**

There are none.

### **Part 4 - Exempt and Confidential Items**

There are none.

12. 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 Director Growth & Regeneration, the Chairman and Vice-Chairman of the Committee to consider late representations received after the Agenda was published.

For awareness you are advised to be in attendance at the commencement of the meeting as the Planning Committee Chairman may change the order of business on the agenda.

## PLANNING COMMITTEE –2 APRIL 2019

<b>Application No:</b>	<b>19/00106/FUL</b>		
<b>Proposal:</b>	<b>Change of Use from Use Class C3 (Dwelling House) to Use Class C2 (Children's Home)</b>		
<b>Location:</b>	<b>1 Elm Close, Newark-on-Trent NG24 1SG</b>		
<b>Applicant:</b>	<b>Homes2Inspire</b>		
<b>Registered:</b>	<b>22<sup>nd</sup> January 2019</b>	<b>Target Date: 19<sup>th</sup> March 2019</b>	
		<b>Extension of time agreed: 3<sup>rd</sup> April 2019</b>	

**The application is presented to Committee at the request of Cllr Roberts due to concerns about the suitability of the property for the proposed use.**

### The Site

The application site is located within the built-up area of Newark, just off the B6326 London Road, which is one of the main thoroughfares through the town. A large number of the bus services that run in and around the town can be accessed at bus stops located on London Road, making it a very accessible location.

The dwelling that is the subject of this application is situated within a predominantly residential area, on the corner of Elm Close and Elm Avenue, the latter being a long straight road with residential properties down the eastern side and flanked on the western side by the Newark Cemetery. This green open space and proliferation of mature trees is on the margins of the Newark Conservation Area and contributes to the Conservation Area setting. Properties on the eastern side of the road however are not included within the Conservation Area, including the application site.

No.1 Elm Close itself is a late 20<sup>th</sup> Century, five-bedroom brick built property with UPVC casement windows, an integral garage and a driveway (accessed off Elm Avenue) that wraps around the front and side of the house, providing off-street parking for up to five vehicles. The garden is located to the side of the house, fronting Elm Close, however, a number of large conifers screen this part of the property from the roadside. Although Elm Avenue and Elm Close are not particularly wide roads there are no parking restrictions, meaning there is ample street parking available if required. By virtue of the road access and orientation of the principal elevation, No.1 Elm Close appears to be have greater association with the Avenue than with the Close itself.

### Relevant Planning History

No relevant planning history.

### The Proposal

The proposal is for the change of use from a dwelling house (Use Class C3) to a residential

children's home (Use Class C2) to accommodate up to five young people aged between 10 and 18 years old, with two appropriate adults on site at all times. The home would be operated by Homes2Inspire, who are registered care providers specialising in accommodation for children and young people in care and away from their families.

The proposal involves no material change to the outside of the property, merely proposing internal alterations that are not subject to planning controls, in order to make the building fit for the required purpose. The house would retain its residential character with the principal aim of facilitating a family environment for its occupants.

The following documents have been submitted with the application:

- Site plan (Drawing 01-01)
- Existing floor plan (Submitted 21/01/2019)
- Proposed floor plan (Submitted 21/01/2019)
- Cover letter (Submitted 21/01/2019)
- Statement of purpose (Submitted 21/01/2019)
- 1 Elm Close H2I Response letter (Submitted 19/03/2019)

#### Departure/Public Advertisement Procedure

Occupiers of 7 neighbouring properties have been notified by letter. A site notice has also been posted close to the site and an advert placed in the local press.

#### Planning Policy Framework

##### **The Development Plan**

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

Spatial Policy 1 – Settlement hierarchy

Spatial Policy 2 – Spatial distribution of growth

Spatial Policy 7 – Sustainable transport

Core Policy 9 – Sustainable Design

Core Policy 14 – Historic Environment

*Allocations & Development Management DPD (adopted July 2013)*

Policy DM1 – Development within Settlements Central to Delivering the Spatial Strategy

Policy DM5 – Design

Policy DM8 – Protecting and Enhancing the Historic Environment

Policy DM12 – Presumption in favour of sustainable development

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

National Planning Policy Framework 2019

Planning Practice Guidance (on-line resource)

#### Consultations

**Newark Town Council** - No objection to the proposal

**NSDC Environmental Health** - *[With] both the small number of residents and the onsite support I don't envisage any problems.*

**NSDC Access and Equalities Officer** - *It is recommended that the developer be advised to consider inclusive access to, into and around the proposals with available facilities designed so as to be equally convenient to access and use throughout.*

*It is recommended that the developer be advised to make separate enquiry regarding Building Regulations and be mindful of the provisions of the Equality Act.*

**NCC Highways** - *It has been confirmed that a maximum of 5 children are expected to be accommodated at the application site. Overnight two support workers will be on site. Although the parking provision has not been demonstrated on a site plan, there is sufficient space within the site curtilage to park up to five vehicles.*

*Whilst it is understood that visitors are expected to the site, taking into account the low number of children and the parking provision available, the Highway Authority would not wish to raise objection to this proposal.*

**NSDC Conservation Officer** - *Conservation has scrutinised the submitted plans. The application site is in close proximity to the Grade II listed Cemetery Chapels (list ref: 1297720). There are no elevations submitted for the proposed change of use, with the exception of revised floor plans. It is stated in the application form that there are no new materials proposed for the works, and as such Conservation has made an assessment of the application on the grounds that there will be no material change to the setting of the Grade II listed Cemetery Chapels. The proposed change of use from residential C3 to a children's home C2 has notable public benefits and as such there are no objections to the proposal.*

**11 letters of representation** have been submitted by local residents. The issues raised in these representations are summarised under the following themes:

- Fear of crime: some comments raise suggestions that the proposed change of use could contribute to an increase in crime
- Road safety: there are concerns amongst existing residents relating to the width of the footpath and pedestrian safety; the volume of traffic using the road; on-street parking due to a perceived increase in the number of visitors to No.1 Elm Close and cumulative impacts in conjunction with busy periods at the cemetery
- Operating a business: concerns at the impact of business operations on the character of the area and how it would be operated; competency of Homes 2 Inspire; more suitable properties elsewhere in Newark to accommodate the business
- Tranquility of the area: perceived loss of tranquility due to the nature of the proposed use; area is residential and the introduction of a business would change this
- Neighbour amenity: loss of privacy; noise disturbance
- Deeds of the property do not allow it to be used as anything other than a dwellinghouse

#### Comments of the Business Manager

##### *Principle of Development*

The LDF Spatial Strategy identifies the Newark Urban Area as the sub-regional focus intended to

be the main location for new services and facilities within the District. Moreover, Policy DM1 facilitates development within the Urban Boundary for development that is appropriate to the size and location of the settlement, its status in the settlement hierarchy and in accordance with the Core Strategy and other relevant Development Plan Documents.

On this basis, in policy terms, the proposed change of use at No.1 Elm Close is considered acceptable in principle, subject to an assessment against site specific criteria set out below.

### *Character and Visual Amenity*

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.

The proposed change of use involves no material change to the external appearance of the existing dwelling and although the thought of a residential institution (C2 uses) may conjure up notions of 'institutional buildings', this property is intended to provide for the children and staff alike an experience that closely replicates a normal domestic environment. This is reflected in the proposed internal layout and, from my reading of the information submitted by the applicant, the day-to-day operation of No.1 Em Close.

I note the concerns raised by local residents that the proposed use would change the nature of the residential character of the area. I accept that the area is largely residential and whilst it is accepted that Homes2Inspire is a business name, the nature of this particular business is the provision of care (as a Registered Provider) to vulnerable children in an appropriate setting. The proposal will not be comparable to operating a business that falls within the B1 Use Class. As such, it is anticipated that to all intents the dwelling will remain indistinguishable from other dwelling houses in the locality, in terms of character and visual amenity and therefore would not in my view change the residential character of the area.

In this regard and in light of comments from the Conservation Officer, there is therefore no likelihood of the proposed change of use incurring any adverse impacts on the setting of the adjacent Conservation Area.

### *Residential Amenity*

As a 'residential institution' the proposed children's home is subject to operational requirements and procedures beyond the control of Planning. These alone are more rigorous than those affecting typical dwelling houses and will undoubtedly play some part in protecting the residential amenity currently enjoyed by residents in the immediate vicinity. With regard to this issue, Home2Inspire have provided a 'Statement of Purpose' as part of their application and further information in light of comments raised by local residents. This sets out a number of the Health & Safety and other quality assurance measures that are incumbent upon them in operating the home. Safeguarding requirements alone, relating to the protection of child welfare are likely to make a significant contribution to managing any potential risks.

As noted in relation to visual amenity and character, the operational characteristics of the property will remain principally as those of a C3 dwelling house in an urban area. The applicant is clear that their intention is to provide a 'family environment' that encourages the resident children to integrate and live as they would in their own home, as a different offer to larger institutional set ups. No.1 Elm Close is a large house in an area with a prevailing suburban character. It has a reasonably proportioned garden and is located in close proximity to large swathes of public open space.

I note the concerns raised by local residents in respect of their privacy and noise disturbance as a result of the change of use. Turning first to privacy, the application is for a change of use only, with no additional built form or windows proposed externally to the building. As such, there would be no increased ability to overlook upon neighbouring properties than currently exists.

With regards to noise disturbance, I accept that 5 children could create greater noise disturbance than perhaps the average family living in the property, however it should be noted that currently as a 5-bedroom house, there could be 4 children living at the address (assuming 1 child per bedroom, with at least 1 adult at the property) and therefore one additional child living at the address could arguably not significantly increase the level of noise disturbance to the extent that it would warrant a refusal of the application on this basis.

In light of this it is difficult to foresee any particular impacts occurring that would not be expected in the event that the property remained in use as a residential dwelling and were occupied by a large family.

#### *Accessibility and Highways*

Amended Core Strategy Spatial Policy 7 provides support for proposals which support non-car means of access to services and facilities and supports opportunities for the use of public transport. NPPF Section 9 (Promoting Sustainable Transport) also gives strong support for development that contributes to sustainable patterns of development. Both of the above policies also make clear the requirements for development to ensure safe and inclusive access, and to make parking provision appropriate to the scale of development.

Comments on the application from the Highways Authority indicate that the existing on-site parking arrangements are adequate for the long-stay members of staff and other visitors to the premises. Upon visiting the site I came to a similar conclusion on the basis that driveway is generous by normal residential standards, with two access/egress points, both with a dropped kerb (as shown on the photographs below). While residents have alluded to the fact that they have concerns about the safety of the road, particularly at times when there are large numbers of cars parked on the road, it is apparent that there are no formal parking restrictions on Elm Avenue or Elm Close, and Highways have made no reference to this matter in their comments; the parking spaces provided within the site are appropriate for the proposed use and on a day-to-day basis the use is unlikely to result in any greater impact upon parking issues than if the dwelling were to remain in C3 use.





As stated in the letter from the applicant (submitted 19/03/2019), in addition to the two residential carers on rota throughout any 24 hour period (including overnight) it is likely that there will be ad-hoc visits from designated care workers and a Regional Operations Manager. However, it is considered that these will be no different to someone receiving care at home which is permitted at a residential dwelling. Likewise, deliveries of food and other goods are all considered commensurate with a residential character.

In the context of the proposed change of use and the age profile of the intended residents, I am of the opinion that it is wholly appropriate that they should be located in premises such as this, which maximise accessibility to schools, leisure and retail facilities within the local area.

#### *Fear Of Crime*

Section 8 of the NPPF states that planning policies and decisions should aim to achieve safe places so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion.

The perception of the proposed use is that it would result in increased police activity within the locality, either through crime or through call-outs to the property. I note the references made by local residents to comments made by Nottinghamshire Police on other applications for similar proposals across the County, most notably the potential 120-200 call outs to children's homes per year. This response from Nottinghamshire Police relates to Meadow View, assessed by Bassetlaw District Council in 2015 (application reference 15/01060/FUL). The Officer at the time took the view that the proposed change of use would allow only 1 additional child than that usually expected of a traditional household and therefore the perceived increase in Police activity did not warrant a refusal of the application on this basis (for clarity, the application for Meadow View also sought a change of use for up to 5 children).

In order to establish whether Nottinghamshire Police's advice has changed since 2015, I have consulted them on this application; they have been asked to provide comments prior to the Planning Committee meeting and therefore if a response is received, it will be reported to Members during the meeting.

However, assuming the advice of the Police remains unchanged, I would be minded to concur with the view of peers at Bassetlaw District Council that 1 additional child is not likely to undermine community cohesion in this case.

### *Other Matters*

Local residents raised comment that the deeds of the properties within the vicinity state that the buildings shall not be used for business. Matters relating to the deeds of a property fall outside the remit of the District Council and as such are a civil matter that the applicant would need to consider during the purchase of the property. For clarity, planning permission from the local planning authority would not override any deeds for the property.

Concerns have also been received with regards to the applicant and their management of other properties within the County. Whilst the concerns are noted, the LPA is only able to assess the acceptability of the change of use, not the end user and therefore potential issues surrounding the applicant are not a material planning consideration.

Some local residents, as part of their objections, have offered their opinions on other, more suitable sites elsewhere in Newark. Whilst their suggestions may be appropriate alternatives, the applicant has asked the LPA to assess whether the property subject of this application is appropriate and therefore it is the duty of the LPA to assess only this property against local and national planning policy as part of this planning application.

### *Conclusion*

The NPPF (para.11) and LDF Policy DM12 make clear that development proposals that accord with an up-to-date development plan should be approved without delay.

Having considered the merits of the proposed change of use for No.1 Elm Close, I believe that it is entirely consistent with the requirements of the relevant plan policies and the Strategic Objectives for the sustainable development of the District. Overall, the proposed change of use will have negligible effect on the character of the area, the amenity of existing neighbouring residents or highway safety. Furthermore, the perceived fear of crime is not considered to justify a reason for refusal on this basis.

it is therefore recommended to Members that planning permission should be granted, subject to conditions to control the number of children living at the property at any one time to ensure that the use is carried out as assessed by the Local Planning Authority.

### **RECOMMENDATION**

**That full planning permission is approved subject to the conditions below.**

#### Conditions

01

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

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

02

The development hereby permitted shall not be carried out except in complete accordance with the following approved plan references:

- Location Plan – GIS\LF\60357\01-01 (received 21<sup>st</sup> January 2019)
- Proposed floor plans (received 21<sup>st</sup> January 2019)

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

Reason: So as to define this permission.

03

The premises shall be used as a children's home and for no other purpose, including any other use falling within class C2 of the Schedule to the Town and Country Planning (Use Classes Order) 1987, or in any provision equivalent to that Class in an statutory instrument revoking and re-enacting that Order with or without modification).

Reason: In the interests of residential and visual amenity.

04

No more than five children shall be placed in the home at any one time, even on a temporary or emergency nature. In addition to this, there shall be a minimum of two staff on site at any time.

Reason : To ensure that the development takes the form of that envisaged in the submission of the planning application.

#### Notes to Applicant

01

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

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

02

The application as submitted is acceptable. In granting permission 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).

#### **BACKGROUND PAPERS**

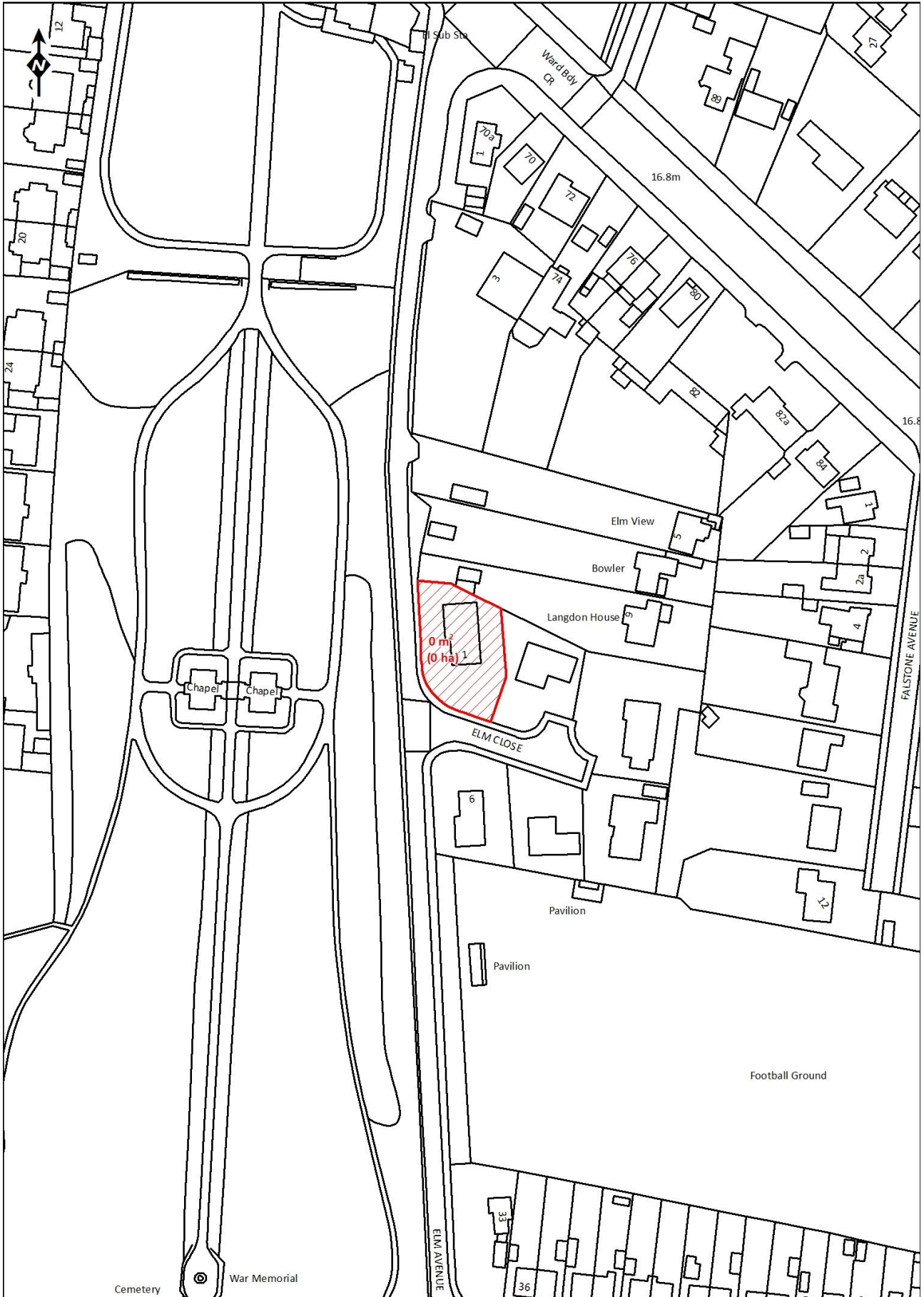
##### **Application case file.**

For further information, please contact Tim Dawson on ext 5679.

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

**Matt Lamb**  
**Director Growth and Regeneration**

Committee Plan - 19/00106/FUL



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## PLANNING COMMITTEE - 2 APRIL 2019

<b>Application No:</b>	<b>18/01414/FUL</b>		
<b>Proposal:</b>	<b>Retrospective change of use of vacant land to pub garden and permission for the placement of timber modular play equipment in pub garden and alterations to the existing access points to the public house</b>		
<b>Location:</b>	<b>Fox Inn Public House, Main Road, Kelham, NG23 5QP</b>		
<b>Applicant:</b>	<b>Mr Jonathan Pass</b>		
<b>Registered:</b>	<b>25 July 2018</b>	<b>Target Date:</b>	<b>19 September 2018</b>
<i>Extension of time agreed to: 05 April 2019</i>			

**This application is being presented to Planning Committee at the request of the Local Ward Member, Councillor Roger Blaney, on behalf of Kelham Parish Council on the grounds of impact on neighbouring amenity, highway safety and the impact on the Conservation Area.**

### The Site

The Fox Inn is an attractive, historic public house within Kelham Conservation Area and in close proximity to the listed assets at Kelham Hall (in this case the most relevant being the Grade II listed gate, lodge and railing piers) to the south, as well as listed buildings on Blacksmith Lane to the east and 6 Main Street (building and railing/gate) across the highway to the west. The site also lies partially within Flood Zone 2 as defined by the EA Flood Zone Mapping, which means it is at medium risk of fluvial flood risk.

The Fox Inn is positioned in a prominent corner plot at the junction of the A617 with Ollerton Road. The A617 lies directly to the south of the pub and Ollerton Road to the west. There are a number of residential properties on Blacksmith Lane which lie directly to the north and east of the pub, many of which have rear gardens that back on to the pub site.

Boundaries to the north comprise a close boarded timber fence approx. 1.8 m in height and steel fencing and chain link fencing around the utility stations to the NE. Trees and screening vegetation are also present along the north and eastern boundaries with the residential properties.

The site accommodates the main pub building which is positioned to the SW corner of the site; there is an open sided cart shed building to the north of the main pub building that has been refurbished to provide an outdoor sheltered sitting/bar area. To the west of this cart shed the front garden area has been cleared of overgrown vegetation and resurfaced with new turf. The land to the east of the pub is the current beer garden, within this land some plastic children's play equipment has been positioned in the form of a spooky tree, old shoe and camel.

### Relevant Planning History

**04/02011/FUL & 04/02012/CAC** - Demolition of timber outbuilding, marking out of pub car park, erection of five dwellings and the laying out of a communal children's play area – Withdrawn

08.12.2004

**03/01290/FUL** - Dining area and kitchen extension, extension to front entrance lobby to improve access for disabled persons – Permitted 12.08.2003

**01/00615/ADV** – Proposed wall board – Permitted 17.07.2001

### The Proposal

For the avoidance of doubt the applicant has removed all reference to the erection of lighting poles and CCTV cameras from the application given ongoing discussions with NSDC Environmental Health and NCC Highways – the Council will be progressing matters relating to the unauthorised replacement of the lighting poles independently from the application at hand. Consultee comments that refer to the initially proposed lighting scheme have been included within this report but will not be discussed further within the appraisal as this will be subject to a separate planning application.

The documents deposited with the application are:

- Supporting Covering Letter – Revision B (30.7.18)
- Site location Plan – Job no. 517.1096.6 - PL02 Rev A (25.7.18)
- Block Plan – Job no. 517.1096.6 - PL01 Rev F (15.03.19)
- Proposed Play Equipment - 517.1096.6.PE01 (21.2.19)
- Flood Risk Assessment (24.7.18)

Retrospective planning permission is sought for the change of use of the land to the north east of the main pub building from vacant overgrown land to pub garden. Planning permission is then sought for the installation of timber modular play equipment in the land above subject to the change of use to the NE of the pub building.

**Change of Use** – the chain link fence has been removed from the southern boundary between the land and the car park and the area has been cleared of overgrown vegetation and resurfaced with new lawn turf. Picnic tables were installed in the summer months but are not currently in situ.

**Alterations to access points to the car park** –The application seeks to formalise entrance and exit arrangements on site with entrance taken off Main Road adjacent to the pub building (proposed to be widened by approx. 4.8m, to be retained as the main entrance at all times) and off Ollerton Road to the E, the existing Blacksmith Lane access point is proposed to be marked “exit only”. 60 no. parking spaces have been demarcated in the car park with 1 no. delivery space. A plan explicitly showing the extent of the widened accessed from Main Road has been requested by Officers and this will be including with Late Items and presented to Members at Planning Committee.

**Timber Modular Play Equipment** – proposed to be erected in the northern grassed area of the site adjacent to the electricity substation to the NW. The modular play equipment is c.9.8m total width, and a maximum depth of 6.7m (including slides). The maximum height of the ridge of the equipment is 4.5m however the highest portion above ground that can be stood on is 2.3m above ground. The play equipment is proposed to be positioned on a woodchip groundcover which would extend c.1m around the base of the equipment. The equipment is proposed to be positioned with the yellow slide facing northwards.



**Other annotations on the plan that do not require planning permission** – refurbishment of the existing cart shed to provide a sheltered outdoor sitting area; clearance of overgrown vegetation and re-turfing to the garden area to the SW of the pub building adjacent to the highway.

All existing site boundaries are proposed to be retained – to the north this comprises a close boarded timber fence approx. 1.8 m in height and steel fencing and chain link fencing around the utility stations to the NE. Trees and screening vegetation are also present along the north and eastern boundaries with the residential properties.

The description of development originally included the re-surfacing of the car park, however as detailed below in the appraisal of the application, Officers are of the view that the re-surfacing (which has already been carried out) does not require planning permission. The drainage of the car park remains as previously installed.

#### Public Advertisement Procedure

Occupiers of 17 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 newspaper.

Earliest Decision Date: 08.03.2019

#### Planning Policy Framework

##### The Development Plan

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

Spatial Policy 3: Rural Areas

Spatial Policy 7: Sustainable Transport

Spatial Policy 8: Protecting and Promoting Leisure and Community Facilities

Core Policy 6: Shaping our Employment Profile

Core Policy 9: Sustainable Design

Core Policy 14: Historic Environment

##### **Allocations & Development Management DPD (adopted July 2013)**

Policy DM5: Design

Policy DM9: Protecting and Enhancing the Historic Environment

Policy DM12: Sustainable Development

## **Other Material Planning Considerations**

- National Planning Policy Framework 2019
- Planning Practice Guidance (on-line resource)
- Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990

## **Consultations**

### **Averham, Kelham, Staythorpe Parish Council –**

#### *Additional Comments on Revised Proposal 1th March 2019*

“In respect to the above application, the Averham, Kelham and Staythorpe Parish Council object to the development and raise the following points:

The AKS PC has concerns regarding the changes made to the car park from a road safety perspective.

The dropped kerbs and dropped level in the car park have been removed allowing vehicles to cut across the entrances causing a traffic hazard. The former entrance off Main Road has been reduced and the current one shunted closer to the building. It is not sufficient to facilitate two way traffic and forces users to use the entrance off Blacksmith Lane which is far more hazardous. There have been accidents recorded at this stretch road since the changes have been made. The current access is more restricted as a sandwich type advertising board is placed there and is also marked out for disabled parking. The current proposals show nothing to rectify this situation or returning it to the previous layout.

There are concerns regarding the scale at which the play equipment is shown on the drawing by comparison to the visuals. Given the height of the play equipment there are concerns that it provides a vantage point to see into the adjacent gardens and properties. Perhaps a less impactful location could be found e.g. the existing play area at the front with smaller scale play equipment being re-located to the rear to reduce the overall impact?

The application states changes to the Cart Shed will be on a like for like basis and that the existing doors to the front elevation will be refurbished but not replaced. The works undertaken on the Cart Shed have not been on a like for like basis as stated. The doors and structure to the front elevation have been totally removed along with the rest of the structure, replacing it with several columns leaving it totally open.”

#### *Comments 16<sup>th</sup> August 2018*

“The AKS Parish Council object to the above application, and make the following comments:

#### **Kelham Fox Planning Application comments:**

The application makes no reference to the alterations to the existing car park entrance/exit arrangements. The main entrance off Main Road that facilitated safe access and egress to The Fox car park has been blocked off and the area marked out for car parking. Traffic has now been forced to use the entrance that joins with Blacksmith Lane which has created a serious traffic hazard.



The application states changes to the Cart Shed will be on a like for like basis and that the existing doors to the front elevation will be refurbished but not replaced. The works undertaken on the Cart Shed have not been on a like for like basis. The doors and structure to the front elevation have been totally removed leaving it totally open.

The accompanying documentation makes the statement that “engagement with local residents is being undertaken to guide development at the Fox and to ensure that the pub can be a place which adds value to the community”. Having spoken to the various residents groups and societies within the area no consultation has taken place with local residents.

Whilst there is no issue regarding the incorporation of a beer garden there are concerns regarding the proposed play equipment. The application states that it is 15m x 15m x 4 m high and is located in the new beer garden just at the rear of the existing pumping station. Given its size it negates the large majority of the area for use as a beer garden. There are also concerns that given the height as it would allow children etc. to see over the existing fences into the rear of the properties in Blacksmith Lane/Ollerton Road whose gardens back onto the beer garden.

Given the overall size of the site could an alternate location for the play equipment be found that would have less impact on the surrounding properties?

There is no mention in the application of any specialist floor surfacing that may be required for H&S purposes given the scale of the proposed play equipment. We would also query if the play area would need to be supervised?”

#### **NSDC Environmental Health –**

*Comments 4<sup>th</sup> September 2018*

“In respect of the planning application, the cart shed outside bar area would appear to need a revision of the premise licence were sales to take place there.

In respect of the play area/ beer garden, a finishing time of 22:00hours would seem appropriate given the proximity of residential premises.”

*Comments 14<sup>th</sup> August 2018*

“There are currently complaints about alleged intrusive lighting, noise from construction work on site and also a complaint about burning - in respect of the lighting scheme can I ask that full details are provided to ensure that light intrusion and glare does not occur.”

#### **NCC Highways –**

*Comments 18<sup>th</sup> March 2019*

“Further to comments dated 5 March 2019, a revised drawing 01/F has been received that addresses earlier concerns.

As a result no objections are raised subject to the following conditions:

1. Permission is granted subject to the implementation of the approved drawing 01/F

Reason: For the sake of clarification

2. Within a month of this permission being granted, the car parking layout shown on drawing 01/F shall be fully implemented and thereafter retained for the life of the development.

Reason: In the interests of highway safety and convenience.

3. Within 3 months of this permission, the access on to Blacksmith Lane (shown as an exit only on drawing 01/F) shall be controlled by a signage/markings scheme 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

4. No obstruction to restrict the width of the Main Road access shall be put in place without the prior written consent of the Local Planning Authority

Reason: In the interests of highway safety"

*Comments 5<sup>th</sup> March 2019*

"Further to comments dated 14 December 2018, I now refer to drawing 01/D.

Whilst this appears to show access available from Main Road, (assuming it is not blocked off by planters) its attractiveness is still diminished by the close proximity of car spaces to the main building and the access from Blacksmith Lane remaining open and largely unaltered from that which raised previous concerns.

As a result, it is recommended that, if possible, the Planning Authority use its powers in this case to seek a resolution to this safety issue i.e.

- A re-opening of the Main Road access, with car spaces reduced by 2 or 3 spaces at this point.
- The closure of the Blacksmith Lane access."

*Comments 14<sup>th</sup> December 2018*

"I have become aware of a highway safety issue that has arisen as a consequence of the works to the car park.

The plan submitted with the application shows 3 accesses; one off Ollerton Road, one off Main Road, and one off Blacksmith Lane. Until recently the one off Blacksmith Lane was blocked off by kerbing within the site. However this kerbing has been removed and the access re-opened whilst the access off Main Road is now blocked by car parking spaces and planters. So the Blacksmith lane access now appears to have become the main entrance particularly when approaching from Newark. Because this access is so close to the junction of Blacksmith Lane and Main Road, and Blacksmith Lane is so narrow, there have been concerns raised and witnessed about cars cutting the corner when entering and leaving the site and coming into conflict with other vehicle movements.

As a result, it is recommended that, if possible, the Planning Authority use its powers in this case to seek a resolution to this safety issue. Options may include one or more of the following:

- A re-opening of the Main Road access
- The closure of the Blacksmith Lane access.
- Perhaps a condition could be applied requiring LPA approval of a car park layout, which would need to include the removal of the planters and car spaces at the Main Road access and the spaces being relocated at the Blacksmith Lane access with appropriate re-establishing of a kerb restraint.”

*Comments 4<sup>th</sup> September 2018*

“This proposal is for the change of use of vacant land to a pub garden, and includes the resurfacing of the existing car park. Additional lighting within the car park is also included within the application.

From the information submitted relating to the lighting, a lux level drawing is required demonstrating the amount of light falling onto the public highway to assess for spillage conformity levels. Could this be clarified?”

Following discussions regarding the demarcation of parking bays and access into the site NCC Highways have agreed the condition: *Within three months of the date of this permission, a scheme including a plan illustrating all surrounding uses, service access/areas, car parking, site circulation and safe access to and from the public highway for pedestrians and vehicles shall be submitted to and approved in writing by the Local Planning Authority (LPA). The approved scheme should be provided on site within three months of approval by the Local Planning Authority and retained for the lifetime of the development in accordance with the approved details.*

*Reason: For the avoidance of doubt and in the interests of pedestrian and highway safety.*

*Comments 16<sup>th</sup> August 2018*

“I notice from your website that your Environmental Health Officer has recommended that full details of the lighting scheme for this application be provided to ensure that light intrusion/glare does not occur.

As part of this, could these details also include whether there is any overspill lighting on the public highway please.”

**NSDC Conservation Officer –**

*Comments on Revised Play Area 28<sup>th</sup> February 2019*

“Further to the submission of revised play equipment plans submitted by the Agent 21st Feb I am now happy with these revised plans.

Given the relatively significant height of the play equipment, I am content that this could only be accommodated in the context of this domestic scale at this greatly reduced footprint, and the amount of ‘breathing space’ around the equipment now balances its height. It also allows the

equipment to be located away from residential properties in terms of minimising that impact. The equipment has also been carefully oriented to place the visually imposing yellow slide to the rear, reducing its visual impact from the public realm, leaving a broadly naturalistic brown colour to view. I also understand the material around the equipment is to be wood chippings so will not be imposing.

I now think this element of the proposal is acceptable, looking in scale with the status of the host building, the size of the open area and the village context. I therefore think it will preserve the character and appearance of the Conservation Area.”

*Comments 9<sup>th</sup> January 2019*

“For clarity these are my conservation comments on the second play area at the Kelham Fox PH, being the proposed larger timber structure to the north of the site.

Firstly, I must apologise that having read that the application was marked at ‘retrospective’ I had not fully appreciated that there were elements yet proposed but not installed. However, this proposed play equipment is clear within the submitted site plan so I must apologise for overlooking this item and the delay caused in only submitting my comments on this element.

In summary I am concerned by:

- The use of approximate measurements
- The excessive floor plan size
- The excessive height (depending on form)
- The use of bright yellow items over this scale
- The potential large hardstanding area required

I note the equipment sizes are given as approximate. This in itself is concerning as this is not enforceable and while if approved the play equipment could be smaller, it could also be larger. It also prevents a proper assessment of the end impact if the overall proportions are not certain. I think we need to get definite sizes submitted.

