



*Castle House
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Monday, 16 July 2018

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

Members of the Committee:

**Councillor Mrs K Arnold
Councillor R Blaney
Councillor Mrs C Brooks
Councillor B Crowe
Councillor Mrs M Dobson
Councillor 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, 24 July 2018 at 3.00 pm

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

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

If you have any queries please contact Catharine Saxton on catharine.saxton@newark-sherwooddc.gov.uk.

AGENDA

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 | 4 - 14 |

Part 1 - Items for Decision

- | | | |
|----|--|-----------|
| 5. | Site of Robin Hood Hotel, 1-3 Lombard Street, Newark (18/01020/FULM (Major) and (18/01021/LBC) | 15 - 90 |
| 6. | Land North and East of Existing Fernwood Development, Fernwood, Newark (18/00526/RMAM) | 91 - 144 |
| 7. | Land at Fernwood South, Nottinghamshire (16/00506/OUTM) | 145 - 290 |
| 8. | Newark Working Men's Club, 13 Beacon Hill Road, Newark (18/00125/FULM) (Major) | 291 - 357 |

Part 2 - Items for Information

- | | | |
|-----|--------------------|--|
| 9. | Appeals Lodged | |
| | There are none. | |
| 10. | Appeals Determined | |
| | There are none. | |

Part 3 - Statistical and Performance Review Items

There are none.

Part 4 - Exempt and Confidential Items

There are none.

- | | | |
|-----|-----------------------------------|--|
| 11. | Exclusion of the Press and Public | |
| | There are none. | |

NOTES:-

A Briefing Meeting will be held in Room F1, Castle House at 2.00 pm on the day of the meeting between the Business Manager – Growth & Regeneration, the Chairman and Vice-Chairman of the Committee to consider late representations received after the Agenda was published.

Agenda Item 4

NEWARK AND SHERWOOD DISTRICT COUNCIL

Minutes of the Meeting of **Planning Committee** held in the Civic Suite, Castle House, Great North Road, Newark, Notts, NG24 1BY on Tuesday, 3 July 2018 at 4.00 pm.

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

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

APOLOGIES FOR ABSENCE: Councillor R Blaney

21 DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS

Councillors D.R. Payne, I Walker and B Wells declared Personal Interests in Agenda Item No. 6 – Gibbet Wood, Brown Wood Lane, Thorney, Nottinghamshire (17/01127/FUL), as they were Members of the Trent Valley Internal Drainage Board.

Councillor F. Taylor declared a Personal Interest in Agenda Item No. 6 – Gibbet Wood, Brown Wood Lane, Thorney, Nottinghamshire (17/01127/FUL), as he was known to the applicant.

Councillors D.R. Payne, Mrs C Brooks and P Duncan declared Personal Interests in Agenda Item No. 12 – Land Off Westgate, Southwell, Nottinghamshire (18/00832/FUL), as they were Newark and Sherwood Homes Board Members.

Councillor P. Duncan declared a Personal Interest in Agenda Item No. 14 – 1 School Lane, Farndon, Newark (18/00765/FUL), as he was known to the applicant.

Councillor R A Crowe declared a Prejudicial Interest in Agenda Item No. 17 – 26 Bancroft Road, Newark (18/01002/FUL), as the applicant was a family member.

22 DECLARATION OF ANY INTENTIONS TO RECORD THE MEETING

NOTED: that no audio recording was taken of the meeting.

23 MINUTES OF THE PREVIOUS MEETING

The Committee considered the minutes of the meeting held on 5 June 2018.

AGREED that the minutes of the meeting held on 5 June 2018 be approved as a correct record and signed by the Chairman.

24 ORDER OF BUSINESS

With the agreement of the Committee, the Chairman changed the order of business

and Agenda Items 17 and 7 were taken after item 20, the agenda resumed its stated order thereafter.

25 HIGHFIELD FARM, HIGH STREET, SOUTH CLIFTON, NEWARK ON TRENT, NOTTINGHAMSHIRE, NG23 7AD (18/00711/FUL)

The Committee considered the report of the Business Manager - Growth & Regeneration, which sought the removal and variation of conditions 1 and 2 attached to application 17/00214/FUL for two detached dwellings.

The local Ward Member considered the application not acceptable and agreed with the officer recommendation of refusal and could not support the views of South Clifton Parish Council.

AGREED (unanimously) that full planning permission be refused for the reasons contained within the report.

26 GIBBET WOOD, BROWN WOOD LANE, THORNEY, NOTTINGHAMSHIRE (17/01127/FUL)

The Committee considered the report of the Business Manager Growth & Regeneration, which sought full planning permission for the erection of a rural workers dwelling in the form of a detached two-storey dwelling.

A schedule of communication was tabled at the meeting which detailed correspondence received after the Agenda was published from the Planning Case Officer, which included a revised Committee plan following relocation of proposed dwelling, which was provided as Appendix D.

Members considered the application and the local Ward Member commented that the consultant had written an excellent report but officers did not appear to be in agreement. She added that the proposed development would be an eyesore in the open countryside and the development needed to be built further back on the site with landscaping. The proposal would have a detrimental impact on the visual amenity and she was in agreement with the views of Thorney Parish Council.

Other Members felt that the land was not in the open countryside and the proposed development was an addition to the building and was a good investment which should be supported.

AGREED (with 12 votes for and 2 votes against) that full planning permission be approved, subject to the conditions contained within the report.

(Councillor Mrs M Dobson left the meeting following consideration of this application).

27 NEWARK WORKING MEN'S CLUB, 13 BEACON HILL ROAD, NEWARK ON TRENT (18/00125/FULM) (MAJOR)

The Committee considered the report of the Business Manager Growth & Regeneration, following a site inspection, which sought full planning permission for

the conversion and change of use of the former working men's club to eight residential apartments and the erection of eight new build dwellings within its grounds; totalling sixteen dwellings. Car parking for nineteen vehicles was now proposed on-site having been amended from sixteen in an attempt to address highways concerns.

A schedule of communication was tabled at the meeting which detailed correspondence received after the Agenda was published from the following: the Applicants Agent, which included a summary statement as Appendix A and Trip Generation Statement as Appendix B; Newark Town Council; Nottinghamshire County Council Highways Authority; and Nottinghamshire County Council – Policy.

Councillor Mathew Skinner, representing Newark Town Council spoke against the application in accordance with the views of Newark Town Council.

The Business Manager Growth & Regeneration presented this application and the following application on the agenda for listed building consent together, but informed Members that the two applications both stood in their own right. He commented that the application had split Planning Officers viewpoints. The amenity impact required consideration, taking into consideration the benefits of the development against the highway harm. Reference was also made to the subsidy value. All parties had agreed that the highway was inadequate when measured against current standards. The Highway Authority maintained that it was not acceptable and therefore Officer recommendation was refusal.

Members considered the application and it was commented that the development was not over intensive but the access and egress impact was significant. Other Members commented that whilst the highway objection needed to be taken into consideration, asked what scheme would be suitable for the building. It was commented that the scheme did have merits and enhanced a listed building which would be improved both internally and externally.

The Chairman referred to the entrance to the Potterdyke House car park, which was very similar. It was commented that there was a huge benefit to the proposed development as the building was listed and of importance in Newark.

It was further commented that the access did widen and the site used to have deliveries of beer etc. It was noted that here was also pedestrian access to the site.

Clarification was sought regarding the storage of the wheelie bins and it was confirmed that there would be bin stores. The bins would then be taken to the edge of the road on collection day.

AGREED (with 8 votes for and 5 votes against) that contrary to Officer recommendation, planning permission be approved subject to appropriate conditions to be considered by the Business Manager - Growth & Regeneration.

In accordance with paragraph 12.5 of the Planning Protocol, as the motion was

against Officer recommendation, a recorded vote was taken.

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

28 NEWARK WORKING MEN'S CLUB, 13 BEACON HILL ROAD, NEWARK ON TRENT (18/00126/LBC)

The Committee considered the report of the Business Manager - Growth & Regeneration, following a site inspection, which sought listed building consent for the demolition of existing extensions to the listed building and its conversions to eight residential apartments together with associated internal alterations.

AGREED (unanimously) that the listed building consent be approved subject to the conditions contained within the report.

29 40 WINTHORPE ROAD, NEWARK ON TRENT, NOTTINGHAMSHIRE, NG24 2AB (18/00817/FUL)

The Committee considered the report of the Business Manager Growth & Regeneration, following a site inspection, which sought full planning permission for the demolition of the existing dwelling and the erection of a building comprising five market dwellings.

Councillor Mathew Skinner, representing Newark Town Council spoke against the application in accordance with the views of Newark Town Council.

Members considered the application and whilst some Members disagreed with Newark Town Council, other Members felt the design was not acceptable with over intensification. There were also concerns about car parking issues.

AGREED (with 8 Votes For and 5 Votes Against) that: contrary to Officer recommendation, full planning permission be refused on the grounds of over intensification of the site which would detract against the street scene setting and set a precedent for further developments of a similar

nature along Winthorpe Road.

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

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

30 LAND ADJACENT LIME TREE HOUSE, HALAM HILL, HALAM (18/00501/FUL)

The Committee considered the report of the Business Manager - Growth & Regeneration, which sought planning permission for the erection of a new two-storey dwelling.

Members at the 5 June 2018, Planning Committee agreed to defer the application, pending further consideration and negotiation to reduce the height of the proposed dwelling and the submission of street scenes to include Radley Terrace.

A schedule of communication was tabled at the meeting which detailed correspondence received after the Agenda was published from Halam Parish Council; and the Planning Case Officer.

Members considered that the application was now acceptable.

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

31 LAND OFF WESTGATE SOUTHWELL NOTTINGHAMSHIRE (18/00832/FUL)

The Committee considered the report of the Business Manager - Growth & Regeneration, following a site inspection, which sought permission for one, three bed single storey bungalow and three, one bed single storey properties. The properties would be social rented dwellings.

A schedule of communication was tabled at the meeting which detailed correspondence received after the Agenda was published from the Planning Case Officer and a third party.

Members considered the application and the local Ward Member commented that this site was currently an attractive open space and the proposals would produce a tight constrained development. Reference was made to the comments of the Civic Society for fewer properties. It was therefore suggested that the item be deferred for further discussions with the applicant to modify the proposal.

Another local Ward Member commented that she recognised the need for housing, but felt that the development deprived the residents of open space and did nothing to preserve the area. It was commented that the cherry tree could be retained if there was a different proposal.

Other Members raised concerns regarding car parking provision and access via footpaths and felt that there were alternative solutions on this site.

Some Members did not feel that the development was over-intensive and the cherry trees could be replanted. All the current houses had large gardens and they recognised the need for new affordable houses in Southwell.

AGREED (with 8 votes for and 5 votes against) that the item be deferred to the 7 August, 2018 Planning Committee, for the purpose of redesigning the scheme as it was considered to be an over intensive development.

32 MEADOW VIEW, FISKERTON ROAD, ROLLESTON, NEWARK ON TRENT, NOTTINGHAMSHIRE, NG23 5SH (18/00697/OUT)

The Committee considered the report of the Business Manager - Growth & Regeneration, following a site inspection, which sought outline planning permission for the erection of a dormer bungalow on the paddock land. The application was in outline form with only access a consideration and matters of appearance, landscaping, layout and scale all reserved.

A schedule of communication was tabled at the meeting which detailed correspondence received after the Agenda was published from the Applicant's Agent.

Members considered the proposed application not suitable as it was considered to be in the open countryside.

AGREED (unanimously) that outline planning permission be refused for the reasons contained within the report.

33 1 SCHOOL LANE, FARNDON, NEWARK ON TRENT (18/00765/FUL)

The Committee considered the report of the Business Manager - Growth & Regeneration, following a site inspection, which sought full planning permission for the erection of a detached dwelling located to the rear (south) of no. 1 School Lane in Farndon. The dwelling was one and a half storey with a U shaped plan form with detached triple garage.

A schedule of communication was tabled at the meeting which detailed

correspondence received after the Agenda was published from the following: Planning Case Officer; Applicant; Newark and Sherwood District Council Conservation Officer; Neighbouring Property; and Farndon Parish Council.

Members considered the application acceptable, subject to the conditions contained within the report and no further material planning matters being raised as part of the formal consultation process which closed the 4 July 2018.

AGREED (unanimously) that full planning permission be approved subject to the conditions contained within the report and no further material planning matters being raised at the close of the consultation period.

34 LAND ADJACENT TO 31 DARRICOTT CLOSE, RAINWORTH, NG21 0FP (18/00572/FUL)

The Committee considered the report of the Business Manager Growth & Regeneration, which sought planning permission for the change of use of a parcel of land directly to the south of the dwelling, from open space to garden land to serve 31 Darricott Close.

Members considered the application and the local Member commented that the application would see the loss of open/green space and she could not support this application as a matter of principle.

Clarification was sought as to whether the Council had considered devolving the land to the Parish Council. It was suggested that the item be deferred pending discussions with Rainworth Parish Council regarding whether they would take and maintain the land.

AGREED (with 12 votes for and 1 abstention) that the application be deferred pending discussions with Rainworth Parish Council.

35 LAND ADJACENT TO, NEWARK R AND M CRICKET CLUB, SPORTS GROUND, KELHAM ROAD, NEWARK ON TRENT, NOTTINGHAMSHIRE (18/00868/HRN)

The Committee considered the report of the Business Manager Growth & Regeneration, which sought to remove the 36m length of hedgerow to facilitate the use of the land to the south of the hedge, which was granted approval under 16/02163/FULM, for the Change of use of the land from Agricultural/grazing land to a cricket pitch, which will be used in association with the existing club and pitch to the north. The hedge formed the northern boundary of the development site.

Members considered the application acceptable.

AGREED (unanimously) that planning permission be granted for the removal of the hedge, subject to the conditions outlined within the regulations.

36 LOCAL DEVELOPMENT FRAMEWORK TASK GROUP

The Committee were asked to nominate three Members of the Planning Committee

to the Local Development Framework Task Group. The representatives for 2017/18 were Councillors G.P. Handley; D.R. Payne and B. Wells.

AGREED (unanimously) that Councillors: G.P. Handley; D.R. Payne and B. Wells be appointed as representatives for 2018/19, from the Planning Committee for the Local Development Framework Task Group.

37 APPEALS LODGED

There were none.

38 APPEALS DETERMINED

AGREED that the report be noted.

39 26 BANCROFT ROAD, NEWARK ON TRENT NOTTINGHAMSHIRE (18/01002/FUL)

The Committee considered the report of the Business Manager - Growth & Regeneration, which sought planning permission for a single storey front, rear and side extension.

Members considered the application acceptable.

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

(Councillor R.A. Crowe having declared a Prejudicial Interest on this item left the meeting during its consideration).

40 LOWDHAM CARS, LOWDHAM ROAD, GUNTHORPE, NOTTINGHAMSHIRE, NG14 7ER (18/00279/FUL)

The Committee considered the report of the Business Manager - Growth & Regeneration, which sought consent for the change of use of the land from a Car Sales to Car Sales and Car Wash. In addition the application sought retrospective consent for the installation of engineering operations for site drainage to serve the car wash. Permission was also requested for the erection of a new 2.4m/8ft security fence for site perimeters.

A schedule of communication was tabled at the meeting which detailed correspondence received after the Agenda was published from the Planning Case Officer, which sought an additional condition to secure the removal of the canopies on site within 3 months of the date of permission, the wording of the additional condition was as follows:

‘The two canopy structures present on the southern side of the application site shall be removed permanently within 3 months of the date of permission.

Reason: To protect the openness of the Green Belt and to prevent the impediment of flood water in the event of flooding’.

Councillor R. Jackson, the Local Ward Member for Dover Beck, spoke against the application on the grounds that the proposed site was in the middle of the flood area and would create a risk to surrounding properties. He also raised concerns in respect of possible highway implications and pollution to local water courses.

Members considered the application and a Member asked whether an alternative surface could be used. The Planning Case Officer confirmed that the Environment Agency condition confirmed that the drainage was appropriate.

A Member commented on the economic benefits that would be delivered from this business but it was acknowledged there were dramatically different evaluations of flood risk.

The Business Manager - Growth & Regeneration advised that if the Committee were minded to approve planning permission, that the agreement with the Environment Agency be added to Condition 5.

AGREED (with 11 votes for, 1 vote against and 1 abstention) that full planning permission be approved subject to the conditions and reasons contained within the report, the late item condition as detailed in the minute and Condition 5 being amended to require the agreement with the Environment Agency.

41 EXCLUSION OF THE PRESS AND PUBLIC

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 involved the likely disclosure of exempt information as defined in Paragraph 3 of part 1 of Schedule 12A of the Act.

42 RESIDENTIAL DEVELOPMENT AT EPPERSTONE MANOR, MAIN STREET, EPPERSTONE (05/01839/FULM, 07/00244/FULM AND 05/01839/FULM, AND 08/01841/FULM)

The Committee considered the exempt report of the Business Manager - Growth & Regeneration in relation to Residential Development at Epperstone Manor, Main Street, Epperstone (05/01839/FULM, 07/00244/FULM and 08/01841/FULM)

(Summary provided in accordance with 100C(2) of the Local Government Act 1972.)

Meeting closed at 6.20 pm.

Chairman

Document is Restricted

PLANNING COMMITTEE – 24 JULY 2018

| | | |
|------------------------|---|--------------------------------|
| Application No: | 18/01020/FULM (MAJOR) and 18/01021/LBC | |
| Proposal: | Partial demolition of the former Robin Hood Hotel with retention of the façade, eastern gable and parts of the roof and internal fabric and integration with a new 66 No. bedroom Travelodge Hotel (Class C1) along with 3 No. units for flexible retail (Class A1), financial and professional services (Class A2), café/restaurant (Class A3) and leisure (Class D2) uses. | |
| Location: | Site Of Robin Hood Hotel 1-3 Lombard Street Newark On Trent NG24 1XG | |
| Applicant: | M F Strawson Limited - Mr N Strawson | |
| LBC: | Registered: 30.05.2018 | Target Date: 25.07.2018 |
| FULM: | Registered: 30.05.2018 | Target Date: 29.08.2018 |

This application is being referred to the Planning Committee for determination due to the impact of the development on designated heritage assets. In any event, Officers consider it necessary for the application to be determined by Planning Committee in acknowledgement of the complex and lengthy planning history.

The Site

The site comprises three Grade II listed town houses known as the Robin Hood Hotel at Lombard Street. At the Beaumont Cross junction with Lombard Street, the site forms a key gateway to the town occupying a prominent position within the Newark Conservation Area and the Potterdyke redevelopment scheme.

The Robin Hood Hotel comprises 3 former houses and a public house last occupied as a hotel and shop, although the buildings have now been vacant since 1999. The building was listed in 1971 and its listing description (last amended in 1992) describes these houses as early and late 18th century, early and mid-19th century and late 19th century, with 20th century additions and alterations. For completeness the full listing description is repeated below:

“3 houses and public house, now an hotel and shop. Early C18, late C18, early and mid C19, with late C19 and early C20 additions and alterations. Colourwashed brick and render, with slate and concrete tile roofs. Early C18 central block has steep pitched slate roof with single ridge stack. Plinth, first floor band, gutter brackets, single coped gable. 2 storeys; 5 window range of 12 pane sashes. Below, 4 plain sashes. Late C18 block to right has first floor band and dentillated eaves. 2 storeys; 3 window range of segment headed 12 pane sashes. Central early C19 Ionic stucco surround to moulded doorcase flanked by single segment headed plain sashes. To right again, late C19 addition, colourwashed brick with stone dressings. First floor band, eaves cornice and parapet, with side wall stack. Segment

headed plain sashes, those to ground floor with keystones. 2 storeys. Angled corner with 3 windows on each floor. Right return has 8 windows, the 3 to left being smaller. To left, mid C18 block has incomplete first floor band, eaves band, cogged and dentillated eaves and single gable stack. 2 storeys; 3 window range of segment headed 12 pane sashes. To left, late C20 shopfront, and to right, a segment headed plain sash. To left again, mid C19 addition in 3 blocks. Stucco dressings, chamfered quoins, first floor band, 2 side wall stacks. 2 blocks to right have parapets. Single and 2 storeys. Right block has 2 small plain sashes and below, C20 shopfront. Single storey central block has a pair of carriage doors flanked to right by 2 plain sashes. Left block has moulded eaves and hipped roof with hipped clerestorey. 3 window range of C20 single pane windows. Below, C20 door to right. Interior refitted mid and late C20. Part of the building was formerly listed as 3 Lombard Street, PRN 619-0/3/108”.

Although the Robin Hood Hotel appears to have originally been three town houses, it is assumed that these were adapted into one by the point of the first historic reference to the Robin Hood Hotel as a public house in 1781. Survey plans from 1790 demonstrate service elements probably including stables, brewery and kitchens. In 1852, the site was sold as part of a lot which also included the Newark Theatre, and there is reference to the ‘Newark Club’ within the Robin Hood Inn Yard. By the 1870s, the site had been much expanded, and now included stables and extensive outbuildings. Late 19th century County Series maps show the site behind the buildings now known as the Robin Hood Hotel as comprising a brewery and two malthouses.

During the early 20th century, a distinct Edwardian phase can be understood following the removal of various 19th century additions and the creation of a new two-storey 11 bay wing that included extensive internal remodelling.

The Hotel was expanded further during the post-war period, with further extensions. The external masonry was also painted during this period. The Hotel closed in 1999 and has significantly deteriorated since then. The precise phasing and evolution and use of the building has been a matter of debate in the past, however the broader age, history and social interest of the building continues to justify the significance discussed in further detail below.

It is clear that there were extensive rear additions and service elements from the 19th and 20th century although most of these elements were removed during the recent Potterdyke redevelopment.

The building group is in parlous condition. Since closing in the late 1990s, the Robin Hood has suffered from neglect and lack of usage. Slipped tiles and damaged windows have been left unrepaired, with dilapidation increasing through internal rot, pigeon infestation, vandalism and in more recent years, severe water ingress from the two lantern lights at the rear. The consequence of the water ingress has rendered the two internal staircases unsafe.

Lombard Street forms the northern boundary of the site with Beaumont Cross and its associated traffic junction lying to the east, beyond which is Carter Gate. There are a number of other listed buildings nearby on Lombard Street.

Members will be aware that this site is linked to the wider redevelopment of the Town Centre. With the exception of this part of the site, the Potterdyke redevelopment scheme as it is widely

referred to, comprises the Doctors Surgery at Lombard Street, the PCT building, ASDA supermarket, various retail units, the new bus station, and an as yet undeveloped residential element.

Relevant Planning History

As stated above, the site has a complex planning history, details of which are summarised as follows:

02/01094/FULM & 02/01095/LBC - Planning Permission and Listed Building Consent (“LBC”) for the conversion/restoration, demolition and change of use from hotel to three dwelling houses and erection of a new block of 48 residential flats was approved 3rd March 2003.

A detailed Development Brief for the Potterdyke Area was approved by the Council in **July 2004**.

07/01460/FULM & 07/01461/LBC & 07/01462/CAC – Planning Permission, Listed Building Consent and Conservation Area Consent were sought for the demolition/partial demolition of existing buildings and structures (including total demolition of Robin Hood Hotel (main building), additions to the rear of 15-17 Lombard Street, 14-22 Portland Street and partial demolition of 21 Lombard Street (Newark Health Centre), alterations and extension of cottages adjoining Robin Hood Hotel and alterations to boundary and car park of Potterdyke House and redevelopment to provide retail uses (Use Class A1 and A3), Primary Care Trust facility (Use Class D1), Doctors' Surgery (Use Class D1), office use (Use Class B1), residential (Use Class C3), replacement bus station, new pedestrian street, surface and undercroft car parking, landscaping, access and servicing. Retention of bus facility.

These applications were, following several revisions, approved 12th November 2008, 4th December 2008 and 12th November 2008 respectively. In **November 2012** Members considered an application to discharge **condition 3 of 07/01461/LBC** regarding the extent of the building fabric of the Robin Hood Cottages to be both retained and demolished. Members resolved to agree to discharge the condition which essentially amounts to a façade retention scheme involving demolition of all other listed elements with the exception of the front and east gable façade. All other walls, ceilings, staircases and roof structures were agreed to be demolished. The discharge of condition application was referred to the Secretary of State, who decided not to intervene.

08/00007/FULM & 08/00008/LBC -Planning Permission and Listed Building Consent for the renewal of 02/01094/FULM and 02/01095/LBC was granted 23rd/24th April 2008.

09/006667/FULM – Full planning permission was sought for the variation of conditions attached to full planning permission 07/01460/FULM enabling the construction of the PCT health care centre as phase 1 of the potterdyke redevelopment scheme without compliance with all pre-commencement conditions for entire site. This application was approved under delegated powers on 24th June 2009.

10/00064/FULM – Full planning permission was sought to vary condition 2 (which related to the approved plans and allowed for various minor revisions) of 09/00667/FULM. This was approved under delegated powers on 1st March 2010.

10/00537/FULM – Full planning permission was sought to vary conditions 21 and 29 of 10/00064/FULM. This permission was approved under delegated powers on 21st May 2010. This is the definitive full planning permission that has been implemented. Condition 21 required off-site highway works to be undertaken ahead of the development commencing and this was relaxed so that some works including the bus station, PCT and health care centre could commence earlier. Condition 29 restricted A3 (restaurants/cafes etc) to Unit 8 only but was relaxed to allow greater flexibility (Uses A1, A2 and A3) for Units 1 to 10 provided A2 and A3 were no greater than 30% of the total floor space. In **November 2012**, Members resolved to discharge condition 2 of this permission in relation to the substitution of approved plans to allow for the façade retention scheme as referred to in the commentary above in relation to condition 3 of 07/01461/LBC.

11/SCR/00007 – A request for a screening opinion under the Environmental Impact Regulations was sought for the demolition of the remainder of the Robin Hood Hotel and redevelopment to provide 5 No. retail units with associated servicing. An opinion was given that an Environmental Impact Assessment was not required in May 2011.

11/00476/FULM & 11/00477/LBC – Both full planning permission and listed building consent were sought for ‘demolition of the remaining elements of the former Robin Hood Hotel and redevelopment to provide 5 No. new retail units (Units 5, 6A, 6B, 7 and 8) with associated servicing’. These applications were presented to the Planning Committee in November 2011 with a recommendation of approval. However following a lengthy debate, Members resolved to refuse the listed building application (by a vote of 8 to 4) and defer the full planning application. The listed building application was subsequently withdrawn before any decision was issued and the full application remains as pending consideration. The reason Members were minded to refuse is a matter of public record as follows:

“the application to demolish the Grade II Listed Buildings forming part of the former Robin Hood Hotel at 1-3 Lombard Street, Newark be refused on the grounds that it does not fulfil the criteria in the 1990 Listed Buildings Act and does not satisfy the full range of issues identified in PPS5. It is also contrary to Core Strategy policies 14 and Local Plan Policies C1, C3, C4, C5, C9, C11 and C23.” In essence the concern of Members was that the benefits of allowing demolition were insufficient and that further exploration of grant funding to secure re-use had not been exhausted.

A section 215 Notice was served on the 8th December 2016. The Notice requires the owner to do the following:

- i) Remove all vegetation growth from the exterior of the building;
- ii) Remove all flaking paint and flaking render from the north and west exterior of the building;
- iii) Remove all boarding from the elevations of the building;
- iv) Prior to repainting, clean and prepare all external timber window and door joinery, including the shop front, removing in the process any flaking paint, replacing any rotten or perished timbers with replacement woodwork which is an accurate replica of the original design in terms of pattern, detail and profile, so as to ensure that all external timbers are in an appropriate condition for repainting. Where no window or door exists, the opening shall be boarded out. Any new timber board shall be set within the opening reveal and externally painted black;
- v) On completion of the works in step (ii) of this schedule, clean and repaint all of the external north and west exterior of the building (except the roof) with a minimum of two coats of

exterior paint in a colour to match the existing. Prior to re-painting treat all previously painted render with a suitable fungicidal wash;

vi) On completion of the works in step (iv) of this schedule, clean and repaint all of the external timbers in white exterior paint, with primer, undercoat and gloss;

vii) Re-paint the string course of the north and west external elevation with matching exterior paint (darker contrast to rest of masonry);

viii) Replace any broken or missing glazing with new single glazed glass panes;

ix) Restore or replace all damaged or missing gutters, rainwater down pipes, hoppers, waste pipes and soil and vent pipes to all main buildings, rear additions and outbuildings in matching materials, i.e. cast iron for cast iron, and in a like-for-like manner. Ensure that all rainwater and waste pipes discharge correctly into below-ground drainage. Clean, prepare and paint all soil and rainwater goods in black gloss finish paint (except where black plastic goods already exist);

x) Carry out repairs to all existing pitched roofs and flat roofs to all main buildings, rear and side additions and all outbuildings, as necessary, in matching materials. This includes re-fixing or replacing any defective lead flashings or through gutters. Repair or replace any broken or slipped roof tiles. If replacement is required use an accurate replica tile.

The Notice took effect, subject to the provisions of section 217 of the Act, on Friday 13th January 2017.

16/00914/FULM and 16/00915/LBC – Planning permission and listed building consent were submitted for the demolition of the former Robin Hood Hotel and redevelopment to provide new retail units and a 66 no. bedroom (Travelodge) Hotel in June 2016. The recommendation of Officers to approve the development (subject to a suite of conditions and an associated S106 agreement) was presented to Members on 7th March 2017. Members were minded to approve the application in line with the officer recommendation but before issue the decision was referred to the Security of State (SoS). The SoS confirmed by letter dated 28th September 2017 that the applications would be called in for determination at a Public Inquiry scheduled for 12 days commencing in May 2018. However, the applications were withdrawn by the applicant following extensive discussions for a revised scheme which now formulates the current application. Where relevant, the following appraisal will make reference to the details of the previously withdrawn scheme for comparative purposes to the current applications subject to determination.

The Proposal

The current proposals seek to re-develop the site of the Robin Hood into a mixed use scheme of commercial development and a 66 bed hotel. Unlike the previously withdrawn schemes, the current applications seek to retain the façade and some additional walls of the Robin Hood buildings in the development. The design of the current proposal has evolved following pre-application discussions with interested parties including Historic England and Travelodge as the end occupier of the hotel.

As is clarified by the submitted Design and Access Statement, the scheme proposes commercial development at ground floor. This takes the form of commercial units, a hotel entrance and supporting ancillary hotel spaces. The intermediate, first and second floors provide hotel accommodation and supporting ancillary hotel/commercial spaces.

The ground and intermediate floors would contain 3 commercial units, with gross internal floor areas as follows:

- Unit 1 = 310.3 m² / 3340 ft² (62.9m² / 677 ft² of total at intermediate floor)
- Unit 2 = 338.3 m² / 3641 ft²
- Unit 3 = 381.5 m² / 4106 ft²

The proposed use of these units would be flexible to allow shop (Class A1); financial and professional services (Class A2); café/restaurant (Class A3); and leisure (Class D2) uses.

The first and second floors provide a total of 66 beds of hotel accommodation, linen areas and stores. The hotel accommodation breaks down into the following room types:

- Accessible room - 4
- Double shower room - 36
- Standard family room - 20
- Squeeze family rooms - 6

The proposal involves gaining pedestrian access to the commercial retail units from both Lombard Street and New Street with pedestrian access to the hotel entrance at the end of the building associated with Beaumont Cross.

In general the proposed building is scaled at 3 storeys with a maximum height of approximately 13.6m. The ground floor of the new build elements will contain glazed panels. Windows, shop fronts, spandrel panels and the hotel entrance foyer surrounds will be powder coated aluminium. The materials required to renovate the retained historic structures will be pantile, slate, timber for the windows and doors, and the use of an agreed heritage colour on the external walls.

It is proposed that parking arrangements will be secured through a discounted rate with the adjacent NCP Car Park following an agreement to retain opening of the car park overnight.

The applications have been accompanied by the following documents:

- Existing plans and elevations;
- Proposed plans, elevations and illustrative perspectives;
- Design and Access Statement prepared by Framework Architects;
- Historic Building and Conservation Area Assessment prepared by Cotswold Archaeology;
- Transport Statement prepared by ADC Infrastructure;
- Protected Species Survey prepared by Rob Frith Associates;
- Ground Conditions Report prepared by Delta Simons;
- Financial Viability Assessment prepared by Banks Long & Co.

In addition to the suite of plans which were submitted to accompany the original application submission, revised plans have been received during the life of the application (28th June 2018) in relation to the retention of the historic fabric proposed.

Departure/Public Advertisement Procedure

Occupiers of 165 properties have been individually notified by letter. A site notice has also been displayed near to the site and an advert has been placed in the local press. An additional one week period of consultation has been undertaken on the basis of the aforementioned revised retention plans with an overall expiry date for comments of 13th July 2018.

Planning Law and Policy

18/01021/LBC

Section 38(6) of the Planning and Compulsory purchase Act 2004 1990 does not apply to decisions on applications for Listed Building Consents, since in such cases there is no statutory requirement to have regard to the provisions of the Development Plan. LBC applications should be determined in accordance with the law (see, in particular, s.16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990) and the relevant policies in the NPPF (in particular paragraphs 126-141). The objectives of the Development Plan and its policies may, though, be a material consideration in those decisions.

S.16(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 provides that the LPA may grant or refuse an application for listed building consent and, if they grant consent, may grant it subject to conditions. S.16(2) states that in considering whether to grant listed building consent for any works, the LPA shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

S.66(1) provides that in considering whether to grant planning permission for development which affects a listed building or its setting, the LPA shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

S.72(1) states that in the exercise, with respect to any buildings or other land in a Conservation Area, of any of the provisions mentioned in subsection (2) (the planning acts), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

18/01020/FULM

Applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise (s.38(6) of the Planning and Compulsory Purchase Act 2004 and s.70(2) of the Town and Country Planning Act 1990).

The Development Plan

The relevant policies of the Development Plan in relation to this application are as follows:

Newark and Sherwood Core Strategy DPD (adopted March 2011)

Spatial Policy 1: Settlement Hierarchy
Spatial Policy 2: Spatial Distribution of Growth
Spatial Policy 7: Sustainable Transport
Core Policy 6: Shaping our Employment Profile
Core Policy 8: Retail Hierarchy
Core Policy 9: Sustainable Design
Core Policy 10: Climate Change
Core Policy 14: Historic Environment
NAP 1: Newark Urban Area

Allocations & Development Management DPD (adopted July 2013)

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

Policy DM3: Developer Contributions and Planning Obligations

Policy DM5: Design

Policy DM9: Protecting and Enhancing the Historic Environment

Policy DM11: Retail and Town Centre Uses

Other Material Planning Considerations

- National Planning Policy Framework 2012
- Planning Practice Guidance 2014
- Historic England Good Practice Advice Notes (notably GPA2 and GPA3)
- Newark and Sherwood Plan Review – Publication Amended Core Strategy

Consultation and Representations

All comments received during consultation have been appended in full at Appendix 1.

Comments of the Business Manager – Growth and Regeneration (Appraisal of the Applications)

There are several key issues that require consideration in assessing this scheme. For ease of reference these have been addressed in turn below. The assessment requires very careful consideration, having regard to primary legislation, the development plan, and all other material planning considerations.

Background

Members will be aware that in 2003, this Council selected a Consortium comprising ASDA Stores Ltd, Simons Developments and MF Strawson to deliver a major redevelopment scheme in the town centre known as Potterdyke. This food store led scheme also included a new Bus Station, Retail Units, car parking, a new Doctors Surgery and Health Centre. The majority of the Potterdyke scheme has now been built out, with Asda, the Doctors Surgery, and retail units (closest to Asda) being operational. The Robin Hood site comprises the final part of the Potterdyke scheme at that part of the Town Centre.

Principle of Development

The site is situated within Newark Urban Area and Newark Town Centre, both envisaged by the Core Strategy to be the key focus for growth within the District. Despite some changes to the overall Settlement Hierarchy of the Core Strategy, Newark continues to be the focus for further growth within the District.

The scheme proposes ‘town centre uses’ as defined within the NPPF. The site is within Newark Town Centre with the proposed retail units being in close proximity to the Secondary Shopping Frontage along Carter Gate (as defined by the Allocations Map). Policy DM11 supports new retail development within the Town Centre boundary and the proposal is thus acceptable in land use planning terms. Additional retail units would complement the existing units recently delivered by the wider Potterdyke development.

In terms of the proposed hotel use, Policy DM11 supports a greater diversity of town centre uses that contribute to the overall vitality and viability. This will assist in meeting the objectives of Core Policy 7 and contribute towards the night time economy of the town centre.

The site is within the designated Newark Conservation Area and incorporates a designated heritage asset in the form of the Grade II listed former Robin Hood Hotel. As Members will be aware Grade II Listed buildings represent 92% of all Listed Buildings nationally. Within Newark and Sherwood there are 1285 Grade II Listed buildings (compared to 45 no. Grade I and 57 no. Grade II*). Clearly each listed building has its own historic interest importance, and significance, which must be assessed on a case-by-case basis.

Members will be aware that the principle of demolishing this building in full has been previously considered by the Council, as the Local Planning Authority (LPA), most recently through the consideration of recently withdrawn proposals. Prior to this, the Council also considered demolition in line with historic applications in November 2011. The Officer recommendation of approval on both accounts is a matter of fact and public record, as is the Planning Committee's resolution to agree with Officer's to allow full demolition at the March 2017 Committee Meeting. For the avoidance of doubt, the SoS removed the ability for the LPA to determine the 2016 applications through their powers of call-in and therefore no formal decisions were issued that would constitute an approved planning fall-back position (the matter of fall back positions which do exist will nevertheless be further discussed later in the appraisal). It is worthy of note that the current application is an entirely different scheme which must be assessed on its own merits against the relevant statutory provisions and development plan policies as is undertaken below.

Legislative Framework and Planning Policy

There are both legislative requirements and policy tests to consider in relation to the proposed development:

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that *"if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."*

As the application concerns designated heritage assets of a listed building and the conservation area, sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') are particularly relevant. Section 16(1) requires the decision maker in considering whether to grant listed building consent for any works, to *"have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possess."* This stance is mirrored by Section 66 which outlines the general duty in exercise of planning functions in respect to listed buildings stating that the decision maker *"shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."*

Section 72(1) also requires the LPA to pay special attention to the desirability of preserving or enhancing the character and appearance of conservation areas.

The duties in s.66 and s.72 of the Listed Buildings Act do not allow a local planning authority to treat

the desirability of preserving the settings of listed buildings and the character and appearance of conservation areas as mere material considerations to which it can simply attach such weight as it sees fit. When an authority finds that a proposed development would harm the setting of a listed building or the character or appearance of a conservation area, it must give that harm considerable importance and weight.

This does not mean that an authority's assessment of likely harm to the setting of a listed building or to a conservation area is other than a matter for its own planning judgment. It does not mean that the weight the authority should give to harm which it considers would be limited or less than substantial must be the same as the weight it might give to harm which would be substantial. But it is to recognise that a finding of harm to a listed building, or harm to the setting of a listed building, or to a conservation area gives rise to a strong presumption against planning permission being granted. The presumption is a statutory one. The presumption is not irrefutable; it can be outweighed by material considerations powerful enough to do so. But an authority can only properly strike the balance between harm to a heritage asset on the one hand and planning benefits on the other, if it is conscious of the statutory presumption in favour of preservation and if it demonstrably applies that presumption to the proposal it is considering. This is a matter that has been considered in a number of recent court cases (in particular: Barnwell Manor Wind Energy Ltd v East Northamptonshire District Council (2014); The Forge Field Society v Sevenoaks District Council (2014); and Mordue (2016).

Alongside the statutory tests, the NPPF forms a material consideration to the determination of the applications. Paragraph 14 of the NPPF outlines a presumption in favour of sustainable development.

The NPPF, at paragraph 17 also outlines a number of core planning principles which should underpin both plan-making and decision-taking. Of the 12 principles, the 10th bullet point warrants specific mention in the context of the current applications. This states that heritage assets should be conserved in a manner appropriate to their significance.

Indeed, the importance of considering the impact of new development on the significance of designated heritage assets, is set out in detail in section 12 of the National Planning Policy Framework (NPPF). Paragraph 128 requires LPAs to ensure that in the submission of applications affecting heritage assets applicants should describe the significance of any heritage assets affected, including any contribution made by their setting. For clarity in the context of the current applications, the applicant has done this through the submission of a 'Historic Building and Conservation Area Assessment' undertaken by Cotswold Archaeology dated May 2018.

As identified above, the current state of the Robin Hood Hotel is recognised as being in a visually dilapidated state which has deteriorated over recent years. On this basis, paragraph 130 is of direct relevance to the current determinations. This states that "*where there is evidence of deliberate neglect of or damage to a heritage asset the deteriorated state of the heritage asset should not be taken into account in any decision.*" As will become clear throughout discussion within the report officers do not consider that there is evidence of deliberate neglect to the building. Throughout recent years, the LPA have taken proportionate approaches to safeguard the listed building (most recently through the serving of the aforementioned S215 notice). Officer's continue to negotiate the compliance with the notice taking a pragmatic approach given the ongoing discussions with regard to the current application submissions.

Paragraphs 132 and 133 of the NPPF direct decision makers as to the tests which apply when considering the impact of a proposed development on the significance of a designated heritage asset. For clarity these tests apply to both the designated heritage assets of the listed Robin Hood Hotel and Newark Conservation Area.

132. 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**. The **more important the asset**, the **greater the weight** should be. **Significance can be** harmed or **lost** through alteration or **destruction** of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss **should require clear and convincing justification**. Substantial harm to or **loss of a grade II listed building**, park or garden **should be exceptional**. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

133. Where a proposed development **will lead to** substantial harm to or **total loss of significance** of a designated heritage asset, local planning authorities **should refuse consent**, unless it can be demonstrated that the **substantial harm or loss is necessary** to achieve **substantial public benefits that outweigh that harm or loss**, or **all** of the following apply:

- the nature of the heritage asset prevents all reasonable uses of the site; and
- no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
- the harm or loss is outweighed by the benefit of bringing the site back into use.

The setting of heritage assets is defined in the Glossary of the NPPF:

“The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.”

In addition, significance (for heritage policy) is also defined:

“The value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting.”

I do note that there has been a recent consultation on a new draft NPPF. The outcome of this consultation remains unknown (as therefore does the final wording of any new NPPF) and consequently its weighting as a material planning consideration is minimal. Nevertheless, I do note that the NPPF continues to state that substantial harm (for a Grade II building as in this case) should be exceptional and that permission should be refused unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss

Paragraph 13 of the Conservation section within the Planning Practice Guidance (PPG) advises that a thorough assessment of the impact on setting needs to take into account, and be proportionate to, the significance of the heritage asset under consideration and the degree to which proposed changes enhance or detract from that significance and the ability to appreciate it.

In addition to the above focus on relevant heritage policies, it is also worthy of note that the NPPF outlines at paragraph 7 that there are three dimensions to sustainable development: economic, social and environmental. Clearly there will be elements of these roles which are relevant to the determination of the current application. For example, whilst the proposals will undoubtedly negatively contribute to the environmental role in respect of the historic environmental, there will be benefits in the economic and social roles attributed to the delivery of the a new hotel and commercial units as proposed.

At a local level there are a suite of policies which are also of relevance. These include Policies CP14 and DM9 of the Council's LDF DPDs. CP14 acknowledges the rich and distinctive historic environment of the District and seeks to ensure *"the continued preservation and enhancement of the character, appearance and setting of the District's heritage assets and historic environment."* The policy goes on to explicitly identify the need for the *"preservation of the special character of Conservation Areas."* It is noted that CP14 of the Core Strategy (adopted in March 2011) pre-dates the NPPF. Whilst it is acknowledged that some of the wording differs from that used in the NPPF, the general thrust of the policy and the objectives it seeks is consistent with the stance of the NPPF.

As is referenced above, the LPA are currently undergoing a Plan Review process in respect of the Core Strategy. The publication document which was subject to examination in February 2018 does slightly amend the wording of Core Policy 14 albeit not substantially. Core Policy 14 is not currently subject to dispute through the Examiners initial report and therefore Officer's consider that it can be attached significant weight at this time.

Policy DM9 follows the intentions of CP14 in that, *"all development proposals concerning heritage assets will be expected to secure their continued protection of enhancement"*. In respect of development proposals *"affecting heritage assets and their settings, including new operational development and alterations to existing buildings, where they form or affect heritage assets,"* proposals *"should utilise appropriate siting, design, detailing, materials and methods of construction."* Policy DM9 was adopted after publication of the NPPF and was found by the independent plan examiner to be NPPF compliant.

Impact on Heritage

Heritage Significance

As required by paragraph 129 of the NPPF, LPA's should identify and assess the particular significance of any heritage asset that may be affected by a proposal. When considering the significance of the heritage assets, I have had regard to the substantive reports and comments on this issue to date. This includes the correspondence from both Historic England (formally English Heritage) and the Council's Conservation Officer, as well as the Conservation bodies referred to in Appendix 1.

Dealing firstly with the asset of the Listed Building, the former Robin Hood Hotel has a complex

building history. This evolved from a cluster of houses fronting onto Beaumont Cross with various additions as they consolidated to form a hotel and a shop. The significance of the listed building largely rests with the former houses on the street frontage.

The former Robin Hood can be split into three different buildings (labelled A, B and C from east to west). The central building (B) is the oldest and originates from at least the early 18th century. The building closest to Beaumont Cross (A) was built next, followed by the most westerly building (C). The heritage significance of the buildings has been previously assessed by this Authority, notably as part of the committee report presented to Members in November 2012 (to allow discharge of conditions to 07/01461/LBC and 10/00537/FULM) which was subsequently repeated in the committee report presented to Member in March 2017 (in relation to applications 16/00914/FULM and 16/00915/LBC). The significance remains of relevance to the current determinations:

“What we do know about surviving fabric is set out as follows.

Building A (adjacent to Beaumont Cross)

This was built after Building B, thought to be mid C18 in date. It contains:

- Small pane sashes at first floor (typical of C18 into early C19), single ground floor plain sash at ground floor (typical of later C19/early C20);*
- Readable plan form, including gable chimney stack, showing development of building and its relationship to adjacent buildings;*
- Brick vaulted cellar;*
- Two cross beams of original ground floor ceiling survive, along with original ground floor ceiling and floor (partially collapsed);*
- East section of ground floor wall survives;*
- First floor walls surviving to front and rear;*
- Some early 19th century plaster work (coving) to one first floor room;*
- Cruck blade survives on one side in second floor. Evidence of truss adaptation is visible on other side. We are unsure how much of this cruck truss survives on rear roof slope or below the height it is visible and it is not clear if this will be re-used. Cruck blades are often seen in conjunction with timber framed structures and can be as early as the Medieval period but were also seen into the C19 in more vernacular buildings.*

Building B (the building in the middle)

This is the earliest building on site and is likely to be early C18 or possibly earlier. It contains:

- Small paned sashes at first floor (typical of C18 into early C19) and plain sashes at ground floor (typical of late C19/early C20);*
- Slate roof (presumed to be C19) and pantile roof. Roof form (steep pitch and raised coped gables with kneelers) which are indicative of possible earlier thatched roof;*
- Readable plan form evolving from at least C18 into C19 including central chimney stack;*
- Stone cellar with stand for basin, cold slab and wine bins. Blocked openings giving clear archaeological evidence of evolution of buildings adjacent. The presence of a stone cellar is unusual and suggests it pre-dates the supposedly C18 structure above. This may indicate an*

earlier structure once existed on the site or the stone cellar may have been the plinth for a timber framed structure which may yet survive within the later C18 brickwork. Note that building A also has a cellar but that this was constructed of brick, reinforcing the unusual presence of stone here;

- *Ground floor ceiling beam from early ceiling. Replacement ground floor ceiling dating to perhaps 1852;*
- *External stair tower surviving in part at first floor and in entirety at second floor;*
- *Majority of external walls surviving from first floor up;*
- *Lime ash floors;*
- *First floor ceiling beams with reed and plaster ceilings;*
- *Intact attic.*

Building C (the end building closest to Castlegate)

This is the latest building of the three. The list description gives a later C18 date although the report by Prospect Archaeology suggests C19. The presence of larger yellow bricks is more typical of the C19.

- *Yellow brick construction; the yellow bricks themselves are significant as these bricks are not typical of this local area but had to be transported in, showing an ostentatious display of wealth and status through this choice of brick. While there are some yellow brick structures in Newark it is relatively unusual in what is predominantly a red brick area.*
- *Readable plan form;*
- *Front facade survives;*
- *Rear wall and part of stair tower wall survives;*
- *Small paned sashes at first floor (typical of C18 into early C19), plain sashes at ground floor (typical of later C19/early C20).*

When the Robin Hood Hotel was listed in 1971, English Heritage did not specifically state why a building was worthy of listing and what was of particular significance. The building is Grade II listed and described in the list description as three houses and public house dating from the early C18 with late C18, early and mid C19 and early C20 phases. The rest of the list description simply describes its architectural form. The following is a summary of my interpretation as to why the building is of significance.

- *Pre 1840 in date, for at least Building B and possibly Building A. Between 1700-1840 most buildings are listed.*
- *Indications of a possible preC18 origin for at least Building B and possibly Building A*
- *Readable plan form from possibly pre C18 onwards*
- *Surviving example of C18 (or earlier) and early C19 vernacular town house which was once quite widespread. The English Heritage guide on Town Houses (Designation Listing Section Guide, Domestic 2: Town Houses, October 2011) states that the typical layout of a town house was two rooms deep and that the 'one room layouts are rare but were much more widespread, so survivals are of particular interest '*
- *Early surviving example of a public house, particular significance given Newark's rich brewing heritage.*
- *Few pre 1840 commercial buildings survive nationally*

- *Interesting use of yellow bricks in Building C, an unusual feature for Newark and surrounding area and ostentatious display of status. Shows the filtering out of popular polite architecture from London, where yellow bricks were very common.*
- *Stone and brick cellars with typical 'below stairs' features*
- *Interesting and relatively rare external stair tower, seen on vernacular building from early C17 into the C19.*
- *Survival of historic fabric, especially, but not exclusively, above ground floor. Fabric including vernacular building techniques of reed ceilings and lime ash floors, the latter being a strong local feature albeit not in good condition.*
- *Use of a cruck blade, indicative of timber framed buildings, crucks are used as early as medieval times but in vernacular buildings up into the C19. Even if this was dated to the C19 it is important as an illustration of the long survival of traditional vernacular building techniques. A cruck blade in Potterdyke House was dated (dendrochronology) to the C19.*

There is a lot of discussion about the extent of internal alteration and survival and while I still believe there are many internal features of merit surviving (see above) it is significant to note that the listing officer noted that the 'interior [was] refitted mid and late C20', and still found the building to be of national significance at a level to warrant it being listed. The description offered with the listing does not list surviving historic internal features we now know to be of significance, like the cellars, stair tower, and cruck blade, for example. "

In addition to the above, interrogation of previous consultation responses provided by Historic England (at various occasions in relation to various planning applications sited above), has referenced in detail the significance of the asset:

- *Evidential value* is most noticeable in the front elevations, the plan form and historic fabric which reflects the changing nature of the structures.
- *Historic value* is derived from the survivals of the form as former town houses fronting a main route through the important urban settlement.
- The positive contribution to the character and appearance of the CA aide retention of an *aesthetic and communal value* (notwithstanding the existing neglected appearance of the buildings discussed in more detail later in the report).

The above points combine to offer a helpful summary of the historic significance of the building. Members are advised that work by the Nottinghamshire Building Preservation Trust (NBPT) led to the production of a 'Viability Appraisal Report' dated July 2015 by Soul Architects. This document does not form part of the applicant's planning application and remains the property of its authors and the NBPT. Nevertheless Officers were provided with this report and have previously received written confirmation that it can be used as part of an evidence base to assess previous applications.

As well as a detailed description of the buildings, the report incorporates a chapter discussing the 'Importance of the Buildings.' This confirms that the buildings retain their distinctive identities on the street frontage and the detail on the Lombard Street facades – brick banding, dentilled and cogged eaves and treatment of the openings adds some architectural interest. Internally, it is stated that substantial alterations over many decades has resulted in almost complete removal of 18th century internal and rear walls of the properties at ground floor level.

The report also goes on to discuss the following values of heritage:

- *Aesthetically* the Robin Hood Hotel has formed a distinctive landmark at one of Newark's busiest road junction for over 250 years (acknowledging that the aesthetic heritage values are compromised by the existing poor condition and state of preservation)
- *Evidential* heritage value of the site is of local, and perhaps regional interest, as excavations to the rear have demonstrated the presence of some early post-medieval features
- The former hotel has no current *communal* heritage value – however it was an important social venue in Newark during the 19th and 20th centuries, and possibly the mid-late 18th century also.

The report also incorporates a condition report and structural survey (noting that this is now some 3 years old). The structural report (prepared by William Saunders) advises that the property was suffering badly from water ingress to all areas resulting in the following defects:

- Approximately two-thirds of the principal listed building has a timber suspended floor at ground level, and most of the timber boarding and joists are rotten;
- All of the first floor timber boarding, joists and beams are showing signs of extensive rot and decay, with evidence of dry rot and wet rot visible. It is assumed that second floor timbers and roof timbers are similarly parlous;
- The two staircases leading to upper floors have both partially collapsed due to timber rot and decay;
- Structural steel beams at ground floor level show extensive corrosion and delamination;
- External masonry appears to be in a reasonable state with no visible evidence of settlement or distress. Some isolated timbers in the exposed masonry on the east side and rear is showing signs of rot and decay.

The structural report made a number of recommendations, including urgent works which were subsequently undertaken by the applicant. Overall, the report found that the masonry walls were generally sound and can be retained provided that remedial works were carried out to remove isolated timbers built into the external walls (and then made good with matching bricks) and that any areas of fungal infection be identified and treated. However, all floor, roof and stair case timbers would need to be fully replaced, and all steel beams would need to be replaced (or load bearing walls reinstated).

As the proposal also affects the heritage asset of the designated conservation area, it follows that it is necessary to also identify its significance. This has been done previously by the Conservation Officer. Given the importance of the conservation area significance, Officers consider the following extracts to be of direct relevance in the context of the current appraisal.

Newark Conservation Area was originally designated in 1968 and focused on the Market Place. In 1974, the conservation area was extended to include Millgate, Parnhams Island and the traditional residential streets up to Victoria Street.

The conservation area was then extended in four more stages: in 1979 when a more rational boundary to the central area was defined; in 1987 when the majority of Northgate either side of the Trent was included; and in 1992 and 1995 when the London Road suburbs and the Cemetery were added.

Further parts of Lombard Street were included in the 1979 amendments, but Beaumont Cross formed part of the original designation (including the Robin Hood Hotel complex).

The Lombard Street character area forms the southern edge of Newark's historic core, stretching from the intersection with Castle Gate to the area where the Beaumont Cross once stood at the historic junction with London Road.

It is known from documentary sources and excavations that the medieval town defences enclosed roughly a square area of which Lombard Street formed the southern boundary. It is thought that these defences were built along with the castle after the Conquest in the late 11th century. The name Potter Dyke (now Lombard Street) is first recorded in 1331 and reflects its position over the south line of the 'town ditch'. Several excavations showed that the line of the wall lay directly under the line of the modern property frontages.

Other than the medieval town defences, there is limited evidence of extensive activity on Lombard Street before the 16th and 17th century. Mapping from 1646 reveals that Lombard Street is a prominent roadway within the main town defensive ring.

Chapman's Map of Nottinghamshire 1774 and Attenburrows's 1790 Map show that Lombard Street had buildings on both sides of the street. In particular it is noticeable that on the north side of the street there are narrow burgage plots running perpendicular from the Market Place with extensive yards to the rear and buildings fronting Lombard Street.

On Woods 1829 Map, it can be seen that to the south the street was not as densely developed as the north with a large open space belonging to the Duke of Newcastle. Also on this side of the street were two significant buildings set in large grounds. The first known as Potterdyke House, is a significant town house which dates from the mid-17th century and has been refronted in the 18th century with subsequent alterations. The second polite building is known as Lombard House, and originates from the late-18th century. Other buildings of interest at this time are identified on Wood's Map, notably the Johnsonian Chapel on the southern side of the road (which has since been demolished) and on the north side of the street is the distinctive Independent Chapel built in 1822 and designed by W. Wallen in a classical revival style (this building is now an antiques warehouse).

Also marked on the map at the junction where five roads meet is the area known locally as the Beaumont Cross, an association which dates from as early as the 14th century and is the former site of Beaumont Cross. The original Beaumont Cross consists of a medieval stone socle (a type of stone base) and shaft which stands on four octagonal steps (which are a more modern addition). The Cross otherwise formed a distinctive boundary marker at the crossroads. The Cross underwent significant renovations in 1778 and again in 1801, which included the addition of conical stone cap and weather vane. In more recent years, railings were erected around its base (presumably to protect it from the increasing traffic levels at the junction) and more significantly, in 1965 it was moved to its current position in Beaumont Gardens on London Road.

The Robin Hotel is an important focal building in this context. Beaumont Cross was certainly a significant junction at the time that the Robin Hood buildings were constructed.

Development on Lombard Street continued throughout the 19th century. Christ Church was built on the north side of the road, being designed by J. D. Paine in 1836.

In the early 20th century, a bus station was opened to the rear of the Robin Hood Hotel. This remained the case until the 1960's when the bus station was relocated to its current position.

By the late 1960's, demolition had taken place on the north side of Lombard Street to reveal backs of buildings and hotel yards, and a large open area was became used as car parking.

During the 1970's, this car-park area was redeveloped and the St. Marks Shopping centre was built which incorporated shops and a multi-storey car park.

The Potterdyke redevelopment began in 2010 and the large, modern buildings forming ASDA and the medical centre on Portland Street. Combined with the modern car park on the opposite side of the road, modern development has had a massive impact on the street.

Nevertheless, the enclosure of the road and remnants of historic buildings and cottages renders the roadway an important part of the conservation area, culminating in the focal area of Beaumont Cross.

The Extant Position

As Members will be aware, the LPA have previously accepted a 'façade retention' scheme which forms an extant planning permission on the site. As a result of the discharge of planning conditions in association with planning permission 07/01461/LBC (as detailed in the site history section) the extant, implemented permission on this site is for a façade retention scheme. For the avoidance of doubt this allows for the following:

- The retention of the front elevations of Building A, B and C as well as the gable end to A
- The roof completely stripped and taken down (before being set aside for examination of condition with possible re-use)
- All other listed elements (walls, floors, ceilings, staircases) to be demolished
- In-fill of the cellars
- Existing historic windows replaced with double glazed units
- The shape of the historic buildings rebuilt with a pitched roof to exactly the same height.

To put it in simple terms I offer the attached quote from the Discharge of Condition report:

"The proposals now submitted can, for all intents and purposes, be described as facade retention and would entail demolition of all other listed elements with the exception of the front and east gable facade. To clarify, all other walls, floors, ceilings, chimneys, staircases and roof structures are proposed for demolition and the cellars would be in-filled. Whilst this is described as facade retention, the existing historic windows are also proposed for replacement with double glazed units."

These works were subsequently approved (with the relevant NPPF tests having been applied) and the Secretary of State was clear that this was a matter for the Authority to determine in not calling the matter in.

Unlike the previously withdrawn applications which related to the complete demolition of the listed buildings, the current proposals again relate to a façade retention scheme, together with some additional retention of building fabric. Notably, as is outlined by Historic Building and

Conservation Area Assessment submitted to accompany the application, the current submissions have been submitted on the basis that they *'revisit and enhance an earlier design proposal which sought to maintain and restore the existing façade of the Listed Building, whilst demolishing all other structures.'* Furthermore the document contends that the, *'current proposals incorporate the retention of significantly more of the original fabric than the formerly approved scheme, with the intention of preserving as much of the original historic structure as is feasible, given the deterioration over time due to the vacant state of the building.'*

Elements which have been incorporated within the current proposals which do not form part of the extant scheme include the roof to Building A; the chimney stack within Building B; and the maintenance of the cellars below buildings B and C as well as a number of internal walls on the first floor (notably in Building C). Discussion surrounding the negotiations of retention for the current proposals is included below in the section relating to the public benefits of the scheme.