If the play equipment was actually installed at 15m by 15m this is a huge floor plan. For comparison the equipment would be the same length as the house to the north (Number 5) but squared, and is also comparable to the length of the Kelham Fox, but again squared. In footprint alone this is actually more imposing than a substantial detached house, and would fail in scale to seem to be domestic sized play equipment. Essentially the Kelham Fox is a former residence (presumably farm house) and so needs the ancillary items in its curtilage to respond to but not compete in scale with this.

I appreciate the proposed footprint fits within the rear beer garden, but will fill about a third of this open space. The open and natural nature of this beer garden at present suits the low density and semirural feeling of Kelham as a village. In assessing the scale of this proposal I do appreciate the form of the play equipment will be broken up and that this is not a solid structure, but at 15m square this will be over such a large area that the equipment will still present a large sense of bulk, failing to be ancillary in scale and failing to respond to the middle village location.

To be clear, this is not the site for a large commercial play area, like at Rufford Abbey or similar, which is set in parkland with plenty of intervening space between buildings to soften the impact.

This is in the heart of the village and a residential area and needs to be scaled accordingly. In terms of a height it would be helpful to see how much of this equipment will be actually be at 4m.

However, bearing in mind 4m is just shy of the eaves height of a regular two storey house, or over twice as tall as the c1.8m close boarded fences here, this is a substantial height which cannot be 'hidden' by boundary treatment and, in combination with the proposed footprint, will add to the inappropriate and incongruous scale of this equipment in this setting.

I am also concerned by the use of the bright yellow slides, which in combination with the huge size, will give flashes of bright and incongruous colour at up to 4m high, drawing further attention to this equipment.

There seems to be a reasonable amount of hard standing proposed with this equipment, although the images are not very clear, which will presumably actually exceed 15m by 15m. In an area which is currently green this large area of hard standing will itself take away from one of the positive elements of the land at present.

I do think there is scope for play equipment in this area, but this would need to be drastically reduced (at least halved?) in size, with special attention given to its visual impact and landscaping. I think this proposed play equipment will harm the setting of the Kelham Fox, which is a positive building in the Conservation Area, by failing to respond to the domestic scale and character of this building.

Similarly, the proposed equipment is out of scale for this village location, and looks incongruous within the Conservation Area. The equipment will also cover a large area of green open land which contributes positively to the Conservation Area. The harm will be less than substantial to the heritage asset of Kelham Conservation Area but with no apparent public benefits.

Please do re-consult me when we have proper dimensions but I would strongly recommend the Agent looks to a significant reduction in size of this play equipment."

*Following a query from a local resident regarding the reference to the 'existing play equipment' the conservation officer has commented the following (received 31.8.18) –*

"I thought this area was always a small play area. Please do an addendum to my comments which acknowledges a mistake in my comments here. However, I still have no objection to the play equipment which is located in an area which reads a pub beer garden, as such while the 'tree' is not as subtle as some play equipment it still reads as domestic scaled play equipment associated with the public house, limiting its impact. By 'domestic', in this context I am referring to it being linked to this one modest public house, and not at a scale seen in public parks or theme parks etc. Its scale seems to be visually commensurate to its use as a small beer garden associated with a long standing use. My references to scale do not take into account any neighbour concerns about overlooking from the top of it, but purely its visual impact in this context."

*Comments 24<sup>th</sup> August 2018*

"Kelham Fox is an attractive, historic public house within Kelham Conservation Area and in close proximity to the listed assets at Kelham Hall (in this case the most relevant being the Grade II listed gate, lodge and fencing), as well as listed buildings on Blacksmith Lane and surrounding roads.

I have had a look at this proposal on site and have no objection. The new play equipment is discernibly different but still located within the same enclosure and still of a domestic scale so the impact in heritage terms is little altered. The use of the land as a pub garden has kept it open and little changed in appearance. The resurfacing, again, seems to have had little visual impact. I was not aware of any adverse impact from the lighting poles but would want to make sure these are of a village scale in height and level of illumination. The former cartshed is now open fronted but I have no objection to this as it actually allows the former openings, now set back behind a historic extension, to be visible. I have no objection to the street side planters which at least provide a degree of enclosure to an area which would otherwise benefit from some roadside enclosure.

So long as the scale and level of illumination for the car parking lighting poles is suitable for this village location then I have no objection and believe it will preserve the significance of the setting of nearby listed buildings and preserve the character and appearance of the Conservation Area.

Please do not hesitate to contact me should you require any further advice.”

**Trent Valley Internal Drainage Board** – “The site is within the TVIDB district. There are no Board maintained watercourses in close proximity to the site. Surface water run-off rates to receiving watercourses must not be increased as a result of the development. The design, operation and future maintenance of site drainage systems must be agreed with the LLFRA and the LPA.”

**The Environment Agency** - “Thank you for consulting us on the application above.

We have no objection to the proposal as submitted. Whilst part of the site is indeed located within Flood Zone 2, defined as having a medium probability of flooding, all development is to take place in Flood Zone 1 only.”

**Comments from 17 Interested Parties have been received in objection to the application on the following grounds/raising the following concerns:**

- **Highways Safety:**
  - Kerb stones have been altered which may cause people to pull out too quickly and cause accidents.
  - Rainwater is pooling on the junction to Blacksmith Lane because of highways alterations.
  - Wheelchair and pedestrian access has been compromised adjacent to the A617 as the planters and signage has narrowed the entrance.
  - Access point has been blocked up forcing people to use the narrow lanes which is dangerous for pedestrians.
  - Vehicle parking has been changed on site and not included as part of the proposal.
  
- **Health and Safety:**
  - Hedging has been cut back exposing gaps which could be hazardous to children playing near the highway.
  - No protection from recreational activities on site such as archery and axe throwing.
  - Plastic play equipment on the site is old, broken and insecure.
  - Obstruction of the public footpath.
  - People are walking under Kelham Bridge across Blacksmiths Lane to access The Fox and this is dangerous.

- Resurfacing of the carpark is resulting in water pooling on the A617.
- **Impact on Amenity:**
    - Proposed timber play equipment is excessively large/tall and will be on a 1.5 m platform above the ground meaning children and adults will be able to look over into neighbouring gardens.
    - Security floodlighting and cameras are excessive in height and shine into bedrooms of neighbouring properties. Lights on the building itself are also directed at neighbouring properties.
    - Waste collection has altered so it is now directly opposite neighbouring properties meaning they disturb residents when being filled/emptied and they smell and are unsightly.
    - Creation of the second beer garden has an impact on neighbouring amenity through noise and puts pressure on parking facilities.
  - **Other Comments:**
    - The pub manager's residential area has changed into a snug but this isn't part of the proposal and has increased the pubs floorspace.
    - The former chart shed (non-residential use) has been altered considerable and has been subjected to a change of use increasing the floorspace further and has not been included within the proposal.
    - All of the proposals detrimentally impact the historic character of Kelham and the conservation area.
    - The currently play equipment is harmful to the conservation area.
    - There has been removal of trees and hedges on site and no wildlife survey.
    - Safety issue with children being unsupervised on play equipment.
  - One comment noted that whilst not agreeing with some elements of the proposal they were glad to see the pub reopened.

### Comments of the Business Manager

#### Principle of Development

The National Planning Policy Framework promotes the principle of a presumption in favour of sustainable development and recognises that it is a duty under the Planning Acts for planning applications to be determined in accordance with the development plan. Where proposals accord with the Development Plan they will be approved without delay unless material considerations indicate otherwise. The NPPF also refers to the presumption in favour of sustainable development being at the heart of the NPPF 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.

Firstly it is important to note that the establishment of beer gardens at pubs requires careful consideration of the potential for amenity problems for neighbours. To establish whether planning permission is required for the creation of a beer garden the main issues to consider are a) whether the land is within the curtilage of the pub planning unit, b) whether any structures to be created to facilitate a beer garden (such as terraces, barbecues, marquees, umbrellas and children's play equipment) are development requiring permission. Provided that the land falls within the planning unit occupied by the pub, the creation of a beer garden from an area operating as a car park,

bottle storage area or importantly for this application, garden area, does not require planning permission (as demonstrated in Haringay 19/7/2011 DCS No 100-073-584 where the Inspector concluded that the use of half of a pub car park as a beer garden did not constitute a change of use). However the erection of associated structures or carrying out of any works that constitute operational development does trigger the requirement for planning permission.

In this case it is contested whether this parcel of land, subject to the application for a change of use, falls to be within the curtilage of the pub planning unit. I consider that given the applicant has stated in the D&A statement and in annotations to the plans that the parcel of land has previously operated as allotments historically, and that the land has been physically separated from the pub by a fence line (since removed) and can be seen from aerial photography to have been vacant and unused for a period of c.15 years, that this land does not form part of the curtilage of the pub planning unit and as such requires planning permission for the change of use.

The site is located within the village of Kelham, approx. 5km from the sub-regional centre of Newark. The settlement hierarchy for the district is set out in Spatial Policy 1 whilst Spatial Policy 2 deals with the distribution of growth for the district. This identifies that the focus of growth will be in the Sub Regional Centre, followed by the Service Centres and Principal Villages. At the bottom of the hierarchy are 'other villages' which do not have defined built up areas in terms of village boundaries. Consequently given its location in a rural area, the site falls to be assessed against Spatial Policy 3 (Rural Areas) of the Core Strategy.

Spatial Policy 3 states that proposals for local services and facilities in the rural communities of Newark & Sherwood will be promoted and supported. The rural economy will be supported by encouraging tourism and diversification. Given the site is within the built-up core of Kelham I am satisfied that this proposal does not fall to be assessed under Policy DM8 of the Allocations and Development Management DPD (Open Countryside) which regulates development in the open countryside. I am mindful that the proposal relates to an existing public house and therefore the principle of this type of development within the site has already been established, the expansion of which is supported by Spatial Policy 3.

On this basis I consider that most relevant criterion of Spatial Policy 3 would be the impact on the character of the area. This states that development proposals should not have a detrimental impact on the character of the location or its landscape setting. This in turn is mirrored by the intentions of Policy DM5 of the DPD which confirms that the rich local distinctiveness of the District's landscape and character should be reflected in the scale, form, mass, layout, design, materials and detailing of proposals. Due to the site's location within a Conservation Area Policies Core Policy 14 and Policy DM9 of the Council's LDF DPDs are also relevant, which amongst other things, seek to protect the historic environment and ensure that heritage assets are managed in a way that best sustains their significance.

Core Policy 6 explains that the economy of the district will be strengthened to provide a diverse range of employment opportunities by supporting the economies of our rural communities. In addition, Spatial Policy 8 states that the enhancement of community facilities such as public houses will be encouraged.

Section 6 of the NPPF focuses on building a strong and competitive economy, para 83 states that planning decisions should enable the sustainable growth and expansion of all types of businesses in rural areas (a) and the retention and development of accessible local services and community facilities such as public houses (d). Given the above, I am satisfied that the effective expansion of



this employment and community facility is supported in principle by the LDF as well as national planning policy subject to the assessment of the proposal in terms of impact upon the character and appearance of the conservation area, impact on the amenity of any neighbouring properties, impact upon highways safety and flooding which will be explored in further detail below.

In addition to the above, given part of the scheme seeks to resurface the car parking provision on site and formally demarcate the parking spaces, Spatial Policy 7 of the Core Strategy aims to provide appropriate and effective parking provision, both on and off-site and aims to avoid highway improvements which harm the environment and character of the area. Subject to a detailed assessment of site specific considerations, I consider the principle of this development to be acceptable.

*Elements of the Scheme which do not require planning permission*

Given the number of complaints from local residents, I feel it important to explain the parts of the renovation of this premises that have been undertaken which have been concluded not to require planning permission. Firstly I note that, in the land to the east of the pub that comprises the current beer garden, the applicant has installed three plastic children's play structures (a spooky tree, old boot and camel).



Play structures within the curtilage of pubs, ranging from climbing frames to ready-made plastic play structures are often a source of dispute as to whether they are operational development. I have applied the three tests of operational development (size, permanence and physical attachment) to the children's play structures and conclude that these structures do not meet the three tests meaning that they do not represent operational development: the size of the equipment means that they could be transported easily and can be moved around the site, they are ready assembled and they are not fastened to the ground on concrete pads (by any considerable means) which lead me to consider that they are non-permanent structures. Given the weight, height and degree of permanence of these structures, and the scale of the equipment I do not consider these require planning permission. Notwithstanding this, the Council's Conservation Officer has commented on the equipment advising that they have no objection to the small scale play equipment which is located in an area which reads a pub beer garden. As such while the 'tree' is not particularly subtle play equipment it still reads as an appropriately scaled structure associated with the public house, limiting its impact. The scale of this equipment appears visually commensurate to its use as a small beer garden associated with a long standing use.

In addition the painting/repainting of the pub and timber window frames has been assessed as to not require planning permission as the pub is not a listed building. Similarly, the like-for-like repair works that have been carried out to the cart shed such as the refurbishment of the doors and timber have been concluded to not require planning permission as this also is not a listed building and has been renovated to be of a similar visual appearance which does not constitute development.

As such, for the reasons listed, the above works do not form part of this application.

In addition, Schedule 2, Part 7, Class E of The Town and Country Planning (General Permitted Development) (England) Order 2015 states that development consisting of— (a) the provision of a hard surface within the curtilage of a shop or catering, financial or professional services establishment (for the purposes of Class E, “shop or catering, financial or professional services establishment” means a building used for any purpose within Classes A1 to A5 of the Schedule to the Use Classes Order); or (b) the replacement in whole or in part of such a surface is permitted development. Development is not permitted by Class E if— (a) the cumulative area of ground covered by a hard surface within the curtilage of the premises (other than hard surfaces already existing on 6th April 2010) would exceed 50 square metres; or (b) the development would be within the curtilage of a listed building.

The application site is an A4 use class and as such satisfies the first criteria, although the area proposed to be re-surfaced with tarmac is approx. 1,700m<sup>2</sup>. However, aerial photography evidences that the land proposed to be re-surfaced has been hard surfaced since before April 2010 and as such, whilst exceeding the area restriction, the replacement in whole is permitted development provided the hard surface is made of porous materials or provision is made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the undertaking. The re-surfacing of the car park does not result in a change to the quantity of parking provision on site given the area has not increased, but the site has now been demarcated with white lining for 60 no. cars and 1 delivery space.

The car park is a tarmacked area around the main pub building, providing parking for the pub – currently surface water is directed into the existing drains on the site. The applicant has advised that the previous surface required repair and as such a like-for-like resurfacing in tarmac has been carried out. The drainage scheme has not been altered and the surface material has been replaced like for like with surface water directed into the existing drains on site.

For clarity, the proposal seeks permission for the change of use of the land to the north to a beer garden, erection of the timber modular play equipment on this land and the resurfacing of the car park. Taking the above into consideration the only parts of this application that strictly require planning permission are the change of use to a beer garden and the erection of the timber modular play equipment, however the application includes the formalisation of access to and egress from the site as well as formal car parking layouts and these matters will be discussed further below.

#### Impact on the Character of the Area

Spatial Policy 3 advises that development proposals should not have a detrimental impact upon the character of the location or its landscape setting. This in turn is mirrored by the intentions of Policy DM5 which confirms that the rich local distinctiveness of the District’s landscape and character should be reflected in the scale, form, mass, layout, design, materials and detailing of

proposals. Due to the site's location within a Conservation Area Core Policy 9 advises that any development proposal must demonstrate a high standard of sustainable design that *"both protects and enhances the natural environment and contributes to and sustains the rich local distinctiveness of the District"* and that complements the existing built environment.

In addition, 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).

Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 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. Section 72 of the Planning (Listed Building and Conservation Areas Act) 1990 states, in relation to the general duty as respects conservation areas in exercise of planning functions that, *'special attention shall be paid to the desirability of preserving or enhancing the character and appearance of that area'*. 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 said that this statutory requirement operate as 'the first consideration for a decision maker'.

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).

The principle of changing the parcel of land to the NE of the pub to a beer garden has been discussed in the previous section in which it has been concluded that the principle is acceptable given the location. With regards, to its impact upon on the character of the area I consider that the land in question reads as part of pub site given there is no boundary between the two. Furthermore, the Conservation Officer has advised that they have no objection to this part of the proposal, stating that use of the land as a pub garden has retained a sense of openness and there is little change in appearance from the previous arrangement.

I note that to facilitate this change of use, the chain link fence has been removed from the southern boundary between the land and the car park and the area has been cleared of overgrown vegetation and resurfaced with new lawn turf. Picnic tables were also installed at the time of my first site visit (06.08.2018) but have since been removed over the winter months. The principle of using this land as a beer garden with picnic tables positioned on the land in summer months is considered to be acceptable, the land with or without the tables will read as a part of the pub unit and retains the sense of openness surrounding the building, respecting the setting of the surrounding listed assets and the character and appearance of the Conservation Area.

Turning now to the proposed erection of the timber modular play equipment on the land, I would highlight for clarity that in the first two sets of comments from the Conservation Officer the officer misinterpreted the plans submitted and failed to appraise the large modular play equipment that was proposed as part of this scheme. Since this the Conservation Officer has submitted additional comments covering the modular play equipment specifically which have resulted in significant revisions from what was originally proposed. The equipment has been repositioned so that it is sited to the north of the existing cart shed, adjacent to the edge of the tarmac car park area and

the existing electricity substation building (rather than adjacent to the rear boundary with the neighbouring properties).

Revisions to the size and positioning of the equipment have come from discussions with the applicant in which it was originally expressed that the modular play equipment was excessive for this portion of land and scale of the business on site. The Conservation Officer raised concerns with the amount of yellow detailing that was initially proposed and requested the size/scale to be significantly reduced. The revised scheme reflects the comments of the Conservation Officer; the size has been reduced to the proportions referred to earlier in this report.

The Conservation Officer has advised that the significant height of the play equipment (following reductions in footprint) is balanced out by the amount of 'breathing space' around the equipment. The revised siting also allows the equipment to be located away from residential properties in terms of minimising impact upon these properties. The equipment has also been carefully oriented to place the visually imposing yellow slide to the rear, reducing its visual impact from the public realm, leaving a broadly naturalistic brown colour to view. The Conservation Officer has also advised that given the material around the equipment is to be wood chippings it will not be imposing. The Conservation Officer concludes that the play equipment as revised is considered to be acceptable, looking in scale with the status of the host building, the size of the open area and the village context.

In summary I consider that the works in this application will not result in any detrimental impact on the setting of nearby Listed Buildings or their significance generally (in accordance with Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990. The proposal also preserves the character and appearance of the Conservation Area, in accordance with Section 72 of this Act.

Given the above, it is considered that the proposed development would not result in harm to the character and appearance of the conservation area or the setting of the adjacent listed building. As such the proposal is considered to be consistent with S66 and 72 of the Act, as well as policy and advice contained within Section 16 of the NPPF, and Core Policy 14 and Policy DM9 of the Council's LDF DPD.

#### 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. The NPPF seeks to secure high quality design and a high standard of amenity for all existing and future occupants of land and buildings.

Firstly, I consider the main issue with this proposal to be whether the change of use would cause unacceptable harm to nearby residents (noting that surrounding residential properties have commented in objection to this proposal as they live in close proximity to this portion of the site) and whether the erection of the play equipment will result in an unacceptable amenity impact.

In locations surrounding businesses such as public houses, it may be concluded that some degree of noise and activity both during the day and in the evening is inevitable. It may also be considered that people who live near such a location must expect a certain level of activity close to their homes. In this instance, I note that there are residential properties to the north, north-east, east and across the highway to the west. The properties that are most likely to be affected as a result of this proposal are No. 5 Blacksmith Lane (directly north of the proposed beer garden land), No. 3

Blacksmith Lane (north east) and The Laurels to the east – I note that The Fox Inn premises have historically operated as a public house, however, recently has come under new management and has been renovated in an attempt to improve business.

I would note that the occupiers of surrounding properties have chosen to live next to a public house, but have enjoyed a low level of noise disturbance due to the smaller scale business operation. Given the pub use is established on the site, the principle of this use class is considered to be acceptable, the existence of this use means that the residents are likely to be already affected by a certain level of commotion or general disturbance and overall I consider that the extension of the beer garden into the portion of land to the NE of the pub would not unduly impact the amenity of surrounding neighbours to a degree that would not be expected by living in such close proximity to a pub or indeed to warrant the refusal of this application. The garden area is likely only to be used in fair weather and the separation distance between the two closest properties are 5-10m, the closest to the garden area no.5 Blacksmith Lane which is a large private amenity area that extends to the north as well as close to the common boundary. The use of the land as a beer garden is therefore not considered to result in an unreasonable impact on neighbouring amenity.

Turning now to the erection of the timber play equipment, I note that a number of residents and the Parish Council have raised concerns over the scale of the equipment and the impact that this will have on the amenity of neighbouring occupiers. Since the submission of this application the scale of the equipment has been reduced significantly and the equipment has been repositioned in response to concerns regarding overlooking from the top of the equipment. There are two electrical sub-station buildings close to the proposed play equipment, one directly to the north-east of the equipment and one to the east. The equipment has been repositioned so that it is sited to the north of the existing cart shed, adjacent to the edge of the tarmac car park area and the existing electricity substation building (rather than adjacent to the rear boundary with the neighbouring properties) to increase the separation distances.

No. 5 Blacksmith Lane is the property most likely to be affected as a result of the equipment; however I note that the common boundary would be c. 18 m from the edge of the play equipment. Whilst I acknowledge that the modular unit would be tall in overall height, the highest platform on which children could stand is 2.3 m in height. Given this, and the aforementioned separation distance, I do not consider the play equipment would result in unreasonable overlooking into neighbouring gardens. Similarly, to the east is the electricity substation which separates the play equipment and neighbouring properties, as such no overlooking would occur to the south east. By virtue of positioning the equipment would not result in any overbearing or overshadowing impact and whilst a tall structure, has been sited so as to minimise any impact of overlooking.

Overall I must consider whether the level of disturbance from the extension of the beer garden to the north-east would be so significant that it would result in an unreasonable impact on neighbouring amenity. Whilst I sympathise with the neighbouring residents, I am of the view that occupants of residential properties close to an existing public house cannot expect to enjoy the same degree of residential amenity as would be achievable in wholly residential areas. It can be concluded that the anticipated noise associated with the extension of this garden area is not likely to create an unacceptable level of disturbance to the existing local residents in excess to what is already experienced by virtue of this existing business. In addition to this, the proposed play equipment has been repositioned so that the distance between residential properties has

increased to a degree in which I consider to be acceptable from an overlooking perspective. Overall the proposal is considered to be in accordance with policy DM5.

### 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.

As part of the application the existing tarmacked parking areas (north-east and east) have been resurfaced with new tarmac, the drainage remains as existing. 60 no. parking spaces have been demarcated with 1 no. delivery space. Following discussions with the applicant over highway safety concerns from local residents, the application now seeks to formalise entrance and exit arrangements on site with entrances taken off Main Road adjacent to the pub building (which is proposed to be widened by approx. 4.8m and be retained as the main entrance at all times) and off Ollerton Road to the east with the existing Blacksmith Lane access point proposed to be marked "exit only". The Highway Authority has commented on this amendment and has advised that subject to conditions they raise no objection to the proposal. For clarity and the avoidance of doubt, a revised plan showing the extent of the widened access has been requested by Officers so that the LPA can ensure that the access is widened in accordance with the proposal. This plan, and any revised/new recommended conditions, will be included in Late Items for Members and presented at the Committee Meeting.

Amendments were sought by the Highway Authority to formalise access/egress from the site in an attempt to prevent the car park area being used as a 'rat run' between Ollerton Rd and Main Road. Conditions require the proposed car parking layout to be implemented and retained in perpetuity and for a marking/signage scheme to be submitted to the LPA to control the Blacksmith Lane access as an 'exit only' route.

I acknowledge that there are concerns from residents regarding highway safety. The comments from residents refer to the kerb stones having been altered and access points having been blocked up directing people to use the Blacksmith Lane access which is dangerous – I would note that there are three existing accesses into this site, one along the western side of the site off Ollerton Road, one along the southern side off Main Road and one along the eastern side of the site off Blacksmith Lane. Whilst historically the pub has not utilised the Blacksmith Lane as an access point for customers I note that this is an existing access route into the site and as such permission is not required for the re-use of this access which was previously blocked by a triangular section of raised kerb stone (highlighted below). The removal of these kerb stones, on private land, would not require planning permission, the use of this existing access does not need additional planning permission given it is an existing access and thus the LPA has limited control over its use.



However, following discussions with the agent and the Highway Authority the applicant has amended the site plan to formalise entrance and exit points on the site such that the Blacksmith Lane access would be exit only.

Residents' comment about planters obstructing the access on to Main Road which have since been removed; all three access points are now accessible for vehicles but as discussed above the plan sets out a formal entrance and exit route which will be enforceable through the approved plans condition.

I also note that residents raise many concerns regarding highway safety which are not reflected in the Highways Officer's comments. I must give the Highway Authority's comments significant weight as the LPA's technical experts. As such, given the technical guidance from NCC Highways, the proposed site plan demarking the entry and exit point and the scope of works that have been carried out, the proposal is considered to accord with Policies SP7 and DM5.

### Flooding

I acknowledge the concerns of local residents which refer to increased flood risk and surface water from the works that have been undertaken at this site. However, I must respectfully advise that it is a matter of fact that the resurfacing of the car park would not result in an increase of surface water; undeniably this operation will not increase the amount of rainfall experienced at the site.

I do accept that in some cases the presence of hard surfacing can increase the amount of surface water run-off if surface water does not fall on to a permeable surface but in this case the amount of hard surfacing on the site is not being increased. It has instead been re-surfaced with a like-for-like material with no increase in the area surfaced and no alteration to the current drainage system in place at this site. These works will not result in an increase in risk of pluvial flooding above that which is currently experienced on this site.

### Other Matters

Comments from local residents refer to a number of other matters such as health and safety for children using the site, customers walking across Blacksmiths Lane to access the pub and alterations to the pub itself requiring planning permission.

Firstly I would highlight that any internal alterations to the fabric of this non-listed building do not require planning permission, and whilst the residents consider there to have been a change of use to parts of the pub building I would highlight that the entire building has A4 use class to be used as

a public house and as such I do not consider that there has been an unlawful change of use that has taken place.

Secondly, with regards to the safety of people using the play equipment and of children using the play areas, to this I would highlight that given the land is privately owned, it is the responsibility of the owner or indeed the user (or their parents in the case of children) to use the equipment responsibly and the behaviour of the public is not something that can be controlled by the planning process.

### Conclusion

The principle of this application is considered to be acceptable given Core Policy 6 encourages the support of rural community economies and Spatial Policy 8 the enhancement of community facilities such as public houses. The NPPF focusses on the development of a strong and competitive economy and for decisions to support sustainable growth and expansion of all types of businesses in rural areas, and the retention and development of accessible local services and community facilities such as public houses. The assessment of the application has concluded that the character and appearance of the Conservation Area would be preserved, that there would be no harmful impact on the setting of adjacent listed buildings identified as a result of this scheme. The change of use of the land to a beer garden and the erection of the modular play equipment has been assessed as not resulting in an unacceptable impact on the amenity of surrounding properties, nor has there been a highway safety impact identified.

Given the above I am satisfied that the proposal would comply with the relevant guidance of the NPPF and the PPG as well as Core Policies 6, 9 and 14 and Spatial Policies 3, 7 and 8 of the Newark and Sherwood Amended Core Strategy DPD and Policies DM5 and DM9 of the Allocations & Development Management DPD. Sections 66 and 72 of the Planning (Listed Buildings and Conservations Areas) Act have been appropriately applied. Accordingly, I recommend to Members that planning permission be granted.

### **RECOMMENDATION**

**That full planning permission is approved subject to the following conditions:**

01

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

- Site location Plan – Job no. 517.1096.6 - PL02 Rev A (25.7.18)
- Block Plans – 517.1096.6.01.F (15.3.19)
- Proposed Play Equipment - 517.1096.6.PE01 (21.2.19)

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

The development hereby permitted shall be constructed entirely of the material 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.

03

Within 1 month of date of this planning permission, the car parking layout and widening of the access from Main Road shown on drawing 'Block Plans' – 517.1096.6.01.F shall be fully implemented and thereafter retained for the life of the development.

Reason: In the interests of highway safety and convenience.

04

Within 1 month of the date of this planning permission, a signage/marketing scheme for the exit on to Blacksmith Lane (shown as an exit only on drawing 'Block Plans' – 517.1096.6.01.F) shall be submitted to, and approved in writing by, the Local Planning Authority. The approved scheme shall be implemented in full within 1 month of it being agreed by the local planning authority and thereafter retained for the life of the development.

Reason: In the interests of highway safety.

### **Notes to Applicant**

01

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

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

02

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.**

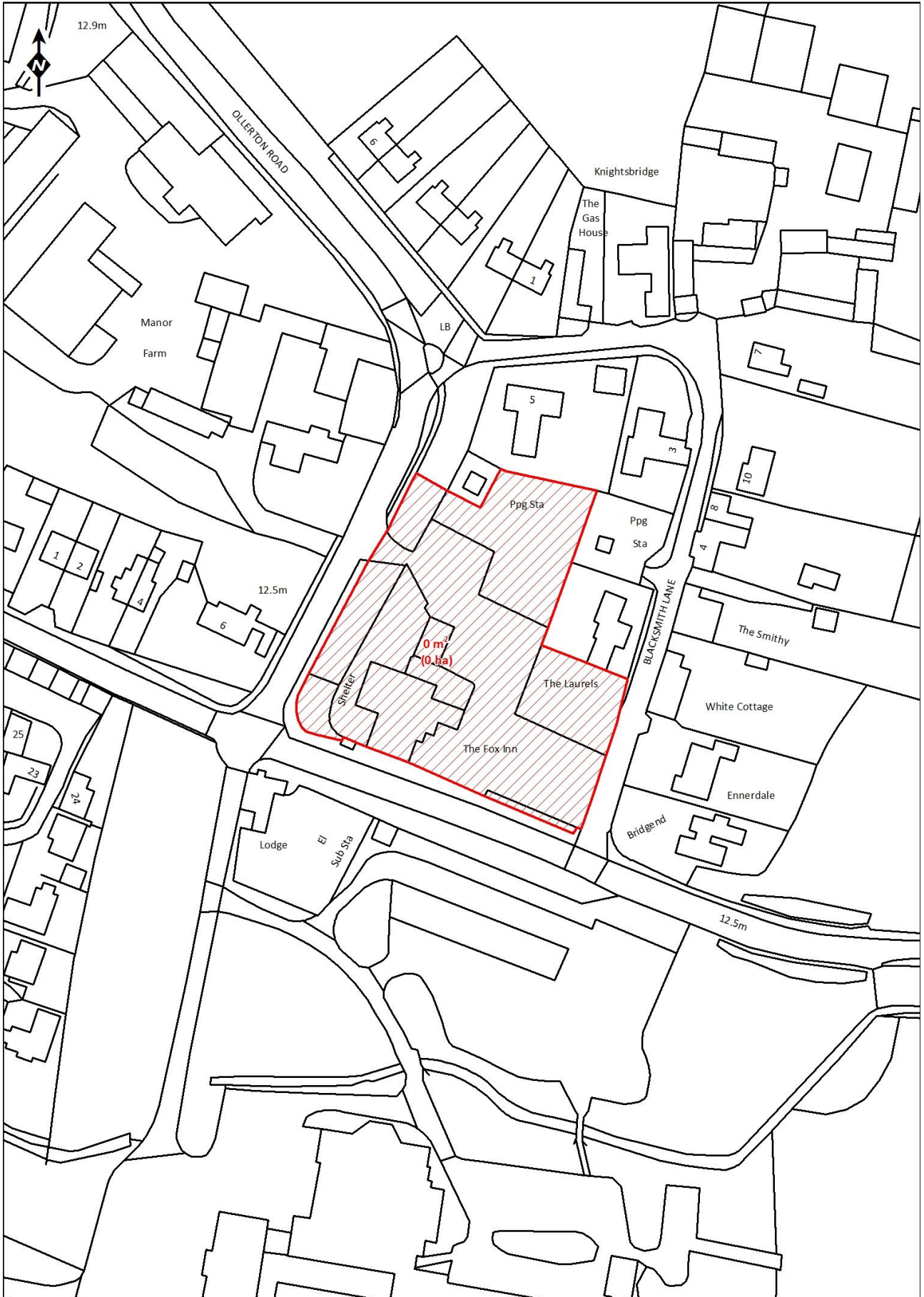
For further information, please contact Honor Whitfield on ext 5827.

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

**Matt Lamb**

**Director Growth and Regeneration**

Committee Plan - 18/01414/FUL



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## PLANNING COMMITTEE - 2 APRIL 2019

<b>Application No:</b>	<b>18/02159/FUL</b>
<b>Proposal:</b>	<b>Conversion and extension of existing outbuilding to form one dwelling and the erection of four further dwellings</b>
<b>Location:</b>	<b>Land Adjacent Fish Pond Farm, Main Street, Eakring, Nottinghamshire</b>
<b>Applicant:</b>	<b>Mr Beckett and Mrs Trebble</b>
<b>Registered:</b>	<b>30 November 2018      Target Date: 25<sup>th</sup> January 2019</b>
	<b>Extension of time agreed until 5 April 2019</b>

**This application is being heard by Members again following a deferral from February Committee to seek amendments to scale, layout and house type. An update since that committee is provided for in the appropriate sections below.**

**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 within the designated Eakring Conservation Area and the Environment Agency mapping confirms it is located within Flood Zone 1, being at low risk of fluvial flooding.

### 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 four further dwellings. The barn to be converted is to the south-east part of the site with the proposed four 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 in March 2019 to address the comments of the Members of Planning Committee and Parish Council and now relates to a mix of dwellings formed around a courtyard. The mix comprises of the following:

House no.	No. of bedrooms	Storey height
1	5	2 storey
2	3	2 storey
3	3	2 storey
4	4	1 storey
5	3	1 – 1.5 storey

The proposal relates to the following plans:

- DRWG no. D1-A1 - Site plan;
- DRWG no. D2-A3 – Site location & block plan;
- DRWG no. D3-A3 – Roof plan;
- DRWG no. D4-A3 – House 1 GF plan;
- DRWG no. D5-A3 – House 1 FF plan;
- DRWG no. D6-A3 – House 1 NE elevation;
- DRWG no. D7-A3 – House 1 SW elevation;
- DRWG no. D8-A3 – House 1 NW elevation;
- DRWG no. D9-A3 – House 1 SE elevation;
- DRWG no. D10-A3 – House 2 GF plan;
- DRWG no. D11-A3 – House 2 FF plan;
- DRWG no. D12-A3 – House 2 NW & SE elevations;
- DRWG no. D13-A3 – House 2 SW & NE elevations;
- DRWG no. D14-A3 – House 3 GF plan;
- DRWG no. D15-A3 – House 3 FF plan;
- DRWG no. D16-A3 – House 3 SE & NW elevations;
- DRWG no. D17-A3 – House 3 SW & NE elevations;
- DRWG no. D18-A3 Rev A – House 4 GF plan;
- DRWG no. D19-A3 – House 4 NE & NW elevations;
- DRWG no. D20-A3 – House 4 SW elevation;

- DRWG no. D21-A3 Rev A – House 4 SE elevation;
- DRWG no. D22-A3 – House 4 NW elevation;
- DRWG no. D23-A3 – House 4 NE elevation;
- DRWG no. D24-A3 – House 5 GF plan;
- DRWG no. D25-A3 – House 5 FF plan;
- DRWG no. D26-A3 – House 5 SW & NE elevations;
- DRWG no. D27-A3 – House 5 NW & SE elevations;
- DRWG no. D28-A3 – Garage floorplans to houses 3 & 5;
- DRWG no. D29-A3 – Garage NW & NE elevations to houses 3 & 5;
- DRWG no. D30-A3 – Garage SE & SW elevations to houses 3 & 5;
- DRWG no. 0001 – Topographical survey (sheet 1 of 2);
- DRWG no. 0001 – Existing carport elevations (sheet 2 of 2);
- Site location plan;
- Arboricultural Impact Assessment, method statement and tree protection plan (ref: RSE\_1564\_02-V2) November 2018;
- Ecological appraisal (ref: RSE\_1564\_PEA\_V1) October 2018;
- Heritage Impact Assessment (ref: MJD/BECKE/17/1545) October 2018;
- Planning & Design & access statement (ref: MJD/BECKE/17/1545) November 2018;
- Structural engineers report (ref: P18-303) 29 November 2018;

#### 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.

Further rounds of neighbour consultations have taken place on 12 March 2019 in light of amended plans received.

#### Planning Policy Framework

##### **Development Plan**

##### *Newark and Sherwood Amended Core Strategy DPD (March 2019) (CS)*

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 13 – Landscape Character

Core Policy 14- Historic Environment

##### *NSDC Allocations and Development Management DPD (July 2013) (ADMDDPD)*

Policy DM5 – Design

Policy DM8 - Development in the Open Countryside

Policy DM9- Protecting and Promoting the Historic Environment

Policy DM12 – Presumption in Favour of Sustainable Development

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

National Planning Policy Framework 2019

Planning Practice Guidance 2014  
Conversion of Traditional Rural Buildings SPD  
Landscape Character Assessment SPD 2013  
Section 72 of Planning (Listed Buildings and Conservation Area Act) 1990  
Eakring Conservation Area Appraisal

### Consultations

***The following comments were received on the original submission not the amendments received March 2019, which are set out further below.***

**Eakring Parish Council** – Object on the following grounds: Much has been made in the application 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 arrangements 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.

**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.

**Five letters of representations** have been received from local residents or other interested parties on the original submission 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.

**The following comments relate to the amended plans in March 2019**

**Eakring Parish Council** – No comments received at the time of writing the report.

**NSDC Conservation officer** - The Conservation Officer has confirmed that the amended plans are acceptable subject to conditions.

**One letter has been received by a neighbour/interested party still objecting due to the lack of significant change to the plans to deter from their original objection which were based on neighbour amenity, impact on mature landscape area, design and ecology impacts.**

**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 is identified as falling within the 'other village' category identified within the Core Strategy and has a limited range of services and facilities.

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 in 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 in reasonably close proximity to bus stops which provide access to wider settlements. It is therefore considered to be in 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.

#### Location

The first criterion states 'new development should be in villages, which have sustainable access to Newark Urban Area, Service Centres or Principal Villages and have a range of local services themselves which address day to day needs.' As detailed above it is considered the site is in 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 can be said to accord with the first criterion of Policy SP3.

#### Need

The newly amended Policy SP3 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 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 application to demonstrate housing need in the area however, Eakring does have an independently undertaken assessment which illustrated a preference for smaller accommodation for people looking to downsize.

The Council has conducted a detailed assessment of the types of housing needed within different parts of the district and applicants should refer to this for guidance. 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 revised proposal following its last presentation at February committee comprises the provision of five dwellings of which there would be three x three-bedroom units, one x four-bedroom unit and one x five bedroom unit. Therefore even though the proposal includes the provision of a four and five bedroomed unit which doesn't accord with the housing need survey, I consider that there is now a greater emphasis on smaller properties at the site of both single and two storey which help to meet the identified local need. In addition the one four bedroomed unit is the converted cart shed building which has an established footprint and scale and the other new build is the 5 bedroomed dwelling. There are also heritage benefits to the development which are taken in to consideration and which are explained in later sections of this report. However in brief 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.

Therefore it is considered that the revised proposal for three x 3 bedroomed units, one x 4 bedroomed unit and one x 5 bedroomed unit is acceptable and meets an identified housing need. This is seen as a positive change from the previous proposal which was for 2 x four bedroomed dwellings and 2 x five bedroomed dwellings.

#### Scale & Impact

The scale of the dwellings appear 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 within the surrounding area. The proposal is for 5 new dwellings (one of which is a conversion) which are considered modest 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

New development should not have a detrimental impact on the character of the location or its landscape setting. 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.

It is considered that the proposal would not harm the general character of the area and would ensure a positive enhancement to the character of the surrounding area. The impact upon the conservation area is further explained in the Heritage section below. However it is considered that the principle of development is acceptable and the proposal accords with Spatial Policy 3 of the Adopted Core Strategy.

### *Impact on character and appearance of Eakring 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 2019). 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 16) 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 Local Planning Authority 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 heritage assets due to their location within the Conservation Area, 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 building makes a positive contribution to the character of the conservation area and is to be retained. 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 appropriate 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 would be prominent when viewed from the public realm and 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 revised plan form showing the 5 dwellings is considered acceptable in design and detailing and has not raised any objections from the Council's Conservation officer and follows the design of the traditional rural buildings which would be expected in this area.

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. As such, I am satisfied that the proposed development would accord with the aims of Core Policy 9 and 14, Policy DM5 and DM9 of the ADMDPD and would be consistent with Section 72 of the Planning (LB and CA) Act and the NPPF.

#### *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. Landscape 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 to reflect traditional farmstead layouts within new built form in the 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 new openings and garden areas. At Planning Committee in February, it was the impact on amenity which Members considered to be the most significant impact from the development especially from the two storey unit closest to Fish Pond Farm (formerly House 3) to the east of the site. It was suggested that this unit (now House 5), should be made single storey to reduce the impact and to be moved further away from the shared boundary.

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 approximately 9 metres. The conversion of the cartshed to a dwelling on the east elevation, facing Fish Pond Farm, includes a number of existing openings at ground floor level which are now being blocked up with brick despite one window serving a bathroom and a new window in the small extension serving a utility. Four new conservation rooflights are proposed in this elevation which are sited at high level and beyond the realms of providing a direct outlook. The outbuilding is set in from the boundary marginally and is single storey, with the separation and boundary treatment there would be no undue loss of privacy from the south-east elevation which faces Fish Pond Farm.

To the rear of the site is House 5, which again is just off set from the boundary with Fish Pond Farm. Fish Pond Farm is set back from the road and has a large rear garden which extends some 36 metres to the rear of the property. House 5 would be sited to the northwest of Fish Pond Farm along the boundary with the rear/side garden area. House 5 is now sited approximately 8.2m from the shared boundary with Fish Pond Farm and is single storey only (with no accommodation in the roofspace) along the range which faces east. The east elevation of House 5 contains ground floor windows only which given the boundary treatments of a high timber fence between the two properties, would not result in harmful degrees of overlooking to the detriment of the amenities of occupiers of Fish Pond Farm. House 5 does contain accommodation at first floor however this is sited away from the eastern boundary and is close to house 3 within the site. It does not contain any windows which would overlook Fish Pond Farm or any other existing dwelling around the site. It is considered that given the scale of the revised house no.5, the revised siting and internal layout, the proposal would not harm the amenities of the neighbouring occupier from overbearing impacts, loss of light or privacy.



There is open countryside to the north, and to the west the gardens serving houses 1 and 2 would separate the houses from neighbouring properties. The use of the site for residential purposes would replace the historic agricultural use and more recent 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 to serve each dwelling.

Due to the siting of house 4, the amenity space is provided to the front which is within the courtyard. This amenity space is defined by a hedgerow from the courtyard. However due to the amended design and scale of the surrounding proposed dwellings, it is considered that there would be no direct harm to the future occupiers of house 4 by siting the amenity space in the proposed location.

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 (2019) 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 (2019).

### *Trees*

Policy DM5 of the ADMDPD states that natural features of importance within or adjacent to development site should, wherever possible, be protected and enhanced. An arboricultural survey has been submitted with the application which shows the protection area for each tree identified

on the site. The majority of the trees are category B with one category A (yew) located within the curtilage of House 1. A tree protection fencing area has been shown within the arboricultural survey and although this shows the former layout I am satisfied that the same principle has been applied to the new layout and that there would be no development within this area from constructing the dwellings. In addition it is considered that the proposal would have no harmful impact upon the longevity of the trees. There is one tree (T5 Sessile Oak) to the north of the site which has been classified as a category B tree of fair quality which is now located where the amended siting of a carport structure is for houses 3 and 5. This tree would now be removed however it is considered that this would not be harmful to the general character and a betterment can be achieved through the imposition of a landscape condition which the Council would seek for more trees to be planted.

It is therefore considered that the proposal would not have a harmful impact on the character of the area through the loss of poor quality trees and a category B tree and an enhancement can be achieved through the submission of landscaping details to improve the biodiversity of the site.

### Conclusion

It is considered that the principle of residential development on the site is acceptable and in accordance with the criteria of the amended and adopted SP3. It is considered that the revised layout addresses the comments raised by Members of the Planning Committee in February 2019 and that the agent has taken these on board. Visually the revised scheme is acceptable and as it seeks to reinstate a former historic farmyard arrangement which is a positive to the historical character of the conservation area. The revised proposal would provide adequate amenity to existing and future occupants and 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 is therefore considered to accord with national and local planning policies, the NPPF and Section 72 of the 1990 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:

DRWG no. D1-A1 - Site plan;

DRWG no. D2-A3 – Site location & block plan;

DRWG no. D3-A3 – Roof plan;

DRWG no. D4-A3 – House 1 GF plan;

DRWG no. D5-A3 – House 1 FF plan;  
DRWG no. D6-A3 – House 1 NE elevation;  
DRWG no. D7-A3 – House 1 SW elevation;  
DRWG no. D8-A3 – House 1 NW elevation;  
DRWG no. D9-A3 – House 1 SE elevation;  
DRWG no. D10-A3 – House 2 GF plan;  
DRWG no. D11-A3 – House 2 FF plan;  
DRWG no. D12-A3 – House 2 NW & SE elevations;  
DRWG no. D13-A3 – House 2 SW & NE elevations;  
DRWG no. D14-A3 – House 3 GF plan;  
DRWG no. D15-A3 – House 3 FF plan;  
DRWG no. D16-A3 – House 3 SE & NW elevations;  
DRWG no. D17-A3 – House 3 SW & NE elevations;  
DRWG no. D18-A3 Rev A – House 4 GF plan;  
DRWG no. D19-A3 – House 4 NE & NW elevations;  
DRWG no. D20-A3 – House 4 SW elevation;  
DRWG no. D21-A3 Rev A – House 4 SE elevation;  
DRWG no. D22-A3 – House 4 NW elevation;  
DRWG no. D23-A3 – House 4 NE elevation;  
DRWG no. D24-A3 – House 5 GF plan;  
DRWG no. D25-A3 – House 5 FF plan;  
DRWG no. D26-A3 – House 5 SW & NE elevations;  
DRWG no. D27-A3 – House 5 NW & SE elevations;  
DRWG no. D28-A3 – Garage floorplans to houses 3 & 5;  
DRWG no. D29-A3 – Garage NW & NE elevations to houses 3 & 5;  
DRWG no. D30-A3 – Garage SE & SW elevations to houses 3 & 5;

Reason: So as to define this permission.

03

All external joinery including windows and doors (including garage 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 condition 03, 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 and the means of blocking up the windows on the south-east elevation.

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. New trees shall be in accordance with the recommendations contained within the Ecological Appraisal (ref: RSE\_1564\_PEA\_V1 October 2018) paragraph 6.4i. The 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.

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 D1-A1.

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, D1-A1. 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

The development shall be undertaken in full accordance with the recommendations contained within paragraphs 6.3.4 x and xi, 6.3.6 xix, 6.3.7 xxii of the Ecology Appraisal dated October 2018 by RammSanderson (ref: RSE\_1564\_PES\_V1) unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of maintain and enhancing biodiversity.

18

Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until Parts A to D of this condition have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until Part D has been complied with in relation to that contamination.

#### **Part A: Site Characterisation**

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the



findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
  - human health;
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
  - adjoining land;
  - ground waters and surface waters;
  - ecological systems;
  - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's '*Model Procedures for the Management of Land Contamination, CLR 11*'.

#### **Part B: Submission of Remediation Scheme**

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

#### **Part C: Implementation of Approved Remediation Scheme**

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

#### **Part D: Reporting of Unexpected Contamination**

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Part A, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Part B, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with Part C.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

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 within the Conservation Area.

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 located within the Eakring Conservation Area. The alterations to the approved buildings may cause harm to the character and appearance of the Conservation Area.

22

No building demolition, tree management works or vegetation clearance (including works to hedgerows) shall be carried out during the bird nesting season (1st March to 31st August) unless a thorough check has been carried out by a suitably qualified ecologist. If no nests are found written evidence of this search must be submitted to and approved in writing by the local planning authority prior to any works being carried out. If nests are found no works shall be carried out until the young have flown the nests.

Reason: In the interests of maintaining and enhancing biodiversity.

23

Prior to occupation of each dwelling, details of bird and bat boxes shall be submitted to and approved in writing by the local planning authority. The approved boxes shall be installed prior to the occupation of any of the dwellings hereby approved. The boxes shall be retained in perpetuity for the life of the development unless otherwise approved in writing by the local planning authority.

Reason: In the interests of maintaining and enhancing biodiversity.

24

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.

25

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

- a. A plan showing details and positions of the ground protection areas.
- b. Details and position of protection barriers .
- c. Details and position of underground service runs and working methods employed should these runs be within the designated root protection area of any retained tree/hedgerow on or adjacent to the application site.

- d. Details of any special engineering required to accommodate the protection of retained trees/hedgerows (e.g. in connection with foundations, bridging, water features, hard surfacing).
- e. Details of construction and working methods to be employed for the installation of drives and paths within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- f. Details of timing for the various phases of works or development in the context of the tree/hedgerow protection measures.

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

Reason: To protect trees in the interests of visual amenity and biodiversity in accordance with in accordance with Core Policy 12 and Policies DM5 and DM7 of the DPD.

26

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

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

Reason: To protect trees in the interests of visual amenity and biodiversity in accordance with in accordance with Core Policy 12 and Policies DM5 and DM7 of the DPD.

#### Notes to Applicant

01

This application has been the subject of discussions during the application process to ensure that the proposal is acceptable. The District Planning Authority has accordingly worked positively and pro-actively, seeking solutions to problems arising in coming to its decision. This is fully in

accordance with Town and Country Planning (Development Management Procedure) Order 2010 (as amended).

02

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

The proposed development has been assessed and it is the Council's view that CIL is 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.**

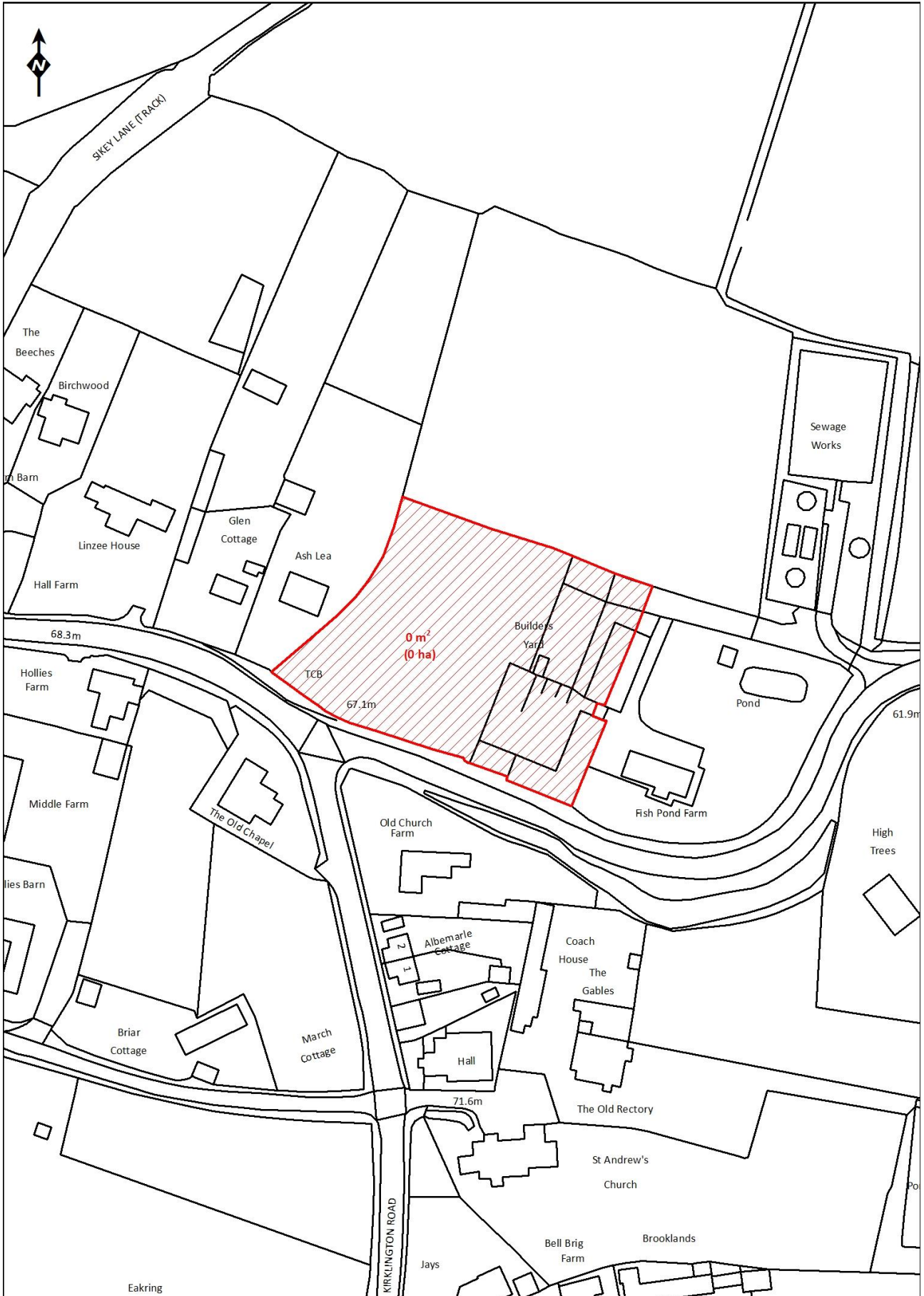
For further information, please contact Lynsey Tomlin on ext 5329.

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

**Matt Lamb**

**Director Growth and Regeneration**

Committee Plan - 18/02159/FUL



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## PLANNING COMMITTEE – 2 APRIL 2019

<b>Application No:</b>	<b>18/02279/OUTM (MAJOR)</b>	
<b>Proposal:</b>	<b>Selective demolition and redevelopment of parts of the existing Yorke Drive Estate and the erection of new mixed tenure housing, community and recreational facilities on the adjoining Lincoln Road Playing Field site, resulting in the development of up to 320 homes</b>	
<b>Location:</b>	<b>Yorke Drive And Lincoln Road Playing Field, Lincoln Road, Newark On Trent</b>	
<b>Applicant:</b>	<b>Newark &amp; Sherwood District Council</b>	
<b>Registered:</b>	<b>12 December 2018</b>	<b>Target Date: 13 March 2018</b> <b>Extension of time: TBC</b>

**This application is being presented to the Planning Committee in line with the Council’s Scheme of Delegation due to Newark and Sherwood District Council being the Applicant.**

### The Site

The 11.5Ha site relates to an existing housing estate containing 355 homes and adjacent playing fields located within the urban area of Newark approximately 1km north east of the town centre. The existing homes consist of a range of house types including flats, terraces, bungalows and semi-detached, some of which were previously maisonettes that were converted as part of the ‘Tops-Off’ programme. The majority of the site has a 1960’s estate layout with many the majority of dwellings overclad with insulated render more recently. The existing dwellings are predominantly 2 storey although there are some 3 storey maisonette and flat blocks. The estate is mostly comprised of social rented properties, although there are also a number of owner occupiers.

The site is adjoined by Brunel Drive/Northern Road industrial estates to the North West, east and south. To the north east corner of the site is a Co-Op Store along with Bridge Community Centre, St Leonard’s Church and Lincoln Road Play Area (LEAP). Lincoln Road forms the west boundary of the site, part of it is defined by a line of trees/hedgerow. Parts of Yorke Drive and Clarks Lane forms the south boundary of the site and is predominantly residential in area with a small local shop serving the Yorke Drive estate located adjacent to the south boundary of the site. Other than the industrial estate buildings (which are equivalent to the height of 2-3 storey residential buildings), the adjoining area predominately comprises 2 storey dwellings, although there are some three-storey apartments to the north of the site.

The playing fields are 7.43ha in size and comprise 9 pitches (three 11v11, three 7v7, one 9v9 and two 5v5) in addition to a sports pavilion and car park. Beyond football, the playing fields are most commonly used for dog walking and on occasion, local community events. The southern part of the existing area of open space is a former allotment area. A mature hedgerow is located around the boundary of the existing fields adjacent to the industrial estate. A Public Right of Way is located around the existing field and through the existing estate onto Lincoln Road.

The estate has a single vehicular access from Lincoln Road (to the south west corner of the site). A number of public right of ways pass through the site including east to west from Lincoln Road

along the north side of the site to the playing fields and north to south from Middleton Road, around the edge of the playing fields to Whittle Close and Clarks Lane.

In accordance with Environment Agency flood zone mapping the entire site and surrounding land is designated as being within Flood Zone 1, which means it is at low risk of fluvial flooding.

The estate along with the playing fields is allocated within the Newark and Sherwood Allocations and Development Management Development Plan Document (2013) as being part of the Yorke Drive Policy Area (Policy NUA/Ho/4). This is an area allocated for regeneration and redevelopment.

### Relevant Planning History

A number of planning applications have been submitted and determined in relation to land/buildings within the wider masterplan site. The majority of these applications are householder applications. Other applications of note include:

02/02046/FUL Erection of 9 houses to replace no's 14 - 48 Yorke Drive (to be demolished) – permission 20.01.2003

02/01752/FUL Erection of 9 houses to replace no's 24 - 62 Lincoln Road (to be demolished) – permission 24.09.2002

98/51385/FUL Residential development for 34 bungalows – permission 04.02.1999

94/51294/FUL Conversion of shops to form bedsits – permission 22.11.1994

92/50812/FUL Conversion of maisonettes to provide two storey dwellings – permission 15.02.1992

01911363 Conversion of 24 four storey maisonettes to 12 two storey houses – permission 29.01.1992

01910774 Demolish 12 no. maisonettes and provide 12 no domestic houses – permission 20.08.1991

01880966 Erection of elderly person's bungalows – permission 31.01.1989

01880967 Erection of houses and elderly person's bungalows – permission 31.01.1989

01870970 Changing facilities, toilets, multi-purpose hall, kitchen and parking for 45 cars – permission 18.11.1987

01840639 Erect portable sports changing unit – permission 07.08.1984

01830080 27 bungalows for the elderly, 1 wardens house, 1 day centre – permission 22.03.1983

### The Proposal

The application seeks outline planning permission with all matters reserved apart from access for the selective demolition and redevelopment of parts of the existing Yorke Drive Estate and the erection of new mixed tenure housing, community and recreational facilities on the adjoining Lincoln Road Playing Field site, resulting in the development of up to 320 homes.

Revised plans were received on 20.02.2019 to address concerns raised by Sport England and the Highways Authority. Two apartment blocks adjoining the north eastern edge have been removed from the scheme. This has increased the playing field area by 0.1 Ha and increased pitch run off areas/decreased potential use conflicts. As a consequence, the maximum number of dwellings proposed has reduced from 330 to 320 with a consequential amendment to the overall dwelling mix proposed. Parking provision in the illustrative masterplan has been rebalanced to show a greater proportion of off street parking bays to houses and the road as it passes around the north-west corner of the playing field has been realigned.

The submitted Design and Access Statement highlights a number of key issues which require addressing as part of the development including:

- A poor and limited frontage onto Lincoln Road;
- A complicated and unattractive internal vehicular access route with wide corners contributing to speeding issues;
- Unconventional and unattractive dwelling types;
- Networks of ill-defined alleyways;
- Poorly overlooked and underused open space.

As such, the masterplan concept is based around the following key principles:

- To create a new frontage and access onto Lincoln Road;
- To create a local green at the Lincoln Road access to the state;
- To create a new avenue following the existing route of Yorke Drive leading to a new park with community pavilion, play areas and improved sports pitches, new homes and a refurbished street and public realm network.

The most recent masterplan details indicate that development would take place in 3 phases:



Phase 1: 82 dwellings would be built on a portion of the existing playing field and would be made available for decant needs of existing residents affected by redevelopment within the estate. 6 dwellings could be demolished to open up direct access to the Phase 1 area (resulting in a potential need for temporary rehousing). It is intended that the playing field facilities would remain open and in use during the construction of phase 1. Works to the former allotment area to create playing field would need to be completed at the start of phase 1. The children’s play area (LEAP) along with perimeter path and outdoor gym trail and car parking would also be constructed during Phase 1 (as the existing Lincoln Road Play Area is likely to be cut off by proposed construction traffic). As such, the proposed LEAP would be provided as part of Phase 1 to offset the temporary loss of the existing play area. Construction access would be gained from an extended road Lincoln Road to the Sure Start Centre to the rear of the site.



3-storey apartments and houses overlook the playground and playing fields beyond

Phase 2: 75 existing dwellings on parcel of land adjacent Lincoln Road would be demolished and replaced by 66 new dwellings to be accessed off Lincoln Road. Residents affected could be decanted into Phase 1 dwellings. Construction access would be gained from Lincoln Road. It is

envisaged that the new entrance to Yorke Drive from Lincoln Road would be created by two gateway apartment blocks. The replacement pavilion would also be provided.



A new gateway to Yorke Drive from Lincoln Road

Phase 3: Demolition of 49 existing dwellings on central parcel of land and replacement with 69 new dwellings (predominantly for private sale unlike previous two phases). Residents affected by demolition in Phase 3 could decant directly in to properties built in Phase 2. The route of a new access off Lincoln Road is to be altered to run through the estate.



The new avenue created along Yorke Drive, leading to the new park

Phase 4: 103 predominantly market dwellings would be built on the north east corner of the playing fields.

Throughout the phases at least 3 full size pitches, in which a number of junior pitch sizes can be cross marked will be retained.

Proposed materials would comprise a theme of red brick, reconstituted stone or white brick dressings and cleanly detailed gables.

Overall, there are 190 additional homes proposed. 130 houses would be demolished and replaced. 225 dwellings within the existing estate would remain. The resultant estate would comprise 545 houses overall.

It is also anticipated that a range of estate improvements beyond the application boundary would take place including traffic calming, security, repaving the estate shop area, improving boundary treatments and road resurfacing. These proposals fall outside the scope of this planning application.

The application is accompanied by the following:

- Application Form
- Planning Statement (Dec 2018) and Planning Update Note (Feb 2019)
- Design and Access Statement (revised Feb 2019) inc. following parameter plans:
  - 40 Rev B Illustrative Masterplan
  - 30 Rev A Developable Area Parameter Plan
  - 31 Rev A Land Use Parameter Plan
  - 32 Rev A Vehicular Access Parameter Plan
  - 33 Rev A Non-Vehicular Access Parameter Plan
  - 34 Rev A Building Heights Parameter Plan
  - 35 Rev A Open Space Parameter Plan
  - 36 Rev A Proposed Levels Illustrative Overlay
- Noise Report (Dec 18) and Memo dated 15.02.2019 Mitigation Options Regarding Services Noise from Daloon Foods
- Drainage Strategy and Flood Risk Assessment (received Feb 2019)
- Air Quality Assessment (Dec 2018)
- Affordable Housing Statement (Dec 2018)
- Financial Viability Report (Dec 2018)
- Statement of Community Involvement (18.11.2018)
- Transport Assessment (Dec 2018), Transport Assessment Addendum (Feb 2019) and amended Access plans (SK-003-PO3, ATR-003, P02) received 21.03.19.
- Framework Travel Plan (Feb 2019)
- Preliminary Ecological Appraisal (Dec 2018)
- Bat Survey Report – Preliminary Roost Assessment (Dec 2018)
- Bat Mitigation Plan (Dec 2018)
- Phase 1 Geo-Environmental Assessment (Dec 2018)
- Historic Environment Desk Based Assessment (Feb 2019)
- Arboricultural Survey and Impact Assessment (11.12.18)
- Topographical Survey Plans
- Planning Update Notice (received 20.02.2019)
- Response to Sport England Comments of 7<sup>th</sup> January 2019 on Outline Planning Application
- Sport England Response Addendum (March 2019)

#### Departure/Public Advertisement Procedure

Occupiers of 645 properties have been individually notified by letter (which includes residents both within and near to the application site). Three site notices have displayed around the site (at the entrance to the playing field car park, along Lincoln Road near to the Co-Op and at the junction of Yorke Drive and Strawberry Hall Lane) and an advert was been placed in the local press. This level of consultation exceeds the publicity requirements required by the Town and Country

Planning (Development Management Procedure) (England) Order 2015.

## **Planning Policy Framework**

### **The Development Plan**

- **Newark and Sherwood Amended Core Strategy DPD (adopted March 2019)**
- Spatial Policy 1 Settlement Hierarchy
- Spatial Policy 2 Spatial Distribution of Growth
- Spatial Policy 6 Infrastructure for Growth
- Spatial Policy 7 Sustainable Transport
- Spatial Policy 8 Protecting and Promoting Leisure and Community Facilities
- Core Policy 1 Affordable Housing Provision
- Core Policy 3 Housing Mix, Type, and Density
- Core Policy 9 Sustainable Design
- Core Policy 10 Climate Change
- Core Policy 12 Biodiversity and Green Infrastructure
- NAP1 Newark Urban Area
- NAP3 Newark Urban Area Sports and Leisure Facilities

### **Allocations & Development Management DPD (adopted July 2013)**

- Policy DM1 Development within Settlements Central to Delivering the Spatial Strategy
- Policy DM2 Development on Allocated Sites
- Policy DM3 Developer Contributions and Planning Obligations
- Policy DM5 Design
- Policy DM7 Biodiversity and Green Infrastructure
- Policy DM10 Pollution and Hazardous Materials
- Policy DM12 Presumption in Favour of Sustainable Development
- NUA/Ho/4 Newark Urban Area – Housing Site 4 – Yorke Drive Policy Area

### **Other Material Planning Considerations**

- National Planning Policy Framework 2019
- Planning Practice Guidance 2014
- Estate Regeneration National Strategy 2016
- Newark and Sherwood Developer Contributions and Planning Obligations SPD (December 2013)
- Newark and Sherwood Planning Pitch Strategy Assessment Report 2014
- Newark and Sherwood Playing Pitch Strategy 2014
- Newark and Sherwood Playing Pitch Strategy Review 2016/17
- Newark and Sherwood Physical Activity and Sport Plan 2018-2021
- Green Space Strategy 2007-12
- Green Space Improvement Plans 2010
- Planning and Design for Outdoor Sport and Play by FIT

## **Consultations**

### **Newark Town Council:**

*Comments received 28.02.2019:*

Members were of the opinion that the wooded area, which has been removed from the original application, should be retained and possibly a smaller 5-a-side football pitch, rather than a full sized football pitch be provided. Therefore, Objection was raised to this application.

*Comments received 04.01.2019:*

No Objection.

**Sport England:**

*Comments received 21.03.2019:*

I am happy with the info and that it will be subject to a reserved matters final design.

*Comments received 12.03.2019:*

Thank you for re-consulting Sport England with a layout addendum which seeks to address one of the issues raised by us in our response dated 12<sup>th</sup> March regarding desire lines and footpath links/pedestrian routes. I can confirm that we support the principle of the works which should encourage those people wishing to simply cross the playing field to avoid the main pitch areas. It is not clear from the submitted layout how the proposed routes link with Whittle Close. The addition of knee rails along appropriate sections, could also help to discourage the crossing of pitches.

Can we take the opportunity to check the designation on the plan which shows a yellow edged rectangle adjacent to the proposed pavilion, it is assumed this is additional informal area created by moving the pitch further east.

In all other respects our earlier response copied below remains relevant.

*Comments received 12.03.2019:*

Thank you for re-consulting Sport England on the revisions to the above application, it is noted that 2 apartment blocks have been deleted which allows the playing field area to be increased by 0.1 hectare and with other changes reduces the number of dwellings proposed to a total of 320 dwellings with a net increase over the existing site of circa 190 dwellings.

**Summary:** Sport England is now able to remove our initial holding objection subject to conditions being imposed on the approval but also having regard to minor design alterations.

Sport England has re-considered the application in light of the National Planning Policy Framework (particularly Para 97) and Sport England's Playing Fields Policy given the amendments submitted which seek to address the concerns raised in our initial response both from a statutory and non-statutory perspective. The submitted response document covers the points raised in our initial holding objection.