Assessment of Current Proposals in Heritage Terms

As is referenced above, para. 128 of the NPPF requires an applicant to describe the significance of any heritage asset affected with the following paragraph placing a similar requirement on LPA's. The current applications have been assessed by various bodies offering heritage expertise including Historic England and internal Conservation Officers. Comments are listed in full in Appendix 1 but for completeness it is necessary through the current discussion to clarify that the LPA's internal conservation expertise *"take the view that the demolition works now proposed are not necessarily going to result in substantial harm."*

This is clearly a departure from the heritage implications of the 2016 applications for complete demolition but also as Members will note, a difference from the conclusions of Historic England who have identified substantial harm to the Grade II Listed Building through their comments listed in Appendix 1. Indeed, it is also worthy of note that Cotswold Archaeology, who have produced the Historic Building and Conservation Area Assessment dated May 2018 on behalf of the Applicant, have identified substantial harm. For completeness, this document in its concluding chapter states the following, *"The proposed development is considered to result in substantial harm to the significance of the former Robin Hood Hotel on the basis of the demolition of parts of the Grade II Listed Building."* It goes on to state that, *"There is the potential for beneficial change to the character and appearance of the Newark Conservation Area"*.

It is perhaps an unusual scenario for an application submission to identify a greater level of heritage harm than that identified by the LPA expertise; however the conservation officers of this council are required to set out and justify their view, as they have done. It is now for me to balance of the evidence before me in providing a recommendation to the Committee. It will then be for you to balance such matters.

Given the complex planning history which affects the site, and indeed the previous level of interest by the SoS to intervene into the LPA's decision, it is considered vital that any decision on the site represents a transparent and comprehensive process. Both the recommendation of Officers and resolution of Members, (which may or may not lead to the LPA issuing a decision pending on confirmation as to whether the SoS would again wish to intervene), must weigh in the balance all material planning considerations.

Clearly this includes, but is not limited to, heritage implications. In terms of heritage it is clear that this Council, as LPA (both Officers and Members) have found substantial harm when considering full demolition of the RHH. It is equally clear, if one looks at the previous discharge of condition approval for façade retention (i.e. retention of only the front and east gable facades and the total loss of all other walls, floors, ceilings, chimneys, staircases and roof structures; the filling in of the cellars, and the replacement of historic windows with double glazed units) that substantial harm was found by the LPA (again officers and Members), but that the necessary benefits of the scheme achieved substantial public benefits that would outweigh such harm. In this case, given greater elements of retention and more sympathetic restoration the Council's conservation officer has been persuaded in a finding of less than substantial harm (albeit at the higher end of), which of course is still harm which should be assessed.

If I were to conclude less than substantial harm, in accordance with the Council's Conservation Officer but contrary to Historic England, the relevant test for me as recommender and you as decision-makers would be para. 132 of the NPPF, which requires that *"any harm or loss should require clear and convincing justification."*

On the basis of the differing conclusions towards the level of heritage harm caused by the current proposals, in making a recommendation, I offer an assessment of the proposals on the basis of a 'worst case scenario'; i.e. that the level of heritage harm in this case is substantial. I therefore return to paragraphs 132 and 133 of the NPPF.

Members' attention is drawn to the fact that *"substantial harm to or loss of a grade II listed building...should be exceptional."* (paragraph 132). In testing whether the application can be justified paragraph 133 assists (set out again below for completeness and importance):

*"Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should **refuse** consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, 'OR' all of the following apply {emphasis added}:*

- *the nature of the heritage asset prevents all reasonable uses of the site; and*
- *no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
- *conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and*
- *the harm or loss is outweighed by the benefit of bringing the site back into use.*

As will become apparent in the following paragraphs, in this case it is the first test (underlined by officers) which is promoted by the applicant as being met. Officers concur that this is the appropriate test to apply in this instance, albeit in the interest of completeness, I offer some comment on the "bullet point" elements of the second test in paragraph 133.

With respect to the first bullet point, the asset itself does not prevent all reasonable re-uses of the site (albeit that re-use may depend on viability/grant issues). However, it may be that such re-use does not retain the level of asset currently on the site.

Viability, referred to in the second bullet point, is a matter that has been extensively discussed throughout the planning history of the site. It remains telling that despite previous approvals, the

market has still been unable to deliver the restoration of the Robin Hood Hotel complex in any manner (e.g. either the original proposal or the more recent façade retention scheme). In acknowledgement of this, the current application has been accompanied by a 'Financial Viability Assessment' dated May 2016. This confirms that, at the time of the 2011 application (for total demolition) independent surveyors CBRE commissioned on behalf of the council concluded that the retention of the Robin Hood Hotel complex was not financially viable (giving an estimated 4.77% of profit on cost). It is notable that no updated financial report has been submitted since the time of the previously withdrawn 2016 scheme for total demolition. The only commentary on the matter is through the covering statement through the current submission that the applicant have continued discussions with Travelodge who have, *'over time, adopted a more flexible approach to layout and standard specifications which is a reflection of their commitment to securing representation in Newark.'* Given that Officers (and indeed Members through the resolution of the March 2017 Committee Meeting) accepted the viability position presented at that time, it is not considered necessary or reasonable to request an updated viability position for the current submissions given that clearly the expense of the current façade retention scheme would be greater than the previously considered applications for demolition.

Work done for NBPT in the Viability Appraisal Report by Sole Architects 2015 (referred to in more detail below) has also raised viability concerns in relation to conservation without gap funding (see comments below on bullet point 3). Whilst there remains disagreement on the actual level of viability gap between Strawsons and the NBPT, for the purposes of this report, the key point is that there is a viability issue to address. It is stated that the current proposal represents a loss of £638,299.

This is not a case which turns on the issue of viability or indeed the bullet points contained within paragraph 133 of the NPPF. The applicant instead relies on the first test in paragraph 133 of the NPPF, that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.

Bullet point 3 requires the decision-maker to be satisfied that conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible. Discussions between Strawsons and the NBPT took place in June 2014 when the Trust was given an option to buy the Listed Building and, NBPT commissioned a feasibility report from Soul Architects (with the help of a 66% grant from the Heritage Lottery Fund). This report, dated June 2015, established that, with the help of a Heritage Lottery Fund Conservation Deficit Grant, a viable future for the buildings would be the development of independent office suites (promoted as Option 4 in the report). The report explores a number of options for the site, discounting industrial or leisure / assembly uses on the basis of the location of the site and the physical arrangement of the buildings. Similarly, restaurants and bars were discounted in preference to retail, office and residential uses. For clarity, all options assumed the repair and retention of the street front façade. The trusts preferred option (Option 4) details that *'a significant amount of historical fabric and internal floor plan would be retained and this scheme would be very 'light touch' in terms of impact to the historical fabric.'* The rationale for favouring Option 4 includes that this option would involve the least change to the historic fabric and that it is the most likely option to attract HLF funding.

However, by the time this work was completed, Strawsons had progressed with the Travelodge scheme and withdrew the letter of comfort for NBPT to continue. Therefore, it is accepted that charitable or other grant aid funding might be available for an alternative scheme and whilst this would take time to explore, it cannot be said to have been exhausted. The failure to exhaust the

possibility of grant-funding therefore means that the third bullet point in paragraph 133 has not been satisfied. Nevertheless, given that the current proposals now include the retention of the façade as well as other elements of the historic fabric, there is no guarantee that options previously explored by NBPT would represent a betterment in terms of heritage harm. It is notable in this respect that NBPT have submitted comments which overall support the current application (notwithstanding commentary on certain elements of the design discussed in more detail on the following section on the current proposals design).

Bullet point 4 refers to the harm or loss to the asset being outweighed by the benefit of bringing the site back into use. For the reasons set out below, I consider that the harm and loss would be outweighed by the benefit of bringing the site back into use in terms of substantial public benefits. However, it is accepted that, overall, the second test in Paragraph 133 has not been met in this case.

The first test in paragraph 133 is set out above. In summary, where substantial harm or potential loss of significance is identified, consent should be refused unless it can be demonstrated that the substantial harm or loss is *necessary* to achieve *substantial public benefits* that *outweigh* that harm or loss.

Given that the end use remains the same as that previously proposed through the withdrawn proposals, there will be elements of this assessment in respect of identification of public benefits which remain similar. Clearly the balance undertaken in the weighing exercise of benefits against harm will be tilted favourably given that the current scheme retains elements of the listed buildings rather than their complete demolition.

The glossary of the NPPF does not define what is meant by a public benefit. However, paragraph 20 of the NPPG {ID: 18a-020-20140306} deals explicitly with the meaning of the term:

“Public benefits may follow from many developments and could be anything that delivers economic, social or environmental progress as described in the National Planning Policy Framework (Paragraph 7). Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and should not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits.

Public benefits may include heritage benefits, such as:

- sustaining or enhancing the significance of a heritage asset and the contribution of its setting*
- reducing or removing risks to a heritage asset*
- securing the optimum viable use of a heritage asset in support of its long term conservation”*

In the determination of the current scheme, unlike previous assessment of the 2016 applications, benefits *can* be attributed in the heritage context. The proposal would secure a long term use of the buildings and in doing so minimize the harm that the vacant nature of the site has experienced in the past.

The original application submission incorporated a plan titled ‘Historic Fabric to be Retained’

reference J1565 (08) 113 Rev. A. This plan separates each of the floor plans of the existing building and annotates areas of 'Existing fabric to be retained' in red; and 'Extent of retention previously proposed within extant planning permission' in hatched red. The purpose of this plan is to again emphasise that the current proposals amount to the potential for additional elements of the buildings historic fabric to be retained in comparison to the extant scheme which exists on the site (as discussed in the preceding section). The rest of the floor plan is left blank indicating areas of demolition. During the life of the application Historic England (and indeed other parties including SPAB) has raised concern with the wider annotation on the key for the existing fabric to be retained. Essentially these elements are caveated on the basis that their retention would be subject to condition pending further on site assessments as part of the construction process.

This approach is not disputed in principle. It is fully accepted that there may be elements of the buildings that simply are not plausible to be retained. This is agreed by Historic England even in the acknowledged absence of a Structural Survey, partially through a comprehensive knowledge of the buildings through both recent and historic inspections. However, the issue is that the submission offers little comfort to the methodology which would be applied in determining which areas of the building would not be capable of retention. Historic England have confirmed through their submissions that they would be willing to mobilise an appropriately qualified Engineer (at the expense of the applicant) at short notice through the construction phases if required to assist in such assessments. In line with these discussions the applicant has been invited to re-consider certain elements of the originally submitted retention plan and as a consequence have submitted additional information and plans during the life of the application, received 28th June 2018. These plans do show additional areas of the building fabric to be retained albeit there remains elements (now identified through a yellow annotation) that the Applicant is not willing to guarantee retention of and remains of the view that these elements will require further on site investigations.

Despite receipt of such plans prior to the consultation response received by Historic England, the formal comments of Historic England included in full at Appendix 1 continue to raise concern that, *'the applications do not definitively say what historic fabric would in fact be retained.'* On this basis Historic England have identified that the scheme would result in substantial harm to the Grade II listed building. However, it is acknowledged that the primary *'stumbling block'* is the appropriate use of conditions.

Despite the lack of comment from Historic England in relation to the revised retention plans (and associated justification), Officers have considered the revised plans as part of the application submission which supersede the original retention plans. As is confirmed by the comments of Historic England there are a number of specific areas of retention which required additional consideration. These include existing walls in Building A (shown as removed to allow for the proposed layout of the reception and office area and bedrooms at first floor); historic structural timbers; and the roof and rear wall of Building A. Ultimately, it is at this stage not clear as to whether these elements could be reasonably retained but the stance of Historic England is that it is not appropriate to leave these elements to agreement through condition and if they cannot be retained the applicant should be made to go through another Listed Building Consent process at a later date (with HE offering a 'letter of comfort' if they do agree that some fabric must be removed but still requiring this formal, up to an 8 week target process).

The Agent acting on behalf of the Applicant has submitted justification for the revised retention plans including confirmation that the retention of further walls within Building A would

compromise the end user requirements in terms of room layout and customer arrival experience. It has however been confirmed that the removal of these internal walls would not automatically compromise the retention of the roof to Building A (which remains to be shown as retained on the amended retention plans to be subject to condition pending further site assessments) and that these would only be removed if further inspection on-site during the course of implementing the scheme found that this was justified.

Having considered the justification offered by the Agent acting on behalf of the Applicant, Officers are satisfied that the latest revision of retention plan (reference J1565 (08) 113 Rev. B - Historic Fabric to be Retained) would be appropriate in respect to the elements of the buildings which potentially be secured through condition. Officers concur entirely with Historic England that there would need to be an agreed methodology for recording elements of removal for potential reuse where possible, which our recommended condition 3 effectively captures.

It is fully appreciated that the heritage benefits are balanced by the harm owing to the partial demolition of the buildings. They nevertheless represent a greater heritage benefit (through the potential for additional elements of retention) than that accepted by the extant façade retention scheme, a scheme with which the then Secretary of State made clear they should not intervene.

The Historic Building and Conservation Area Assessment submitted to accompany the application contends that, *“There is a potential for beneficial change to the character and appearance of the Newark Conservation Area, and specifically that element of it defined as Beaumont Cross and its approaches arising from the proposed demolition of elements of the Grade II Listed former Robin Hood Hotel and the construction of the new hotel building to its rear.”* Officers strongly dispute this apparent stance that the partial demolition of a designated heritage asset could lead to the enhancement of another. For the avoidance of doubt, in respect of heritage benefits, Officers submission is that the overall balance should not include an enhancement to the CA. That does not mean that the impact on the CA could not be taken as neutral.

I now turn to other benefits derived from what a hotel and retail scheme will deliver. The position in this respect remains unchanged since the time of considering the 2016 applications (if anything the flexibility of the end occupier Travelodge shows a greater commitment than was previously the case). Both the applicant (in their letter dated 1st June 2016) and Travelodge themselves (in their letter dated 19th January 2017 available to view as part of the 2016 applications files) outline that the proposed Travelodge at Lombard Street will occupy a prominent, town centre location, which will take advantage of the retail, food and beverage facilities and tourist attractions nearby. The Applicant and Travelodge have previously shared with Officers details of the legal arrangements between the two parties. There is a commitment to deliver the scheme should Members be minded to approve the application, as reflected by a willingness to enter into a S106 Agreement with the Council in order to ensure that no demolition takes place unless and until a contract has been let to build the Travelodge in accordance with the approved plans. There have been many hotel planning permissions over the years, both in-centre and out of centre. All permissions have lapsed (with the exception of the already implemented Premier Inn at the A46 end of Newark, well beyond the town centre) on the basis of lack of interest and/or viability. I am aware of discussions and public consultation events in relation to a proposed hotel at Farndon roundabout but at the time of writing these have not advanced to planning stage, there are planning issues to address, and in any case would again be some distance from Newark Town Centre. The current application would on the contrary deliver much needed new accommodation within the centre.

The benefits which derive from this scheme do genuinely go beyond simply benefit to the applicant and operator. The scheme represents an investment in the town of c.£5.5m. The proposals would generate 65 – 71 new full-time equivalent jobs (a recruitment scheme which targets local employment could be secured via a S106), and the ability to increase the overnight hotel accommodation offer is likely to generate knock-on spend benefits within the area. Newark and Sherwood is also clearly a significant tourism designation in its own right, notably in relation to Sherwood Forest and (in the context of Newark itself) - the Castle and National Civil War Centre. Additional hotel accommodation for visitors remains vital. In addition, the scheme would increase the employment and commercial offer of the Town through the introduction of 3 commercial units.

The support for overnight accommodation to enhance the tourism industry is outlined by Core Policy 7 of the Core Strategy. The stance is that development should be appropriate to the size and role of the settlement and the needs of the local community concerned. Indeed paragraph 23 of the NPPF is clear that in order to ensure the vitality of town centres, planning policies should be positive in promoting competitive town centre environments.

According to statistics compiled by 'Experience Nottinghamshire' tourism contributes approximately £1.556 billion per annum to the county of Nottinghamshire with the district of Newark & Sherwood contributing a value of £206 million. The vast majority of this is provided by day visitors, which account for 90.4% of the volume of visitors to the area. There are only 113 providers of overnight accommodation countywide and according to 'Experience Nottinghamshire', Nottinghamshire's increase in overnight visitors is in contrast to the national trend, with national overnight stays down by - 2.42%.

According to 'Marketing Nottinghamshire' each overnight visitor is worth nearly 5 times more than day visitors and the corporate and commercial overnight visits to the county, excluding Nottingham City, are worth 7 times more. Figures specific to Newark and Sherwood (dated 2016) state visitor numbers were 451,860 and visitor days 548,330 with a total economic impact of £25.32m (£19.2m direct). The average spend for a day visitor is £34.73 whereas overnight visitors spend is on average £234.41 based on historical data. The Newark and Sherwood Steam Trend Report for 2009 – 2016 (undertaken by Global Tourism Solutions (UK) Ltd. identified that between 2015 and 2016 overnight visitors to the town were down between 3 and 4 %. It is therefore clear that overnight accommodation can bring significant benefits to the vitality of a town centre and that this is where the biggest potential for improving economic impact lies.

The concentration of the vast majority of overnight accommodation in the District is around the Sherwood Forest area (noting the presence in Rufford of national chain Centre Parcs). The website 'Visit Newark and Sherwood' lists 12 hotels in the accommodation section of their website (separately from B&Bs and self-catering) of which just 3 are in Newark Town Centre. I'm conscious that this is not a comprehensive list given that it does not include the Premier Inn in Newark but I am also conscious that the hotel offer is somewhat limited and of varying size reducing the opportunity for competitive rates. South of Newark, the provision of accommodation is sparse with a heavy reliance on B&Bs.

The scheme also provides for the opening of the St Marks NCP car park beyond its current 7pm closure time. This has clear associated benefits not just for patrons of the hotel, but critically for wider customers wishing to benefit from the night time activity within the town centre. Members will be aware of several pubs, bars, and restaurants within and on the edge of the town centre, all

of whom will be able to benefit from additional car parking.

I am satisfied that the applicant has demonstrated the application scheme is deliverable through the provisions of an associated legal agreement and consider the proposed development would complete the most prominent missing piece of the Potterdyke redevelopment jigsaw. It will allow for the completion of the link between Asda and Cartergate, thereby creating the potential to increase footfall and patronage within the town centre.

The applicant refers to public opinion as an indication of benefit in overall planning terms. Members will be aware that a decision on the current application needs to be taken in the context of all material planning considerations. As the NPPG makes clear *“Members must only take into account material planning considerations, which can include public views where they relate to relevant planning matters. Local opposition or support for a proposal is not in itself a ground for refusing or granting planning permission, unless it is founded upon valid material planning reasons.”* (Paragraph: 016 Reference ID: 21b-016-20140306).

As set out in Appendix 1, at the time of the agenda going to print, the planning application had been subject to 4 contributions and the listed building consent application to 6 contributions from members of the public (some from the same party to both applications) of which 2 of the FULM application and 3 of the LBC application object to the proposal. The Town Council, themselves elected on behalf of constituents, has resolved not to object. I am mindful however that the number of responses received to the planning and listed building applications are not necessarily representative of the overall opinions of the community. I am aware that there have been various polls etc. on the future of the Robin Hood (the covering letter to the application refers to a specific poll on demolition which was apparently supported by 79.9% of respondents) but given that these have provided contradictory outcomes, and indeed that they are skewed towards the question asked, I consider the weight that can be attributed to these polls in the current assessment on public benefits to be limited.

As with the previous consideration of the 2016 applications given that the public benefits attributable to the current scheme mainly relate to the delivery of the proposed hotel, it is not considered that the public benefits would be substantial without securing physical delivery prior to implementation. As detailed above a 106 agreement will be provided, if Members are minded to approve, to prevent commencement without a secured end occupier (potentially leaving a vacant site). Put simply, Officers consider that the delivery of the hotel is required to make the proposed development constitute a substantial public benefit. Officers consider that this approach would be consistent with paragraph 136 of the NPPF:

“Local planning authorities should not permit loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred.”

In this context, officers are mindful of the continuing deterioration of the heritage asset and its associated significance. Paragraph 130 of the NPPF states that where there is evidence of deliberate neglect of or damage to a heritage asset, the deteriorated state of the asset should not be taken into account in any decision. It is acknowledged that disrepair is not always a sign of deliberate neglect or damage. However, where it appears that a heritage asset has been left to decay in the hope of making consent or permission easier to gain, the LPA should disregard the worsened state of the asset.

In this case, the applicant has made some efforts to arrest specific elements of deterioration, but routine maintenance has been limited since they first acquired the site and that the current condition might have been avoided with basic repair work at an earlier stage. However, for clarity, as already identified above, officers do not consider that this constitutes deliberate neglect in the context of paragraph 130. As is confirmed by the comments of the Conservation Officer, *“The exterior of the former Robin Hood has been regularly inspected since it was first identified on the County Buildings at Risk Register in 2004. The Council served a Section 215 Notice which commenced in January 2017 requiring extensive repair works to the exterior of the building, ranging from vegetation removal, repairs to the masonry, roof, joinery and rainwater goods. Other than some removal of vegetation, the Notice has not yet been complied with.”* This is subject to discussions with the owner of the site which fall outside of the current application determinations.

To be clear, in the current assessment no weight has been attached to the current visual state of the building. The above discussion on the building’s historic significance clearly outlines the significance of the building. It is this significance which officers accept would be partially lost in order to deliver the scheme.

Officers have identified that the current scheme would deliver substantial public benefits and that moreover there is additional certainty to control the delivery of the proposal in the context of the aforementioned S106 agreement. The matter of whether these substantial benefits go far enough to outweigh the heritage harm identified (again taking the Applicant’s and Historic England’s submission of worst case scenario of substantial harm) will be debated in the overall planning balance below.

The Acceptability of the Proposed Design

Clearly the scheme before the LPA for consideration at this time is fundamentally different to the previously withdrawn 2016 scheme which amounted to a complete demolition of the listed building and an entire new build development. Nevertheless, it is also clear that even the current proposal would introduce a significant element of new build, both behind the retained facades of the listed buildings and adjoining the buildings to the west occupying the entire site in footprint.

The application has been accompanied by a Design and Access Statement undertaken by Framework Architects and dated May 2018. The stance of the proposed design is that the *“proposal intends to retain as much of the historic fabric as practicable given condition and location with regard to compatibility with the proposed layout and associated operator requirements.”*

In general the proposed building is scaled at 3 storeys albeit the proposed commercial units at ground floor essentially have ceiling heights which mirror the double storey of the existing Robin Hood buildings. There are then two storeys of hotel accommodation above. There is also an intermediate floor which links the hotel stairwell with the first floor of the historic buildings. The building form of the new build elements incorporates a broadly L-shaped plan form with elements of flat roof separating the retained elements of the historic buildings and the new build elements behind. The frontage of the new build elements are set back behind the façade of the Robin Hood buildings within the street scene. The roof line varies along the Lombard Street frontage with the pitch height of the flat roof sitting marginally above the eaves of Building C before increasing in height for the hotel accommodation westwards along Lombard Street.

The application submission has been accompanied by numerous plans including street scene elevations for both Lombard Street and New Street. The applicant has also taken the opportunity to submit comparative street scene elevations which compare the differences between; the façade retention scheme forming the extant planning position; the previously withdrawn 2016 Travelodge scheme; and the proposals now submitted for consideration. In simple terms, the current proposals could be considered as an amalgamation of the extant façade retention scheme and the previously withdrawn complete re-build scheme.

The design of the proposed new build elements has been subject to discussions prior to the submission of the applicants and indeed the applicant has taken on board comments made by Officers within the LPA and Historic England. The plans have been scrutinized by numerous parties with full comments listed within Appendix 1. NBPT whilst supporting the proposals overall, make specific comment on elements of the design to which they raise concern such as the lack of brickwork on the new building hotel element fronting Lombard Street and the detailing of the shop fronts. SPAB content that the current proposals fail to be subservient or to respond to the retained façade or the character of the CA and raise concern that the roof structure of the new build would sit awkwardly against the retained listed façade.

Historic England have commented on the design of the new build elements as follows:

“We consider that in terms of mass and scale the new build elements are an appropriate response to the site with the taller sections along New Street and along the western boundary. This reduces the impact on the prominence of the listed building. We consider that the Lombard Street elevation is sufficiently well ‘divided up’ into units of smaller width to not be out of step with the townscape character along Lombard Street. High quality detailed design and materials, particularly bricks, are vital to the success of the development, including strong articulation of building elements, such as string courses and deep reveals for windows and doorways, particularly for the Lombard Street elevation of the Travelodge.”

Interval Conservation colleagues have responded as follows:

“Nevertheless, the new build elements will tower over the Robin Hood and inevitably have some negative impact. However, we feel that the overall mass and scale of the new build responds appropriately to the rest of the Potterdyke redevelopment. The flat roof component is not naturally a positive architectural feature in this kind of context, but it is recognised that this helps reduce the impact of the main hotel wing directly on the listed building, with taller elements on New Street and the western boundary. The Lombard Street elevation has appropriate activity and detailing at lower levels, although further details will be required on facing materials, shop front design and the parapet section.”

I would concur entirely with these comments particularly when the proposed design is considered in the context of the existing modern Potterdyke developments. The main bulk and scale of the hotel would be interpreted predominantly from the New Street elevation which would be immediately adjacent to the Doctors Surgery which is not dissimilar in design. The design now proposed is deemed an improvement in respect of the previous withdrawn scheme which notably introduced a striking corner entrance to the hotel at the corner of Beaumont Cross. The current scheme however achieves a balance of maintaining the prominence of the Listed Buildings by bringing the hotel entrance below the eaves of building A but still introducing a legible modern glazed designed entrance which will be clearly interpreted by the proposed end users. I would

disagree with the view of Newark Civic Trust that the modern elements result in a conflict between the new and old. I do however concur with the comments of Historic England that the success of the scheme on the ground will be partially governed by carefully worded conditions in respect to materials and finish. This includes in the context of the finish of the proposed shop frontages (as explicitly referenced by NSDC Conservation comments listed in Appendix 1).

As identified the site affects a number of heritage assets and the design of the new build elements of the proposal must be considered in the context of the designated CA but also the setting of the numerous nearby listed buildings. I note that the Applicant's submission is that the proposal gives "*the potential for beneficial change to the character and appearance of the Newark Conservation Area*" (para. 7.5 of the submitted Heritage Statement). Whilst I would dispute this statement insofar as I do not consider that a proposal which amounts to part demolition of a Listed Building could be a beneficial change, I do concur with the conclusions of Historic England that, on the basis of the appropriate design discussed above and ultimately secured by condition, the proposed scheme would not amount to harm to the character and appearance of the CA. On this basis the proposal would achieve the aims of Section 72 (1); CP14; and Policy DM9 in preserving the character and appearance of the CA.

Impact on Amenity

The proposed development is presented as an urban block with built form occupying the majority of the site. The result of this is that the proposal would lead to a tight urban grain sharing a close spatial relationship with neighbouring land uses. Notwithstanding the historic use of the site as a hotel, it is noted that the surrounding area, through the development of the wider Potterdyke scheme, has significantly evolved since the site was last in such a use.

Policy DM5 states that the layout of development within sites and separation distances from neighbouring development should be sufficient to ensure that neither suffers an unacceptable reduction in amenity including overbearing impacts, loss of light and privacy.

Noting the constraints of the site, it is considered that the most sensitive receptor in amenity terms will be the recently developed Doctors Surgery and associated retail units immediately south of the site. Given the orientation of the proposed building, I consider that the proposal would not detrimentally affect daytime light to the Doctors Surgery to a degree which would be detrimental to the use of the building in office hours. I note the potential for a loss of privacy to the treatment rooms from overlooking by hotel occupiers. This would be compounded by the close spatial relationship of the buildings at just 6m at their closest point. However, the very nature of a hotel use is that it serves a nighttime economy. Thus the primary occupation of the hotel rooms, albeit not exclusively, would be towards late afternoon evening time. This reduces the potential conflict with more typical business hours of the Doctors Surgery. In any event, the site is in a town centre, where higher levels and density of development and urban grain are to be expected.

The separation distance afforded by Lombard Street would reduce the impact of the scale of the building to land uses on the north of Lombard Street.

Overall, I have identified no detrimental amenity impacts which would warrant refusal of the scheme.

Impact on Ecology

Core Policy 12 states that the Council will seek to conserve and enhance the biodiversity of the District and that proposals will be expected to take into account the need for the continued protection of the District's ecological and biological assets. Policy DM7 supports the requirements of Core Policy 12 and states that development proposals affecting sites of ecological importance should be supported by an up to date ecological assessment.

The current application submission has been accompanied by a Phase 1 Ecology and Bat Roost Risk Assessment dated May 2016. This details the results of a site survey undertaken in November 2015. The survey incorporated the visual assessment of the buildings for potential access points and evidence of bat activity. The survey concludes that the buildings will have negligible value for roosting bats and does not recommend any further survey work. Nevertheless precautionary measures are recommended.

Usual practice is that ecological surveys remain 'valid' for two years. Given that the survey works for the original ecological submission are now over 2 years ago, an updated report was requested during the life of the application. The revised report has been undertaken by RDF ecology dated May 2018 confirming that a site survey was completed on May 23rd 2018. During this survey, the building was noted to have deteriorated since the 2015 survey such that not all previous internal inspections were considered safe. However, the overall conclusion in respect for the potential for bat roosting is that there was little material change in the value of the buildings for roosting bats since 2015. It remains the case that there has been no evidence of roosting bats during any of the surveys and the buildings within the site have negligible value for roosting bats.

In the context of the extant façade retention scheme, I am mindful that the LPA has already approved significant demolition works of the existing buildings. However, with the benefit of the updated surveys Officers are satisfied that the current application has been supported by the necessary evidence to demonstrate that the ecological position of the site has not altered in the intervening time since this approval to a degree that any demolition would be harmful to ecology.

Suitable conditions could be attached to any forthcoming permission requiring additional surveys should work comment beyond one calendar year after the latest survey in line with the recommendations of the paragraph 7.3.1.7 and also the recommendations at Section 7.4 of the updated Ecological Survey received during the life of the application.

Impact on Highways

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

I have already addressed car parking associated with this proposal. The Transport Statement submitted to accompany the application provides a more detailed assessment of the Highways Impacts to the proposal. As part of the overall Potterdyke Scheme a total of 407 on-site car parking spaces were included to serve Asda, the PCT building and the Doctors Surgery. Of these, 367 spaces are confirmed as being available for public use. However, Members will be aware of the restrictions on these spaces. It is not the intention of the current scheme to rely on these public spaces for the purposes of the proposed hotel.

Nottinghamshire County Council raise no objections on the grounds of car parking subject to the NCP arrangements being secured. In any event I note that the site is within the town centre and is sustainable given its associated public transport links (notably the recently developed bus station and 2 no. railway stations).

Taking the parking demand as a worst case scenario (full occupancy of the hotel with all residents arriving by car) the development would create a need for 66 spaces (based on one car per room occupied). Given that the NCP car park is not currently open overnight, the additional demand could be accommodated through this additional provision. However, in order for this to be secured, as confirmed by the comments of NCC Highways, it would be necessary for this to be controlled through an associated legal agreement.

It is acknowledged that traffic in the town centre can create issues at peak times, as is the case for many sub-regional and historic centres such as Newark. However, it does not fall for the current application to fix existing issues, rather to ensure that traffic generated as a direct result of this scheme is acceptable and mitigated as required.

The submitted Transport Assessment addresses trip generations from the current proposal but rightly acknowledges that there is an extant permission for the development of a mixed use retail, café and office use at the site. It is stated that the proposed hotel will generate up to 33 two-way trips in a peak hour, however once combined with the reduction in traffic resulting from the smaller retail use, the overall picture is one of a reduced amount of traffic from the extant planning position. This is not disputed by the comments of the Highways Authority.

However, the original comments of the Highways Authority (as listed in full within Appendix 1) do raise concerns in respect to vehicles using the service access via Beaumont Cross (where the proposed hotel entrance would be positioned). The Traffic Regulation Order (TRO) in place would allow loading and unloading of hotel guests by private car between 4pm and 10am. The Highways Authority deem that this could result in around 33 vehicles in the morning peak and 22 vehicles in the evening peak entering a large and complex traffic signal junction without signal control and potentially having to reverse out into the junction. The comments formed an objection to the proposals and sought further consideration of the implications of the proposal in respect to this matter.

At the time of agenda print no formal response on this matter has been received. However, the agent has confirmed that discussions are currently ongoing with the Highways Consultant and NCC as the Highways Authority. It has been suggested by the agent that a potential solution to the issue would be to alter the existing TRO's which are in place around the site such that the Beaumont Cross TRO becomes solely for good vehicles and the TRO at the Lombard Street layby is altered to allow for the loading and unloading and loading of all vehicles. It would appear that this would be a pragmatic solution to the concerns raised. Although the layby on Lombard Street would be a less desirable drop off point for hotel guests (being further away from the proposed hotel entrance) Officers do not consider that this would be a reason to resist the suggestion. In some respects the less desirable positioning of the more flexible TRO would be deemed beneficial as it would discourage hotel guests from using private vehicles and potentially encourage a greater use of sustainable means of transport. The informal response received (which remains to be subject to client approval) suggests that the solution has been discussed with NCC Highways and agreed to be acceptable subject to securing by condition. Whilst Officers cannot instruct formal re-consultation on this matter until it is confirmed as the proposed solution by the Applicant, verbal

discussions between Officers and NCC Highways have confirmed that this would be a potentially feasible solution. Members will be provided an update as to the formal position of NCC Highways (and indeed any relevant conditions) through the Late Items Schedule. Given that the proposed solution appears to be feasible, despite a currently outstanding objection, Officers do not consider it reasonable to hold determination of the application on this basis.

As a consequence Officers conclude that the effects of the proposal on the operation of the local highway network could, by appropriately worded condition, be acceptable and consistent with SP7 of the Core Strategy and the relevant elements of Policy DM5 of the Allocations Document as well as paragraph 32 of the NPPF.

Overall Balance and Conclusions

This is a controversial and sensitive matter and Members will note the number of conservation bodies that have been consulted on the current proposals. It is worthy of note in this context that clearly the relevant heritage consultees are dealing solely with matters of heritage, rather than the role of officers and indeed Members which is to weigh in the balance all material planning considerations.

Despite the views of internal Conservation expertise, Officers are mindful that a number of parties, including Historic England (as detailed by full comments in Appendix 1) have identified that the proposals would amount to substantial harm to the Grade II listed building. Such harm gives rise to a strong presumption against consent being granted. Against this backdrop it must be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss (paragraph 133 of the NPPF). Despite a disagreement to the conclusion of harm from internal Conservation expertise, Officers consider that an appraisal against a worst case scenario of substantial harm should be undertaken.

I have explained that Travelodge has committed to the proposed scheme through board approval to proceed with the development which would be secured through an associated S106 agreement. I have identified a need for hotel accommodation in Newark and the failures of previous schemes to come forward. I am mindful that the Council has been presented in the past with schemes which the applicant has been confident could be delivered, notably the extant facade retention scheme. The important, material, and persuasive differences in this case are that there is a nationally recognised end occupier involved and that the applicant is willing to enter into a S106 Agreement with the Council in order to secure that no works can take place unless and until a contract has been let to actually build the hotel.

Moreover, the scheme will deliver other substantial public benefits, including a £5.5m investment, up to 71 jobs, an enhanced night-time parking offer for the town, and associated benefits to the over-night visitor and tourist economy. It will finally complete this development in terms of the final link between Asda and the town centre. In combination, I consider that on balance, the proposed development is necessary to achieve substantial and deliverable public benefits. On this basis, having regard to the statutory tests and both paragraphs 132 and 133 of the NPPF, I consider that the partial loss of the building is justified. The current scheme represents a significant betterment to that previously considered in 2016 which amounted to complete demolition. The resolution of the LPA to approve complete demolition (albeit the LPA were denied the opportunity to issue a decision) is a matter of public record. Given that the current applications incorporate elements of retention which go above and beyond that established by the

extant position which even a previous Secretary of State said was a matter for the LPA (subject in some areas to a condition in respect for a need for further site investigations), the proposals now allow the weight to be attached in the overall balance in heritage terms. There have been no other materials planning considerations since the 2016 application resolutions which would outweigh this positive weighting in heritage terms.

Members have been clearly directed to the relevant matters to consider in this case, including all statutory and policy requirements. The officer recommendation in this case is for approval.

Members are advised that given the significance of the scheme (and indeed the planning history whereby the recently withdrawn application was called in by the SoS) if Members are minded to resolve to grant the applications, then they will be referred to the SoS to determine whether they wish to intervene prior to the decisions being issued.

RECOMMENDATION that:

- (1). Members resolve to approve both full planning permission and listed building consent subject to the conditions and reasons shown at Appendix 2;**
- (2). the applications be referred to the National Planning Casework Unit for them to decide if the application should be called in for determination by the Secretary of State; and**
- (3). approval of the applications are subject to a signed Section 106 agreement to ensure that a contract is provided to demonstrate a commitment from the end user to develop the site in line with the approved plans and also secure the overnight parking arrangements with the adjacent NCP car park.**

BACKGROUND PAPERS

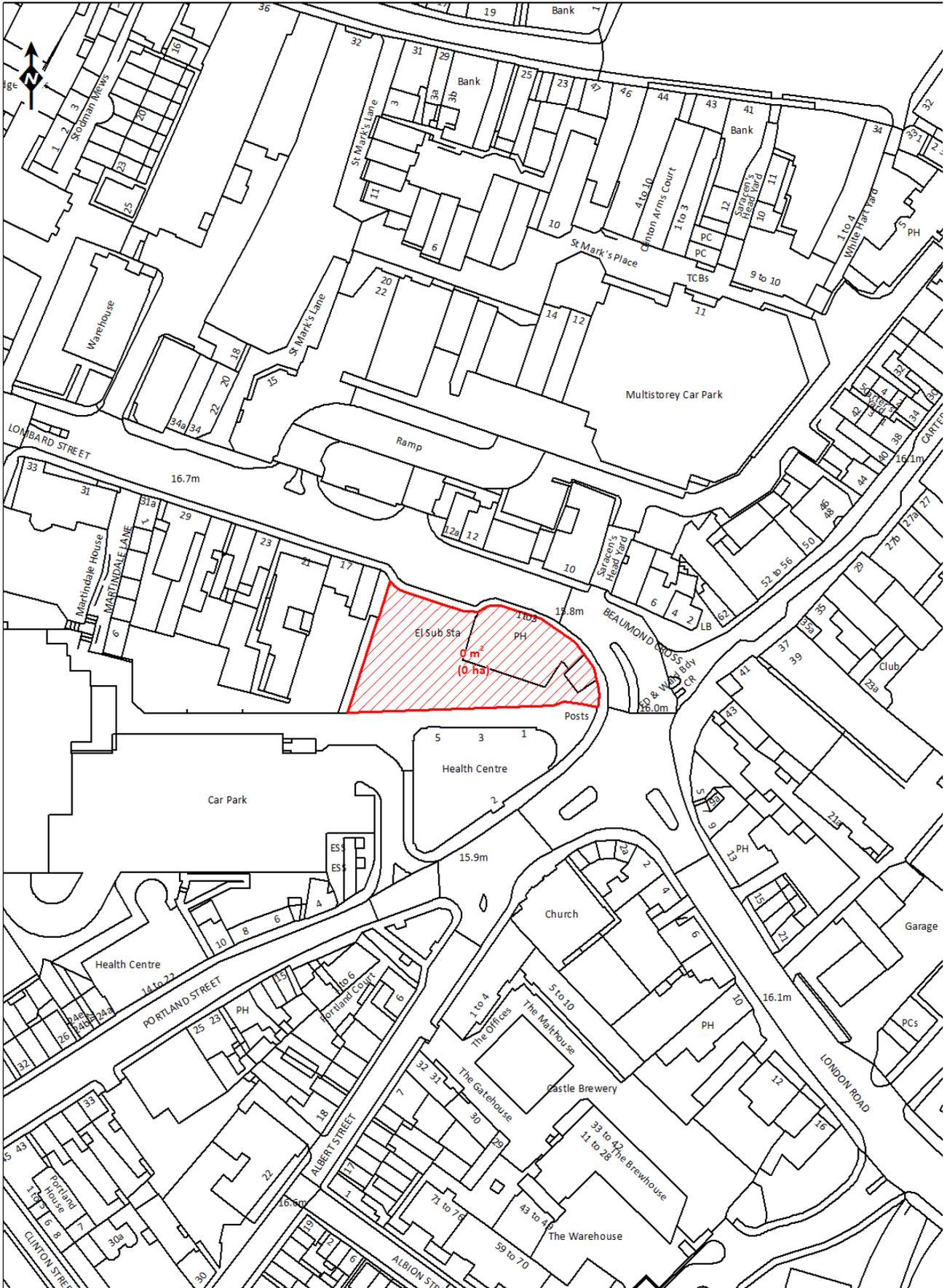
Application case file.

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

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

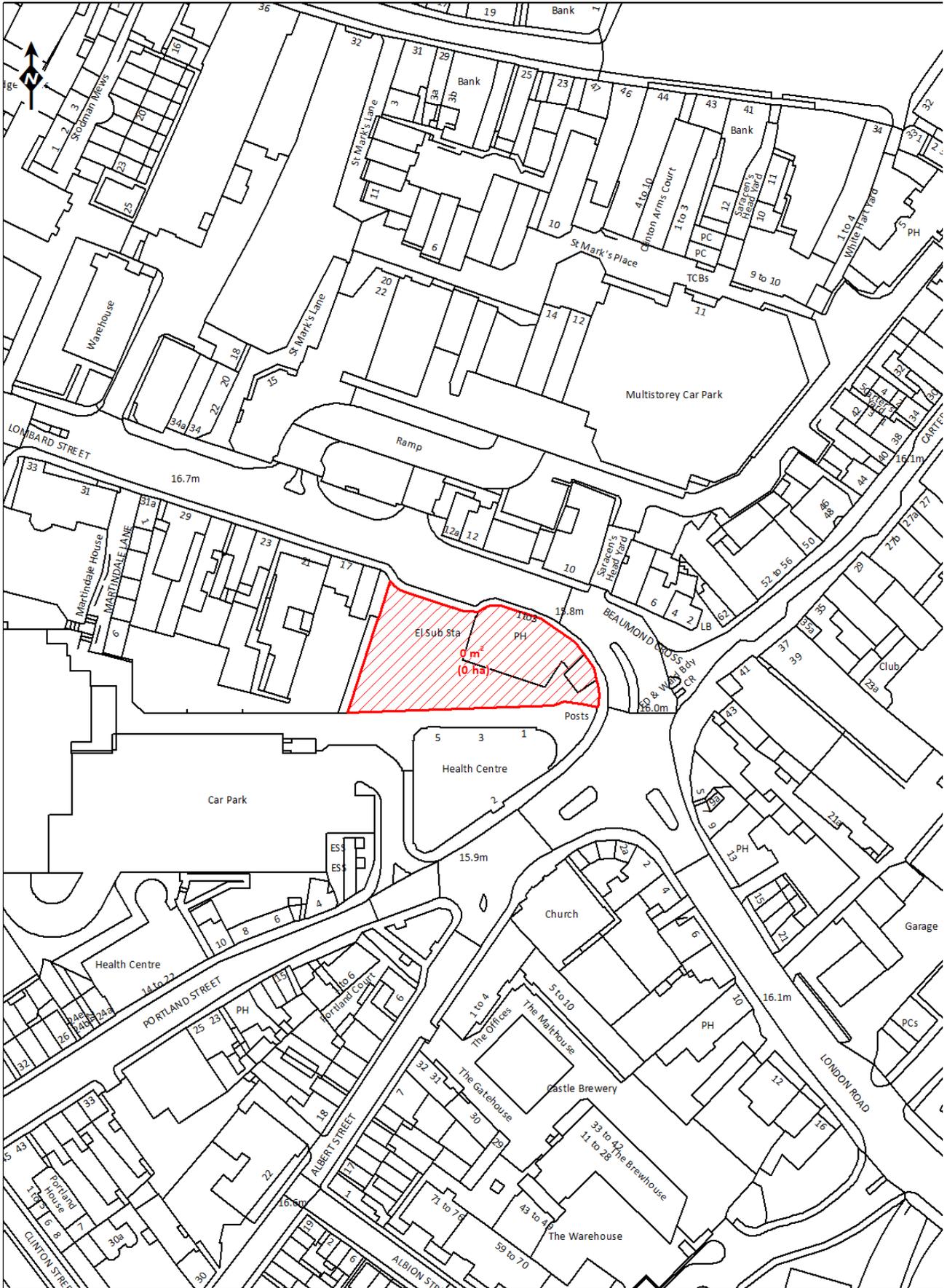
Matt Lamb
Business Manager – Growth & Regeneration

Committee Plan - 18/01020/FULM



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Committee Plan - 18/01021/LBC



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APPENDIX 1

Newark Town Council – Comments in respect to revised retention plans received 16th July 2018:

No Objection was raised by the Chairman, Cllr Mathew Skinner, to the above applications.

Original comments received 28th June 2018:

Cllr D Lloyd said that he was speaking on the merits of this application and would not speak on any issues relating to the Robin Hood Hotel that had occurred in the past or any subsequent issues.

He added that this was an improved design and a better application than the previous proposals. It was more sympathetic to surrounding properties. The incorporation of leisure provision was a further enhancement as was the 24 hour opening of the NCP car park.

Cllr D Hyde felt that this application was a big improvement on the previous one.

Cllr S Haynes said that he thought this was an improvement and was pleased to see that Nottingham Building Preservation Trust were now supportive of the application.

Members were pleased to see this new application incorporating the original Georgian façade of the building. It was felt that the application was much improved on the previous one and that the proposed application would reflect the buildings opposite and be sympathetic to the surrounding area. It was felt the leisure units would complement the hotel rather than just retail units. The contractual arrangement with the NCP to be open 24hrs a day would also provide a positive impact on the town centre retail economy.

Members would welcome more hotel accommodation within the town, making it easier for people to find overnight accommodation when attending Festivals etc.

IT WAS DECIDED NOT TO OBJECT TO THIS APPLICATION.

Newark Town Council's Planning Committee Meeting - 27.6.18.

NSDC Conservation - Many thanks for consulting Conservation on the above proposal.

Introduction

The former Robin Hood Hotel is Grade II listed.

The proposal site is located within Newark Conservation Area (CA) which was originally designated in 1968. There are a number of other listed buildings nearby on Lombard Street, including 6 & 6A, 8 (8A and 8B), 10, 12, 21, as well as 39-41 Carter Gate, the former Mail Coach PH on London Road and the former office range at Castle Brewery

Legal and policy considerations

Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') require the Local Planning Authority (LPA) to pay special regard to the desirability of preserving listed

buildings, their setting and any architectural features that they possess. In this context, the objective of preservation is to cause no harm, and is a matter of paramount concern in the planning process. Section 72 also requires the LPA to pay special attention to the desirability of preserving or enhancing the character and appearance of conservation areas.

Policies CP14 and DM9 of the Council's LDF DPDs, amongst other things, seek to protect the historic environment and ensure that heritage assets are managed in a way that best sustains their significance.

The importance of considering the impact of new development on the significance of designated heritage assets, furthermore, is expressed in section 12 of the National Planning Policy Framework (NPPF). Paragraph 132 of the NPPF, for example, advises that the significance of designated heritage assets can be harmed or lost through alterations or development within their setting. Such harm or loss to significance requires clear and convincing justification. The NPPF also makes it clear that protecting and enhancing the historic environment is sustainable development (paragraph 7). LPAs should also look for opportunities to better reveal the significance of heritage assets when considering development in conservation areas (paragraph 137).

The setting of heritage assets is defined in the Glossary of the NPPF which advises that setting is the surroundings in which an asset is experienced. Paragraph 13 of the Conservation section within the Planning Practice Guidance (PPG) advises that a thorough assessment of the impact on setting needs to take into account, and be proportionate to, the significance of the heritage asset under consideration and the degree to which proposed changes enhance or detract from that significance and the ability to appreciate it.

Additional advice on considering development within the historic environment is contained within the Historic England Good Practice Advice in Planning (HEGPAP; notably Notes 2 and 3). In addition, 'Historic England Advice Note 2: making changes to heritage assets' advises that the "main issues to consider in proposals for additions to heritage assets, including new development in conservation areas, aside from NPPF requirements such as social and economic activity and sustainability, are proportion, height, massing, bulk, use of materials, durability and adaptability, use, enclosure, relationship with adjacent assets and definition of spaces and streets, alignment, active frontages, permeability and treatment of setting. Replicating a particular style may be less important, though there are circumstances when it may be appropriate. It would not normally be good practice for new work to dominate the original asset or its setting in either scale, material or as a result of its siting" (paragraph 41).

The decision-maker should be mindful of the need to give great weight to the conservation of designated heritage assets (para. 132). This is consistent with the LPA's duty to consider the desirability of preserving listed buildings (and their setting), as well as conserving or enhancing the character and appearance of the conservation area. The Judicial Review concerning *The Forge Field Society vs Sevenoaks District Council* presents some timely reminders of the importance of giving considerable weight to the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990. Mr Justice Lindblom reminds us: "As the Court of Appeal has made absolutely clear in its recent decision in *Barnwell [Barnwell Manor Wind Energy Ltd v East Northamptonshire District Council (2014)]*, the duties in sections 66 and 72 of the Listed Buildings Act do not allow a local

planning authority to treat the desirability of preserving the settings of listed buildings and the character and appearance of conservation areas as mere material considerations to which it can simply attach such weight as it sees fit. If there was any doubt about this before the decision in Barnwell it has now been firmly dispelled. When an authority finds that a proposed development would harm the setting of a listed building or the character or appearance of a conservation area, it must give that harm considerable importance and weight. This does not mean that an authority's assessment of likely harm to the setting of a listed building or to a conservation area is other than a matter for its own planning judgment. It does not mean that the weight the authority should give to harm which it considers would be limited or less than substantial must be the same as the weight it might give to harm which would be substantial. But it is to recognize, as the Court of Appeal emphasized in Barnwell, that a finding of harm to the setting of a listed building or to a conservation area gives rise to a strong presumption against planning permission being granted. The presumption is a statutory one. It is not irrebuttable. It can be outweighed by material considerations powerful enough to do so. But an authority can only properly strike the balance between harm to a heritage asset on the one hand and planning benefits on the other if it is conscious of the statutory presumption in favour of preservation and if it demonstrably applies that presumption to the proposal it is considering" (paras 48-49).

In heritage conservation, therefore, there are two key legal requirements that apply to decisions concerning listed buildings and conservation areas. Simply put, these legal objectives require special regard to the desirability of preserving these types of designated heritage asset (sections 16, 66 and 72 of the Act). The courts have said that these statutory requirements operate as a paramount consideration, 'the first consideration for a decision maker'.

Significance of heritage asset(s)

The Robin Hood Hotel

The former Robin Hood Hotel was originally designated on the 19th May 1971 (list entry number: 1297717). The list entry, which was revised in August 1992, includes the following details:

"3 houses and public house, now an hotel and shop. Early C18, late C18, early and mid C19, with late C19 and early C20 additions and alterations. Colourwashed brick and render, with slate and concrete tile roofs. Early C18 central block has steep pitched slate roof with single ridge stack. Plinth, first floor band, gutter brackets, single coped gable. 2 storeys; 5 window range of 12 pane sashes. Below, 4 plain sashes. Late C18 block to right has first floor band and dentillated eaves. 2 storeys; 3 window range of segment headed 12 pane sashes. Central early C19 Ionic stucco surround to moulded doorcase flanked by single segment headed plain sashes. To right again, late C19 addition, colourwashed brick with stone dressings. First floor band, eaves cornice and parapet, with side wall stack. Segment headed plain sashes, those to ground floor with keystones. 2 storeys. Angled corner with 3 windows on each floor. Right return has 8 windows, the 3 to left being smaller. To left, mid C18 block has incomplete first floor band, eaves band, cogged and dentillated eaves and single gable stack. 2 storeys; 3 window range of segment headed 12 pane sashes. To left, late C20 shopfront, and to right, a segment headed plain sash. To left again, mid C19 addition in 3 blocks. Stucco dressings, chamfered quoins, first floor band, 2 side wall stacks. 2 blocks to right have parapets. Single and 2 storeys. Right block has 2 small plain sashes and below, C20 shopfront. Single storey central block has a pair of

carriage doors flanked to right by 2 plain sashes. Left block has moulded eaves and hipped roof with hipped clerestorey. 3 window range of C20 single pane windows. Below, C20 door to right. Interior refitted mid and late C20. Part of the building was formerly listed as 3 Lombard Street, PRN 619-0/3/108.”

The former Robin Hood Hotel appears to have originally been three town houses, and it is quite possible that there are older remnants of medieval or post-medieval timber frame form within at least part of the complex as is typical of many historic buildings within the town that were remodelled in the 17th and 18th century.

The first historic reference to the Robin Hood as a public house is 1781, and it is assumed that the three townhouses had been adapted into one by this point. The buildings can be understood on a 1790 survey plan when occupied by Mrs Brough and Mrs Mough with service elements probably including stables, brewery and kitchens. In 1832, the site is recorded as an inn run by John Allen. In 1852, the site was sold as part of a lot which also included the Newark Theatre, and there is reference to the ‘Newark Club’ within the Robin Hood Inn Yard. By the 1870s, the site had been much expanded, and now included stables and extensive outbuildings. Late 19th century County Series maps show a brewery and two malshouses behind the main range (the Robin Hood brewery was owned by John Smith Caparn and in 1879 moved to the Castle Brewery on Albert Street which he owned with Douglas Hankey).

The Robin Hood was extensively remodelled in the early 20th century. The distinct Edwardian phase can be understood following the removal of various 19th century additions and the creation of a new two-storey 11 bay wing that included extensive internal remodelling (wood panelling etc).

The Hotel was expanded further during the post-war period, with further extensions. The external masonry was also painted during this period. The Hotel closed in 1999 and has significantly deteriorated since then.

Newark Conservation Area

Newark Conservation Area (CA) was originally designated in 1968 and focused on the Market Place. In 1974, the CA was extended to include Millgate, Parnhams Island and the traditional residential streets up to Victoria Street. The CA was then extended in four more stages: in 1979 when a more rational boundary to the central area was defined; in 1987 when the majority of Northgate either side of the Trent was included; and in 1992 and 1995 when the London Road suburbs and the Cemetery were added. Further parts of Lombard Street were included in the 1979 amendments, but Beaumont Cross formed part of the original designation (including the Robin Hood Hotel complex).

The Lombard Street character area forms the southern edge of Newark’s historic core, stretching from the intersection with Castle Gate to the area where the Beaumont Cross once stood at the historic junction with London Road. It is known from documentary sources and excavations that the medieval town defences enclosed roughly a square area of which Lombard Street formed the southern boundary. It is thought that these defences were built along with the castle after the Conquest in the late 11th century. The name Potter Dyke (now Lombard Street) is first recorded in

1331 and reflects its position over the south line of the 'town ditch'. Several excavations showed that the line of the wall lay directly under the line of the modern property frontages.

Other than the medieval town defences, there is limited evidence of extensive activity on Lombard Street before the 16th and 17th century. Mapping from 1646 reveals that Lombard Street is a prominent roadway within the main town defensive ring.

Chapman's Map of Nottinghamshire 1774 and Attenburrows's 1790 Map show that Lombard Street had buildings on both sides of the street. In particular it is noticeable that on the north side of the street there are narrow burgage plots running perpendicular from the Market Place with extensive yards to the rear and buildings fronting Lombard Street. On Woods 1829 Map, it can be seen that to the south the street was not as densely developed as the north with a large open space belonging to the Duke of Newcastle. Also on this side of the street were two significant buildings set in large grounds. The first known as Potterdyke House, is a significant town house which dates from the mid-17th century and has been re-fronted in the 18th century with subsequent alterations. The second polite building is known as Lombard House, and originates from the late-18th century. Other buildings of interest at this time are identified on Wood's Map, notably the Johnsonian Chapel on the southern side of the road (which has since been demolished) and on the north side of the street is the distinctive Independent Chapel built in 1822 and designed by W. Wallen in a classical revival style (this building is now an antiques warehouse).

Also marked on the map at the junction where five roads meet is the area known locally as the Beaumont Cross, an association which dates from as early as the 14th century and is the former site of Beaumont Cross. The original Beaumont Cross consists of a medieval stone socle (a type of stone base) and shaft which stands on four octagonal steps (which are a more modern addition). The origin of the Cross is not known but it has been suggested that it may have been an Eleanor Cross, erected between 1291 and 1294 by King Edward I in memory of his wife Eleanor of Castile, marking the nightly resting places along the route taken by her body as it was taken down to London. However, another theory suggests that the Cross is a memorial to Viscount Beaumont, erected by his widow following his death at the Battle of Towton in 1461. The Cross otherwise formed a distinctive boundary marker at the crossroads. The Cross underwent significant renovations in 1778 and again in 1801, which included the addition of conical stone cap and weather vane. In more recent years, railings were erected around its base (presumably to protect it from the increasing traffic levels at the junction) and more significantly, in 1965 it was moved to its current position in Beaumont Gardens on London Road.

The Robin Hotel is an important focal building in this context. Beaumont Cross was certainly a significant junction at the time that the Robin Hood buildings were constructed. Development on Lombard Street continued throughout the 19th century. Christ Church was built on the north side of the road, being designed by J. D. Paine in 1836. In the early 20th century, a bus station was opened to the rear of the Robin Hood Hotel. This remained the case until the 1960's when the bus station was relocated to its current position.

By the late 1960's, demolition had taken place on the north side of Lombard Street to reveal backs of buildings and hotel yards, and a large open area was became used as car parking. During the 1970's,

this car-park area was redeveloped and the St. Marks Shopping centre was built which incorporated shops and a multi-storey car park.

The Potterdyke redevelopment began in 2010, and the large, modern buildings forming ASDA and the medical centre on Portland Street. Combined with the modern car park on the opposite side of the road, modern development has had a massive impact on the street. Nevertheless, the enclosure of the road and remnants of historic buildings and cottages renders the roadway an important part of the CA, culminating in the focal area of Beaumont Cross.

Current condition of the Robin Hood Hotel

Today, the former Robin Hood can be split into three different buildings (labelled A, B and C from east to west). The central building (B) is the oldest and originates from at least the early 18th century. The building closest to Beaumont Cross (A) was built next, followed by the most westerly building (C). Building A comprises a 2 and a half storey red brick townhouse. The masonry is constructed in Flemish bond (painted) and there is a crude 20th century shop front in the left 2 bays. The façade includes a stone plinth, string course, dentilated eaves and windows have brick arch headers and stone cills. The roof is covered in modern concrete tiles, and there is a brick stack in the left gable. The central building (B) is 5 bays, being 2 storeys with stone ashlar affect render, stone plinth and brick string course. The slated steep roof pitch and central ridge stack evokes older post-medieval building form. The western building (C) is a three bay, 2 storey structure built in red brick (Flemish bonded) and has a slate roof. The west gable includes the remnants of a 2 storey 1923 extension that is flat roofed with parapet and a wall stack. There is a lantern light in the flat roof over an internal stair. There is a flat lantern light mid-way between buildings B and C on the rear flat roof addition, also above an internal stair. The Lombard Street façade of building C includes a central double door with moulded Ionic pillars.

Most of the extensive rear additions and service elements from the 19th and 20th century were removed during the recent Potterdyke redevelopment. The remaining building group is in parlous condition, and since closing in the late 1990s, the Robin Hood has suffered from neglect and lack of usage. Slipped tiles and damaged windows have been left unrepaired, with dilapidation increasing through internal rot, pigeon infestation, vandalism and in more recent years, severe water ingress from the two lantern lights at the rear. The consequence of the water ingress has rendered the two internal staircases unsafe. The demolition of the rear service elements has contributed to the unappealing appearance of the historic building range with crude scars highly visible to footfall into the retail area behind.

In November 2012, the Planning Committee resolved to discharge a condition attached to the listed building consent associated with the Potterdyke redevelopment (reference 07/01461/LBC) which agreed the extent of building fabric to be both retained and demolished in the former Robin Hood Hotel (this condition required a detailed schedule of repairs and a method statement for undertaking the associated works). Following referral to the National Planning Casework Unit (who decided not to call the application in for determination by the Secretary of State) the condition was discharged on 11th December 2012, allowing large parts of the former hotel to be demolished with the façade retained and incorporated into new build units to its rear. Although lawfully commenced, this scheme has not been significantly progressed.

Despite their dilapidated condition and modern 20th century interventions, the buildings retain much of their 18th century identity when seen from Lombard Street and Beaumond Cross. In addition to their townhouse form, architectural interest is expressed in the masonry, joinery design (including headers), string courses and dentil detail. In addition, internal interest can still be derived from the plan-form of the buildings (notably in upper floors) and elements of surviving fabric. The cellars are also of interest, and the uncovering of part of a cruck structure in building A alludes to post-medieval significance.

The most up-to-date condition assessment of the Robin Hood was undertaken in 2015 by the Notts Building Preservation Trust. As well as a detailed description of the building's significance, the report incorporates a condition report and structural survey. The structural report (prepared by William Saunders) advises that the property is suffering badly from water ingress to all areas resulting in the following defects:

- Approximately two-thirds of the principal listed building has a timber suspended floor at ground level, and most of the timber boarding and joists are rotten;
- All of the first floor timber boarding, joists and beams are showing signs of extensive rot and decay, with evidence of dry rot and wet rot visible. It is assumed that second floor timbers and roof timbers are similarly parlous;
- The two staircases leading to upper floors have both partially collapsed due to timber rot and decay;
- Structural steel beams at ground floor level show extensive corrosion and delamination;
- External masonry appears to be in a reasonable state with no visible evidence of settlement or distress. Some isolated timbers in the exposed masonry on the east side and rear is showing signs of rot and decay.

The structural report made a number of recommendations, including urgent works. Acrow props have been installed throughout the internal ground floor areas as a result, and temporary timber boarding to key openings for security. Efforts have been made to cover the lantern lights.

Overall, the report found that the masonry walls were generally sound and can be retained provided that remedial works were carried out to remove isolated timbers built into the external walls (and then made good with matching bricks) and that any areas of fungal infection be identified and treated. However, all floor, roof and stair case timbers would need to be fully replaced, and all steel beams would need to be replaced (or load bearing walls reinstated).

The exterior of the former Robin Hood has been regularly inspected since it was first identified on the County Buildings at Risk Register in 2004. The Council served a Section 215 Notice which commenced in January 2017 requiring extensive repair works to the exterior of the building, ranging from vegetation removal, repairs to the masonry, roof, joinery and rainwater goods. Other than some removal of vegetation, the Notice has not yet been complied with.

An application to completely demolish the building and replace with a Travelodge hotel was submitted in 2016 (ref 16/00914/FULM). The scheme was approved at Planning Committee but was subsequently called in by the Secretary of State. The proposal was withdrawn earlier this year before it reached Public Inquiry.

Assessment of proposal

The proposed scheme is to partially demolish the listed building and redevelop the site to provide a 66 bedroom Travelodge hotel and 3 flexible units for Class A1, A2, A3 or D2 uses.

We welcome the withdrawal of the previous proposal to completely demolish the listed building.

It will be for the decision-maker to conclude whether there is a clear and convincing justification for the demolition now proposed, but we nevertheless recognise the lawful fall-back position of the 2012 façade retention approval. The submitted scheme retains more of the listed building range than that permitted in 2012, but inevitably includes an extent of demolition at the rear to address perceived structural issues and facilitate operator requirements. A number of meetings have been held with the applicant and Historic England to discuss conservation matters, including the extent of historic building fabric retention and the impact of new build on the setting and significance of the listed building. The submitted scheme, including the recent amended plans clarifying the extent of historic fabric retention, broadly reflects those discussions, including acknowledgement that rooms within the former Robin Hood need not be standard, and that elements such as the cellars should be retained. The retention of plan-form within upper floors, notably building C, is welcomed. Nevertheless, the scheme would be improved by retaining other walls wherever possible, including the ground floor cross wall in building A (even with new openings punched through, this would enable the historic plan-form to be remain legible).

Subject to precise details on the schedule of works planned for the remaining fabric of the Robin Hood, notably the methodology for repairing/replacing historic fabric, we are content that this could be conditioned on the grant of any approval. External works to the façade will be critical, and we fully expect appropriate conservation-led renovations to existing joinery. Colour washing masonry as proposed is acceptable (there is historic precedence for this dating back to the Edwardian period). Ultimately, the repair and renovation of the façade walls, joinery and roofs with appropriate materials and specifications will better reveal the significance of the listed building and make an improved contribution to the street scene. The replacement shopfront in Building A is welcomed, although a recessed central doorway would be preferred, matching the early 20th century treatment (see image attached).

We feel that the overall mass and scale of the new build responds appropriately to the rest of the Potterdyke redevelopment. The flat roof component is not naturally a positive architectural feature in this kind of context, but it is recognised that this helps reduce the impact of the main hotel wing directly on the listed building, with taller elements on New Street and the western boundary. The Lombard Street elevation has appropriate activity and detailing at lower levels, although further details will be required on facing materials, shop front design and the parapet section.

Overall, we find the demolition works to be significantly harmful but accept that there are contextual arguments concerning building condition, economic vitality and specific justifications for alterations based upon operator needs. We do not find the new build to be harmful to the setting of listed buildings or the CA in this case.

The PPG reminds us: “Whether a proposal causes substantial harm will be a judgment for the decision taker, having regard to the circumstances of the case and the policy in the National Planning Policy Framework. In general terms, substantial harm is a high test, so it may not arise in many cases. For example, in determining whether works to a listed building constitute substantial harm, an important consideration would be whether the adverse impact seriously affects a key element of its special architectural or historic interest. It is the degree of harm to the asset’s significance rather than the scale of the development that is to be assessed. The harm may arise from works to the asset or from development within its setting.

While the impact of total destruction is obvious, partial destruction is likely to have a considerable impact but, depending on the circumstances, it may still be less than substantial harm or conceivably not harmful at all, for example, when removing later inappropriate additions to historic buildings which harm their significance. Similarly, works that are moderate or minor in scale are likely to cause less than substantial harm or no harm at all. However, even minor works have the potential to cause substantial harm.”

In this case, the decision-maker needs to be satisfied that public benefits decisively outweigh the significant loss of historic building fabric. Harm of any type, irrespective of scale, is contrary to the objective of preservation required under section 16 and 66 of the Act. In accordance with paragraph 132 of the NPPF, harmful development should be refused other than in exceptional circumstances. Case law provides some clarity on this issue:

R (Lady Hart of Chiltern) v Babergh District Council [2014] EWHC 3261 (Admin), Sales J

“The NPPF creates a strong presumption against the grant of planning permission for development which will harm heritage assets, requiring particularly strong countervailing factors to be identified before it can be treated as overridden” [14]

R (Pugh) v Secretary of State for Communities and Local Government [2015] EWHC 3 (Admin), Gilbert J

“Mr Harwood points out that paragraph 132 uses the phrase “clear and convincing justification.” It might be thought difficult to be convincing without being clear, but it seems to me that the author of NPPF is saying no more than that if harm would be caused, then the case must be made for permitting the development in question, and that the sequential test in paragraphs 132-4 sets out how that is to be done. So there must be adherence to the approach set out, which is designed to afford importance in the balance to designated heritage assets according to the degree of harm. If that is done with clarity then the test is passed, and approval following paragraph 134 is justified.”

R (Pugh) v Secretary of State for Communities and Local Government [2015] EWHC 3 (Admin), Gilbert J

“Like Judge Waksman QC in *Hughes v South Lakeland* , in my view paragraph 134 of NPPF can be a trap for the unwary if taken out of context. I agree with his approach that the significance of a heritage asset still carries weight at the balancing stage required by paragraph 134, and to the extent that Kenneth Parker J in *Colman v Secretary of State for Communities and Local Government & Ors* [2013] EWHC 1138 and Jay J in *Bedford Borough Council v SSCLG* [2013] EWHC 2854 suggest otherwise, I prefer the approach of Judge Waksman QC. Thus, the value and significance of the asset, whatever it may be, will still be placed on one side of the balance. The process of determining the degree of harm, which underlies paragraph 132 of NPPF, must itself involve taking into account the value of the heritage asset in question. That is exactly the approach that informed the Addendum Assessment upon which Mr Harwood relies. The later assessment also addressed the value of the asset, and then the effect of the proposal on that value. Not all effects are of the same degree, nor are all heritage assets of comparable significance, and the decision maker must assess the actual significance of the asset and the actual effects upon it.

But one must not take it too far so that one rewrites NPPF. It provides a sequential approach to this issue. Paragraphs 126-134 are not to be read in isolation from one another. There is a sequential approach in paragraphs 132 -4 which addresses the significance in planning terms of the effects of proposals on designated heritage assets. If, having addressed all the relevant considerations about value, significance and the nature of the harm, and one has then reached the point of concluding that the level of harm is less than substantial, then one must use the test in paragraph 134. It is an integral part of the NPPF sequential approach. Following it does not deprive the considerations of the value and significance of the heritage asset of weight: indeed it requires consideration of them at the appropriate stage. But what one is not required to do is to apply some different test at the final stage than that of the balance set out in paragraph 134. How one strikes the balance, or what weight one gives the benefits on the one side and the harm on the other, is a matter for the decision maker. Unless one gives reasons for departing from the policy, one cannot set it aside and prefer using some different test.” [49-50]

In this context, we recognise that the circumstances in which we consider the proposal before us are far from normal, and indeed exceptional. The 2015 condition survey assumptions on extent of fabric decay throughout the range (particularly timber condition) and the acceptance by Historic England in the very least that the structures in two of the three main roofs likely require rebuild, suggests that even the most optimistic conservation-led redevelopment will require significant intervention. In addition, we find that the extent of alteration and demolition already carried out to the range both during the 20th century and following the original Potterdyke redevelopment approval over 10 years ago has impacted on the older significance of the Robin Hood. The open ground floor areas, areas of scarred masonry and crude steel beams are testament to these phases.

Notwithstanding current efforts to secure repair works through a Section 215 Notice, the submitted proposal appears to be viable, and subject to securing a signed contract, likely to occur in a reasonable timeframe, thus realising redevelopment in a timely fashion.

Overall, we take the view that the demolition works now proposed are not necessarily going to result in substantial harm. This is not entirely clear as we do not have a detailed schedule of works to consider beyond the aspirations indicated in the amended extent of demolition plans, but it is possible that a conservation-led approach to repairs and renovations on the external skin of the

range, as well as optimal renovation and salvage approaches to the remaining architectural components such as the timbers in the roofs could fall within the less than substantial harm bracket.

If the scheme was approved, therefore, the following matters will need to be conditioned on the listed building application in conjunction with standard model conditions:

- No works of demolition shall begin until a binding contract has been entered into for the carrying out of works for redevelopment of the site in accordance with all the necessary permissions and consents in accordance with para.136 of the NPPF.
- Before work begins a site meeting shall be held between the local planning authority and the persons responsible for undertaking the works to ensure that the Conditions attached to the Listed Building Consent are understood and can be complied with in full. Notification of the date and time of a meeting shall be made in writing to the Local Planning Authority. *Justification: This condition is to ensure that follow-up action can be taken before works begin on site. This is a complex scheme where there will be a number of other conditions, and where planning permission has also been granted.*
- Before work begins it shall be agreed in writing with the Local Planning Authority the appropriately qualified professional specialising in conservation work who will supervise the hereby approved works of alteration or demolition. Any proposed changes to the agreed supervision arrangements shall be subject to the prior written agreement of the LPA.
- Before the commencement of works, an updated schedule of works, including structural engineering drawings and method statement shall be submitted to and approved in writing by the Local Planning Authority. The details shall include:
 - the areas of masonry to be demolished;
 - a method statement for ensuring the safety and stability of the building fabric identified to be retained throughout the phases of demolition and reconstruction;
 - the arrangements for temporary secure storage of salvage materials; the person or body specialising in this procedure appointed by the applicant; and a timetable for their reinstatement, re-use or disposal; and
 - a detailed methodology for the repair and renovation of the building fabric to be retained.

Particular regard should be given to the following item(s): chimney-pieces; cast guttering and hopper-heads; windows containing historic window glass; historic timber beams, joists and rafters. No such features shall be disturbed or removed temporarily or permanently except as indicated on the approved drawings or without the prior approval in writing of the Local Planning Authority. Where appropriate, sound materials/features/fixtures forming part of the building shall be carefully taken down, protected and securely stored for later re-use. The agreed measures shall be carried out in full.

- During the works, if hidden historic features are revealed they should be retained in-situ unless otherwise agreed in writing with the District Planning Authority. Works shall otherwise be halted in the relevant area of the building and the Local Planning Authority should be

notified immediately. Failure to do so may result in unauthorised works being carried out and an offence being committed.

- A programme of historic building recording and full recording report shall be submitted to and approved in writing by the Local Planning Authority before work commences. Reason: To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the building.

In addition, conditions will need to address all aspects of the new build (joinery schedule, masonry construction and facing materials), as well as replacement roofing materials on the listed building range. All external accretions, including rainwater goods, vents and other elements will need to be agreed. Notwithstanding the submitted details, full technical drawings are required for all new shop fronts, along with further details on the parapet along Lombard Street, the feature glazing in the new hotel entrance and the precise finish of all external finishes.

Historic England – Original comments received 29th June 2018:

Thank you for your letters of 4 June 2018 regarding the above applications for listed building consent and planning permission. On the basis of the information available to date, we offer the following advice to assist your authority in determining the applications.

Summary

The Robin Hood Hotel, containing three 18th century former houses fronting onto Lombard Street is listed Grade II as a building of national importance on the list of buildings of special architectural and historic interest. It also lies within the Newark Conservation Area. The significance of the listed building is most evident in the surviving fabric of the three front buildings - the elevations, internal historic structure and plan form (where it survives), roof form and structure, and historic fabric – which reflect the earlier form and changing nature and use of the buildings.

The proposed scheme is to partly demolish the listed building and redevelop the site to provide a 66 bedroom Travelodge hotel and 3 flexible units for Class A1, A2, A3 or D2 uses.

We welcome the fact that previous applications to completely demolish the listed building have been withdrawn and that consideration is now being given to retaining more historic fabric. However because the applications do not definitively say what historic fabric would in fact be retained, Historic England considers that the scheme as currently proposed would result in substantial harm to the Grade II listed building through the loss of historic fabric and its contribution to the building's significance. This could result in façade retention only to which we have previously objected. Matters such as the retention of large degrees of historic fabric, the loss of which would amount to the upper end of harm or substantial harm, should not be left to conditions - an approach which we have been consistent in objecting to. We do not consider that the degree of loss of historic fabric is justified, particularly given the fact that there are no signs of on-going structural movement.

In terms of the external appearance of the three front buildings, we support in principle the proposed scheme which, we understand, seeks to repair and retain the historic form and appearance. We consider that in terms of mass and scale the new build elements are an appropriate response to the site. Details and materials will be crucial to the success of this part of the scheme. Subject to our advice below on the external appearance of the listed building, we do not consider that the proposed scheme would be harmful to the character and appearance of conservation area or the significance that the other nearby listed buildings derive from their setting.

Our advice is provided in line with the National Planning Policy Framework (NPPF), particularly paragraphs 7, 17, 131, 132 and 133, the NPPF Planning Practice Guide, and in good practice advice notes produced by Historic England on behalf of the Historic Environment Forum including *Managing Significance in Decision-Taking in the Historic Environment*. As currently proposed the scheme has not met the tests in the NPPF. The loss of key elements of the building's fabric has not been shown to be necessary. It has not been shown that it is not possible to bring forward a scheme with grant funding or some form of charitable or public ownership, for example, which would retain significantly more internal fabric and historic character of the listed building and hence considerably more of its significance.

Historic England has concerns regarding the applications on heritage grounds. However, we consider that these concerns could be addressed as described below, including the retention of the historic fabric identified below without conditions. In which case, and considering the justification for the loss of some fabric, we consider that the level of harm to the significance of the listed building would be less than substantial and it would then be for your authority to weigh the harm caused against the public benefits of the proposal in accordance with paragraph 134 of the NPPF.

Your authority, the applicant and Historic England have worked hard recently to move away from a damaging scheme. Indeed following the consultation on the submitted scheme we have been in recent offline discussions with yourself and the applicant regarding clear retention of internal fabric which we believe are moving in the right direction. The primary stumbling block now is the appropriate use of conditions. We urge the applicant to further consider this approach in the light of our letter so that a scheme can be achieved that is acceptable to all which would be a beneficial outcome after many years of difficulties. We stand ready to help your authority and the applicant to deliver such a scheme and would be happy to advise your authority on appropriate conditions if an acceptable scheme comes forward as referred to above. In the event that during works questions arise as to whether fabric to be retained and not subject to conditions cannot in fact be retained (as may happen in any scheme for listed building consent) we would be happy to provide your authority with expert advice from our structural engineers and architects/surveyors as soon as possible on site so that appropriate decisions can be made at that stage.

If your authority is minded to grant consent for the LBC application in its current form, please treat this letter as an objection and notify the Secretary of State of the LBC application, in accordance with the above Direction.

Historic England Advice

Planning history

We have previously provided advice on a number of schemes at this site. As you are aware Historic England previously objected to an application in 2012 to discharge condition 3 of 07/01461/LBC which would have retained just the front façade and east gable end of the listed building. We advised that the proposals would cause substantial harm to the listed building. The discharge of condition application was referred to the Secretary of State. However the Secretary of State responded that the responsibility to discharge the condition rests with the local planning authority. It is clear that matters such as the retention of large degrees of historic fabric, the loss of which would amount to the upper end of harm or substantial harm, should not be left to conditions.

We most recently objected to applications for listed building consent and planning permission to totally demolish the listed building and replace it with new retail units and a Travelodge hotel. The Secretary of State called in the application. However the applications for total demolition were subsequently withdrawn by the applicant which was welcome. We most recently visited the site on 14 February 2018.

Significance

The Robin Hood Hotel is listed Grade II as a building of national importance on the list of buildings of special architectural and historic interest. Despite its current condition the building retains its significance. The Robin Hood Hotel lies within the Newark Conservation Area and within the setting of setting of Grade I listed St Mary Magdalene and nearby Grade II listed buildings. It is located on the southern edge of Newark town centre at the important Beaumont Cross junction of Lombard Street, Portland Street, Albert Street, Carter Gate and London Road.

Listed building

The Robin Hood Hotel contains three 18th century former houses fronting onto Lombard Street. The first known reference to the Robin Hood Hotel as a public house was in 1781. Extensive rear additions and service elements from the 19th and 20th century were mostly removed during the consented Potterdyke redevelopment.

The significance of the listed building is most evident in the surviving fabric of the three front buildings - the elevations, internal historic structure and plan form (where it survives), roof form and structure, and historic fabric - which reflect the earlier form and changing nature and use of the buildings. The buildings are routinely described as building A to the east, building B in the middle, and building C to the west.

The two storey (with an additional attic floor to the rear), five bay building B is the earliest, dating from at least the early 18th century, with a steeply pitched roof, now in slate, with coped gables and central brick chimney stack. It has surviving sash windows and previously had a doorway in the front elevation. The central chimney stack survives as part of internal walls on the ground and upper floors.

On the ground floor the juxtaposition of the chimney and former doorway give evidence of the earlier plan form. Other than the chimney stack and associated wall little historic fabric survives on the ground floor, though on the first and attic floors the party walls to buildings A and C survive as well as the rear walls and some internal walls. This historic fabric provides evidence of the form and scale of the building and the developing plan form as the building was adapted for new uses.

Building A was built later in the 18th century, probably in mid-century. It is also two storeys with a pitched roof and additional attic floor to the rear, and is three bays wide with a later 20th century shopfront on the front façade. It has a three surviving sash windows on the first floor and a former doorway to the right of the shopfront, where there is now a window. The surviving main internal walls on the ground and first floor provide evidence of the earlier plan form of the building. The triangular former entrance hall adjacent to building B demonstrates the constraints of erecting building A at an angle to the pre-existing building B, and former door openings reveal the changes to the building - one of which led off the entrance hall into what was probably a drawing room or parlour. The east façade also survives behind a later brick 'skin', a remnant of the later extensions now demolished. The rear wall of building A retains some historic fabric although there have been a number of later interventions. The second storey of the rear wall and rear dormer windows are a late 20th century intervention which is not of significance. There is evidence of at least one historic timber in the roof of building A, described as part of a cruck, which contributes to the building's significance.

Building C is the latest of the three 18th century buildings, also two storeys with a shallower pitched slate roof. Very little historic fabric survives at ground floor behind the front façade, although two wall 'nibs' extend back from the doorway and part of the party wall with Building B survives. At first floor the rear wall survives together with internal walls and the party wall with building B.

Whilst the ground floors of the three buildings have lost much, if not all, of their historic fixtures and fittings, the upper floors contain later historic fabric such as lath and plaster ceilings and skirting boards, which contribute to the significance of the building and demonstrate its later character and uses. As well as the noted historic timber roof element in building A, all three roofs contain historic timbers which may have been reused. All three front facades have had a colour wash on the bricks and/or coloured render. Historic detailing on the front facades survives including, variously, dentillated and cogged eaves on building A, eaves cornice, first floor bands, plinth, and gutter brackets. Buildings A and B retain historic cellars which contribute to the significance of the listed building and help demonstrate its former uses. Historic structural timbers also survive within, at least, buildings A and B which contribute to the buildings significance.

These survivals help to illustrate the historic value of the listed building as former town houses fronting a main route through this important urban settlement. Its historic associations deriving from its past use(s) are also of significance. The historic alterations which make evident the changes from three domestic houses and their use as a public house contribute to the listed building's significance

A key part of the building's significance also lies in its relation to the Lombard Street/Beaumont Cross streetscape, as part of the 18th-19th century development of this area and the transition of the three former town houses into a single public house. During the 18th and 19th centuries the triangular

development site was built up with cottages, shops and maltings along its frontages, with grander town houses on Lombard Street. The building is also important for the historical and architectural interest apparent from its commercial role as a roadside public house and hotel at a key junction in the communication routes through Newark and as part of Newark's brewing history.

Condition

The hotel closed in the 1990s and the buildings are in an obvious poor state of repair. Following our site visit of 14 February 2018 Historic England is of the view that buildings A, B and C show no signs of on-going structural movement. However, long term water ingress and severe timber rot in many localised areas to the rear of buildings B and C is very likely to have affected high level structural timbers including the rear roof structure.

Conservation area

Newark was one of the first towns in the country to be designated a conservation area, in 1968. Newark conservation area was designated for its special architectural and historic interest as an important, originally medieval market town that derives much of its importance from its location at the intersection of major routes: the River Trent; the Fosse Way former Roman road; and the Great North road. The part of the conservation area in which the Robin Hood Hotel lies reflects the extension beyond the medieval walls of the historic market town as part of a 14th century suburb. It expanded further during the 18th and 19th centuries with development built up along the key routes: Portland Street, Cartergate, Appleton Gate, Lombard Street and London Road. The latter two routes were, in part, developed as improvements to the Great North Road, with malting works and two and three storey houses evident, as well as grander houses on Lombard Street. Lombard Street forms the northern boundary of the site with Beaumond Cross to the east, beyond which is Carter Gate.

The Robin Hood Hotel is in a prominent position at this key medieval junction, Beaumond Cross, where the scheduled Beaumond Cross once stood, with key historic routes converging onto it: Lombard Street, London Road, Carter Gate and Portland Street. Post medieval buildings with the majority being domestic and from the 18th and 19th centuries front these routes particularly on Lombard Street reflecting the expansion during this period and how this area later changed to accommodate greater retail expansion, industrial premises and associated social uses including public houses. Many of the surviving buildings, some of which are listed, including the Robin Hood Hotel, illustrate the history of this area as it developed during the 18th and 19th centuries. The primary character of the area being one of domestic properties, with retail, industrial and social activity. The Robin Hood Hotel forms part of this historic development and clearly reflects the historic expansion beyond the medieval walls after the civil war.

The survival of the hotel contributes positively to the character and appearance of the conservation area and its significance despite its condition. If its condition was improved and it was used and maintained once more, it would further enhance the conservation area.

The proposed scheme

The proposed scheme is to partly demolish the listed building and redevelop the site to provide a 66 bedroom Travelodge hotel and 3 flexible units for Class A1, A2, A3 or D2 uses. Drawing J1565 (08) 113 Rev A (24 May 2018) is titled '*Historic fabric to be retained*'. However other than the front façades and the external gable end of building A, the fabric marked as being retained is noted as '*subject of planning conditions providing for further onsite assessment, as part of the construction process, of condition and location in relation to the proposed layout and approval of the local planning authority and their appointed structural engineer*'.

We welcome the fact that the applications to completely demolish the listed building have been withdrawn and that consideration is now being given to retaining more historic fabric. However because the applications do not definitively say what historic fabric would in fact be retained, Historic England considers that the scheme as currently proposed would result in substantial harm to the Grade II listed building through the loss of historic fabric and its contribution to the building's significance as described above. This could result in façade retention only to which we have previously objected.

Following the assessment on 14 February 2018 which concluded that there was no on-going structural movement, we consider that there is not sufficient reason to condition the retention of the historic structural fabric shown on drawing J1565 (08) 113 Rev A (24 May 2018). We remain of the view that the surviving historic ground floor cross wall in building A should be retained without conditions, albeit with openings to the reception and office, and historic structural timbers, including the limited number of surviving cross beams in the ground floor ceilings, should also be retained without conditions. As noted above, it is clear that matters such as the retention of large degrees of historic fabric, the loss of which would amount to harm or substantial harm, should not be left to conditions - an approach which we have been consistent in objecting to. We have previously referred to retention of the first floor cross wall in building A. We understand from recent discussions that retaining this wall would prevent use of a bedroom and accordingly we accept that there is justification for not retaining this wall on the first floor.

We cannot envisage a means of safely propping buildings B and C in order to retain the roof structure of these buildings. We therefore consider that it is highly likely that these roofs cannot be retained. It may also be that the rear wall of the upper storey of building B cannot be fully inspected or propped to ensure safety and it may also not be possible to retain it. We consider that building A can be safely propped and the significant elements of the roof retained. Further investigation of the significance of the roof structure of building A and the rear wall, which may contain historic timbers although there are large areas of infill, is likely to be possible and should inform final decisions on the degree of retention. Accordingly we consider that the degree of retention of the roof of building A could be conditioned on further assessment of the significance of specific timbers. The rear wall of building A

currently supports the roof so a decision not to retain the rear wall would also need to be justified by the provision of an appropriate alternative means of supporting the roof and thereby retaining it. The structural steel beams, particularly to the rear of the building, have suffered corrosion but we consider that they could be repaired and retained where integral to supporting historic fabric.

It would be helpful to also show in the application which elements are definitely not proposed to be retained with the remaining historic elements (i.e. those not shown to be definitely retained or definitely not retained) subject to conditions.

There would need to be an agreed methodology for recording historic roof structures in buildings B and C and other building elements that have to be removed, and for the reuse of significant elements where possible. Particular attention would need to be paid where historic timber framing below the roof structure may exist. Historic fabric internally, such as reed and plaster ceilings, should also be repaired and retained where they are in acceptable condition, particularly towards the front of the building where there has been less water ingress.

We do not consider a condition relating to layout to be acceptable. It falls to those applying for planning permission to accurately survey a building and design a new layout accordingly. This should be done pre-determination. Travelodge have a significant number of hotels in listed buildings, or which include listed buildings, and our understanding nationally is that Travelodge have incorporated non-standard rooms which are small and irregularly shaped in historic buildings.

In terms of the external appearance of the three front buildings, we support in principle the proposed scheme which, we understand, seeks to repair and retain the historic form and appearance. This would retain the important contribution to the historic townscape that the listed building makes and the architectural and spatial relationship to the surrounding area which is part of its setting. We advise that the details of the proposed external appearance are vital to the success of the scheme and should be carefully controlled to ensure that reinstatements are based on evidence, including for the proposed reinstated shopfront. We recognise that limited alterations of the roof form of buildings B and C would likely need to be made. All windows should be repaired or reinstated timber sash windows, not as shown on the drawings of the proposed scheme. We consider that colour washing the front elevations would be acceptable as this has historically been the case during periods of the building's history. Buildings A and C have windows with cambered arches not flat arches and this should be shown correctly in the application. A key requirement is that the external appearance of the listed building makes an important contribution to the Newark street scene and conservation area as it has done historically.

New build

We consider that in terms of mass and scale the new build elements are an appropriate response to the site with the taller sections along New Street and along the western boundary. This reduces the impact on the prominence of the listed building. We consider that the Lombard Street elevation is sufficiently well 'divided up' into units of smaller width to not be out of step with the townscape character along Lombard Street. High quality detailed design and materials, particularly bricks, are

vital to the success of the development, including strong articulation of building elements, such as string courses and deep reveals for windows and doorways, particularly for the Lombard Street elevation of the Travelodge. Your authority would need to be sure that the proposed scheme does not interrupt views of the spire of St Mary Magdalene's church from Albert Street.

Impact on conservation area

Subject to our advice above on the external appearance of the listed building, we do not consider that the proposed scheme would be harmful to the character and appearance of conservation area or the significance that the other nearby listed buildings derive from their setting.

Legislation, policy and guidance

The statutory requirement to have **special regard** to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses (sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act, 1990) must be taken into account by your authority in determining these applications.

As the Robin Hood Hotel is within a conservation area, the statutory requirement to pay **special attention** to the desirability of preserving or enhancing the character or appearance of the conservation area (s.72, 1990 Act) must also be taken into account by your authority in determining the applications.

The government's National Planning Policy Framework (NPPF) states that in any application for planning permission or listed building consent, your authority should aim to achieve the objective of sustainable development which means guiding development towards a solution that achieves economic, social and environmental gains **jointly** and **simultaneously** (paragraph 8). An environmental gain in any planning application that affects the historic environment would be the continued conservation of heritage assets in a manner appropriate to their significance so that they can be enjoyed for their contribution to the quality of life of this and future generations - a **core planning principle** (paragraph 17, NPPF).

Local authorities should recognise that heritage assets are an irreplaceable resource (paragraphs 126 and 132, NPPF and the Planning Practice Guidance (PPG) paragraph: 003 Reference ID: 18a-003-20140306).

Your authority should also take account of the desirability of sustaining and enhancing the significance of heritage assets (paragraph 131, NPPF). The NPPF goes on to say that when considering the impact of a proposed development on the significance of a designated heritage asset, **great weight** should be given to its conservation (paragraph 132). Significance can be harmed or lost

through alteration or destruction of the heritage asset or development within its setting. Whilst some are given equal importance, no other planning concern is given a greater sense of importance in the NPPF. Substantial harm to or loss of a grade II listed building should be **exceptional** (para.132 NPPF). Any harm or loss to significance *'should require clear and convincing justification'* (paragraph 132, NPPF). We do not consider that the degree of loss of historic fabric is justified, particularly given the fact that there are no signs of on-going structural movement.

As applies in this case, where a proposed development would lead to substantial harm to the significance of a listed building paragraph 133 of the NPPF applies. Local planning authorities should **refuse consent**, unless it can be demonstrated that the substantial harm or loss is **necessary** to achieve substantial public benefits that outweigh that harm or loss, or **all** of following tests in paragraph 133 of the NPPF apply.

- the nature of the heritage asset prevents all reasonable uses of the site; and
- no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
- the harm or loss is outweighed by the benefit of bringing the site back into use'.

As currently proposed the scheme has not met these tests. The loss of key elements of the building's fabric has not been shown to be necessary. It has not been shown that it is not possible to bring forward a scheme with grant funding or some form of charitable or public ownership, for example, which would retain significantly more internal fabric and historic character of the listed building and hence considerably more of its significance. Nor do we consider that public benefits would outweigh the substantial harm to the significance of the listed building.

Recommendation

Historic England has concerns regarding the applications on heritage grounds. However, we consider that these concerns could be addressed as described above, particularly the retention of the historic fabric identified above without conditions. In which case, and considering the justification for the loss of some fabric which cannot be retained, we consider that the level of harm to the significance of the listed building would be less than substantial and it would be for your authority to weigh the harm caused against the public benefits of the proposal in accordance with paragraph 134 of the NPPF.

Your authority, the applicant and Historic England have worked hard recently to move away from a damaging scheme. Indeed following the consultation on the submitted scheme we have been in recent offline discussions with yourself and the applicant regarding clear retention of internal fabric which we believe are moving in the right direction. The primary stumbling block now is the appropriate use of conditions. We urge the applicant to further consider this approach so that a scheme can be achieved that is acceptable to all which would be a beneficial outcome after many years of difficulties. We stand ready to help your authority and the applicant to deliver such a scheme and would be happy to advise your authority on appropriate conditions if an acceptable scheme

comes forward as referred to above. In the event that during works questions arise as to whether fabric to be retained and not subject to conditions cannot in fact be retained (as may happen in any scheme for listed building consent) we would be happy to provide your authority with expert advice from our structural engineers and architects/ surveyors as soon as possible on site so that appropriate decisions can be made at that stage.

Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If, notwithstanding our advice, you propose to determine the applications in their current form, please inform us of the date of the committee and send us a copy of your report at the earliest opportunity.

If your authority is minded to grant consent for the LBC application in its current form, please treat this letter as an objection and notify the Secretary of State of the LBC application, in accordance with the above Direction.

Appointed Archaeology Advisor– The significance of the Robin Hood Hotel as an important element of Newark-on-Trent's history has been well established, it represents the growth of the town in the 18th and 19th centuries as it continues to exploit its very significant location, a convergence of major communication routes.

It is unfortunate that the building has been in decline for many years and that its historic splendour has faded. An application to bring this building back to life is welcome, and this should be done with the upmost care in order to be sympathetic to the original building and its wider historic setting. I am concerned that the scale of the proposed building, which will see the demolition of large parts of the former hotel, although it is noted that various elements of the historic fabric will be retained, will dwarf the present building and this will affect the historic setting of this and other buildings in the immediate vicinity.

Archaeologically this site is outside the medieval town, perhaps forming the suburb known as Beaumont. Evaluation of the site of the medical centre confirmed that, certainly the medical centre site did not contain any stratified medieval, or earlier archaeology. It did contain features that related to its post medieval history and how this area of Newark developed during this period. The hotel site, which is closer to the road is likely to contain more archaeology which will add to our knowledge about the historic development of this area. It is recognised that the site is disturbed however this disturbance will not extend across the entire development site and so it is recommended that should the application is to continue and permission is granted that it should be subject to an archaeological condition.

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 monitoring of all groundworks, including the grubbing out of any existing foundations, with the ability to stop and fully record archaeological features.

“[Local planning authorities] 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) publicly accessible.” Policy 141. National Planning Policy Framework (2012).

A brief will be produced by this department which will lay out the details above, and the specification for the work should be approved by this department prior to the commencement of works. Please ask the developer to contact this office for further details.

Nottinghamshire Building Preservation Trust (NBPT) – The Nottinghamshire Building Preservation Trust (the Trust) welcomes the latest application by M F Strawson Ltd for the completion of the Potterdyke Development. The applications represent a significant change of heart on the part of the developers and seek to preserve and conserve the Listed Buildings on the application site which has been the objective of the Trust. We appreciate the work and compromises which have resulted in the submissions and our comments are applicable to both the full planning and the Listed building application.

The NBPT therefore supports the application and has the following comments.

1. Design and Access Statement; 1.4 speaks of the 'intention' to retain as much of the historic fabric as practicable. The Trust views the retention of the historic fabric as of prime importance and requests the N&SDC to provide an independent arbiter to ensure financial considerations do not become the criteria by which practicality is judged.
2. The Trust requests the N&SDC to condition any approval to ensure that the highest level of conservation techniques are employed in conserving internal and external structures and finishes. Replacing damaged brickwork, woodwork repair or replication where necessary.
3. The application documents include photographs of the site for various stages in its development and the applicant has chosen to replicate a phase when the Beaumont Café was housed in the east end house. The Trust believe this to be unsuitable for the internal use as an office for Travelodge and will lead to unsuitable displays to hide the interior. NBPT would prefer to see a return to the two shuttered domestic windows and door shown on sheet J1565 (08) 140 upper right. These images also show a third chimney stack which we would like to see restored, as coming from the same period.
4. If new external features are permitted (eg Shop front, door surround, shutters) details are to be approved before work commences.
5. The choice of period also raises the question of external finish. Block A (east) is shown as bare brick, block B (centre) is white painted (render?) on the upper floor and block C is, perhaps, painted. It is necessary, we believe, to be consistent.
6. Special attention is required to ensure the support of Block C intermediate floor over the re-structured ground floor accommodation and the method of support should be agreed before work commences.

7. The new glazed entrance screen, linking block A to the new shops (sheet J1565 (08) 130), seems unrelated to the shop façade and, as such, would, in our view, appear more independent if set back deeper on the shop return.

8. The Trust is disappointed with the treatment of the Travelodge façade onto Lombard Street. Historic three storey building along the street have brickwork at ground floor and the use of render seems arbitrary. The scale of the display windows is larger than elsewhere. A single display window on Lombard Street with additional display windows down the pedestrian passage, could be more attractive to customers. Use of brick string courses on ground and upper storeys would be appropriate.

Heritage Lincolnshire – No comments received.

Newark Civic Trust – Newark Civic Trust welcomes the revised plans for the Robin Hood Hotel site and we are heartened that the design shows that the historic structures can be retained within a new redevelopment. The plans are a huge improvement on the previous application to demolish the structures and build, what we believed, to be a completely inappropriate structure in their place.

However, Newark Civic Trust objects to the proposal. We consider the design represents an inappropriate form of development within the Conservation Area. The clash of new and existing built forms is completely unreconciled; new buildings in a conservation area are required to ‘*enhance*’ the ‘*character*’ of the Conservation Area. The Trust strongly disagrees, as stated in section 6.6 of the Historic Building and Conservation Area Assessment, that the new elements are of a “Sensitive design and construction of the proposed hotel development would enhance the prevailing aesthetic of the area.” This development will have an unacceptable adverse impact on this important corner site.

We take this opportunity to remind Newark & Sherwood District Council that the original approval for the Potterdyke development included retention, repair and refurbishment of the Listed Buildings and, as the statutory enforcement authority, this condition should be enforced by the Council.

Quite apart from being unsympathetic in respect to the existing, traditional buildings, the appearance of what is proposed would be very much out of place. The Historic Building and Conservation Area Assessment (section 5.7) and the Design and Access Statement (section 4.8) states that the use of flat and hipped roofs reduces the scale and impact of the proposed building within the general street scene. We agree that the physical impact of the buildings is reduced but the aesthetic impact on the streetscape will be negatively impacted as these design elements conflict with the existing historic structures in the vicinity.

The Historic Building and Conservation Area Assessment (section 5.8) further states that “*The ground floor of the new build elements will contain glazed panels to differentiate between the historic and modern elements of the hotel.*” Modern design elements can be used to reduce the impact of a development and help differentiate between the historic and modern. However, the proposed designs fail to successfully incorporate these modern features resulting in a conflict between the new

and old and thereby, as we have already stated, the resultant development will have a negative impact on the streetscape.

Furthermore this is not an appropriate site for a 66-bedroom hotel. Road safety in this part of town has already been jeopardised by entrances/exits to the bus station and ASDA store. We note that the layby situated outside the proposed retail units can only be accessed by vehicles entering Lombard Street from London Road or Portland Street. Visitors and delivery drivers approaching from Castle Gate will inevitably try to cross the line of traffic leading to delays and accidents.

Therefore we have concluded that since this application in no way complies with the terms of the original agreement, it should be refused.

Georgian Group - No comments received.

Millgate Conservation Society – No comments received.

Victorian Society – No comments received.

Ancient Monuments Society – No comments received.

Council for British Archaeology – No comments received.

Society for the Protection of Ancient Buildings – Thank you for notifying the SPAB of the above application for the partial demolition of the GII listed Robin Hood Hotel, Newark. As you will be aware, the Society has been campaigning for the retention, repair and reuse of this group of listed buildings since we were first notified of the application for its demolition in May 2011.

We requested the previous applications XXX be called in by the Secretary of State given the substantial harm resulting from the total loss of the buildings that the application proposed. We were heartened when we heard that the application had been withdrawn in the run up to the Public Inquiry and had hoped this would result in the retention of the listed buildings on the site. We are disappointed therefore that this new application has come forward which on balance comprises more demolition than retention, and is tantamount to façadism.

As an approach to conservation and good new design, the retention of a historic façade with a new build behind it is arguably the most unsatisfying form of ‘preservation’ and given how many poor examples of this type of architecture now exist, we are disappointed to see yet another scheme of this type come forward as a compromise to total demolition.

The special interest of listed buildings is not confined to their primary facades, and in the case of the Robin Hood Hotel, despite later alterations, there is still architectural and historic value in its interiors. Given that the buildings themselves are listed, and that the building is in a prominent site in the Conservation Area, the council should be advocating for a design which retains the exiting nationally

important buildings and incorporates a new build element that responds to the historic context of Beaumont Cross in a positive and creative manner.

Principle of demolition

Paragraph 132 of the National Planning Policy Framework 2012 (NPPF) states that heritage assets are irreplaceable and that as such harm or loss requires 'clear and convincing justification' and that substantial harm should be 'exceptional' in the case of GII buildings.

It is clear by virtue of the amount of loss of historic fabric and the damage to the integrity of the GII listed building, that the level of harm should be considered 'substantial' and so 'exceptional' justification for the proposals is required

The Historic Building and Conservation Area Assessment prepared by Cotswold Archaeology provides the following in terms of justification:

- Those elements of the building to be removed '*cannot be retained due to condition or location and conflict with operator requirements in respect of disabled access and room sizes.*'; and
- '*The building is currently in very poor structural condition, best evidenced from the rear of the property (Photo 17), where crumbling walls, intrusive vegetation and nesting birds can all be seen to be eroding the historic fabric of this building*'.

The SPAB accepts that to bring long-term vacant buildings back to use there is likely to be a need for greater alteration which can be offset by the public benefit of the building being secured.

However, we do not think the Robin Hood Hotel should be forced to shoulder the burden of substantial demolition to meet this particular operator's needs for larger rooms. That the existing building does not meet their needs suggests that they have purchased the wrong building, rather than the building being inherently unviable for reuse. We do not consider their need for larger rooms or disabled access to be 'exceptional' justification for the wholesale demolition of the rear of these buildings of special architectural and historic interest.

Whilst Cotswold Archaeology state that the building is in poor condition, there is no structural survey of the building provided in the application to demonstrate that this statement is grounded in anything more than a visual assessment of the rear of the building, and cannot be considered 'clear and convincing justification' for the substantial harm that the wholesale demolition of the rear of the buildings constitutes.

Additionally we note that the extent of retention of the listed buildg is dependant on 'assessment on site' once demolition begins (as stated in drawing J1565 (08) 113 A). Therefore, the elements of the building that are proposed to be retained (in addition to the extent of retention previously proposed under an older application) are by no means secure. As well as providing evidence that the rear of the buildings are in such a perilous condition that demolition would be the only reasonable course of action, a structural assessment would have aided in providing more certainty about these elements of the building prior to a decision on the application being taken.

Impact of the new building on the conservation area

The principle of the demolition aside, the design of the new-build elements of the scheme also do not meet the requirements of planning policy and legislation relating to the historic environment.

In line with established guidance on good new design, we would expect to see a design approach to the new build elements of the scheme which considers the building group as a whole; taking into account the sensitive, historic context of the conservation area and responding to it in an innovative way, whilst reflecting the newly created spaces behind each façade. However, the current proposals fail to be subservient or to respond to the retained façade or the character of the conservation area.

As evidenced by the submitted drawings and visualisations, the proposals are inappropriate in terms of scale, bulk and appearance against the retained listed building, as well as in views through the conservation area. In addition, we consider that the roof structure of the new build would sit awkwardly against the retained listed façade and compound the effects of the un-unified design.

The Society is concerned that these proposals are a missed opportunity to enhance local distinctiveness and will cause less than substantial harm to the conservation area. 'Less than substantial harm' is not in itself reason enough to refuse an application, however, in this case the counterbalancing benefit of providing a new use for derelict buildings in the conservation area is negated by the fact that the scheme necessitates the partial demolition of those buildings which are both listed and add to the character and appearance of that area.

Summary

The Society recognises that, from time to time, old buildings may need sympathetic alteration, adaptation or extension to ensure their continuing usefulness, but ultimately any new proposals must meet the test of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires that decisions relating to listed building consent applications must pay 'special regard' to 'preserving the building or its setting or any features of special architectural or historic interest which it possesses'

(S.16). By virtue of the substantial demolitions proposed and the impact of the new building on the listed building and its setting, the application fails to meet the statutory requirement and should be refused.

Section 72 of the same act also requires local authorities to give special regard to preserving the special character and appearance of any conservation area, which by virtue of the incongruous and generic design of the new-build elements, these proposals would fail to achieve.

We hope that this response is helpful to you in determining these applications.

20th Century Society – No comments received.

Police Architect – No comments received.

NSDC Environmental Health – No observations in terms of contaminated land.

NSDC Access and Equalities Officer – Observations in relation to Building Regulations.

NCC Highways – *Original comments received 21st June 2018:*

The above application is accompanied by a transport assessment (TA), which compares the proposed development with a previously approved development.

The TA uses the previously approved trip rates for A1/A3 use, applied to the floor area for the flexible use (as described above). This is acceptable as these two uses are likely to attract the higher trip rates of all the uses. Trip rates for the hotel use have been added and the TA demonstrates that the proposed use will have a lesser impact on highway than the previously approved development.

There is no car parking provision included with this proposal, however, there is existing public parking within the Beaumont Cross Shopping Centre directly to the west of the site, and also an NCP car park on Lombard Street to the north of the site. The Transport Assessment indicated that the NCP car park have agreed to open their car park 24 hours, 7 days per week for use by hotel customers.

It would be advisable that this is accompanied by way of a formal legal agreement as part of any planning permission granted, to ensure suitable parking provision is made available. However, from a highway perspective, in this town centre location, there are sufficient parking controls to prevent inappropriate parking on street.

The existing building has a street nameplate on for Lombard Street. This existing street nameplate should be replaced on the new building to help drivers navigate and reduce any possibility of confusion and resultant lack of concentration on road conditions.

However, our area of concern is the existing service vehicle access via Beaumont Cross and coinciding with what appears to be the proposed hotel guest entrance. This was originally intended to allow access for service vehicles to retail units between 4pm and 10am.

The Traffic Regulation Order to allow this would also allow loading and unloading for hotel guests by private car. The am and pm peak times with the highest number of guests arriving and leaving is between 8 am to 9am and 5pm to 6pm, which is allowed by the TRO.

This gives us cause for concern as this could result in around 33 vehicles in the morning peak and 22 vehicles in the evening peak dropping off hotel guests in this area. As guests are unlikely to arrive at regularly interspersed intervals, not only could this lead to relatively large numbers of vehicles entering a large and complex traffic signal junction without signal control but it could also lead to a number of vehicles in this area being unable to manoeuvre properly and therefore having to reverse out into the junction.

This will not be acceptable from a highway safety point of view and we require further details on loading and unloading for guests and measures to prevent access for unloading from private vehicles from Beaumont Cross.

In consideration of the above, in its current form we object to the proposals. However, if the applicant can provide details satisfactorily addressing the concerns, we may be minded to reconsider.

NCC Flood – No objections.

Natural England - Natural England has no comments to make on the application.

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

We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.

We recommend referring to our SSSI Impact Risk Zones prior to consultation with Natural England.

Nottinghamshire Wildlife Trust – No comments specific to current applications received.

Newark Business Club - Please note that we SUPPORT this proposal because we regard the availability of more hotel rooms in the town as a benefit to the local commercial interest; however, we have significant concerns over the provision of an hotel at this location, with regard to extra road traffic movements on to and off the site.

Traffic movements as calculated by the applicant may be correct, but we feel strongly that the present situation, whereby significant southbound traffic leaving the Beaumont Cross lights enters the Asda site from Portland Street, despite the signage indicating that such turns are illegal, would surely be exacerbated by the presence of an hotel; safety of car occupants and pedestrians would thereby be further endangered. Furthermore, drivers arriving at the hotel from the Lombard Street and London Road directions may be unaware of the route that they should follow to reach the hotel and its parking arrangements. For these reasons, we strongly recommend that any approval of the proposal be allowed only under the conditions that the Authority is satisfied that:

a. Traffic engineering measures in Portland Street shall be implemented to ensure that southbound traffic is absolutely unable to turn into the Asda site.

b. Signage and other information shall be provided to all drivers arriving at the hotel, sufficient to ensure that they are guided to use the safest and most efficient route on to and off the site, including for overnight parking. The design and construction of such signage should achieve the objectives without in any way detracting from the street scene in general or the appearance of the Newark Conservation Area.

The following representations have been received from local residents / interested parties:

18/01020/FULM– 4 contributors (2 objections/ 1 support /1 neither objecting or supporting)

18/01021/LBC – 6 contributors (3 objections / 1 support / 1 support with concerns / 1 neither objecting or supporting)

The main points made in these representations are summarised as follows:

Principle of development

- Any development on the site would be an improvement – the existing site is an eyesore at the entrance to the historic town giving any visitors a poor impression
- If this was the original proposal it would not have been passed
- Planning was passed to build a hotel near the Maltings next to the river
- A hotel on that corner would oversaturate the space and result in more empty shops
- If restored back to 3 cottages, one could be used as a tourist centre and the other two furnished with antique furnishings such as Mrs Straws house which would bring tourists
- Private property owners are required to carry out works and repairs to listed buildings

Planning History

- The applicant has hardly carried any work to protect the decaying structure which is enforceable by law
- There is doubt that the façade planning consent remains extant
- It is a shame that the application could not have commenced before now
- The works if the S217 Notice have not been complied with – it was supposed to be complied with by 13th January 2018

Issues of Design

- The build is of a very poor finish – if the design was carried this whole area would not look characterful
- The buildings are going to look like the same buildings that were allowed in the 70s, the face of Newark is already being changed including by the new Council offices
- The mix of roof lines does not sit well
- The site is one of the gateways to the town – the London Road direction view is most important – the large, bland windows of the hotel foyer should be reduced in size

- The ground floor windows shown in Lombard Street elevation are ugly and cheap looking – small windows might work better
- Where slate is used it should be genuine material – reconstituted versions are too shiny and do not have a feathered edge
- The new plans fit in with the local environment by keeping the original build
- One would expect a RIBA prize holder or similar architect would have been employed to design a new building connecting to the RHH
- The design is an off the shelf hotel design

Impact on Heritage

- Totally against demolishing Robin Hood to make way for a hotel
- The applicant will not spend the monies needed – the job needs to be given to someone with experience in heritage restorations
- The height of the proposed hotel dwarfs the historic cottages
- The relevant Listed Building and Conservation Acts should be enforced to renovate and make good 100% of the building
- There should be an independent watching brief to ensure that there is no further loss of Newark's heritage
- The proposals will amount to substantial harm without substantial public benefits
- Cotswold Archeology and Historic England have identified substantial harm
- HE consider that more of the historic fabric should be retained
- There are other hotels where room layout has accommodated historic building layouts – this shows a lack of commitment from owners
- Demolition is proposed before any thorough building survey or internal assessments of historical features have been undertaken
- Louise Jennings of LCC highlights the need for records of understanding
- The application is dismissive of the RHH having any historic interest to the town
- The RHH is an important link to the brewing and malting industries that were so important to established the historic wealth
- There appears to be no mention of the imposing main staircase which was a particular feature
- It is surely completely wrong and against planning policy to try and justify an inappropriate development and loss of parts of an historic asset on the grounds of dilapidation that has resulted from neglect.

Impact on Highways

- The safety issues and adequate car parking have still not been fully resolved

Other Matters

- The Council and the developers have a special relationship which is concerning for a public authority
- There is no demonstrable evidence of additional employment

- There is a gap in museum facilities which could be remedied by making the RHH a Brewing and Malting museum

18/01020/FULM

01

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

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

02

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

- Proposed Site Layout – J1565 (08) 100 Rev. A
- Proposed Ground Floor Plan – J1565 (08) 105 Rev. A
- Proposed Intermediate Floor Plan – J1565 (08) 106 Rev. B
- Proposed First Floor Plan – J1565 (08) 107
- Proposed Second Floor Plan – J1565 (08) 108
- Proposed Roof Floor Plan – J1565 (08) 109
- Proposed Elevations and Site Sections Sheet 1 – J1565 (08) 110 Rev. B
- Proposed Elevations and Site Sections Sheet 2 – J1565 (08) 111 Rev. B
- Proposed Typical Sections– J1565 (08) 112
- Historic Fabric to be retained – J1565 (08) 113 Rev. B

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

Reason: So as to define this permission.

03

Prior to any development above slab level (including to areas shown as retained or potentially retained through plan reference 'Historic Fabric to be retained' – J1565 (08) 113 Rev. B) an updated 'Historic Fabric to be retained' plan and associated schedule of works, including structural engineering drawings and method statement shall be submitted to and approved in writing by the Local Planning Authority in consultation with Historic England. The details shall include:

- the areas of masonry to be demolished;
- a method statement for ensuring the safety and stability of the building fabric identified to be retained throughout the phases of demolition and reconstruction;
- the arrangements for temporary secure storage of salvage materials; the person or body specialising in this procedure appointed by the applicant; and a timetable for their reinstatement, re-use or disposal; and
- a detailed methodology for the repair and renovation of the building fabric to be retained.

Particular regard should be given to the following item(s): chimney-pieces; cast guttering and hopper-heads; windows containing historic window glass; historic timber beams, joists and rafters. No such features shall be disturbed or removed temporarily or permanently except as indicated on the approved drawings or without the prior approval in writing of the Local Planning Authority. Where appropriate, sound materials/features/fixtures forming part of the building shall be carefully taken down, protected and securely stored for later re-use. During the works, if hidden historic features are revealed they should be retained in-situ unless otherwise agreed in writing with the District Planning Authority. Works shall otherwise be halted in the relevant area of the building and the Local Planning Authority should be notified immediately. The agreed measures shall be carried out in full.

Reason: To ensure that the maximum level of historic fabric to the Listed Buildings is retained as envisaged through the application submission.

04

Prior to any development above slab level (including to areas shown as retained or potentially retained through plan reference Historic Fabric to be retained' – J1565 (08) 113 Rev. B) details and samples including external finish of the materials identified below shall submitted to and approved in writing by the local planning authority. Development shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Facing materials

Bricks

Roofing tiles

Cladding

Render

Reason: In recognition of the Listed Buildings affected and the site's location within the designated conservation area and to ensure that the development takes the form envisaged through the application submission.

05

Prior to any development above slab level (including to areas shown as retained or potentially retained through plan reference Historic Fabric to be retained' – J1565 (08) 113 Rev. B) details in respect of the features identified below, including the design, specification, fixing and finish in the form of drawings and sections at a scale of not less than 1:10 shall be submitted to and approved in writing by the local planning authority. Development shall thereafter be undertaken in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

External windows including roof windows and the feature glazing to the hotel entrance, doors and their immediate surroundings, including details of glazing and glazing bars;

Full technical drawings for all new shop fronts, along with further details on the parapet along Lombard Street;

Material finish of all external windows and doors;

Verges and eaves;

Rainwater goods;

Coping;

Extractor vents;

Flues;

Meter boxes;

Airbricks;

Soil and vent pipes.

Reason: In recognition of the Listed Buildings affected and the site's location within the designated conservation area and to ensure that the development takes the form envisaged through the application submission.

06

Prior to any development above slab level (including to areas shown as retained or potentially retained through plan reference Historic Fabric to be retained' – J1565 (08) 113 Rev. B) a brick and render sample panel showing the brick bond, mortar specification, pointing technique, render specification, render finish and any architectural decoration shall be provided on site for inspection and subsequently agreed through written approval by the local planning authority. Development shall thereafter be carried out in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: In recognition of the Listed Buildings affected and the site's location within the designated conservation area and to ensure that the development takes the form envisaged through the application submission.

07

Prior to any development above slab level (including to areas shown as retained or potentially retained through plan reference Historic Fabric to be retained' – J1565 (08) 113 Rev. B) a programme of historic building recording in accordance with Historic England Level 4 shall be submitted to and approved by the District Planning Authority. The programme shall include details of where the completed report will be deposited. The report shall be completed in accordance with the agreed methodology and submitted to the agreed parties within 3 months of works commencing.

Reason: To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the building to be demolished.

08

The developer shall give the local planning authority 14 days notice prior to any development above slab level (including to areas shown as retained or potentially retained through plan reference Historic Fabric to be retained' – J1565 (08) 113 Rev. B) of the start of works and access shall be afforded at all reasonable times to allow the Council's Conservation Officer, or other person or body nominated by the local planning authority, for the purpose of inspecting the works or recording the building by making measure drawings or taking photographs. Access shall be afforded during works and upon completion.

Reason: To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the areas of building to be demolished.

09

Prior to any development above slab level (including to areas shown as retained or potentially retained through plan reference Historic Fabric to be retained' – J1565 (08) 113 Rev. B) a scheme shall be submitted to and approved in writing by the Local Planning Authority which shows the interim treatment of the site prior to the redevelopment taking place. This shall include full details of any boundary treatments (height, design, location) and/or treatments of the ground area to include full details of the hard/soft landscaping. The scheme should also include timescales for the redevelopment of the site. Once approved the scheme shall be implemented on site as agreed.

Reason: In recognition of the site's location within the designated conservation area.

10

Prior to the installation of any external plant including mechanical extract or refrigeration units, a scheme detailing the precise specification in relation to noise output and any proposed means of mitigation shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the agreed scheme shall be implemented prior to the plant or equipment being brought into use.

Reason: In the interests of protecting surrounding amenity.

11

The development shall be carried out in accordance with paragraph 7.3.1.7 of the updated Ecological Survey Phase 1 Ecology and Bat Roost Risk Assessment carried out by RDF ecology and dated May 2018 in reference to the potential need for a repeat of the roost risk assessment survey. The results of the survey if required shall be submitted to the Local Planning Authority along with any additional precautionary measures as required. Irrespective of the results of any repeat survey required, the development hereby approved shall be carried out in accordance with the precautionary measures outlined by Section 7.4. of the Phase 1 Ecology and Bat Roost Risk Assessment carried out by RDF ecology and dated May 2018.

Reason: In order to protect biodiversity in the District in accordance with the aims of Core Policy 12 of the Newark and Sherwood Core Strategy (2011).

12

No part of the development shall be brought into use until the car parking arrangements as presented (the extension of opening hours of the adjacent NCP car parking) have been secured. Evidence of a contract which secures this arrangement shall be provided to the local planning authority prior to the commencement of the use.

Reason: To ensure that the development does not adversely affect car parking provision in the vicinity and in order to secure the public benefits of the scheme as envisaged.

13

Prior to any groundworks a Scheme of Archaeological Works (on the lines of 4.8.1 in the Lincolnshire Archaeological Handbook (2016)) shall be submitted to and approved in writing by the local planning authority. It is envisaged that this would involve monitoring of all groundworks, including the grubbing out of any existing foundations, with the ability to stop and fully record archaeological features. The development shall thereafter be carried out in accordance with the approved scheme unless otherwise agreed in writing by the local planning authority.

Reason: In recognition of the Listed Buildings affected and the site's location within the designated conservation area and to ensure that the development takes the form envisaged through the application submission.

Informative

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

The proposed development has been assessed and it is the Council's view that CIL IS PAYABLE on the development hereby approved as is detailed below. Full details about the CIL Charge including, amount and process for payment will be set out in the Regulation 65 Liability Notice which will be sent to you as soon as possible after this decision notice has been issued. If the development hereby approved is for a self-build dwelling, residential extension or residential annex you may be able to apply for relief from CIL. Further details about CIL are available on the Council's website: www.newark-sherwooddc.gov.uk/cil/ or from the Planning Portal:

www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil

02

This application has been the subject of pre-application discussions and has been approved in accordance with that advice. The District Planning Authority has accordingly worked positively and pro-actively, seeking solutions to problems arising in coming to its decision. This is fully in accordance with Town and Country Planning (Development Management Procedure) Order 2010 (as amended).

03

Historic England has produced guidance entitled 'Understanding Historic Buildings A Guide to Good Recording Practice' outlining the levels of recording. This document is available on Historic England's website or by contacting the District Planning Authority.

18/01021/LBC

01

The works hereby permitted shall begin within a period of three years from the date of this consent.

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

02

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

- Proposed Site Layout – J1565 (08) 100 Rev. A
- Proposed Ground Floor Plan – J1565 (08) 105 Rev. A
- Proposed Intermediate Floor Plan – J1565 (08) 106 Rev. B
- Proposed First Floor Plan – J1565 (08) 107
- Proposed Second Floor Plan – J1565 (08) 108
- Proposed Roof Floor Plan – J1565 (08) 109
- Proposed Elevations and Site Sections Sheet 1 – J1565 (08) 110 Rev. B
- Proposed Elevations and Site Sections Sheet 2 – J1565 (08) 111 Rev. B
- Proposed Typical Sections– J1565 (08) 112

Reason: So as to define this permission.