The removal of the apartment blocks originally proposed on the eastern boundary of the retained playing field site has provided the ability to deliver a more relaxed layout with respect to formal playing field area and informal open space. We consider that this could be further improved by a redesign of the perimeter path outdoor Gym and play trail along the north eastern boundary of the retained playing field site. A minor alteration of the path route through this area would give a more direct route (discouraging shortcuts across the pitch area), but also allow the northern pitch to be moved slightly further to the east freeing up more space adjacent to the proposed community centre/changing rooms for informal activities. It is not clear if this would provide



sufficient room for a more formal hardcourt/MUGA area without adjustment to the location of the pavilion building or the neighbourhood play area, this may be something you would wish to consider with reference to objectives to support recreational football and other sports. .

This ties in with our earlier comments (point 3) around exiting footpath desire lines, in this regard it is suggested that a change in the angle of the parkland entrance point at Whittle Close could be a useful aid to encouraging those people crossing the playing field site (rather than using the area as a playing field or open space) to walk between pitches/pitch areas not across them. Signage in this regard will be important and could be brought in as part of the wider discussion around car park and access signage.

The supporting statement advises that a number of aspects would need to be controlled at the reserved matters stage which is supported by Sport England, however it is important to impose appropriate conditions to secure the submission of information, in our view the conditions should include;

- A detailed management and phasing plan to ensure that there is no loss of usable playing field space during the development period and the transition between temporary areas and permanently areas
- A technical assessment of the playing field area, which is to be retained and improved to fully understand the extent of the works required to deliver pitch improvements (including the former allotment area.)
- A whole site drainage/remediation/pitch improvement and implementation strategy. This will need to factor in time for the works and any settling in period before the playing field area can be used.
- A requirement to submit a detailed design for the pavilion /community/changing room building which would be designed in accordance with Sport England and Football Foundation guidance.

The assessment of the impacts of the development on indoor and outdoor sports facilities generated as a result of increase demand from the development is ultimately a matter for the council having regard to capacity of existing facilities to either cope with that demand or require other works in order to meet the needs of future occupiers. It is noted that the Council as applicant is willing to take on board the need for developer contributions to cater for additional demand for additional social provision to cater for increased health, education, sports and social needs arising from residents occupying the additional homes this is supported. The creation of a replacement community/pavilion/changing room is important in meeting the needs of local residents in this regard.

Sport England considers that the amendments to the proposal have enabled more playing field area to be retained which is an increase over and above the area defined in the playing pitch Strategy. It is understood that you are aware of the issues regarding meeting the PPS requirements and retaining a site which meets both informal and formal requirements both for the existing population and the net increase in population. We are also aware that this is the subject of further detailed consideration as part of the assessment of the application. It is our conclusion that the proposals to improved playing field quality should provide a more resilient area to cope with both formal and informal demands. The Artificial Grass Pitches at the sports village site provide training capacity and reduce reliance on grass pitches in the area for training. The identified local capacity for formal sport identified in the PPS is also a factor in this assessment.

## Conclusion

Given the above assessment, Sport England removes the holding objection on this application as it is considered to meet exception E1 and in part E4 of its Playing Fields Policy. The removal of the objection is subject to the following conditions being attached to the decision notice should the local planning authority be minded to approve the application:

Condition: The *reserved matters shall include* a detailed plan for the management and phasing of the development, including the provision of the temporary and permanent playing field area. The management and phasing plan details shall ensure that the works which result in the loss of playing field area are not commenced before the works to temporarily or permanently replace those playing field areas are available for use. The development hereby permitted shall not be carried out other than in accordance with the approved details.

Reason: To ensure the satisfactory quantity, quality and accessibility of compensatory provision which secures continuity of use [phasing provision] and to accord with Development Plan Policy.

Condition: The reserved matters shall include:

- a. A detailed assessment of ground conditions of the land proposed for the new/retained/replacement playing field land as shown on drawing number..... shall be undertaken (including drainage and topography) to identify constraints which could affect playing field quality; and
- b. Based on the results of this assessment to be carried out pursuant to (a) above of this condition, a detailed scheme to ensure that the playing fields will be provided to an acceptable quality (including appropriate drainage where necessary) shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England.

The works shall be carried out in accordance with the approved scheme in accordance with the detailed phasing and management plan.

*Reason:...To ensure that site surveys are undertaken for new or replacement playing fields and that any ground condition constraints can be and are mitigated to ensure provision of an adequate quality playing field and to accord with LP Policy.*

Condition: Prior to the bringing into use of the improved playing field area a Management and Maintenance Scheme for the facility including management responsibilities, a maintenance schedule and a mechanism for review shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The measures set out in the approved scheme shall be complied with in full, with effect from commencement of use of the improved playing field area.

*Reason: To ensure that new facilities is capable of being managed and maintained to deliver a [facility] which is fit for purpose, sustainable and to ensure sufficient benefit of the development to sport (National Planning Policy Framework (NPPF) para 97) and to accord with LP Policy.*

Condition: No development shall commence until details of the design and layout of [insert element of the community hall and changing rooms have been submitted to and approved in writing by the Local Planning Authority [after consultation with Sport England]. The community hall/changing rooms shall not be constructed other than in accordance with the approved details.

*Reason: To ensure the development is fit for purpose and sustainable and to accord with Development Plan Policy.*

Please see the link to the Sport England guidance notes regarding the community Hall specification below we would however recommend that the design is discussed with the Football Foundation regarding the football specific elements.

<http://www.sportengland.org/facilities-planning/tools-guidance/design-and-cost-guidance/>

If you wish to amend the wording or use another mechanism in lieu of the above conditions, please discuss the details with the undersigned. Sport England does not object to amendments to its recommended conditions, provided they achieve the same outcome and it is consulted on any amendments.

Should the local planning authority be minded to approve this application without the above conditions, then given Sport England's subsequent objection and in accordance with The Town and Country Planning (Consultation) (England) Direction 2009 the application should be referred to the Secretary of State via the National Planning Casework Unit.

If this application is to be presented to a Planning Committee, Sport England would like to be notified in advance of the meeting date and the publication of any committee agendas and report(s). Sport England would also like to be notified of the outcome of the application through the receipt of a copy of the decision notice.

The absence of an objection to this application, in the context of the Town and Country Planning Act, cannot be taken as formal support or consent from Sport England or any National Governing Body of Sport to any related funding application, or as may be required by virtue of any pre-existing funding agreement.

*Comments received 07.01.2019:*

Summary: Sport England submits a Holding Objection with respect to our role as a statutory consultee and also please note that we have concerns with regards to elements which sit within our non-statutory role.

#### Sport England Statutory Role and Policy

It is considered that the proposal prejudices the use, or leads to the loss of use, of land being used as a playing field or has been used as a playing field in the last five years, as defined in the Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595). The consultation with Sport England is therefore a statutory requirement.

Sport England has considered the application in light of the National Planning Policy Framework (particularly Para 97) and Sport England's Playing Fields Policy, which is presented within its Playing Fields Policy and Guidance Document : [www.sportengland.org/playingfieldspolicy](http://www.sportengland.org/playingfieldspolicy) Sport England's policy is to oppose the granting of planning permission for any development which would lead to the loss of, or prejudice the use of, all/part of a playing field, unless one or more of the five exceptions stated in its policy apply.

### The Proposal and Impact on Playing Field

The proposed development results in the loss of an area of existing playing field and the partial replacement of part of that loss by the reconstruction of the former allotment site to formal playing field.

### Assessment against Sport England Policy/NPPE

Sport England is content in principle with the conclusions as submitted having regard to the Playing Pitch Strategy with regard to the proposal meeting the requirements of Exception E1 of our policy and in part exception E4 of the policy. The PPS identified that a quantum of playing field which should be retained and the proposals improvements to the pitch quality and changing room facilities. It is noted that some of the pressure for formal football training on this site will be addressed by/provided at the sports village site, which does in part support the reduction in playing field area for more formal uses.

However, the re-provision/retention of a playing field area on site which is tightly constrained remains a concern for Sport England. It is noted that variations in pitch layouts and sizes and locations are possible and that the latest proposal involves the removal of trees, which currently project into the site (along the edge of the former allotment) In addition the pitch quality will be improved but the retained area will need to perform a dual role of formal sport and also as recreational public open space. With less space around pitches this may lead to conflict between users. (there is reference to this in the submitted information). This has been formally recognised to a degree in paragraph 5.31 and 6.27 of the planning statement. Although we are unsure as to why the PPS and the Playing pitch demand calculator is not being used to identify the demand generated for formal outdoor sport facilities. - should this calculation be based on the net increase? of 200 dwellings. (see below)

Whilst the provision of footpaths around the site replaces some of the desire lines crossing the playing field area it may be appropriate to formalise the future pitch arrangements such that the desire line (east west) from Whittle Close across the car park to York Drive can be accommodated without conflict during game time. A pitch variation based on baseline position of 3 adult pitches' or the flexible arrangement of 2 full size pitches with other junior pitches and other layouts. This would allow the desire line to be provided but also positions the mini pitches adjacent to the pavilion, this is more likely given the age group and the greater attendance by parents/spectators. It is suggested that the pitch variations should be tested with the desire line in place. This also re-emphasises the need for breathing space within the layout.

The main issue in this regard is the proposed dwellings north of the Whittle Close pedestrian connection if these dwellings were removed this gives more flexibility for informal open space adjacent to the pavilion and neighbourhood play area. There is an area of apparently underused land to east of the application site, could this land be utilised to provide some flexibility in the housing layout (including the provision landscaped noise attenuation barriers) and therefore flexibility in the pitch layouts to provide some breathing space and space around the pavilion and playing field entrance points which will be the focus of local activity?

It is accepted that that there is theoretically no need for temporary off site arrangement to allow football and other recreational activities to continue through the build period (para 4.41 planning statement) however the works to the allotment area to create playing field needs to be completed before the loss of playing field as a result of phase 1 to allow this temporary arrangement to work. In addition a management plan will be needed to understand the phasing of pitch quality improvement works. It is more cost effective to do the works as one contract particularly if the

works involve engineering works to create appropriate land levels and to install drainage. This may result in part of the playing field being out of commission and therefore temporary arrangement may be required.

It is clear therefore before any part of the playing field is lost there is a need for a whole site drainage/remediation/pitch improvement strategy which includes phasing and temporary solutions if required.

In a similar way the new pavilion will need to be constructed and available for use prior to the loss of the existing pavilion. As part of our assessment we have consulted the Football Foundation (who respond on behalf of the Football Association). The FF have advised:-

Clubhouse improvements:

- Details of clubhouse replacement must be provided and will be checked against the Football Foundation Data Sheets for Changing Accommodation

Grass pitch improvements:

The timing of the works is vital to ensure that the full growing season is captured and the establishment period is minimised whilst ensuring that the pitches meet The FA PQS.

The Regional Pitch Advisor and Notts FA must be consulted on the requirements and programme.

\* Quality - Pitches should pass a PQS test to a 'good' standard before they are used.

The testing should be arranged via the FA Pitch Improvement Programme.

\* Maintenance - In order to keep the quality of the pitches, an appropriate maintenance programme is agreed in-line with the design agronomist recommendations

The proposals include the retention of and the provision of new car parking areas to serve both the residential areas and for users of the playing field, we would recommend that these areas and the access to them are clearly signed, to minimise problems of on street parking. In addition those spaces allocated solely for use by residents should be identified and designated to ensure that the potential for conflict is minimised.

### Statutory Conclusion

Whilst Sport England is generally supportive of the application there are too many issues which need to be addressed and areas which need clarification as such we are unable to provide a substantive response at this time.

Sport England's interim position on this proposal is to submit a **holding objection**. However we will happily review our position following the receipt of all the further information requested above.

Should the local planning authority be minded to grant planning permission for the proposal, contrary to Sport England's holding objection, then in accordance with The Town and Country Planning (Consultation) (England) Direction 2009, the application should be referred to the Secretary of State, via the National Planning Casework Unit.

Please be aware that in the event of the abovementioned concerns being addressed Sport England is likely to recommend conditions which would secure an appropriate development and mitigate any outstanding issues. We are not able to finalise those conditions until such time as the points raised are addressed.

### Sport England Non Statutory Role and Policy

The Government, within their Planning Practice Guidance (Open Space, Sports and Recreation Facilities Section) advises Local Planning Authorities to consult Sport England on a wide range of applications. <https://www.gov.uk/guidance/open-space-sports-and-recreation-facilities-publicrights-of-way-and-local-green-space#open-space-sports-and-recreation-facilities>

This application falls within the scope of the above guidance as it relates to a major development over 330 dwellings but with a net increase of 200 dwellings as currently planned.

It is understood 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. However sports facilities are not covered by the CIL S123 list and as such could be covered via an agreement under S106, however, as stated - *it is likely that a S106 Agreement cannot be used to secure any contributions made in this case (due to the Council ownership of land) and further legal advice in this regard will be required.*

Sport England assesses this type of application in light of the National Planning Policy Framework (NPPF) and against its own planning objectives, which are Protect - To protect the right opportunities in the right places; Enhance - To enhance opportunities through better use of existing provision; Provide - To provide new opportunities to meet the needs of current and future generations. Further information on the objectives and Sport England's wider planning guidance can be found on its website:

<http://www.sportengland.org/planningforsport>

The occupiers of new development, especially residential, will generate demand for sporting provision. The existing provision within an area may not be able to accommodate this increased demand without exacerbating existing and/or predicted future deficiencies. Therefore, Sport England considers that new developments should contribute towards meeting the demand that they generate through the provision of on-site facilities and/or providing additional capacity offsite. The level and nature of any provision should be informed by a robust evidence base such as an up to date Sports Facilities Strategy, Playing Pitch Strategy or other relevant needs assessment.

### The Proposal and Assessment against Sport England's Objectives and the NPPF

The population of the proposed development is estimated to be an additional 450 new residents (200 dwellings net). This additional population will generate additional demand for sports facilities. If this demand is not adequately met then it may place additional pressure on existing sports facilities, thereby creating deficiencies in facility provision. In accordance with the NPPF, Sport England seeks to ensure that the development meets any new sports facility needs arising as a result of the development.

### Indoor Sports Facilities

The application appears silent on the needs or otherwise for additional indoor sports facilities to cater for the demand generated by new residents over and above the improvements as a result of the provision of an improved pavilion.

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

The SFC indicates that a population of an additional 450 new residents (200 dwellings net) in this local authority area will generate a demand for an additional 29 visits per week to swimming pools and 28 visits per week to sports halls - when converted to a capital cost this equates to £162,000. A copy of the SFC report is attached. This demand may be able to be accommodated within existing facilities or by improving existing facilities, your council has the evidence available to understand the supply, demand, quality and capacity of existing facilities in Bassetlaw which would address the above, but this should be clarified.

#### Formal Outdoor sports facilities

The need for the proposals to take account of the demand generated by the net growth has been raised above. Your authority has an up to date PPS and has access to the Population growth demand calculator. The use of the two documents should be used to establish the additional demand generated by the increase in population in the area. The submitted information references spare pitch capacity in the area and the proposals to improve pitch quality, the changing facilities and the new AGP at the sports village may be sufficient to address the demand created. No doubt that your Community, Sports & Arts Development and Parks & Amenities teams will comment on this aspect of the proposals.

#### Open Space

It is for your authority to assess the open space requirements for this development particularly the growth in demand from additional dwellings, it is noted that some open space will be provided around the formal pitch area. I would refer to our comments above regarding space about the pitches and the pressures on shared use as a result of reducing the overall size of the currently available playing field area. You will be aware that the wider Sport England Strategy supports proposals which seek to encourage the inactive to become active. The plans to introduce circulatory and distance marked footpaths/running routes/cycle routes (including the green gym/trail) are supported in this regard.

Finally, the application makes reference to 'Active Design' and includes a number of design solutions to encourage 'active travel' and the neighbourhood plan encourages links between the existing and proposed communities this is encouraged and supported by Sport England. The connectivity and the proposed footpath/cycle links included in the proposal is supported as these encourage physical activity. We particularly support the links to the national cycle network. The proposal also has the potential to improve links to Beacon Hill Conservation Park located to the east of the site. The issue of desire lines across the playing field has been raised above.

#### Non-Statutory Conclusion

Sport England is not currently able to support the proposal as there are a number of unanswered questions regarding offsite contributions to indoor sports facilities but more particularly how the increased demand for formal outdoor sports pitches has been assessed.

**Environment Agency** – This site falls in Flood Zone 1 and the LLFA should be consulted regarding sustainable surface water disposal.

**Severn Trent Water** – no comments received to date.

**Trent Valley Internal Drainage Board** – The site is partly within the Trent Valley Internal Drainage Board District. There are no Board maintained watercourses in close proximity to the site. No development should be commenced until the Local Planning Authority, in consultation with the Lead Local Flood Authority has approved a scheme for the provision, implementation and future

maintenance of a surface water drainage system. The Board would wish to be consulted directly if the following cannot be achieved and discharge affects the Boards District:

- Existing catchments and sub-catchments to be maintained,
- Surface water run-off limited to the greenfield rate for other gravity systems.

The suitability of soakaways, as a means of surface water disposal, should be ascertained prior to planning permission being granted. Soakaways should be designed to an appropriate standard and to the satisfaction of the Approving Authority in conjunction with the Local Planning Authority. If the suitability is not proven the Applicant should be requested to re-submit amended proposals showing how the Site is to be drained. Should this be necessary this Board would wish to be re-consulted.

Where surface water is to be directed into a Mains Sewer system the relevant bodies must be contacted to ensure the system has sufficient capacity to accept the additional surface water. The Board also requests that applicant identify the receiving watercourse that the sewer discharges into and provide details on the potential effect that the proposed discharge may have on the receiving watercourse.

The design, operation and future maintenance of site drainage systems must be agreed with the Lead Local Flood Authority and Local Planning Authority.

**NHS Health** – no comments received to date.

**Cadent Gas Ltd** – Informative note on decision notice advised in relation to pipeline's identified on site.

**Nottinghamshire Wildlife Trust** –

*Comments received 18.03.2019:*

I can't see any additional ecological information, although I note from the Planning Update Note report (Page 3) that the applicant is proposing to commission the additional bat survey work at the earliest opportunity in 2019 - weather depending, it is likely that these could be commenced in May which is welcomed. Receipt of this survey information would enable you to determine the application with a full understanding of the potential ecological implications (particularly with respect to bats).

*Comments received 21.01.2018:*

I can confirm that we have no further comments on this application - our previous comments (email dated Mon 19/11/2018 13:51) remain unchanged.

*Comments received 19.11.2018:*

I can confirm that we are not supportive of the suggested 'worst case scenario' approach as this does not allow you to determine the application with the full knowledge of the actual situation with regards to protected species (bats). As previously noted, Paragraph 99 of Government Circular 1/2005 (also known as ODPM Circular 06/2005) (which accompanied PPS9, but remains in force), states that:



'It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances, with the result that the surveys are carried out after planning permission has been granted.'

Also, BS42020:2013 Biodiversity: Code of practice for planning and development Section 6.4.5 states that "...where a PEA contains recommendations that further detailed survey work is necessary in order to inform a planning application, this work should be undertaken before determination of the planning application".

Finally, we wish to draw attention to the fact that whilst sometimes LPAs will condition ecological surveys: case law has demonstrated (*Woolley v Cheshire East Borough Council*, October 2009) that this is not good practice and LPAs should require protected species surveys prior to determination so that they can make a fully informed decision on any potential impacts.

*Comments received 08.11.2018:*

*Preliminary Ecological Appraisal (WSP, October 2018) -*

Having reviewed this document, we find we are generally satisfied with the methodology of the preliminary assessment of the site. The work was undertaken at a suitable time of year, included consultation with the local records centre and is sufficiently up to date.

### Assessment

Amphibians – the report concludes that as there are no aquatic habitats on site, it is unlikely that amphibians will be present. We note that the PEA makes reference to use of OS 1:25k mapping to search for ponds within 500m, but cannot see whether all residential gardens were searched for water features. We recommend that this matter is clarified as the potential presence of garden ponds could alter the proposals for the need to consider amphibians.

### Discussion

We are satisfied with the assessment of potential impact on protected sites – due to the distance and barriers involved. No further consideration is required in this respect.

The report identifies a number of habitats on site which have potential for use by protected and priority species. Some of these, for example hedgerows, are considered to be particularly valuable and we would therefore expect detailed site plans to demonstrate retention where possible, or sufficient replacement planting (native, locally appropriate species) to ensure no net loss of biodiversity.

No evidence of badger setts was recorded, however possible foraging and commuting habitat was present. We would expect a commitment to undertaken a pre-start walkover survey should site works not commence within 12 months of the date of this report.

Potential roosting, foraging and commuting habitat for bats was identified – this matter is dealt with further later in the report.

Suitable habitat for breeding birds was identified and we would expect any losses to be appropriately mitigated through replacement planting and integration of bird boxes into new dwellings.

Suitable habitat for hedgehog was identified – we would expect to see site connectivity maintained across the development to allow movement of hedgehog and other small mammals, with replacement planting and strong buffering of open space also implemented.

#### Further survey requirements

We agree that further, detailed survey work is required with respect to bats. Our advice to the LPA is that all necessary ecological survey work is carried out and reports submitted with any outline application. This is in accordance with Paragraph 99 of Government Circular 1/2005 (also known as ODPM Circular 06/2005) (which accompanied PPS9, but remains in force), which states that:

‘It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances, with the result that the surveys are carried out after planning permission has been granted.’

This guidance does not differentiate between outline and reserved matters applications. Provision of all required ecological information at outline stage ensures that the applicant can demonstrate to the LPA how necessary mitigation could be fully implemented into the proposed development.

#### Avoidance, mitigation and compensation

We find we are generally satisfied with the measures proposed in Section 4.7 for preliminary avoidance, mitigation and compensation measures and Section 4.8 for ecological enhancement opportunities. In particular, we wish to draw attention to the measures given in Section 4.8.5 which we would expect to see carried forward into site plans.

*WSP Memo (2<sup>nd</sup> October) -*

This document outlines the proposal for further detailed survey work with respect to bat roosts. As stated above, we recommend that the LPA requests that the PRA work, together with any required emergence/re-entry surveys are undertaken prior to submission of any planning application to ensure that all material considerations have been addressed. We are not supportive of the suggestion to wait until the Reserved Matters stage to undertake activity surveys.

In addition, we would expect to see consideration given to the need for bat activity transect and static monitoring surveys across the site. We cannot see these mentioned in the report however it appears that suitable foraging habitat is present and that this could be impacted by the changes proposed. If these are not undertaken, we would expect to see full justification as to why they are not deemed necessary.

Finally, we note that the PEA was produced largely without knowledge of the detailed plans for the site. We would expect either a revised PEA, or an additional document submitted with any planning application detailing how the identified impacts relate specifically to the proposal and whether any additional/amended mitigation is considered necessary.

**Network Rail** – No observations.

**Highways England** –

*Comments received 08.03.2019:*

Our previous response of 21 December 2018 therefore remains unchanged.

*Comments received 21.12.2019:*

Based on our review of the submitted information we consider that the development would have no material impact on the nearby strategic routes, the A46 and the A1, and as such raised no objections.

**NCC Highways Authority (Highway Safety) –**

*Comments received 18.01.2019:*

Since comments were last submitted on 18 January 2019 various correspondence with the applicants' highway consultant has been held in order to address a number of issues. This has included discussion over the findings of a road safety audit carried out on behalf of the Highway Authority.

The estimated traffic generation and distribution has been checked and accepted, bearing in mind that the development and existing estate will profit from having two point of access; one on to Strawberry Hill Lane, and the other on to Lincoln Road.

Using the agreed traffic flow figures, the junction modelling has also been checked to assess that the residual cumulative impact is not severe. To reiterate earlier comments: The development flows only add relatively small flows onto the base model for the assessed junctions at Lincoln Road/Brunel Drive and Lincoln Road/Northern Road. Both junctions are equipped with puffin/toucan style pedestrian facilities and they are also under MOVA control strategies. They benefit from CCTV cameras at, or adjacent to, them. Consequently, there is little further that could be done to mitigate the impact of the development traffic at these junctions *that would be proportionate to the scale of the additional flows*.

Notwithstanding the above, concerns have been expressed about the potential impact of the generated flows on conditions on Lincoln Road on the approach to the A46 roundabout. At peak times, queues from the roundabout already exist which affect flows on all legs of the Brunel Drive/Lincoln Road/Harvest Drive junction. Despite this problem originating with the inadequate capacity of the A46 roundabout, Highways England (who are responsible for this junction) have raised no objection despite being challenged on the matter. Highways England confirmed that the proposals would have no material impact on either the A46 or A1. Further investigation by the applicant's agent revealed that the impact of the generated traffic heading towards A1/A46 junction in AM peak will be only 3% in the morning peak and 2% in the evening peak (an average of 1 additional car every 2½ minutes). Whilst any added delay/queuing is regrettable under such circumstances, a *severe impact* could not be demonstrated as a direct result of the proposal, and it acknowledged that it is not the developer's obligation to solve existing traffic problems.

It is also worth noting at this point that A46 improvements around Newark are included in Highways England's Road Investment Strategy for the 2015-2020 period with a scheme delivery potentially earmarked for the 2020-2025 period should the necessary funding be justified and agreed. Also the District Council's Community Infrastructure Levy Regulation 123 list holds schemes to be funded that include junction improvements at Lincoln Road/Brunel Drive and Lincoln Road /Northern Road.

Regarding the new access on to Lincoln Road, it has been confirmed that this will take the form of a priority junction with a ghost island right turn facility. The scheme will require a small adjustment to a traffic refuge. In line with the recommendations of a safety audit, the layout has been amended so that the new access has a single lane approach to Lincoln Road. This has been modelled and junction capacity is well within acceptable limits. This type of junction maintains priority for traffic on Lincoln Road.

Some discussion has also taken place regarding the impact the new access would have on access in and out of local private driveways. However, this type of layout is not uncommon and there are several existing examples on Lincoln Road further to the north where there is no evidence of an accident problem. Whilst a traffic signal scheme might have been considered, such a scheme has not been presented for assessment and, in any case, may have given rise to other concerns over safety and/or traffic delays.

It is concluded therefore that the junction type and layout is suitable for the proposal.

As an outline application, the internal layout and parking provision has not been fully appraised. Some comments have previously been offered in order to be helpful, but it is considered sufficient to condition any approval such that the Highway Authority's highway design guide is used to develop the scheme further and that parking takes account of car parking research found at: <https://www.nottinghamshire.gov.uk/media/123026/residentialcarparkingresearch.pdf>

The revised Travel Plan is still being assessed. Either a further response will be provided prior to Committee consideration or perhaps a condition could be applied to any approval (example included below).

Similarly a condition should be applied to control construction traffic access arrangements.

In conclusion, it is considered that no objections be raised subject to conditions (listed under the Recommendation at the end of the Agenda report).

*Comments received 18.01.2019:*

Further to comments dated 4 January 2019, the traffic modelling within the Transport Assessment has now been assessed and the following comments require a response.

General:

1. There are some anomalies between the Distribution Development trips diagram and the 2023 Base+Devt diagram in the TA at the Yorke Drive/ Strawberry Hall Lane area. The 2023 base+development diagrams show a reduction in trips turning into and out of Yorke Drive compared with the 2023 base flows diagram whilst the development trips diagram shows an increase here. This does not affect the trips at the signalled junctions on Lincoln Road but it does call some of the flows and assumptions into question.

2. The new site access junction on Lincoln Road is a priority T-junction. The layout on the main road looks good with a right turn facility, protected by refuges at each end. These refuges are in the same location (more or less) as a couple of existing pedestrian refuges. However, the one to the northeast has moved slightly and this may restrict access to some private properties on Lincoln Road and so should be treated with caution and further clarity is sought.

3. The side road is shown as having 2 lanes out. This arrangement will need safety auditing as this raises the issue of a vehicle waiting to turn right masking the visibility to/ from a left turning vehicle; leading to potential conflicts if left turners make their turn blind into the path of an oncoming southwest bound vehicle.

4. The junction has been modelled in the overall Linsig model utilising slope and intercept data taken from a Junction 9 (Picady) model. There is no evidence of the Picady modelling and it would be good to see this to check that the geometric factors which have generated the slope and intercept values have been derived correctly and that the performance in both models is consistent.

5. Queueing from the A1/ A46 Winthorpe roundabout has been acknowledged in the text of the TA (para. 3.5.21) but has not been accounted for in the Linsig model (this will affect the base and development scenarios equally). The Highways England response to the initial scoping study enquiry (letter in Appendix H) ignores the effects of queueing traffic at the A46/A1 roundabout on Lincoln Road (since it's not a trunk road). Since the A1 and A46 will not be affected, no assessment of the roundabout junctions has been required by them. This Authority considers that this is the wrong approach since the consequential impact is one that should be identified.

#### Linsig modelling:

6. The Linsig model incorporates the new access junction as mentioned above. This is a legitimate approach as long as the data generated in the J9 Picady model has been correctly interpreted. There is no evidence of this.

7. The Linsig model stretches from Winthorpe Road to Brunel Drive taking in the new junction and the Emmendingen Drive crossing. The modelling of the existing traffic signal installations looks to have been done well with only minor differences in the way a pedestrian route have been modelled at Winthorpe Road. This is common to all scenarios and is not significant.

8. The traffic from the flow diagrams has been correctly assigned to the relevant traffic movements on the model.

9. The development flows only add relatively small flows onto the base model for the 2 main junctions. The development scenario results are worse than the base case but only by a small amount. Both junctions are equipped with puffin/ toucan style pedestrian facilities which will reduce pedestrian clearance periods if pedestrians are quick to clear the crossings. They are also under MOVA control strategies and have CCTV cameras at them or adjacent to them. Consequently, there is little further that could be done to mitigate the impact of the development traffic at these junctions that would be proportionate to the scale of the additional flows.

10. No account has been taken of the queueing back from the A1/A46 roundabout through the Brunel Drive junction. This regularly occurs in the PM peak affecting the discharge from Lincoln Road, Brunel Drive and, to a lesser extent, Harvest Drive. Adding more traffic into this junction will exacerbate these queues and the impact requires further assessment (see point 5 above).

*Note: Due to traffic disruption caused by major Severn Trent works locally, new traffic surveys will be difficult to judge as being typical and accurate.*

*Comments received 04.01.2019:*

I refer to the submitted Transport Assessment (rev. 2) dated December 2018. Due to the quantity of data submitted, further time is required beyond the consultation deadline to assess all the traffic and highway implications of the proposal. The Travel Plan and junction capacity assessments are being appraised and a further response provided in due course. Therefore, accept this as a holding objection, pending these further comments.

In the meantime and notwithstanding the above, the following comments are offered to help progress matters, without prejudice to any future recommendation:

1. Drawing 70045283-SK-001-P02 shows the proposed Lincoln Road junction as a priority junction with a right turn lane. However para.3.5.10 mentions the signalisation of this junction. Can the applicant confirm what type of junction is being proposed?
2. Para.5.1.5 suggests that construction traffic will use an existing access off Lincoln Road with some improvements. Could more detail be provided about these improvements? Could more information be provided also in terms of the amount of construction traffic to be expected and period over which such access will be required?
3. Public rights of way are affected. If the Planning Authority has not already done so, could the County Council's Countryside Access team be consulted?
4. An initial look at the 2018 base traffic models suggests that existing queuing is perhaps significantly less than that experienced on site. Observations have not yet occurred yet to check this, but the applicant may wish to consider (and may be required later) to carry out validation surveys to compare real-time delays/queues with those modelled.
5. The indicative road layout has not yet been assessed in detail but, since this is an outline application, it may be sufficient to suggest that any adoptable highways should be designed to comply with the Nottinghamshire Design Guide.
6. Regarding parking, two issues need attention:
  - a. The Highway Authority would not wish to adopt parking spaces. These should be provided within curtilages or at least maintained by a third party.
  - b. Unless they are associated with apartments/flats, parking courts should be avoided. Experience has shown that they are little used and result in increased on-street parking to the detriment of other highway users.
7. The swept path analysis drawings show that the proposed s-bend is difficult to navigate and may even be impossible if casual parking were to take place on-street.
8. Further assessment by the applicant's agent is required to demonstrate that the repositioned traffic refuge outside No.33 Lincoln Road will not inhibit vehicle manoeuvres in or out of that dwelling.

The above list of comments may not be exhaustive but are offered with the intention of being helpful until such time as further detailed assessment can be completed.

#### **NCC Highways Authority (Travel Plan) –**

*Comments received 17.01.2019:*

- Paragraph 3.1.1 refers to the inclusion of 'existing traffic flows on the highway network and key junctions'. These flows are not included within the TP, and as such we would recommend that this sentence is removed (rather than include them, since the inclusion of traffic flows / junction capacity assessments is not necessary in a Travel Plan – this may be a reference from the TA).
- Section 4.3 would benefit from a cycle map locating the cycle routes identified in paragraphs 4.3.3 and 4.3.4.
- The Travel Plan (and therefore the role of the TPC) should cover a period from first occupation to 5 years following 50% occupation of the site. This statement needs to be consistent throughout

(i.e. Paragraph 7.2.1 refers to a ‘period of 5 years’, whilst paragraph 10.1.6 refers to ‘5 years following first occupation’.)

- Full contact details for an interim TPC should be provided now, which could be a representative of the developer, or their agent. A commitment should also be made to update NCC of these details if/when a new TPC is appointed.
- We note the TP alludes (7.2.3) to the TPC being a member of the sales team – confirmation should be included that the appointment period of the TPC will match the monitoring period, and not simply the sales period.
- Travel Plan measures should be clearly split into ‘hard measures’ (i.e. What is being included within the design of the Site (pedestrian footways, cycle paths, cycle storage, 20mph zone on roads to encourage a safer environment for pedestrians etc.) and ‘soft measures’ (the provision of a ‘welcome pack’, the promotion of car sharing schemes etc.). At the moment, this isn’t particularly clear.
- For a site of this size, we’d expect to see the offer of public transport Taster tickets for each household on first occupation, or alternative cycle discount voucher. This is what other developers are now commonly offering and often offered on a ‘redemption basis’.
- Other measures should include the offer of 1-to-1 travel planning advice, delivered by the TPC, for any households requiring it.
- Whilst a local residents group could be established, it needs to be made clear that the TPC will continue to take full responsibility for the implementation of the TP. At no point within the TP period should the TPC pass responsibility of the TP to the residents group.
- Similarly, organisation of the car sharing initiative should be led by the TPC, not ‘coordinated by residents’ as stated in Paragraph 7.3.4. For a site of this size, it would be better to immediately go with the Nottinghamshire option.
- Targets should be based on the trip generation from the transport assessment, reduced to take into account the travel plan. (i.e. we have found it easiest to show two tables, one with the TA trip generation and one showing what the travel plan will achieve). Overall mode share can be a secondary target.
- No targets should be amended without the approval of NCC. At present, para 8.2.3 suggests targets will be unilaterally altered by the developer.
- Any baseline surveys should be approved by NCC prior to issue to residents.
- The Travel Plan should be monitored via the collection of traffic counts at the Site, in accordance with the SAM methodology (or similar), supplemented by travel surveys. A suggested timetable of survey monitoring is given below, taken from the NCC TP Guidance. The Travel Plan should also be monitored by resident Travel Surveys (as is suggested by the TP), the uptake of public Transport taster tickets and the number who sign up to the car sharing website.

Year	SAM	Resident Travel Survey
Baseline	No	Yes
1	Yes	Yes
2	No	Yes
3	Yes	Yes
4	No	Yes
5	Yes	Yes
Etc...		

- In addition to annual monitoring reports, the TP needs to commit to a 3 year review and evaluation which should be submitted to NCC.
- Should the TP fail to meet its targets, then there should be some fall-back measures included, which should include as a minimum the extension of the monitoring period and agreement of remedial actions with NCC.

## NCC Public Rights of Way:

Below is an extract of the working copy of the Definitive Map, indicating the recorded public rights of way in the vicinity of the proposed development site, for your reference.

With reference to NCC RoW Planning Guidance

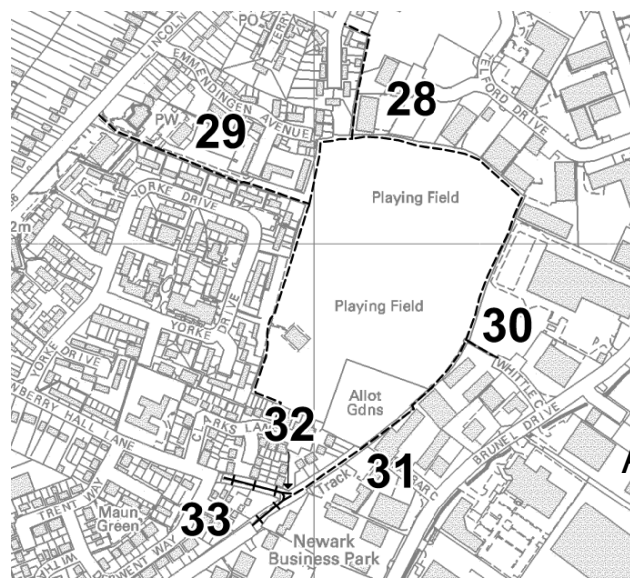
- The footpath should remain open, unobstructed and be kept on its legal alignment at all times. Vehicles should not be parked on the RoW or materials unloaded or stored on the RoW so as to obstruct the path.
- There should be no disturbance to the surface of the footpath without prior authorisation the Rights of Way team.
- The safety of the public using the path should be observed at all times. A Temporary Closure of the Footpath may be granted to facilitate public safety during the construction phase subject to certain conditions. Further information and costs may be obtained by contacting the Rights of Way section. The applicant should be made aware that at least 5 weeks' notice is required to process the closure and an alternative route on should be provided if possible.
- If the route is to be fenced, the developer must ensure appropriate width be given to the path and that the fence is low level and of an open aspect to meet good design principles.
- If a structure is to be built adjacent to the public footpath, the width of the right of way is not to be encroached upon.

Much of the surface is either grass or loose stone, it is likely that the rights of way surface would need to be improved to accommodate the increased footfall and to encourage use of the public rights of way to access local services.

It should also be noted that if a temporary closure is applied for, the rights of way must re-open on the same line.

The rights of way team are always happy to meet applicants on site to confirm the alignment and width of existing public rights of way.

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.





## **NCC Policy –**

### Strategic Transport

The application site is located immediately adjacent to the B6166 Lincoln Road which is a major arterial route into Newark and suffers from peak period traffic congestion. The applicant's Transport Assessment concludes that the traffic generated by the application site would not lead to a significant detrimental impact in its own right however in combination with other planned and committed development in Newark there is forecast to be a significant worsening of traffic and travel conditions which would need to be supported by highway infrastructure improvements. As a result the local highway authority is proposing a number of schemes of improvement at the major traffic intersections on Lincoln Road in the town, although these do not feature in a current County Council implementation programme and will need to be funded from developer contributions taken by Newark and Sherwood District Council through the it's Community Infrastructure Levy (CIL). In which case the applicant should be advised that the District Council is likely to require a financial contribution from the developer (through CIL) and this should be used towards the cost of the provision of improvements on the B6166 Lincoln Road including a proposed traffic signal junction upgrade at the Lincoln Road / Brunel Drive junction.

### Public Transport

#### *General Observations*

The proposed access point appears to be from an improved entrance onto Lincoln Road. The nearest current bus stops are approximately fronting and within the site.

The current locations of bus stops NS0103 & NS0712, London Road (St Leonards Church), should be assessed for highways safety purposes. Should this location be considered unsafe in terms of highway safety with the introduction of an entrance providing access for this development, the developer will be required to both provide a suitable safe location for the relocated bus stops, and would be liable for funding such a relocation.

#### *Bus Service Support*

The County Council has conducted an initial assessment of this site in the context of the local public transport network. Stagecoach offer a frequent commercial service with buses passing the site every 30 minutes enroute to the town centre. Other facilities are available on Service 67 operating along Lincoln Road.

However this service is to be withdrawn in April 2019. Arrangements are being made for a Council funded replacement, however the level of service to be provided is currently not known.

Nottinghamshire County Council offers a travel pass service for new developments in partnership with local bus operators, and wish to encourage the take up and ongoing use of existing public transport facilities through delivery of the measures set out in the site Travel Plan. The County Council would request a sustainable transport contribution via a Section 106 agreement of £55,000 which will provide each new dwelling with either (1) up to two 3-month bus passes (or equivalent) for use on the existing local bus network and/or (2) to provide other sustainable transport measures or bus service enhancements to serve the site.

## *Infrastructure*

The current infrastructure observations from the County Council's photographic records are as follows:

NS0103 St Leonards Church – Both Ways Bus Stop Pole and Raised Boarding Kerbs.

NS0712 St Leonards Church – No Infrastructure.

NS0104 Beaumont Walk – Both Ways Bus Stop Pole.

NS0713 Beaumont Walk – No Infrastructure.

NS0568 Fenton Close – Bus Stop Pole, Raised Boarding Kerbs and Bus Stop Clearway Markings.

NS0100 Rosewood Close – Bus Stop Pole, Raised Boarding Kerbs and Bus Stop Clearway Markings.

NS0095 Yorke Drive – Bus Stop Pole, Raised Boarding Kerbs and Bus Stop Clearway Markings.

NS0118 Yorke Drive – Bus Stop Pole, Raised Boarding Kerbs and Bus Stop Clearway Markings.

The County Council would request a contribution via a Section 106 agreement for Bus Stop Improvements to the value of £40,000. This will be used towards improvements to the above bus stops and/or new bus stops within/in the vicinity of the site to promote sustainable travel. In addition, the developer would be liable for funding any bus stop relocations for existing bus stops, should their locations be considered unsafe in terms of highway safety with the introduction of a site entrance.

### *Summary of contributions requested:*

Bus Stop Improvements - £40,000

Sustainable Transport contribution - £55,000

### *Justification*

The sustainable transport contribution will provide new occupants with two 3 month smartcard bus passes (or equivalent) for use on the existing local bus network to encourage use of sustainable modes of travel, or provide other sustainable transport measures or bus service enhancements to serve the site.

The current level of facilities at the specified bus stops are not at the standard set out in the Council's Transport Statement for Funding. Improvements are necessary to achieve an acceptable standard to promote sustainable travel, and make the development acceptable in planning terms. The above contribution would improve/provide new bus stop infrastructure in the vicinity of the development and could be used for, but not limited to; Real Time Bus Stop Poles & Displays including Associated Electrical Connections, Extended Hardstands/Footways, Polycarbonate or Wooden Bus Shelters, Solar Lighting, Raised Boarding Kerbs, Lowered Access Kerbs and Enforceable Bus Stop Clearways.

The improvements would be at the nearest bus stops or new stops which are situated close to or within the site, so are directly related to the development, and are fairly and reasonably related in scale and kind to the development.

### *Public Health*

Many of the health indicators are: *worse than the England average* with Healthy Life and Disability Free expectancy statistically worse than the England average for this area.

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

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

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

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

The 'Spatial Planning for Health and Wellbeing of Nottinghamshire' document approved by the Nottinghamshire Health and Wellbeing Board in May 2016 with the Planning and Health Engagement Protocol 2017 identifies that local planning policies play a vital role in ensuring the health and wellbeing of the population and how planning matters impact on health and wellbeing locally. In addition a health checklist is included to be used when developing local plans and assessing planning applications:

<http://www.nottinghamshireinsight.org.uk/search?q=Spatial+Planning> It is recommended that this checklist is completed to enable the potential positive and negative impacts of the pre application on health and wellbeing to be considered in a consistent, systematic and objective way, identifying opportunities for maximising potential health gains and minimizing harm and addressing inequalities taking account of the wider determinants of health. Obesity is a major public health challenge for Nottinghamshire. Obesity in 10-11 year olds in this area is similar to not better than the England average Obesity levels for this It is recommended that the six themes recommended by the TCPA document 'Planning Health Weight Environments' – [http://www.tcpa.org.uk/data/files/Health\\_and\\_planning/Health\\_2014/PHWE\\_Report\\_Final.pdf](http://www.tcpa.org.uk/data/files/Health_and_planning/Health_2014/PHWE_Report_Final.pdf) are considered to promote a healthy lifestyle as part of this application. The six themes are:

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

Due to the size of the development it is recommended that planners discuss this development as part of the Nottinghamshire ICS Strategic Estates Board or where all NHS stakeholders are members and also consult with the Newark & Sherwood Clinical Commissioning Group to consider any additional healthcare requirements e.g. S106 / CIL.

**NCC Education** – The current primary projections (set out below) over 5 years show that there are less than 20 places available in this planning area in 5 years but a further 137 pupils may be generated by housing developments in 10 years. On balance therefore the County Council would be seeking an education contribution at this time for Primary Education. A development of 190 dwellings equates to 40 primary places. Therefore, a contribution of £761,920 (40 x £19,048) based on build cost is sought.

This will be used towards the provision of new primary schools which are planned in the area, however the project on which these monies will be spent is subject to final confirmation. In terms

of the use of build cost to calculate the contribution; further information about the circumstances when this will be used and the cost per place currently being used is set out on pages 24 and 25 of the County Councils updated Planning Obligations Strategy which can be viewed at <https://www.nottinghamshire.gov.uk/planning-and-environment/general-planning/planningobligations-strategy>

DFE No:	School	Planning Area	Net Capacity	Average 5 Year Projection	Housing	Surplus or Insufficient Places
2921	Barnby Road Academy: Primary & Nursery School	Newark Town	525	540	1	-16
2016	Bishop Alexander LEAD Academy	Newark Town	300	300	1	-1
3292	The Sir Donald Bailey Academy	Newark Town	578	470	3	105
3450	Christ Church CoFE Infant School	Newark Town	85	50	14	21
3766	Holy Trinity Catholic School	Newark Town	300	299		1
2532	Lovers Lane Primary and Nursery School	Newark Town	205	201	20	-16
2673	Manners Sutton Primary School, Averham	Newark Town	56	76		-20
3040	The Mount CoFE Primary and Nursery School	Newark Town	210	214	106	-110
2026	William Gladstone Church of England Primary School	Newark Town	328	256	16	56
2853	Winthorpe Primary School	Newark Town	105	105	0	0
		<b>Total:</b>	<b>2692</b>	<b>2511</b>	<b>161</b>	<b>20</b>

In terms of secondary education; this funded via the District Councils Community Infrastructure Levy however, as noted the Strategic Planning response that was previously submitted to the District Council, based on current projections there are sufficient secondary age places available in the catchment school (Magnus School).

**NCC Libraries** – 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, culture 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.

There is currently a proposal for a new development on land at Yorke Drive and Lincoln Road Playing Field, this would comprise 190 new dwellings. At an average of 2.3 persons per dwelling this would add 437 to the existing libraries’ catchment area population. The nearest existing libraries to the proposed development is Newark Library.

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 for additional library stock. An

increase in population of 456 would put more demand on the stock at this library and a developer contribution would be expected to help address this situation.

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.

Newark Library is currently below the MLA optimum stock level (see table on page 2) and so a developer contribution would be sought to ensure current stock levels are not put under further pressure as a result of the new development.

We would seek a developer contribution for the additional stock that would be required to meet the needs of the 437 population that would be occupying the new dwellings. This is costed at 437 (population) x 1.532 (items) x £10.00 (cost per item) = £6,694

Library Optimum Stock Levels:

LIBRARY	District	Catchment Popn Est (Census 2011)	Total Lending Stock	Ref Stock	Reserve stock	Total Stock	Optimum Stock figure	Difference Optimum vs Actual stock
Newark Library	Newark & Sherwood	37,752	37687	305	7243	45,235	57,836	-12,601

**NCC Lead Local Flood Risk Authority –**

*Comments received 08.03.2019:*

Their revised proposals deal with all my concerns.

*Comments received 27.12.2018:*

Object. The proposed approach to surface water drainage is unacceptable as it stands. The majority of this development is on existing greenfield land and as such it is unacceptable to propose to discharge to the public sewer network without further information. The developer should consider the options in more detail to ensure their surface water strategy is robust and therefore prevent any significant changes being required at a later stage in the planning process. The following points should be considered as part of a revised strategy.

1. The watercourse on Brunel Drive should be considered as the primary receptor for surface water. Section 4.1.3 of the Flood Risk Assessment states that this is not feasible ‘due to the length and complexity’. This statement is unacceptable without further detailed supporting information.
2. The hydraulic calculations should make an allowance for run off from the permeable areas including Catchment 7. This allowance should align with the impermeable nature of the ground (once confirmed via testing compliant with BRE365)
3. Drainage from the site should be via a sustainable drainage system that aligns with the CIRIA Suds Manual and non-statutory technical guidance. The hierarchy of drainage options should be infiltration, discharge to watercourse and finally discharge to sewer

subject to the approval of the statutory utility. If infiltration is not to be used on the site, justification should be provided including the results of infiltration tests (compliant with BRE365).

4. For greenfield areas, the maximum discharge should be the greenfield run-off rate (Qbar) from the area. For brownfield areas that previously drained to sewers, the previous discharge rate should be reduced by 30% to allow for future climate change effects. Note that it is not acceptable to simply equate impermeable areas with discharge as it is the maximum discharge that could have been achieved by the site through the existing pipe system without flooding that is the benchmark to be used prior to a 30% reduction. An existing drainage survey with impermeable areas marked and calculations to determine the existing flow will be required as part of any justification argument for a discharge into the sewers from the site.
5. The site drainage system should cater for all rainfall events up to a 100year + 30% climate change allowance level of severity. The underground drainage system should be designed not to surcharge in a 1 year storm, not to flood in a 30 year storm and for all flooding to remain within the site boundary without flooding new buildings for the 100year + 30% cc event. The drainage system should be modelled for all event durations from 15 minutes to 24 hours to determine where flooding might occur on the site. The site levels should be designed to direct this to the attenuation system and away from the site boundaries.
6. Consideration must be given to exceedance flows and flow paths to ensure properties are not put at risk of flooding.
7. Any proposals to use SUDS must include details showing how these will be maintained to ensure their effectiveness for the lifetime of the development.

**NSDC Policy Officer** – The principle of releasing land from Lincoln Road Playing Fields to support the regeneration of the existing Yorke Drive Estate is established through Policy NUA/Ho/4, with the Policy Area providing a framework for its delivery. Whilst the application is outline with all matters reserved except from access it does seek consent for a potential maximum level of development, and so it is important that we are content that the objectives listed in the site allocation policy, and other relevant policy requirements, can be likely achieved at this maximum scale.

*Level of Development* - The application suggests that the current proposals would be for a scheme of 325 new homes, with 130 having been demolished and a net gain of 195. Clearly this is below the 230 net additional dwellings anticipated through Policy NUA/Ho/4. That figure was however based on the previous Broadway Malian master planning work, and has been revisited in greater detail as part of the more recent project. The current proposals are the result of detailed consideration of land-use planning and other constraints, soft-market testing, viability considerations and community engagement. This process has guided the level of development being sought consent for, and in my view our emphasis should be on the delivery of regenerative improvements to Yorke Drive rather than achieving a specific level of development from the playing fields. Indeed there is also a balance to be struck between that release and Spatial Policy 8 – ultimately it may not prove possible to achieve the anticipated net development in a way which is acceptable in terms of the quantum and quality of open space which would remain. Providing that the estate improvements can be achieved in a policy compliant manner and at the scale of development proposed then I would see no reason to raise an objection on this particular issue.

*In terms of the density of proposed development* – the developable area is 7ha and at 330 homes this equates to a density of 47dph. This far exceeds the 30dph minimum sought through CP3,

however regard needs to be given to site specific circumstances and local character in determining what is likely to represent an appropriate development. In this sense, given the surrounding context, I don't have any concerns over whether an appropriate standard of design and layout is likely achievable at the scale of development proposed.

*Master Plan* - Policy NUA/Ho/4 requires submission of a Master Plan which addresses a range of issues. These are considered in-turn below. I'm however mindful that all matters, bar access, are reserved for subsequent determination, and so should you be minded to recommend approval then I would recommend that a condition requiring submission and approval of a detailed Master Plan is attached.

*Phasing* - It is currently proposed that development would occur across four phases – and this appears to make sense, integrating development with the rehousing of residents and minimising of traffic increase and disruption. I would however suggest that the subsequent submission and approval of detailed phasing arrangements should be the subject of a condition.

*Redevelopment and Housing Mix and Tenure* - Within the existing estate the policy requires that the Master Plan demonstrate the removal of poorer quality housing and replacement with new dwellings. The submitted Master Plan, and accompanying Demolition Plan, demonstrates a proposed approach to the replacement of poorer quality housing with new dwellings, although this will fall to be considered in detail at the Reserved Matters stage. The application would not facilitate the total regeneration of the existing estate, with its central and southern areas left unaffected. Nevertheless my understanding is that, as indicatively proposed, the areas of poorest quality housing would be addressed. The extent of intervention has also been guided by what is considered able to be financially supported by the release of land from the playing field.

*Linked to the above is the re-housing of existing residents whose homes are scheduled for demolition* – for which a 'Residents Offer' policy has been brought together. This includes the offer of rehousing into a new home for all Council tenants who wish to remain in the area, and support for owner-occupiers to help them buy a new property. The household survey carried out in February and March indicated around 80% of residents would want to remain in the area. Whilst the approach to demolition is a matter for subsequent determination it is, in my view, important that the issue is able to be properly considered at that stage and that we can be content that the accommodation needs of existing residents will continue to be met (whether on or off-site according to preference). I would therefore suggest that consideration be given to conditioning the requirement for submission, and approval, of a detailed schedule and broad timetable (perhaps linked to detailed phasing arrangements) outlining the approach to the re-housing of existing residents and demonstrating how this has been integrated into delivery of the scheme.

NUA/Ho/4 reflects a desire to increase the mix of tenure and range of housing within the estate. Whilst this is an issue to be resolved at the Reserved Matters stage the affordable housing statement is nonetheless welcomed, and provides a level of reassurance over how the indicative proposals sit against relevant policy requirements. It is clear that from the perspective of affordable housing the indicative scheme would fall short of meeting the 30% policy requirement, once those existing affordable units lost through demolition are factored in. I do however recognise the difficulties and complexities involved in delivering a project of this nature, and CP1 does allow for shortfalls/non-provision where the meeting of the contribution would prove unviable. I note therefore that the application is supported by a viability assessment.

Notwithstanding this, the viability of the scheme may change as indicative proposals become firmed up, the scheme amended, should market conditions change and/or additional external funding become available. Therefore as the exact numbers, type, tenure, location and timing of affordable units are unknown I would suggest the use of a condition requiring submission and approval of this information and details prior to development beginning – i.e. similar to that detailed at para 3.35 of the Affordable Housing SPD. Should there still be a shortfall at that stage then there will need to be justification either through site specific circumstances and/or a robust viability assessment, in line with CP1.

Beyond the specifics around affordable housing provision I would also emphasise the importance of being able to understand how the proposals affect the balance of tenure and house type within the estate as a whole. The submitted statement gives an overall description of the house types and tenures which can be found - but it's not possible from this to establish the precise existing balance within the estate. I appreciate that the final mix of the scheme will not be resolved until the reserved matters stage, and that the undertaking of a Housing Needs Survey will contribute towards this. However this information will be necessary at the reserved matters stage for us to be able to come to a view over whether the policy objective of broadening mix and tenure has been achieved. I would therefore recommend that this be the subject of a condition, requiring submission of a detailed housing statement outlining the existing composition of housing mix and tenure and the change which would occur as a result of the proposal.

#### *Improvements to the Estates Environment and Linkages*

The site allocation policy requires the Masterplan to facilitate improvements to the layout and public realm of the estate, and to improve linkages to the wider Bridge Ward (including Lincoln Road and Northern Road Industrial Estate). The indicative layout shows both to be theoretically possible at the scale of development proposed, though I would defer to your expertise over matters of design and layout. It is however also important, in line with CP9 and DM5, that a good standard of design and layout is capable of being achieved at the scale of development indicatively suggested for the playing fields.

#### *Lincoln Road Playing Fields*

Policy NUA/Ho/4 requires that suitable playing pitches be retained to meet the requirements of Spatial Policy 8 'Protecting and Promoting Leisure and Community Facilities' (SP8). But the matter of compliance with SP8 stretches beyond the playing pitches – in addition to formal recreational sports provision there is also the existing pavilion building and the informal recreational use of the open space. In my view it is reasonable, bearing in mind the tests at para 48 of the NPPF, to afford meaningful weight to SP8 as set out within the Amended Core Strategy. The policy seeks to restrict the loss of existing community and leisure facilities particularly where it would reduce the community's ability to meet its day-to-day needs.

Turning first to the playing pitches - the case is made that the residual open space can accommodate sufficient provision to meet both previous (2017/18) and current (2018/19) playing pitch demand from the main user, the Fernwood Foxes. This relies on the use of variable layouts within the reduced site area and, in my view, as an approach this has the potential to satisfy SP8. This would however be subject to the flexibility in configuration being a practical approach (i.e. that demand can be managed in a way which makes reconfiguration a realistic option) and feasible (i.e. that the reconfigured pitches would continue to meet relevant technical standards and would not impede other existing uses of the space – such as informal recreation). Ultimately it will be necessary to rely on the expertise of stakeholders for guidance on this, and I note that



there is a holding objection from Sports England. Clearly there will be the need for further engagement with the body, however I have picked up some of the main issues below.

Concerns have been raised by the body over the tightly constrained nature of the layout within the open space and that there may be conflict between the formal and informal uses. The indicative layout shows that some degree of informal space can be provided at the scale of development proposed – with this being located in the south-eastern corner and the southern extent of the playing fields. This is a reduced area (1.2ha), when compared to that currently available, and so I would suggest that internal advice be sought over whether the indicative residual space would be theoretically sufficient to allow informal needs to be met. The extent to which informal and formal uses are likely to overlap is also a consideration – and if this proves to be limited then presumably the potential for conflict would be restricted.

It is suggested that the dwellings indicatively proposed to the pedestrian connection north of Whittle Close could be removed to provide additional breathing space within the playing fields layout, and I would suggest that this option is explored. Should the units prove to be fundamental to the scheme and unable to be relocated then this may be an indication that the maximum scale of development proposed is inconsistent with the ability to satisfy SP8.

The body have also made comment around the phasing of development and the provision of the new playing pitches, the drainage/remediation/pitch improvements and provision of the new pavilion – with the need for this to occur prior to the loss of the existing facilities. These issues could however be resolved through inclusion within the phasing condition referred to above, with submission and approval of details being required.

The final area of consideration in terms of SP8 is the pavilion – which performs a range of community facility roles beyond providing changing facilities. Indicative proposals concern a larger building with improved changing rooms and kitchen facilities with higher quality flexible sports, leisure and community activity use. Clearly such an outcome would satisfy SP8 in respect of the pavilion.

### *Developer Contributions*

Following the Developer Contributions and Planning Obligations SPD (2013) this scale of development (195 net additional dwellings) would be theoretically liable for contributions towards – affordable housing (addressed earlier), community facilities, education (primary only), health, libraries, community facilities, provision for children and young people, natural and semi-natural green space, amenity green space, outdoor sports facilities and transport. Sports England has also raised the need for the additional demand generated by the development for recreational and general open space to be addressed. Though the need for such contributions and the ability of the proposal to accommodate the financial burden are however valid considerations.

In this respect relevant contributions have been modelled as part of the submitted viability assessment, and notably this concludes the provision of affordable housing and further developer contributions to be unviable. We will need to be content this is correct, but it does not seem unlikely given the nature of the proposal.

I would defer to relevant stakeholders for advice over whether there is a theoretical need for contributions to be sought across the different typologies. But in respect of formal sports provision, I note that the response from the Community, Sports And Arts Development team

consider the retained provision will be sufficient to meet identified current and anticipated future demand of the community. Beyond additional provision the condition of the existing Lincoln Road pitches has been assessed as poor, and my understanding is that the quality of the retained provision is intended to be significantly improved – which is something that we may also wish to give some weight to.

Given the existing viability position and taking account of input from relevant stakeholders we will need to come to a view over whether an appropriate balance is likely to be struck between facilitating estate renewal and what can be supported from a developer contributions perspective. I am sympathetic to the complexities and timescales around delivery of the proposed development, and the difficulty of definitively setting the scale and nature of contributions at this stage. Therefore providing we are content that the viability assessment is robust and that the minimum contributions necessary to make the scheme acceptable are likely to be deliverable then I would offer no objection. This is however subject to appropriate controls being attached to the outline consent, requiring subsequent submission and approval of proposed contributions, and allowing for the revisiting of viability across the different phases of development.

#### *Highways Arrangements*

In respect of the development on the playing field the site allocation policy requires provision of an additional access via Lincoln Road. With access being a matter not reserved for subsequent determination it's important that we are satisfied the arrangements are satisfactory. Whilst the proposed access differs from that previously considered (utilising the existing lane to the north of the Coop) there are clear design and layout benefits to this approach- particularly from the perspective of integrating the playing field development with the existing estate. The comments from the Highways Authority are noted, and clearly additional engagement will be necessary to the points raised.

#### *Flood Risk*

Core Policy 9 and Policy DM5 require the effective management of surface water – and the Lead Local Flood Authority is at present objecting to the proposal. It is important that sufficient detail is available to allow for consideration over the likelihood of suitable arrangements being deliverable.

#### *Conclusion*

The principle of development has been established through the allocation of the site, and the renewal of the existing Yorke Drive estate is a key policy objective. I'm comfortable that the outline proposal has the potential to provide the basis for delivering the regeneration of the existing estate and release of land from the playing fields in a policy compliant manner - subject to the outstanding objections from various stakeholders being addressed and appropriate controls being attached to the consent.

#### **NSDC Environmental Health (Reactive) –**

##### *Comments received 05.03.2019:*

The proposed noise mitigation measures for Daloon foods, these would appear acceptable in reducing noise levels.

##### *Comments received 15.01.2019:*

Where the main noise source is industrial or commercial activity the use of BS4142 2014 assessment is advised to assess the impacts. I assume that this is what the noise consultant has done? Whilst noise levels inside properties are clearly important, so are exterior levels and we need to be careful not to build “acoustic prisons”, where residents are only offered a suitable level of protection inside their dwelling with high quality double glazed windows closed. It is reasonable to expect windows to be opened for ventilation on a regular basis for a number of reasons and noise exposure needs to take account of this. Similarly outdoor amenity space needs to be protected (BS8233 2014) so that such spaces can be used by residents in reasonable acoustic comfort.

#### **NSDC Environmental Health (Contaminated Land) –**

With reference to the above development, I have received a Phase I Desktop Study report submitted by the consultant (WSP) acting on behalf of the developer. 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.

The report has identified several potential contaminant sources and 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 findings and would therefore recommend the use of our full phased contamination condition.

#### **NSDC Environmental Health (Air Quality) –**

I have now had the opportunity to consider the Air Quality Assessment report that has been submitted by WSP in support of this application. This assessment uses IAQM methodology to consider the risks and impacts of air emissions during the construction phase and operational phases at sensitive receptors identified as part of the report.

Following assessment of baseline levels using various data sources, the report considers how demolition /construction and operational phases could impact on these receptors.

It is considered that human health risk from particulate emissions to be negligible however the risk of dust deposition (nuisance dust) is considered greater and a raft of mitigation is proposed to control this during the construction phase. Furthermore some measures are proposed to preserve long term air quality during operational phase also.

Providing the recommended mitigation measures are implemented, the magnitude of dust effect on each receptor is considered negligible.

As such I can concur with the findings of the assessment and would expect that mitigation measures (section 6 of the report) are included as planning conditions as follows:

#### Construction Phase Mitigation

##### *General Communication*

- A stakeholder communications plan that includes community engagement before work commences on site should be developed and implemented.

- The name and contact details of person(s) accountable for air quality and dust issues should be displayed on the site boundary. This may be the environment manager/engineer or the site manager. The head or regional office contact information should also be displayed.

#### *General Dust Management*

- A Dust Management Plan (DMP), which may include measures to control other emissions, in addition to the dust and PM10 mitigation measures given in this report, should be developed and implemented, and approved by the Local Authority. The DMP may include a requirement for monitoring of dust deposition, dust flux, real-time PM10 continuous monitoring and/or visual inspections.

#### *Site Management*

- All dust and air quality complaints should be recorded and causes identified. Appropriate remedial action should be taken in a timely manner with a record kept of actions taken including of any additional measures put in-place to avoid reoccurrence.
- The complaints log should be made available to the local authority on request.
- Any exceptional incidents that cause dust and/or air emissions, either on- or off- site should be recorded, and then the action taken to resolve the situation recorded in the log book.

#### *Monitoring*

- Regular site inspections to monitor compliance with the DMP should be carried out, inspection results recorded, and an inspection log made available to the local authority when asked.
- The frequency of site inspections should be increased when activities with a high potential to produce dust are being carried out and during prolonged dry or windy conditions.

#### *Preparing and Maintaining the Site*

- Plan the site layout so that machinery and dust causing activities are located away from receptors, as far as is practicable.
- Where practicable, erect solid screens or barriers around dusty activities or the site boundary that are at least as high as any stockpiles on site.
- Where practicable, fully enclose site or specific operations where there is a high potential for dust production and the Site is active for an extensive period.
- Avoid Site runoff of water or mud.
- Keep Site fencing, barriers and scaffolding clean using wet methods.
- Remove materials that have a potential to produce dust from Site as soon as possible, unless being re-used on Site. If they are being re-used on-Site cover appropriately.
- Where practicable, cover, seed or fence stockpiles to prevent wind whipping.

#### *Operating Vehicle/Machinery and Sustainable Travel*

- Ensure all vehicle operators switch off engines when stationary - no idling vehicles.

- Avoid the use of diesel or petrol-powered generators and use mains electricity or battery powered equipment where practicable.
- A Construction Logistics Plan should be produced to manage the sustainable delivery of goods and materials.

#### *Operations*

- Only use cutting, grinding or sawing equipment fitted or in conjunction with suitable dust suppression techniques such as water sprays or local extraction, e.g. suitable local exhaust ventilation systems.
- Ensure an adequate water supply on the Site for effective dust/particulate matter suppression/mitigation, using non-potable water where possible and appropriate.
- Use enclosed chutes and conveyors and covered skips.
- Minimise drop heights from conveyors, loading shovels, hoppers and other loading or handling equipment and use fine water sprays on such equipment wherever appropriate.
- Ensure equipment is readily available on site to clean any dry spillages, and clean up spillages as soon as reasonably practicable after the event using wet cleaning methods.

#### *Waste Management*

- Avoid bonfires and burning of waste materials.

#### *Measures Specific to Earthworks*

- Stockpile surface areas should be minimised (subject to health and safety and visual constraints regarding slope gradients and visual intrusion) to reduce area of surfaces exposed to wind pickup.
- Where practicable, windbreak netting/screening should be positioned around material stockpiles and vehicle loading/unloading areas, as well as exposed excavation and material handling operations, to provide a physical barrier between the Site and the surroundings.
- Where practicable, stockpiles of soils and materials should be located as far as possible from sensitive properties, taking account of the prevailing wind direction.
- During dry or windy weather, material stockpiles and exposed surfaces should be dampened down using a water spray to minimise the potential for wind pick-up.

#### *Measures Specific to Construction*

- Ensure sand and other aggregates are stored in bunded areas and are not allowed to dry out, unless this is required for a process, in which case ensure that appropriate additional control measures are in place.
- Ensure bulk cement and other fine powder materials are delivered in enclosed tankers and stored in silos with suitable emission control systems to prevent escape of material and overfilling during delivery.
- For smaller supplies of fine powder materials ensure bags are sealed after use and stored appropriately to prevent dust.
- All construction plant and equipment should be maintained in good working order and not left running when not in use.

### Operational Phase Mitigation.

- The provision of at least 1 Electric Vehicle (EV) “rapid charge” point per 10 residential dwellings and/or 1000m<sup>2</sup> of commercial floorspace. Where on-site parking is provided for residential dwellings, EV charging points for each parking space should be made.
- Where development generates significant additional traffic, provision of a detailed travel plan (with provision to measure its implementation and effect) which sets out measures to encourage sustainable means of transport (public, cycling and walking) via subsidised or free-ticketing, improved links to bus stops, improved infrastructure and layouts to improve accessibility and safety.