03

Prior to any works above slab level (including to areas shown as retained or potentially retained through plan reference Historic Fabric to be retained' – J1565 (08) 113 Rev. B) an updated 'Historic Fabric to be retained' plan and associated schedule of works, including structural engineering drawings and method statement shall be submitted to and approved in writing by the Local Planning Authority in consultation with Historic England. The details shall include:

- the areas of masonry to be demolished;
- a method statement for ensuring the safety and stability of the building fabric identified to be retained throughout the phases of demolition and reconstruction;
- the arrangements for temporary secure storage of salvage materials; the person or body specialising in this procedure appointed by the applicant; and a timetable for their reinstatement, re-use or disposal; and
- a detailed methodology for the repair and renovation of the building fabric to be retained.

Particular regard should be given to the following item(s): chimney-pieces; cast guttering and hopper-heads; windows containing historic window glass; historic timber beams, joists and rafters.

No such features shall be disturbed or removed temporarily or permanently except as indicated on the approved drawings or without the prior approval in writing of the Local Planning Authority. Where appropriate, sound materials/features/fixtures forming part of the building shall be carefully taken down, protected and securely stored for later re-use. During the works, if hidden historic features are revealed they should be retained in-situ unless otherwise agreed in writing with the District Planning Authority. Works shall otherwise be halted in the relevant area of the building and the Local Planning Authority should be notified immediately. The agreed measures shall be carried out in full.

Reason: To ensure that the maximum level of historic fabric to the Listed Buildings is retained as envisaged through the application submission.

04

Prior to any works above slab level (including to areas shown as retained or potentially retained through plan reference Historic Fabric to be retained' – J1565 (08) 113 Rev. B) details and samples including external finish of the materials identified below shall submitted to and approved in writing by the local planning authority. Development shall thereafter be carried out in accordance with the approved details.

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Cladding

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External windows including roof windows and the feature glazing to the hotel entrance, doors and their immediate surroundings, including details of glazing and glazing bars;

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Reason: To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the building to be demolished.

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Reason: In the interests of protecting surrounding amenity.

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Reason: In recognition of the Listed Buildings affected and the site's location within the designated conservation area and to ensure that the development takes the form envisaged through the application submission.

Informative

01

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).

02

Historic England has produced guidance entitled 'Understanding Historic Buildings A Guide to Good Recording Practice' outlining the levels of recording. This document is available on Historic England's website or by contacting the District Planning Authority.

03

This Listed Building Consent relates solely to the plans, drawings, notes and written details submitted with the application, or as subsequently amended in writing and referred to on this decision notice. Any variation of the works or additional works found to be necessary before work starts or while work is in progress [or required separately under the Building Regulations, by the County Fire Service or by environmental health legislation] may only be carried out subject to approval by the Local Planning Authority. Unauthorised modifications, alterations, or works not covered by this consent may render the applicant, owner(s), agent and/or contractors liable to enforcement action and/or prosecution.

04

You are reminded of the need to obtain separate consent under the Town and Country Planning (Control of Advertisements) Regulations for any advertisements requiring express consent that you may wish to display on these premises.

PLANNING COMMITTEE – 24 JULY 2018

| | | |
|------------------------|--|----------------------------------|
| Application No: | 18/00526/RMAM | |
| Proposal: | Reserved matters submission for 1050 residential dwellings public open space, sports provision, allotments and associated infrastructure. | |
| Location: | Land North And East of Existing Fernwood Development, Fernwood Newark | |
| Applicant: | Barratt Homes | |
| Registered: | 19 March 2018 | Target Date: 12 June 2018 |

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

Background & Relevant Site History

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

Outline planning permission was recently granted (under planning permission reference **14/00465/OUTM**) for ‘Proposed residential development for up to 1,050 dwellings and associated facilities (Education & Recreation) infrastructure and utilities; application for outline planning permission (including access)’. The application was considered by the Planning Committee in September 2017 at which it was resolved to approve the application as recommended subject to an additional condition and the signing and sealing of a Section 106 Agreement to secure a range of developer contributions. This was executed on 29th December 2017.

The application was subject to 34 conditions some of which require discharge prior to the commencement of development. A copy of the decision Notice is attached as Appendix A to this report.

The section 106 secured the following;

| <i>Contribution</i> | <i>Contribution</i> | <i>Trigger Point/Delivery</i> |
|---------------------------|---|---|
| Affordable housing | 11.5% (120 units) of affordable housing with a tenure split of 52% intermediate/48% affordable rent | Affordable Housing Scheme to be submitted prior to the commencement of development of each phase. Subject to suitable controls to ensure that there is flexibility but to ensure that an appropriate |

| | | |
|----------------------------------|---|--|
| | | <p>proportion of affordable housing is delivered alongside the market housing and is completed and transferred to an affordable housing provider.</p> <p>First Option would require Review Mechanism</p> |
| <p>On site open space</p> | <p>Total Provision of 21.888ha comprising:</p> <p>14.019 hectares, all dwellings to be within 300m</p> <p>Provision of 1.48 ha</p> <p>Provision of 0.836ha includes a central NEAP (enhanced from standard 9 to 11 pieces of equipment as minimum) and 1 LEAP (of not less than 6 pieces of equipment).</p> <p>Play equipment to be agreed with LPA and PC.</p> <p>Provision of 1.079ha</p> | <p>All POS to be delivered through each phase and controlled by condition</p> <p>Children & Young People</p> <p>Prior to 1st occupation of each phase developer to obtain approval of on-site open space and play space scheme including LEAP and NEAP and these shall be provided to a timetable to be agreed with the LPA prior to first occupation of each phase or sub phase.</p> <p>Allotments/Community Gardens</p> <p>Will be delivered alongside dwellings (controlled by condition) but with a long-stop date included that allotments will be provided prior to occupation of the 600th dwelling.</p> <p>Outdoor Sports Facilities</p> <p>Will be delivered alongside dwellings (controlled by condition) but with a long-stop date included that the pavilion and pitches will be provided prior to occupation of the 600th dwelling a schema for</p> |

| | | |
|---------------------------------------|---|---|
| | <p>Provision of 4.47 ha</p> <p>Cricket Square x 1</p> <p>Senior Football Pitches x 2</p> <p>Football Pitch (9 a side) x 1</p> <p>Football Pitch (7 a side) x 1</p> <p>Football Pitch (5 a side) x 1</p> <p>Pavillion Building to include 4 changing rooms of not less than 245m² in gross internal floor space) and associated 30 car parking spaces</p> | <p>provision of sports facilities shall be submitted.</p> <p>Management of POS to be agreed through S106; developer to agree with the LPA a precise schedule of maintenance/management in perpetuity prior to first occupation of any dwelling. Other details that will need to be submitted for approval include the details as to the financial sustainability of any corporate or other body as may be established to carry out such maintenance; arrangements/ timetabling for the transfer of the public open space and play areas to either the relevant parish council, to a management company or any combined arrangements as approved by the LPA and the details of any transfer in ownership or control of any part of the site.</p> <p>Brochure outlining management arrangements and associated charges will be provided with the approved brochure by the developer prior to completion of sale.</p> |
| <p>Community Facilities</p> | <p>£1,384.07 per dwelling up to maximum of £1,453,273.50</p> | <p>Agreed £300k to be paid prior to first occupation and to be spent within Fernwood Central with remainder to be paid in 9 equal installments on the anniversary of the first payment.</p> |
| <p>Highways Infrastructure</p> | <p>On-site Bus infrastructure (including bus stops, timetable information, level kerbs and works for future real time passenger information)</p> <p>Travel initiatives such as free bus passes within Travel Plan</p> <p>Subsidy for the extension of bus route to and from existing Fernwood.</p> | <p>Matters contained within the Travel Plan will be included in the S106 including scheme for timings and implementation</p> <p>Numbers of bus stops should reference the 6 C's Design Guidelines (or any subsequent replacement) given that quantum of stops is not known.</p> <p>Provided upon first occupation of each dwelling</p> <p>£750k total based on 5 years funding of £150k per year which first installment payable upon adoption of the bus link or agreement from the provide to commence the service, the annual installments of £150k annually for 4 years</p> |

| | | |
|-----------------------|--|--|
| | Safeguarding of protected land for future road link | This refers to the land shown on Waterman drawing 210354-005.4 E Hollowdyke Lane Proposed Layout. This plan currently shows works that are not actually being carried out but the land to be safeguarded is where the works are proposed. Expected that Revision F will be provided which can be referred to. Upon completion of the final phase of the development, only if requested within 12 months by NCC, the land would transfer to NCC for highway purposes. |
| Primary School | Additional 1.2ha (of serviced) land (to make the school site up to 2.2ha) for primary school expansion plus £3.715m to be paid based on 4 th Quarter 2016 indexation. | <p><i>Triggers:</i></p> <ul style="list-style-type: none"> • 10% on receipt of written confirmation from the CC that the CC is to commence design of the Primary School Extension; • 45% on receipt of written confirmation from the CC that they have committed to issue a contract for the construction of the Primary School Extension; • 45% on the first anniversary of the payment made pursuant to above |
| Healthcare | Provision off site through a contribution of £1,031,751 | <p>Their S106 states towards the construction of or improvement of new healthcare facilities within the Parish of Fernwood or Newark Urban Area.</p> <p>Triggers agreed are £300k upon 10th occupation with remainder provided in equal installments on occupation of 200th, 400th, 600th, 800th and 1000th dwellings.</p> |
| Libraries | <p>Based on 1050 dwellings this would amount to £48,258.</p> <p>NCC have confirmed they would only request £36,780 even with uplifted numbers.</p> | Triggered at 1 st occupation - a payment of £4,600 and then on the anniversary of the initial payment equal payments over the following 8 years. |

This approved outline application was the first to be submitted and approved as part of the overall Fernwood strategic site. Outline permission is also being sought for 1,800 homes (plus infrastructure) promoted by Persimmon Homes (16/00506/OUTM) which is being considered separately on this agenda. An application for outline permission promoted by Larkfleet Homes (17/01266/OUTM) for 350 houses has also been before Members in May 2018 which has a resolution to approved subject to the execution of the Section 106 Agreement. This is expected to be executed shortly.

The Application Site

Unusually for a scheme of this scale, the extent of reserved matters under consideration comprises the entirety of the application site covered by the outline application. It comprises approximately 57.94 hectares of land that wraps around the existing settlement of Fernwood to the north and east and extends to where the A1 Trunk Road meets the East Coast railway line, to approximately 50m north of Spring Drive. Spring Lane (which turns into Hollowdyke Lane) is a narrow single track rural lane with soft verges and no footpaths which forms part of the application site and runs south dividing the development site into two. This lane continues south, turns 90° and meets the B6326 Great North Road to the west. Spring Lane currently links Fernwood with Balderton and Coddington to the north and north-east respectively.

The northern part of the site comprises agricultural fields between the existing settlement and the A1. This has a gently undulating land form with land falling away to the north as it extends towards the A1. The boundaries are generally formed by mature landscaping and hedgerows (particularly alongside the A1) and there are some trees and shrubs periodically within the site. A drain crosses through the field from east to west and there are some nesting boxes sited adjacent to this. An oil pipeline runs alongside the northern site boundary. The application site excludes an abandoned scrapyards accessed off Spring Lane and another piece of land further to the west (adjacent to the fork in the A1) is owned by a third party.

The eastern part of the site comprises arable land between Spring Lane and the East Coast railway line. There are various drains crossing the site. Mature hedgerows form most site boundaries and in places cross the site, most notably the hedgerow that zigzags, visible from aerial views. A buried gas pipeline crosses part of the eastern section of the site from north to south and has a 25m easement associated with it. Power lines cross the south-easternmost tip of the application site.

A large wedge of the site (the south-eastern tip) lies within flood zones 2 and 3. The nearest SINC (Biosinc NBGRC2012, Railway Pond, Balderton) is located to the north (beyond the railway line) and this is important scrub and open water habitat developed on a long disused ballast pit. Public footpaths run across the site from north-west (FP10) linking to FP4 that crosses the south-east and through the existing settlement in part. These were recently diverted to follow the road network of new housing at Fernwood.

Fen Lane Farm lies to the north on the other side of the railway line, along with some sporadic dwellings.

Land to the south of the application site is open countryside and also forms part of the Strategic site which will form a scheme currently being promoted by Persimmon Homes and other later phases of the allocated site.

The nearest settlements are Newark and Balderton to the north, Hawton village c3.3km to the west, Barnby-in-the-Willows c2.6km to the north-east and Claypole (within South Kesteven District Council's jurisdiction) c2.1km to the south-east. The B6326 Great North Road provides access over the A1 trunk Road towards the main urban areas of Balderton and Newark.

The Proposal

A reserved matters application has been submitted for the entire site and details 1,050 dwellings, public open space, sports provision, allotments and associated infrastructure. The reserved matter

includes the appearance, layout, landscaping and scale of all matters. This is all of the matters reserved at outline stage. In terms of the landscaping, all that will form the public open areas have been provided. In plot landscaping has only been provided in respect of Phase 1, with in plot landscaping controlled via recommended condition.

It is highly unusual to have a full Reserved Matters scheme before us for the whole site for a scheme of this size. The applicants have made clear that this is due to their very clear intention to purchase the whole site on the back of the outline (as opposed to a phased purchase). It is accepted that it is very highly likely that future planning applications will be made to amend phases of the development at various points throughout the approx. 10-12 year build programme.

The proposal details dwellings comprising 2, 2½ and 3 storey that would mainly be constructed from red brick but with some buff, render and cladding with mainly orange pantiles with some grey tiles. These are set out in a grid like arrangement with strong consistent building lines and public open space interwoven in. The development has been broken up into different character areas such as a tree lined avenue that is the main spine road and bus route with lanes, drives and mews provided elsewhere.

The public open space is to be provided largely in accordance with the outline masterplan and would include the provision of allotments (with associated parking), a neighborhood equipped area of play NEAP (opposite the existing and to be expanded school) which includes a range of play equipment and a multi-use games area (MUGA) as well as a local equipped area of play (LEAP). Sports pitches are to be provided for cricket and football together with a pavilion building. This building is would have a footprint of 15.91m x 17.98m, is single storey with an eaves height of 2.4m rising to c2.91m to ridge. Internally this would comprise entrance hall, club/committee room, kitchen, officials changing room with shower, disabled w.c, four changing rooms each with showers and two toilets.

The application is accompanied by the following documents:

- Design Code Street Typologies
- Written Scheme of Investigation for Archaeology (submitted 30/04/2018)
- Phase 1 Habitat Report (for Phase 1) (submitted 30/04/2018)
- Noise Assessment, by MEC Acoustic Air dated June 2018
- BFI12 Assessment (received 04/07/2018)
- Programme of Implementation for Landscaping – Strategic Landscaping Delivery (received 09/07/2018)

A list of the drawings received and considered forms Appendix B of this report, which give further information in terms of bedrooms numbers approximate internal floor space etc.

Departure/Public Advertisement Procedure

Occupiers of all properties on the Fernwood estate have been individually notified by hand delivered letters. A number of site notices have also been displayed around and near to the site and an advert has been placed in the local press giving an extended consultation period until 23rd July 2018 to allow for comments in respect of amendments where directly affecting residents. The application has also been advertised as a Departure to the Development Plan.

Planning Policy Framework

The Development Plan

Fernwood Neighbourhood Plan (adopted 2017)

- NP1: Design Principles for New Development
- NP2: Housing Type
- NP3: Residential Parking on New Development
- NP5: Green Spaces, Landscaping and Biodiversity
- NP6: Protecting and Enhancing Heritage Assets
- NP7: Supporting Better Movement and Connections
- NP8: Enhancing the Provision of Community Facilities

Newark and Sherwood Core Strategy DPD (adopted March 2011)

- Spatial Policy 1 Settlement Hierarchy
- Spatial Policy 2 Spatial Distribution of Growth
- Spatial Policy 5 Delivering Strategic Sites
- Spatial Policy 6 Infrastructure for Growth
- Spatial Policy 7 Sustainable Transport
- Spatial Policy 8 Protecting and Promoting Leisure and Community Facilities
- Core Policy 1 Affordable Housing Provision
- Core Policy 3 Housing Mix, Type, and Density
- Core Policy 6 Shaping our Employment Profile
- Core Policy 9 Sustainable Design
- Core Policy 10 Climate Change
- Core Policy 12 Biodiversity and Green Infrastructure
- Core Policy 13 Landscape Character
- Core Policy 14 Historic Environment
- Area Policy NAP 2C Land Around Fernwood

Allocations & Development Management DPD

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

Other Material Planning Considerations

- Newark and Sherwood Affordable Housing SPD (June 2013)
- Newark and Sherwood Developer Contributions SPD (December 2013)
- National Planning Policy Framework 2012.
- National Planning Policy Guidance, March 2014.
- 6 C's Design Guide

- Publication Amended Core Strategy DPD, July 2017

Consultations

Fernwood Parish Council – 17/04/2018 (unanimously objected)

‘Fernwood Parish Council resolved to object to the above application at its meeting on 16th April 2018 for the following reasons:

Insufficient Parking Spaces

The PC believes the number of car parking spaces per property is insufficient. The Fernwood Neighbourhood Plan, section 14 and Building for Life 12. Section 10 outline the need for anticipating parking demand.

Highway-related issues

The PC noted that NCC have written to NSDC with a reference to a large range of highway related issues to resolve (letter from D Albans 19/3/18) and would like to see how these are to be resolved. The PC is concerned that the infrastructure has not been addressed in the area to meet increased demand. The PC believe that Hollowdyke Lane should be closed to the usual traffic – The Councillors referred to the document Building for Life 12 section one, which details ‘We recommend thinking carefully before blocking or redirecting existing routes, particularly where these are well used.’

Management of the Site

The PC noted there was no information on how the site will be managed after the build has been completed and would like to see further information on the proposals for this.

Whilst looking through the documents on the planning portal, it was found that in the section 106 agreement dated 29th December 2017 condition 29 details: ‘Construction traffic shall only use the route from the B6326 Great North Road via Goldstraw Lane and Phoenix Lane. The route will be sign posted in accordance with details of a traffic management and signing scheme to be first submitted to and agreed in writing by the LPA in consultation with Highways England’. This contradicts condition 28 and FPC request that this be corrected accordingly as the developer has agreed for construction traffic not to go through the village.’

Balderton Parish Council – ‘The above application makes reference to outline permission for access but we cannot see anything on the many(!) documents that are with it.

The main reason we are interested is that Fernwood Parish Council representatives advised my members at a meeting that the Main Street/Hollowdyke Lane junction in Balderton will be traffic light controlled; can you advise whether this is the case please as we have not noticed any previous reference to it.’

Barratts have confirmed on 10/04/2018 – ‘I can confirm that there are no lights proposed in that location. The road from under the A1 will be restricted to buses only in due course, with access to the phone mast and retained land being provided prior to the bus gate as per the approved

arrangements under the Outline Planning Permission.' This response was forwarded to the Parish Council.

Coddington Parish Council – (03/07/2018)

“Further to Coddington Parish Council's previous submissions for the outline planning application of the development (14/00465/OUTM), we note the conditions (25, 26, 31) of the planning consent granted in December 2017 concerning the closure of Hollowdyke Lane North. These conditions are required to restrict traffic to buses and cycles along Hollowdyke Lane North to promote sustainable transport and to restrict traffic from using Main Street Balderton and Coddington village as a rat run. Coddington Parish Council looks forward to information on timescale for implementation of these highway improvements and traffic management appearing in this Reserved Matters submission, as required in the planning consent.”

Previous comments (09/04/2018): “Further to Coddington Parish Council's previous submissions for the outline planning application of the development (14/00465/OUTM), we refer to the conditions of the planning consent granted in December 2017 concerning the closure of Hollowdyke Lane North.

Condition 4 of the Decision Notice requires that “Each Reserved Matters submission shall accord with the latest Phasing Plan and Programme and include the following details:

II. Confirmation of the timescale for the implementation of the off-site highway infrastructure including highway improvements/traffic management

The information on timescale for implementation of highway improvements and traffic management appears to be omitted from this Reserved Matters submission.

Coddington Parish Council is specifically concerned that there is no mention or timescale provided for the highway improvements to Hollowdyke Lane North (Conditions 25, 26, 31). These are required to restrict traffic to buses and cycles along Hollowdyke Lane North to promote sustainable transport and to restrict traffic from using Main Street Balderton and Coddington village as a rat run.”

Newark Town Council (27/06/2018 & 03/05/2018) – No objection was raised to this application.

NCC Highways Authority – 13/07/2018:

“Further to comments dated 6 July 218, the following amended drawings have been received with a letter from Barratt Homes dated 11 July 2018:

H5950/BDWH/P101/R

H5950/BDWH/P102/D

H5950/BDWH/P103/D

H5950/BDWH/P104/D

H5950/BDWH/P105/D

It is acknowledged that many previously raised issues had been addressed, but further comments follow:

H5950/BDWH/P102/D

a. Clarification has been provided regarding the hard-surfacing treatment of the 'Main Square'. The materials used within the extent of the public highway will be reviewed and agreed at the Section 38 Road Adoption Agreement stage. The type and colour appear to be acceptable but should be 200mm x 100mm x 80mm (not 50mm). This is both for the carriageway and footway. The Planning Authority should consider colours and demarcation for pedestrian routes across the square bearing in mind routes used by the visually impaired.

H5950/BDWH/P103/D

- a. It is acknowledged that the chicanes outside plots 145-148 & 393-398 should be subject to an early road safety audit. Whilst an issue may not arise from an audit, the problem with leaving this to a later time (post permission) means that any identified layout amendments may be difficult/impossible to achieve. Could the audit be done as soon as possible to identify any potential changes? Alternatively, it is suggested that the plots in this area that may be affected by any highway realignment be excluded from any permission i.e. plots 145-148, 212-216, 234-237, 393-398.

H5950/BDWH/P105/D

- a. It is acknowledged that the 'square' feature outside plots 969-970 should be subject to an early road safety audit. Whilst an issue may not arise from an audit, the problem with leaving this to a later time (post permission) means that any identified layout amendments may be difficult/impossible to achieve. Could the audit be done as soon as possible to identify any potential changes? Alternatively, it is suggested that the plots in this area that may be affected by any highway realignment be excluded from any permission i.e. plots 960-964, 969-970, 1016-1023.
- b. With regard to the roads serving plots 906-926 & 999-1015, the materials used within the extent of the public highway will be reviewed and agreed at the Section 38 Road Adoption Agreement stage.

Other Comments

- a. Bus stop location/details are still being assessed.
- b. It is noted that areas of grass/trees abutting roads will be maintained by a management company, but as Highway Authority we would still like to agree the type/size of trees, mainly for two reasons – their potential impact on underground services (root protection system may be necessary) and impact on causing street lighting shadow. Further advice is being sought on this issue.
- c. Confirmation should be sought that all bends have been reviewed to see if any local widening is required to meet current NCC Highway Design Guidance.

CONCLUSION

Whilst there remain some outstanding issues, significant progress has been made towards developing acceptable layouts, bearing in mind that over time layouts may well be subject to change anyway. With this in mind it is thought that if the outstanding issues cannot be fully resolved by the time of Committee then the Planning Authority will take appropriate steps to protect its interests.

Should the Planning Authority grant the application the following conditions are suggested:

Suggested Conditions:

No dwelling forming part of the development hereby permitted shall be occupied until its associated driveway and any parking or turning areas is surfaced in a hard bound material (not loose gravel) for a minimum of 5 metres behind the Highway boundary. The surfaced driveway and any parking or turning areas shall then be maintained in such hard bound material for the life of the development.

Reason: To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc.).

Any garage doors shall be set back from the highway boundary a minimum distance of 5 metres for sliding or roller shutter doors, 5.5 metres for up and over doors or 6 metres for doors opening outwards.

Reason: To enable a vehicle to stand clear of the highway whilst the garage doors are opened /closed and to protect the free and safe passage of traffic, including pedestrians, in the public highway.

Notwithstanding the details submitted, prior to phase 1 of the development hereby permitted being commenced, the location and details of the bus stops shall be agreed in writing by the LPA

Reason: In the interests of sustainable transport.

Notwithstanding the details submitted, prior to phase 1 of the development hereby permitted being commenced, details of all planting in road-side verges shall be first submitted to and agreed in writing by the LPA.

Reason: In order for prevent potential damage to underground services and prevent 'shadowing' of street lighting that may be detrimental to highway safety.

Notes to Applicant

The applicant should note that notwithstanding any planning permission that if any highway forming part of the development is to be adopted by the Highways Authority. 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."

(06/07/2018) -

"I refer to revised drawings:

H5950/BDWH/P101/P

- a. Rumble strips on the bus route should be omitted
- b. The inside radius of the bend outside plots 25-26 should offer a single, smooth transition; avoiding 'corners'.

H5950/BDWH/P102/B

- a. Rumble strips on the bus route should be omitted

- b. Upper Street/Main Street junction – Only 3 of the 4 approaches show a ramp. It is suggested that a calming feature here is perhaps unnecessary. If it is retained, it is suggested that the ramps be removed.
- c. The access outside plot 712 should be widened to 4.8m (not 4.25m).
- d. Clarification is required of the hard-surfacing treatment of the 'Main Square'. It is not expected for the majority of this to be in tarmac.

H5950/BDWH/P103/B

- a. Rumble strips on the bus route should be omitted.
- b. The 'priority build-out' outside plot 380 should be deleted.
- c. The chicane outside plots 145-148 & 393-398 may not offer adequate visibility splays for drivers entering from the side streets. Splays should be identified. Careful consideration should be given to how these junctions will work in practice and how 'give ways' may be demarcated and operate. I suggest that these junctions be subjected to an early safety audit.
- d. Notwithstanding the above and the vehicle swept path drawings submitted, the chicane outside plots 145-148 & 393-398 will be subjected to further design checking as part of the S38 Road Adoption Agreement and minor kerb realignments may be necessary. The use of surface materials here will also be subject to this process.
- e. It is suggested that the calming feature adjacent to plots 158-159 be laid in block pavers, similar to other existing features at Fernwood.
- f. The inside radius of the bend outside plots 455-456 should offer a single, smooth transition; avoiding 'corners'

H5950/BDWH/P104/B

- a. Generally the use of traffic calming features in this area where there are multiple junctions and bends appears to be excessive, and may be amended as part of the Section 38 Road Adoption Agreement design checking/technical approval process.
- b. The layout of the junctions outside plots 905, and 929 do not offer adequate visibility splays and should be amended to provide 2.4m x 43m.
- c. The 'square' feature in front of plots 969-970 is unusual and could lead to indiscipline in lane behaviour. This is exacerbated by the potential reversing movements in that area. This layout should be reviewed and again safety audited. Notwithstanding this, the forward visibility splays shown should fall within the extent of the potential public highway.
- d. The parking layout and the resulting very long dropped kerb crossing outside plots 999 -1015 offers pedestrians no safe haven/passage. Consideration should be given to breaking this area up with planted areas.
- e. The same is true for the parking outside plots 886-891, 895-901, 906-913, and 917-926.

H5950/BDWH/P105/B

- a. No additional comments

Other considerations:

- a. The provision and siting of ramps to calming features will be scrutinised more closely at the time of preparing technical approval for the Section 38 Road Adoption Agreement. They can interfere with access in/out of private driveways. So the provision and/or siting to these ramps should be subject to Highway Authority approval.
- b. Bus stop locations should be identified on the drawings and designed in accordance with paragraph 3.84-3.95 of the Nottinghamshire design guide found at:

- www.nottinghamshire.gov.uk/media/131233/5_part_3_0.pdf. This will require 3m wide footways in certain areas, and should include shelters / real time displays etc.
- c. It is noted that some road are shown with grass verges/trees. These areas will need additional maintenance. The applicant should clarify what arrangements will be made in respect of this.
 - d. Widening on bends should be provided in accordance with Table DG6 of the Nottinghamshire design guide (referenced above).

It is not considered that drawings are fully at a stage that can be approved and this Authority is aware that minor amendments to road layouts may have consequences for housing layouts.

Highway related conditions will need should be applied to any approval, but the wording for these will be offered in due course after the layouts have been reviewed and revised as necessary."

(11/04/2018) – 'The proposed layout drawings have a large range of highway-related issues to resolve.

It is considered that in order to deal with these matters efficiently it would be beneficial to have a meeting with the applicant and highway consultants. I can foresee some changes to the road layout may be necessary which would have an effect on the layout generally.

I have a meeting already scheduled on 26th April at 10am with Gareth Miles from Barratts to discuss Section 278 Agreements and other traffic related matters, and would be happy to extend this to cover the planning layout matters if that was appropriate, with their agreement.

In the meantime, please accept this as a holding response.'

Natural England (03/05/2018)– 'Natural England has no comments to make on this reserved matters amended application.

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

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

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

Sports England - 09/04/2018 'Thank you for consulting Sport England on the above application.

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

The reserved matters application follows the outline application having regard to the location and overall area identified for formal outdoor sports facilities. The proposals indicate additional pitches and a cricket facility, whilst there is no objection to the provision in principle, the final specification, pitch construction should be submitted for approval. Condition 4 and 021 of outline application 14/00465/OUTM

We would be grateful if you would advise us of the outcome of the application by sending a copy of the decision notice. If you would like any further information or advice please contact me at the address below.'

Previous comments from 21/03/2018 – "Thank you for consulting Sport England on the above application. I can confirm that the consultation has been received and was accepted on 20/03/2018.

In accordance with Paragraph 011 of NPPG (Article 22 of the Development Management Procedure (England) Order 2015), Sport England will respond to this consultation within 21 days of the date of acceptance.

However, if insufficient information is received in order to allow us to make a substantive response to the consultation, Sport England will contact you to request further information. The 21 day deadline will not commence until receipt of the additional information.

As a public body, Sport England is subject to the terms of the Freedom of Information Act 2000, which gives members of the public the right to access the information we hold. In the event of a request being received, we will be obliged to release information relating to the application and our response unless an exemption in the Act applies. You should therefore inform us if you believe any elements of your submission to be confidential or commercially sensitive so that we can take your concerns into account."

Network Rail – 26/04/2018:

"With reference to the protection of the railway, Network Rail has no objection in principle to the development, but below are some requirements which must be met, especially with the close proximity to the development of an electrified railway. It is recognised that much of the detail here is more appropriate for the reserved matters stage but is nevertheless mentioned here as a reminder of the issues that will need to be taken into consideration.

Drainage

We ask that all surface and foul water drainage from the development area be directed away from Network Rail's retained land and structures into suitable drainage systems, the details of which are to be approved by Network Rail before construction starts on site.

Water must not be caused to pond on or near railway land either during or after any construction-related activity.

The construction of soakaways for storm or surface water drainage should not take place within 20m of the Network Rail boundary. Any new drains are to be constructed and maintained so as not to have any adverse effect upon the stability of any Network Rail equipment, structure, cutting or embankment.

The construction of soakaways within any lease area is not permitted.

The construction of surface water retention ponds/tanks, SuDS or flow control systems should not take place within 20m of the Network Rail boundary where these systems are proposed to be **below** existing track level. Full overland flow conditions should be submitted to Network Rail for approval prior to any works on site commencing.

If a Network Rail-owned underline structure (such as a culvert, pipe or drain) is intended to act as a means of conveying surface water within or away from the development, then all parties must work together to ensure that the structure is fit for purpose and able to take the proposed flows without risk to the safety of the railway or the surrounding land.

Wayleaves and or easements for underline drainage assets

The position of any underline drainage asset shall not be within 5m of drainage assets, sensitive operational equipment such as switches and crossings, track joints, welds, overhead line stanchions and line side equipment, and not within 15m of bridges, culverts, retaining walls and other structures supporting railway live loading.

Protection of existing railway drainage assets within a clearance area

There are likely to be existing railway drainage assets in the vicinity of the proposed works. Please proceed with caution.

No connection of drainage shall be made to these assets without Network Rail's prior consent to detailed proposals. Any works within 5m of the assets will require prior consent. There must be no interfering with existing drainage assets/systems without Network Rail's written permission.

The developer is asked to ascertain with Network Rail the existence of any existing railway drainage assets or systems in the vicinity of the development area before work starts on site. Please contact Matthew Shelton (matthew.shelton@networkrail.co.uk) for further information and assistance.

Fail Safe Use of Crane and Plant

All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports.

Excavations/Earthworks

All excavations/ earthworks carried out in the vicinity of Network Rail property/ structures must be designed and executed such that no interference with the integrity of that property/ structure can occur. If temporary works compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Project Manager should be undertaken. Network Rail will not accept any liability for any settlement, disturbance or damage caused to any development by failure of the railway infrastructure nor for any noise or vibration arising from the normal use and/or maintenance of the operational railway. No right of support is given or can be claimed from Network Rail's infrastructure or railway land.

Security of Mutual Boundary

Security of the railway boundary will need to be maintained at all times. If the works require temporary or permanent alterations to the mutual boundary the applicant must contact Network Rail's Asset Protection Project Manager.

Armco Safety Barriers

An Armco or similar barrier should be located in positions where vehicles may be in a position to drive into or roll onto the railway or damage the lineside fencing. Network Rail's existing fencing / wall must not be removed or damaged. Given the considerable number of vehicle movements likely provision should be made at each turning area/roadway/car parking area adjacent to the railway. This is in accord with the new guidance for road/rail vehicle incursion NR/LV/CIV/00012 following on from DfT advice issued in 2003, now updated to include risk of incursion from private land/roadways.

Fencing

Because of the nature of the proposed developments we consider that there will be an increased risk of trespass onto the railway. The Developer must provide a suitable trespass proof fence adjacent to Network Rail's boundary (minimum approx. 1.8m high) and make provision for its future maintenance and renewal. Network Rail's existing fencing / wall must not be removed or damaged.

Method Statements/Fail Safe/Possessions

Method statements may require to be submitted to Network Rail's Asset Protection Project Manager at the below address for approval prior to works commencing on site. This should include an outline of the proposed method of construction, risk assessment in relation to the railway and construction traffic management plan. Where appropriate an asset protection agreement will have to be entered into. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. "possession" which must be booked via Network Rail's Asset Protection Project Manager and are subject to a minimum prior notice period for booking of 20 weeks. **Generally if**

excavations/piling/buildings are to be located within 10m of the railway boundary a method statement should be submitted for NR approval.

OPE

Once planning permission has been granted and at least six weeks prior to works commencing on site the Asset Protection Project Manager (OPE) MUST be contacted, contact details as below. The OPE will require to see any method statements/drawings relating to any excavation, drainage, demolition, lighting and building work or any works to be carried out on site that may affect the safety, operation, integrity and access to the railway.

Vibro-impact Machinery

Where vibro-compaction machinery is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement

ENCROACHMENT

The developer/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail and its infrastructure or undermine or damage or adversely affect any railway land and structures. There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail air-space and no encroachment of foundations onto Network Rail land and soil. There must be no physical encroachment of any foundations onto Network Rail land. Any future maintenance must be conducted solely within the applicant's land ownership. Should the applicant require access to Network Rail land then must seek approval from the Network Rail Asset Protection Team. Any unauthorised access to Network Rail land or air-space is an act of trespass and we would remind the council that this is a criminal offence (**s55 British Transport Commission Act 1949**). Should the applicant be granted access to Network Rail land then they will be liable for all costs incurred in facilitating the proposal.

Noise/Soundproofing

The Developer should be aware that any development for residential use adjacent to an operational railway may result in neighbour issues arising. Consequently every endeavour should be made by the developer to provide adequate soundproofing for each dwelling. Please note that in a worst case scenario there could be trains running 24 hours a day and the soundproofing should take this into account.

Trees/Shrubs/Landscaping

Where trees/shrubs are to be planted adjacent to the railway boundary these shrubs should be positioned at a minimum distance greater than their predicted mature height from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary. We would wish to be involved in the approval of any landscaping scheme adjacent to the railway. Where landscaping is proposed as part of an application adjacent to the railway it will be necessary for details of the landscaping to be known and approved to ensure it does not impact

upon the railway infrastructure. Any hedge planted adjacent to Network Rail's boundary fencing for screening purposes should be so placed that when fully grown it does not damage the fencing or provide a means of scaling it. No hedge should prevent Network Rail from maintaining its boundary fencing. Lists of trees that are permitted and those that are not permitted are provided below and these should be added to any tree planting conditions:

Acceptable:

Birch (Betula), Crab Apple (Malus Sylvestris), Field Maple (Acer Campestre), Bird Cherry (Prunus Padus), Wild Pear (Pyrus Communis), Fir Trees – Pines (Pinus), Hawthorne (Cretaeagus), Mountain Ash – Whitebeams (Sorbus), False Acacia (Robinia), Willow Shrubs (Shrubby Salix), Thuja Plicatata "Zebrina"

Not Acceptable:

Acer (Acer pseudoplatanus), Aspen – Poplar (Populus), Small-leaved Lime (Tilia Cordata), Sycamore – Norway Maple (Acer), Horse Chestnut (Aesculus Hippocastanum), Sweet Chestnut (Castanea Sativa), Ash (Fraxinus excelsior), Black poplar (Populus nigra var, betulifolia), Lombardy Poplar (Populus nigra var, italica), Large-leaved lime (Tilia platyphyllos), Common lime (Tilia x europea)

A comprehensive list of permitted tree species is available upon request.

Lighting

Where new lighting is to be erected adjacent to the operational railway the potential for train drivers to be dazzled must be eliminated. In addition the location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. Detail of any external lighting should be provided as a condition if not already indicated on the application.

Access to Railway

All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development.

Network Rail is required to recover all reasonable costs associated with facilitating these works.

I would advise that in particular the **drainage, boundary fencing, Armco barriers, method statements/OPE, soundproofing, lighting and landscaping** should be the subject of conditions, the reasons for which can include the safety, operational needs and integrity of the railway. For the other matters we would be pleased if an informative could be attached to the decision notice.

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

The method statement will need to be agreed with:

Asset Protection Project Manager
Network Rail (London North Eastern)

Floor 3B
George Stephenson House
Toft Green
York
YO1 6JT
Email: assetprotection@networkrail.co.uk

Natural England – 05/04/2018

‘Natural England has no comments to make on this reserved matters application.

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

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

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

We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.

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

Environment Agency – No response has been received.

Fisher German (CLH Pipeline System Ltd) – 27/04/2018: An email was received removing objections.

Cadent (Gas) – There is currently an outstanding objection. It is expected that Cadent will remove their objection as the correct easement has been provided. Requests for confirmation have been made on 03rd and 13th July and an update will be provided for Members.

26/03/2018: ‘Looking at the above planning application we have a high pressure gas pipeline running down the development. We have a Deed of Grant for an easement on this pipeline and we would object to any work taking place in the vicinity of the easement until the developer can demonstrate that the High Pressure gas pipeline will be protected to our specified standards’

Previous comments: 23/03/2018 & 20/06/2018- 'Searches based on your enquiry have identified that there is apparatus in the vicinity of your enquiry which may be affected by the activities specified.

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

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

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

As your proposed activity is in close proximity to National Grid's Transmission assets we have referred your enquiry/consultation to our Asset Protection team for further detailed assessment. We request that you do not commence work or take further action with regards to your proposal until you hear from us. We will endeavour to contact you within 21 days from the date of this response. Please contact us at assetprotection@nationalgrid.com if you have not had a response within this time frame.

We request that you take no further action with regards to your proposal until you hear from the above. We will contact you within 28 working days from the date of this response. Please contact us if you have not had a response within this timeframe.'

ASSESSMENT

Affected Apparatus

The apparatus that has been identified as being in the vicinity of your proposed works is:

- High or Intermediate pressure (above 2 bar) Gas Pipelines and associated equipment
- Electricity Transmission overhead lines
- Above ground electricity sites and installations

As your proposal is in proximity to apparatus, we have referred your enquiry / consultation to the following department(s) for further assessment:

- Land and Development Asset Protection Team (High Pressure Gas Transmission and Electricity Transmission Apparatus)
- Cadent Pipelines Team

We request that you take no further action with regards to your proposal until you hear from the above. We will contact you within 28 working days from the date of this response. Please contact us if you have not had a response within this timeframe.

Requirements

BEFORE carrying out any work you must:

- Ensure that no works are undertaken in the vicinity of our gas pipelines and that no heavy plant, machinery or vehicles cross the route of the pipeline until detailed consultation has taken place.
- Carefully read these requirements including the attached guidance documents and maps showing the location of apparatus.
- Contact the landowner and ensure any proposed works in private land do not infringe Cadent and/or National Grid's legal rights (i.e. easements or wayleaves). If the works are in the road or footpath the relevant local authority should be contacted.
- Ensure that all persons, including direct labour and contractors, working for you on or near Cadent and/or National Grid's apparatus follow the requirements of the HSE Guidance Notes HSG47 Avoiding Danger from Underground Services' and GS6 Avoidance of danger from overhead electric power lines'. This guidance can be downloaded free of charge at <http://www.hse.gov.uk>
- In line with the above guidance, verify and establish the actual position of mains, pipes, cables, services and other apparatus on site before any activities are undertaken.”

National Grid (28/06/2018 & 04/03/2018) - National Grid has no objections to the above proposal which is in close proximity to a High Voltage Transmission Overhead Line. I have enclosed a location map to show the location of National Grid's Overhead Lines within the vicinity of your proposal and associated information below.

Lincolnshire County Council – 20/04/2018 confirm that they ‘do not wish to restrict the grant of permission.’

‘Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development is acceptable. Accordingly, Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) does not wish to object to this planning application.’

City of Lincoln Council – No objections

South Kesteven District Council – ‘The Council has no specific comments to make.’

County Archaeologist – 06/07/2018 – The Archaeologist has clarified that the existing condition attached to the outline permission is sufficient to cover their requirements below and that it should remain in place for now.

05/07/2018 – Comments as follows:

We have just received the results of the archaeological evaluation that was undertaken on this site and it has highlighted some areas of archaeological potential.

The evaluation demonstrated that although large areas of this site were archaeologically negative there are areas which require further archaeological work prior to development. Broadly the site contains the remains of a prehistoric (Bronze Age) square enclosure, an additional Bronze Age Enclosure, a Cremation burial and a 14th century windmill, which also contained prehistoric material. These finds, in particular the prehistoric archaeology are significant as we

have little evidence of land use and settlement from this date in Fernwood and its surrounding areas.

Given this I recommend that further work be undertaken and this should be secured by condition on the reserved matters application – which would then allow the discharge of the condition below.

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 a strip map and record of the areas highlighted as areas of archaeological potential in Fig 14 of the evaluation report – Fernwood Extension North, Newark-Oxford Archaeology South -April 2018

“[Local planning authorities] 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) publicly accessible.” Policy 141. National Planning Policy Framework (2012).

A brief will be produced by this department which will lay out the details above, and the specification for the work should be approved by this department prior to the commencement of works. Please ask the developer to contact this office for further details.

These areas are highlighted on FIG14 of the evaluation report – Fernwood Extension North, Newark- Oxford Archaeology South -April 2018 –which you should have received from the developer.

Lead Local Flood Authority – 28/06/2018: No further comments.

Previous comments 06/04/2018 ‘Based on the indicative layout we have no objections however there are no details regarding surface water drainage provided at this stage so we cannot comment in any detail at this stage.’

Trent Valley Internal Drainage Board (24/05/2018) - ‘We refer to the above application and make the following observations:

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.

The erection or alteration of any mill dam, weir or other like obstruction to the flow, or erection or alteration of any culvert, whether temporary or permanent, within the channel of a riparian watercourse will require the Board’s prior written consent.

The applicant is advised that they are likely to have a riparian responsibility to maintain the proper flow of water in any riparian watercourse which borders or flows through land owned or occupied by them.

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

If you require any further information please do not hesitate to contact the Board's Planning and Byelaw Officer Miss T Richardson.'

Witham Internal Drainage – (28/06/2018) No further comments to make.

Previous comments (04/04/2018) 'Thank you for the opportunity to comment on the above application. The site is partly within the Upper Witham Internal Drainage Board district and the Board maintained Balderton Fen Drain runs through the site.

Part of the site is in the catchment of the River Trent the Trent Valley Internal Drainage Board may be affected they should also be consulted.

It is noted this application does not include the details of surface water drainage system, the Board wishes to be consulted on these.

The proposed landscape plans must take into account access and maintenance requirements to all the surface water drainage system.

The applicant is reminded

Under the terms of the Board's Byelaws, the prior written consent of the Board is required for any proposed temporary or permanent works or structures in, under, over or within the byelaw distance of 6m of the top of the bank of a Board maintained watercourse (Balderton Fen Drain). Within the district under the terms of the Land Drainage Act. 1991 the prior written consent of the Board is required for any proposed temporary or permanent works or structures within any watercourse including infilling or a diversion.'

Water – 'We have no comments to make on this application however we wish to be consulted on the foul and surface water discharge of conditions stage.'

Ramblers – (01/04/2018) No objection. "We have no objection to this development but would welcome an opportunity to discuss with developers how the pedestrian experience within the estate can be optimised and links with Balderton and Claypole improved."

Natural England – 20/06/2018: Rnationaliterate comments set out below.

Previous comments (05/04/2018) "Natural England has no comments to make on this reserved matters application.

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

Natural England and the Forestry Commission have also published standing advice on [ancient woodland and veteran trees](#) which you can use to assess any impacts on ancient woodland. The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority

to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process. We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.

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

NSDC (Conservation) – 04/07/22018:

“We provided advice on the original outline approval, 14/00465/OUTM.

We have reviewed the reserved matters application and can confirm that we have no objection to the proposal. In accordance with our original advice, we recommend that opportunities to reinforce and improve green infrastructure within and at the edges of the proposal site are maximised in order to help integrate the development into the wider landscape.

We defer to Louise Jennings at Lincs CC on archaeological matters in this case.”

NSDC (Environmental Health – Noise) 03/07/2018:

“I have read the revised report and would ask that the recommendations in sections 5 and 6 be included in any consent given.

In respect of the construction stage, given that this is an extension of a developed site controls on construction noise and dust would make sense.”

NSDC Parks & Amenities Manager – (11/07/2018) Confirms the proposals in respect of the proposed NEAP are acceptable subject to the NEAP being enclosed with a mesh type of fencing to improve its usability and to prevent balls etc. straying onto the surrounding open space.

Representations have been received from 7 local residents/interested parties which can be summarised as follows:

- Concern raised regarding traffic volumes through the existing estate due to parked cars;
- Concerns at closing Hollowdyke Lane and the effects it will have on Spring Drive residents;
- Comments that the road systems won't be able to cope with the traffic even with improvements;
- More shops and amenities are needed given the lack of bus service;
- Concern that the developers will never fulfil their obligations regarding the development of the infrastructure needed to support the proposed new development;
- Comments of dissatisfaction regarding the management of public open space on existing Fernwood estate;
- Object to amount of countryside being lost which is important habitat (including bat, water voles and brown hare);
- More of the Wildlife corridors should be retained including to the rear of Johnson's Road / Pond Close;

- Large number of bats above the buffer zone at the rear of Johnson's Road / Pond Close and a significant increase in bats in particular over the past three years thus the development will have a large detrimental effect on them and other wildlife by removing a key feeding habitat and wildlife corridor and through disturbance from increased light and noise levels;
- New ecological buffer zones will take time to establish and their proximity to the A1 means they will be exposed to a higher level of noise and light pollution and will therefore not be as attractive to wildlife as a habitat as the one currently in place;
- Impacts on species of importance will be greater than the ES conclusions and mitigation does not provide for sufficient mitigation;
- Redesign could also be beneficial to the development to consider these changes as well as reducing the impact wildlife as would prevent overlooking therefore increasing the value to developers and potential buyers. There would be no future cost in maintaining the land as there would be with other planned green areas, as this area of land has existed naturally for over ten years now with no maintenance;
- The layout must not preclude access to land to the southwest of the proposed development also within the Fernwood allocation as access can only be gained from this site.

Comments of the Business Manager

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

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

Background and Context

Members resolved to approve the outline application for the outline consent on 14th September 2017 in accordance with the officer recommendation and subject to the execution of the Section 106 Agreement to secure a range of developer contributions and obligations in terms of off and on-site highway infrastructure improvements.

The principle of the development is now established through the granting of the outline consent with the means of access being the only matter that was considered and ultimately approved. The principle of the uses, the parameters and general disposition of uses are therefore established and need not be considered further in any detail. Reserved matters including appearance, landscaping, layout and scale of the development proposed is open for consideration as well as the internal highway layout. The application for reserved matters is for the entire site.

It is also worth noting that a number of issues are not addressed within this reserved matters application as they are covered by the conditions attached to the outline permission, particularly

in respect of the way in which Hollowdyke Lane will be used and operated during the construction phase. These matters will need to go through due process once an application has been made to discharge the conditions attached to the outline permission. Conditions attached to the outline consent are mentioned later in the report for clarity where they are relevant.

There are a number of matters that this reserved matters application needs to consider. These are discussed below.

Revised Phasing

Condition 4 of the outline consent gives the developer flexibility in terms of being able to amend their phasing plan. The outline application suggested there would be 9 phases. However the reserved matters application is accompanied by a revised phasing plan that now details 5 phases, including a pre-development phase (phase 1), three phases of residential (phases 2-4) and a final phase (5) that would remove the construction access and see the footways and cycle-ways constructed.

- Phase 1 includes 165 dwellings (Plot numbers 1-89, 613-670, 672-679 and 709-718).
- Phase 2 includes 424 dwellings (Plot numbers 90-277, 369-469, 478-490, 671, 680-708 and 719-810).
- Phase 3 includes 461 dwellings (Plot numbers 278-368, 470-477, 491-612 and 811-1050)

There is no objection to this approach. However there will still be a requirement for the developers to formally discharge Condition 4 as there is no currently no submitted programme of works provided in respect of the timings and delivery of the following which would need to be agreed an application to discharge the existing condition.

- I. Site accesses and major internal infrastructure including internal roads, pedestrian and cycle crossings, footpaths and cycleways.
- II. Confirmation of the timescale for the implementation of the off-site highway infrastructure including highway improvements/traffic management and any restoration; for example with respect to the Hollowdyke Lane Passing Bays.
- III. Timing and delivery of the associated green infrastructure (as indicated on the Provision of Open Space Strategy Drawing No. EMS.2508-004E) with that phase (including public open space, formal sports recreation facilities, allotments, NEAPs, LEAPs and associated parking facilities).

Design, Layout and Visual Impact

Policy context

NP1 (Design Principles for New Development) states that new development will be supported where it accords with the highest design standards and demonstrates a number of criteria have been met as follows:

- a) a layout that maximises opportunities to integrate development into the village through creating new connections and improving existing ones and which allows for easy, direct movement to and from services and facilities; and
- b) designs that draw upon local character in terms of materials and style as detailed in the Fernwood BFL12 Assessment to ensure new development enhances the distinctiveness and quality of the village as a whole; and
- c) buildings, landscaping and planting that creates well defined streets and attractive green spaces; and
- d) that the layout integrates car parking into the scheme so that it does not dominate the street; and
- e) clearly distinguishes between the uses of public spaces; and
- f) that the street layout encourages low vehicle speeds and which ensures streets function as safe social spaces.

2. Where the proposal is for major development, a report demonstrating the scheme has met national design standards (9 greens and no reds in accordance with BFL12 or equivalent) and produced by a suitably qualified independent assessor, would be encouraged.

Core Policy 9 requires that developments achieve a high standard of sustainable design and layout that is capable of being accessible to all and of an appropriate form and scale to its context complementing the existing built and landscape environments and requires developments make the most efficient use of land at a level suitable to local character. Policy DM5 provides that the district's landscape and character of built form should be reflected in the scale, form, mass, layout, design, materials and detailing of proposals.

NAP2C provides that amongst other things development will be subject to the incorporation of sustainable development principles and sustainable construction methods in line with the Homes and Communities Agency's recommended level in the Code for Sustainable Homes and in line with the Provisions of CP9.

Good design is also one of the core principles of the NPPF and is a material planning consideration.

Assessment

The most up to date policy is that NP1 from the Neighbourhood Plan (NP). I consider, as a matter of professional judgement, that the design and layout of the site provides for an attractive environment and accords with the requirements of the policies, including the NP, for the reasons I explain below. For the avoidance of doubt a BF12 Assessment, as encouraged (as opposed to mandated) by the Neighbourhood Plan has been submitted. This has largely 'green' scores (save for one 'amber') with no 'reds' as required by the Plan.

It was always envisaged that this part of Fernwood would be an extension of the existing settlement rather than the creation of a new one. For example the facilities at existing Fernwood would be consolidated and developer contributions in respect of community facilities will be spent there rather than creating an additional centre that would be unlikely to be viable. The scheme before us for consideration has been designed such that it will read visually and practically as an extension.

Phase 1 would be accessed from a continuation of Phoenix Lane, albeit the existing hedgerows will be retained where possible which will form a new tree lined avenue into the development. The other access (alongside the school) reads as an extension of existing Fernwood in terms of its layout, providing footpaths which link the development to existing facilities such as the school.

Footpaths will link from the new development into existing Fernwood. Pedestrian linkages throughout the site have been designed such that they tend to run alongside green corridors that would ensure they are attractive routes that should encourage pedestrian integration with the existing site. In my view the proposed design and layout integrates well into the existing settlement to also for direct movement to and from services and facilities in line with NP1, criterion (a).

The design of the built form proposed in my view complies with the requirements of both the Neighbourhood Plan (having regard to their BF12 Assessment) as well as the remainder of the Development Plan. The design and layout is such that the new development would enhance the distinctiveness and quality of the village as a whole. Not unlike existing Fernwood, the dwellings are mainly proposed in red brick but with some carefully positioned gateway/corner-turner buildings in buff bricks, render and cladding. Roof tiles are mainly orange coloured pantiles although some grey tiles are proposed to break this up. The fact that the dwellings proposed are the products of the same house builder (Barratt and David Wilson Homes) as the majority of the existing estate, assists with integration and helps to maintain the visual cohesion. The house types themselves are varied and visually acceptable.

In terms of scale, as expected, the dwellings are mainly two, two-and-a-half storey and three storey which reflects that of the existing settlement and adheres to the parametres plan submitted at outline stage. The layout, like existing Fernwood, adopts a strong consistent building line and has various zones (such as street mews, lanes, drives and avenues) as one moves through the development to help define a sense of place. For example at either side of the access into Phase 1 of the new development two proposed 'greens' (Phoenix Square and Spring Green) are positioned on either side of the road that would provide a green gateway feature which the applicant has termed 'The Welcome Green'.

THE WELCOME GREEN & THE AVENUE



Another example of place making is the feature square that falls within Phase 1. The highway curves through a square that utilizes differing hard landscaping and low level bollards to define the highway and the surrounding public space which would be laid with block pavers and planted with trees giving an attractive 'plaza' feel to the space. This design will encourage low vehicle speeds

assets in Balderton or Newark (such as the parish churches of St Giles and St Mary Magdalene) taking into account the topography and relative distances between receptors.

In order to deal with the sites archaeological interest as per Policies NAP2C, CP14 and DM9, a condition was imposed at outline stage that does not allow development to be commenced until written scheme of investigation has been provided and approved in writing by the LPA. As part of this reserved matters application a scheme has been submitted for the entire site which the County Archaeologist has commented upon. Their comments are contained within the consultee section above. However more archaeological work needs to be done before the condition can be discharged and the condition remains irrespective of any reserved matters approval.

In summary both our Conservation Team and I are satisfied that the scheme would not harm the setting of any heritage assets in line with the policies.

Public Open Space & Sports Provision

A phasing plan has been submitted (in accordance with Condition 14 of the outline permission) showing which area of public open space (POS) would come forward alongside each of the phases. This shows that Phase 1 would see the delivery of 'The Welcome Green' which straddles the main avenue plus the eastern-most swale. The majority of the POS would come forward as part of Phase 2 including the sports pitch provision. I am satisfied that the level of POS associated with each phase is appropriate and in line with what was secured at outline stage. In any event the timing of delivery of the POS is controlled by the S106 Agreement and provides that not more than 70% of the dwellings in each phase can be occupied until the associated POS (as shown on the phasing plan) is provided.

The S106 Agreement that accompanies the outline consent provides the development must provide;

- 1 x Locally Equipped Area of Play (LEAP) of not less than 6 pieces of play equipment as defined in the Fields in Trust publication 'Planning & Design' and;
- 1 x enhanced Neighbourhood Equipped Area of Play (NEAP) of not less than 11 pieces of play equipment.

The LEAP is proposed to come forward alongside Phase 3 whilst the NEAP would come forward earlier to form part of Phase 2. The S106 control when the details for the LEAP and NEAP needs to be submitted and when they must be provided. For the avoidance of doubt the applicant has submitted as part of this application details for the NEAP. It would comprise a mix of equipment including a MUGA hard surfaced ball court with goal ends, swings, springers, rotating equipment, cableways, gravity bowls and climbing apparatus. The range of the equipment proposed is considered good and both the Parks & Amenity Manager and I are satisfied with this element subject to a condition that will require the provision of mesh type fencing to enclose the area to ensure that its use is optimized. This will be controlled via a condition.

Sports Provision

The layout shows provision of the sports facilities (cricket square, football pitches and sports pavilion (with an internal floor space of 266m²) plus 34 parking spaces. The S106 Agreement required a minimum of 245m² and 30 spaces and so exceeds the requirement already agreed and secured at outline stage. I am satisfied that the provisions and detailed design shown as part of the reserved matters application are appropriate and in accordance with the S106 Agreement. The

Council's Community, Arts and Sports Manager has confirmed he is happy with the detailed layout. It is noted that no details of drainage have been received in respect of the sports pitches and I am mindful of the need for a ring drain around the cricket square for example to ensure that this land drains adequately. However I am satisfied that this matter can be dealt with via condition 19 of the outline permission. Flood lighting of sports pitches however will need to be controlled via a condition attached to this reserved matters if Members are minded to approve.

Allotments

The outline permission secured the provision of 1.079ha of allotments and community gardens based upon 1050 dwellings. This is shown to be provided amongst the public open space associated with Phase 2, where 76 plots of 125m² (half a standard plot) are proposed, along with 12 parking spaces and paths between. I am therefore satisfied that the proposals reflect the terms of the outline in this regard. The timing of their delivery will be controlled through the S106 Agreement.

Housing Density, Type and Mix

Core Policy 3 (Housing Mix & Density) provides that we should '*secure new housing which adequately addresses the housing need of the District; namely family housing or 3 bedrooms or more, smaller house of 2 bedrooms or less and housing for the elderly and disabled population.*' It goes on to say that we will seek an appropriate mix of housing types to reflect local housing need and that such a mix will be dependent on the local circumstances of the site, the viability of the development and any localized housing need information. I am also mindful of the amended CP3 as set out within the Publication Core Strategy which deletes reference to family housing of 3 bedrooms or more but is otherwise broadly unchanged.

Policy NP2 (Housing Type) from the Neighbourhood Plan requires that housing schemes deliver 'a mix that reflects the need in the Strategic Housing Market Assessment 2015 (or equivalent). This should include smaller market dwellings to suit older people that will also be suitable for younger people as first time buyer homes. The provision of smaller market dwellings, especially those suitable for older people, will be particularly encouraged on sites near the main community facilities.'

The Strategic Housing Market Assessment of 2015 (SHMA) is, as the name suggests, a high level market assessment of houses required in the Nottingham area. I am not convinced that this the most appropriate way of assessing localised housing need. However if regard is to be had to this document the need is as follows:

- 52% identified need for 3 beds
- 28.8% need for 2 beds
- 14.5% identified need for 4+ beds
- 4.7% identified need for 1 bed units

Affordable Housing

It should be noted that the quantum of affordable housing plus the tenure split and mix has been set firm at outline stage and embedded into the S106 Agreement. The affordable housing mix was set at outline stage as follows;

- 26 x 1 bedroom dwellings (of which 16 x affordable rent, 2 x intermediate/shared ownership and 8 x discounted open market unit)
- 51 x 2 bedroom dwellings (of which 24 x affordable rent, 9 x intermediate/shared ownership and 18 x discounted open market unit)
- 43 x 3 bedroom dwellings (of which 22 x affordable rent, 4 x intermediate/shared ownership and 17 x discounted open market unit)

I am satisfied that this would be provided for in the detailed layout as this shows that 120 dwellings with the correct size and tenure split that would be affordable which equates to the approved 11.5% given their accepted viability position.

Market Mix

The housing density and numerical market numbers has already been established through the outline consent. To an extent, the housing type and mix for the open market housing was known at outline stage in that the applicants set out in their viability submission their indicative housing mix. Whilst this is not set in stone, there is little scope in terms of amending this mix without it affecting the scheme’s viability and necessitating a re-opening of a viability discussions and reconsideration of matters considered and fixed at outline stage (most notably the quantum of 11.5% affordable housing).

It is important to be aware that the viability assessments underpinning the outline consent were undertaken, completed, and formed part of Officers (and the Council’s appointed viability assessor) negotiations with the developer before the Neighbourhood Plan became part of the Development Plan. Notwithstanding this (and given the Neighbourhood Plan mix promoted) offers have worked to improve the viability outline mix.

Each phase is proposed to be made up products by Barratt Homes and David Wilson Homes (plus any affordable product) which combine to form each phase. In market terms phase 1 will deliver 1 x 1 bed unit, 7 x 2 bed units, 49 x 3 bed units, 84 x 4 bed units and 9 x 5 bedroom units. I consider that this is justified given that it closely reflects the mix when viability was tested and that many of the costs to the developer will be upfront, including early release of monies for community facilities and highway infrastructure. Given this, and the overall mix position I detail below, I consider phase 1 is acceptable.

In terms of the overall market mix the table below summarises the position:

| Type/Size | Total Market Dwellings | Indicative Mix presented with Viability at outline | Requirements according to SMAA (2015) |
|------------------|-------------------------------|---|--|
| 1 bed | 8 (0.86%) | 0% | 4.7% |
| 2 bed | 110 (11.82%) | 5.34% | 28.8% |
| 3 bed* | 394 (42.36%) | 35.39% | 52% |
| 4 bed* | 394 (42.36%) | 65.75% | 14.5% |
| 5 bed | 24 (2.58%) | 1.92% | |

| | | | |
|---------------|------------|------|------|
| Totals | 930 | 100% | 100% |
|---------------|------------|------|------|

* The applicant has listed some dwelling types as having 3/4 bedrooms. For the purposes of this assessment, I have taken the 'Haversham' type dwelling to be have 3 bedrooms and the 'Kingsville' to have 4 bedrooms.

The proposed mix is seeking to provide more 4 bedroom dwellings than the housing needs of the area show. I consider this is acceptable given matters I have outlined above in terms of timing of previously viability discussions pursuant to the outline application. Members will note that in any event Officers have improved mix compared to the outline viability work. As an aside, I also note that some of these 4 bedroom units proposed are actuality smaller (in square meterage) than some of the 3 bed units.

Impact on Amenity

Policy DM5 requires development to be acceptable in terms of not having a detrimental impact on residential amenity both in terms of existing and future occupiers. Indeed 'always seeking to secure a good standard of amenity for existing and future occupants of land and buildings' is one of the 12 core planning principles set out in the NPPF.

The existing residents most affected by the proposals are those located at the edge of existing Fernwood. I have assessed these carefully.

For those existing dwellings abutting Spring Lane, Phase 1 is the nearest phase. Of the existing dwellings around the Phoenix Lane road link, six of the existing houses would face onto the Welcome Green giving a pleasant outlook at a distance of between 13.5m and c24.5m which is acceptable.

The majority of the dwellings along this edge of existing Fernwood face Spring Lane albeit they are served by private drives running parallel. Here the distances between dwellings is a minimum of 21m to the nearest new plot which is acceptable in my view. There are a handful of dwellings with their gable ends onto the development (those abutting Plot 55 which achieves a distance of over 26m and Plot 638 at c21.6m away) but the distances here are acceptable and in any event is intervened by existing and proposed hedgerows and Spring lane itself. This is also the case in respect of 25 Deeke Road which would be c29m from the front of Plot 639.



Phase 2 is set away from existing residential properties albeit part of the site abuts the school land and it would be when the linkage is formed at the existing cul-de-sac outside the school at Johnson's Road. I do not envisage any adverse impacts arising from the new built form within this phase upon existing residents.

Within Phase 3, the existing dwellings along the northern edge of existing development have the potential to be affected. There is a land level difference in this area as the land on the application site dips lower than the existing dwellings by up to 3.5m in places. At present there is existing landscaping along part of this boundary (it is at its widest just south-west of the school). This thins out to the south-west with the existing field.

Some of this landscaping is clearly outside of the application site, notably adjacent to Plots 1044 to 1033 (see image below) and is not within the control of the developers nor ourselves. Given that the developers have no powers to remove this without the relevant landowners consent there would appear to be little incentive for anyone to remove the existing planting. Irrespective of this planting the levels, scale and the distances between the proposed and existing dwellings are largely in excess of 22m in this particular area, an acceptable separation in my view.



Where the road linkage is formed outside of the school, I note the adjacent existing dwelling (no. 45) fronts the highway and that proposed Plot 1050 would do the same, sitting alongside it, helping the site to assimilate into the existing settlement as well preventing any adverse impacts on residential amenity through overlooking or overshadowing. Indeed where dwellings have a side to rear relationship (or vice versa) I am satisfied that the distances proposed are adequate being in excess of 12m.

Further to the west, rear of Parson's Close the distances between dwellings were originally less than what was considered to be acceptable in respect of the relationship with existing apartments, particularly Plot 1028. Amendments have been made to achieve a more satisfactory relationship and distance between dwellings which now meets the needs of privacy by avoiding direct overlooking through increasing the distances between dwellings. Land level differences means that these new build plots will be set lower down than the existing first floor apartments which have first floor balconies that currently form the northern edge of the settlement. This is not ideal for the occupiers of the new dwellings as their garden could potentially be overlooked. However the introduction of landscaping (such as a tree belt) as indicated on the plans could help assist with this and it will be a case that buyers will be aware. Overall I am now satisfied that the scheme is adequate in respect of protecting the amenities of residents in terms of loss of privacy, overlooking and overshadowing.

Noise

Condition 10 of the outline consent seeks to ensure that suitable noise attenuation is adequately provided on site following an assessment of the likely impacts. The Noise Assessment referred to in this condition is required prior to commencement of each phase albeit this has been provided at reserved matters stage in order to aid that assessment.

The Environmental Statement (ES) which formed part of the outline permission concluded that once operational noise mitigation (at that time unspecified) would be required adjacent to both the A1 and the railway line to ensure the impacts upon new residents are acceptable. It suggested that mitigation could be in the form of earthworks bunds or noise barriers 4m in height which would sufficiently mitigate impacts to an acceptable level. However a fresh up-to-date Noise Assessment has been submitted to accompany the reserved matters application which covers the entire site area.

It is important to note that no noise mitigation is promoted or required in respect of Phase 1 which lies away from the noise sources.

The layout has been careful to site dwellings so that they face onto the A1 and railway line such that their rear gardens are furthest away. The dwellings alongside the A1 to the north are generally in excess of c45metres from the trunk road and the nearest plots alongside the railway line enjoy a separation distance of c20m from their frontage.

Based on the noise exposure levels recorded at the site, the Assessment acknowledges that both the A1 trunk road and the railway line would represent noise sources that would be high during the day and night. The updated Noise Assessment concludes that without mitigation sound levels of a number of plots alongside the A1 (to the north, within Phase 3) and the railway line to the east (falling within Phases 2 & 3) exceed the guidance in terms of acceptable noise both internally and externally (within the garden). Mitigation is therefore proposed to a number of plots. Externally this would be in the form of 3m high fencing to the (mainly side) gardens of the

following Plots (195, 303, 307, 326, 332, 334, 335, 338, 510, 598, 599, 514, 515, 590, 611, 775, 779, 803, 845, 848, 857, 880) as identified in Appendix C of the Noise Report. The report states that with such mitigation (acoustically sound garden fencing to a minimum specification as set out with the Noise Report), which would need to be secured by condition, it would meet the guideline value of 55dB(A).

In terms of the visual appearance of these fences, no details of either the hard or soft landscaping proposals have been provided for Phases 2 or 3 and these would be controlled by condition. However it was known at outline stage that there would be a need for high levels of acoustic screening, which could be softened with some soft planting.

In my view it may be preferable to have landscaped high walls/fences/screens alongside a limited number of plots (that in any case can be softened with planting) than an earth bund alongside the noise sources which would have appeared more alien to the landscape. These are matters that will be for submission via condition with the relevant phases. Overall I am satisfied that this approach is acceptable and I am also mindful that existing development on the other side of the A1 (in Balderton) is closer to the trunk road than the proposed dwellings are on this site.

In order to meet minimum recommended internal sound levels, a higher than average specification for windows/ventilation systems serving habitable rooms has been identified as necessary for a number of plots identified within the Noise Report. However with the implementation of an appropriate glazing and ventilation strategy, sound levels at the proposed development can be attenuated to achieve recommended internal sound level criteria. A condition is required to achieve this and is therefore recommended.

No noise mitigation for the construction phase of the development was identified as being necessary either at outline or via the updated Noise Report now submitted with this reserved matters application. Normal construction management practices are controlled via the outline.

Our Environmental Health Officer has reviewed the Noise Assessment and concurs with the conclusions subject to securing the recommendations of the report. These recommendations are necessary to mitigate the scheme and make it acceptable and as such conditions are proposed to secure these come forward with the development. Subject to the imposition of suitable conditions, I consider that the proposal adequately deals with noise in line with the requirements of DM5 (criterion 3; amenity) and the NPPF. The pre-commencement requirement of Condition 10 of the outline consent can also be discharged as part of any approval that is issued.

Highways and Parking Matters (including legibility and appearance of parking)

Policy DM5 is explicit in stating that provision should be made for safe and inclusive access to new development and appropriate parking. Spatial Policy 7 encourages proposals which place an emphasis on non-car modes as a means of access to services and facilities. It also seeks to minimise the need for travel through measures such as travel plans, provide safe convenient and attractive accesses for all and provide links to the network of footways etc to maximise their use, be appropriate for the highway network in terms of volume and ensure the safety, convenience and free flow of traffic are not adversely affected, provide appropriate and effective parking provision and ensure that the traffic generated from a proposal does not create new or exacerbate existing on street parking problems.

Policy NP1 requires that layouts integrate car parking into the scheme so that it does not dominate the street and that the street layout encourages low vehicle speeds and which ensures streets function as safe social spaces.

Policy NP3 (Residential Parking on New Development) provides that schemes for major residential development should provide a street layout and housing design that accommodates the car parking required based on Fernwood's location and associated car ownership levels and in accordance with NPPF criteria. Proposals are required to be in accordance with; a) Residential Car Parking research, Highways and Development Control Guidance (or equivalent); and b) the findings in the Fernwood BFL12 Assessment at Appendix A. It goes on to say that proposals should demonstrate how parking solutions are integral to a high quality, well designed scheme in accordance with NP1.

Policy NP7 (Supporting Better Movement and Connections) provides that major development proposals are required to demonstrate that they have taken into account the findings of the Fernwood BFL12 Assessment and that;

a) street layout has made use of a more gridded structure to better integrate parts of the development with each other; and

b) streets offer something to all users and not just to cars; shared surfaces for very quiet streets where speeds are particularly low by design, good seating, lighting and street trees should be used to distinguish major roads from side streets; and

c) a hierarchy of streets should be used so that people can understand from the street they are in whether it is an important route or a more local access route; and

d) the layout of the scheme has enabled connections to existing cycling, walking and vehicular routes both within and out from the proposed development site.

2. Major development should include proposals which enhance the local transport network and associated infrastructure, in accordance with the tests as set out in the Community Infrastructure Levy Regulations 2010.

3. Proposals which improve and extend the footpath network across the Parish will be encouraged.

Assessment

As can be seen from the latest highway comments, discussions are still on going in respect of a limited number of plots in respect of a highway safety audit. The developers are seeking to address these outstanding matters prior to the Planning Committee and have commissioned consultants to undertake the necessary safety audit as requested by NCC. An update will be therefore provided at the Planning Committee as to the outcome of this. However the vast majority of the scheme is now to the satisfaction of NCC Highways Authority in terms of highway safety. The design of the layout has utilized a grid like-system and incorporate bends in the highway to encourage vehicles to slow which complies with NP1.

NCC Highways have suggested conditions subject to the safety audit revealing no issues. These are reasonable and necessary, aside from the proposed condition which seeks to control the timings and delivery of the bus stop infrastructure which is not necessary as this is already covered by Condition 34 of the outline consent.

I am well aware of certain parking solutions that have not been well favoured at Fernwood such as rear parking courts which tend to be under used and have resulted in on-street parking. In general this approach has been largely moved away from and I note that Building for Life 12 (modern

design standard) encourages parking that is both of sufficient in quantity and that is designed in a way that is well integrated. Parking that is not convenient, that cannot be seen from the home and that does not discourage anti-social behaviour is to be avoided.

I am also aware that car ownership in Fernwood is higher than the District and national average with nearly half of all households owning 2 cars which is almost double the County average. In terms of the quantum of the parking spaces, the vast majority of the proposed houses have at least two parking spaces. Only the one bedroom dwellings have one space and generally have a limited number of associated visitor spaces nearby. Having counted the quantum of spaces from the plan (including garages) the 1050 plots have 2653 parking spaces provided on site (giving an average of 2.53 spaces per dwelling) which I consider is appropriate and acceptable even taking into account the higher than average car ownership levels at the site. The table below sets out the detail:

| | No of Dwellings | No. of Parking Spaces | Average Spaces Per Dwelling |
|-----------------------|------------------------|-------------------------------------|------------------------------------|
| 1 Bed | 34 | 37 | 1.08 |
| 2 Bed | 162 | 326 | 2.012 |
| 3 Beds | 436 | 965 | 2.21 |
| 4 Beds | 394 | 1188 | 3.015 |
| 5 Beds | 24 | 138 | 5.75 |
| Visitor Spaces | | 9 (located near to 1 bed dwellings) | |
| Totals | 1050 | 2663 | |

The vast majority of parking is proposed to be in plot followed by parking in front of dwellings which are the most convenient for occupiers. Those spaces in front of the dwellings can be broken up by soft landscaping which is the proposed case for Phase 1 and the remaining in plot landscaping for phases 2 & 3 will be controlled via condition.

There are areas where the car parking is more dominant, for example the plots alongside the A1 to the north in Phase 3. However these are located to ensure the dwellings are further away from the A1 and tend to be overlooked by the associated dwelling providing natural surveillance and bound by public open space corridors such that I do not consider this would be unacceptable. In some plots parking is located to the side of plots, but I consider that it is convenient enough that it will be utilized. In latter phases 2 & 3 the parking plots have not been annotated and I consider that this should be provided to ensure that the parking allocation is clear and legible such that it is used. This is dealt with via a condition.

There are a handful of parking courts proposed. However I have carefully considered these and find that the associated parking spaces are legible and reasonably convenient for the occupiers with footpaths and rear gates provided to ensure these are as convenient as possible. Importantly they are not located on the main spine road/bus route but on side roads where there would be no better alternative in terms of on-street parking which will in my view encourage their use. An example of this is shown below.



Delivery timings of Strategic Landscaping and POS

The applicant has provided the following schedule for the delivery of strategic landscaping (as is required by Condition 14);

Phase 1 (Years 1-3)

- *Spring Green/Phoenix Square (to be delivered in conjunction with Show Homes)*
- *Associated SUDS features.*
- *Landscaping adjacent to bus route (to be delivered in line with occupations of associated units facing onto landscaped areas)*

Phase 2 (Years 4-9)

- *Proposed sports pitches*
- *Woodland/shrub planting to north of Allotments*
- *Central NEAP and POS areas*
- *Wildlife corridor/planting adjacent to Mainline Railway*
- *All other landscaping to be delivered in accordance with occupation of associated units facing adjacent landscape areas.*

Phase 3 Years 10 – 15

- *Remainder of wildlife corridor/planting adjacent to mainline railway.*
- *POS areas with associated planting (wildlife corridor) adjacent to A1*
- *Hedgerow planting along bus route*
- *LEAP*
- *Associated SUDS features*
- *Hedgerow gapping up along Spring Lane*
- *All other landscaping to be delivered in accordance with occupation of associated units facing adjacent landscape areas.*

Plot Landscaping Delivery

All on plot landscaping will be delivered prior to the occupation of each unit.

I am satisfied that the Phase 1 delivery programme is clear and achievable.

In terms of Phase 2, the provision of the sports pitches, NEAP and POS is controlled via triggers within the S106 Agreement in any event. However I consider that it is necessary to condition that the woodland/shrub planting to the north of the allotments and the wildlife corridor alongside the railway line is provided/planted at a set point in time otherwise it could be left until the final plot of Phase 2 which would not be ideal.

Likewise for Phase 3 the actual provision of POS is controlled via the Section 106 Agreement and the associated SUDs feature is required by condition on the outline consent so the programme for implementation in these respects is satisfactory. However there are elements that could be left until the last remaining plot, which if the developer chose to not built out might never come forward. Therefore I consider it appropriate to control these elements as part of any reserved matters approval.

Landscaping/Ecology and Trees

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

Policy NAP2C also sets out that the provision of Green Infrastructure in line with SP8 will be required which secures landscaping and structural planting throughout the development, buffer zones to the A1, railway and boundaries with the countryside amongst others.

The application site falls within the South Nottinghamshire Farmlands regional character area, partly within the Cotham Village Farmlands (SN08) and partly within the Cotham Meadowlands (SN09) character types. The topography in this area is flat and open with land use being predominantly intensively arable with hawthorn hedgerow boundaries where views are interrupted by power lines, pylons and the A1. Landscape condition here is defined as poor and there is a low-medium sensitivity to change.

A range of landscape plans have been provided that details the landscaping proposals for the areas of public open space (the strategic landscaping referred to in Condition 14 of the outline consent). With amendments to both the revised Landscape Masterplan and the detailed proposals having been submitted as requested, I am satisfied that the densities, disposition and species proposed (which are largely native along important ecological corridors) for tree, shrub and hedgerow planting are appropriate for the public areas. I am satisfied that the planting also provides for sufficient mitigation in respect of hedgerows and trees which will be lost as a consequence of the development.

It should be noted that details of the 'in-plot soft landscaping' has only been provided for Phase 1, which I have reviewed and found to be acceptable. 'In plot' landscaping details for plots in Phases 2 & 3 are not yet known but can be controlled via condition.

Ecology

A thorough assessment of the likely ecological impacts was undertaken as part of the outline submission and was ultimately found to be acceptable. In order to comply with policies CP12 and

DM7 of the Development Plan a number of conditions (16 to 18) were imposed in order to safeguard the ecological value of the site and provide for appropriate mitigation.

Condition 16 of the outline consent requires that prior to commencement of development within any phase, a scheme to update the Extended Phase 1 Habitat Survey and any associated protected species surveys will be submitted for approval along with an agreed timetable. As part of this reserved matters application the applicant has submitted a Phase 1 Habitat Survey Report by FPCR dated January 2018 which covers part of Phase 1 only. Appropriate surveys in respect of latter phases will be undertaken to a timetable that will need to be agreed through this condition.

The green infrastructure alongside A1 is considerably wide at c25m and alongside the railway is formed by hedgerow and trees with a footway in between c7m at its narrowest in parts due to easements and to set dwellings away from the noise sources. However these spaces will provide good habitat links and dispersal routes for many species and is a matter which Natural England as statutory consultee promoted at outline stage. Indeed 14.01ha of the site would be given over specifically to natural and semi-natural grassland as per the provisions at outline stage. I am satisfied that the scheme overall will bring about a variety of habitat including a hedgerows network that will assist in providing ecological corridors running through/across the site, the provision of less formal space such as meadowland, grassland, woodland planting and wetland habitat which is appropriate in terms of the consent already been granted.

In addition Condition 17 of the outline consent, which is yet to be discharged, requires that a Habitat Creation and Management Plan be submitted to and approved prior to the commencement of any phase. This will provide further opportunities to consider ecology moving forward.

Over the whole site, a loss of 619 linear meters of hedgerow will be removed to accommodate the development. However new hedgerows of 1995 linear meters will be planted which in my view is acceptable and appropriate in terms of mitigation and will over a period of time lead to enhancements, as envisaged at outline stage.

Phase 1 Ecological Impacts & Mitigation

This part of the site comprises arable fields with boundary hedgerows to the south, west and north some of which has been ploughed and comprises bare earth and some low seeding crop. Boundary hedgerows are single species dominated with narrow rough grassland verges. It should be noted that Phase 1 of the updated Protected Species Survey does not cover the full extent of Phase 1 and its associated public open space as shown on the updated Phasing Plan. Therefore I will be unable to recommend the discharge of condition 16 in respect of Phase 1 at this stage. However the condition does allow for this to be done prior to the commencement of development outside of the reserved matters application and via the discharge of conditions route.

Phase 1 would involve the loss of hedgerows which have been assessed as providing a low to moderate ecological value. Despite the necessary (in accordance with the outline access and masterplan) loss of 100m of hedgerow (H2), where existing hedgerow can be retained it has been. For example Hedgerow 2 which would in part be retained and would run through the NEAP diagonally which will be gapped up with appropriate species.

Badgers

No badger sett was found to be present within the area forming phase 1 or within 30m of the site boundary. However as these are transient creatures and their noted presence in the local area it is considered sensible to attach a condition which sets out a precautionary approach which could cover the entire site, notwithstanding that updated ecology surveys will be required before the developer can commence later phases.

Bats

The updated survey concludes that boundary hedgerows provided limited potential foraging and this confirms that survey results associated with the outline permission. I note the comments from one local interested party who has made representations regarding the presence of bats alongside the northern edge of existing Fernwood. I would point out for the benefit of Members that updated ecological surveys would be required before the developer can commence later phases in years to come and therefore up to date mitigation may be employed where necessary. However for the purposes of Phase 1 I am satisfied that bats have been adequately considered. This does not however include the 'Pre-Development Infrastructure' Phase as shown on the revised phasing plan and this will need to be dealt with via a discharge of condition before any development can commence.

Reptiles

At outline stage it was found that there were low populations of reptiles recorded and given the sites agricultural use there were limited opportunities on site for them. The County Ecologist recommended that the LPA secure a Reptile Mitigation Plan to avoid the killing of reptiles present within the development area and to make provision for their passive displacement or translocation to areas outside of the development footprint, which will be included in a condition. The report is silent on reptiles which would need to be addressed before the relevant condition is discharged.

Great Crested Newts, Amphibians and Water Voles

The site contains no existing ponds thus breeding opportunities within the site itself are low. A number of ponds are within 250m of the wider site, one of which is Balderton Railway Pond (LWS) less than 20m from the wider site (Phase 2) which was not subject to a survey because of access limitations. At outline stage NWT considered that this could support amphibians and strongly recommended that a Great Crested Newt survey is carried out which was dealt with via condition.

Within Phase 1 the updated survey concluded that the area was of low to negligible suitability to support commuting or foraging Great Crested Newts Features which are suitable to support limited commuting/ foraging by GCN and that features which could be commuting habitat were too far away to support them. There was no suitable habitat to support water voles either within Phase 1.

The report is silent on amphibians which would need to be addressed before the relevant condition is discharged.

Nesting Birds

Given that hedgerow and some trees on site are to be removed there is potential loss of habitat for nesting birds. Groundwork and clearance works should be undertaken outside of the bird nesting season unless otherwise agreed which would be secured via a proposed condition. Whilst new nesting opportunities will be secured through the new habitat creation scheme (to be dealt with via the discharge of condition), these will take time to mature and therefore more immediate enhancements need to be secured through nest boxes on new buildings. For Phase 1 this is proposed within the updated Ecological Survey but precise details of the numbers and plots are required which would be controlled via condition.

Flood Risk/Hydrology

A Flood Risk Assessment accompanied the outline consent and there is no requirement for a further assessment to be provided at reserved matters stage. Condition 24 of the outline consent requires internal finished floor levels to be agreed before development can commenced for each phase. Details for the disposal of foul sewage and surface water drainage scheme also need to be provided in respect of Conditions 19 & 20 respectively. Condition 21 of the outline consent also requires an updated FRA in respect of the proposed sports pavilion building that will be delivered within Phase 2 but this would only need to be provided prior to commencement of Phase 2. No further details have been provided with this reserved matters application. In any event it is noted that none of the flood risk authorities have raised any objections to the scheme based on the layout.

Whether the site would prejudice the ability of remaining allocation to be developed out

There is a modest parcel of land to the north of existing properties at Dale Crescent that forms part of the strategic site of Fernwood as defined in the Core Strategy. This belongs to a third party land owner. It is expected that in due course this might come forward for development as a standalone application for housing. Therefore it is important that the proposed layout of this reserved matters application does not prejudice the ability of that landowner to come forward with development proposal in the future. The scheme as originally advanced didn't make adequate provision for a potential access into the site as it showed a dwelling in the place of an annotated potential access point. However upon request the layout has been amended to allow for a potential access to the north such that I now consider that this would safeguard the future access for the remainder of the site to come forward.

Scheme as Originally proposed

Scheme as Amended



Conditions of the Outline Permission

The majority of the pre-commencement conditions imposed at outline stage require that no development is commenced until such time as outstanding details (such as detailed drainage plans, land contamination mitigation etc) have been agreed with the Authority. Some of this information (for example noise) has been provided as part of this reserved matters submission whilst others have not yet been provided and will require the submission of a formal Discharge of Condition application, whereby statutory consultees will get the opportunity to make representations on this. It is likely that some of these conditions will be discharged on a phase by phase basis. For the purposes of clarity and transparency Appendix A includes a list of imposed condition together with commentary as to how this scheme fits with each where appropriate.

Other Matters

With respect to Fernwood Parish Council's comments regarding the wording of Condition 29 of the outline permission, I can confirm that the decision notice correctly states that construction traffic should only use the route from the B3626 Great North Road via Hollowdyke Lane.

Planning Balance & Conclusion

The principle of this development and the necessary mitigation including off site highway works and infrastructure has already been agreed at outline stage. This application, rather unusually represents a reserved matters for the entire 1,050 dwellings proposed to enable the developer to acquire the whole site and commence as soon as practicable. This is a developer who has a track record of delivering residential development at Fernwood having previously developed out the vast majority of the existing settlement. Whilst matters of principle have already been addressed Members will be aware that this reserved matters (together with relevant conditions) represents that final planning requirements required to allow a start on-site. This site, and the Fernwood SUE as a whole makes a significant contribution to the Council's 5 year land supply position, a position which is now supported by the Secretary of State. Failure of this site to deliver will affect this position.

Scale, appearance, layout, strategic landscaping (including public open space as well as 'in plot' landscaping for phase 1) and internal highway layouts have all been carefully considered. The design and layout is considered to offer a good quality development that will complement existing Fernwood and create a sense of place that will be attractive. The details in respect of public open

space and strategic landscaping are all considered to be acceptable and will bring about ecological enhancements over time. Impacts upon residential amenity are found to be satisfactory and noise mitigation measures will also protect future occupiers from nearby noise sources.

Whilst the housing mix is not fully policy compliant with the now adopted neighbourhood plan, taking into account the accepted outline viability position and its timing in relation to the adoption of the Neighbourhood Plan the overall mix of the development is found to be acceptable when weighed against the positives of the scheme.

In terms of highways matters, whilst some details for limited plots are still in discussions in terms of finalising the highway safety audit, this is not expected to reveal any insurmountable issues (if it does it can in any event be dealt with via an additional condition to essentially remove these plots from consideration). In terms of the provision of car parking spaces, I am satisfied that the quantum and layout of parking is acceptable.

RECOMMENDATION

For all of these reasons it is recommended that Reserved Matters be approved subject to the conditions and reasons shown below:

Conditions

01 (Internal Sound Levels Mitigation)

Prior to first occupation of each affected dwelling hereby approved, the associated noise mitigation measures contained within the Noise Assessment dated June 2018 by MEC Acoustic Air in respect of internal sound levels identified on the following drawing numbers 23983-04-120-02 (Glazing; required sound reduction to achieve internal daytime sound levels (living rooms) and 23983-04-120-03 (Glazing: required sound reduction to achieve internal night time sound levels (bedrooms)) shall be implemented on site in full.

Reason: In order to afford adequate noise protection to proposed occupiers of the site in line with the recommendations of the Noise Assessment submitted with the application.

02 (External Sound Levels)

None of the dwellings hereby approved that have been identified as requiring external sound level mitigation by the Noise Assessment dated June 2018 by MEC Acoustic Air (specifically as shown on drawing no. 23983-04-120-01: Barrier Heights: Required Sound Reduction to Achieve External Daytime Sound levels) shall be occupied until full detailed specifications of the proposed acoustic barriers have been submitted to and approved in writing by the Local Planning Authority. The approved acoustic barriers shall then be installed on site prior to first occupation of each affected dwelling and shall be retained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to afford adequate noise protection to proposed occupiers of the site in line with the recommendations of the Noise Assessment submitted with the application.

03 (Phase 1 bird nesting mitigation)

Prior to first occupation of any dwelling within Phase 1, a scheme shall be submitted to and shall be approved in writing by the Local Planning Authority (LPA) which provides for a minimum of 8 bird boxes attached to/within new buildings. The scheme shall detail the type of bird box proposed (manufacturers details etc) the precise plots upon which they will be located and the height of the bird boxes. The approved scheme shall be implemented in full on site prior to occupation of the associated dwelling upon which they are cited or to an alternative timetable which may be agreed in writing with the LPA.

Reason: To provide 'immediate' mitigation in the form of alternative nesting opportunities in the period of landscape planting establishment in line within the *recommendations of the Phase 1 Habitat Survey Report* by FPCR dated January 2018 which forms part of this submission

04 (Precautionary approach to badgers (overarching))

During the construction phase of the development, the following precautionary measures shall be adhered to in order to protect badgers and other wildlife that may roam onto the development area:

- Any trenches or deep pits within the site that are to be left open overnight must be provided with a means of escape should a Badger enter such as a plank of wood used as a ramp;
- Any trenches/pits shall be inspected each morning to ensure no animals have become trapped overnight and should be removed if found;
- The storage of any chemicals on the sites will be contained in such a way that they cannot be accessed or knocked over by any roaming animals;
- Fires will only be lit in secure compounds and not allowed to remain lit during the night; and
- Food and litter will not be left within the working area overnight.

Reason: *In order to afford adequate protection to badgers which are transient creatures and in line with the recommendations of the Phase 1 Habitat Survey Report* by FPCR dated January 2018 which forms part of this submission.

05 (External Materials for Phases 2 & 3)

No development shall be commenced in respect of Phases 2 or 3 (as shown on Phasing Plan H5950/13 Rev C or any later version that may be approved by the Local Planning Authority) until details of the external facing materials (bricks, roofing tiles, render, cladding) of the buildings contained within that phase have been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual amenity.

06 (Programme of Implementation for Strategic Landscaping (Phases 2 & 3))

Notwithstanding the submitted details, prior to the commencement of each phase (save for phase 1) a revised Programme of Implementation (POI) to implement the Strategic landscaping detailed

on drawing numbers: Infrastructure Soft Landscaping Proposals, Sheet 1 of 6, GL0817 01G Soft Landscape Proposals (received 09/07/2018), Sheet 2 of 6, GL0817 02F (received 09/07/2018) Sheet 3 of 6, GL0817 003E (received 09/07/2018), Sheet 4 of 6, GL0817 04D, Sheet 5 of 6, GL0817 05D and Sheet 6 of 6, GL0817 06C; shall be submitted to and approved in writing by the Local Planning Authority. The programme shall include but is not limited to:

- Precise timings of delivery for the provision of all planting including the woodland/shrub planting to north of the allotments (Phase 2);
- Precise timings of delivery of the wildlife corridor/planting adjacent to Mainline Railway (Phases 2 & 3);
- All other soft landscaping within Public Open Areas that are not within curtilage (Phases 2 & 3);
- Hedgerow planting along bus route (Phase 3);
- Hedgerow gapping up along Spring Lane (Phase 3).

The approved revised POI shall be implemented in full accordance with the agreed programme.

Reason: Insufficient detail on the timing and delivery of the strategic landscaping accompanies this application and this condition is therefore necessary in order to ensure that this comes forward in a satisfactory manner and timescale.

07 (Highway requested condition, provision of parking and turning)

No dwelling forming part of the development hereby permitted shall be occupied until its associated driveway and any parking or turning areas is surfaced in a hard bound material (not loose gravel) for a minimum of 5 metres behind the Highway boundary. The surfaced driveway and any parking or turning areas shall then be maintained in such hard bound material for the life of the development.

Reason: To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc.).

08 (Highway requested condition garage doors)

Any garage doors shall be set back from the highway boundary a minimum distance of 5 metres for sliding or roller shutter doors, 5.5 metres for up and over doors or 6 metres for doors opening outwards.

Reason: To enable a vehicle to stand clear of the highway whilst the garage doors are opened /closed and to protect the free and safe passage of traffic, including pedestrians, in the public highway.

09 (Highway requested condition, verge planting phase 1)

Notwithstanding the details submitted, prior to occupation of any dwelling in a phase or sub phase, details of all planting in road-side verges on that phase or sub phase shall be firstly submitted to and agreed in writing by the LPA. The approved details shall be implemented in accordance with an agreed timetable unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order for prevent potential damage to underground services and prevent 'shadowing' of street lighting that may be detrimental to highway safety.

010 (Parking Allocation Plan for Phases 2 & 3)

Prior to the commencement of development of any phase that includes the development of residential units (save for Phase 1 as shown on drawing number H5950/13 Rev D) a Parking Allocation Plan for car parking spaces shall be submitted to and be approved in writing by the Local Planning Authority. The Plan shall annotate each parking spaces with the corresponding plot number, in addition to visitor spaces. The development shall thereafter be implemented in accordance with the approved plan.

Reason: Insufficient information has been provided with this reserved matters application for Phases 2 and 3 and this condition is necessary to ensure that the subsequent parking allocation is appropriate in the interests of legibility, amenity, highway safety and the free flow of traffic.

011 (Provision of enclosure for the NEAP)

Prior to the erection of the Neighbourhood Equipped Area of Play (NEAP) hereby approved, details of an appropriate means of enclosure for the NEAP shall be submitted to and approved in writing by the Local Planning Authority. The approved means of enclosure shall be implemented on site as approved prior to the NEAP being first brought into use.

Reason: In the interests of providing an appropriate NEAP that is fit for purpose in accordance and in interests of visual amenity.

012 (Provision of external lighting for sports pitches)

Prior to the provision of the sports pitches hereby approved a scheme for the erection of external flood lighting shall be submitted to and approved in writing by the Local Planning Authority, unless it can be justified that none is necessary. The scheme shall include the numbers, precise position, design and type of lighting, luminance levels, beam orientation and measures to reduce glare. The approved scheme shall be implemented on site prior to the sports pitches being first brought into use unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of ensuring suitable and useable sports pitch provision is made and in the residential amenity.

013 (In plot Hard and Soft Landscaping for phases 2 & 3)

Prior to commencement of development in respect of all phases that include residential development (with the exception of Phase 1), a hard and soft landscaping scheme (relating to individual housing plots) shall be submitted to and approved in writing by the local planning authority. These details shall include:

- a schedule (including planting plans and written specifications, including cultivation and other operations associated with plant and grass establishment) of trees, shrubs and other plants, noting species, plant sizes, proposed numbers and densities. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species.

- means of enclosures/boundary treatments
- car parking layouts and materials;
- any other hard surfacing materials;

Reason: In the interests of visual amenity and biodiversity.

014 (implementation of hard and soft landscaping for Phases 2 & 3)

The approved 'in-plot' soft landscaping scheme (agreed as part of Condition 13 of this approval) shall be completed during the first planting season following the first occupation of each plot or as otherwise may be agreed in writing by the Local Planning Authority. Any trees/shrubs which, within a period of five years of being planted die, are removed or become seriously damaged or diseased shall be replaced in the current or next planting season with others of similar size and species unless otherwise agreed in writing by the local planning authority. The approved hard landscaping scheme shall be completed prior to first occupation of each corresponding plot 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.

015 (Implementation for 'in-plot' landscaping for Phase 1 only)

The approved 'in-plot' soft landscaping scheme for Phase 1 (as shown on drawing references: Soft landscape Proposals, 1 of 4, GL0817 08C, Soft landscape Proposals, 2 of 4, GL0817 09C, Soft landscape Proposals, 3 of 4, GL0817 10C, Soft landscape Proposals, 4 of 4, GL0817 11C shall be completed during the first planting season following the first occupation of each plot or as otherwise may be agreed in writing by the Local Planning Authority. Any trees/shrubs which, within a period of five years of being planted die, are removed or become seriously damaged or diseased shall be replaced in the current or next planting season with others of similar size and species unless otherwise agreed in writing by the local planning authority. The approved hard landscaping scheme as shown in the drawings detailed as part of Condition 16 of this approval shall be completed prior to first occupation of each corresponding plot 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.

016 (Plans Condition)

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

Layout plan Ref: H5950/BDWH/102

Greater Fernwood Composite Planning Layout Ref: H5950/BDWH/P100 (Rev V) submitted 11th July 18

Greater Fernwood Planning Layout 1-500 1of 5 ref: H5950/BDWH/P101 Jun18 (Rev R)
 Greater Fernwood Planning Layout 1-500 2of 5 ref: H5950/BDWH/P102 Jun18 (Rev D)
 Greater Fernwood Planning Layout 1-500 3of 5 ref: H5950/BDWH/P103 Jun18 (Rev D)
 Greater Fernwood Planning Layout 1-500 4of 5 ref: H5950/BDWH/P104 Jun18 (Rev D)
 Greater Fernwood Planning Layout 1-500 5of 5 ref: H5950/BDWH/P105Jun18 (Rev D)
 Materials Layout ref: H5950/106 Rev A (Phase 1)
 Phasing Plan ref: H5950/13 Rev D (received 13/07/2018)
 GL0817 07C Play Proposals
 GL0817 12B Landscape Masterplan (received 09/07/2018)
 GL0817 13 Feature Square Hard Landscape Details
 Illustrative Landscape Masterplan Plan, GL0817 12A
 Infrastructure Soft Landscaping Proposals, Sheet 1 of 6, GL0817 01G Soft Landscape Proposals
 (received 09/07/2018)
 Infrastructure Soft Landscaping Proposals, Sheet 2 of 6, GL0817 02F Soft Landscape Proposals
 (received 09/07/2018)
 Infrastructure Soft Landscaping Proposals, Sheet 3 of 6, GL0817 003E Soft Landscape Proposals
 (received 09/07/2018)
 Infrastructure Soft Landscaping Proposals, Sheet 4 of 6, GL0817 04D Soft Landscape Proposals
 (received 10/07/2018)
 Infrastructure Soft Landscaping Proposals, Sheet 5 of 6, GL0817 05D Soft Landscape Proposals
 (received 10/07/2018)
 Infrastructure Soft Landscaping Proposals, Sheet 6 of 6, GL0817 06C Soft Landscape Proposals
 (received 10/07/2018)
 D109A -111B Preliminary Floor Levels
 D109A -112B Preliminary Floor Levels
 D109A -113B Preliminary Floor Levels
 D109A -114B Preliminary Floor Levels
 D109A- 106E Refuse Vehicle Tracking
 D109A- 107D Refuse Vehicle Tracking
 D109A- 108E Refuse Vehicle Tracking
 D109A- 115B Private Car Tracking
 D109A- 116B Private Car Tracking
 D109A- 117B Private Car Tracking
 1800 Screen Wall detail 2010/DET/203
 1200 Close Boarded timber fence 2010/DET/209
 900mm Post and Rail fence 2010/DET/214
 450mm Timber Knee rail 2010/DET/216
 1200mm Estate Railings 2010/DET/219
 Various Topped Railings 900-1200mm 2010/DET/220
 450mm Knee Rail Detail SD/600/11
 1200mm Post and Rail Fence SD/600/12
 1800mm Close Board Fence SD/600/13
 1800mm High Screen Wall Detail SD/600/02
 2016 DWH Sales marketing suite (6x3 Triple Garage Left hand entrance) (63.91m²)
 DWH Floor Plans & Elevations Twin Garage (hipped) Ref: LDG2H7 (c44.82m²)
 DWH Floor Plans & Elevations Single Garage (hipped) Ref: LSG1H7 (c23.44m²)
 DWH Floor Plans & Elevations Triple Garage Ref: LTG2H7 (67.19m²)
 DWH Floor Plans & Elevation Double Garage Ref: SDG1H7 (31.19%)
 Barratt Double Hipped Garage Ref: G2 (31.21m²)
 Barratt Double Hipped Garage Ref: G3 (31.19m²)

Barratt Single Hipped Garage Ref G1 (16.46m²)
 BH_M_2016 Sales Garages- Triple Garage Right Hand Entrance (received 05/07/2018) (38.72m²)
 DWH_M_DWH_2017_G – 6X3M Triple Garage Left Hand Entrance (received 05/07/2018) (58.59m²)
SF11-5 (DWH) Elevations (Opp) , SF11-5 Floor Plans (Opp), SF11-5 Elevations (AS), SF11-5 Floor Plans (AS)
Archford (DWH) - P382-I-7 drawing no.13 (Floor Plans and Elevations) & P382-E-7 drawing no. 13 (End elevations and floor plans)
Washford - P385-E-7 drawing no.13 (Floor and Elevations)
Fairway - P332-P7 drawing no. 13 (plans & elevations)
Hadley (DWH) - P341-D7 – Elevations (OPP), P341-D7 – Floor Plans (OPP), P341-WD7 (drawing no.15) floor plans, P341-WD7 (drawing no.14) end floor plans, P341-WD7 (drawing no.14) detached floor plans, P341-WD7 (Elevations) P341-E-7 drawing no. 13 (end elevations) P341--D7 drawing no. 13 (detached elevations) P341-D7 (Elevations (AS) P341-D7 (Floor Plans(AS
(DWH)H536 06EM.04 (OPP) Planning Elevation Drawings, H536 06EM.03 (OPP) Floor Plans H536 06EM.02 (AS) Planning Elevation Drawings, H536 06EM.01 (AS) Floor Plans
DWH)H536 06EM.04 (OPP) Planning Elevation Drawings, H536 06EM.03 (OPP) Floor Plans H536 06EM.02 (AS) Planning Elevation Drawings, H536 06EM.01 (AS) Floor Plans
Lichfield (DWH)- H533.04.7 Elevations (OPP), H533.03.7 Floor Plans (OPP), H533.02.7 Elevations (AS), H533.01.7 Floor Plans (AS), H533-7 drawing no.15 (Floor plans), H533-7 drawing no. 14 (elevations)
Ashtree (DWH) - H455.7 (drawing no. 14) floor plans, H455-7 (DRAWING NO. 13) elevations, H455.04-7 Elevations (OPP)
 H455.03-7 Floor Plan (OPP) H455.02-7 Elevations (AS) H455.01-7 Floor Plan (AS)
Winstone (DWH) - H421.7 drawing no. 14 Elevations, H421.7 drawing no. 13 Elevations), H421.04-7 Elevations (OPP), H421.03-7 Floor Plan (OPP), H421.02-7 Elevations (AS)
 H421.01-7 Floor Plan (AS)
Exeter (DWH) - H418-7 drawing no. 14, floor plans, H418-7 drawing no.13 (elevations) H418.04-7 Elevations (OPP) H418.03-7 Floor Plan (OPP) H418.02-7 Elevations (AS) H418.01-7 Floor Plan (AS)
Millford - H411-7 drawing no. 14 (floor plans) H411-7 drawing no. 13 (elevations), H411.04-7 Elevations (OPP) H411.03-7 Floor Plan (OPP) H411.02-7 Elevations (AS) H411.01-7 Floor Plan (AS)
Kennett - T310-E-7 Drawing No.16 (Kennett End Floor Plans) T310-I-7 Drawing no. 16 (Kennett Floor Plans), T310-E-7 Drawing No. 15 (Kennett & Elevations), T310-I-7, Drawing no. 15 (Elevations)
Hertford- H470-7 Floor Plans drawing no. 16, H470-7 Elevations Drawing no. 15
Baywater - H406-7 Baywater Floor Plans drawing no.16, H406-7, drawing no.15 (Elevations)
Layton (DWH) - H436-X7, Drawing no. 15 (floor plans) H436-X7 Drawing no..16 (elevations)
Henley (DWH) H588-7 drawing no. 14 (Rev A), (floor plans), H588_7 drawing no.13 (detached elevations)
Cornell (DWH)- H433-7 drawing no. 14 (Rev A) floor plans, H433_7 drawing no. 13 elevations
Bradgate (DWH) - H417-7 drawing no. 14 Rev A (floor plans) H417-7 drawing no. 13 (elevations)
Chelworth (DWH) - H497-7 drawing no. 14 (floor plans) H497-7 drawing no. 13 (elevations)
Severn Washington Mews (Barratt) - BSEV 00CF/BWAS 00CI drawing no.02 (elevations) BSEV 00CF/BWAS 00CI drawing no.01 (floor plans)
Wilford - P204-EC7 drawing no. 02 (plans and elevations)
Ingleby - H403-C7 drawing no.16 (plans & elevations)
Radleigh Classic (det) - BRAD 00CD drawing no.01 (plans and elevations) BRAD 00CD R303 drawing no.1 (classic render) plans & elevations,
Kingsley Classic (det) - BKEY 00CD drawing no. 1 (plans & elevations)BKEY 00CD R301 drawing no.

1 render (plans & elevations)

Alderney Classic (det) - BALD 00CD drawing no. 1 (plans and elevations)

Windermere Classic (det) - BWIE 00CD drawing no.1 (plans & elevations)

Woodcote Classic (det) - BW00 00CE drawing no. 1 (plans & elevations)

Moresby Classic (det) - BMMS 00CE Drawing no. 001 (plans & elevations), BMMS 00CD, Drawing no. 01 (plans & elevations)

Maidstone Classic (end) -BMAI 00CE Drawing no. 001 (plans & elevations)

Kenley Classic - BKNL 00CI drawing no. 01 Mid (plans & elevations) BKNL 00CE drawing no. 01 End (plans & elevations)

Kingsville - BKIS 00CE Drawing no. 001 End (plans & elevations)

Derwent - BDER 00CD Drawing no. 001 Classic detached (plans & elevations)

Haversham - BHVR 00CE Drawing no. 001 end (plans & elevations)

Hesketh - BHSK 00CD Drawing no. 001 classic det (plans & elevations)

Eskdale - BESK 00CD Drawing no. 001 classic det (plans & elevations), BESK 00CD R303 drawing no. 1 render, (plans and elevations)

Brentford - BBNF 00CE Drawing no. 001 (plans & elevations)

Chudleigh/Dursley - Drawing no. 001 (plans & elevations)

NGF TYPE 69 (Affordable) - B69F 00CE/B69 00CI drawing no.1 (plans & elevations) NGF TYPE 58 and **TYPE 59 (Affordable)**

B69F 00CE/B69 00CI drawing no.1 (plans & elevations)

NGF TYPE 67 (Affordable) - B67f 00CE 01 A

Chester - BCSR 00CD 01

Holden - H469_X7-17 floor plans, H469_X7_16 elevations

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.

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

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

annex you may be able to apply for relief from CIL. Further details about CIL are available on the Council's website: www.newark-sherwooddc.gov.uk/cil/ or from the Planning Portal: www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil

03

The applicant should note that notwithstanding any reserved matters approval 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.

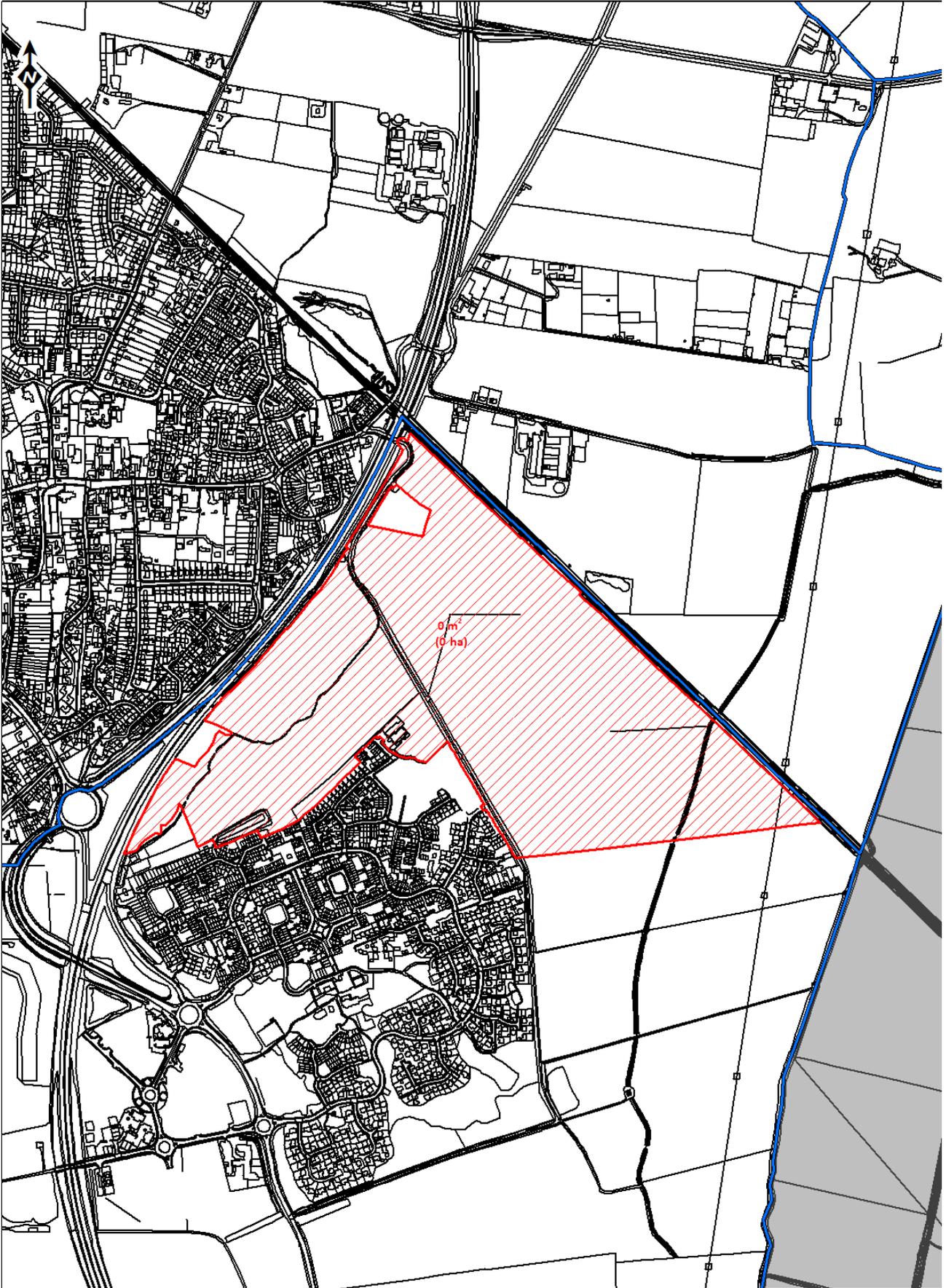
BACKGROUND PAPERS

Application case file.

For further information, please contact **Clare Walker** on ext **5842**.

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

Matt Lamb
Business Manager – Growth and Regeneration



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PLANNING COMMITTEE – 24 JULY 2018

| | | |
|------------------------|---|--|
| Application No: | 16/00506/OUTM | |
| Proposal: | Outline planning application for a phased residential development of up to 1,800 dwellings; a mixed use Local Centre of up to 0.75ha to include up to 535sqm of A1 food retail (not exceeding 420sqm) and non-food retail (not exceeding 115sqm), A3 food and drink uses (not exceeding 115sqm), D1 community uses (not exceeding 1,413sqm); sports pavilion up to 252sqm; primary school (2.2ha) with school expansion land (0.8ha); formal and informal open space including sports pitches, pocket parks, structural landscaping / greenspace and drainage infrastructure; principal means of access, internal roads and associated works. All other matters to be reserved. | |
| Location: | Land At Fernwood South Nottinghamshire | |
| Applicant: | Persimmon Homes (East Midlands) | |
| Registered: | 20 April 2016 | Target Date: 10 August 2016 Extension of Time Agreed in Principle |

Background

Members will recall that the application has been previously considered at the Planning Committee Meeting of 13th September 2016. For the avoidance of doubt, whilst Members resolved to approve the application in line with the Officer recommendation (subject to conditions and the sealing of an associated Section 106 agreement), a decision has not yet been issued and thus the application remains pending consideration.

The latest position is that the Applicant is now presenting a viability case which states that the application can no longer meet the policy aspirations of 30% affordable housing on site. On this basis the scheme is brought back before Members in order to determine whether the updated position would change the original resolution of the September 2016 meeting.

The structure of the following report will focus around the viability case presented but also identify any other material planning considerations which have changed since the time of the last Committee Meeting. The original report presented to Members as well as the Late Items and Committee Minutes has been appended for completeness.

Viability Case

At the time of the September 2016 Committee Meeting, Members resolved to approve a policy compliant scheme in terms of developer contributions including the delivery of 30% of affordable housing on site (540 units). A compromised position of 52% affordable rent and 48% intermediate provision (25% shared ownership / 75% discounted open market value (DOMV)) was however accepted. The policy aspiration of Core Policy 1 of the extant Core Strategy is for 60% affordable rented / 40% intermediate housing.

On February 16th 2018, the LPA received a 'Financial Viability Report' dated February 2018 and undertaken by Atlas Development Solutions on behalf of the applicant. The position presented by this report is that since 2016, the scale of the abnormal costs associated with the proposed development have been quantified by further works to qualify the exact costs of associated infrastructure including highways, archaeology and drainage. Whilst it is positive that further works (which themselves involve a cost) have been undertaken by the developer, a sign in itself, of the seriousness of the interest in building out, these items are predicted to cost an additional £9.7million. This amounts to approximately £5,400 per plot. On the basis of these additional costs, the report ascertains that the proposal would now seek to deliver all other contributions in full except affordable housing which would be delivered on the basis of 10% on site (180 units). The tenure split suggested by the Applicant at in the February 2018 appraisal was for a split of 50% Affordable Rent and 50% Open Market Discount Sale (to be sold at 80% of full market value).

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

In line with the approach taken in the determination of other schemes within the Fernwood policy allocation, the Council has commissioned an independent review to critically appraise the Applicant's submission and to provide independent advice to the Council in respect of viability. Discussions between viability expertise has been ongoing throughout the process with the *final* report of the Council's independent review from Whiteland Strategies (WLS) received on 2nd July 2018.

It should be noted that WLS has provided intermediate responses and reports throughout the discussion. The original response (received in April 2018) raised fundamental issues with the Applicant's appraisal submission due to a number of inconsistencies including in respect to matters of land value. The Applicant's viability expert has worked with WLS in an attempt to overcome these concerns. The final report concludes that on the whole, the Applicant's assumptions (which as referenced have been subject to negotiations and further submissions of evidence) are, in the most part reasonable. There does however remain areas of dispute including; land value; timing of land payments; infrastructures costs relating to preliminaries, contingency and fees; and finance costs. On the basis of these disputed matters, the independent viability Consultant acting for the LPA considers that the scheme could deliver 13% affordable housing on site rather than the suggested 10%. This position has now been agreed between the parties such that the decision of Members should be based on the completion of an associated legal agreement which secures that the scheme can deliver 13% affordable housing provision on site (234 units). At present, the agreement is that this would be based on a mix of 52% Affordable Rent and 48% Discount of Market Value.

It is however necessary to bring to Member’s attention that this level of affordable housing on site (i.e. the 13% agreed figure) would still be subject to other compromises; notably that the tenure split as appraised differs from that agreed previously (both in the context of this site but also the approval at the neighbouring sites within the overall Fernwood Strategic Site). It is also the case that, in the Applicant’s model presenting 10% affordable (which the LPA’s Consultant has extrapolated to reach the 13% position); the affordable units are smaller in housing size focused on flats and 1 and 2 bed properties (whereas the housing mix in the 30% model has 3 and 4 bed units). I shall discuss each of these matters in turn below.

Dealing firstly with housing mix, since September 2016, the village of Fernwood have adopted a Neighbourhood Plan. The implications of this in terms of it being an additional material planning consideration are identified below but for the purposes of a viability discussion, it is necessary to identify that the Neighbourhood Plan references a desired housing mix sought in respect to number of bedrooms. For the avoidance of doubt, the 13% affordable housing offer negotiated has not been broken down into a fixed unit breakdown but instead based on the mix provided by the Applicant in their 10% model. This model broadly accords with the aspirations of the Neighbourhood Plan in respect to the majority delivery of 3 bed units, followed by 2 beds, followed by 4 bed and above.

As referenced however, the viability case does skew affordable units towards 1 and 2 beds. A case could be presented that given that Officers have negotiated an additional 54 affordable units (the difference between 10% which would equate to 180 units and 13% which would equate to 234 units), there would remain the ability to adjust the final mix at the time of the reserved matters submissions to suit the latest evidence available. Indeed Officers have taken the opportunity to seek guidance towards a mix which would be preferable in respect of the affordable units in discussion with colleagues in Strategic Housing. Following discussion with Housing Associations who are likely to take the affordable units, it has been confirmed that the preference would be two bedrooms. The table below outlines a suggested mix which Officers would expect the Applicant to broadly align with at the time of reserved matters submission.

| | Rent | Intermediate | Total |
|-------|------|--------------|-------|
| 1 bed | 24 | - | 24 |
| 2 bed | 80 | 72 | 152 |
| 3 bed | 14 | 40 | 54 |
| 4 bed | 4 | - | 4 |
| Total | 122 | 112 | 234 |

It is accepted by the independent viability advice that the 13% would potentially allow the ability to adjust the mix to suit. However, this does not address the impact that the lack of shared ownership in the intermediate provision would have.

Officers have taken the opportunity to discuss with the viability Consultant as to whether the extra 3% affordable housing provision delivery would give the LPA flexibility to introduce a policy compliant mix which meets the Neighbourhood Plan aspirations AND introduces an element of shared ownership properties to align with the previous agreement for 25% of the intermediate provision to be shared ownership. The advice received is that it is difficult to be definitive on this matter as it could come down to unit size mix as much as tenure mix so the addition of shared ownership could reduce overall viability below the agreed 13%. It is acknowledged that if the affordable mix were altered to increase introduce 3 and 4 bed units as per the table above, then the larger units would deliver less value per square foot. On this basis,

the advice to Officers is that it would be unlikely that the any final mix in respect of tenure split and housing mix would be able to negotiate both larger affordable units in bedroom terms *and* introduce an element of shared ownership. To be clear therefore, whilst in agreeing the drafting of the associated Section 106 and ultimately the housing mix agreed through reserved matters, the LPA may be able to utilise the negotiated additional 3% affordable housing (i.e. 54 units on the ground) for one or the other, it is unlikely that it would amount to being able to secure shared ownership properties at 25% of the affordable provision *and* affordable units of a greater bedroom size in line with the aspirations of the Neighbourhood Plan and indeed the suggested split of Officers in Strategic Housing without reducing the overall viability below the agreed position of 13%.

As Members will be aware, the LPA have accepted compromised viability positions elsewhere within the Fernwood Strategic Site. The signed agreement for Barrat David Wilson refers to 11.5% affordable housing provision on site. The resolution of Members to grant the Larkfleet scheme was on the basis that it could secure between 14 and 15% affordable housing on site provision (pending highways infrastructure). Officers have therefore been mindful throughout negotiations that a figure around these previous agreements would be sensible and reasonable. The agreement to increase on site affordable housing from the 10% offer to 13% is considered appropriate and Officers would be reluctant to see this figure decrease on the basis of further negotiations in respect to matters of tenure and housing mix. The preference for Officers would be that the additional 3% secured should be attributed towards allowing flexibility in meeting the aspirations of the Neighbourhood Plan in respect to housing mix (i.e. securing 3 or 4 bed units for the affordable provision rather than just the 1 and 2 bed units suggested). Given the above discussion therefore, this would be on the acceptance that the associated Section 106 legal agreement would secure 52% affordable rent and 48% DOMV (i.e. no shared ownership).

Conditions and Section 106

Following the resolution of Committee in 2016, the LPA and the Applicant have been in ongoing discussions to both the conditions originally presented and the wording of the S106 agreement.

Conditions

The condition schedule at Appendix 4 largely follows the principles of the original conditions presented to Members. For clarity, the changes presented at the current time are summarized as follows:

| <i>Condition No.</i> | <i>Topic</i> | <i>Changes since 2016 drafted conditions</i> |
|-----------------------------|------------------------------------|--|
| 4 | Phasing | Point II has been amended to include reference to bus stop infrastructure. |
| 6 | Design | Additional wording has been added to clarify that this includes details for the sporting provision to the north of Shire Lane. |
| 12 | Parking and Management Plan | Reserved wording to clarify that detail only required in relation to the Phase which includes the delivery of the Primary School. |

| | | |
|----|------------------------------|---|
| 13 | Construction Management Plan | The final bullet point has been added in relation to how access to existing properties will be maintained during development. |
| 23 | Flood Risk | Further detail added to clarify document reference that the figures are derived from in relation to flood risk mitigation measures. |
| 24 | Travel Plan | The requirement to update the Travel Plan through each reserved matters submission has been removed. |
| 26 | Marketing Brief | <p>The wording of the final sentence has been changed to allow flexibility in respect to the delivery of the local centre.</p> <p><i>2016 drafting:</i></p> <p>The reserved matters application for the Local Centre shall be submitted in accordance with the approved Marketing Brief.</p> <p><i>Current drafting in Appendix 4:</i></p> <p>The development shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.</p> |
| 32 | NCC Highways | Drawing reference has been updated. |
| 37 | NCC Highways | Condition as drafted in 2016 (relating to bus stop infrastructure) has been deleted on the basis that it has been incorporated into condition 4 as set out above. Additional wording has been added to the 1 st informative in relation to Condition 4 for the avoidance of doubt. |
| 38 | NCC Highways | Condition 38 as drafted in 2016 is now condition 37 on basis of above deletion. |

Section 106

As is expected to a scheme of this scale, the complexities of the associated legal agreement have warranted significant discussion. Officers consider that there are elements of these discussions which are relevant to bring to Members attention at the current time. Notably, there have been lengthy discussions in respect of the Education contribution which would be associated with the application including in the context of the triggers for the delivery of the Primary School associated with the development.