**NSDC Community Projects** - I have been actively involved in this project and I am aware that there has been extensive community and stakeholder consultation (including local community user groups such as Fernwood Foxes Football Club and Newark Wanderers Table Tennis Club) in respect of the community sports and leisure offer which has influenced the overall design as submitted. Whilst it is noted that there is a net loss of open space the proposal will improve the overall quality of the retained provision which is deemed sufficient to meet the identified demand for football pitches currently. Furthermore the proposed layout offers flexibility in terms of pitch provision which will satisfy the anticipated demand generated from the local community in the future. Improvements to the supporting infrastructure is also welcomed including a new community facility with associated changing provision (replacing the current building) which will increase indoor provision and scope for wider community engagement and use. The proposal also incorporates active design principles that will encourage greater use of the overall leisure provision by local residents which will contribute to improving health and wellbeing within the locality.

### **NSDC Tree Officer –**

*Comments received 27.02.2019:*

The revised planning layout does not change my previous comments/recommendations.

*Comments received 17.12.2018:*

The proposals are broadly acceptable.

Although the submitted tree survey addresses potential tree loss but any final design should inform any further impact taking into account demolition, building footprint and location/size of tree canopy that may cause future nuisance issues, service runs, removal and installation of hard surfacing.

Any proposed soft landscaping proposal should ensure that sufficient room is allocated for root growth and canopy spread to allow full development and retention of any proposed trees.

### **NSDC Archaeology Officer -**

*Comments received 05.03.2019:*

The geophysics survey shows significant levels of modern magnetic disturbance which may have masked potential archaeological deposits. Further information will be required to investigate this potential in order to formulate an appropriate mitigation strategy. However the geophysical survey has shown that there is modern disturbance which may mean that the survival rates of any archaeology may be compromised.

It is my recommendation that trial excavation be undertaken prior to any development on this site, this work should be secured by permission.

Recommendation: Prior to any groundworks the developer should be required to commission a Scheme of Archaeological Works (on the lines of 4.8.1 in the Lincolnshire Archaeological Handbook (2016)) in accordance with a written scheme of investigation submitted to and approved in writing by the local planning authority. This should be secured by an appropriate condition to enable heritage assets within the site to be recorded prior to their destruction. Initially I envisage that this would involve trial excavation which should then inform an appropriate mitigation strategy for further archaeological work, should this be required.

'Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publically accessible.' Policy 199 National Planning Policy Framework (2019)'

*Comments received 04.01.2019:*

Many thanks for sending me the Archaeological Desk Based Assessment, sadly the report hasn't been finished, as there are a number of omissions that have been highlighted as requiring editing. However there is enough information to progress the archaeological comment to the next stage. There is no archaeology recorded on the development site, although this is most likely because this site has not been developed, and therefore not investigated for many hundreds of years. There is the potential for archaeology to survive on this site from the Roman period onwards but the form, importance and survival of any remains is unknown.

Insufficient information is available at present with which to make any reliable observation regarding the impact of this development upon any archaeological remains. I recommend that further information is required from the applicant in the form of an archaeological evaluation to be considered alongside the application. This evaluation should provide the local planning authority with sufficient information to enable it to make a reasoned decision on this planning application.

Recommendation: It is requested that the developer is required to supply more information in the form of an archaeological evaluation to be carried out prior to determination. It is recommended that the evaluation should in the first instance be comprised of geophysical survey across the site. This will then help to identify if and where features of archaeological interest exist and will inform where further intrusive evaluation is required to inform the application to identify the nature, extent and significance of any archaeological features on the site.

'Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publically accessible.' Policy 199 National Planning Policy Framework (2018)'

**NSDC Viability Officer (received prior to the amendment of the application reducing the overall no. of units to 320 but not reconsulted as the amendment would not materially alter the advice given) –**

The purpose of the viability assessment is to determine the level of viability of the mixed private and affordable housing scheme being promoted by the Council to determine if the level of affordable housing and S106 infrastructure contributions is reasonable and viable to deliver.

The main premise of the viability appraisal, following advice contained in the NPPF, is that the development should be deliverable, taking account of the full cost impact of planning policies (including affordable housing, CIL and other infrastructure contributions) whilst maintaining a reasonable return to the landowner and developer.

The site is an existing brownfield housing development consisting primarily of Local Authority Housing and a significant area of open space. It is proposed to clear and level the site in four phases to enable existing residents to be relocated within the site and new private housing to be delivered as part of a Council led regeneration project.

### Key Assumptions

<b>GENERAL</b>		
Net Developable Site Area		6.9Ha
Development Scenario		Brownfield (Existing Housing)
Total Unit Numbers		325
<b>AREAS</b>		
Net Residential Sales Area	Houses	18600sqm
	Apartments	6269sqm
Gross Construction Area	Houses	18600sqm
	Apartments	7209sqm
<b>AFFORDABLE HOUSING</b>		
Affordable Housing Delivery Test Parameters		30%
Affordable Housing Tenure Mix		6% Shared Ownership
		37% Intermediate
		57% Affordable Rent
<b>SALES VALUES</b>		
	Houses (average)	£2100sqm
	Apartments	£1900sqm
<b>CONSTRUCTION COSTS</b>		
	Total	£33,384,716
<b>ABNORMAL DEVELOPMENT COSTS</b>		
Abnormal Construction Costs	As set out below	£4,220,000
<b>LAND VALUE ALLOWANCE</b>		
Residual Land Value with Planning Permission		£0
Existing Brownfield Land Use Value		£1,300,000
Share of Uplift in Land Value to Landowner		NA%
Land Value Allowance in Viability Appraisal		£1,300,000
<b>OTHER FEES &amp; COSTS</b>		
Professional Fees		8.0%
Legal Fees		0.5%



Statutory Fees (Planning, Build Regs, Warranties)		1.1%
Sales/Marketing Costs		2.0%
Contingencies		3.0%
<b>FIXED DEVELOPER CONTRIBUTIONS</b>		
CIL		£0
Planning Obligations	Outdoor Sports	£358,296
	Education	£546,240
	Community Facilities	£270,630
	Libraries	£8,732
	Health	£180,500
	Transport	£95,000
<b>FINANCE COSTS</b>		
Interest		5%
Arrangement Fee		1%
<b>DEVELOPMENT PROFIT</b>		
Development Profit Return on GDV		17.5%

### Assumptions Comments

The market sales values proposed by the applicant for the apartments range from £1356-£1603sqm. The proposed market house values range from £1743-£1905sqm. These values are considered low and the appraisal has therefore adopted alternative values based on the research underpinning the Local Plan viability work in 2017 and adjusted to 2019. An average sale value of £1,900sqm has been adopted for the market apartments and £2,100sqm for the market houses.

House Type	Unit No	Unit Size	Sale Sqm	Unit Sale	Total Sale
<b>Private Units</b>					
1B2P Flat Private	23	50	£1,900	£95,000	£2,185,000
2B4P Flat Private	49	71	£1,900	£134,900	£6,610,100
2B4P House Private	72	71	£2,100	£149,100	£10,735,200
3B5P House Private	67	84	£2,100	£176,400	£11,818,800
4B6P House Private	14	106	£2,100	£222,600	£3,116,400
<b>Affordable Units</b>					
1B2P Flat Aff Rent	23	50	£950	£47,500	£1,092,500
2B4P Flat Aff Rent	7	70	£950	£66,500	£465,500
2B4P House Aff Rent	22	79	£1,050	£82,950	£1,824,900
3B5P House Aff Rent	5	93	£1,050	£97,650	£488,250
3B5P House SO	6	84	£1,470	£123,480	£740,880
3B5P House Intermediate	25	93	£1,470	£136,710	£3,417,750
4B6P House Intermediate	12	112	£1,470	£164,640	£1,975,680
<b>Total</b>	<b>325</b>				<b>£44,470,960</b>

Discounts have been applied to the proposed Affordable Housing units as follows :-

Shared Ownership	70% Open Market value
Intermediate	70% Open Market Value
Affordable Rent	50% Open Market Value

The total value of the scheme including 30% Affordable Housing has been assessed at £44,470,960.

The applicant proposes total base construction costs of £33,384,716 (inc preliminaries, externals etc). This is below comparative BCIS rates which would give a total of £37,077,000. The applicant's construction cost figure has therefore been adopted in the appraisal.

There are significant abnormal costs associated with this regeneration scheme included the clearance of 130 existing houses and re-levelling of the site. The following allowances have been proposed by the applicant and accepted within the appraisal.

Demolition, Clearance and Site Levelling	£1,940,000
Playing Field Works	£1,290,000
Decontamination	£222,500
Archaeological Trenching	£50,000
Abnormal Foundations	£42,500
Surface Water Attenuation	£300,000
Electricity Sub-Station	£75,000
New Road Junction	£250,000
Play Equipment	£50,000

A residual land value appraisal (based on 100% market housing) indicated negative land value. As such the normal benchmarking methodology is not appropriate. A land allowance of £1,300,000 has been adopted in the appraisal based on a nominal allowance of £10,000 per existing residential plot.

The standard fee and cost assumptions adopted by NSDC have been used in the appraisal with the exception of finance costs where the applicant's assumption of £33,962 has been adopted. The developer profit allowance of 17.5% proposed by the applicant has been accepted in the appraisal.

For the purpose of the appraisal the draft Sec 106 Infrastructure contributions are set out in the table above and total £1,459,398. The location carries no CIL charges.

### Viability Results & Conclusions

The application proposes 100 affordable housing units. Normally the 325 unit development would have a 30% overall requirement at 100 units but because 130 existing affordable units are being cleared it is considered that an overall target of 187 is applicable (130 existing units plus 30% of the additional 195 units).

The viability assessment indicates a negative margin of -£8.6 Million.

This less than the applicant's estimate of -£16 Million but nevertheless, solely on viability considerations, there is no scope for additional affordable housing beyond the 30% proposed and there is a case to set aside the proposed S106 infrastructure contributions of £1.45 Million.

### **NSDC Emergency Planning and CCTV Officer –**

*Comments received 27.02.2019:*

Risk of surface flooding near has been identified and associated mitigation measures have been proposed. Should these measures be implemented this is likely to reduce the risk. However I must stress I am not trained in hydrology or in available mitigation measures. It may be appropriate to identify those properties that may be affected by flooding and consider what measures may be required to prevent issues such as flooding caused by vehicles driving through roads affected by surface flooding ( often referred to as bow wave flooding).

Proposed mitigation measures are noted as;

- Raising of FFL – Any development located in area indicated to be potentially at risk of surface water flooding will have raised floor levels above the surrounding ground to reduce the likelihood of water ingress into properties. This will include raising of 150 mm above ground level for areas at low/medium risk and 300 mm for areas at medium/high risk;
- New fit-for-purpose drainage system – Designed with capacity to safely remove surface water from storms up to and including the 1 in 100-year event, plus a 40% allowance for climate change;
- Detailed SuDS and overland flow design – One of the advantages of using above-ground SuDS measures is that overland flow and flood water is much easier to control, and can be engineered to occupy blue-green corridors rather than flooding homes. This will form part of the detailed site masterplanning and design; and
- Design of external area gradients - where possible, will be designed to fall away from buildings, so that any overland flow resulting from extreme events would be channelled away from the entrances.

*Further comments received 27.02.2019:*

Further to my comments which considered the flooding risk to the proposed development the following comments refer to the provision of CCTV.

Newark and Sherwood DC manage, monitor and control a number of public space CCTV cameras providing a visible deterrent to potential offenders and provision of high quality evidence to support investigation and prosecution in the event of any such crime and disorder.

There are currently a small number of cameras within the Yorke Drive estate. These cameras are in need of upgrade and I recommend that plans to do so are considered alongside this development. In addition there are two spaces within the plan that typically attract crime and disorder or fear of such behaviour to the extent that it may reduce the enjoyment and use of those public spaces.

1. The playing fields and children's play area.
2. The car parking area adjoining the playing field area.

Therefore I would advise that the development of the public space utilities includes the provision of bespoke CCTV columns and investment to commission, purchase and deploy high quality CCTV.

**NSDC Access Officer** – As part of the considerations of inclusive access and facilities for all, with particular reference to disabled people, it is recommended that the developer's attention be drawn to Approved Document M of the Building Regulations, which contain useful standards in respect of visitable, accessible and adaptable, and wheelchair user dwellings, and that consideration be given to incorporating 'accessible and adaptable' dwellings within the development. The requirements of a dwelling's occupants can change as a result of illness, accident such as sports injury for example, disability or ageing giving rise to reduced mobility or

increasing sensory loss. In order to meet these changing requirements, homes need to be accessible to residents and visitors' alike as well as meeting residents' changing needs, both temporary and longer term. Similarly, inclusive access improves general manoeuvrability for all including access for those with push chairs and baby buggies as well as disabled people etc.

It is recommended that disabled persons and wheelchair users' access to, into and around the dwellings on all floors be carefully examined. External pathways to and around the site should be carefully considered and designed to accepted standards to ensure that they provide suitable clear unobstructed access to the proposals. In particular, 'step-free' access to and into the dwellings is important with reference to the topography of the site and an obstacle free suitably surfaced firm level and smooth 'traffic free' accessible pedestrian pavement route is essential to and into the dwellings from facilities such as car parking and from the site boundary. External footpaths to and around the site should be incorporated and carefully designed to accepted standards to ensure that they provide an integrated network of 'traffic free' pedestrian pavements around the site without pedestrians being required to walk along roadways. Pedestrian routes should be barrier free. It is recommended that inclusive step free access be considered to garden areas, open spaces, parks, amenity spaces and external features. Car parking provision for disabled motorists should be considered. BS8300 gives further information regarding design, layout and proportion

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

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

**7 letters of representation have been received from neighbours/interested parties (two of which are from the Newark Sports Association) which can be summarised as follows:**

Principle of Development:

- Overdevelopment – there has been a 79% increase in population in the Bridge Wards in the last 10 years;
- There is an under provision of amenity green space and outdoor sports space in the area;
- The relevant policies are not robust and are out of date so the land should not be built on;
- The application fails to take account of local strategies to improve health including the Green Spaces Strategy 2013 and Sports and Physical Activity Strategy 2018-21;
- Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements. There is not a robust and up to date assessment that demonstrates that the land is surplus to requirements and so the land should not be built on.
- this is the last green space of any size in the area and will result in a shortfall based on population size;
- development is good for the council tenants and believe it is much needed. However, it is not necessary to demolish No. 54 which has been well looked after and improved in the past and will result in a personal loss and loss of cost to the current occupier.

#### Highways:

- Further clarification with regards to the number of car parking spaces in light of proposed pitch usage required. There are 3 full size football pitches and 2 5-a side pitches. If the 3 full size pitches are in use there could be 100 (players and team staff) participants and additional support present.
- Newark is already overburdened with traffic with queues from traffic existing the industrial estate.
- Lincoln Road is already unable to cope with the volume of traffic;
- Putting a road between the housing estate and the children's play area and surrounding green space with housing is an obvious danger;
- The country council has opportunity to build an escape road from Jessop Way.

#### Visual Amenity:

- Detrimental impact of the loss of the playing fields on the character of the area;
- 3 or 4 storey blocks would be completely out of character with existing housing along Lincoln Road and be counter-productive to the aim of improving the living conditions of everyone in the Yorke Drive area and integrating the community;
- the increase in building heights in the revised plans is designed to compensate for loss of planned units due to the more limited expansion of the site onto recreational areas – the project is of unacceptably high density for the land available.

#### Residential Amenity:

- Light and noise pollution on the residents at the end of Middleton Road and Emmington Avenue (for the sake of profit);
- Exhaust emissions are linked to some severe illnesses in our children from busy roads and traffic queues;
- The additional height of housing requiring a much greater sound barrier seems completely irrational; if the noise is unacceptable for people living in nearby houses then surely it must cause equal, if not greater, discomfort for anyone living in higher blocks. Is it possible that these blocks are themselves being considered as sound barriers for the rest of the housing? This would instantly create inequality on the estate which would be totally unacceptable;
- The traffic noise from Lincoln Road is not so intrusive since recent reduction of the speed limit to 30 mph but 4 storey buildings along one side of Lincoln Road will act as a sounding board and bounce the traffic noise back, causing more of a noise problem to the existing housing across the road.

#### Other:

- The environmental impact will be very damaging. Mature trees have already been lost nearby. This makes it important for a traffic free area to be retained;
- The consultation was deeply flawed as users of the playing fields were not consulted – residents from the surrounding area were not allowed to participate or talk through operations with the Yorke Drive community;
- There are not, and never have been, planning notices on the playing fields and the green space;
- Residents with properties adjacent to the proposed development area have not even been notified, yet we are told that residents of the Yorke Drive estate are already being offered payments to leave their homes, even though the planning application has not yet been decided;

- The project would not change the behavior/trouble caused by a small percentage of residents – putting the playing fields in the middle of the estate would create a no go area making them inaccessible to users from outside the estate;
- The footpath to the rear of Middleton Road is a source of anti-social behaviour. It appears to be remaining on the proposals but would appear to go nowhere.

### Comments of the Business Manager

#### **The Principle of Development**

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

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

The proposal site is located in Newark, a Sub Regional Centre, allocated for development in the Core Strategy (adopted 2019) under Spatial Policy 1 and Spatial Policy 2. The site forms Housing Site 4 as identified in Policy NUA/Ho/4 of the Allocations and Development Management DPD (adopted 2013). The DPD confirms the site is allocated for regeneration and redevelopment through a comprehensive scheme of regenerating existing housing and developing new stock in a coordinated and sustainable manner.

The submitted Affordable Housing Statement confirms that the reputation of the estate is generally poor and in terms of the national Index of Multiple Deprivation, the estate falls in the top 20% of most deprived areas in England. The proposals for regeneration of the estate originated from the Bridge Ward Neighbourhood Study undertaken for the Council in 2012. The Council secured funding from the Government's Estate Regeneration Fund in 2017 to revive the Neighbourhood Study proposals, as a consequence of which further masterplanning has been carried out in the area in 2018, utilising extensive public consultation to help develop proposals.

Policy NUA/Ho/4 sets out a detailed approach for the bringing forward of the site. This approach requires the proposals to be presented as part of a Masterplan which will:

- i. Include proposals for improved linkages between the policy area and the wider Bridge Ward including Lincoln Road and Northern Road Industrial Estates;*
- ii. Include proposals for phasing and delivery methods for the redevelopment;*
- iii. Meet the general policy requirements in the Core Strategy and the Development Management Policies in Chapter 7, with particular reference to DM Policy 2 Allocated Sites and Policy DM3 Developer Contributions and Planning Obligations; and*
- iv. Facilitate pre-determination archaeological evaluation and post-determination mitigation measures.*

*Within the existing Yorke Drive Estate the Master Plan will provide for the following:*

- i. Removal of poorer quality housing and replacement of new dwellings;*
- ii. Change of housing type to increase mix of tenure and range of housing; and*
- iii. Improvements to the layout and public realm of the estate;*

*Within the Lincoln Road Playing Field the Master Plan will address the following;*

- i. *Suitable playing pitches are retained to meet the requirements of Spatial Policy 8; and*
- ii. *Additional access is provided to the site via Lincoln Road.*

*In allocating this site for housing development it is anticipated that approximately 230 net additional dwellings will be developed.*

Through the site's inclusion as part of the allocation NUA/Ho/4 the principle of development in this location has therefore been established and a masterplan for the site has been produced which aims to address the approach set out above.

It is therefore important that the detail of the proposal is able to satisfy the relevant aspects of the District's development plan with the addressing of the requirements of the site allocations policy particularly important in this respect. This includes consideration of a number of complex issues including whether the proposal would fulfil the requirements for the provision of suitable playing pitches; results in a satisfactory housing mix (having regard to displacement and provision of affordable housing); makes an adequate contribution towards infrastructure requirements; illustrates a satisfactory layout and relationship between existing and proposed uses is achievable and adequately addresses any site specific constraints including ecology, archaeology and contamination. As such, the principle of development is considered acceptable in principle subject to an assessment of all relevant site specific considerations.

#### Impact on Existing Open Space / Playing Fields

Policy NUA/Ho/4 requires '*suitable playing pitches are retained to meet the requirements of Spatial Policy 8*'. As such, there is an acceptance in principle, that some of the existing field would be lost to accommodate development. Spatial Policy 8 states that the loss of existing community and leisure facilities will not be permitted unless it can be clearly demonstrated that:

- Its continued use as a community facility or service is no longer feasible, having had regard to appropriate marketing (over an appropriate period of time and at a price which reflects its use, condition and local market values), the demand for the use of the site or premises, its usability and the identification of a potential future occupier; or
- There is sufficient provision of such facilities in the area; or
- That sufficient alternative provision has been, or will be, made elsewhere which is equally accessible and of the same quality or better as the facility being lost.

#### *Formal Requirements – playing fields*

Spatial Policy 8 is broadly consistent with the more detailed guidance specifically in relation to planning fields contained within the Sport England Playing Fields Policy and Guidance Document (March 2018). This states that Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of a playing field unless the development meets one or more of five exceptions.

Revised plans have been submitted to overcome the original concerns raised by Sport England which omit two apartment blocks from the Illustrative Masterplan to increase flexibility of proposed pitch layouts and to increase the space around the pitches to reduce the likelihood of potential conflict between users. In response to the Sport England comments received on 12.03.2019, a Sport England Response Addendum (March 2019) was also submitted by the Applicant changing the angle of the parkland entrance point at Whittle Close to discourage people

crossing the playing field site. Following the submission of amended plans, Sport England (see full comments are set out in the Consultations section above) consider the proposal would meet the following exception(s):

E1 A robust and up-to-date assessment has demonstrated, to the satisfaction of Sport England, that there is an excess of playing field provision in the catchment, which will remain the case should the development be permitted, and the site has no special significance to the interests of sport.

And in part Exception 4 which states:

E4 The area of playing field to be lost as a result of the proposed development will be replaced, prior to the commencement of development, by a new area of playing field:

- of equivalent or better quality, and
- of equivalent or greater quantity, and
- in a suitable location, and
- subject to equivalent or better accessibility and management arrangements.

The existing playing fields are used by Fernwood Foxes FC which has approximately 9 various aged junior teams. The submitted Design and Access Statement states that the illustrative Masterplan aims to *'replace a relatively monofunctional, insecure and underused offer of football pitches with a safe and attractive park. The park will not only provide for the needs of current pitch users in an improved way but also opens up the amenity to a wide range of others'*.

The Illustrative Masterplan has been developed to include the provision of an area equivalent in size to three full size 11v11 pitches, plus two 5v5 pitches but with various flexible pitch sizes marked out within each 11v11 pitch to meet the needs of Fernwood Foxes at that specific time. This provision reflects the baseline position for pitch provision at Lincoln Road as set out in the Newark and Sherwood District Council Playing Pitch Strategy 2014 and Review 2016/17. The Playing Pitch Strategy Assessment 2014 states that Lincoln Road has 3 adult pitches which are poor quality and underused. The Playing Pitch Strategy (and Review) are considered to be up to date for Exception 1 purposes alongside an existing understanding that the Playing Pitch Strategy defines a quantum of playing field which should be retained and upgraded for formal sports use. The remaining area is currently underutilised for formal sport (and in part is currently not of sufficient quality to be used as formal playing field hence the reason why improvements to its quality would in part meet Exception 4). Sport England have commented that the *'amendments to the proposal have enabled more playing field area to be retained which is an increase over and above the area defined in the playing pitch Strategy'*.

The new pitch layout would also have improved levelling and drainage, and be provided with appropriately selected turf for enhanced durability. All posts would be demountable with storage facilities available in the new pavilion. An improved and increased size of pavilion is also proposed and would provide changing room facilities and other benefits to the users of the playing fields. Whilst not relevant to the Sport England view, I also note that three storey dwellings are proposed to the north of the proposed playing fields to provide the permanent passive surveillance that the playing fields currently lack.



Overall, Sport England raise no objection to the proposal subject to conditions relating to the phasing and provision of playing pitches and pavilion, securing improvements to its quality and its future maintenance.

#### *Informal Requirements – open space*

As well as meeting formal requirements, it is important that the informal requirements for the existing population and the net increase in population is also considered.

As explained in the 'Developer Contributions' section below, the area of amenity open space proposed exceeds the requirement for 330 units proposed in the Illustrative Masterplan, albeit falling short in relation to the provision for children and young people. What this does not necessarily account for is the existing open space deficits wider than the development site as set out in the Green Spaces Strategy 2007-12 and the Green Space Improvement Plans 2010. The Bridge Ward Improvement Plan highlights a deficit in amenity greenspace (informal open space). In relation to the provision of informal open space within the development site, it is aimed to increase the usage through the provision of a 600m surfaced path around the perimeter of the pitches with outdoor exercise equipment, natural wildflower planting and habitat areas are also proposed. The proposal would however undoubtedly lead to the loss of a quantum of existing informal open space and given the wider deficits identified, it is difficult to conclude that there is sufficient provision of such facilities in the area in accordance with the requirements of Spatial Policy 8 of the Core Strategy.

With respect to children and young people's provision - the provision of a play area (LEAP) next to the new pavilion (where there is currently no children's and young person's provision) and the addition of seating and through a number of LAP locations throughout the estate (playable space for under 5 year olds) is proposed. Whilst the level of provision falls short of developer contribution requirements this nevertheless represents a new provision. It is noted that there was a skatepark located on site historically, however I understand that this has not been in use for a number of years and this has not therefore formed of the assessment against Spatial Policy 8.

The issues around informal open space and children and young people's provision must however be balanced against the acceptance of the development through the site's allocation for development, as set out in Policy NUA/Ho/4, in order to deliver regenerative benefits to the existing estate. Delivery of estate renewal will support significant social and environmental benefits, and as such should be afforded significant weight as part of the planning balance. In addition losses in the quantum of open space are capable of being mitigated through the proposed improvements to quality - which could support increased usage. Sport England has also concluded 'that the proposals to improved playing field quality should provide a more resilient area to cope with both formal and informal demands'. On balance, the proposal is therefore considered to strike an appropriate balance between the requirements of Policy NUA/Ho/4 and Spatial Policy 8 of the Core Strategy.

#### Density/Housing Mix/Phasing

Policy NUA/Ho/4 requires removal of poorer quality housing and replacement of new dwellings and change of housing type to increase mix of tenure and range of housing. Proposals should also include phasing and delivery methods for the redevelopment. The policy also anticipates that approximately 230 net additional dwellings will be developed.

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

Paragraph 122 of the NPPF states that “Planning policies and decisions should support development that makes efficient use of land, taking into account:

- a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;
- b) local market conditions and viability;
- c) the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;
- d) the desirability of maintaining an area’s prevailing character and setting (including residential gardens), or of promoting regeneration and change; and
- e) the importance of securing well-designed, attractive and healthy places.

*Density*

It is recognised that the precise level of development would be a matter reserved for subsequent determination, the application does however suggest that 190 net additional homes are proposed and 130 houses would be demolished and replaced. The net additional figure is less than the 230 requirement set out in Policy NUA/Ho/4. However, this was an approximation and it is not considered that the reduced amount of additional homes provided is fatal to the scheme overall provided that the remaining objectives of Policy NUA/Ho/4 can be complied with. An indicative density in excess of 45 dwellings per hectare is proposed on the site which would be in keeping with the character of the area and in accordance with the minimum density required by Core Policy 3.

*Existing Mix and Type*

13 of the 130 properties to be demolished are privately owned and will need to be acquired by the Council. The existing mix and type of dwellings affected by the proposal is as follows:

<b>Phase</b>	<b>Tenure</b>	<b>1 bed</b>	<b>2 bed</b>	<b>3 bed</b>	<b>4 bed</b>
Phase 1	Rent	0	0	4	0
	Private	0	0	2	0
Phase 2	Rent	31	0	39	2
	Private	0	0	3	0
Phase 3	Rent	8	1	31	1
	Private	0	0	8	0

*Proposed Mix and Type*

I am mindful that the layout plan submitted is only indicative and therefore the housing mix may change when the precise mix of dwellings is determined as part of the reserved matters

application. Of the 320 additional and replaced homes, the following housing mix is proposed in the indicative masterplan layout:

	<b>Overall No of dwellings</b>
1 bed (flat)	48 (15%)
1 bed (house)	0
2 bed (flat)	54 (17%)
2 bed (house)	94 (29%)
3 bed	98 (31%)
4 bed	26 (8%)
<b>TOTAL</b>	<b>320</b>

The illustrative mix proposed is for 92% 3-bed dwellings or smaller. This is likely to help address the housing need of the district and is also likely to increase the mix of tenure and range of housing of the Yorke Drive estate overall.

I note that it is currently proposed that 31.25% of the 320 additional and replaced homes would be affordable which would equate to the provision of 100 affordable dwellings. Whilst the precise mix of affordable and market dwellings is unknown at this stage, it is understood that priority will be given to meeting the needs of residents displaced as part of the development.

Core Policy 1 refers to the proposed tenure mix which is 60% social rented housing and 40% intermediate housing (Shared Ownership). The SPD indicates in Para 3.12 that *'the Council recognises that some schemes may be put forward that propose to deliver the Government's new Affordable Rent Model. In these cases, the Council will take a pragmatic approach to tenure and will take account of factors such as affordability issues, viability, subsidy availability and the contractual requirements of the Registered Provider involved with the scheme'*. The Affordable Housing Statement submitted with the application states that there are currently 100 new rented and intermediate sale homes proposed, however *'it should be noted that the level may change once a Housing Need Survey has been carried out and detailed discussions have taken place with residents affected about their rehousing needs. The affordable element may be flexed if this proves necessary or may be increased if additional funding becomes available'*.

There would be a net loss affordable housing provision across the Yorke Drive estate overall given that 117 existing affordable dwellings are to be demolished. The loss of affordable housing units is material to the planning decision. Whilst this is not necessarily contradictory to the requirements of NUA/Ho/4 which seeks to increase the mix of tenure and range of housing on the estate overall to ensure its successful regeneration, this does not represent the best case scenario in planning terms which would be to fully replace the affordable units in quantum like for like, plus 30% of the net additional dwellings to be affordable.

Whilst I understand that the affordable housing provision on this site is complex and highly influenced by the overall viability of development (considered in more detail in the 'Developer Contributions' section below), this does create some conflict with Core Policy 1 of the Core Strategy which requires 30% of new housing to be affordable. Whilst approximately 30% of net additional housing would be affordable, this is only the case when the existing affordable does not form the basis of the calculation and is therefore an issue which must be weighed in the overall planning balance alongside the benefits of the scheme and the associated viability issues.

This issue is further justified by the Applicant as follows:

*'A household survey carried out in February and March 2018 indicated that approximately 80% of residents would want to remain in the area. On this basis it is assumed that on the basis of the Resident Offer:*

- *Phase 1 and 2: 61 tenants would require new rented homes*
- *Phase 3: 33 tenants would require new rented homes*

*In addition (and based on experience of other regeneration schemes) it is assumed that 5 of the 10 owner-occupiers would require a shared equity or shared ownership option to be able to buy a new market sale home in the area.*

*Rounded up from 99 to 100 new rented and intermediate sale homes this would represent a requirement for 30.76% of the total new homes to be affordable. However, it should be noted that the level may change once a Housing Need Survey has been carried out and detailed discussions have taken place with residents affected about their rehousing needs. The affordable element may be flexed if this proves necessary or may be increased if additional funding becomes available'.*

#### *Phasing*

The submitted Affordable Housing Statement confirms that *'phases and provision of affordable housing have been primarily geared to facilitate decanting of residents. It is assumed that development would commence with new rented housing on the playing field in Phase 1, so that existing residents from Phase 2 can be rehoused into the completed units. The rolling programme would continue with residents from Phase 3 being rehoused into the new homes built on Phase 2.....It is assumed that residents in Phase 1 whose homes are required to open up the new road access from Yorke Drive can be rehoused into early completions in Phase 1 itself or accommodated temporarily elsewhere'.*

In order to ensure that the affordable housing is delivered in a timely manner and that full consideration is given to the occupants displaced through proposed demolition, it is recommended that a condition be imposed to include a detailed schedule including details of housing mix, tenure need and a broad timetable outlining the approach to the re-housing of existing residents and demonstrating how this has been integrated into delivery of the scheme.

#### *Summary*

Overall, I have no concerns with regards to the density or mix of development and it complies with the aims of Policy NUA/Ho/4 which requires the removal of poorer quality housing and replacement of new dwellings and change of housing type to increase mix of tenure and range of housing. This is subject to a condition requiring details of final housing mix at reserved matters stage including further details of the approach to re-housing of existing residents. The proposal would also contribute to the need for smaller units that is required in this district as acknowledged by Core Policy 3.

## Impact on Visual Amenity

Policy NUA/Ho/4 requires development to improve the layout and public realm of the estate. Core Policy 9 requires new development proposals to demonstrate a high standard of sustainable design that both protects and enhances the natural environment. Policy DM5 requires the local distinctiveness of the District's landscape and character of built form to be reflected in the scale, form, mass, layout, design, materials and detailing of proposals for new development. The NPPF supports development that makes efficient use of land, taking into account a number of factors including the identified need for different types of housing and the importance of securing well-designed, attractive and healthy places.

The site is predominantly located amongst 20<sup>th</sup> century development and there is a variety and intensity of modern housing and commercial development in the vicinity. There would be a mix of style, design and size of dwellings with a mixture of red brick, reconstituted stone or white brick dressings and cleanly detailed gables proposed. Dwelling types are envisaged as a mixture of detached, semi-detached and terrace houses together with small blocks of flats. Given the mixed use nature of the surrounding area, the proposed plot sizes are generally considered to be in keeping with the character of the area.

The use of front gardens, verges and street trees to promote a green character of the public realm across Yorke Drive, in addition to the provision of amenity green space is proposed on site (see Developer Contributions section below) to include a perimeter path and outdoor gym and natural play trail which would help to increase use of the existing open space. The hedgerow and trees are an important feature along this part of Lincoln Road and the Illustrative Masterplan indicates they would be retained (see further commentary in relation to Impact on Trees below).

The 'Buildings height' parameter plan contained within the Design and Access Statement states that buildings would be 2-3 storey albeit they could be up to 4 storey along the Lincoln Road frontage and adjacent to the playing fields/business park. The illustrative masterplan does however show these buildings to be 3 storey. Whilst precise details of height of the proposed dwellings is a matter reserved for subsequent approval, I do not consider 4 storey dwellings along the Lincoln Road would be in keeping with the character of the street scene, particularly as there is a retained bungalow development immediately to the south of the site also located alongside Lincoln Road. As such, it is considered appropriate to impose a condition to ensure that proposed dwellings do not exceed 3 storeys in height along the Lincoln Road frontage. Proposed dwellings adjacent to the playing fields/business park are however capable of accommodating taller development and would help to address the transition from the industrial estate to the residential area.

In many instances, proposed parking is indicated to the front as opposed to the sides of dwellings. However, I am also aware of the intention to break this up as much as possible with soft landscaping/careful consideration of surfacing as demonstrated through the submission of indicative street scenes.

The detailed layout, scale, appearance and landscaping are matters to be considered at the reserved matters stage. Notwithstanding the issue of buildings heights along the Lincoln Road frontage I consider that the Illustrative Masterplan demonstrates a quantum of development that is acceptable in both visual amenity terms and in demonstrating a layout which improves the layout and public realm of the estate. Overall, the outline details submitted are considered acceptable and in compliance with Policy NUA/Ho/4, Core Policy 9 and Policy DM5 of the DPD. It is

recommended that the development should be conditioned to require that the reserved matters applications broadly reflect the submitted Illustrative Masterplan.

### Impact on Residential Amenity

Policy DM5 of the DPD states that development proposals should ensure no unacceptable reduction in amenity including overbearing impacts and loss of privacy upon neighbouring development. The NPPF promotes ‘an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions’.

The detailed design and layout are matters to be considered at the reserved matters stage. However, I still need to be convinced that the Illustrative Masterplan indicates a quantum of development that is considered acceptable in residential amenity terms at the outline planning stage. The application site is located in a mixed use area close to an industrial estate with proposed houses located close to the playing fields which can be a noise source also.

### *Neighbouring Uses - Proximity to Business Park*

The submitted Noise Impact Assessment identifies a noise source on the roof of a neighbouring industrial building on Brunel Drive (Daloon Foods) comprising extract fans and a collection of compressors and refrigeration units. At present, the plant is in operation between the hours of 05:00 and 21:00 on weekdays. There is currently no weekend working. For the purposes of the Assessment, a worst-case scenario of the plant running 24/7 has been assumed to allow for future changes. A daytime noise level of 60 dB LAeq, 16hr and night time noise level of 58dB LAeq,8hr were measured at the boundary of the development site nearest to the Daloon Foods plant (see diagram below).



Figure 3 Noise Contours-No Mitigation Measures

World Health Organisation (WHO) guidelines suggests that for steady external noise sources, during the day, an internal noise level of 35 dB LAeq,T is appropriate for resting conditions within

living rooms and bedrooms and a level of 40 dB LAeq,T is applicable to dining rooms. During the night, an internal noise level of 30 dB LAeq,T is recommended within bedrooms. Guidance further states that *'for traditional external areas that are used for amenity space, such as gardens and patios, it is desirable that the external noise level does not exceed 50 dB LAeq,T, with an upper guideline value of 55 dB LAeq,T which would be acceptable in noisier environments. However, it is also recognized that these guideline values are not achievable in all circumstances where development might be desirable. In higher noise areas, such as city centres or urban areas adjoining the strategic transport network, a compromise between elevated noise levels and other factors, such as the convenience of living in these locations or making efficient use of land resources to ensure development needs can be met, might be warranted'*.

The noise levels at the nearest proposed dwellings to both Daloon Foods and Lincoln Road would exceed these levels. For the reasons set out above, the noise levels to be experienced by dwellings fronting Lincoln Road by virtue of traffic noise is not considered to be materially worse than the levels experienced by the existing dwellings to be replaced. The Indicative Masterplan shows that proposed dwellings would front onto the road (as opposed to backing onto it in some instances currently) which would represent an improvement to the noise levels experiences within private amenity areas.

However, to propose additional dwellings adjacent to an existing noise source at Daloon Foods requires careful consideration and I concur with the views of the Environmental Health Officer that the proposed apartments nearest to this source would suffer adverse noise impacts to the detriment of the future occupiers of these dwellings without mitigation. The Design and Access Statement confirms that it *'may be necessary for bedrooms facing the noise source to have the option of mechanical ventilation, to avoid noise disturbance on warm nights when occupants would otherwise open windows'*. I disagree AND consider that in order to experience adequate amenity levels, occupants of these dwellings should be able open their main habitable room windows. Similarly, any shared outdoor amenity areas need to be protected. As a consequence, the Applicant has suggested the following mitigation measures:

- The installation of in-duct attenuators for fans
- Additional plant noise screens (i.e. noise barriers) on the roof

With the addition of these mitigation measures, the proposed noise levels in the gardens adjacent to Daloon Foods are predicted to fall within the desired noise criteria of 50 dB LAeq,T and consequently, the noise levels within the proposed dwellings would also be acceptable (see diagram below).



Figure 5 Noise Contours-With Mitigation Measures

Whilst the proposed mitigation measures are considered to be acceptable, it is not considered possible to secure these measures either by condition or as part of a legal agreement as Daloon Foods falls outside of the application site and is not within the control of the Applicant. As such, the Applicant has commissioned that these mitigation measures are undertaken prior to the issuing of a planning application decision. As such, Members will note that the resolution to Planning Committee includes a clause which states that should Members be minded to approve the application that this should first be subject to confirmation being received that the mitigation measures have been implemented.

#### *Proximity to playing fields/play area*

Best practice advice contained within 'Planning and Design for Outdoor Sport and Play' states that there should normally be a minimum of 20 metres provided between the activity zone of a Locally Equipped Area for Play (LEAP) and the habitable room façade of the nearest dwelling. In this case, the Illustrative Masterplan indicates a separation of 20 metres which should ensure no adverse impact upon the occupants of the future residents by virtue of any noise impacts would result. It is noted that the submission documents state that this area would be a Neighbourhood Area Equipped for Play (NEAP) which contained play equipment for older children also. However, given the proximity of future residential properties and the fact that the fitness trail will be suitable for older children, it is considered that a LEAP is more appropriate in this location. Given the proximity of built development and roads infrastructure to the sports pitches, the submitted Design and Access Statement states that a tree planted bund of approximately 1m in height would be proposed along the most vulnerable edges of the pitches. This would prevent balls from leaving the pitches and provide a sense of enclosure to the pitches, and prevent vehicles from entering. Additional ball stop fencing may also be required in localised areas behind goal mouths.

#### *Relationship between Dwellings*

The 'Overlooking and Proximity Plan' contained within the submitted Design and Access Statement confirms that proposed dwellings would maintain a minimum distance of 21 metres between main habitable room windows and 13 metres between main habitable room windows and blank elevations where possible. However, from assessing the Illustrative Masterplan, it appears that this



distance is lower in a small number of instances e.g. a distance of only 16 metres is proposed between front to front elevations albeit this relationship is across a public estate road which reduces my concern. The distance between main habitable rooms and blank elevations reduces to 10.5 metres in some instances. This issue would need to be considered in greater detail when the reserved matters of appearance, layout and scale are applied for, however, I am satisfied that an acceptable solution can be achieved.

Notwithstanding the resolution to Planning Committee with regards to noise mitigation below, overall the illustrative layout provides sufficient certainty that the objectives of Policy DM5 can be achieved.

### Impact on Flood Risk and Drainage

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

All of the sites are located with Flood Zone 1 on the Environment Agency's mapping relating to flooding from rivers and sea and therefore under the definitions within the NPPF in an area of low probability for flood risk.

Consideration of surface water impacts also need to be addressed. An amended Drainage Strategy was submitted with the application to overcome the original concerns raised by the Lead Local Flood Authority (LLFA) to ensure a robust surface water strategy in order to prevent any significant changes being required at a later stage in the planning process. Currently, surface water from the site drains via a conventional network of below ground drainage which removes surface water and discharges to the public sewer network to the south of the development area. As part of the area redevelopment, it is proposed to provide a new fit-for-purpose drainage and SuDS system to manage surface water across the development in line with current best practice and policy. It is recommended that floor levels are to be set at either 150mm or 300mm above finished floor level dependent on surface water risk.

Amendments required by the LLFA include more detail regarding a potential gravity connection to the watercourse along Brunel Drive; updating hydraulic calculations to include the permeable playing fields area; confirming that the use of infiltration will be re-visited once infiltration testing/GI is available; clearly stating the approach of attenuating to greenfield rate; making reference to the need to consider exceedance flows and flow paths to ensure properties are not put at risk of flooding and acknowledging that the use of SuDS must include details showing how these will be maintained to ensure their effectiveness for the lifetime of the development.

In relation to foul sewage, the existing estate is served by a separate foul drainage system, and where possible this will be retained subject to being inspected for condition. The existing connection to the wider public network will be retained with new foul sewerage provided to supplement the existing where required.

The LLFA raises no objection to the amended Drainage Strategy subject to a condition requiring detailed drainage plans being submitted and approved by the Local Planning Authority prior to the commencement of development.

Subject to this condition, I am satisfied that the proposed development would not result in any increased flood risk and would pro-actively manage surface water in accordance with the requirements of Policy DM5 and Core Policy 9.

#### Highway Matters including Public Rights of Way

Policy NUA/Ho/4 requires *'improved linkages between the policy area and the wider Bridge Ward including Lincoln Road' and Northern Road Industrial Estates and 'additional access is provided to the site via Lincoln Road'*. Spatial Policy 7 of the Core Strategy seeks to ensure that the vehicular traffic generated does not create parking or traffic problems. Policy DM5 of the DPD requires the provision of safe access to new development and appropriate parking provision.

The indicative masterplan appears to broadly comply with the requirements of Policy NUA/Ho/4 with an additional access via Lincoln Road a key part of the proposal. Details of access have been submitted for approval as part of this application. This access would be in the form of a priority junction with right hand turning lane for access and egress from the junction.

The Design and Access Statement confirms that the proposal is *'expected to generate 207 two-way vehicle trips in the AM Peak and 229 two-way vehicle trips in the PM Peak. The majority of trips are existing trips that are already generated by the estate, as the new dwellings will account for less than 40% of the total trip generation following the completion of the works. The frequency of departures in the AM Peak and arrivals in the PM Peak respectively equates to approximately 2 vehicles per minute. Given that a new access to the estate via Lincoln Road will be constructed as part of the development proposals, the additional trips will be spread between the new and existing accesses to the estate'*.

The indicative Masterplan proposes 610 parking spaces within the application site. 68 parking spaces are proposed within the reconfigured parking area along the western edge of the playing field to cater for match day demand.

There is an existing Public Right of Way around the perimeter of the site. All existing public right of way connection points to the surrounding area would be retained. However, the Illustrative Masterplan shows that parts of the route of the existing rights of way would require diversion. It is recommended that details of this diversion are required by planning condition.

The full comments of the Highways Officer are set out above under consultation responses. I note that they originally raised concern in relation to the submitted application documents that highway safety concerns had not been satisfactorily addressed. As a result of these comments, the Applicant submitted a proposed junction drawing which now shows a single egress with a lane width of 3.7 metres with radii of 10 metres. The visibility to both left and right is in excess of 56 metres accounting for the speed limit of 40 mph on Lincoln Road and a swept path analysis of the junction showing all turning manoeuvres has been submitted which is considered acceptable. The modelling undertaken indicates enough capacity at the junction.

The Highways Officer note in their comments that traffic generation and distribution would be acceptable having regard to the fact that the estate would benefit from two access points as opposed to one currently. Highways England raise no concern in relation to the potential for increased traffic accessing the A46 roundabout. Whilst the Highways Authority note concerns in relation to increased traffic flows on Lincoln Road, they also note that a severe impact cannot be demonstrated as a direct result of this proposal. As a consequence, Highways Authority raise no

objection to the application subject to conditions.

A Travel Plan has been submitted with the application albeit final confirmation that this document is acceptable has not been received from the Highways Officer. As such, it is recommended that a planning condition be imposed to ensure its completion.

I am therefore satisfied that the proposed access arrangements would meet the requirements of Policy NUA/Ho/4 in terms of providing improved linkages including access to Lincoln Road and the level of development and would not result in any adverse impact upon highway safety in accordance with Spatial Policy 7 of the Core Strategy.

### Impact on Ecology and Trees

Core Policy 12 of the Core Strategy seeks to secure development that maximises the opportunities to conserve, enhance and restore biodiversity. Policy DM5 of the DPD states that natural features of importance within or adjacent to development sites should, wherever possible, be protected and enhanced. Paragraph 118 of the NPPF includes that opportunities to incorporate biodiversity in and around developments should be encouraged.

#### *Ecology*

I am mindful that the NPPF states at paragraph 175 that 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. Equally I am aware that paragraph 99 of Government Circular 06/2005 states that:

*“It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances...”*

A Preliminary Ecological Appraisal, Preliminary Bat Roost Assessment and Bat Mitigation Plan have been submitted with the application. No impacts from the Proposed Development are envisaged on the nearest designated and non-designated sites, due mainly in part to distance and topographical barriers such as road and rail infrastructure and dense residential housing and industrial sites.

The Phase 1 habitat survey confirms that the site comprises two distinct areas – a housing estate and open space containing managed grassland and an overgrown species-rich hedgerow. In relation to protected species no recommendations have been given in respect to amphibians. However, the survey highlights the potential presence of a number of protected species. In relation to badgers, no evidence of badger sett was found and habitat does not exist within the survey area for the construction of a sett, so no further recommendations are proposed. In relation to hedgehogs and birds, vegetation clearance of trees scrub and garden clearances are to be undertaken at specific times during the winter months to avoid disturbance of breeding birds and hibernating hedgehogs. A condition should be imposed to ensure a mitigation scheme for implementing these measures is secured.

In relation to bats, the roost assessment states that certain buildings (approx. 20) to be demolished have moderate or low potential for bats with emergence surveys recommended. Local Planning Authorities are required to consider the likelihood of a license (required if bats are found) being granted when determining a planning application and would need to have in mind the three tests set out in Regulation 53 of the Habitats Regulations if required, 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 accordance with the advice received from Nottinghamshire Wildlife Trust, it is therefore considered appropriate for these emergence surveys to take place before a decision is issued so that the full extent of impact and required mitigation measures are known upfront. As such, the Applicant has commissioned that these surveys are undertaken prior to the issuing of a decision on the planning application. As such, Members will note that the resolution to Planning Committee includes a clause which states that should Members be minded to approve the application, this should first be subject to confirmation that delegated authority is given to Officers to await and assess the results of the emergence surveys and to impose the addition of any planning conditions with regards to bat mitigation as required.

*Trees and hedgerow*

There are a number of existing trees within the application site. The submitted Arboricultural Survey identifies a total of 112 trees/groups/hedgerows within the application site as follows:

	Total	A - High quality trees whose retention is most desirable.	B - Moderate quality trees whose retention is desirable.	C - Low quality trees which could be retained but should not significantly constrain the proposal.	U - Very poor quality trees that should be removed unless they have high conservation value.
Trees	82	5	50	22	5
Groups	27	0	20	7	0
Hedgerows	3	0	0	3	0
Total	112	5	70	32	5

It is anticipated that a number of trees would be removed to accommodate the Illustrative Masterplan as follows:

Quality Category	Trees proposed for removal due to development	Total number of removals per category	Percentage of removals
A	T21, T22	2	1.8%
B	G6, G7, G8, T18, T20, T23, T26, T30, T35, T36, T38, T41, T42, T43, T45, T80	16	14.2%
C	G5, T44, T54, T55, T82	5	4.5%
U	T17, T19, T24, T26, T28	5	4.5%
Totals	N/A	28	25%

Overall, approximately 25% of the total arboricultural resource will have to be removed to implement the development proposals

Some of these trees are contained within groups considered to have low amenity value. However there are 18 Category A and B trees/groups to be removed. The two category A trees indicatively identified for removal are located close to the Lincoln Road frontage in the position of a proposed internal access road. The Category B trees are scattered through the estate and where removal is required it is because they do present constraints to the demolition and construction phase of the project. The existing trees located within the southern part of the existing fields are Category B trees and proposed for removal in order to increase pitch usability and flexibility. The hedgerow located adjacent to the existing playing fields is identified as a Category B and also as a Habitat of Principal Importance and falls under Nottinghamshire Habitat Action Plans and is proposed for retention.

The submitted Design and Access Statement confirms that the existing tree resource will be retained where possible and that any tree losses required to facilitate the new development would be offset through a comprehensive structure of new tree planting. This would increase and enhance the arboricultural resource for the area. The Tree Officer raises no objection to the proposal on this basis. I agree with this view and consider that whilst the need to remove these trees is regrettable arboriculturally, it would be unfeasible to consider the retention of all Category A and B trees given the constraint to development they pose.

Details of landscape is a matter reserved for subsequent approval. On this basis, the current Indicative Tree Retention and Removal Plan is not to be agreed at this stage and I would recommend a condition be imposed to ensure further details and justification for loss is submitted at reserved matters stage. A landscape scheme could mitigate for any essential tree loss and this along with the introduction of a wildflower meadow would help to enhance the site's habitat and biodiversity value overall.

Notwithstanding the issue in relation to outstanding bat emergence surveys, overall it is considered that subject to conditions, no adverse ecology impacts or tree loss impacts without appropriate mitigation would result from the proposal in accordance with Core Policy 12 and Policies DM5 and DM7 of the DPD.

### Contaminated Land

Policy DM10 of the DPD 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.

A Phase I Desktop Study report has been submitted with the application which identifies several potential contaminant sources and then concludes with a series of recommendations including a scope of intrusive investigations/targeted soil sampling to be carried out. The Environmental Health Officer raises no objection to the application subject to the use of a full phased contamination condition. As such, the site is considered suitable for its new use subject to compliance with the requirements of this condition in accordance with the requirements of Policy DM10 of the DPD.

### Archaeology

Core Policy 14 of the Core Strategy requires the continued preservation and enhancement of the District's heritage assets including archaeological sites. Policy DM9 of the DPD states that where proposals are likely to affect sites of significant archaeological potential, the applicant is required to submit an appropriate desk based assessment. Policy NUA/Ho/4 requires facilitation of '*pre-determination archaeological evaluation and post-determination mitigation measures*'. The NPPF requires Local planning authorities to 'require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publically accessible.'

An Archaeological Desk Based Assessment including geophysics survey has been submitted with the application. There is the potential for archaeology to survive on this site from the Roman period onwards but the form, importance and survival of any remains is unknown. Modern disturbance may mean that the survival rates of any archaeology may be compromised. However, the Archaeology Officer has advised that further information will be required to investigate this potential in order to formulate an appropriate mitigation strategy. As such, it is recommended that a condition be imposed requiring a Scheme of Archaeology Works to include trial excavation be undertaken prior to any development on this site.

Subject to the imposition of this condition, it is considered that appropriate mitigation would be secured to ensure no adverse impact upon archeological remains in accordance with Core Policy 14 and Policies NUA/Ho/4 and DM9 of the DPD.

### Developer Contributions

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

The Developer Contributions and Planning Obligations Supplementary Planning Document (SPD) provides additional detail on the Council's policy for securing planning obligations from new developments and how this operates alongside the Community Infrastructure Levy (CIL). The 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.

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.'*

A Viability Report has been submitted as part of the application. The independent appraisal of this report indicates a negative margin of -£8.6 Million. This is less than the applicant's estimate of -£16 Million but nevertheless, solely on viability considerations, there is no scope for additional affordable housing beyond the 30% of the net additional dwelling proposed and there is a case to set aside the proposed S106 infrastructure contributions of £1.45 Million.

Notwithstanding this view, the NPPG is clear that in *'decision making viability helps to strike a balance between the aspirations of developers and landowners, in terms of returns against risk, and the aims of the planning system to secure maximum benefits in the public interest through the granting of planning permission'*. Viability must therefore be an accepted and carefully assessed as materially important in an overall planning balance. The net additional 190 units would clearly increase pressure on local facilities and infrastructure given that it promotes a mix of dwellings and families to the scheme. On this basis, despite the negative viability margin, the Applicant intends to provide the contributions which are considered to be necessary to ensure the delivery of a sustainable development. In addition, to meet the viability shortfall, the proposal will need to be partially grant funded and it is expected that some of this funding should be used towards the required contributions.

Some contributions cannot be fixed until final overall numbers are known. The S106 would therefore be set out, where relevant, as a series of formulas to be applied to each separate obligation dependent on details submitted in the reserved matters stage. The main areas for which development contributions are sought are considered below:

#### *Affordable Housing*

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

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.

In this case, it is currently proposed that 31.25% of the 320 additional and replaced homes would be affordable which would equate to the provision of 100 affordable dwellings. This exceeds the

30% requirement of the 190 additional homes to be built but falls short the total number of dwelling required when the demolished units are added to this figure which equate to 174 units (30% of additional + 117)]. This would represent a net loss of overall affordable housing provision across the site and is a negative factor to be weighed in the overall planning balance (explained in more detail in the Proposed Mix and Type Section above). In this respect, I have sought advice from the Council's Viability Officer (set out in the 'Consultations' section above) who is satisfied that the case presented provides a fair assessment of the site and the market circumstances and that there is no scope for additional affordable housing beyond the 30% of the 320 new and replaced units proposed.

### *Community Facilities*

The SPD sets out that a net increase in 190 dwellings would equate to a community facilities contribution of £262,973 plus indexation. However, in this case the requirement is more complex as the Illustrative Masterplan includes the provision of a replacement pavilion. Whilst this replaces the existing facility to be lost as opposed to being a completely new facility to cater for the net increase in dwellings on site, I note that it would be larger, better located and contain improved facilities within it. As such, the application does not propose any contribution towards off site community facilities which I consider acceptable due to the shortfall in viability of the development overall.

### *Open Space and Outdoor Sports Facilities*

Further commentary in relation to the provision of open space is set out in the 'Impact on Existing Open Space / Playing Fields' section above and within the Developer Contribution table below. The updated Indicative Masterplan indicates overprovision of amenity greenspace albeit an under provision for children and young people. Taking a pragmatic view, I consider this under and over provision to largely cancel each other out, particularly as there is currently no formal children's play area on the application site and because the proposed amenity greenspace does include the provision of an informal area of open space and 600m fitness trail which could be used by both adults and children.

The proposal indicates the provision of outdoor sports facilities. However the proposed provision is a requirement of Sport England/SP8 as opposed to being an additional area required by the net additional 190 dwellings on site. As such, a contribution towards outdoor sports facilities is proposed given the lack of 'additional' provision which equates to a sum of £358,296 + indexation.

### *Education*

In respect of education a net additional 190 dwellings would yield an additional 40 primary places. Nottinghamshire County Council would therefore wish to seek an education contribution of £761,920 to provide primary provision to accommodate the additional pupils projected to arise from the proposed development (as set out in full in the 'Consultations' section above). Despite the shortfall in the viability of the development overall, the Applicant proposed the full contribution towards education provision for the reasons set out above.

### *Libraries*

The Developer Contributions SPD sets out that residential developments of 50 dwellings or more may trigger the need for a contribution towards libraries based on need. In respect of libraries,



Nottinghamshire County Council would seek a developer contribution of £6,694 + indexation. The application does not propose any contribution towards libraries which I consider acceptable due to the shortfall in viability of the development overall.

*Health*

The Developer Contributions SPD sets out that residential developments of 65 dwellings or more may trigger the need for a contribution towards health. In this case, I have not received a consultation response from the NHS. As such, the application does not require any contribution towards health which I consider acceptable due to the shortfall in viability of the development overall.

*Transport*

The Developer Contributions SPD sets out that residential developments of 65 dwellings or more may trigger the need for a contribution towards integrated transport contributions. In this case, the County Council has requested contributions to both bus stop improvements and bus taster tickets (to be given to new residents of the estate). Given that the provision of bus stops is important in ensuring the delivery of a sustainable development, the application proposes a contribution of £40,000 + indexation for this purpose. The application does not propose any contribution towards bus taster tickets which I consider acceptable due to the shortfall in viability of the development overall.

*Summary Developer Contributions*

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

<p><b>Developer Contributions</b></p>	<p><b>Requirement based on 190 net additional dwellings (replacement dwellings would not be subject to developer contributions with exception in relation to affordable housing as the demolition of existing stock is material to the planning decision).</b></p>	<p><b>Proposed Contribution (NB Some contributions cannot be fixed until final overall numbers are known. The S106 would therefore be set out, where relevant, as a series of formulas to be applied to each separate obligation dependent on details submitted in the reserved matters stage).</b></p> <p>320 proposed (inc. replacement and new build)  <u>225 retained</u> +                  Estate total 545</p> <p>Total demolition 130                  Net gain 190                  No. affordable units on site 100</p>
<p><b>Affordable Housing</b></p>	<p><b>30% on site provision</b> which equates to 57 units when considering the additional 190 units only.</p> <p>When added to the 117 (minus 13 market dwellings within the 130 demolition total) existing affordable houses to be demolished this would equate to an overall requirement of <b>174 units.</b></p>	<p><b>A minimum of 30%</b> of the 320 additional and replaced homes would be affordable. Indicative details submitted with the application state that 31.25% of the 320 additional and replaced homes would be affordable which would equate to <b>100 affordable dwellings.</b></p>

<p><b>Open Space (for 10+ dwellings) / Children's Play Area (for 30 + dwellings)</b></p>	<p><b>Provision &amp; maintenance of amenity green spaces and provision for children and young people:</b>  On site physical provision to include play equipment.  Amenity Green Space requirement = 14.4m<sup>2</sup>/dwelling = <b>2736m<sup>2</sup></b> when <u>considering the additional 190 units only.</u>  The total area of existing open space to be lost at 3.4 ha = 34,000m<sup>2</sup> (not including the 3.8 ha playing pitch area). Given the site allocation, it is not feasible to retain this space.  Taking a pragmatic view, the amenity green space requirement would therefore be <b>4852m<sup>2</sup></b> when <u>considering the total provision of 330 units.</u>  +  Provision for children and young people = 18m<sup>2</sup>/dwelling = <b>3258m<sup>2</sup></b> when considering the additional 181 units 2+ bed units only. (There is a net increase of 9 1-bed units are proposed so can be taken off children's play requirement). There would be no loss of existing provision for children and young people to account for.  <b>or</b> where appropriate an off-site contribution if full requirement cannot be met on site.</p>	<p>On site physical provision to include play equipment including:</p> <p>Amenity Green Space = Wildflower Meadow + Public Open Space + Informal pitch run off space and 600m fitness trail including equipment = 1.6 ha (<b>16,000 m<sup>2</sup></b>). This figure does not include the 2.7 hectare formal playing pitches area and exceeds the 4852m<sup>2</sup> requirement.</p> <p>Provision for children and Young people: LEAP + LAP's = 0.14 ha (<b>1400m<sup>2</sup></b>). This represents a shortfall in terms of quantitative provision.</p> <p>No off site contribution proposed.</p>
<p><b>Outdoor sports facilities (100+ dwellings relevant to wider allocation)</b></p>	<p><b>Outdoor sports facilities</b>  On site provision 52.8m<sup>2</sup> / dwelling.  <b>or</b> where appropriate an off-site contribution if full requirement cannot be met on site which equates to 190 x (£737.72 provision + £1148.05 maintenance) = <b>£358,296</b></p>	<p>The proposal includes the provision of playing fields. However this is to replace the existing provision on site as opposed to additional provision in relation to the net additional 190 dwellings on site. As such a contribution of <b>£358,296 + indexation</b> is proposed.</p>
<p><b>Education (for 10+ dwellings)</b></p>	<p><b>190 additional dwellings would create a primary school place requirements of 0.21 x 190 = 40. £761,920</b> to provide 40 additional primary places (based on build cost) + indexation</p>	<p><b>£761,920 + indexation</b></p>

<b>Community Facilities (for 10+ dwellings)</b>	£1384.07 per dwelling applies to 190 dwellings = <b>£262,973</b> + indexation <b>And/ Or</b> on site provision of replacement pavilion.	<b>On site provision of improved replacement pavilion with a minimum 450m<sup>2</sup> area (80 m<sup>2</sup>)</b> more than existing, including: <ul style="list-style-type: none"> <li>• Minimum 200 m<sup>2</sup>/ mixed use hall</li> <li>• Minimum 136 m<sup>2</sup>/ changing and shower facilities (4 changing rooms + additional facilities)</li> <li>• Lockers</li> <li>• Minimum 20 m<sup>2</sup>/ kitchen facility</li> <li>• Minimum 30 m<sup>2</sup>/ Equipment storage</li> </ul>
<b>Libraries (for 50+ dwellings)</b>	At an average of 2.3 persons per dwelling, 190 dwellings would add 437 to the existing libraries' catchment area population. This is costed at 437 (population) x 1.532 (items) x £10.00 (cost per item) = <b>£6,694 + indexation</b>	No contribution proposed.
<b>Health (for 65+ dwellings)</b>	190 x £950 per dwelling = <b>£180,500 + indexation</b>	No contribution required.
<b>Transport (for 65+ dwellings)</b>	Bus Stop Improvements - £40,000 Bus Taster Tickets contribution - £55,000 <b>Total = £95,000</b>	<b>£40,000 + indexation.</b> No contribution proposed towards bus taster tickets.

Overall, I consider it reasonable to accept reduced contributions as set out above in light of the viability issues presented and the proposal is compliant with the requirements of the NPPF and NPPG as a consequence. In terms of securing these contributions, the NPPG advises that *'No payment of money or other consideration can be positively required when granting planning permission. However, where the 6 tests will be met, it may be possible use a negatively worded condition to prohibit development authorised by the planning permission until a specified action has been taken (for example, the entering into of a planning obligation requiring the payment of a financial contribution towards the provision of supporting infrastructure).'*

The NPPG further advises that this may be appropriate in the case of more complex and strategically important development where there is clear evidence that the delivery of the development would otherwise be at serious risk. In this case the Applicant has agreed to the need to secure the above developer contributions and the imposition of a Grampian condition in this regard is the only mechanism available in ensuring the delivery of this regeneration scheme as far as I am aware.

### Other Matters

#### *Equality Act 2010*

The Affordable Housing Statement states that the master planning process sought resident involvement in producing proposals through two Public Exhibitions, three Design Workshops and a series of consultation meetings with the newly established Yorke Drive Residents Consultative Panel. The outline masterplan proposals were presented at a Public Exhibition and Drop in event

in September 2018. 160 residents attended the events and of the 84 residents who completed the Council's feedback questionnaire over 70% of residents indicated their support for the proposals to transform Yorke Drive, with 12% opposed. It is important that the impact of demolition on the occupants of existing homes is considered at the time when outline permission is granted in accordance with Section 149 of the Equality Act 2010. An Equality Impact Assessment has been undertaken by the Council and was reported to the Policy & Finance Committee on 29<sup>th</sup> November 2018. This states that:

*'The regeneration of Yorke Drive will require 130 homes to be demolished on the estate. This will require social housing tenants and resident freeholders to be rehomed. Social housing tenants will be rehoused in Council homes. They will receive the statutory home loss payment and a disturbance allowance as defined in the Council's residents offer.'*

*For resident and non-resident freeholders there is the potential for additional cost of conveyancing and moving to a new property, which could have a negative impact. However, along with the ongoing consultation process the Council & Company are drawing up a 'Resident Offer' which will mitigate any potential negative impacts. All residents affected by the demolition will be offered a new home (built to modern, decent standards and energy efficient with the potential to reduce energy costs), along with a financial compensation package and 1-2-1 support, which will have a positive impact.'*

*There is a positive economic impact of delivering the regeneration proposals through creating additional employment opportunities for local residents'.*

#### *Construction Management Plan (CEMP)*

An Air Quality Assessment has been submitted with the application which assesses potential air quality impacts during both the construction and operational phases. Whilst this report identifies no air quality constraints, it does recommend a number of mitigation measures (section 6 of the report) mainly to control potential dust impacts. Following consultation with the Environmental Health Officer, it is recommended that a condition be imposed requiring the submission of a CEMP which includes the recommendations of the Air Quality Assessment.

#### *Anti-social behaviour*

I note that consultation responses received from neighbours infer that they do not consider the proposal likely to improve existing levels of anti-social behaviour that exists on the estate. However, I would disagree with this view and consider the proposed improvements to layout and quality of houses, increased permeability of the site, increased levels of natural surveillance and improved quality of public realm are all factors that aim to reduce existing levels of anti-social behaviour.

#### **Planning Balance and Conclusion**

Given the site's allocation as part of the policy NUA/Ho/4 the principle of regenerating and redeveloping the site through a comprehensive scheme of regenerating existing housing and developing new stock in a coordinated and sustainable manner has already been accepted in principle. The presumption in favour of sustainable development within the NPPF and reflected in Policy DM12 is also acknowledged. In terms of decision making this presumption means approving developments that accord with the development plan without delay.

The substantive matter for consideration under this outline application is the level of compliance achieved with the policy requirements of Policy NUA/Ho/4 and the other Core Strategy and development plan policies. Overall, the proposal is considered to meet the aims of the allocation policy which is to deliver regeneration of the existing Yorke Drive Estate. The application meets the policy requirement to secure the required level of affordable on site in relation to the total number of dwellings proposed however falls short of an affordable housing provision which adds the number of existing affordable dwellings to be lost to this requirement. Full contributions are to be secured towards education, bus stop improvements and outdoor sports facilities. Whilst there would be a loss in the area of the existing open space, enhanced amenity provision including fitness trail and wildflower meadow is proposed along with provision for childrens play space. An improved and larger pavilion with community hall and changing room is also proposed. No contribution towards libraries or bus taster tickets is proposed.

However, taking into account the overall site viability, on balance I consider it reasonable to accept the shortfall in developer contributions so as not to inhibit the development and to ensure the delivery of a sustainable housing development which contributes towards the regeneration of the estate and requirements of the allocation policy in accordance with the requirements of the NPPF and PPG in this instance.

Detailed matters (other than access) are matters for subsequent approval. Based on the indicative site plan submitted with the application it is considered that the highways, flood risk, drainage, tree loss, archaeology and design impacts of the proposal can be acceptable subject to planning conditions.

In relation to ecology, further surveys are required to establish whether or not any mitigation measures are required which may affect the indicative site layout. The recommendation below is therefore subject to the further ecology survey work as required by the submitted Ecology Report being undertaken prior to the issuing of a decision.