At the time of the September 2016 Committee Meeting the following was presented to Members within Appendix 2 in relation to the education contributions:

“Definition within S106

The sum of up to £5,751,854 to secure the provision of the Primary School

2.2ha of the site identified for future development of the Primary School

0.8ha of the site adjoining the Primary School site to be reserved for future possible expansion of the Primary School

The detailed specification for the proposed Primary School to be produced by the County Council to include (where applicable) the proposed phasing for the construction of the Primary School

Formula / SPD Requirement

A development of 1800 dwellings would generate 378 primary places

The LEA require a new 2 form entry (420 place) primary school to be constructed on site. A site allowance of 2ha would be required. Build specification should meet DfE requirements and Education Funding Building Bulletin 103

Site is required to be clear of contamination, level and serviced prior to transfer to LEA/construction of school

Secondary education is delivered through CIL

Anticipated Contribution

The delivering of a 2 form entry primary school and expansion land to allow for the creation of a 3 form entry

Trigger Points

The triggers for the delivery of the 2fe primary school if the County Council was to design and build it would be as follows:

- Transfer of the level, contamination free, serviced site to the County Council on commencement of the residential development;***
- 10% of the total costs to be paid on commencement of the residential development (to cover the design, planning and procurement;)***
- 37% on occupation of the 30Pth P dwelling;***
- 15% on occupation of the 330th dwelling***
- 23% on occupation of the 780th dwelling; and***
- 15% on occupation of the 1280th dwelling***

The triggers for the delivery of the 2fe primary school if it is to be construction by the developer would be as follows:

- Phase 1: Infrastructure for 420 places plus 4 classrooms to be completed by the occupation of the 200th dwelling OR within 16 months of commencement of the residential development(First occupation) whichever is the sooner;***

- *Phase 2: 3 additional classrooms to make 210 places to be completed by the occupation of the 450th dwelling;*
- *Phase 3: 4 additional classrooms to be completed by the occupation of the 900th dwelling;*
- *Phase 4: 4 remaining classrooms to provide 420 places to be completed by the occupation of the 1400th dwelling.”*

Discussions on the wording of the S106 agreement have stalled in recent months but since the September 2016 meeting the Applicant has sought amendments to the education provision outlined above through drafting. For the avoidance of doubt the S106 has not been signed and therefore the triggers as requested by the Applicant have not been formally agreed by the LPA.

The rationale behind the amendments sought is that the Applicant would be transferring the school expansion land for £1 (rather than based on the land value for residential development) so as a compromise would wish to move the trigger pattern for the delivery of the school places to later in the build profile when more dwellings have been built. The latest S106 draft which the Council’s Solicitor sent to the Applicant’s Solicitors on 8th September 2017 for comment incorporated the following amendments in respect to education.

Additional Definition:

“Second Form of Entry: means the final 8 classrooms together with any remaining associated buildings and additional car parking play space and associated infrastructure (if any) required to educate up to an additional 210 pupils and forming the second phase of the Primary School”

Delivery of Primary School Triggers summarized as follows:

- No more than 50 dwellings occupied until construction of the Primary School or the First Form of Entry has commenced;
- No more than 450 dwellings occupied until available for use by 210 primary school pupils;
- No more than 1400 dwellings occupied until the Second Form of Entry (as defined above) has been completed and available for use for 420 pupils.

The clear change between the triggers presented in September 2016 and the applicant’s request during the latest S106 drafting is therefore the omission of the 900th dwelling trigger. This has clearly been subject to lengthy negotiations as to whether it remains appropriate to the overall delivery of Primary Education warranted by the development. On this basis, the following response has been received from NCC Developer Contributions Practitioner dated 29th March 2018:

“I am contacting you to confirm Nottinghamshire County Councils position in respect of the education provision which will be required to mitigate the impact of the above development.

This application, which includes the delivery of up to 1,800 dwellings, a local centre, primary school and land to allow the expansion of the primary school has been approved subject to a S106 agreement. As currently set out it is proposed that

Persimmon Homes will provide a 2FE (420 Place) School along with a 0.8ha site to allow future expansion to take account of future developments in the area. Persimmon have indicated that they would be willing to transfer the school land for £1 however in agreeing to this they wish to move the trigger pattern for the delivery of the school places to later in the build profile where more dwellings have been built. The County Councils understanding of this is as follows:

1 FE provision (210 places)

The current draft agreement delivers the infrastructure and 4 classrooms at 200 dwellings (providing 120 places) which accommodates the early arrivals (42 places on formulae), a further 3 classrooms are provided at 450 dwelling providing 210 primary places in total. The proposed triggers provide the 1 FE (Form of Entry) provision in one phase at 450 dwellings. This equates to 95 primary places before school places are provided.

2 FE provision (420 places)

The current draft agreement provides an additional 120 primary places at 900 dwellings and the final 90 places at 1,400 dwellings. The proposed trigger provides the additional 1 FE at 1,400 dwellings which equates to 84 pupils without a place before the final phase is provided.

Whilst acknowledging the benefits of the school expansion land being transferred for £1, the County Council have significant concerns about the approach to the triggers. The reason being that, based on projections, this would lead to a significant shortfall in primary places in the first phase (50 – 60 places) and up to 84 places in the second phase and, as it stands, there would be nowhere for these pupils to be accommodated. To clarify these figures; in the September 2016 proposal there are 4 classrooms at 200 dwellings which, based on formula, equates to 42 primary aged students. In the July 2017 revised offer 7 classes are available at 450 dwellings which, based on formula equates to 95 students. Therefore in terms of the first phase, 95 places minus 42 places equals 53 places which is between the two figures in brackets above. In terms of the second phase; in the 2016 proposal, 11 classes become available at 900 dwellings but in the July 2017 proposal the 7 classes are the only provision until there are 1400 dwellings. Therefore, based on formula, the 1 FE school that has been provided only provides sufficient accommodation up until the 1000th dwelling at which point it could be full. Therefore there is a gap in places between the 1000th dwelling and the 1400th dwelling where there are 400 dwellings worth of pupils without a school place in this area. Utilising formula the deficit is 84 places (400 dwellings multiplied by 0.21 pupils per 100 dwellings).

The County Council have also examined the cost of providing a temporary solution should the triggers be amended. On the basis of this work it is estimated that the costs for a mobile classroom per year would be £125,000 for which a method of funding would have to be identified along with a location for this provision to be provided. Due to the costs involved and the overall uncertainty about where such provision could be accommodated such an approach is considered unacceptable.

Therefore as a result of the above it is considered that the triggers should remain and if these are to be amended the County Council would raise significant concerns due to the impact on the ability to delivery education in this part of Newark.”

Clearly it remains the case that a proposal for 1800 units would put a strain on the existing education provision. Indeed education provision within an urban extension is a key component of sustainability. In this respect, Policy NAP2C requires the Greater Fernwood allocation to deliver a new primary school. The need for Primary School delivery is not, and indeed at no point has been, a matter of dispute between any parties. Officers agree with the comments of NCC Education detailed above that the offer by the Applicant to provide the school expansion land for a nominal cost of £1 is extremely reasonable. Nevertheless, the concerns of NCC in respect to the revised triggers since the time of the September 2016 Committee Meeting are clearly relevant and must be afforded weight in the overall planning balance.

Officers have discussed the position as outlined by NCC Education with the Applicant. There has been some debate as to whether the land value of the expansion land should now be agricultural or indeed residential if the school were to be extended for a need arising from 3rd party developers. However, this is clearly a different position to that presented in the past (and indeed considered by NCC in their comments above) and therefore would not be acceptable (without appropriate discussions as to how / if this would affect the overall viability position which would clearly delay the determination).

It has therefore been confirmed by email dated 4 July 2018 that the Applicant would be willing to agree matters of education including in respect of the transfer of the land for £1 but also the delivery triggers as previously agreed such that the focus of the current re-consideration of the scheme can be towards the viability position presented in relation to affordable housing. To confirm therefore, despite lengthy discussions, the Applicant would be willing to sign an associated legal agreement which includes the triggers for education delivery which Members were minded to approve in September 2016.

Changes in Material Planning Considerations

At the time of the 2016 consideration, the Neighbourhood Plan was at the very early stages and Officers did not consider it to attract weight in planning terms. This position has clearly evolved since this time.

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

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

- NP1: Design Principles for New Development
- NP2: Housing Type

- NP3: Residential Parking on New Development
- NP5: Green Spaces, Landscaping and Biodiversity
- NP7: Supporting Better Movement and Connections
- NP8: Enhancing the Provision of Community Facilities

Having reviewed the content of the made Neighbourhood Plan in detail, Officers have identified no issues which would affect the overall principle of the development. It is of course the case that the detail of the Neighbourhood Plan will become more relevant in the determination of any subsequent reserved matters applications should outline planning permission be granted. This includes in the context of the housing mix delivered on site which has been referenced through the viability discussion above (albeit the market housing which would incorporate 87% of the scheme broadly aligns which the mix sought through the Neighbourhood Plan in any case).

Additional Neighbouring Consultation Responses

In the interest of completeness, the LPA have taken the opportunity to instruct an additional period of consultation to neighbouring parties (including all properties within existing Fernwood) through a bespoke letter which presented the presented viability position (i.e. the 10% offer).

An additional 5 no. of letters have been received on the basis of this revised consultation, details of which can be summarized as follows:

- 10% affordable housing is too low – it should at least meet David Wilson figure of 11.5%
- Still concern about access and traffic problems which when coupled with the proposed school at Fernwood will rocket
- The Prime Minister and local MP have explicitly voiced that affordable housing is at the forefront of social inclusion
- The Planning Committee has the political muscle to increase social housing not decrease
- The council should enter into partnership with farmers and smaller builders to provide the houses
- To reduce from 30 to 10% affordable housing flies in the face of the Neighbourhood plan, national housing need and local need
- It is dishonest of Persimmon and they should not be allowed to get away with it
- They would have known the deficit at the outset
- Affordable housing is for young families and singletons trying to start on the housing ladder.

Conclusion

The circumstance to which the current application is being presented to Members is rare insofar as the development proposals in the same quantum have already been considered by Members with a resolution to grant in September 2016. However, a decision remains to have been issued and thus the application remains pending.

Clearly a change from 30% on site affordable housing provision to just 13% on site affordable housing provision (306 less units in real terms) is not a decision to be taken lightly. However, unfortunately the Applicant's need for requesting re-consideration of the proposals on a

viability basis is a position that Members will be more than familiar of through the determination of other applications within the Fernwood Strategic Site. It remains the case that despite the aspirations of the Core Strategy, the delivery of the Fernwood Strategic Site is yet to commence on the ground.

As with the other development proposals within the Strategic Allocation, the LPA has worked with an independent Consultant to ascertain whether the position presented is reasonable. As is outlined above, Officers have secured an additional 3% of affordable housing provision (i.e. 13% rather than the original offer of 10%) through negotiation.

The delivery of housing, in this case promoted by a regional housebuilder is a material planning consideration which must be afforded significant positive weight. Whilst this shortfall in affordable housing provision is undesirable (particularly in this specific circumstance where the original position in 2016 sought to agree a policy compliant 30%), in line with the NPPF, and through assurances from independent advice that 30% would not be viable, it is considered unreasonable to resist the application solely on this basis.

As was presented to Members in 2016, it remains the case that this planning application represents an opportunity to deliver one of the Council's allocated Strategic Urban Extension sites. It is hoped that through adopting a pragmatic approach to viability, as has been done through Member's resolution to grant other applications within the overall Strategic site, will allow for development to begin to materialize as envisaged on the ground.

All other material planning considerations have already been presented to and debated by Members through the previous committee report included at Appendix 1.

The recommendation of Officers is therefore that outline planning approval is granted subject to the conditions appended at Appendix 4 (noting as outlined above the minor changes since the last resolution to grant) and the signing of a S106 agreement to secure the contributions in Appendix 5.

RECOMMENDATION

That outline planning permission is approved subject to the completion of an associated Section 106 agreement; and the finalization of conditions in substantive accordance with those Appended through Appendix 4.

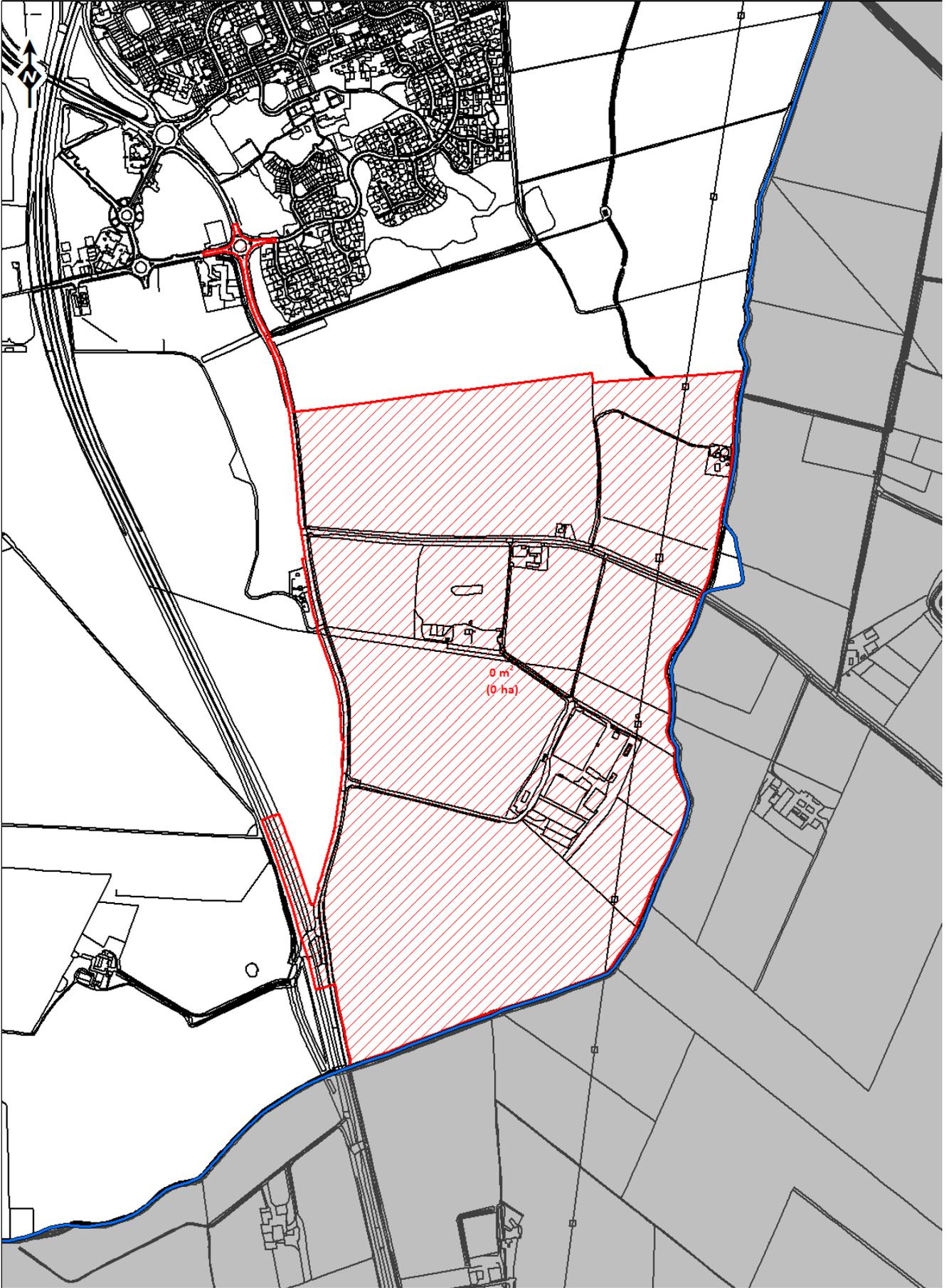
Background Papers

Application case file.

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

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

Matt Lamb
Business Manager – Growth and Regeneration



| | | |
|------------------------|--|--|
| Application No: | 16/00506/OUTM | |
| Proposal: | Outline planning application for a phased residential development of up to 1,800 dwellings; a mixed use Local Centre of up to 0.75ha to include up to 535sqm of A1 food retail (not exceeding 420sqm) and non-food retail (not exceeding 115sqm), A3 food and drink uses (not exceeding 115sqm), D1 community uses (not exceeding 1,413sqm); sports pavilion up to 252sqm; primary school (2.2ha) with school expansion land (0.8ha); formal and informal open space including sports pitches, pocket parks, structural landscaping / greenspace and drainage infrastructure; principal means of access, internal roads and associated works. All other matters to be reserved. | |
| Location: | Land At Fernwood South Nottinghamshire | |
| Applicant: | Persimmon Homes (East Midlands) | |
| Registered: | 20 April 2016 | Target Date: 10 August 2016 Extension of Time Agreed in Principle |

The application is being referred to Planning Committee in acknowledgement of the scale and strategic nature of the development, in addition to objections from both the host and nearby Parish Councils.

The Application Site

The application site comprises approximately 93.6 hectares of agricultural land situated to the south of the existing village of Fernwood on the south eastern edge of the administrative boundary for District. The existing built form of Fernwood village is separated from the site by a vacant parcel of agricultural land to the northern boundary of the site which extends approximately 170m in width at its narrowest point. Other nearby settlements include the village of Claypole to the east of the site.

The application site is formed of nine agricultural fields with a mix of arable crops and livestock grazing. It can readily be interpreted as three parcels of land delimited by the existing highways network which runs through the site.

Boundaries are defined by the Shire Dyke to the south east (which also forms the administrative boundary of Newark and Sherwood and South Kesteven District Councils, the latter of which falls under Lincolnshire County Council); the existing road network to the west (including both the A1 trunk road and the B6326 Great North Road) and the aforementioned neighbouring agricultural land to the north.

The red line site location plan submitted to accompany the application demonstrates a number of parcels of land which are excluded from the application site; namely the curtilages of three existing residential properties and the existing industrial steelworks accessed from Sylvan Way. The red line site location plan incorporates areas of the highway network to allow the development to apply appropriate mitigation measures.

There are a number of constraints which affect the site including the existence of a gas pipeline which runs north-east to south-west as well as electricity cables which run in a north to south direction along the west of the site. These are supported by pylons approximately 46m in height. A significant proportion of the site along the eastern boundary is classed as being land within Flood Zones 2 and 3 according to the Environment Agency maps owing to flood plain extremities of the River Witham which runs south to north further east of the site. The topography of the site is relatively flat.

The Shire Dyke is classified as a site of local interest in nature conservation on the basis of being a representative stretch of a species rich drain. Other nearby designations include Cowtham House 'arable weeds' along a field margin on the opposite side of the A1 and the Bantycok Gypsum pit approximately 800m to the west of the site recognized for its geological contributions in terms of showing a complete geological succession of the area.

There are no public rights of way within the site itself. There is however a footpath on the south side of the Shire Dyke.

Relevant Planning History

The application site is primarily greenfield and therefore there is no formal planning history in relation to the application site in terms of individual planning applications other than the request for a scoping opinion which the LPA responded to in April 2015 (reference 15/SCO/00001).

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

14/00465/OUTM - Proposed residential development for up to 1050 dwellings and associated facilities (Education & Recreation) infrastructure and utilities; application for outline planning permission (including access) – Application pending. Application by Barratts/David Wilson Homes (BDW)

92/50020/HAZ – Storage of ammonium nitrate. This relates to the land occupied by the existing steelworks off Sylvan Way which has been excluded from the application site. As is discussed further in the detailed discussion of the report, NSDC have revoked the Hazardous Substance Consent by letter dated 29th June 2016 on the basis that there has been a change in site ownership since the consent was granted in 1993. No application for the continuation of the consent has been received since this change in ownership as per the requirements of the relevant regulations (Section 17 of the Planning (Hazardous Substances) Act 1990).

Background

Members will be aware that what is now known as existing Fernwood was originally allocated for housing development in the Councils 1999 Local Plan. The site of the former Balderton Hospital has been built out over the last 15 years, being completed this year (it is noted that less units than consented have actually been built out).

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

remains critical to this Authority delivering on the housing numbers committed to (and the associated infrastructure), even on the basis of more recent objective assessment of overall housing numbers required for the District over the next 20 years. This is a matter I discuss further when capturing the 5 year housing land supply position in the appraisal section of the report below.

The Proposal

Outline consent is sought for a residential led mixed use development comprising up to 1,800 dwellings, a Local Centre, a Primary School, a Sports Hub with extensive areas of public open space and associated infrastructure. The application has been submitted on the basis of all matters except access being reserved.

Despite being outline in nature, the application has been accompanied by an indicative masterplan which demonstrates the amount and disposition of the proposed uses:

| Land Use | Land Area (ha) |
|--|----------------|
| Developable Housing Area (up to 1,800 units) | 47.90 |
| Primary School | 2.2 |
| Primary School Expansion Land | 0.8 |
| Local Centre | 0.75 |
| Green Infrastructure | 31.8 |
| Highway Infrastructure | 10.15 |
| Total Area | 93.6 |

Residential

- The residential area of the site would occupy approximately 47.9 hectares representing a density of 37.56 dwellings per hectare comprising a mix of open market and affordable dwellings;
- There will be a mix of housing of different sizes and tenures;
- Although not a matter for consideration at this stage, there is an intention that the majority of the houses would be two stories in height.

Primary School

- The proposed primary school would occupy a land take of approximately 2.2 hectares and be positioned in the north west corner of the site adjacent to Great North Road;
- It will provide a 2 form entry 420 place primary school;
- To the north of the proposed primary school is an area of land allocated as potential for a school expansion site being approximately 0.8 hectares in extent.

Local Centre/Community Hub

- The proposed Local Centre (LC) would also be in the north western corner of the site adjacent to the school accessed from Shire Lane, this would occupy approximately 0.75 hectares and comprise the following:
 - Up to 535m² of A1 retail
 - Of which up to 115m² of A3 food and drink uses
 - Up to 1,413m² of D1 community uses
 - Community / Sports Hall up to 1,113m² including a badminton court
 - Land for a medical facility of up to 300m²
- The Community Hub will be supported by footpaths, cycle paths and crossing facilities to allow connectivity to the development within the site. There will also be areas of car parking and other associated infrastructure.

Open Space/Sports Hub

The proposal includes approximately 31.8 hectares of green infrastructure predominantly positioned along the eastern boundary of the site

- 19.1ha of natural and semi-natural green space;
- 6.4ha of amenity green space and provision for children and young people including:
 - Pocket Parks and Greenways across the Development; and
 - 2 x Local Equipped Area for Play (LEAP) facilities and 1 x Neighbourhood Equipped Area of Play (NEAP) facility designed to meet standards;
- 2ha of allotments in two separate locations; and
- 6.5ha of space for sports provision, comprising a Sports Hub to include:
 - 2 adult football pitches (one grass and one AGP);
 - 2 mini football pitches;
 - 1 junior football pitches;
 - 1 adult and youth cricket pitch;
 - 1 adult rugby pitch;
 - A 252sqm sports pavilion and changing facilities;
 - Additional changing facilities to support pitches north of Claypole Lane; and
 - 4 tennis courts.

Infrastructure

- The masterplan demonstrates the provision of SUDS drainage basins approximately 1.9 hectares in area as well as proposed swales along the eastern boundary of the site;
- Extensive walking and cycling routes throughout the site;
- Vehicular access points into the site:
 - The main access will be from the B6326 Great North Road onto Shire Lane requiring conversion to a roundabout junction;
 - Shire Lane/Claypole Lane will be redesigned to provide a 6.75m wide footway with new access points into the site
 - The second vehicular access point off the B6326 will be at Sylvan Way which will comprise a 7.3m wide carriageway;
 - The third access point will be at the south of the site from a new roundabout with access from the A1;
- A bus service comprising an extension and enhancement of existing services is to be introduced.

The development is intended to be delivered over three phases in a north to south direction across the site. Phase 1 would include the delivery of the Local Centre as well as part the Sports Hub to the north of Shire Lane. Subject to gaining outline and subsequent reserved matters permissions, the applicant intends to commence on site in 2017 delivering 50 units for the remainder of that year. Thereafter it is envisaged that the site will deliver a build out rate of 110 units per year. The build period is anticipated to last 17 years.

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

- A suite of Parameters Plans:
 - A: Application Boundary
 - B: Land Use
 - C: Residential Density & Building Heights

- D: Access
- E: Green Infrastructure
- F: Phasing
- Masterplan
- Planning Statement;
- Design and Access Statement (D&AS);
- Tree Survey & Constraints;
- Statement of Community Involvement (SCI); and
- Management Plan.

Departure/Public Advertisement Procedure

Letters have been sent notifying of the application to all existing residents of Fernwood village as well as neighbouring properties in close proximity to the site including the industrial uses off Syvlan Way and the existing industrial development at Fernwood. Site notices have been placed at varying locations around the site as well as in nearby villages of Fernwood and Claypole. An advert has also been placed in the local press.

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy DPD (adopted March 2011)

- Spatial Policy 1 Settlement Hierarchy
- Spatial Policy 2 Spatial Distribution of Growth
- Spatial Policy 5 Delivering Strategic Sites
- Spatial Policy 6 Infrastructure for Growth
- Spatial Policy 7 Sustainable Transport
- Spatial Policy 8 Protecting and Promoting Leisure and Community Facilities
- Core Policy 1 Affordable Housing Provision
- Core Policy 3 Housing Mix, Type, and Density
- Core Policy 6 Shaping our Employment Profile
- Core Policy 8 Retail Hierarchy
- Core Policy 9 Sustainable Design
- Core Policy 10 Climate Change
- Core Policy 12 Biodiversity and Green Infrastructure
- Core Policy 13 Landscape Character
- Core Policy 14 Historic Environment
- Area Policy NAP 2C Land Around Fernwood

Allocations & Development Management DPD

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

- Policy DM11 Retail and Town Centre Uses
- Policy DM12 Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- Newark and Sherwood Affordable Housing SPD (June 2013)
- Newark and Sherwood Developer Contributions SPD (December 2013)
- Newark and Sherwood Landscape Character Assessment SPD (December 2013)
- National Planning Policy Framework 2012 and its Technical Guidance.
- National Planning Policy Guidance, March 2014.
- South Kesteven Character Assessment, Trent and Belvoir Character Area
- Fernwood Neighbourhood Plan (for the avoidance of doubt this is at a very early stage and attracts no weight in planning terms but it is noted for awareness)

Consultations

Fernwood Parish Council – Comments received 21 June 2016:

‘Fernwood Parish Council discussed the above at their meeting on 20 June and they object to the proposal with reservations and comments will follow shortly.’

Further Comments received 26 July 2016:

‘As a result of the meeting that took place on Wednesday 29 June 2016, I have been asked to write to you to communicate the concerns of the Parish Councils whose Parishes are going to be directly impacted on by the proposed developments of Barrett/David Wilson Homes (B/DWH) and Persimmon Homes.

Fernwood currently, is a small village with the road infrastructure and amenities to match. Historically the B6326 was a country road which serviced the local villages of Balderton, Claypole, Dry Doddington, Stubton, Fenton and the area which was once RAF Balderton. This road has changed very little in the last 100 years.

The development of Fernwood Central, as it is now known, has brought with it highway issues, not only in the Village itself but also on the B6326. It is not unusual to have major traffic congestion on this road when an accident happens on the A1 stretch of road between Long Bennington and the A46. This traffic congestion impacts on Claypole, Balderton and Newark when vehicle drivers try to circumnavigate traffic congestion by using Shire Lane, Hollowdyke Lane and London Road.

With the submission of the proposed developments in the area, Persimmon Homes to the South which includes the development of 1800 dwellings and B/DWH to the North and their revised plans to build 1050 dwellings, Parish Councils of the villages above are very concerned that very little is being done with regard to improving the highways infrastructure in the area.

It seems that current plans have focussed on present road usage and not future usage. When the various developments are looked at along with an increase in vehicle usage, the outlook for residents in the various Parishes and their ability to commute from A to B is very bleak. Fernwood Parish Council has estimated the increase of vehicles per development in and around the area to be as follows:

Fernwood North 1050 dwellings — additional 1500+ privately owned vehicles
 Fernwood South 1800 dwellings — additional 3000+ privately owned vehicles
 Bowbridge Lane 3150 dwellings — additional 6500+ privately owned vehicles
 Single carriageway southern relief road — usage unknown.

The totals above do not take into account haulage vehicles, farm, bus provision or vehicles used to access the business park.

When considering the applications put forward by the above developers and the limited highway improvements proposed, we would like to draw your attention to paragraphs 64, 66 and 70 of the National Planning Policy Framework:

- Paragraph 64 which states 'permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the *way it functions*.'
- Paragraph 66 which states 'Applicants will be expected to work closely with those directly affected by their proposals to *evolve designs* that take account of *the views of the community*.'
- Paragraph 70 which states 'to deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:
 - plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to *enhance the sustainability of communities* and residential environments;
 - ensure that established shops, facilities and services are able to *develop and modernise in a way that is sustainable*, and retained for the benefit of the community; and
 - ensure an integrated approach to considering the location of housing, economic uses *and community facilities and services*.'

The lack of vision in highways infrastructure in the area displayed by the developers and to a degree, Newark and Sherwood District Council, is of serious concern to the residents that live in the area and it will be these residents who will be directly impacted on during the developments and for many years after completion. B/DWH for example, intend to block off Hollowdyke Lane which would in effect isolate residents of Fernwood, Claypole and surrounding villages in the event of an accident on the A1, A1 bridge or London Road. We would also draw your attention to the design and safety issues arising from the impact on Shire Lane contained in Claypole Parish Council's well –argued submission, and the sensible alternative they put forward.

The Parish Councils would urge NSDC, NCC and Government to rethink its approach to development and move away from the piecemeal approach and consider an approach that includes sustainable highway infrastructure that services the ongoing developments in an area, a highway infrastructure that enhances business opportunities, identifies and obtains additional funding requirements outside of that provided by the developers in order to provide an effective and efficient transport infrastructure for the long term and an infrastructure that takes into account the health and wellbeing of the current and future residents of the area.'

Barnby Parish Council – 'Barnby in the Willows Parish Council does not oppose the application, but is concerned that the area is not sustainable for this level of growth in terms of shopping, medical provision etc. and would therefore add to the congestion problems of Newark and surrounding areas. There are also concerns about the increase in traffic that the development would generate - improvements to the A1 access should be implemented at an early stage of the development.'

Balderton Parish Council – 'Object to the proposal. Members consider that the application must be rejected to on the grounds that local infrastructure cannot cope with the extra traffic generated from this development.'

Further comments received on 1 August 2016:

Members are still very concerned about the impact upon the local infrastructure which cannot cope with the extra traffic generated from this development.

Members consider that the Southern Link Road should be completed fully before the major developments in the area are commenced and are seeking the support of the local M.P. in this respect.

Newark Town Council - No comments received.

Hawton Parish Council - No comments received.

Farndon Parish Council - No comments received.

Cotham Parish Council - No comments received.

Coddington Parish Council – ‘Coddington Parish Council supports the proposal, but wishes to comment with regard to the traffic assessment pp49-53 (A1T/B6326 Fernwood South).

This Council endorses the views expressed already that the trigger point for the implementation of remodelling the A1 central reservation crossing, and the extension of the north and south slip roads, should be advanced for initiation and completion at the start of the project.’

Further comments received as follows:

Coddington Parish Council (CPC) supports the Proposal for Fernwood South but has studied with particular interest the accompanying Transport Assessment (TA) (Appendix 6.1). It is a matter of record that CPC has regularly raised concerns, since the 2010/11 Growth Point consultation, regarding the use of the C83 (Balderton Lane) as a rat-run between Balderton/Fernwood, via Coddington, and the A1, A17 and A46; CPC engaged its own consultants to study the issue. The use of Hollowdyke Lane, Fernwood, as an entry/exit point for the C83 was always a leading concern. CPC is therefore pleased to note that the TA, in considering Hollowdyke Lane, has chosen (para 6.64) not to vary the related proposal contained in the 2014 Fernwood North (Barratt/David Wilson Homes) application. That proposal makes provision to convert the northern end of Hollowdyke Lane to a bus-only link-up to Coddington Road in Balderton, as part of the developments sustainable transport package.

CPC had noted in the Newark Advertiser (19 May 2016) the reported concerns of Fernwood Parish Council, in relation to the current consultation, with regard to the restricted use of the Hollowdyke Lane/C83 entry-exit in the event of accidents on the B6326 (A1(T) Overbridge). Those concerns are now being reiterated in a letter arising from a traffic meeting attended by representatives of Balderton, Coddington, Fernwood and Claypole Parish Councils. Whilst Coddington PC is fully in agreement with the need for improved local traffic infrastructure to be addressed, it does not wish to be included as a named collaborator in that letter. Coddington village has already experienced a substantial increase in traffic on its roads, arising from the C83 route and the growth of Fernwood. The continued growth-associated open use of the Hollowdyke Lane/C83 junction would only serve to exacerbate these conditions, damaging the living environment of residents, creating congestion for all road users, and causing danger, particularly to children and parents entering and leaving Coddington School. Proposed mitigation measures for the A1(T) Overbridge include its widening by the addition of a second north-bound lane. This, alone, should help prevent a road blockage at this point. We suggest, however, that contingency measures for that

possible event should include the capability of the emergency services to override, temporarily, any barrier operation on the remodelled northern Hollowdyke Lane entry/ exit; this strategy would maintain the routine day-to-day integrity of the bus-only link.'

South Kesteven District Council – 'Thanks you for consulting South Kesteven District Council on this application.

South Kesteven District Council recognises that the site is part of a strategic allocation and therefore has no fundamental objection to the proposal. However, as the site is adjacent to the district boundary we would advise that NSDC carefully considers the following points:

- The impact on the setting of grade I listed St Peters Church Claypole must be carefully considered as it is a very prominent landmark and has an extensive landscape setting, especially when viewed from the west, northwest and south west. NSDC must be satisfied that any harm to the setting is adequately mitigated.
- The proposal is likely to lead to a significant increase in traffic through Claypole and other villages in SK beyond Claypole, particularly on occasions when the A1 is blocked. NSDC must be satisfied that adequate provision is made to mitigate the impact. We would advice that LCC Highways be consulted if they haven't already.
- The edge of the development which runs along the boundary with SK should be sensitively landscaped to ensure that visual impact (from views within SK) is minimised
- South Kesteven have received the following comments from Claypole, Fernwood, Stubton and Fulbeck parish Councils. We would urge NSDC to take into account and address all the material issues raised by them'

Claypole Parish Council -

Initial comments received as follows:

1. 'Introduction

- 1.1 Claypole is a village located at the end of Shire Lane, entered at 1.1 miles from the junction of Shire Lane (C412) and the Great North Road (B6326). It is a community of approximately 1200 residents and enjoys a village identity with a primary school, sports facilities, a public house, a village hall, a shop, a butcher, and a hairdresser.
- 1.2 While acknowledging the importance of the new homes which this development will provide, our primary concerns are that Fernwood South, either during its construction phase, or in its final form, should not undermine our village, nor create safety hazards or undue inconvenience for Claypole residents, or indeed for residents of Fernwood South.
- 1.3 These concerns are reflected in the following observations.

2. Shire Lane (C412)

- 2.1 Shire Lane is routinely used by residents of Claypole, and also by residents of nearby villages (eg Dry Doddington, Stubton, Brandon) as the key route to Newark for work, shopping, access to amenities, to schools, and to access the railway and bus network. It is the route for the public transport bus and for school transport, and for farm and business traffic.
- 2.2 At times, when there are accidents on the A17 or A1 south of the A17/46 junction, traffic is diverted through Claypole to reconnect with the A1. This is itself a cause of inconvenience and safety concern to Claypole residents who are placed at danger through large flows of traffic through the village, not least if such diversions coincide

- with secondary school transport and the start and end of the primary school day (between 7.30 and 9.00am and 3.30 and 5.00pm).
- 2.3 Paragraphs 3.9 to 3.12 of the Environment Statement 1 claim to address the vehicular impact on Shire Lane during the construction phase and eventual use. A conclusion is made that there will be no significant impact on the grounds that the total eventual traffic flow, while increased by an estimated 30% during the construction phase, will remain below the theoretical capacity for Shire Lane quoted in para 3.11. At the time of the operational phase, the report suggests that the routine vehicle flow on Shire Lane will almost double, from 6,700 vehicles a day to 12,485. This is a highly significant increase that will change the whole nature of the road use.
 - 2.4 Our view is that, without questioning the basis of the “theoretic capacity” calculation, it was determined for a stretch of road without any significant junctions (save for Broad Fen Lane and the HGV vehicles of Laffey’s Construction); an otherwise continuous flow of vehicles from Claypole to the junction with the B6326 and vice versa.
 - 2.5 The proposed Masterplan (Environment Statement 1 Appendix 1.2), however introduces four major junctions onto Shire Lane from the housing areas, and two further junctions with car parking areas. These junctions inevitably create a hazards as potential accident sites for vehicles emerging on to Shire Lane and for vehicles using Shire Lane. They would in any case obstruct the flow of traffic to and from Claypole, leading to queuing and frustration and higher vehicular emissions. The proposal is to widen Shire Lane at points and to construct central reservations at some of these junctions. Claypole Parish Council’s view is that this work is not the most effective solution; it will not remove the hazard of vehicles joining a busy Shire Lane and will cause queuing.
 - 2.6 We submit that a solution to this significant problem would be for the plan to adopt a ribbon development layout with the provision of service roads at either side of Shire Lane linking the three proposed residential roads to the proposed roundabout junction with the B6326. In this way, vehicles from the housing areas would not connect directly with Shire Lane and thereby not impede traffic flow and reduce the potential for accidents.
 - 2.7 Claypole Parish Council rejects the suggestion made in para 3.9 of the Environmental Statement 1, that there will be a “negligible” impact on Shire Lane during the construction phase. The prospect of 330 additional traffic interventions each day, including 120 HGV movements, continuing over several years is far from negligible on an otherwise quiet country road that provides a major and sole access to Newark and the A1 for Claypole residents.
 - 2.8 Our concerns is not only for vehicle movements but for the dirt and slippery road surface inevitably caused by construction traffic moving on and off a development site.
 - 2.9 Construction work brings not only an unacceptable level of HGV activity, but also temporary traffic control measures and mud on to road surfaces. The report indicates a building schedule over a period of some 17 years. *It is outrageous* to expect Claypole residents, and those from the surrounding villages to accept months and years of frustrating delays from temporary traffic lights, obstruction, dirt and other control measures as they seek to continue their lives routinely travelling to Newark.
 - 2.10 The proposed widening of Shire Lane with the construction of central barriers in the Masterplan would lengthen the time of inconvenience to road users during the construction phase exacerbate and means that Shire Lane would remain the point of access to the “estates” during the whole of the construction phase.
 - 2.11 Again, we submit that the inclusion of the service roads as described, created at the outset, would shorten the impact of the development on Shire Lane users to the initial stages of construction work, and then largely resolve this problem by avoiding the

further need for construction traffic to be routed on to Shire Lane. Accordingly we request that the service roads be completed at the initial stage of construction and that construction traffic be then barred from using Shire Lane.

- 2.12 The Parish Council is also concerned that Fernwood South residents who wish to connect to the A17 towards Sleaford and the East Coast, will be tempted to travel through Claypole rather than on the A1 to the A46/A17 junction. In the short to medium term at least, the known traffic problems associated with this junction is likely to encourage people to take a route through Claypole. Claypole's narrow main street with homes and businesses directly onto the road, is not suitable for this kind of through traffic. It is important to Claypole, therefore, that the layout and design of the development should facilitate and encourage traffic towards the A1 rather than to Claypole. The service roads taking traffic west to the B6326 junction, rather than directly on to Shire Lane will assist this objective.
- 2.13 There are two further concerns with regard to Shire Lane that were raised with the representative of Persimmon who attended a meeting with the Parish Council. Notwithstanding the importance of discouraging an increased flow of traffic from the development towards (and through) Claypole, we are aware that some increase will be inevitable. We therefore first point out the narrowness and weakness of Shire Dyke Bridge located to the eastern extreme of the development. This is a longstanding concern of the village. It creates a blind bend and has contributed to many road accidents. While it could be argued that the bridge/bend creates a natural traffic calming measure, on balance we feel that an improvement to this part of the road would be one minor compensation for Claypole residents who will be disadvantaged in so many other ways by this development, even with the installation of the proposed service roads.
- 2.14 We therefore propose that the road at Shire Bridge be straightened, including provision of a new bridge as a part of the new road development.
- 2.15 Second, in the longer term, when the new development with its thriving shops and amenities are in place, it is highly probable that Claypole residents may wish use them. While much of this submission, and indeed the Environmental Assessment, is focussed on vehicles, we are likely also to see an increase in pedestrian and cycle traffic, not least from Fernwood to Claypole and the countryside beyond. Para 3.14 of the Environmental Statement 1 makes reference to developing the cycle and pedestrian infrastructure but no clarity is given about the extent of this. Shire Lane is presently not at all suited to pedestrian and cycle use.
- 2.16 We submit that a footpath/cycleway should be installed the length of Shire Lane, from the proposed service roads to Claypole for the advantage of both Fernwood South residents, Claypole residents and for the safety of road users.

3. *Proposed School*

- 3.1 The development plan positions the proposed school at the junction of the B6326 and Shire Lane. Even with the introduction of the service roads proposed in this submission, the Parish Council is deeply concerned about the hazard implications rising from this.
- 3.2 The problems for child safety and traffic congestion outside schools, especially primary schools, at the start and end of the school day is one of wide concern. Various measures have been introduced by schools and by local authorities to restrict, control and calm traffic, aimed at parents dropping off and collecting children, and for children on foot. Seldom are these measures entirely successful in providing a permanent solution. These are huge problems for established schools seeking to cope with increased road traffic

past their schools and coming to terms with the changing practice of parents. It is more than appropriate, therefore, to ensure that any new school plans for these problems at the outset.

- 3.3 It is noted that the school entrance is sited off one of the new roads from Shire Lane. Again, the introduction of the service roads described above will mitigate some of the problems, reducing the likelihood of parents parking temporarily on Shire Lane. Nor can it be assumed that parents who cannot park immediately outside the school gate will limit their parking to Shire Lane. Observation of practice elsewhere shows that parents will be willing, if necessary, to park some distance from the school gate. It cannot be assumed that some parents will not park on the B6326, causing a potential major obstacle and hazard on what will become an extremely busy road.
- 3.4 Claypole Parish Council asks that the siting of the school be relocated so that it and its surrounds are within the residential boundary and away both from Shire Lane and the Great North Road.
- 3.5 While it is acknowledged that the opening of the proposed school is not entirely within the hands of the developer, the Parish Council is anxious about the impact that the development will have in the short-term prior to the opening of the new school, and then once opened, on Claypole Primary School. The Claypole School provides first choice places for children from Claypole, Dry Doddington, Westborough, Stubton and Fenton. We are concerned about the impact of a large volume of new housing prior to the new school opening that may deprive places to children from these villages while causing the school to staff to capacity, only for this situation to be reversed once the new school is opened.
- 3.6 Accordingly we request that a dialogue be opened between the relevant education authorities to manage this situation, and that the planning arrangement should ensure clarity about the planned opening of the new school.

4. *Great North Road (B6326)*

- 4.1 The Environmental Statement 1 assesses that there will be no significant impact on the Great North Road (B6236) either during the construction phase or at the operational stage. We reject this entirely. The road is currently takes a fast moving traffic flow as the southerly access to the A1 south from Newark. Traffic heading south from the existing Fernwood development has added to this. At the same time, all traffic from Shire Lane, whether heading towards Newark or to the A1, north or south, uses this road. There have been several accidents at the junction of Shire Lane with the Great North Road.
- 4.2 It is also worth noting that should there be an accident at this roundabout then all movement from Newark/Balderton to the A1 South would be impacted; residents from Fernwood South would be unable to leave their estate and there would be the potential of some 12,485 vehicles, 3% of which would be HGVs (Environmental Statement 1, para 3.14), seeking a detour through the village of Claypole and then Dry Doddington or Stubton/Fenton.
- 4.3 Design of the roundabout at this junction should be carefully considered to ensure it properly manages the doubling of vehicle numbers emerging from Shire Lane (including the requested service roads) on to a busy and otherwise fast moving Great North Road.
- 4.4 The increased use of the Great North Road will exacerbate the already evident unsuitability of the slip road on to the A1 South. As traffic has grown it is now not uncommon to witness traffic queuing because a vehicle has not managed to join the A1

safely without coming to a halt. This has already caused several accidents. A longer slip road is needed.

- 4.5 The north bound slip road now also causes problems that can only become worse as more domestic and commercial traffic is added from the new developments of Fernwood South and those neighbouring. Although a longer slip road, sight of traffic already on the A1 heading north is obscured for joining traffic by the dense trees between the Balderton roundabout and the A1.
- 4.6 We strongly urge that the highways improvements that are needed, already evidenced by current traffic use, are carried out before the development is started and not as a response to the accidents and injury that will inevitably occur when the operational phase of the development is reached.

5. *Drainage*

- 5.1 The Parish Council notes that despite the creation of Fernwood, the business park and this proposed development, there is no apparent major investment in drainage solutions, relying instead on SUDS. We question whether this is a sustainable solution in an area of heavy clay.
- 5.2 We also note that on the Fernwood South development masterplan the location of the new SUDS will not be isolated. Indeed major SUDS are located adjacent to the area identified as "Proposed Play Area". We question the safety and wisdom of this.'

Following the submission of a rebuttal to the above comments the following revised comments were received dated 10th August 2016:

'A copy of your letter addressed to Fernwood Parish Council, with the accompanying rebuttal from Persimmon Homes to our submission dated 16 May 2016, has been forwarded to us. We are at a loss to understand why a similar letter was not forwarded direct to us with the invitation to comment further.'

We have carefully considered the response by Persimmon, and would comment as follows using Persimmon's numbering for ease of reference:

In the generality we find Persimmon's rebuttal to be disingenuous and based on a fanciful notion of the development they propose and an approach to public safety that relies wholly on compliance with standards and without regard to "real world" behavioural practice. We find therefore, that Persimmon appear disengaged from the real threat of accidents occurring, should aspects of their plans not be modified, to the point of negligence.

1.0 Claypole Parish Council's primary concern are the hazards that will be created by introducing seven junctions onto the main thoroughfare out of Claypole and for villages beyond, towards Newark and the A1. While we acknowledge Persimmon's commitment to design standards, these standards can only reduce or ameliorate the hazards created and do not *remove* risk. If the plan proceeds as currently proposed there *will* be accidents at these junctions.

Persimmon comments that many vehicular accidents arise from people travelling too quickly. This is correct, but again, simply reducing the speed limit will not itself prevent those who are determined to speed from doing so. Persimmon are incorrect in asserting that there will be no queuing on Shire Lane. Queuing *already occurs* at the junction with the Great North Road, especially at peak times. This will be exacerbated by the increased volume of traffic from the

Fernwood development, and naturally when vehicles emerge from the side roads onto Shire Lane. Queuing is also recognised as a key cause of vehicular accidents.

We wholly reject Persimmon's comparison of their development with "any village settlement" to justify going ahead with these junctions. The suggestion that we are considering a village with a main road running through it is a falsity. A plainly more apt and factual description of the reality is that Persimmon are proposing to build a housing estate at each side of the busy Shire Lane, the key thoroughfare for residents from Claypole and the villages beyond to Newark and the A1 for access to jobs, shopping, services, amenities and public transport, and for their return. This is the starting point from which safety considerations should and can be built in to the design. In any case, in a true village settlement, like Claypole, there are constant concerns about the safety of vehicles and for pedestrians emerging from side roads on the main street, or crossing the main street. To simply infer that it is appropriate for a new settlement to accept these risks because they occur elsewhere is both arrogant and negligent. We have the opportunity now to ensure the design of the development acknowledges the reality of Shire Lane being a main thoroughfare and to alter the road design accordingly.

With concerns about safety, and the inevitable accidents that will occur if this proposal goes ahead un-amended, it is equally inevitable that residents of the new estate will begin to lobby for a bypass taking Claypole traffic away from the centre of their community. We have proposed a sensible solution to traffic safety concerns by adopting a ribbon development with service roads running parallel to Shire Lane to take traffic from the estate roads to the new roundabout at the Shire Lane/B6326 junction. This would have the additional advantage of ensuring that the design of this roundabout properly controls traffic flow, when it is widely acknowledged that roundabouts at "T" junctions (as proposed) tend to be ignored by traffic on the major road who mistakenly believe they have priority. A multiple junction roundabout will better control traffic flow and will be safer. The alternative at this early stage would be to pre-empt the bypass argument and consider creating a new road to link Claypole with the B6326 possibly at a modified Hollow Dyke Lane junction.

1.3 Claypole Parish Council's second issue arises from a demand that our residents, and residents from the villages beyond, are treated with respect during the development process. Persimmon confirm that the "roadworks contract", presumably to install the junctions onto Shire Lane, will last up to 9 months. That is 9 months of interruption and delay on our sole thoroughfare as our residents make their way to and from work or to the services and amenities of Newark. And this assumes no extension as we have witnessed at the junction of Bowbridge Road and Hawton Lane where motorists have had months and months of holdups. But unlike there, Claypole does not have an easy alternative route.

Beyond these "9 months", construction traffic will be using Shire lane to access their sites. This will continue throughout the development for some 20 years. While we welcome that construction traffic will be barred from travelling through Claypole itself, the very fact is that they will be using Shire Lane, creating holds ups and hazards – slow moving vehicles, mud from wheels, dropped loads, etc. This is an appalling intrusion on the lives of the people of Claypole. Again, Claypole Parish Council's suggestion of creating service roads would remove this hazard and inconvenience completely.

1.5 Claypole Parish council expressed concern that residents on the Fernwood development will be likely to travel through Claypole to access the A17. Persimmon acknowledge that no consideration has been given to behavioural practice, and that they have relied wholly upon the Newark Traffic Model. Consequently their response fails to address our concerns nor provide any satisfaction.

In a pragmatic response to this issue we have drawn attention to the hazards around Shire Dyke Bridge on Shire Lane. Our concerns are not only about the structural weakness of the bridge, but also about the road layout at this point, a “blind” bend that has resulted in several vehicular accidents on the Claypole side. We are puzzled by Persimmons comments under 1.7 in their rebuttal that suggests they believe they will be able to provide “good inter-visibility ...to approaching vehicles from both directions” without significant change to the actual road alignment. We submit that given that there will be an inevitable increase in traffic flow to some degree, it would be responsible to review the road layout at this point and to make it safer. It is worth noting that should the road from Claypole to the B6326 be diverted to meet at Hollow Dyke Lane as suggested above, then this would make a significant contribution to minimising the tendency to use Claypole as a “rat run” to the A17, and thereby causing increased traffic and dangers on Claypole’s narrow main street.

1.8 We welcome the proposal to create a footway from the GNR to Mill Lane. We suggest that this also be designated a cycleway, and we look forward to seeing the proposed design.

1.9 Claypole Parish Council is concerned about the hazards created by the proposed siting of the primary school. While we welcome the proposal to create a dedicated drop-off and pick-up zone, it is clear from real life experience that such measures are inadequate on their own. Again Persimmon’s approach does not take account of behavioural considerations.

In Claypole, we already have a defined drop-off and pick-up zone outside the primary school which is situated away from the main street and down a side road. Yet despite this we receive repeated concerns from parents about the hazards created by parents dropping off their children away from the dedicated zone. It is an issue that has been raised with parents by the headteacher, and the Parish Council are in communication with the County Council over this issue.

Even when parents are “threatened” by police monitoring, as in the case at John Hunt School on Balderton Road, parents continue to act in ways which they regard as safe for themselves but without regard to others.

In the case of the Fernwood development, no consideration has been given to the possibility of parents not using designated zones for reasons of congestion or convenience. In their comments Persimmon say “the proposed local centre location benefits from excellent connectivity to the surrounding areas”. This is just our point and because of this connectivity it is more than probable that some parents will feel they “need” to drop off their children on the Great North Road or on Shire Lane without regard to the obstruction and hazards they cause. This is particularly alarming when one reads Persimmon’s description of the road layout they propose associated with the junction of Shire Lane and the B6326.

While we feel that the creation of the service roads will ameliorate the situation to some degree, we still strongly suggest that it would be safer that the school was sited further away from the main roads.

These are our primary concerns, although we remain unassured about the impact this development will have on the B6326 and its junctions with the A1 to the south and north. We would welcome an opportunity to discuss our concerns and the possible solutions in person, and we trust our points will be given due consideration by the Planning Committee. In that regard, we would much appreciate some indication from you as to the next stage and how we might reinforce our concerns direct to the Planning Committee.’

The LPA have met with Claypole Parish Council during the life of the application to discuss their concerns, this has been incorporated within the appraisal below and an additional letter response has been received:

‘The concerns of Claypole Parish Council essentially rest on two issues – safety, and the huge impact the development will have on Claypole residents. On the understanding that this letter will, as with our previous two letters, be included in the paperwork distributed to members in advance of the meeting, I feel it would be helpful to summarise our key points.

1. The proposals to create seven new road junctions on to Shire Lane is inherently unsafe. Shire Lane is the sole route for people from Claypole and the villages beyond to access Newark for work and business and to access services. At peak times it is a very busy road. While the design of the junctions will meet design standards, these standards can only ameliorate the situation; they cannot prevent accidents. People are sometimes careless or negligent or make mistakes. Accidents will occur.
2. Persimmon clearly have a vision of creating a new village community. Whilst ever Shire Lane, the key thoroughfare for residents of Claypole and the villages beyond to access Newark and the A1 cuts through the centre of the proposed settlement, the truth is that Fernwood South will amount to nothing more than two large and divided housing estates.
3. The siting of a school, despite the provision of drop off zones, again pays no regard to how people act in practice. *Some* parents sometimes *will* drop off their children on the busy Shire Lane or on the B6326 causing a hazard for themselves, their children and for other road users. The school would be better sited away from any busy road.
4. The proposal for Shire Lane, and its use for access by construction traffic to the building sites, will mean not months, but years of disruption, “temporary” traffic controls, slow moving vehicles, and dirt. The proposal show no respect for the community of Claypole and the right of people to regain a normal life within a reasonable time, effectively blighting their lives for a considerable time.
5. All of these problems could be resolved by diverting Shire Lane around the northern boundary of Fernwood South to join the B6326 south of the Hollow Dyke Lane junction. It is acknowledged that this will be, in money terms, a more costly option. But we submit, without cynicism, that it is better to act today to provide a safe infrastructure from the outset, rather than to count the deaths and injuries that will inevitably lead to a demand from the new Fernwood community for a “bypass”. In short, the present proposal is in no-one’s interest other than that of the developer. Diverting Shire Lane could provide a solution that will be welcomed by the users today and the residents of Fernwood South tomorrow.

We acknowledge that through a lack of recent contact with Claypole Parish Council from Persimmon it has not been possible to identify and explore this proposal sooner. We therefore ask the Planning Committee to defer this element of the proposals to allow further meaningful dialogue and assessment to take place.’

Stubton Parish Council – ‘I refer to the above planning application which has been sent on to us by Claypole Parish Council. We find it amazing that Stubton Parish Council, a village which is only 3 miles away from the above development, have not in any way been consulted regarding such a massive development of 1800 dwellings plus associated infrastructure.

Claypole Parish Council have contacted us asking for our views on their submission concerning this proposed development. We would comment as follows:

1. Stubton Parish Council is in total agreement with the submission from Claypole Parish Council and would add the following additional comments.
2. It is totally unacceptable that no thought whatsoever has been given to involving Stubton Parish Council and, in fact, other communities such as Brandon & Hough and Stragglethorpe and Fenton which are so close to and will be affected by highway issues relating to such a massive development literally on our doorsteps.
3. We refer to Point 2.2 in Claypole's submission regarding diversion of traffic through our villages when there are incidents on either the A17 or A1. We can support this point with a set of photographs which are being forwarded separately. These pictures show the chaos in Stubton when the incidents referred to in the Claypole submission occurs.
4. This leads on to Point 2.12 in Claypole's submission, on this occasion relating to traffic that will try and access the A17 towards Sleaford and the East coast through our villages. The increase in traffic from 1800 additional homes through Claypole and then Stubton will be substantial. The roads in this area are already in an appalling state and will deteriorate rapidly with such an increased traffic flow. In the last 2 years the Parish Councils of Claypole, Stubton, Fenton and Dry Doddington/Westborough wrote a joint letter to the Chair of Lincolnshire County Council raising the issue of the state of roads in this area. I can see no reference in the planning application documents of Lincs County Council Highways being a consultee - this should be corrected.

Finally, we believe that virtually no thought has been given to the Lincolnshire villages that come under SKDC's jurisdiction and that so closely adjoin this development. This is particularly so with regard to highways issues and we urge you in the strongest possible terms to emphasise these points on behalf of the village communities in your area that are going to be affected.

As nobody has had a proper opportunity to look at the main planning documents, there may well be further comments coming from Stubton Parish Council.'

Fulbeck Parish Council – 'At the last meeting of the Fulbeck Parish Council meeting, DC Sampson brought to our attention the above application.

The Parish Council strongly endorse the concerns highlighted by Claypole and Stubton Parish Councils.

We wish to make it clear that the increase and impact of traffic from 1800 new homes adjacent to our existing rural infrastructure will be significant. The condition of our existing roads and verges due to the total lack of highways maintenance means that they are not capable of supporting present road traffic use to acceptable road safety standards. The future safe use of our rural roads will suffer even more when/if traffic has to be diverted off the A17 or A1 in the event of any accidents or closures.'

Highways England – Letter dated 13th May 2016:

‘Referring to the planning application referenced above, consultation dated 22 April 2016 for the development of up to 1,800 dwellings, mixed use local centre, 535m² of A1 retail, A3 food and drink uses (not exceeding 115 m²), D1 community uses (not exceeding 1,413 m²); sports pavilion up to 252m²; primary school (22,000m²) and informal open space at Fernwood South, Nottinghamshire, notice is hereby given that Highways England’s formal recommendation is that we:

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

1. Introduction

In this Technical Note, on behalf of Highways England, AECOM reports on the findings of the VISSIM modelling carried out in order to determine the suitability of the mitigation schemes proposed for the Greater Fernwood developments. The Greater Fernwood area consists of the Fernwood North Fernwood South sites, and the mixed use Business Park / residential developments between the A1 and the B6326 Great North Road.

The purpose of this Technical Note is to reassess the impact of these developments on the Strategic Road Network through a cumulative assessment. AECOM has adopted the previous VISSIM model used for the Greater Fernwood assessment reported on in TN6, and revised traffic flows taken from the Newark Traffic Model (NTM). These revisions take into account the updated development proposals and highway improvement plans.

2. Background

In August 2015, AECOM produced a Technical Note (TN6) on behalf of Highways England, with the purpose of providing a response to the Fernwood North application. This TN concluded that the mitigation package proposed was sufficient to alleviate the impacts of the developments.

The three developers working together towards provision of the mitigation scheme have reconsidered their proposals, and therefore the aim of this modelling work is to assess these changes. As agreed for previous modelling undertaken for the Fernwood application, the assessment year will be 2026.

3. Mitigation proposals

AECOM has been provided with the design for new Southern Link Road (SLR) roundabout (*Drawing 70006704 – SK101 A*) conditioned to the Newark South development (reference 14/01978/OUTM), allowing direct access between Staple Lane and the B6326. This is shown in Appendix A.

Furthermore, several schemes have been included in this model, as per drawings received in October 2015 from Waterman and Milestone Transport Planning:

- Goldstraw Lane Roundabout Improvements (Appendix B)
- A1 overbridge dualling (Appendix C)
- Dale Way roundabout Improvements (Appendix D)
- London Road Improvements (Appendix E)
- Shire Lane Roundabout (*Drawing 14106/025 Rev C*) (Appendix F)
- Drawing 14106/027 rev B prepared by Milestone proposes a change to the layout of the B6326 / A1 “southern Fernwood” junction, removing the right-turn facility from the B6326 to the A1

northbound, adding an off-slip to the A1 southbound that merges with the right-turn link from the A1 to the B6326, and a new roundabout to the east of the junction. (Appendix G)

4. A1 Fernwood Traffic Modelling

In order to determine the future cumulative traffic impact of these developments, 2026 traffic flows have been extracted from the VISUM NTM, as received from WYG Consultants in January 2016. These include the flows generated by the Greater Fernwood developments, and take into account committed sites, such as the Newark South development and its associated SLR roundabout scheme.

4.1 Network Generation

The network layout of the VISSIM model in the vicinity of the Fernwood South development has changed since the previous modelling assessment as reported on in AECOM TN6. The “southern Fernwood” junction has been modified, and incorporates a new site access. An additional access to the mixed use development south of the Shire Lane roundabout is also included.

Recent updates from the Newark South developer indicate that the design of the SLR roundabout will now incorporate a 65m ICD.

These network changes have been made to the A1 Fernwood VISSIM model, as detailed in Table 1 and shown in Figure 1.

4.2 Flows

In January 2016 AECOM received the most recent revision of 2026 assessment year AM & PM predicted flows from WYG, displaying LGV & HGV movements in PCUs within origin-destination (O-D) matrices, which can be seen in Appendix H. The HGV matrices have been converted from PCUs using a reduction factor of 2 to represent heavy vehicles.

To represent an appropriate traffic ‘build-up’ we have modelled an additional 15 minute period prior to the main peak hour at half of the network demand. This is consistent with all previous VISSIM modelling carried out for the Fernwood developments.

4.3 Routing Decisions

In order to determine the realistic traffic demands on the A1 “southern Fernwood” junction and the A1 southbound off-slip approach to the Goldstraw Lane / B6326 roundabout, the routing decisions in the VISSIM model have been reviewed. Closures have been applied to ensure that:

- all vehicles travelling between the A1 north and the zones in the Greater Fernwood area south of the Shire Lane roundabout use the “southern Fernwood” junction;
- all vehicles travelling between the A1 north and the zones in Greater Fernwood north of Hollowdyke Lane use the A1 SB off-slip to the Goldstraw Lane / B6326 roundabout;
- all vehicles travelling between the A1 south and the zones in the Greater Fernwood area south of the Dale Way roundabout use the “southern Fernwood” junction; and
- all vehicles travelling from the A1 south and the two zones west of the A1 use the A1 NB off-slip.

Vehicles travelling between the A1 north and the zones served by Hollowdyke Lane and the Shire Lane roundabout will make routing decisions based on costs.

Vehicles travelling between the A1 south and the zones served by the Goldstraw Lane and Dale Way roundabouts will make routing decisions based on costs.

4.4 Results

The AM & PM 2026 VISSIM models were run for network performance and queue results, which were averaged over 10 random seed runs. Screenshots of the typical network performance were also obtained based on the network parameter results. A full range of the screenshots is shown at Appendices I and J, where operational conditions can be observed at each junction at 15 minute intervals throughout each AM & PM peak hour.

Both peak hours experienced unreleased vehicles due to high numbers emerging from the Fernwood development area in the AM peak hour, and from the London Road approach to the A1 off-slip / B6326 roundabout, as follows:

- 259 unreleased vehicles from Goldstraw Lane (zone 4) and 110 from the SLR roundabout eastbound approach (zone 10) in the AM.
- 150 unreleased vehicles from the SLR roundabout eastbound approach in the PM.

Maximum queue lengths on the A1 southbound off-slip approach to the Goldstraw Lane roundabout are 206 and 166 metres in the respective AM and PM peak hours. Average queues over each peak hour are 16 and 12 metres long respectively.

Maximum queue lengths on the A1 northbound off-slip to Newark-on-Trent are 52 and 35 metres in the respective AM and PM periods, while average demands on the approach through each peak hour results in no queueing.

Maximum queue lengths on the A1 northbound right-turn lane to the “southern Fernwood” junction are 33 and 42 metres in the respective AM and PM peak hours. Average queues over each peak hour are just 2 metres and 1 metre long – less than one vehicle length.

Both AM & PM models show the A1 northbound off-slip to Newark-on-Trent, A1 southbound off-slip to the Goldstraw Lane / B6326 roundabout and the A1 northbound right-turn lane to the B6326 Great North Road to be operating satisfactorily in each peak period.

5. A1 Overbridge Dualling Scheme

AECOM has tested an alternative option without the northbound dualling of the A1 overbridge in order to determine the effects of this scheme not being delivered until the full occupation of the developments.

5.1 Network Generation & Flows

For this test, the A1 overbridge scheme has been removed from the model. This has allowed us to identify the possible impacts of a one-lane exit from the Goldstraw Lane roundabout towards the SLR roundabout. The flows used for this modelling exercise remain unchanged.

5.2 Routing Decisions

As stated in Section 4, routing decisions have been adjusted to ensure routes chosen are sensible and enable the modelled scenarios to best represent the realistic network operation in terms of impacts on the A1.

5.3 Results

Both the AM & PM 2026 VISSIM models were run for network performance and queue results, which were averaged over 10 random seed runs.

Both peak hours experienced unreleased vehicles, as follows:

- 304 unreleased vehicles from Goldstraw Lane (zone 4), 7 unreleased vehicles from Hollowdyke Lane (zone 6), 1 unreleased vehicle from William Hall Way (zone 9) and 25 unreleased vehicles from the eastbound approach to the SLR roundabout (zone 10) in the AM peak period.
- 94 unreleased vehicles from William Hall Way and 58 unreleased vehicles from the eastbound approach to the SLR roundabout in the PM peak period.

Maximum queue lengths on the A1 southbound off-slip approach to the Goldstraw Lane roundabout are 358 and 178 metres long in the respective AM and PM peak hours. Average queues over each peak hour are 48 and 15 metres respectively.

Maximum queue lengths on the A1 northbound off-slip to Newark-on-Trent are 57 and 40 metres respectively in the AM and PM periods, while the average queues over each peak hour are 2 and 1 metre long respectively.

Maximum queue lengths on the A1 northbound right-turn of the “southern Fernwood” junction are 33 and 42 metres in the respective AM and PM peak hours. Average queues over each peak hour are just 2 and 1 metres.

3 of the 10 seed runs for the AM model show the A1 southbound off-slip to the Goldstraw Lane / B6326 roundabout to be operating over the link length capacity, with the average length over all 10 seeds (358m) extremely close to the limit. This poses a significant risk of queues reaching back to the A1 mainline.

The modelling undertaken demonstrates that the dualling of the B6326 exit at the Goldstraw Lane roundabout is essential for the continued safe operation of the network. **Figure 4** below shows an example of maximum queuing on the A1 southbound off-slip back to the mainline.

6. Conclusions

In order to reassess the potential impact of the proposed developments in the Fernwood area on the Strategic Road Network, VISSIM modelling was conducted by AECOM for two scenarios based on a 2026 assessment year:

- Scenario 1: Greater Fernwood development (Fernwood North, Fernwood South, and Business Park), with mitigation at the A1 overbridge providing 2 lanes in the northbound direction.
- Scenario 2: Greater Fernwood development (Fernwood North, Fernwood South, and Business Park), without mitigation at the A1 overbridge.

Scenario 1 modelling showed queues at the:

- A1 southbound off-slip (towards Goldstraw Lane / B6326 roundabout) to be a maximum of 206 and 166 metres long, and average of 16 and 12 metres long in the respective AM and PM peak hours.

- A1 northbound off-slip to Newark-on-Trent to be a maximum of 52 and 35 metres in the respective AM and PM periods, while average demands on the approach through each peak hour results in no queueing.
- A1 northbound right-turn lane to the “southern Fernwood” junction to be a maximum of 33 and 42 metres in the respective AM and PM peak hours. Average queues over each peak hour are just 2 metres and 1 metre long – less than one vehicle length.

The Scenario 2 modelling showed queues at the:

- A1 southbound off-slip (towards Goldstraw Lane / B6326 roundabout) to be a maximum of 358 and 178 metres long, and average of 48 and 15 meters long in the respective AM and PM peak hours.
- A1 northbound off-slip to Newark-on-Trent to be a maximum of 57 and 40 meters respectively in the AM and PM periods, while the average queues over each peak hour are 2 and 1 meter long respectively.
- A1 northbound right-turn lane to the “southern Fernwood” junction to be a maximum of 33 and 42 metres in the respective AM and PM peak hours. Average queues over each peak hour are just 2 metres and 1 metre long – less than one vehicle length.

Based on queue length and network performance results, the Scenario 1 assessment concluded that the highway improvement works proposed were sufficient for mitigating development impacts on the Strategic Road Network. However, Scenario 2 (without the A1 overbridge dualling scheme) demonstrates that the overbridge works are essential for the continued safe and effective operation of the A1, as there is a significant risk of queues reaching back to the mainline.

7. Recommendations

Acceptable trigger point testing is yet to be provided to support the proposed phasing of the developments in conjunction with the delivery of the highway improvement works. AECOM recommends the developers submit a phasing plan and suitable supporting modelling in order to determine trigger points for the delivery of the improvement works.’

The applicant submitted a rebuttal to the above and on this basis revised comments were received on 16th June 2016.

Although A-One+ raised concerns around the potential departures from standards being required, AECOM have recommended that the application be approved on condition to providing the mitigation at the proposed triggers, and final scheme drawings being approved.

Delivery of highway mitigation:

In May 2016 Highways England responded to the application recommending conditions, stating that the proposed trigger point for the delivery of improvement works at the southern Fernwood junction (as shown in Milestone drawing 14106/027 revision C) as detailed in the Transport Assessment was not acceptable.

From modelling work conducted in support of the revised trigger points for delivery of mitigation at the A1 / B6326 junction south of Fernwood (as shown in Milestone drawings 14106/037 and 14106/027 revision C), it is considered that the SRN will suitably accommodate the anticipated traffic demands.

As developers at Greater Fernwood are collaborating to deliver a package of works to accommodate the cumulative development impacts, all developers should be aware that the implementation of the interim measures at the southern Fernwood junction could result in the requirement for the Goldstraw Lane improvement works earlier than currently planned. This will be reviewed in response to the respective Barratt David Wilson Homes planning application anticipated in the coming months for land at Fernwood North.

Conditions:

1. Prior to the commencement of any part of the development hereby approved, details of the form of the A1 / B6326 junction (as shown in Milestone drawing 14106/037, and 14106/027 revision C) shall be submitted to and agreed by the Local Planning Authority in consultation with Nottinghamshire County Council (acting as Local Highway Authority) and Highways England.
2. Prior to the occupation of 100 dwellings, improvements to the A1 / B6326 junction (as shown in Milestone drawing 14106/037) are complete and open to traffic, subject to Detailed Design and Road Safety Audit.
3. Prior to the occupation of 900 dwellings, improvements to the A1 / B6326 junction (as shown in Milestone drawing 14106/027 revision C) are complete and open to traffic, subject to Detailed Design and Road Safety Audit.

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

INFORMATIVE NOTE TO APPLICANT

The highway mitigation works associated with this consent involves works within the public highway, which is land over which you have no control. Highways England therefore requires you to enter into a suitable legal Section 278 agreement to cover the design check, construction and supervision of the works. Contact should be made with the Highways England Section 278 Business Manager David Steventon to discuss these matters on david.steventon@highwaysengland.co.uk

The applicant should be made aware that any works undertaken to Highways England network are carried out under the Network Occupancy Management policy, in accordance with Highways England procedures, which currently requires notification/booking 3 months prior to the proposed start date. Exemptions to these bookings can be made, but only if valid reasons can be given to prove they will not affect journey time reliability and safety. The Area 7 MAC's contact details for these matters is area7.roadspace@aone.uk.com.

Nottinghamshire County Council Highways – Comments received 7th July 2016:

‘Over the last year or more meetings and correspondence between the Planning Authority, the Highway Authority, Highways England and the Developer/Agent have taken place to consider the impact of the proposed development on the highway network. The developer was provided with traffic flows that were derived by the Highway Authority in liaison with the Planning Authority and analysis carried out using the Newark Traffic Model operated by White Young Green. The developer has used these flows to determine the type and scale of highway improvements required to mitigate the impact of the traffic generated by the development. This has gone

through a design iteration process to arrive at proposals that are broadly agreed for the Great North Road B6326 corridor. The Highway Authority traffic flow figures used for this process have considered the 'worse case scenarios' of total build-out of all development at Fernwood according to the LDF Allocation including the highest peak hour generation figures for potential commercial development (i.e. offices). It is acknowledged that this will take decades to come to fruition and may not be fully realised e.g. commercial development is unlikely to be office dominated, work travel patterns may become more flexible and more home working increase. Notwithstanding this, the methodology has ensured that mitigation measures are fully robust.

Notwithstanding the above, the following comments refer to the submitted Transport Assessment:

Paras. 4.17; 4.19; 4.22 The use of "changes of surface treatment or shared surface areas" should be discussed in detail, perhaps at a later stage. Changes in treatment can offer maintenance issues and shared surfaces are not encouraged except in mews-type development.

Para. 4.18 The introduction of 20 mph limits is only realistic where the street design naturally restricts speeds to this level.

Para. 4.20 On-street parking should be discouraged and provision made off-street.

Para. 4.41 As it is described in the submission, it would appear unlikely that the Greenway Corridors would be adopted (unless constructed differently perhaps). If this is so, then maintenance of these corridors will need to be arranged and secured.

Para. 4.42 Ditto with reference to the new footpath. The developer's intentions should be clarified regarding adoption.

Para.4.43 Further discussions will need to take place with respect to the introduction of a 30mph limit. Perhaps 40mph would be more appropriate.

Para. 4.46 The cross-sectional detail in the text and drawing do not match. Clarification is needed.

Para 4.49 Drainage details may be required where slopes occur.

Para. 4.61 & 4.62 Confirmation is awaited about the level of contribution or alternative arrangements to provide adequate and reasonable bus services to serve the site.

Paras 4.70-4.73 The Framework Travel plan is being considered and will be responded to later.

Para 5.12 Confirmation is awaited on whether or not a S106 Agreement is the appropriate method of securing Travel Plan measures.

Para. 6.52 It is unlikely that a build out and one way traffic system will be appropriate on Shire Lane, but this, or an alternative design to help pedestrians to cross, can be determined at a later stage.

Para. 6.61 see note on 4.41 above.

Para 6.68 It has been agreed that improvements are not required at the Dale Way roundabout.

General Points:

Trigger points for the various junction delivery and improvements has been discussed with the Planning Authority and they will agree these. Such trigger points may not be as quoted in the Transport Assessment and may be the responsibility singularly of more than one developer.

Improvements to the Goldstraw Lane roundabout have yet to be safety audited.

Improvements to the A1 Overbridge are still being investigated and the details of this will take a while to be confirmed. However, the Planning Authority are expecting to be responsible for securing this improvement using CIL receipts (tbc).

Further discussions with appropriate NCC Officers are required in order to agree the works on Shire Lane due to the proposed widening of the highway boundary, maintenance issues, commuted sums, etc. It is clear however that within the extent of the public highway boundary and the developer's land holding, an agreed layout can be found.

A similar discussion may be required regarding the temporary bus terminus if it is intended for this to be part of the adoptable highway (clarification should be sought).

Once the above points are clarified, recommendations for suitable planning conditions will be made.'

The applicant has been in direct contact with colleagues at NCC Highways department to clarify the above matters. On this basis further comments have been received:

'Further to my comments dated 7 July 2016, many of the previously raised issues will be addressed at the reserved matters stage. However it is clear that further discussions with appropriate NCC Officers are required in order to agree the works on Shire Lane due to the proposed widening of the highway boundary, maintenance issues, commuted sums, etc. It is clear however that within the extent of the public highway boundary and the developer's land holding, an agreed layout can be found. *This issue is reflected in a condition below.*

Over the last year or more meetings and correspondence between the Planning Authority, the Highway Authority, Highways England and the Developer/Agent have taken place to consider the impact of the proposed development on the highway network. The developer was provided with traffic flows that were derived by the Highway Authority in liaison with the Planning Authority and analysis carried out using the Newark Traffic Model operated by White Young Green. The developer has used these flows to determine the type and scale of highway improvements required to mitigate the impact of the traffic generated by the development. This has gone through a design iteration process to arrive at proposals that are broadly agreed for the Great North Road B6326 corridor. The Highway Authority traffic flow figures used for this process have considered the 'worse case scenarios' of total build-out of all development at Fernwood according to the LDF Allocation including the highest peak hour generation figures for potential commercial development (i.e. offices). It is acknowledged that this will take decades to come to fruition and may not be fully realised e.g. commercial development is unlikely to be office dominated, work travel patterns may become more flexible and more home working increase. Notwithstanding this, the methodology has ensured that mitigation measures are fully robust.

In terms of a Section 106 Agreement, whilst largely addressed by the conditions below, consideration may be given to whether or not to include the following matters within an Agreement:

- Bus service provision and potential subsidy
- Commissioning and implementation of a School Safety Zone and paying associated costs
- Commissioning of traffic counter and paying associated costs
- Implementation, monitoring and review of the Travel Plan
- Bus stop infrastructure
- Commissioning a Traffic Regulation Order (speed limit) and paying associated costs

It is assumed that improvements to the A1 south/B6326 Great North Road will be conditioned in accordance with Highways England recommendations and include all works shown on drawing 14106/027/C.

It is concluded that the proposal can be approved subject to conditions.'

Nottinghamshire County Council Transport & Travel Services -

'General Observations

The planning application covers an area East of the A1, South of Fernwood, with a proposed development of 1800 dwellings.

Bus Service Support

Transport and Travel Services has conducted an initial assessment of this site in the context of the local public transport network.

Centrebus currently operate an hourly service between Newark and Grantham which follows the perimeter of the development. There is also a Council funded off-peak service between Fernwood and Newark. As Stagecoach are the major commercial operator in Newark they have already been included in discussions as to how the Fernwood area can be best served in the future.

Sections 4.55 to 4.69 of the Transport Assessment describes the level of funding for provision of local bus services to serve the site, including reference to discussions with the County Council and bus operators.

Transport and Travel Services request that the developer continue to liaise with the Council regarding the provision bus service provision to serve the site.

Infrastructure

Transport and Travel Services requires new bus stop infrastructure to be installed throughout the development through Section 38 and Section 278 agreements where appropriate. This includes the below standards at all relevant bus stops:

- Real Time Pole, Displays and Associated Electrical Connections
- Bus Shelter (Polycarbonate) or Bus Shelter (Wooden)
- Solar/Electrical Lighting in Bus Shelter
- Raised Kerb
- Bus Stop Clearway
- Additional Hard Stand (if required)

It is noted that Section 4.64 of the Transport Assessment states... “Within the Site bus stop infrastructure will be provided as a capital cost by the developer and will be designed in accordance with the 6CsDG specification...” including... “Provision of infrastructure to enable Real-time information (e.g. underground ducting);” The Council request that the cost of the provision of Real Time information displays at stops are also funded and installed by the developer.

Transport & Travel Services requests that the proposed new bus stop locations and accessibility isochrones meeting 6Cs Design Guidelines are marked on all relevant plans going forward. The Council specification for bus stop facilities should be complemented by Automatic Vehicle Location (AVL) and Traffic Light Priority (TLP) where appropriate.

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

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

Transport & Travel Services will wish to negotiate with the developer and Highway Development Control regarding new bus stop infrastructure that will need to be installed throughout the development, including the provision of Real Time information displays at stops.’

Nottinghamshire County Council Rights of Way – ‘There are no Public Rights of Way within the application site. However there are a number of issues which relate to the network that requires further consideration.

Proposed link south to a footpath in Lincolnshire

There is a footpath on the south side of the Shire Drain which currently has no link into the application site. Such a link will require a bridge over the Drain and should be provided by the developer to link with the paths proposed in the open space. The link was mentioned in the application but no mention of how that link would be made was considered. The bridge has informally discussed with Lincolnshire CC (Chris Miller/Andy Savage) and they are in agreement that such a bridge is needed. Future maintenance needs to be considered, preferably a commuted sum from the developer or the agreement of both Authorities to jointly maintain. We would welcome further discussion on this point.

Footpaths and cycleways

There are a number of footpath/cycleways shown on the MasterPlan. Consideration should be given to the status of the routes, who should maintain them, and what is the expectation by users. It is unlikely that they would be adopted as highways or accepted as a new right of way. While we may consider new routes that link to and enhance the existing rights of way network it is unlikely that we would accept these links. There are all within open space that needs to be managed and the paths should be managed in line with that. There is no legal status (in public rights of way) that allows walkers and cyclists only. The legal status above a footpath to allow cyclists would be a bridleway which also includes horse riders.

Path along the Shire Drain

This path is welcomed and would provide a useful circular route using the new estate. It is accepted that a continuation' outside of the application area to link with Fernwood Footpath No 4 is outside of the remit.

Lincolnshire County Council Rights of Way – 'There are no Public Rights of Way within the application site. However there are a number of issues which relate to the network that requires further consideration.

Proposed link south to a footpath in Lincolnshire

The layout plan shows a connection between the proposed development and Westborough and Dry Doddington Public Footpath No. 6 – please find enclosed a plan for your information.

At present this route does not physically exist on the ground and legally terminates at the Shires Dyke. Whilst a programme of works will be required in order to make this route available it is considered that the footpath has great potential to provide a useful pedestrian link between the nearby communities of Long Bennington and Dry Doddington and the proposed development.

In particular a new bridge is required over the Shires Dyke to enable pedestrians to travel between the proposed development site and the public footpath. Lincolnshire County Council believes that the proposed link would greatly benefit the local access network and as such the developer should be encouraged to provide a bridge over the Dyke. Future maintenance of such a structure needs to be considered, preferably a commuted sum from the developer or the agreement of Lincs CC and Notts CC to jointly maintain. The County Council would welcome further discussion on this point.'

Ramblers Association – 'We have no objection to this proposal.

We welcome the construction of a new right of way along the edge of Shire Dyke. This would be much more valuable, however, if it were extended northwards beyond Shire Lane so that it links up with the existing footpath between Fernwood and Claypole.'

Nottinghamshire County Council Developer Contributions – 'In respect of education, the County Council have had dialogue with both the District Council and the developer to confirm the primary school provision that will be required to meet the needs of the development of 1,800 dwellings. This is reflected in paragraphs 3.4.1, 3.4.3 and 7.3.3 and 7.3.12 of the applicants Planning Statement of March 2016 but which in summary incorporates a 2 form entry, 420 place primary school to be provided on a 2.2ha area of land (which has been identified on the masterplan accompanying the application) along with a further 0.8ha of land alongside the school site (also identified on the masterplan) to accommodate expansion to a 3 form entry school which will accommodate the needs of future development at Greater Fernwood. It is anticipated that the developer will deliver the school. However should the County Council provide the school they would require the fully serviced site to be transferred on commencement of the residential element of the scheme and the appropriate contributions of £6,080,000 (based on Q4 2014 costs which are subject to change and indexing using the PUBEC Index) to be paid in accordance with an agreed phasing programme. The final arrangement for the delivery of the primary school will be confirmed within the S106 agreement.

With regard to secondary education, the District Council have an adopted Community Infrastructure Levy (CIL) Charging Schedule. The Regulation 123 List of infrastructure includes reference to secondary school provision. It is therefore anticipated that CIL will be used to fund the secondary school provision which will be required as a result of this development.

In terms of libraries the County Council would wish to seek developer contribution for the additional stock that would be required to meet the needs of the 4,320 population that would be occupying the new dwellings. This is costed at 4,320 (population) x 1,532 (items) x £12.50 (cost per item) = £82,728.

Further information about the contribution that would be sought and the justification for this can be found in the attached document.

1. Background

The County Council has a statutory responsibility, under the terms of the 1964 Public Libraries and Museums Act, to provide “a comprehensive and efficient library service for all persons desiring to make use thereof”.

In Nottinghamshire, public library services are delivered through a network of 60 library buildings and 3 mobiles. These libraries are at the heart of our communities. They provide access to books, and DVDs; a wide range of information services; the internet; and opportunities for learning and leisure.

The County Council has a clear vision that its libraries should be:

- modern and attractive;
- located in highly accessible locations
- located in close proximity to, or jointly with, other community facilities, retail centres and services such as health or education;
- integrated with the design of an overall development;
- of suitable size and standard for intended users.

Our libraries need to be flexible on a day-to-day basis to meet diverse needs and adaptable over time to new ways of learning. Access needs to be inclusive and holistic.

2. Potential Fernwood South development

There is currently a proposal for a new development on land on Fernwood South this would comprise 1800 new dwellings. At an average of 2.4 persons per dwelling this would add 4320 to the existing libraries' catchment area population. The nearest existing libraries to the proposed development are Newark and Balderton Libraries.

The Museums, Libraries and Archives Council (MLA) publication “Public Libraries, Archives and New Development: a standard approach” recommends a standard stock figure of 1,532 items per 1,000 population.

We would not seek any costs towards increasing the size of the library to accommodate this population but for this development a contribution will be sought just for library stock. An increase in population of 4200 would put extreme pressure on the stock at this library and a developer contribution of £80,430 would be expected to help address this situation.

We would seek a developer contribution for the additional stock that would be required to meet the needs of the 4320 population that would be occupying the new dwellings. This is costed at 4320 (population) x 1,532 (items) x £12.50 (cost per item) = £82,728'

Further Response received 26 August 2016:

'I've had a closer look at the library stock levels for Newark & Sherwood and produced the attached which compares library catchment population with current stock numbers compared with MLA optimum stock targets

As you will see libraries aim to meet the MLA target of 1,532 items per 1,000 population across the district. As many stock items are on rotation to maximise usage, the stock levels at each individual branch can fluctuate so do not necessarily meet the target at each individual branch. The stock level at Dukeries Library is unusually high as it also serves the Dukeries Academy school. Furthermore, the library service is gradually increasing its list of e-book titles which are available to all library users and these count towards the optimum stock levels.

In short, library provision is 1,199 items above the current MLA target in Newark & Sherwood District. However, we are aware there are a number of items on the system which are long overdue or missing/lost items. The library systems team is currently planning an update to the libraries management system which will remove these items from the system and this is likely to reduce or remove the small current over provision in Newark & Sherwood Libraries.

It will also be noted the total population catchment figure for the libraries in Newark & Sherwood is higher than the resident population in the district. This is because some Newark & Sherwood library catchments extend into neighbouring districts. The library catchment areas are based on work carried out in 2012/13. I can obtain lists of postcodes included in each library catchment if required.'

An additional response in respect of education has been received:

'The triggers outlined are acceptable. Clearly, indexation and site availability etc. would be factors in the S106 agreement in due course, but only if the developer decides not to build the school themselves. Transitional arrangements during the period leading up to the occupation of the 200th dwelling. These will need to be in the form of a double mobile classroom on (preferably) the Fernwood annexe site; or, if this is not possible on the nearest practicable site (John Hunt – Balderton or Sir Donald Bailey Academy - probably). Clearly, the County Council cannot dictate to a school that it must accommodate children who are without a school place on their site in a temporary classroom. There would have to be negotiations around this. However, the CC needs to have the confidence that the funding would be in place to accommodate potentially 42 children who may be without a school place during the transitional period.'

Lincolnshire County Council Planning – 'With the site being located in Nottinghamshire and primarily connected to the strategic road network in that county, the impact on LCC's highway is limited and the estimated change in traffic flows on Shire Lane is acceptable.

The application proposes a continuous footway link on Shire Lane between the development and Claypole (Paras 6.53 and 6.58). This requires 2 pedestrian bridges, one across the Shire Dyke and one across River Witham. However, the Transport Assessment (TA) does not provide any estimates of pedestrian flows between the development and Claypole. The distance between these is over 1km and it does not seem apparent that a footway would be necessary. It should be noted that any Section 106 planning obligations should comply with Para. 204 of NPPF and meet the following tests:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

LCC requests further information to demonstrate that the proposed footway link is necessary.

The TA only proposes to provide the bridge across the Shire Dyke (Para. 6.53). If evidence is provided to demonstrate that a footway is necessary to link the development with Claypole and a bridge across the Shire Dyke is deemed necessary, then it follows that a pedestrian footbridge across River Witham is also necessary and should be provided by the development.

It is unlikely that a reduction in speed limit on Shire Lane (TA Para 6.62) would comply with LCC's Speed Policy.

In addition to these specific comments on highways, LCC Children's Services and Public Health both expect schools and health capacity to be established within or near to the SUE but recognise that parent and patient choice might lead to greater demand for existing services within Lincolnshire. This would be welcomed for secondary school provision. In the case of health services Lincolnshire GP practices may be impacted and so appropriate Clinical Commissioning Groups should be consulted.'

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

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

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

Sport England is aware that discussions have taken place between the council and the applicants with regard to the provision of on-site sports facilities and or a contribution to off-site facilities. The proposed on site facilities have been evidenced by the councils playing pitch strategy. It is understood that options for a contribution to sports facilities off-site have also been discussed and the conclusion is to provide all facilities on site which includes the provision of the 3G AGP on site.

A part of our assessment Sport England has consulted National Governing Bodies from Sport;

The Football Association (FA) have advised;

The FA (and Nottinghamshire County FA) would fully support the proposed development but would like to understand the development timeframe specifically relation to the proposed leisure facilities. The FA would also welcome the thoughts of the council in relation to how this development would fit with the proposed Newark Sports Hub? Whilst it is acknowledged that this development may be some years off the same may be said of the proposed Newark Sports Hub scheme.

Would there be any potential to tie the developer in to providing these facilities in advance of the housing being completed?

In addition the Rugby Football Union (RFU) have advised;

The RFU has no objections to the proposal. They would encourage that the applicant considers ensuring the proposed 3G AGP pitch meet the criteria of World Rugby Regulation 22 to allow contact rugby to be played. As for the proposed single rugby pitch on site, the RFU do not believe there to be a strategic need for a single pitch venue. However, there are recognised facility needs for Rugby Union locally at Newark RFC that would ultimately serve this housing conurbation and therefore would wish to explore the ability to secure off-site contributions towards the Rugby Club's development.

Sport England does not therefore wish to raise any issues with regard to the principle of the provision of a Sports Hub on site including the provision of supporting infrastructure, pavilion, changing rooms car parking etc. Sport England would anticipate that whilst the principle of a sports hub is agreed that further discussion would take place around the final provision of the facilities proposed and the timescale for delivery as further details are worked up as part of any reserved matters application Sport England, in conjunction with Public Health England, has produced 'Active Design' (October 2015), a guide to planning new developments that create the right environment to help people get more active, more often in the interests of health and wellbeing. The guidance sets out ten key principles for ensuring new developments incorporate opportunities for people to take part in sport and physical activity. The Active Design principles are aimed at contributing towards the Government's desire for the planning system to promote healthy communities through good urban design. Sport England would commend the use of the guidance in the master planning process for new residential developments. The document can be downloaded via the following link:<http://www.sportengland.org/facilities-planning/planning-for-sport/planning-tools-andguidance/active-design/>

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

Thank you once again for consulting Sport England. We would be grateful if you would advise us of the outcome of the application by forwarding a copy of the decision notice.'

NSDC Community Sports and Arts – Support proposal.

NSDC Parks and Amenities - No comments received.

NSDC Strategic Housing – 'Support the proposal.

Summary

- The Council's Strategic Housing Business Unit supports the proposed development of up to 1800 dwellings on land east of Newark.
- The proposed scheme should fully accord with the housing need identified in the Council's DCA Housing Market and Needs Assessment (2014) (Sub-area Report – Newark Sub Area) for smaller homes (2 and 3 bedrooms).
- The scheme will attract affordable housing provision as detailed in the District Council's Affordable Housing Supplementary Planning Document (2013). (Core Policy 1 refers). In this respect the requirement is for 540 affordable units. Of these the developer has offered up to 48% designated for affordable rent and the remaining 52% will be for intermediate tenure (usually shared ownership but to include discount for sale), as detailed below.

| Type | Aff Rent | Intermediate (S/O) | Discount for sale 75% of OMV | Total |
|--------|----------|--------------------|------------------------------|-------|
| 1 Bed | 50 | - | - | 50 |
| 2 Bed | 130 | 40 | 125 | 295 |
| 3 Bed | 70 | 30 | 80 | 180 |
| 4 Bed | 10 | - | 5 | 15 |
| Totals | 260 | 70 | 210 | 540 |

The Strategic Housing Unit would normally seek a tenure closer to the Council's policy but accept that the developer is seeking a more viable option for the site.'

NHS Newark and Sherwood CCG –Support the proposal.

NHS Lincolnshire – 'This development is proposing up to 1,800 new dwellings. As this submission deals chiefly with the affect that would be felt by Lincolnshire, numbers are based on 2.4 per dwelling as laid down in the South Kesteven District Local Authority (SKDC) Planning Obligations Supplementary Planning Document June 2012. This may result in an increased patient population of 4,320.

The calculation below shows the likely impact of new population in terms of number of additional consultations by clinicians. This is based on the Department of Health calculation in HBN11-01: Facilities for Primary and Community Care Services:

Consulting Room GP

| | |
|---------------------------------------|---|
| Proposed population | 4,320 |
| Access rate | 5260 per 1000 patients |
| Anticipated annual contacts | $4.320 \times 5260 = 4.320$ |
| Assume 100% patient use of room | 22,723 |
| Assume surgery open 50 weeks per year | $22,723/50 = 454.5$ |
| Appointment duration | 15 mins |
| Patient appointment time per week | $454.5 \times 15/60 = 113.6$ hrs per week |

Treatment Room Practice Nurse

| | |
|---------------------------------------|--|
| Proposed population | 4,320 |
| Access rate | 5260 per 1000 patients |
| Anticipated annual contacts | $4.320 \times 5260 = 22,723$ |
| Assume 20% patient use of room | $22,723 \times 20\% = 4,544.6$ |
| Assume surgery open 50 weeks per year | $4,544.6/50 = 90.89$ |
| Appointment duration | 20 mins |
| Patient appointment time per week | $90.89 \times 20/60 = 30.3$ hrs per week |

This housing development is being considered under the Nottinghamshire area, however, we believe that one Lincolnshire practice is liable to be highly affected by the development: The Medical Centre in Long Bennington.

This proposed housing development does fall within the practice boundary of The Medical Centre and patient choice allows a patient to choose which practice to register with if they reside in that area. A practice cannot decline these patients unless their patient list is closed, which does not apply to any practice in Lincolnshire at present.

I understand that NHS Nottinghamshire have been consulted with regard to this planning application and have no doubt forwarded a submission for a healthcare contribution covering GP practices in Newark and surround that may be affected by the proposed development.

Alongside this, the affect that the proposed development would have on Long Bennington needs to be taken into consideration. The village adjacent to the proposed development, Claypole, and the immediate surrounding area currently make up over 10% of the patient list at Long Bennington (see attached map). It is a very real possibility that the future residents would choose to register at this town practice.

Long Bennington currently has an average patient per metre² ratio; this assessment is made by practice population and size of current premises. This is a monitor to gauge how any further increase in practice population may impact on building capacity issues.

The current list size as of April 2016 is over 5,700 patients; an increase in patients on a scale such as this proposed development would have a significant affect.

The above table indicates the increased number of hours required per week for consultations for 4,320 new patients: just under 144 hours. Those appointments not only impact on consulting space and clinicians but reception and administrative staff too.

Sufficient provision to mitigate the impact of an increased population on primary healthcare facilities in Long Bennington must be allowed for as additional patients increase pressure on GP and primary care services and put the existing infrastructure at risk.

Any proposed development needs to be acceptable in planning terms, with sufficient mitigation to address increasing pressure on the existing primary care facilities.

The s106 contribution would provide capital as an option to extend or reconfigure the building. This of course would be subject to a full business case and approval by NHS England. Any proposed expenditure would take place when the s106 funds are released by the developer as per the agreement and within the agreed timescale for expenditure of the funds.

Given at this stage we do not know the mix of the dwelling size, or the spread of any future residents across the two councils, we suggest a total healthcare contribution of £799,200. This is based on an average of the above dwelling sizes (£444) multiplied by 1,800. NHS Nottinghamshire may have a different average dwelling amount.

The first trigger point would be after the first 50 dwellings are built.

This total healthcare contribution would need to be appropriately distributed between healthcare facilities affected by the proposed development including, if appropriate, The Medical Centre at Long Bennington.'

National Planning Casework Unit - No comments received.

NSDC Planning Policy - 'The application is on part of a strategic allocated site covered by Core Strategy Policy NAP 2C – Land around Fernwood. The principle of development is therefore facilitated by this policy and it follows to assess the specific nature of the proposal against the other relevant development plan policies.

The districts 5 year housing land supply is currently in deficit and approval of appropriate development on the scale proposed would help to remedy this.'

Historic England – 'Thank you for your letter of 22 April 2016 notifying Historic England of the above application. This is an outline planning application for a phased residential development of up to 1,800 dwellings, with and including, a mixed use centre, sports pavilion, primary school and open space provision.

Historic England Advice

This site forms part of the strategic housing site to the south east of Newark and Balderton. Along with land to the north and west, we understand the site is allocated within your authority's adopted Core Strategy as part of a Sustainable Urban Extension (SUE). In March 2015 we were consulted on the scoping request for this site and advised that heritage should be scoped into the report. We advised that there is a need to provide an assessment of the impacts of the development upon the significance derived from the setting of heritage assets at Claypole (in South Kesteven) including the Grade I listed church which lies to the west of the village. We also advised that pre-determination geophysical survey is required and should not be left until post-determination (email dated 17 March to NSDC from Claire Searson refers).

We have now considered the archaeological desk-based assessment (DBA) and Archaeological Evaluation produced by CgMs consulting / Wessex Archaeology. We strongly recommend you seek further guidance from Nottinghamshire County Council Archaeologist with regard to the appropriate mitigation of impacts upon the Iron Age - Roman period remains revealed in geophysical survey and trial trenching, which is contra the rather dismissive approach to archaeological potential in the desk based assessment (CgMs desk-based assessment, section 4.6).

We consider the Palaeo-environmental / early and late prehistoric landscape potential appears under-assessed - given the scope along the Trent, Devon and Witham for old river channels and for forth, containing important wet remains. Here we also refer you to the advice of the county archaeologist with regard to appropriate geo-archaeological modelling and mitigation. We find no assessment of the significance of the historic Shire Dyke and the impact of development there-on.

With regard to the setting of the Grade I Church of St Peter Claypole the assessment in the CgMs DBA does not appear to conform to the approach set out in GPA3. We strongly recommend further guidance is sought from your conservation officers and we refer to Government guidance within the Planning Practice Guidance and the sector-wide Historic Environment Good Practice in Planning Notes 2-3.

In assessing and determining this planning application we refer you to the Planning (Listed Buildings and Conservation Areas Act) 1990 which advises local authorities to pay special regard to the desirability of preserving the building, its setting and any features of special interest - sections s.66 (1) and s.72, the latter for conservation areas. Recent appeal decisions have confirmed that considerable importance and weight is to be given to the desirability of preserving the listed building or its setting to discharge these legal requirements. This applies irrespective if the harm is substantial or less than substantial. The role of the LPA should also aim to achieve the objective of sustainable development. In this, the NPPF is clear that great weight should be given to the conservation of designated heritage assets.

The effect on the significance of the non-designated archaeological remains within the outline development site should be taken into account in determining the application (paragraph 135), bearing in mind the need to understand that significance in more detail.

Recommendation

We recommend this application is determined in line with the Planning (Listed Buildings and Conservation Areas) Act 1990, the NPPF, the Planning Practice Guidance and the Historic Environment Good Practice in Planning Notes 1-3. Ultimately it will be for your authority to balance all planning considerations in determining this application. We strongly recommend further advice is sought from your conservation officer and archaeological adviser.'

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

Fernwood South is a strategic housing site identified in the Council's Core Strategy LDF DPD. The submitted scheme seeks outline permission for up to 1800 houses and mixed uses with all matters reserved. By virtue of its scale, form and potential layout, the proposed Fernwood South extension is capable of affecting the historic environment.

The NPPF sets out a "presumption in favour of sustainable development" within 12 core land-use planning principles that underpin both plan-making and decision-taking. The historic environment is addressed in paragraphs 17 and 126-141, among others. Annex 2 of the NPPF defines the 'historic environment' as comprising all aspects of the environment resulting from the interaction between people and places through time, including all surviving physical remains of past human activity, whether visible, buried or submerged, and landscaped and planted or managed flora. A 'heritage asset' furthermore, is defined as a building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest.

Heritage asset includes designated heritage assets such as listed buildings, conservation areas and scheduled monuments, as well as assets identified by the local planning authority, including local interest buildings and other non-designated heritage assets. Heritage assets with archaeological interest are so defined if they hold, or potentially may hold, evidence of past human activity worthy of expert investigation at some point. Heritage assets with archaeological interest are the primary source of evidence about the substance and evolution of places, and of the people and cultures that made them.

The DCLG Planning Practice Guidance (PPG) should be read in conjunction with the NPPF and includes guidance on matters relating to protecting the historic environment in the section: Conserving and Enhancing the Historic Environment. In addition, Historic England have produced a series of Good Practice Advice (GPA) notes that provide supporting information on good practice, particularly looking at the principles of how national policy and guidance can be put into practice. It follows the main themes of the planning system - planning-making and decision-taking - and other issues significant for good decision-making affecting heritage assets. GPA2 – Managing Significance in Decision-Taking in the

Historic Environment and GPA3 – Setting and Views are relevant in this case, as well as HE Advice Note 2 – Changes to heritage assets and HE Advice Note 3 – Site allocations.

The proposal site does not contain any designated heritage assets. There are a number of designated heritage assets within the wider area, however, including the important landmark Church of St Giles in Balderton (Grade I listed), the Church of St Mary Magdalene in Newark (Grade I), and the Church of St Peter at Claypole (also Grade I; within South Kesteven District). Impact on the setting and significance of such nationally significant landmark buildings is an important consideration. In accordance with section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act'), special regard must be given to the desirability of preserving listed buildings, including their setting. In this context, the objective of preservation means to cause no harm, and is a matter of paramount concern in the decision-taking process. Fundamentally, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, and the more important the asset, the greater the weight should be. Paragraph 132 of the NPPF states that significance can be harmed or lost through alteration or development within the setting of a heritage asset. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. The setting of a heritage asset is defined in Annex 2 of the NPPF. Setting is the surroundings in which an asset is experienced, and its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral. All heritage assets have a setting, irrespective of the form in which they survive and whether they are designated or not (see paragraph 13 of the PPG for example (ref: 18a-013-20140306)). The extent and importance of setting is often expressed by reference to visual considerations. Although views of or from an asset will play an important part, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust and vibration from other land uses in the vicinity, and by our understanding of the historic relationship between places. For example, buildings that are in close proximity but are not visible from each other may have a historic or aesthetic connection that amplifies the experience of the significance of each. In addition, please note that the contribution that setting makes to the significance of the heritage asset does not depend on there being public rights or an ability to access or experience that setting.

The proposal represents a large development on the southern side of Fernwood, which is in itself a large urban extension. The A1 corridor is an important modern landscape feature, and the depot site and pylons to the east of the proposal site represent further modern landscape intervention. The indicative details submitted show a network of primary streets linked by junctions leading to streets and residential lanes. New buildings would have a maximum height of 2 storeys with some opportunity for 2.5 and 3 storeys on primary streets. Given the existing built form of Balderton and Fernwood, it is felt that the proposal is not likely to compromise designated heritage assets in Balderton or Newark, and I am satisfied that topography and relative distances between receptors

and the proposal site ensure that impact in the wider landscape is not likely to result in any specific material harm to the setting or significance of the Church of St Giles in Balderton or Church of St Mary Magdalene in Newark.

It is nonetheless recognised that the proximity of the Church of St Peter at the western edge of Claypole suggests that the Fernwood South development could have an impact on the wider landscape setting of the Grade I church. Whilst I would defer to Conservation colleagues in South Kesteven for their view on this matter, the Council must pay special regard to the consideration of the setting of this listed building.

I note from Historic England comments that concern is raised in the non-conformity of the submitted CgMs report with GPA3. Additional work might be undertaken to address this. Nevertheless, given the indicative proposed layout of the scheme, it seems likely that there are opportunities to help reinforce and improve green infrastructure at the eastern portion of the proposal site which would help mitigate impact on the wider setting of the church. The proposals for sports and amenity areas will help in this regard.

In addition, the development site contains archaeological interest. The County Historic Environment Record (HER) and National Monuments Record (NMR) identifies three sites of interest within the Fernwood NE site, including an undated cropmark enclosure (possibly prehistoric in origin), a ring ditch feature and various linear features identified on aerial photographs. There is one identified feature within the Fernwood SW site comprising linear cropmarks of unknown origin, but this would not be affected by the proposal. Nevertheless, the effect of the proposed development on the significance of any non-designated heritage assets should be taken into account in determining the application in accordance with paragraph 135 of the NPPF. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. In addition, given the archaeological interest of these identified heritage assets, appropriate regard must be given to their potential for higher significance, noting that assets of archaeological interest that are demonstrably of equivalent significance to scheduled monuments should be considered subject to the policies for designated heritage assets (as required under paragraph 139 of the NPPF). I defer to the County Archaeologist Ursilla Spence on these matters.'

CBA - No comments received.

The Georgian Group - No comments received.

Victorian Society - No comments received.

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

Twentieth Century Society - No comments received.

NCC Archeology - Thank you for requesting comments on the archaeological implications of this proposed development.

Archaeological evaluation has been undertaken on this site, and is reported upon in the ES as Appendix 13. I monitored the work closely. In the Northern part of the site, traces of Iron Age settlement activity were revealed. I take some exception to the statement in the evaluation

report that these comprise regionally typical remains, as we have relatively few settlements of this period in this county or regionally. In the southernmost part of the development site extensive remains of Roman settlement activity were located, including human burials. Between these two areas further Roman activity had been affected by Medieval and later small scale industrial extractive processes which were not fully comprehensible from the limitations of the trial trenches. So the site has considerable archaeological potential, although none of what I have seen so far on the site provides me with grounds for recommending refusal. Having said that, the known archaeological resource will require considerable mitigation measures which will have significant time and cost impacts. Your authority needs to ensure that the developers fully appreciate the level of mitigation which will be required to ensure a level of archaeological investigation and recording appropriate to the level of significance of the remains. I would recommend that the area of the Roman settlement to the south and the Iron Age settlement to the north be subject to open area excavation. The mixed area between probably also needs to be stripped and then decisions need to be made about areas for sample excavation and further monitoring. The programme of mitigation can be sorted through an appropriate condition, requiring a scheme of mitigation and programme of archaeological work to be approved by you and then fully implemented to your satisfaction.

Natural England – ‘Thank you for your consultation on the above dated 22 April 2016 which was received by Natural England on the same date.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Wildlife and Countryside Act 1981 (as amended)

No objection – no conditions requested

This application is unlikely to affect designated sites that Natural England has a duty to protect. Should the details of this application change, Natural England draws your attention to Section 28(1) of the *Wildlife and Countryside Act 1981* (as amended), requiring your authority to re-consult Natural England.

Natural England can provide advice on the following areas:

We acknowledge that the site forms a Sustainable Urban Extension, part of a strategic allocation site Policy NAP 2C ‘land around Fernwood’ in the 2011 Core Strategy.

Soils and Land Quality

1 Although we consider that this proposal falls outside the scope of the Development Management Procedure Order (as amended) consultation arrangements, Natural England draws your Authority’s attention to the following land quality and soil considerations: Based on the information provided with the planning application, it appears that the proposed development comprises approximately 93 ha of agricultural land, including 55.8 ha classified as ‘best and most versatile’ (Grades 1, 2 and 3a land in the Agricultural Land Classification (ALC) system).).

2 Government policy is set out in paragraph 112 of the National Planning Policy Framework which states that:

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

3 It is recognised that a proportion of the agricultural land affected by the development will remain undeveloped (for example as green infrastructure, landscaping, allotments and public open space etc.). In order to retain the long term potential of this land and to safeguard soil resources as part of the overall sustainability of the whole development, it is important that the soil is able to retain as many of its many important functions and services (ecosystem services) as possible through careful soil management.

4 Consequently, we advise that if the development proceeds, the developer uses an appropriately experienced soil specialist to advise on, and supervise, soil handling, including identifying when soils are dry enough to be handled and how to make the best use of the different soils on site. Detailed guidance is available in Defra *Construction Code of Practice for the Sustainable Use of Soils on Construction Sites*.

Green Infrastructure

The proposed development is within an area that Natural England considers could benefit from enhanced green infrastructure (GI) provision. Natural England welcome the incorporation of 31.8 hectares of GI into this development, made up of children's and youth provision, pocket parks and greenways, semi-natural greenspace and structural planting/landscape buffer. We also welcome the references to the Natural England Green Infrastructure Guide and to the Statements of Environmental Opportunity in relevant National Character Area profiles in the Environmental Statement.

Multi-functional green infrastructure can perform a range of functions including improved flood risk management, provision of accessible green space, climate change adaptation and biodiversity enhancement. The proposed scheme offers the opportunity to enhance green infrastructure through the provision of open spaces, habitat areas, green corridors and landscape features that link together to form a network of multifunctional green space. This has the potential to deliver multiple benefits for both people and wildlife providing opportunities for access, recreation, biodiversity enhancement and flood mitigation.

We note the masterplanning process has aimed to meet the current and future needs of the area but that the development provides less semi-natural greenspace than the Council's standard. We would welcome the creation of priority habitats that contribute to local biodiversity priorities identified in the local Biodiversity Action Plan to further help to maximise the benefits of the scheme. Walking and cycling routes form an important part of the GI network and we note that the proposals deliver footpaths and cycleways linking this site to the town and wider countryside which will encourage more sustainable modes of travel and provide informal recreation opportunities, helping to improve the health and well-being of residents.

Other advice

We would expect the Local Planning Authority (LPA) to assess and consider the other possible impacts resulting from this proposal on the following when determining this application:

- local sites (biodiversity and geodiversity)
- local landscape character
- local or national biodiversity priority habitats and species.

Natural England does not hold locally specific information relating to the above. These remain material considerations in the determination of this planning application and we recommend that you seek further information from the appropriate bodies (which may include the local records

centre, your local wildlife trust, local geoconservation group or other recording society and a local landscape characterisation document in order to ensure the LPA has sufficient information to fully understand the impact of the proposal before it determines the application. A more comprehensive list of local groups can be found at Wildlife and Countryside link.

Protected Species

We have not assessed this application and associated documents for impacts on protected species.

Natural England has published Standing Advice on protected species.

You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence is needed (which is the developer's responsibility) or may be granted.

Further comments received 24th August 2016:

'Natural England has previously commented on this proposal and made comments to the authority in our attached letter dated 10 June 2016

The advice provided in our previous response applies equally to this **amendment** although we made no objection to the original proposal.

The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

Should the proposal be amended in a way which **significantly** affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us the amended consultation, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.'

Nottinghamshire Wildlife Trust – 'Thank you for consulting Nottinghamshire Wildlife Trust on the planning application detailed above. We have reviewed the plans and supporting documentation, specifically the Environmental Statement (Vol. 2 March 2016) and Masterplan and we have the following comments to make.

We are pleased to see that an ecological assessment of the site has been carried out as this allows consideration of protected and priority species and habitats in the determination of the application. We are generally satisfied with the methodology used and conclusions reached, although we have some concerns regarding loss of habitat for skylark and yellowhammer, both farmland birds of conservation concern (see link below). These species are birds of open countryside and are likely to be displaced by the development.

With respect to breeding birds, disturbance could be minimised by retaining boundary hedgerows and ensuring adequate protection during construction (ideally, works near hedgerows would avoid the bird breeding season March to August inclusive). If any vegetation clearance is required, it is imperative that this is undertaken outside of the bird breeding season. As you will be aware all birds, their nests and eggs (except pest species) are protected by the Wildlife and Countryside Act 1981 (and as amended) and we recommend a suitably worded condition, for example:

“No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds’ nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.”

Should the LPA grant permission for this proposal we feel that there is an opportunity to create a development that largely protects habitats of nature conservation value and enhance biodiversity through meaningful habitat creation which would also act as an informal amenity green space for local residents. We encourage the applicant to take every available opportunity to maximise biodiversity within the new development. Having studied the masterplan carefully I find I am generally supportive of what is being proposed but I would encourage the applicant to consider the following;

- Drainage features can add to the habitat mosaic of an area if they are designed with wildlife in mind. There are many examples however, where they are designed to be purely functional and consequently their wildlife value is limited. We would be happy to discuss the design of these features but encourage the applicant to be innovative so that features are multi-functional to maximise biodiversity opportunities. This approach would also create a pleasant environment for residents.
- It is reassuring to know that many existing hedgerows will be retained and that meadows will be created. Retained hedgerows should ideally be free-standing so they do not form part of residential curtilages to ensure that they are sympathetically managed. I would also suggest including grass / scrub mosaics which can be high in biodiversity.
- Implement a managed access strategy to ensure that some areas are ‘wildlife only’ to minimise disturbance. Use natural planting to encourage people to stay on the path network where appropriate.

Land around sports pitches to be managed as informal green space with man-made furniture kept to a minimum. Provide interpretation that explains why green space is being managed informally to maximise biodiversity opportunities. We are aware of instances where informal areas of grassland have been established but due to pressure from the local community they have then had a formal management strategy implemented to make the area tidy. This could be an issue where sports facilities such as playing pitches are situated adjacent to informal green infrastructure.

Ideally, all new planting should be of native species and reflect the landscape character area. Avoid ‘simplification of habitats’ i.e. ‘lolly-pop’ trees and lawns.

Management Plan

We welcome the proposed informal green infrastructure including tree and shrub planting, and meadow creation. In order to ensure that newly created habitats are managed to maximise their benefit to wildlife a habitat management plan should be produced (see below). This document should include a monitoring element to assess habitat establishment and to ensure that habitats are being managed sympathetically, in accordance with the management plan. All habitat creation should have consideration for the Nottinghamshire Local Biodiversity Action Plan (as you will be aware Core Policy 12 of NSDC's Adopted Core Strategy March 2011 refers to LBAP habitats).

Implementation

In relation to implementation of the scheme, if approved, we recommend that the following is secured via condition:

- A construction environmental management plan, with details of procedures/ timing of works to avoid impacts on protected species and retained habitats.
- Detailed plans for green infrastructure (this should include species lists for hedges, trees, shrubs, meadows etc).
- Details on management of new habitats during the establishment phase.
- A habitat/ biodiversity management plan, which should include a monitoring element.
- A mechanism to secure implementation of the management plan in the long-term must be put in place (i.e. funding must be available for the developer, local council or another organisation to cover habitat management/ maintenance costs).
- We welcome measures such as bat and bird boxes but we currently see no clear mechanism proposed to secure these and who will advise on their location.
- We fully support the mitigation proposals stated in section 9.9 of the Environmental Statement and we would like to see these secured through the planning system.'

RSPB - No comments received.

Sustrans - No comments received.

Network Rail – *Email dated 2 June 2016:*

'Thank you for your letter of 22 April 2016 providing Network Rail with an opportunity to comment on the abovementioned application.

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

Given the size and proximity of the development in relation to the railway it is considered that there may be significant impacts particularly upon Newark North Gate railway station. It is noted that cycle links are proposed between the development site and the existing National Cycle Route 64 that runs northwards towards the station and is anticipated that this will result in significant additional use of facilities at the station.

It is therefore appropriate that a contribution is sought from the developer towards station facility improvements. Works are currently planned to improve connectivity between the station forecourt, cycle parking facilities and the cycle network. A key element of this is a link from the cycle way into the station including a new ramp. We consider that a contribution of £3,000-£4,000 from the developer towards further improving this connection would be appropriate given the increase in cycle traffic that the development is likely to generate. This would be a small but welcome improvement to cycle connectivity.

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

Email dated 1st July 2016:

'What we are seeking funding for is a ramp within the station area to enable ease of access for cyclists to the station facilities.

I've attached a photo for your reference showing the area of the station where the ramp would be required which I think demonstrates how the ramp would increase cycling connectivity/ease of use between the cycle network and facilities at the station itself.

Virgin Trains East Coast is currently planning works to improve cycling facilities at the station, however, this ramp is not in the scope of their works and extra funding would enable this link between their improvements and the wider cycle network. Additionally, any extra funding would go towards secure single cycle pods and a possible changing hut for cyclists.'

Email dated 1st September 2016:

'Thank you for your letter of 18 August 2016 providing Network Rail with a further opportunity to comment on the abovementioned application.

We note with disappointment the response from the developer in relation to our previous request. However we would comment further as follows.

Firstly the developer has misunderstood the reason for the suggested improvement. It is not to primarily help safety issues within the forecourt - as they rightly point out that is the rail industry's responsibility and to that end you will be aware of the current LBC application for forecourt works which addresses that very point. It is also erroneous to say that it is a DDA requirement - the Equality Act (DDA is no longer extant) is concerned with access for all to the station and this is already in place, so there is no requirement on our part to provide this enhancement. We are not funded to provide improvements to the cycle network.

There will be an increase in cycle trips along the cycle route (not only to the station) when taken over the whole of the Fernwood development so it is logical that the simple improvement to route 64 at Newark NG station is provided, but given the reluctance of the development industry in general to fund this (despite the extremely modest cost) is this something the Council could seek to fund through the Community Infrastructure Levy?'

NSDC Environmental Health (Contaminated Land) – 'Air Quality: I generally concur with the findings of the submitted air quality assessment (Technical

Appendix 7.1 of RSK submitted documentation March 2016). I shall await submission of the dust management and traffic plans as described in proposed mitigation measures. We welcome the incorporation of electric vehicle charge points at dwellings within the development.

Contaminated Land: I have now had the opportunity to review the Preliminary risk assessment submitted by RSK (December 2014) in support of this development. This includes an environmental screening report, an assessment of potential contaminant sources, a brief history of the sites previous uses and a description of the site walkover. Following this work, several

potential pollutant linkages have been identified and the report concludes by recommending a full scope of intrusive investigations in order to further refine the conceptual model. I would therefore recommend that the full phased contaminated land condition is attached to any planning approval for this site.'

NSDC Environmental Health (Noise) – 'The report does take account of the industrial units to the South East and advocates mitigation measures. These will need to be required and detailed on any approval given.

In respect of the A1 it is no surprise to see that the site experiences high noise levels. The stretch of road adjacent to the site is not currently identified as a Noise Action area but levels are high. Some properties adjacent to the A1 will experience very high noise levels above the relevant criteria. In respect of the properties themselves they can be protected inside, but external space is harder to protect. Were measures not put in place to protect the external spaces then the properties themselves could turn into acoustic prisons.

Therefore full details of steps to protect external space around the residential dwellings, as well as the dwellings themselves would need to be required as part of any approval given.'

The agent has addressed the above comments throughout the life of the application through the submission of a further noise modelling technical report. The following additional comments have been received:

'The submitted report does not in itself add a great deal to the process. To achieve suitable internal noise levels specification details will still be needed from the developer to ensure that the structure provides sufficient protection. In respect of the gardens modelling shows these to just achieve the criteria through the use of walls and fencing. Again we would need details of these and proof that they achieve the required levels of protection.'

NSDC Emergency CCTV - No comments received.

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

Inclusive access should be carefully considered throughout where all users, including disabled people, can equally use the development.

Pedestrian approaches should be carefully designed to ensure that they provide a safe, barrier free level approach to the proposals from the edge of the site, as well as car parking where suitable provision for disabled motorists to park should be provided, with dropped kerbs, appropriate tactile warnings and carefully designed road crossings etc. as applicable. Routes should be carefully designed so as to be smooth, level, non-slip, and barrier free and of sufficient

width. Site gradients will need to be carefully assessed to ensure that these are accessible to all users with any sloping pathway designed to meet level or ramped approach standards. It is recommended that separate traffic free pedestrian pavements with kerbs will be provided throughout the development to separate vehicular routes from pedestrian pathways and any danger to pedestrians from being required to walk along vehicular routes avoided.