In relation to noise impacts, confirmation is required that mitigation measures to reduce the noise impacts from the adjacent business park have been adequately implemented on site prior to the issuing of a decision.

Subject to these requirements and the conditions below, the recommendation is for approval.

### **RECOMMENDATION**

**That outline planning permission is granted subject to:**

- (a) the conditions shown below; and**
- (b) the further bat emergence surveys as required by the submitted Ecology Reports being undertaken before the decision notice is issued, with delegated officer responsibility for consideration the implications of the results, mitigating them appropriately and adding ecology related conditions should they be required; and**
- (c) the Officer receiving confirmation from the Applicant before the decision notice is issued that the noise mitigation works at Daloon have been satisfactorily completed in**

**accordance with the Memo dated 15.02.2019 Mitigation Options Regarding Services Noise from Daloon Foods.**

Conditions

01

Applications for approval of reserved matters shall be made to the local planning authority not later than three years from the date of this permission.

The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.

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

02

Details of the appearance, landscaping, layout and scale ('the reserved matters') shall be submitted to and approved in writing by the local planning authority before development begins and the development shall be carried out as approved.

Reason: This is a planning permission in outline only and the information required is necessary for the consideration of the ultimate detailed proposal.

03

The development hereby approved shall be implemented substantively in accordance with the Phasing Scheme (contained in Section 9 and Appendix 1 of the Design and Access Statement Revised Feb 19) and prior to commencement of development on any phase or sub phase an up to date Phasing Plan and Programme shall be submitted, approved in writing by the Local Planning Authority and thereafter be implemented. The submitted details shall include the provision of the playing field area, children's play areas, community facilities comprising pavilion, amenity open space, access and shared parking areas. Each Reserved Matters submission shall accord with the latest Phasing Plan and Programme 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.

04

No development for any phase pursuant to Condition 3 shall commence until a planning obligation pursuant to Section 106 Town and Country Planning Act 1990 relating to the land subject of this consent has been made by all parties with an interest in the land has been lodged with and executed by the local planning authority. The said obligation will provide for following:

	<b>Contribution Based on up to 320 Dwellings Total/190 Net Additional Dwellings (NB Some contributions cannot be fixed until final overall numbers are known. The S106 would therefore be set out, where relevant, as a series of formulas to be applied to each separate obligation dependent on details submitted in the reserved matters stage).</b>
<b>Affordable Housing</b>	A minimum of 30% of the 320 additional and replaced homes would be affordable.

<b>Open Space / Children's Play Area</b>	On site provision & maintenance of amenity green spaces and provision for children and young people including:  Amenity Green Space = Wildflower Meadow + Public Open Space + Informal pitch run off space and 600m fitness trail with equipment = 1.6 ha (16,000 m <sup>2</sup> ).  Provision for children and Young people: LEAP + LAP's = 0.14 ha (1400m <sup>2</sup> ).
<b>Outdoor sports facilities</b>	190 dwellings x (£737.72 provision + £1148.05 maintenance) = £358,296 + indexation
<b>Education</b>	£761,920 to provide 40 additional primary places (based on build cost) + indexation
<b>Community Facilities</b>	On site provision and maintenance of improved replacement pavilion with a minimum 450m <sup>2</sup> area including: <ul style="list-style-type: none"> <li>• Minimum 200 m<sup>2</sup>/ mixed use hall</li> <li>• Minimum 136 m<sup>2</sup>/ changing and shower facilities (4 changing rooms + additional facilities)</li> <li>• Lockers</li> <li>• Minimum 20 m<sup>2</sup>/ kitchen facility</li> <li>• Minimum 30 m<sup>2</sup>/ Equipment storage</li> </ul>
<b>Transport (for 65+ dwellings)</b>	Bus Stop Improvements contribution £40,000 + indexation.

Reason:

In order to secure the necessary infrastructure and contribution requirements in accordance in the interests of achieving a sustainable development.

05

Reserved matter submissions for any phase or any use shall be substantively in accordance with the Illustrative Masterplan (reference number 40 Rev B) and Design and Access Statement (revised Feb 2019) including parameter plans contained within this document as amended by the Sport England Response Addendum (March 2019) unless otherwise agreed in writing by the Local Planning Authority. For the avoidance of doubt, the parameter plans include the following:

- 40 Rev B Illustrative Masterplan
- 30 Rev A Developable Area Parameter Plan
- 31 Rev A Land Use Parameter Plan
- 32 Rev A Vehicular Access Parameter Plan
- 33 Rev A Non-Vehicular Access Parameter Plan
- 34 Rev A Building Heights Parameter Plan
- 35 Rev A Open Space Parameter Plan
- 36 Rev A Proposed Levels Illustrative Overlay

Reason: To ensure that the site is developed in a satisfactory manner and for the avoidance doubt.

06

The development hereby permitted authorises the erection of no more than 320 dwellings (comprising 130 replacement dwellings and 190 net additional dwelling).

Reason: To define the planning permission and in line with the applicants submissions.

07

Notwithstanding the submitted Building Heights Parameter Plan 0032 Rev A (also referred to in Condition 5), the proposed building adjacent the Lincoln Road frontage shall not exceed 3 storeys in height.

Reason: In the interests of visual and residential amenity.

08

Linked to the requirements of Condition 3, the reserved matters application(s) shall include a detailed plan for the management and phasing of the development, including the provision of the temporary and permanent playing field area. The management and phasing plan details shall ensure that the works which result in the loss of playing field area are not commenced before the works to temporarily or permanently replace those playing field areas are available for use. The development hereby permitted shall not be carried out other than in accordance with the approved details.

Reason: To ensure the satisfactory quantity, quality and accessibility of compensatory provision which secures continuity of use [phasing provision] and to accord with Spatial Policy 8 of the Core Strategy.

09

The reserved matters application(s) shall include the submission of a pitch improvement strategy comprising:

- a. A detailed assessment of ground conditions of the land proposed for the new/retained/replacement playing field land as shown on drawing number 40 B (Illustrative Masterplan) shall be undertaken (including drainage and topography) to identify constraints which could affect playing field quality; and
- b. Based on the results of this assessment to be carried out pursuant to (a) above of this condition, a detailed scheme to ensure that the playing fields will be provided to an acceptable quality (including appropriate drainage where necessary) shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England.

The works shall be carried out in accordance with the approved scheme in accordance with the detailed phasing and management plan required by Condition 8.

Reason: To ensure that site surveys are undertaken for new or replacement playing fields and that any ground condition constraints can be and are mitigated to ensure provision of an adequate quality playing field and to accord with Spatial Policy 8 of the Core Strategy.

10

Prior to the use of the improved playing field area a Management and Maintenance Scheme for the facility including management responsibilities, a maintenance schedule and a mechanism for review shall be submitted to and approved in writing by the Local Planning Authority following consultation with Sport England. The measures set out in the approved scheme shall be complied with in full, with effect from commencement of use of the improved playing field area.



Reason: To ensure that new facilities is capable of being managed and maintained to deliver a facility which is fit for purpose, sustainable and to ensure sufficient benefit of the development to sport (National Planning Policy Framework (NPPF) para 97) and to accord with Spatial Policy 8 of the Core Strategy.

11

No development shall commence until details of the design and layout of the pavilion to include a community hall and changing rooms has been submitted to and approved in writing by the Local Planning Authority [after consultation with Sport England]. The community hall/changing rooms shall not be constructed other than in accordance with the approved details.

Reason: To ensure the development is fit for purpose and sustainable and to accord with Spatial Policy 8 of the Core Strategy.

12

No development on any phase pursuant to condition 3 shall take place within the application site until details of a Scheme of Archaeological Works in accordance with a written scheme of investigation has been submitted to and approved in writing by the Local Planning Authority. This scheme should be drawn up and implemented by a professional archaeologist or archaeological organisation. For the avoidance of doubt, this should involve trial excavation which should then inform an appropriate mitigation strategy for further archaeological work, should this be required. Thereafter the scheme shall be implemented in full accordance with the approved details.

Reason: To ensure that satisfactory account is taken of the potential archaeological interest of the site.

13

The reserved matters application(s) shall be accompanied by an arboricultural method/impact statement and scheme for the protection of retained trees/hedgerows. The application shall be designed to retain existing trees on site where possible and where trees are to be removed justification for their loss shall be provided. Scheme details shall include:

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

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

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

14

The reserved matters submission for the landscaping of each phase (as required by condition 3) shall include the submission of full details of both hard and soft landscape works for that phase and a programme for their implementation. This submission shall include:

- 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.

The approved landscaping scheme shall be carried out within 6 months of the first occupation of any building or completion of each phase of the development, whichever is soonest, unless otherwise agreed in writing with the District Planning Authority. If within a period of 7 years from the date of planting any tree, shrub, hedgerow or replacement is removed, uprooted, destroyed or dies then another of the same species and size of the original shall be planted at the same place. Variations may only be planted on written consent of the District Planning Authority.

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.

15

No construction work, including site clearance and delivery of materials, shall be carried out except between the hours of 07.30 -18.00 Monday to Friday and 08.30 - 13.00 on Saturdays and at no time on Sundays and Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of residential amenity in accordance with the aims of the NPPF and Policy DM5 of the DPD.

16

No development shall take place on any phase or sub phase until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by, the local planning authority. The approved CEMP shall be adhered to throughout the construction period. The CEMP shall include mitigation measures required by Section 6 of the submitted Air Quality Assessment and shall set the overall strategies for:

- i. the parking of vehicles of site operatives and visitors;

- ii. loading and unloading of plant and materials;
- iii. storage of plant and materials used in constructing the development;
- iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- v. wheel washing facilities;
- vi. measures to control the emission of dust and dirt during construction;
- vii. a scheme for recycling/disposing of waste resulting from demolition and construction works.

Reason: In the interests of residential amenity.

17

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 pursuant to Condition 3 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 condition 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:
  - human health,
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - adjoining land,
  - groundwaters 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'*.

#### 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 condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of 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 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.

18

No development shall be commenced for any phase pursuant to Condition 3 until a scheme for ecological enhancements has been submitted to and approved in writing by the Local Planning Authority. This could include (but shall not be limited to) bird and bat boxes at appropriate points within the site. This shall also include details of a timetable for implementation of the enhancements. The scheme shall thereafter be implemented in accordance with the approved scheme.

Reason: In order to provide ecological enhancements in line with the Core Policy 12 of the Development Plan and the advice contained in the NPPF.

19

Notwithstanding the submitted details, no part of the development for any phase pursuant to Condition 3 shall be commenced until drainage plans for the disposal of foul sewage have been submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter 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 foul sewage disposal.

20

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

Reason: To ensure that adequate provision is made for the protection of nesting birds on site in accordance with Core Policy 9 of the Core Strategy and Policies DM5 and DM7 of the DPD.

21

Linked to the requirements of Condition 3, the reserved matters application(s) shall include a detailed schedule including details housing mix and tenure need and a broad timetable outlining the approach to the re-housing of existing residents and demonstrating how this has been integrated into delivery of the scheme. The development shall be implemented in accordance with the approved schedule and timetable unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that there is adequate provision of dwellings/accommodation to support residents displaced as part of the development.

22

The development will require the diversion of existing public rights of way and no part of the development hereby permitted or any temporary works or structures shall obstruct the public right of way until approval has been secured and the diversion has been constructed in accordance with a detailed design and specification first submitted to and approved in writing by the Local Planning Authority.

Reason: To retain a safe and sustainable pedestrian route.

23

The formal written approval of the Local Planning Authority is required prior to commencement of any development with regard to parking and turning facilities, access widths, road layout, surfacing, street lighting and drainage (hereinafter referred to as reserved matters). All details submitted to the Local Planning Authority for approval shall comply with the County Council's current Highway Design Guide and shall be implemented as approved.

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

24

No development shall commence on any part of the application site unless or until a suitable access has been provided at Lincoln Road as shown for indicative purposes on drawing 70045283-SK-003-P03 to the satisfaction of the Local Planning Authority.

Reason: In the interests of highway safety

25

No part of the development hereby permitted shall be brought into use until the visibility splays of 2.4m x 90m at the new junction with Lincoln Road are provided in accordance with drawing 70045283-SK-004-P02. The area within the visibility splays referred to in this condition shall thereafter be kept free of all obstructions, structures or erections exceeding 0.6m in height.

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

26

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

Reason: To promote sustainable travel.

27

No development shall commence on any part of the application site unless or until a suitable construction traffic management plan, including access arrangements and lorry routing, has first been submitted to and agreed in writing by the Local Planning Authority, and thereafter implemented in accordance with that plan.

Reason: In the interests of highway safety & to protect the town centre from extraneous traffic.

### **Notes to Applicant**

01

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

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

02

This application has been the subject of 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).

03

**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.

Email: [plantprotection@cadentgas.com](mailto:plantprotection@cadentgas.com) Tel: 0800 688 588

04

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

05

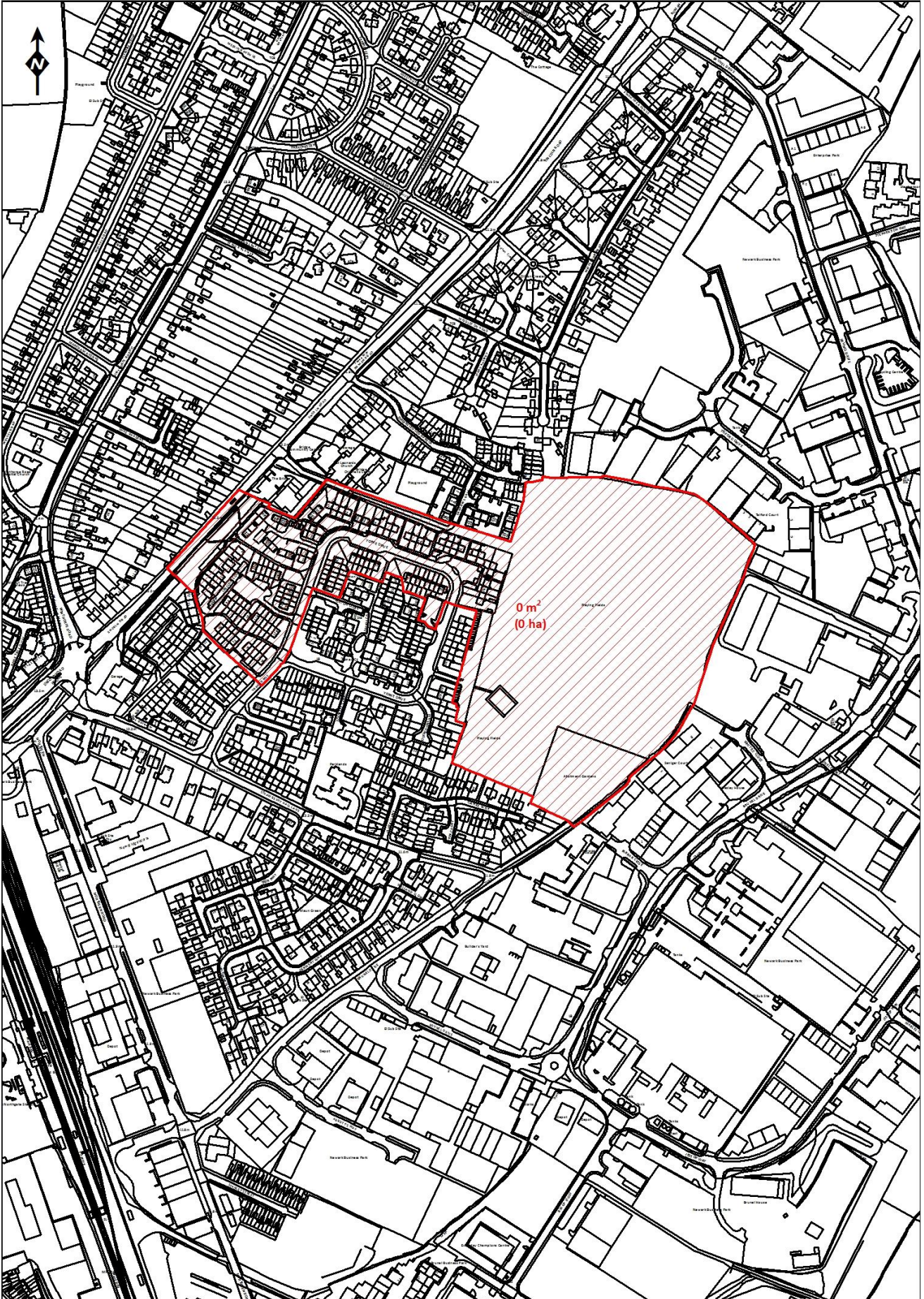
In order to carry out the new junction works at Lincoln Road you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act. Please contact [david.albans@nottscc.gov.uk](mailto:david.albans@nottscc.gov.uk) for details.

**BACKGROUND PAPERS**

Application case file.

For further information, please contact Helen Marriott on extension 5793

**Matt Lamb**  
**Director Growth and Regeneration**





## PLANNING COMMITTEE – 2 APRIL 2019

<b>Application No:</b>	<b>19/00192/RMA</b>		
<b>Proposal:</b>	<b>Application for variation of condition 01 to be varied to include for Drawing No. 1B/31/2017 Site Plan Revised and 03 to be varied to include for the revised boundary treatments shown on the above drawing attached to planning permission 17/01573/RMA</b>		
<b>Location:</b>	<b>Land Off Hutchinson Road, Newark On Trent</b>		
<b>Applicant:</b>	<b>Capla Developments Ltd - Mr Paul Stubbins</b>		
<b>Registered:</b>	<b>1 February 2019</b>	<b>Target Date: 29 March 2019</b>	<b>Extension of Time: 3 April 2019</b>

**This application is before the Planning Committee for determination as the officer recommendation differs from the views of the Parish Council.**

### The Site

The application site relates to a rectangular shaped site approximately 0.39 Hectares in area on which seven detached dwellings have been recently constructed. The site is located, within a modern residential area of Newark towards the eastern edge of the settlement, to the south side of Beacon Hill Road and to the west of the A1 dual carriageway. The site borders Hutchinson Road and two storey dwellings to the south, modern two storey dwellings to the east along Lilburne Close, residential gardens to the north; and borders a densely vegetated linear open space to the west.

### Relevant Planning History

17/01573/RMA Submission of reserved matters in pursuance of conditions 02, 04, 05, 06, 07, 010, 011 and 012 of outline planning permission ref. no. 15/01839/OUT for proposed residential development – permission 26.10.2017

15/01839/OUT Proposed residential development (outline) – permission 07.12.15.

### The Proposal

The proposal is to vary conditions 1 & 3 of planning permission 17/01573/RMA which was for reserved matters consent for the erection of 7 dwellings and associated public open space, landscaping and infrastructure.

Condition 1 relates to the approved plans that the development must comply with.

Condition 3 relates to boundary treatments and requires the following:

Notwithstanding the submitted information, precise details of all the existing and proposed

boundary treatments along the red line boundary of the site including types, height, design and materials, must be submitted to and approved in writing by the local planning authority prior to the commencement of development. 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 in accordance with Core Policy 9 of the Core Strategy and Policy DM5 of the DPD.*

The amendments to the approved plans and submitted details pursuant to the boundary treatments condition can be summarised as:

- Proposed new brick pillars 580 x 580 x 1800mm in height with timber 5-bar gates in between measuring 1200mm in height;
- The removal of the existing hedgerow and the erection of a 1.8 metre high close boarded fence along the west, south and part of the east boundaries of the site. A replacement beech hedge has been planted (to measure 2 metres high) along the south frontage of the site (in front of the fence).

The following documents have been submitted with the application:

- 1B/31/2017 Rev B Site Plan
- Image of proposed Hutchinson Road entrance

#### Public Advertisement Procedure

Occupiers of 33 properties have been individually notified by letter.

#### Planning Policy Framework

#### The Development Plan

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

- Spatial Policy 1 - Settlement Hierarchy
- Spatial Policy 2 - Spatial Distribution of Growth
- Spatial Policy 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

##### **Allocations and Development Management DPD (adopted July 2013)**

- Policy DM1 – Development within Settlements Central to Delivering the Spatial Strategy
- Policy DM3 - Developer Contributions
- Policy DM5 – Design
- Policy DM7 – Biodiversity and Green Infrastructure
- Policy DM12 – Presumption in Favour of Sustainable Development

## **Other Material Considerations**

- National Planning Policy Framework 2019
- Planning Practice Guidance 2014

### Consultations

**Newark Town Council** - Members AGREED to OBJECT to this application on the following grounds:

\* the application is in breach of the conditions

\* trees with TPO's on have been removed

\* should this application be permitted, it would set a precedent for other developments in the area.

Further, the Town Council is of the view that the District Council should be satisfied that all existing conditions are fulfilled prior to any further development. If there is an existing breach of the conditions, then all necessary works should be completed before any further sales of properties take place.

**NCC Highways** - This application is for the variation of conditions 1 and 3 for application 17/01573/RMA, to include revised boundary treatments as shown on revised site plan, ref. 1B/31/2017. There are no highway objections to the boundary treatment now submitted.

**NSDC Tree Officer** – No objection.

**No representations have been received from any local residents/interested parties.**

### Comments of the Business Manager

#### Principle of Development

This application is made under Section 73 of the Town and Country Planning Act 1990 to vary or remove conditions associated with a planning permission. Where an application under section 73 is granted, the effect is the issue of a new planning permission, sitting alongside the original permission, which remains intact.

If the application is acceptable a decision notice describing the new permission should be issued, setting out all of the conditions related to it. To assist with clarity, decision notices for the grant of planning permission under Section 73 should also repeat the relevant conditions from the original planning permission, where appropriate. As a Section 73 application cannot be used to vary the time limit for implementation, this condition must remain unchanged from the original permission.

The principle of the development has already been established through the granting of the outline and subsequent reserved matters consent. There has been no significant material change in the Development Plan context relevant to the consideration of the changes to the proposed boundary treatments since the determination of these applications, albeit the adoption of the Amended Core Strategy (adopted 2019) and revised NPPF 2019 is noted.

The first matter to consider is whether the LPA are satisfied that a lawful start was made having regard to whether the pre-commencement conditions were discharged. In this case, the

application is retrospective in nature and the time limits for implementation are no longer relevant as a consequence. As such, the application as made can reasonably be considered under Section 73 of the Town and Country Planning Act 1990 to vary the plans condition.

The second matter to consider is whether it is appropriate to allow the development to be approved in accordance with the amended plans proposed. Core Policy 9 requires new development proposals to demonstrate a high standard of sustainable design that both protects and enhances the natural environment. Policy DM5 requires the local distinctiveness of the District's landscape and character of built form to be reflected in the scale, form, mass, layout, design, materials and detailing of proposals for new development. Policy CP12 of the adopted Core Strategy states that proposals should provide for the continued protection of the District's ecological, biological and geological assets.

I consider the loss of the existing hedgerow to be highly regrettable especially as Officers made it clear in the determination of both the outline and reserved matters consent that existing hedgerow along the boundaries of the site should be retained through the imposition of the relevant planning conditions for both visual amenity and biodiversity reasons. As a consequence of the removal of the existing hedgerow, the development is in breach of the relevant planning conditions.

As the variation has already been implemented on site, the visual impacts are clear to see. It is worth noting that whilst the planning permission included conditions to protect against the loss of the hedgerow and trees on site, it did not remove permitted development rights for the erection of means of enclosure in the future. As a consequence, the future occupiers of the proposed dwellings would have been able to remove hedgerow along their boundary and replace it with an alternative means of enclosure following the 5 year period for retention of the approved boundary treatments required by condition 3 (provided this means of enclosure complied with permitted development rights which would be up to 2 metres in height not adjacent to the highway).

The erection of the close boarded fencing to the east and west boundaries of the site are not considered to result in a detrimental impact upon the visual amenity of the area as they are not highly visible from Hutchinson Road. The close boarded fencing erected along the site frontage is more visible. I note that a hedgerow and saplings in tubes have been planted forward of this fence. Whilst at the present time, this does not mitigate for the loss of the mature hedgerow located here, it is considered that over time, the adverse visual impact caused by the close boarded fence would be fully mitigated.

The proposed brick piers (1.8 metres high) and gates (1.2 metres high) create a gated access to the site and did not form part of the approved plans. As they are located adjacent to the highway and exceed 1 metre in height, I consider them to require planning permission in their own right. I note that there is a similar development with a gated access located along Hutchinson Road. As such, I do not necessarily consider them to be out of keeping with the site context and do not consider them to be an addition which is harmful to the character of the street scene.

Overall, the proposal is considered to be acceptable and the proposed plans can be substituted into the plans condition.

It is not considered that there are any other changes to circumstances which affect the consideration of this application.

## The relevance of other conditions attached to Application Number 17/01573/RMA

Condition 1 (approved plans) can be amended to reflect the revised plans proposed by this application.

Condition 2 (landscape scheme) is still considered relevant as no precise planting specifications have been submitted with this application which is required in order to ensure the landscaping is thereafter properly maintained.

Condition 3 (Boundary Treatments) can be deleted as it is superseded by the revised plan to be approved by Condition 1.

Condition 4 (obscure windows) is still considered relevant and should be re imposed as part of any new permission.

Condition 5 (permitted development rights removed for extensions and alteration to the approved dwellings) is still considered relevant and should be re imposed as part of any new permission.

It is noted that the amended plans submitted as part of this application are also contrary to Condition 5 of the outline consent which required the reserved matters application to include a detailed landscaping and planting scheme incorporating the retention of the existing trees and hedgerows along the north, south, east and west boundaries of the site. Members should be aware that the development would also be in breach of this condition albeit approval of this application would be tantamount to agreeing that no further action would be taken in relation to this condition.

### Other issues

In relation to the comments raised by the Town Council, the Local Planning Authority is not aware of any trees with TPO's adjacent to the site being removed. There are no trees with TPOs within the application site itself albeit trees located at the south east and south west corners of the site are protected by Tree Preservation Order.

### Conclusion

It is considered that subject to the attachment of the relevant conditions addressed earlier in this report that the proposed variation is considered to be acceptable and is recommended for approval.

### **RECOMMENDATION**

**That full planning permission is approved subject to the following conditions:**

01

The development hereby permitted shall not be carried out except in complete accordance with the following approved plans and document, references:

1B/31/2017 Rev B Site Plan

2A/31/2016 Plot 1 House Plans and Elevations

3A/31/2016 Plot 2 House Plans and Elevations

4A/31/2016 Plot 3 House Plans and Elevations  
5A/31/2016 Plot 4 House Plans and Elevations  
6A/31/2016 Plot 5 House Plans and Elevations  
7A/31/2016 Plot 6 House Plans and Elevations  
8/31/2016 Plot 7 House Plans and Elevations  
21A/31/2017 Site Levels Application Number: 17/01573/RMA Previous Ref: PP-06345503  
9/31/2016 Garage Block Plans and Elevations  
Location Plan 1:1250  
Arboricultural Impact Assessment, Method Statement and Tree Protection Plan (Ref RSE\_1138\_01\_V2 August 2017)

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 approval.

02

Within three months of the date of this permission, a scheme including a plan illustrating the landscaping on site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include full details of every tree, shrub, hedge 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.

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: For the avoidance of doubt and to ensure the landscaping is thereafter properly maintained in accordance with Policy CP 9 and 14 of the Core Strategy and Policies DM5, DM7 and DM9 of the Allocations and Development Plan Development Plan Document (DPD).

03

The following window openings hereby approved 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:

- Plot 5 First floor ensuite window in the east facing side elevation
- Plot 6 First floor landing window in the east facing side elevation
- Plot 7 Second floor landing window and two en-suite windows in the east facing side elevation.

This specification shall be complied with before the development is occupied and thereafter be retained for the lifetime of the development unless otherwise agreed in writing by the local planning authority.

Reason: To safeguard against overlooking and loss of privacy in the interests of amenity of occupiers of neighbouring properties in accordance with Policy DM5 of the DPD.

04

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 to Plots 5, 6 or 7 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.

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 result in no adverse impact upon residential amenity.

### **Informatives**

01

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

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

02

This application has been the subject of pre-application discussions and has been approved in accordance with that advice. The District Planning Authority has accordingly worked positively and pro-actively, seeking solutions to problems arising in coming to its decision. This is fully in accordance with Town and Country Planning (Development Management Procedure) Order 2010 (as amended).

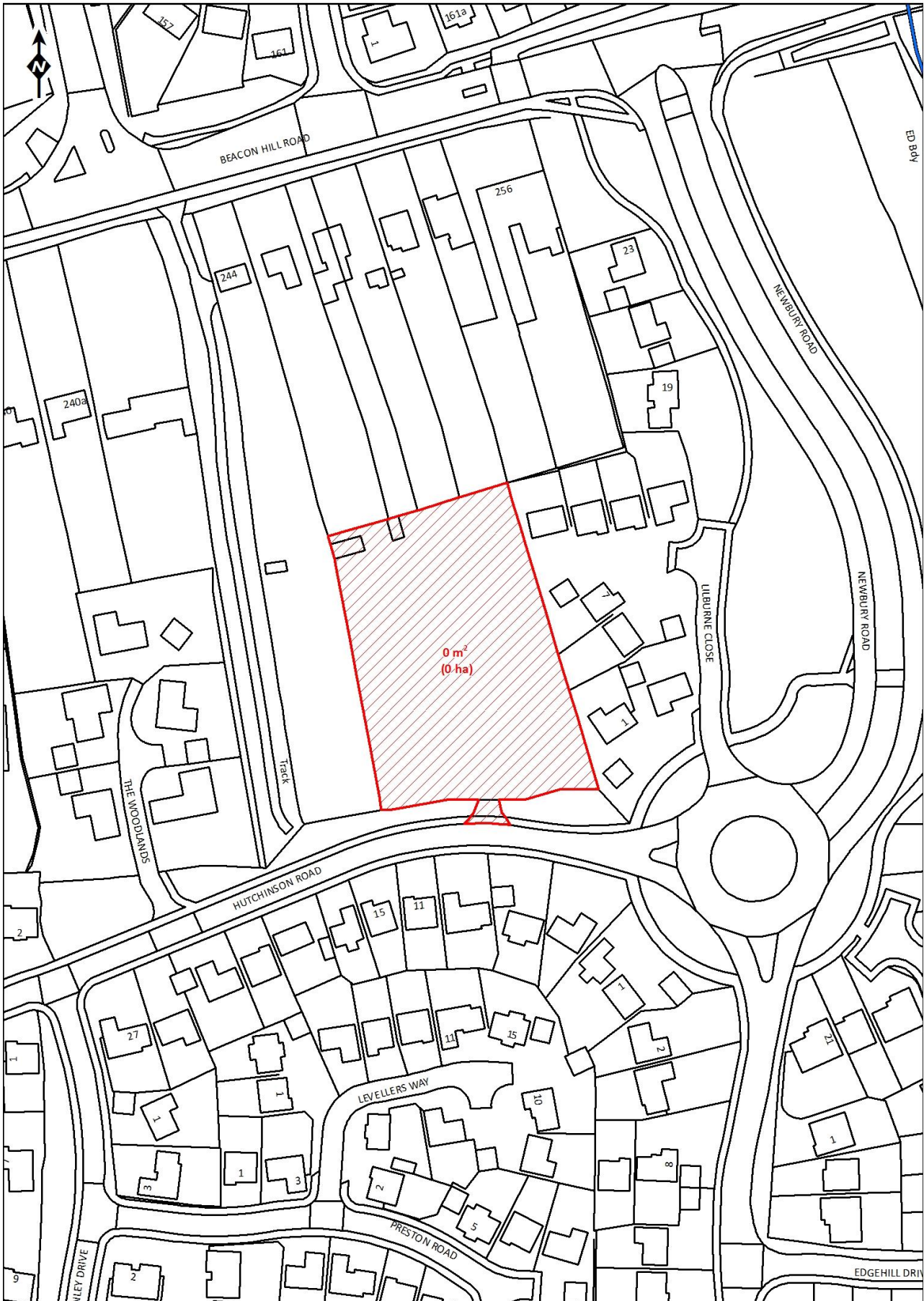
### Background Papers

Application Case File

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

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

**Matt Lamb**  
**Director Growth and Regeneration**





**PLANNING COMMITTEE – 2 APRIL 2019**

**APPEALS A**

**APPEALS LODGED (received between 15.02.2019 and 18.03.2019)**

- 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](mailto:planning@nsdc.info) quoting the relevant appeal reference.

**Matt Lamb**  
**Director of Growth and Regeneration**

<b>Appeal reference</b>	<b>Application number</b>	<b>Address</b>	<b>Proposal</b>	<b>Procedure</b>
APP/B3030/W/19/322107 3	18/01437/FUL	Profile Hair Design & Beauty 137 Barnby Gate Newark On Trent Nottinghamshire NG24 1QZ	Erection of building containing 2 independent one bedroom flats	Written Representation
APP/B3030/W/19/322243 7	18/02056/FUL	Land Adjacent Roewood Lodge Bleasby Road Thurgarton Nottinghamshire	Construction of new, 2-storey dwelling and garage.	Written Representation
APP/B3030/W/19/322295 4	18/01741/FULM	Part Of Naishs Field Swinecote Road Edwinstowe Nottinghamshire	Change of use from agricultural field to camping and caravan site	Written Representation
APP/B3030/W/19/322378 6	18/01258/FUL	37 And 39 Halloughton Road Southwell Nottinghamshire NG25 0LP	Demolish 2 no. semi-detached properties known as 37 and 39 Halloughton Road, Erect 2 no. detached replacement dwellings with garages within the boundaries of the above properties and garden	Written Representation

**PLANNING COMMITTEE – 2 April 2019**

**APPENDIX B: APPEALS DETERMINED (15.02.2019 and 18.03.2019)**

<b>App No.</b>	<b>Address</b>	<b>Proposal</b>	<b>Decision</b>	<b>Decision date</b>
17/02303/FUL	Land At Orston House 109 Fosse Road Farndon Nottinghamshire NG24 3TL	Formation of New Vehicular Access to serve Existing Dwelling, Erection of New Dwelling to be served by Existing Vehicular Access	ALLOW	04.03.2019
17/02016/FUL	Garage House Great North Road South Muskham NG23 6EA	Proposed Bespoke Dwelling	DISMISS	01.03.2019

**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](mailto:planning@nsdc.info) quoting the relevant application number.

**Matt Lamb**  
**Director of Growth and Regeneration**