It is important to restrict the number of barriers, restrictions or other hazards that disabled people encounter on the approach to and from the proposals. Uneven surfaces and gaps between paving materials cause problems for wheelchair users, people with impaired vision and people who are, generally, unsteady on their feet. Paving materials should be smooth, level and non-slip. Similarly car parking surfaces should be smooth, firm, non-slip and level with no uneven surfaces or gaps. Any street furniture such as litter bins, bollards, signposts etc. whether free-standing or projecting from the building are hazardous if not carefully designed and positioned clear of pedestrian routes. They should be carefully designed so as to be readily apparent and illuminated. For people with impaired vision, this is particularly important to reduce the risk of colliding with items located along the access route. Any external seating including benches should be carefully designed at an appropriate height and design so as to be suitable for ambulant disabled people with arms rests to give additional support and help when standing together with space for wheelchair users to sit alongside their seated companions. Carefully designed inclusive access routes should be considered to all external features and facilities and the developer should carefully considers their accessibility.

It is recommended that information and directional signs around the development, to and within the buildings etc. be clear and positioned so as to be easy to read. The JMU Sign Design Guide and BS8300 give guidance in this regard for buildings. It is further recommended that the developer's attention be drawn to BS8300:2009 'Design of buildings and their approaches to meet the needs of disabled people – Code of practice' which explains how the built environment can be designed to anticipate, and overcome, restrictions that prevent disabled people making full use of premises and their surroundings,.

The proposal should be required to meet minimum requirements of the Building Regulations and it is recommended that the developer be mindful of the requirements of the Equality Act 2010.'

DEFRA - No comments received.

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

National Grid – *Letter dated 3 May 2016:*

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

Affected Apparatus

The National Grid apparatus that has been identified as being in the vicinity of your proposed works is:

- High or Intermediate pressure (above 2 bar) Gas Pipelines and associated equipment

- Low or Medium pressure (below 2 bar) gas pipes and associated equipment. (As a result it is highly likely that there are gas services and associated apparatus in the vicinity)
- Electricity Transmission overhead lines
- Above ground electricity sites and installations

As your proposal is in proximity to National Grid's apparatus, we have referred your enquiry / consultation to the following department(s) for further assessment:

- Land and Development Asset Protection Team (High Pressure Gas Transmission and Electricity Transmission Apparatus)
- Gas Distribution Pipelines Team

We request that you take no further action with regards to your proposal until you hear from the above. We will contact you within 28 working days from the date of this response. Please contact us if you have not had a response within this timeframe.

Requirements

BEFORE carrying out any work you must:

- Ensure that no works are undertaken in the vicinity of our gas pipelines and that no heavy plant, machinery or vehicles cross the route of the pipeline until detailed consultation has taken place.
- Carefully read these requirements including the attached guidance documents and maps showing the location of National Grid apparatus.
- Contact the landowner and ensure any proposed works in private land do not infringe National Grid's legal rights (i.e. easements or wayleaves). If the works are in the road or footpath the relevant local authority should be contacted.
- Ensure that all persons, including direct labour and contractors, working for you on or near National Grid's apparatus follow the requirements of the HSE Guidance Notes HSG47 - 'Avoiding Danger from Underground Services' and GS6 – 'Avoidance of danger from overhead electric power lines'. This guidance can be downloaded free of charge at <http://www.hse.gov.uk>
- In line with the above guidance, verify and establish the actual position of mains, pipes, cables, services and other apparatus on site before any activities are undertaken.'

Email dated 10 May 2016:

'We have received the Fenclosed regarding a proposed development. There is a High Pressure Gas Pipeline in the vicinity and NG must be consulted before any works take place.

A PADHI+ assessment should be carried out to determine the suitability of any development near such a pipeline.

NG has an easement on this pipeline and would object to any development within the vicinity until the developer engages in detail discussions.'

Letter dated 13 May 2016:

'National Grid has no objections to the above proposal which is in close proximity to a High Voltage Transmission Overhead Line – 4VK.'

Health and Safety Executive – Comments received 1 June 2016:

'The Health and Safety Executive (HSE) is a statutory consultee for certain developments within the Consultation Distance of Major Hazard Sites/ pipelines. This consultation, which is for such a development and also within at least one Consultation Distance, has been considered using HSE's planning advice web app, based on the details input on behalf of HSL.

HSE's Advice: Advise Against. The assessment indicates that the risk of harm to people at the proposed development site is such that HSE's advice is that there are sufficient reasons on safety grounds, for advising against the granting of planning permission in this case.

Major hazard sites/pipelines are subject to the requirements of the Health and Safety at Work etc. Act 1974, which specifically includes provisions for the protection of the public. However, the possibility remains that a major accident could occur at an installation and that this could have serious consequences for people in the vicinity. Although the likelihood of a major accident occurring is small, it is felt prudent for planning purposes to consider the risks to people in the vicinity of the hazardous installation. Where hazardous substances consent has been granted (by the Hazardous Substances Authority), then the maximum quantity of hazardous substance that is permitted to be on site is used as the basis of HSE's assessment.

If the proposed development relates to an extension to an existing facility, which will involve an increase of less than 10% in the population at the facility, then HSE may reconsider this advice; please contact HSE's Planning Advice team if this development involves such an extension.

Pipelines

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

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

HSE's advice is based on our assessment of the pipeline as originally notified to us. It may be that in the vicinity of the proposed development the operator has modified the pipeline to reduce risks by, for example, laying thick-walled pipe. If you wish to contact the operator for this information then HSE is willing to re-assess the risks from the pipeline, relative to the proposed development, if all the following details are supplied to HSE by you:

- pipeline diameter, wall thickness and grade of steel.
- start and finish points of thick-walled sections (not required if it is confirmed that they are more than 750m from all parts of the development site).

These details to be clearly marked on a pipeline strip map, or other appropriate scale map, then included with the full consultation and submitted to CHEMHD5, HSE's Major Accidents Risk Assessment Unit, Health and Safety Executive, Redgrave Court, Merton Road, Bootle, Merseyside, L20 7HS to allow it to be individually assessed. Please clearly identify on your covering letter that it is a resubmission with additional details of the major hazard pipeline.'

Following the revocation of the nearby Hazardous Substance Consent the following revised comments have been received:

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

British Gas PLC - No comments received.

The Environment Agency – 'Thank you for referring the above application which was received on 22 April 2016.

The Agency has no objections, in principle, to the proposed development but recommends that if planning permission is granted the following planning conditions are imposed:

The Local Planning Authority must be satisfied that the site is sequentially preferable given that parts of the site are located within Flood Zones 2 and 3.

The submitted Flood Risk Assessment (FRA) is dated March 2016 but has used data obtained from the Environment Agency back in November 2014 hence the references to the new Upper Witham Modelling data which we confirm is now available.

The FRA has identified a Sequential Approach to the proposed development by locating 'More Vulnerable' residential development within Flood Zone 1 which we support.

The FRA has acknowledged that climate change figures have been amended and that the site is located in the Anglian River Basin Area. The FRA recommends that the Higher Central limit of 35% is used. Given the scale and nature of the development the Environment Agency recommends that the Upper End level of 65% is consider for sensitivity testing given the number of houses proposed.

Section 10.5 identifies the possible need for Flood Plain compensation for any development within flood Zone 3. It references the old climate change figure which would need to be amended to reflect the new guidance. This is particularly relevant if the proposed football pitches are to be raised rather than remain at the existing greenfield site levels.

The Environment Agency no longer comments on Surface Water details as this is the responsibility of the Lead Local Flood Authority. Part of the site is proposed to discharge into Shire Dyke therefore we recommend that the Upper Witham IDB are consulted as part of the planning application and drainage strategy comments.

In summary we are satisfied that the FRA is appropriate given the outline nature of the development and recommend the following:

Environment Agency position

The proposed development will only meet the requirements of the National Planning Policy Framework if the following measures as detailed in the Flood Risk Assessment dated March 2016 submitted with this application are implemented and secured by way of a planning condition on any planning permission.

Condition

1. Provision of compensatory flood storage where land raising is proposed in Flood Zone 3 subject to an Environment Agency approved assessment used to determine the volume and level required.
2. Each Phase of development or subsequent detailed submission should include an updated Flood Risk Assessment which takes into account the proposed development and latest flood risk information.
3. All residential development must be located in Flood Zone 1 as recommended in the FRA dated March 2016.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason

1. To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided.
2. To reduce the risk of flooding to the proposed development and future occupants.
3. To reduce the risk of flooding to the proposed development and future occupants.'

Further comments received on 11 August 2016 on the basis of updates provided by the applicant during the life of the application:

'Further to our previous reply to the application an additional statement has been submitted by RSK dated 8th August 2016 in regards to our original proposed conditions and acknowledgment of the updated flood risk information for the site.

The submitted Master Plan 6534-L-07 dated 16 February 2016 shows how the current proposal is affected by the amended information and the Environment Agency are satisfied that the projected outlines are representative of the flood risk to the site.

Taking the points from the statement in turn we can confirm that we are satisfied that the additional information submitted in regards to loss of floodplain are satisfactory and demonstrates that the proposed land raising will not have a significant impact on third parties. Approximate volumes have been identified from the Master Plan and provided these remain consistent for the final development the Environment Agency are happy to withdraw our original flood plain compensatory condition. The proposed amended Flood Risk Assessment should include this information as part of the proposed update to the document.

We note that an amended Flood Risk Assessment is proposed for the whole site rather than the original recommendation of individual FRAs for the different phases of development.

Please note that the following condition supersedes the condition in our initial response to this proposal.

As residential development is now proposed within the Flood Plain the amended FRA will need to include proposed mitigation measures to demonstrate the development is 'safe'. These mitigation measures will need to follow the principles highlighted within the statement of raising floor levels appropriately above the predicted flood level on site and incorporating Flood Resilient construction techniques where appropriate.

Environment Agency Position

The proposed development will only meet the requirements of the National Planning Policy Framework if the following measures as detailed in the Flood Risk Assessment dated March 2016 and additional statement update on 8 August 2016 submitted with this application are implemented and secured by way of a planning condition on any planning permission.

Condition

No development is to take place until an updated Flood Risk Assessment for the proposed site is submitted and agreed in writing. The amended FRA will take forward the principles identified in the statement dated 8 August and the identified flood risk in Plan 6534-L-07 dated 16 February 2016.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason

To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided. To reduce the risk of flooding to the proposed development and future occupants.'

Further comments received 31 August 2016 on the basis of the latest revised FRA submitted during the life of the application:

'Additional information has been submitted dated 12 August 2016, reference 890034CWL02 which looks to address the Environment Agency previous condition recommendation of a Flood Risk Assessment.

The principle area of additional information is around identifying a suitable finished floor level for the proposed residential development within Flood Zone 3 based on the new Upper Witham Modelling and addressing the impacts of climate change over the life time of the development.

The Environment Agency are satisfied with the proposed mitigation measures and wish to amend our previous recommendation to reflect the additional information within this Flood Risk Addendum, as follows:

Condition

The finished floor levels of residential development identified in the 2d Flood Depths within drawing 6534-L-07 are to be set 600mm above the predicted 1% 2015 flood level based on the flood risk depths.

Reason: To reduce flood risk to the proposed development'

Nottinghamshire County Council Flood Team – No objection in principle subject to the following:

1. A detailed surface water drainage proposal is approved by the LPA prior to any commencement on site.
2. This condition is requested as the LLFA considers the surface water drainage has not been adequately addressed within the existing flood risk assessment. The following points must be conserved / adhered to in any revised proposals:
 - a. The greenfield run-off rate of 301 l/sec is not disputed. This is based on the 93ha of existing arable farmland draining to the watercourse on the eastern boundary.

- b. The applicant states that only approx. 25 ha of the existing 93 ha site will become impermeable as a result of the development. This is an extremely low percentage for a modern residential development and must be justified.
 - c. The applicant states that the entire Qbar discharge rate of 301 l/sec will be allocated to the 25 ha of impermeable area and has sized the surface water attenuation volumes on this basis. The LLFA contends that this methodology is flawed as some discharge from the remaining 68 ha is inevitable and will almost certainly travel towards the surface water attenuation system. It is quite likely that lawned areas and other 'green' areas would become compacted and the 'greenfield' discharge coefficient would increase with proportionately more water discharging from these areas than is the case at the present time. In this regard the attenuation storage is likely to be considerable under-sized and would overflow in an extreme event with large volumes of water passing to the watercourse.
 - d. It is quite possible that there would be an increase in the flood risk to 3rd parties as a result of unregulated overflows from the site therefore this is contrary to the aims of the NPPF.
 - e. The applicant is showing the positioning of surface water detention basins within an area indicated at risk of flooding from the Shire Dyke. It is unclear how these would be expected to function in the design event as presumably the Shire Dyke would be using all the available flood plain at this time. It is likely that the discharge rates from any surface water attenuation features would also be compromised in this scenario.
 - f. Any drainage design simulations should check the entire drainage system on the site including plot drainage for flooding during all storm durations from 15 minutes to (at least) 24 hours with any/all flood volumes shown to be directed away from the site boundaries and propose properties and instead directed to the surface water attenuation system.
3. The LLFA suggest that the surface water drainage strategy is revisited and additional design input added to address the points made in 1a-e. We suggest that an attempt is made at an outline drainage design that uses contemporary ground modelling software and drainage software to accurately simulate the behaviour of the drainage system for both the proposed land uses and also the position of the surface water attenuation features.
 4. The applicant states in correspondence with the Environment Agency that they will create flood compensation areas. A condition needs to be added to any planning permission that requires the flood compensation design to utilise a 3D ground model and produce a grid of levelled coordinate points for the existing and proposed topography. This is required in order that the design may be checked and also independently verified following the implementation of the proposed earthworks.
 5. Any future planning permission should also require the surface water, foul drainage and highway designs to be designed to the appropriate adoptable standards and technical approval for any future adoption achieved before the commencement of any development on the site. This is to ensure that the drainage design performs correctly for the lifetime of the development.

Further comments received in relation to suggested wording for a suitable condition:

'No development shall be commenced within each Phase or phase pursuant to Condition 4 until a detailed surface water drainage scheme for that Phase or sub-phase, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. In addition to dealing with surface water drainage this scheme shall also be designed to maximize biodiversity opportunities. The scheme shall subsequently be implemented prior to first

occupation of any dwelling within that Phase or sub phase unless otherwise agreed in writing with the Local Planning Authority. The scheme to be submitted shall include:

- Provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- Detailed site levels designs for the site. This information should be accompanied by a contour plan and a flood routing plan. The site should be designed to retain all surface water flows within the site and route these to the attenuation ponds. Flows crossing the site boundary onto 3rd party land are not acceptable.
- Detailed consideration of the risk of accumulation and mitigation of the pluvial flooding as shown on the Environment Agency surface water flood risk plans.
- Detailed drainage layout including building/plot drainage where possible. This is to include a fully referenced network plan with supporting calculations and documentary evidence of infiltration coefficients if used. The performance specification should follow the guidance within Sewers for Adoption 7th edition in terms of the criteria for pipe-full flows, surcharge and flooding;
- Full drainage simulation outputs to demonstrate that the drainage system can fulfil the design criteria and that failure of the drainage system during short-duration high-intensity events does not automatically mean that properties flood. The management of accumulations of water on the site should be clearly defined and the potential flow routes considered. The designers should consider how exceedance flow routes may be maintained and not blocked by fences, garden sheds and the like. In this regard they should be designed where possible to avoid reliance on 3rd party properties and should use public open space and highways.
- All infiltration areas with supporting specification, calculations and construction details.
- Attenuation pond/tank details including volumetric calculations, geotechnical & slope-stability calculations as appropriate, specification of materials used to construct any berms.
- Full specification & general arrangement drawings for inlet/outlet structures and flow control structures. The details should also include the access arrangements for clearing and maintenance including in times of flood/failure of the infrastructure.
- Full documentary evidence for consideration by the LPA/LLFA legal advisors of the rights to discharge to any watercourse.
- All calculations should be provided using contemporary drainage software (Windes or similar). If possible electronic files should be provided to support paper and pdf outputs. Information can be provided in common software packages and formats including PDS, Windes, xyz, genio, word/excel/autocad etc. All documents should be referenced with a unique identifier – drawing number, document number/revision etc. Calculations and drawings should be cross-referenced and issue sheets provided to enable tracking of revisions to information;
- Timetable for its implementation;
- Provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason: To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures.'

Severn Trent Water – ‘I confirm that Severn Trent Water Ltd has NO Objection to the proposal subject to the inclusion of the following condition.

Condition

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

Reason

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

Suggested Informative

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

Additional Drainage Requirements

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

Anglian Water –

Section 1 – Assets Affected

1.1 There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. Anglian Water would ask that the following text be included within your Notice should permission be granted.

“Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.”

WASTEWATER SERVICES

Section 2 – Wastewater Treatment

2.1 The site is in the catchment of Claypole Water Recycling Centre which does not have the capacity available. A drainage strategy will need to be prepared in consultation with Anglian Water and the Environment Agency to determine whether additional flow can be discharged to watercourse and to cover temporary measures in the interim, if additional capacity can be provided at the STW.

We request a condition requiring the drainage strategy covering the issue(s) to be agreed.

Section 3 – Foul Sewerage Network

3.1 Development will lead to an unacceptable risk of flooding downstream. A drainage strategy will need to be prepared in consultation with Anglian Water to determine mitigation measures. We request a condition requiring the drainage strategy covering the issue(s) to be agreed.

Section 4 – Surface Water Disposal

4.1 From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments on the suitability of the surface water management. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse.

4.2 Should the proposed method of surface water management change to include interaction with Anglian Water operated assets, we would wish to be re-consulted to ensure that an effective surface water drainage strategy is prepared and implemented.

Section 5 – Trade Effluent

5.1 Not applicable

Section 6 – Suggested Planning Conditions

Anglian Water would therefore recommend the following planning condition if the Local Planning Authority is mindful to grant planning approval.

Foul Sewerage Network (Section 3)

CONDITION

No development shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the foul water strategy so approved unless otherwise approved in writing by the Local Planning Authority.

REASON

To prevent environmental and amenity problems arising from flooding.'

Trent Valley Internal Drainage Board – 'The site is outside of the Board's district and catchment. All matters relating to surface water drainage should be agreed with Upper Witham IDB and the appropriate Lead Local Flood Authority.'

Upper Witham Drainage Board – 'The Board has no objection to the proposed development provided it is constructed in accordance with the submitted details and Flood Risk Assessment and Drainage Strategy. It is noted that:

- 9.3 the discharge will be restricted to 301.6 l/s for the 93.17ha site.
- 10.4 a strip 6m wide will be left both sides Shire Dyke to allow the Board to access for maintenance, repair and improvement.
- 10.4 Upper Witham IDB By-law Consent is required for anything within the 6m By-law distance from the top of the bank of Shire Dyke.
- Upper Witham IDB Consent will be required for any works within Shire Dyke including outfalls.
- The applicant is aware that there is an impounding structure in Shire Dyke and the water level is raised during the Summer months.
- At the detail stage provision will have to be made to allow the Board's plant and equipment to access the maintenance strip adjacent to Shire Dyke.
- At the detail stage provision will have to be made to allow the Board's plant and equipment continuity of access across Shire Lane.

No development should be commenced until the Local Planning Authority, in consultation with the Lead Local Flood Authority has approved the final details of the scheme for the provision, implementation and future maintenance of the surface water drainage system.'

Further comments received 23 August 2016:

The Board supports the position of the Environment Agency and the proposed revisions. It is noted that the Zone 3 outline has changed because of updated modelling of the River Witham and there is proposed to be ground raising and compensatory flood plain storage.

Police Architect – 'I would like to comment upon the above planning application in my role as the Force Architectural Liaison Officer, the planning application consultation documents received recently.

Having viewed the outline planning documents for this large development I would like to comment as follows: -

The proposed development of up to 1800 dwellings mixed use local centre, sports pavilion, primary school and other infrastructure will be located some five miles from Newark Town centre in currently a very rural location, and has borders with the neighbouring county of Lincolnshire. It is essential that the development achieves a high level of sustainability from all matters, including crime and disorder.

This not only includes the need to use environmentally friendly materials, construction and operational methods, but also the need to raise awareness of the reduction of crime as a positive sustainability issue.

I can see only vague references to the development being sustainable from crime and disorder or no reference to Designing out Crime within the D&A Statement or other planning statements. The proposed development is very large and the potential for crime and disorder both at the construction stage and once built and occupied is high.

All measures should be taken to mitigate any future crime and disorder concerns for this development; therefore I would strongly advise that the development is built to Secured by Design standards to ensure the sustainability. Secured by Design (SBD) is a police initiative to guide and encourage those engaged within the specification, design and build of new homes to adopt crime prevention measures in new development and to reduce the opportunities for crime and disorder.

Secured by Design is owned by Police CPI and is supported by the Home Office and Communities and Local Government (DCLG).

The environmental benefits of Secured by Design are fully supported by independent research proving that SBD housing developments suffer at least 50% less burglary, 25% less vehicle crime and 25% less criminal damage. Therefore the carbon costs of replacing windows or doorsets on SBD developments as a result of criminal activity is more than 50% less than that of non-SBD developments.

In addition to the reduction in crime and disorder, recent academic research conservatively estimates the annual carbon cost of crime within the UK to be in the region of 6,000,000 tonnes of CO₂. This is roughly equivalent to the total CO₂ output of 6 million UK homes. At current domestic burglary rates the marginal carbon costs of building a home to SBD standards will be recovered within four years.

In support of my comments, the ODPM publication 'Safer Places – the Planning System and Crime Prevention, published in 2004, includes a section on 'Access and Movement' making reference to both the advantages of well connected layouts together with a layout with fewer connections. The two advantages of a well connected layout are: -

- Clear views and easy orientation
- More activity and so more potential for natural surveillance.

The Safer Places documents then includes a further advantage of enabling more intrinsically secure building types which are outlined under the sub heading 'Structure' and explains how this is achieved and the pitfalls to avoid.

Potential 'honey pots' i.e. places where people congregate and linger require particular planning so as not to bring crime and anti-social behaviour into the area. Within a similar context, out of scale facilities such as supermarkets or leisure facilities that are intended for the wider, rather than local community should be sited with care.

Specific areas of concern are as follows: -

- I note within the Design and Access statement that the developers have not made any direct reference to the sustainability of the proposed development through designing out crime. I would recommend this development works towards achieving the Secured by Design Award. Paragraphs 58 and 69 of the National Planning Policy Framework are relevant in this instance.
- Vehicular and pedestrian routes should be designed to ensure that they are visually open, direct, and well used. They should not undermine the defensible space of neighbourhoods. Design features can help to identify the acceptable routes through a development, thereby encouraging their use, and in doing so enhance the feeling of safety.
Where it is desirable to limit access/use to residents and their legitimate visitors, features such as rumble strips, change of road surface (by colour or texture), pillars, brick piers or narrowing of the carriageway may be used. This helps to define the defensible space, psychologically giving the impression that the area beyond is private.
- Routes for pedestrians, cyclists and vehicles should not be segregated from one another. Networks of separate footpaths to unsupervised areas facilitate crime and anti-social behaviour and should also be avoided.
Public footpaths and green access routes should not run to the rear of, and provide access to gardens, rear yards or dwellings as these have been proven to generate crime. Where a segregated footpath is unavoidable, for example a public right of way, an ancient field path or heritage route, designers should consider making the footpath a focus of the development and ensure that it is:
 - as straight as possible
 - wide
 - well lit
 - devoid of potential hiding places
- The provision of public open amenity space, as an integral part of new residential developments, should make a valuable contribution towards the quality of the development and the character of the neighbourhood.
In order to do this it must be carefully located and designed to suit its intended purpose – mere residual space unwanted by the developer is very unlikely to be acceptable. In particular:
The open space must be designed with due regard for natural surveillance, and adequate mechanisms and resources must be put in place to ensure its satisfactory future management, and care should be taken to ensure that a lone dwelling will not be adversely affected by the location of the amenity space.
It should be noted that positioning amenity/play space to the rear of dwellings can increase the potential for crime and complaints arising from increased noise and nuisance
- I note within the D&A statement, the vision to provide a good mix of dwelling types, whilst I agree with this concept, it is important to ensure the layout and orientation of dwellings is designed to afford “active edges” to the street, so as to provide good natural surveillance over the street, and vehicle parking areas.
- I note within the D&A Statement that the provision for vehicle parking or parking within areas that can be seen by the respective owner, will be on plot parking with the desire not to provide rear parking courts, I would support this design choice. Specifically vehicles should either be parked in locked garages or on a hard standing within the dwelling boundary, preferably behind a gate.

Where communal car parking areas are necessary they should be in small groups, close and adjacent to homes and must be within view from routinely occupied “active” rooms of the owners’ premises. It may be necessary to provide additional windows to provide the opportunity for overlooking of the parking facility.

If car parking must be contained within an internal courtyard, although this practice is actively discouraged due to the introduction of access to the rear of dwellings, then it must be protected by an automatic gate, incorporating access control and be overlooked by neighbouring homes.

Where dedicated garages are provided within the curtilage of the dwelling then the entrance should be easily observed from the street and neighbouring dwellings.

Locating garages forward of the building line can obscure views of both the entrance to the garage and the dwellings.

Where parking is designed to be adjacent to or between units a gable end window should be considered to allow residents an unrestricted view over their vehicles.

The outline planning documents do not include specific layout detail for the proposed new homes, parking facilities, public open space provision, footpath orientation or green access routes. I would like to have sight of these plans as soon as they become available and I would ask the developer engage in pre planning discussions with myself to ensure the opportunities for crime and disorder can be minimised.

The development of this site will have significant Policing and road traffic implications to this area both during the construction phase and when complete. Due to the large size of this development it may be necessary to incorporate a small Police Office into the community hub. I have informed the Divisional Commander of these proposals and I am awaiting further information regarding the Policing requirements.

I would ask to be kept informed as matters progress in order to maintain liaison and also appraise operational Policing colleagues both in this County and in Lincolnshire as appropriate.'

East Midlands Ambulance Service – No comments received.

Fire Brigade Headquarters - No comments received.

British Horse Society – No comments received.

Representations have been received from 21 local residents/interested parties which can be summarised as follows:

Support

- In favour of progress and development, but with reasonable safeguards
- Improved public transport is to be applauded, particularly evening bus service to Newark (although timetable seems optimistic)
- Development needed urgently

Character

- Fernwood will become part of a much larger conurbation – the land gap between the two developments should be increased to protect the rural character of Fernwood
- Removing vegetation will have a significant adverse impact on visual amenity value

Highways and Parking

- The area around Fernwood already has a huge amount of traffic due to its proximity to the A1
- Any further increase in housing will increase traffic leading to problems of poor road safety, accidents and increase in loss of life
- The road system cannot cope with a potential increase in traffic of 3600 vehicles from this development along with 2000 vehicles from the DWH development and the south Newark relief road
- At peak periods there are long tailbacks of vehicles trying to cross the A1 towards Newark
- The junction between the Great North Road (B6326) and the A1 needs improving, especially for traffic turning right from the A1 onto the B6326
- Don't believe that provision on safety or noise of the increased traffic has been taken into consideration
- Traffic on London Road will be brought to a standstill
- Highways should not be a reserved matter
- There isn't sufficient highways access into Newark from the area with only one small bridge across the A1 and A1 south not providing enough slip road
- Conditions should be in place to deliver public transport prior to completion of build
- Not enough parking around shops
- Traffic at rush hours is already bad – public transport isn't an option for everyone such as those running small businesses
- Houses need more parking provision
- The proposal will affect the safe access and exit from the properties accessed off the A1 northbound; Cowtham House, Cowtham Cottage and the Woodwork Business
- The B6326 is the only road allowed Fernwood residents to enter Balderton and Newark and to join the A1 southbound
- More stationary vehicles queuing will lead to more accidents
- There isn't enough parking at train station to accommodate more commuters
- There is already huge problems with on road parking
- Increasing traffic near a primary school is a bad idea
- School traffic near the junction will cause traffic congestion and a safety hazard
- Concern about the number of access points onto Shire Lane – the layout should be changed to reduce this down to 2
- The southern section of the development has only one entrance / exit point – this roundabout is the final junction leading onto the A1 southbound and the first off the A1 northbound if vehicles cross the A1
- There is a possibility of drivers using the link road, Great North Road and Shire Lane as a short cut to the A17
- There should be a new access to the A1 in this area
- The A1 north bound slip road should be closed as it is dangerous
- There are no guarantees to introduce public transport
- Access to the houses by car has not been mentioned apart from where the road accesses are
- There has not been a study of how many cars will access existing roads where are already parking problems causing severe blockages

Impact on Wildlife

- Hedgerows needs to be retained under the Enclosure Act 1765 – during window they provide shelter for ecology
- Hedgerow removal will remove green link in the area

Local Centre

- The local centre will not be sufficient to meet the needs of 1,800 households so residents will be forced to travel to Newark town centre

Health Care

- Balderton is already stretched to breaking point with waits of 4 weeks for non-urgent appointments – only locums will be providing health care cover for the foreseeable future
- An increase in population needs another health centre to be built

Flood Issues and Drainage

- Any additional building will increase the risk of flooding
- Lessons should have been learnt from other parts of the country where housing has been built on flood plains
- Community playing fields shouldn't be next to drainage pond or in flood area
- Drainage ponds shouldn't be used – they have to be maintained and aren't safe – they are positioned in areas where children could be playing

Housing Delivery

- There are many houses on Fernwood for sale or rent
- There is no waiting list and no need for extra homes to be built
- If the extra housing is to accommodate potential immigrants, it should wait until after the EU referendum in June

Heritage Issues

- There is no mention of recent archaeology – the site was RAF Balderton during WWII

School Provision

- Where will children from existing Fernwood go
- The position of the school at the junction of Shire Lane and Great North Road will lead to traffic problems at school times
- Until the school is built children will be going to school in Claypole and Balderton, the current Chuter Ede annex is already oversubscribed

Sporting Facilities

- Concern over who will be responsible for the maintenance of the facilities

Management Company

- Planning approval should be conditioned to ensure the developer makes additional costs clear at point of sale
- Existing residents on Fernwood are being billed twice for the maintenance of open space
- There should be fairness and equality for all residents of the village with everyone paying towards the upkeep and maintain of the open spaces through council tax

Comments relating to other planning applications on the Strategic site

- The area will be too built up
- There is enough traffic and parking problems around Fernwood already
- Loss of privacy to existing residents
- Concern regarding plans for Hollowdyke Road
- Applications shouldn't be considered in isolation

Other Matters

- Decision should wait until Fernwood Parish plan is in place
- Objection to LCC suggestion of bridge – land owners not notified
- There will be 17 years of disruption
- The Newark growth point has ruined the town

Comments of the Business Manager

The Principle

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

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

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

The current application promotes a scheme of 1800 units, themselves split into 3 no. phases. Whilst phasing is not as envisaged in the Core Strategy this need not be fatal in itself. The rate at which a build out can be achieved is, of course, market driven. Further, overall quantum's of development, even when this site is considered alongside other land parcels (including the pending BDW Homes scheme) do not significantly exceed those originally envisaged (as detailed below all impacts in cumulative terms have been based on 3500 dwellings).

With respect to commercial uses, and both the site specific policy and Core Strategy Policy CP 8 it is noted that out of centre uses are promoted. It is equally noted that a local centre forms part of the strategic allocation. Each of the proposed uses is accompanied by a maximum quantum of floorspace and subject to conditions to control this I am satisfied that the size and scale of what is proposed is proportionate to the size of the scheme.

The issue of assessing likely cumulative impacts remains important in planning terms, but this is particularly true for the Fernwood allocation. Unlike the other strategic sites (which have/are being progressed by a single site promotor/developer), the Fernwood site has come forward in tranches, each promoted by different landowners/developers. This application is the second to be submitted on Land around Fernwood, noting the first was submitted by Barratts David Wilson Homes (which remains currently pending consideration). The remainder of the Fernwood allocation includes two more substantive landowners, those in control of land to the west of the B6326 and those in control of land between the Persimmon and BDW schemes. Officers, developers, and land owners have engaged on a number of cumulative matters, both in terms of allowing the completion of the respective Environmental Statements (ES) but equally in terms of highways impacts and mitigation, again as detailed below.

In policy terms the scheme is acceptable, subject an assessment of technical impacts, all of which I address below.

5 Year Housing Land Supply

Members are fully aware of the Council's current position with respect to the 5YLS, as detailed in the note brought to this Committee at the June meeting. I will not re-rehearse the full details of this note here save to note the following significant matters. Firstly, the note confirms the Council's view that it has a 5YLS on the basis of its Objectively Assessed Need. Whilst there remains debate as to the weight that can be attached to the OAN in the absence of being tested via Plan Review the Council remains firm that it does have a 5YLS against its OAN. On this basis paragraph 14 of the NPPF is not engaged and the Council's housing policies continue to carry full weight. What is critical in this conclusion is that meeting the OAN is predicated on the SUE sites delivering housing in 2017. To date a start on site has not been made on any of the SUE's. It remains a significant material planning consideration that approving this scheme, and unlocking the ability for the applicant, a national housebuilder, to apply for reserved matters will ultimately allow the delivery of new homes.

Environmental Impact Assessment

The proposal constitutes an Urban Development Project with a site area in excess of 0.5 ha and therefore it falls within Schedule 2 Part 10(b) of the Environmental Impact Assessment (EIA) Regulations 1999. Due to the scale, nature and location of the development, in the context of Schedule 3 of the same regulations, it is considered to be EIA development. The EIA Regulations were amended on 15th April 2015 to change the threshold for developments constituting an EIA. However for the avoidance of doubt the project would still constitute an EIA development given its size.

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

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

- Socio-Economic Factors
- Traffic and Transport
- Air Quality
- Noise
- Ecology and Nature Conservation
- Landscape and Visual Impact
- Flood Risk and Surface Water Drainage
- Soils
- Heritage
- Utilities
- Cumulative Effects
- Alternatives

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

Disposition and Appropriateness of Uses

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

The development is split into 3 phases and will be broadly built out on a north to south trajectory. The first phase will deliver approximately 841 dwellings, the second phase approximately 537 dwellings and the third phase approximately 422 dwellings. Indicative residential densities have been demonstrated on Parameters Plan C showing the lowest density to be broadly central within the site (in Phase 1) and pockets of higher residential densities throughout all phases, the majority of which are surrounded by medium density development. Maximum heights of the development overall (albeit exact details are to be agreed through reserved matters) would be 13m arising from buildings in the LC. The residential elements however are stated as being a maximum height of 12m (up to three storeys). It is suggested that all density categories (lower, medium and higher) will provide a combination of 2; 2.5 and 3 storey dwellings.

The delivery of the phasing in a broadly north to south direction is considered the most logical route for development. The closest existing residential properties of existing Fernwood are to the north of the development and thus (notwithstanding the inevitable separation due to the aforementioned parcel of land in separate ownership) occupiers of the first Phase will be afforded greater opportunity for integration to the wider community. Nevertheless the delivery of the LC in the first phase will ensure that the community of Fernwood South will begin to establish early in the development delivery timescale. This is considered a great benefit to the scheme. Indeed the first phase includes at least an element of all proposed land uses. By the time the third phase is delivered, the LC, primary school and all sports hub facilities will have been built.

I note the comments received during consultation regarding the indicative disposition of uses in the site. Particular concern has been expressed regarding the positioning of the LC and primary school in the north west corner. I am mindful that this originally derived from the indicative map within the Core Strategy (NAP 2C) and it is on this basis that the scheme has evolved. Nevertheless officers remain of the view that this would be the most appropriate positioning for the LC and the primary school. It would allow ease of integration should the land immediately to the north come forward to be developed in the future but also takes advantage of a highly accessible part of the site. There are other advantages of situating the LC and primary school at the corner of the site in amenity respects in that playing fields associated with the school will be bounded to the west by the road network and open countryside beyond. Claypole PC have raised what is considered to be a legitimate concern that there may be a tendency for parents to drop their children off on Great North Road and Shire Lane instead of using the designated spaces. However, I consider that appropriate measures could be put in place to minimise the likelihood of this. I would suggest that it is reasonable to attach a condition requiring a parking and management plan to come forward with any application for the school. I am also mindful that the parking available in the adjacent LC could be used during busy periods of drop off and pickups.

In some respects the positioning of the sports hub facilities has been dictated by the constraints of the site in terms of the greater flood risk to the eastern side of the site in acknowledgement that these uses are less vulnerable. In any case the incorporation of a 'green infrastructure corridor' along the eastern boundary is considered beneficial in terms of mitigating the visual impacts of the development and forming an appropriate transition to the open countryside. The positioning of the green corridor also assists in the creation of a 6m exclusion zone along the Shire Dyke to enable access for maintenance works as agreed with the Upper Witham Internal Drainage Board.

The Design and Access Statement includes discussion of the evolution of the Masterplan throughout pre-application discussions with key stakeholders and the authority, but also given the outcome of a range of public consultations.

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

Alternatives

The EIA regulations stipulate that the ES must include an outline of the main alternatives studied by the applicant and an indication of the main reasons for the choices, taking into account the environmental effects. Appropriate consideration of alternative sites is a material consideration in the determination of the application.

This is addressed through Chapter 16 of the ES. It is agreed that the principle of development on the site has already undergone a rigorous testing and independent examination as part of the preparation of the Core Strategy. It is therefore equally agreed that the consideration of alternatives in this instance is most appropriately focused on the alternative land use arrangements within the site. The ES details a thorough evolution of the scheme taking into account the numerous constraints which exist on the site. The final masterplan submitted appears to represent a logical, but more importantly, deliverable solution to development within the site. Officers are satisfied that there are no other, more suitable, alternatives which would present the opportunity to deliver the development envisaged through the allocation of the strategic site.

Impact on Highways Network

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

As detailed above it remains a requirement of the planning system to have regard to cumulative impacts, including in the case of Fernwood given its location upon both the local and strategic highway network. It was clear to the Local Planning Authority early on in negotiations with both BDW and Persimmon that there was a need for not only a cumulative approach, but equally a collaborative one. Within this part of Newark Urban Area there are local highways offering access

into Claypole and Balderton, the strategic access to and from the A1, and the access east that would follow upon completion of the Phase 1 of the Newark Southern Link Road connecting the A1 end with the A46.

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

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

Construction Traffic Impacts and Mitigation

The construction phase of the development will give rise to traffic and transport impacts. It is acknowledged that the build period will span over 17 years and thus will undoubtedly represent a major construction project in the local area potentially creating disturbance to the local community and other road users. Understandably this has been raised as a concern by numerous parties during consultation on the application.

The ES, at Chapter 6, identifies the importance of the preparation of a Construction Management Plan (CEMP) to be secured by condition to ensure that all reasonable steps are taken to minimise and mitigate adverse effects from construction traffic. This will include, but is not limited to; details of vehicle routing and hours of construction; construction noise and dust management and details proposed site compounds.

The principal elements of construction traffic comprise; HGV traffic transporting materials and plant; the removal of surplus excavated material and waste; as well as staff and operatives transport. Overall it is anticipated that the delivery of general construction materials would result in a peak of no more than 80 - 120 two-way HGV trips per day, the majority of which would occur outside of typical highway network peak periods spread evenly throughout the day. In addition, it is anticipated that there will be vehicular movements associated with site operatives and staff generating no more than 210 vehicle movements over a daily period during peak activity on the site. Access will be from the B6326 Great North Road in all phases and the C412 Shire Lane in phases 1 and 2.

Although construction traffic impacts are recognised as having a minor negative environmental impact and thus minor adverse significance of effect, based on the Institute of Environmental Assessments Guidelines, the traffic generated during even the peak periods of construction activity will have a negligible impact.

Impacts from Operational Development and Mitigation

The Transport Assessment submitted to accompany the application has set out to identify the anticipated highways and transport impacts associated with the development. The study area focuses on highway links and junctions along the B6326 Great North Road corridor from its junction with the A1 at 'Fernwood South' to the A1 / London Road roundabout to the north as well as the C412 Shire Lane from its junction with the B6326 Great North Road through to the County Boundary to the east of the site. It is these road corridors, and the junctions along these corridors, that will experience the greatest traffic impact arising from the development.

The methodology used is based on a comparison between predicted traffic flows on potentially affected roads, with and without development. The ES has considered the Institute of Environmental Assessment's Guidelines. Increases in traffic flow below 10% are generally considered to be insignificant. Guidance suggests that community disruption becomes sensitive to increases in traffic flow at a 30% increase (considered to be a minor impact). It is considered appropriate for a 60% and 90% increase to be classed as moderate and substantial impacts respectively. It must be noted that these percentages relate to the increase in traffic flows, that is not to say that such increases are unacceptable (either with or without mitigation), a matter which then needs to be assessed.

It is accepted that the 'with development' scenario would result in a 'minor impact' at two locations; namely C412 Shire Lane (between accesses) and B6326 (north of C412 Shire Lane). In addition the C412 Shire Lane between the B6326 and the first access would see an increase in traffic flows considered to be of 'moderate impact'. The significance of these is in part linked to the low baseline traffic flows (relative to the capacity of the roads) that exist on these road corridors. A development of 1800 dwellings will inevitably increase traffic flows. It is worth noting however that the level of vehicular movements will still be well below the theoretical link capacity of the affected roads. For example, typically the B6326 Great North Road has a theoretical link capacity in excess of 33,000 vehicles per day. Under the 'with development' case flow conditions, this section of the road would, as a maximum, carry 13,506 vehicles per day.

The work undertaken in the preparation of the Transport Assessment, in line with discussions with relevant bodies such as NCC Highways and Highways England, has identified a number of mitigation measures required by the current application notably at the following locations:

| Highway Work | Proposed Mitigation | Drawing No. / Location | Trigger for Delivery |
|-------------------------------|--|---|--|
| A1 South/B6326 Fernwood South | Various works including <ul style="list-style-type: none"> • Creation of left-slip from A1 (south) • Banning right turn from B6326 to A1 north • Roundabout to serve Phase 3 of the Persimmon development | 14106/027 C <i>Appendix 11 of Persimmon Transport Assessment</i> | 1a) banning right turn out and extension of the right turn filter will be completed prior to first occupation of the 100 th dwelling on the Persimmon scheme; 1b) Creation of left slip road from A1 will be completed prior to occupation of the 900 th dwelling on the Persimmon scheme |

| | | | |
|---|---|---|--|
| B6326 Great North Road/ Sylvan Way | Works proposed include improving existing footway and pedestrian crossing facilities around the bell-mouth of the junction and give way sign | 14106/026 Rev A <i>Appendix 14 of Persimmon Transport Assessment</i> | Works to be completed prior to occupation of Phase 2 of Persimmon scheme |
| B6326 Great North Road/C421 Shire Lane junction | Change existing give way controlled junction to a new roundabout | 14106/025 D <i>Appendix 16 of Persimmon Transport Assessment</i> | Works to be commenced on commencement of Phase 1 of Persimmon scheme and completion prior to first occupation of the 50 th dwelling on the Persimmon scheme |
| C421 Shire Lane Corridor improvements | Reconstruction of carriageway between the roundabout junction with the GNR and the County boundary at the bridge at the Shire dyke giving; <ul style="list-style-type: none"> • continuous carriageway of 6.75m wide • including the provision of a continuous shared 3m footway/cycleway on the northern side of the carriageway • including a 2m footway on the southern side of the carriageway | 14106/018 rev E <i>Appendix 20 of Persimmon Transport Assessment</i> 14/106/025 Rev D <i>Appendix 16 of Persimmon Transport Assessment</i> | Works to be started on commencement of Phase 1 of Persimmon scheme and finished prior to completion of Phase 1 of Persimmon scheme |
| B6326 Great North Road Corridor Improvements (Shire Lane to Dale Way) | Narrowing of carriageway to facilitate construction of a 3m shared footway/cycleway | 14106/016 Rev D <i>Appendix 19 of Persimmon Transport Assessment</i> | Works to be completed prior to first occupation of the 50 th dwelling of the Persimmon development |

The measures outlined for each of the locations are at a scale so as to address any residual impact of development. As set out above, the detail of these works has been subject to numerous discussions prior to the submission of the application. The above mitigation measures represent measures attributable, on a proportionate basis, to solely the Permission proposals. In addition to this, there is a wider package of highway mitigation as detailed in the table below. For the avoidance of doubt highway junctions between the Balderton roundabout and the A1 South can be attributed to each of the developments on the basis of a clear majority impact. This is not the case for the A1 over-bridge (which requires a 2 lane northbound solution) given that all developments have an impact on this part of the network. Members will be aware following the

full Council resolution on 12 July 2016 that the A1 over-bridge is now on the CIL 123 List, with CIL receipts from Fernwood developments expecting to more than provide for the capital costs of works.

The following table outlines the highway requirements which fall beyond the responsibility of Persimmon (save for works required in the event that only Persimmon come forward):

| Highway Work | Proposed Mitigation | Drawing No. / Location | Trigger for Delivery |
|--|--|--|--|
| Goldstraw Lane/B6326 Roundabout | Works involve: <ul style="list-style-type: none"> Increased flare length on Goldstraw Lane to extend the 2 lane entry; Increased flare length on the B6326 southern arm to extend 2 lane exit; Widening of the B6326 on the norther arm to provide a 2 lane exit; Increase flare length on the A1 slip road with 40m taper to provide a 2 lane entry | Watermans; 210354/06/008/A03 <i>Appendix I of Barratt/DW H Transport Assessment (application submission 14/00465/O UTM)</i> Milestone: 14106/038 <i>Annex 2 of Technical Note from Milestone Transport 28.06.2016</i> | Triggered on commencement of development for the Barratt/DWH scheme with completion required prior to first occupation of the 100 th dwelling on the Barratt/DWH scheme In the event that the Barratt/DWH scheme does not come forward then Persimmon to undertake interim works prior to first occupation of the 630th dwelling on their scheme |
| A1 Over-bridge | Widening to provide to 2 lanes north bound towards Newark | Watermans - 210354/06/15 A01 | For NSDC to take forward through CIL |
| B6326/London Road Balderton Roundabout | Widening of the B6326 southern arm to create two lanes to accommodate continuous 2 x 3.3m lane approach | Watermans: 210354/06/010 | This improvement is not triggered until the much later in the Great Fernwood Allocation delivery No trigger for Persimmon |
| B6326 between Dale Lane and Goldstraw Lane junctions | Exact scheme subject to discussion | Watermans: 210354/06/008 Rev AO3 <i>Appendix I of Barratt/DW H Transport Assessment (application submission 14/00465/O UTM)</i> | Triggered on commencement of Barratt/DWH development with completion required prior to first occupation of the 100 th dwelling No trigger for Persimmon |
| Hollowdyke Lane/B6326 Great North Road | Improvements to visibility; <ul style="list-style-type: none"> Widening of HDL at its junction | Watermans: 210354/03/005.4 Rev E | Final works to Hollowdyke Lane and its junction with the B6326 is triggered later in the Greater |

| | | | |
|----------|--|---|---|
| Junction | <p>with the B6326 to 6m wide for a distance of approx.30m</p> <ul style="list-style-type: none"> Increasing the corner radii on HDL to 10m <p>Hollowdyke wider works including passing bays</p> | <p><i>Appendix C of Barratt/DW H Transport Assessment (application submission 14/00465/O UTM)</i></p> | <p>Fernwood Allocation deliver Interim improvements still under discussion</p> <p>No trigger for Persimmon</p> |
|----------|--|---|---|

It is worth noting at this stage the comments of Fernwood Parish Council with respect to the lack of a coordinated/comprehensive approach to highways impacts and a request for a new A1 over-bridge. I have already commented on the collaborative approach between agencies, landowners, developers, and our own highway consultants. On the issue of a second A1 over-bridge whilst I concede this is desirable it is not, based on all statutory agencies (and indeed the evidence presented by the applicants) necessary. In any event it is likely to be cost abortive based on span, landownership, and design constraints. In terms of the existing A1 over-bridge the applicant's responsibility would be to pay any CIL monies when due. It would be for the collecting authority (in this case NSDC) to deliver the bridge at a time it deems it appropriate (dependent on the level of development coming forward), in conjunction with the highway authorities.

Other strategic road networks likely to be affected by the development include the A46 itself (which would be easily accessible upon completion of the NSLR). Highways England have made clear that any impact upon the A46 network are for any wider capital scheme to consider following two successive Autumn Statements (2014, 2015) confirming a commitment to the A46 proposals as part of the Road Investment Strategy.

The mitigation measures attributed to the applicant would be secured through conditions and an accompanying S106 agreement. This will ensure that any off site mitigation measures are implemented at the appropriate trigger points (including long-stop dates in the event that some developers do not build out) subsequently ensuring that any potential adverse effects of the additional traffic arising from the development are addressed and that any cumulative impacts are not unacceptable.

Public Transport

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

The aim of the Movement & Access Strategy is to ensure that all development within the site is located within 400m walk distance of public transport services that provide a frequency of at least every 30 minutes during daytime hours. The applicant has undergone discussions with NCC Public Transport Group as well as local operators to promote an extension to the existing Town Services coupled with revisions to the respective routes and timetables. Bus services will be delivered at 15 minute frequencies to / from the Town Centre and Northgate Retail Park and at 30 minute frequencies to / from Newark Hospital and Newark North Gate station (Monday to Saturday). To facilitate this the applicant is offering revenue contributions towards the additional costs to support the enhanced service over a five-year development period at a total sum £500k indexed linked (the majority towards the day time service but 100k to deliver the evening service).

The services are intended to deliver competitive journey times to key destinations to present a realistic alternative to private car use, albeit the highway flow work undertaken does not have regard to any reduction given the worst case scenario approach. Although the extension to existing services proposed will be delivered in a phased manner to link with the phasing of the build out, the presence of existing adopted roads (notably Shire Lane) opens up the opportunity for an early intervention within Phase 1. To ensure effectiveness of implementation, a Travel Plan Coordinator will be appointed by the developer prior to the initial occupation of the proposed development. Other measures such as free four week bus season tickets and a commitment to provide every household with a Travel Information Pack are being promoted to increase the likelihood of public transport usage. The details contained with the submitted Travel Plan dated March 2016 can be secured by condition.

Sustainable Access including Cycle Routes and Public Footpaths

The internal street hierarchy is designed to give local streets that provide a permeable, legible circulation pattern where pedestrians and cyclists are afforded the same, if not greater, priority than vehicular traffic. The general characteristics of local streets follows the design principles as set out in the 6Cs Design Guide incorporating primary streets; secondary streets; lanes; shared service corridors and private driveways all with individual functions.

As well as parking provision, dwellings will be provided with secure, covered cycle storage facilities within each plot. For the non-residential uses cycle parking will be provided in accordance with the 6Cs Design Guide and will include a combination of long term and short term spaces.

A series of informal footpath routes through the open space areas is proposed, as well as along the Shire Dyke. This will be secured by reserved matters and appropriate conditions for the accompanying masterplans and landscape submissions. As part of the highways mitigation works proposed, it is proposed to reconstruct the entire length of the C412 Shire Lane between the proposed roundabout junction with the B6326 and the County Boundary at the bridge over Shire Dyke. This will deliver a continuous 3.0m shared footway / cycleway on the northern side of the carriageway and a 2.0m footway on the southern side of the carriageway.

It is also promoted that the development will make a full contribution to Lincolnshire County Council (LCC) towards the continuation of the 2.0m footway to connect to Claypole village, beyond the River Whitham bridge. It should be stressed that this element of the works is not considered necessary or directly attributable to the proposed development and as a consequence will not be incorporated into the associated S106 agreement. I note that LCC concur in their consultee submission that the continuous footway is potentially not necessary. Furthermore, it is noted that it is unlikely that the reduction in speed limit suggested along this length of Shire Lane would be accepted by LCC. This is not promoted by the ES as being necessary and is given in the context as the need for further consultation with relevant authorities.

The applicant has sought to respond to community and relevant consultees concerns throughout the life of the application. Specifically a response to the comments of Fernwood and Claypole PC was received on July 27th 2016.

Claypole Parish Council consider that instead of the six junctions proposed to access Shire Lane, the masterplan is re-designed to adopt a ribbon development layout with the provision of service roads at either side of Shire Lane. Officers would concur with the response of the applicant that the scheme presented has been designed on the basis of road safety impacts, and has been endorsed by NCC highway engineers as acceptable.

Comments regarding the weakness of the existing bridge across the Shire Dyke at the eastern boundary of the development are noted. However, it is equally noted that the capability of this bridge has not been identified as an issue during traffic modelling and that Shire Lane to the westernmost section will still be operating at less 45% of its link capacity. Further solutions suggested by Claypole Parish Council are therefore considered unreasonable nor attributable to the proposed development.

Comments have also made reference to the implications to traffic congestion if there is an accident on the A1 or the B6326 which has knock on consequences for the road network surrounding the site. Officers consider that the method of assessment employed by the applicant in the Transport Assessment submitted is appropriate. Based on Institute of Environmental Impact guidelines this methodology includes an assessment of accident data which concludes that the accident rate is well below the annual average accident rate for the geometric layout and traffic flow conditions. On the basis of the level of assessment undertaken, it is not considered reasonable to resist the application on this basis. On the rare occasion that accidents do occur, appropriate diversion routes will be put into place by the appropriate authorities, which could include the A1 underpass.

Comments have been received from the NCC Rights of Way Officer suggesting that a footpath on the south side of the Shire Dyke should be linked to the development site through a bridge over the Dyke. It is noted that there are no existing public rights of way within the application site. Whilst this request may be desirable in connectivity terms, it is not considered necessary to the acceptability of the development noting the level of footways and cycleways intended for the site itself. In any case this land is outside of the applicants ownership or control and comments have been received during consultation from the landowner stating that the provision of a new bridge would not be supported.

Impact on Trees, Ecology and Nature Conservation

Core Policy 12 of the Core Strategy seeks to secure development that maximises the opportunities to conserve, enhance and restore biodiversity. Policy DM5 of the DPD states that natural features of importance within or adjacent to development sites should, wherever possible, be protected and enhanced. Policy DM7 states that new development should protect, promote and enhance green infrastructure to deliver multi-functional benefits and contribute to the ecological network.

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

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

Trees

The application has been accompanied by a standalone Tree Survey & Constraints Report dated March 2016. The preparation of this involved survey of 26 individual trees as well as 13 groups of trees and 3 hedges present within the site categorised according to suitability for retention. Of the individual tree specimens surveyed, the majority were considered to be of low quality (category C, with a life expectancy of 10-20 years) with 9 categorized as being of moderate quality (category B,

life expectancy of 20-40 years) and just two trees; both English Oak, categorized as being of high quality (category A, life expectancy of 40 or more years) (T15 and T26). None of the trees within the site have been designated worthy of retention through a tree preservation order.

T26 appears to be within the residential curtilage of Balderfield Cottage along their southern boundary. T15 appears to be situated just outside their residential curtilage on the eastern boundary between the highway and an area of hedgerow. Having assessed the indicative masterplan I am confident that the development will not impact upon the retention of T26. I would have greater concerns to the longevity of T15 given its positioning closer to the indicative residential development however protection measures could be secured at reserved matters stage and the roots are already established in close proximity to existing hard surfacing which provides access to the existing dwelling. In any case in the context of the overall scheme I am mindful of the intentions to retain tree cover where possible and it is noted that the level of additional landscaping will be significant.

Ecology

A desktop study was undertaken for existing ecological data regarding both statutory and non-statutory protected species, designated sites and habitats of nature conservation interest. Appropriate search radiuses were established between 1 and 10kms around the site. There are no sites of international importance within 10km of the site and no designated sites of national importance within 2km of the site. There are however nine non-statutory designated sites within 2km of the site (three of which are within 1km), the closest being the Shire Dyke Local Wildlife Site (LWS) forming the boundary of the site.

Further to this, numerous field surveys were undertaken from a period between November 2014 and September 2015. Both Natural England and Nottinghamshire Wildlife Trust (NWT) have provided detailed comments on the application. Natural England has welcomed the incorporation of the green infrastructure corridor along the eastern boundary of the site and pocket parks etc. within the site. NWT have confirmed that they are generally satisfied with the methodology used and conclusions reached. Suitably worded conditions are suggested within the response. Notwithstanding this, NWT do raise concern regarding the potential loss of habitat for skylark and yellowhammer. This is discussed below in the relevant section on nesting birds.

Protected Species Impacts

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

Badgers

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

Bats

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

Surveys undertaken indicate that a small number of standard trees within the hedgerows provide roosting potential for bats, although no evidence of occupation by bats was recorded in association with any of the trees. It is considered that the trees on the site are unlikely to constitute a significant resource for bats locally. Given the predominance of arable land, the site overall is considered to be suboptimal value for bats. Potential for foraging habitat is further reduced given the management of the existing hedgerows. Retention of the mature ash trees will reduce impacts on roosting bats, should they utilise the suitable roosting features present on occasion.

Otter

Evidence of otter along Shire Dyke was recorded during the survey work undertaken however no couches, holts or slides were confirmed present. The dyke is therefore considered to be used on occasion basis by commuting otter, facilitating movement between more optimal habitats.

Reptiles

The majority of the site was considered to be unsuitable as foraging or refuge habitat for reptiles due to its arable nature. However the dyke, hedgerow boundaries and areas of ruderal vegetation were considered to offer suitable potential cover. Notwithstanding this, no evidence of reptile species was recorded during targeted surveys. Given that the dyke forms the boundary of the green infrastructure corridor some distance from the built form of the development, no significant impacts on reptiles are anticipated to arise from the development.

Amphibians and Water Voles

No records of great crested newts were obtained either arising from the desk based or field surveys. No suitable breeding habitat was identified within the site nor the area surrounding 500m of the site boundary.

Whilst water voles are known to be present in the area, no evidence of water vole were recorded during the survey.

Nesting Birds

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

The site as existing supports nesting and wintering bird species typical of the habitats available. The hedgerows and limited tree and scrub cover on site provide further potential nesting, shelter and foraging habitat. Overall, surveys recorded 42 bird species during the breeding season. All of the species identified are fairly to very common species in Nottinghamshire and the UK. No significant populations were registered. Given the characteristics of the site, the site is considered to be of no more than local nature conservation value in the breeding season.

Concerns regarding the potential for the development to impact upon skylark and yellowhammer (birds of open countryside) are noted. Both are farmland birds of conservation concern. It is acknowledged by the submitted surveys that these species are likely to be lost to development. However the modest populations recorded suggests that the site is of little importance for skylarks or yellowhammers in winter and thus the residual impact is likely to be negligible. I am mindful that NWT have had sight of these surveys and still felt it necessary to explicitly raise concern (noting a lack of formal objection). Nevertheless I am also conscious of the overall opportunities for habitat creation across the wider site, for example the Sustainable Urban Drainage (SUDs) basins. Whilst this may offer no benefit to skylark or yellowhammer specifically, as an overall ecological balance the impact on these two species is not considered significant.

Invertebrates

A single Natural Environment and Rural Communities (NERC) Act Section 41 species; the cinnabar moth was recorded present within the site. Although this is a declining species, the ES concludes that it is widespread and common, highlighted for conservation action for further research rather than protection of individual sites. Overall the site is considered to be of low to moderate importance for invertebrates at a County level, given the number and proportion of Key Species recorded. Nevertheless it is considered reasonable for mitigation measures to take specific regard of this species. This can be explicitly referred to in suitably worded conditions relating to ecological mitigations.

Loss of Hedgerow Habitat

Hedgerows form the majority of field boundaries within the site, with a total of 21 hedges present. The surveys undertaken show the existing hedgerows to be generally species poor and dominated by hawthorn with the majority cut to a height of less than 2m. None of the hedgerows were assessed as being 'important' under the Hedgerow Regulations 1997. Hedgerow H12 to the immediate north of Shire Lane was considered as being of moderately high to high value. All other hedgerows were of low to moderate value.

The majority of the hedgerows, notably including H12, are intended to be retained which will reduce impact on ecological receptors. However, given the scale of the development, it is inevitable that there will be some loss and degradation to the existing hedgerows and their associated habitats within the site. This includes the loss of five of the existing hedgerows including one defunct, and partial losses (generally short sections of less than 20m) from nine of the remainder. Hedgerow losses would total circa 800-980m which accounts for approximately 15% of the existing hedgerow resource. This is considered to be a marginal percentage when taken in the context of the overall site area and the level of additional landscaping which will be introduced through the development.

Biodiversity Enhancements

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

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

The nature of the existing site being intensively managed arable land provides a significant opportunity to provide enhancement. It is considered that the habitat creation and enhancement opportunities presented by the indicative masterplan and further detailed in Chapter 9 of the ES would be appropriate to compensate for very minor loss of habitat necessitated by the

development. Indeed the ES concludes that, overall the development will result in up to moderate (significant) positive benefits to habitats across the site compared with the existing site. A corresponding positive benefit is anticipated for wildlife across the site, including notable and protected fauna.

NWT within their response have helpfully offered, amongst other advice, to provide more detailed design advice to ensure that the drainage features of the site offer the best opportunities for wildlife enhancement. It is considered beneficial to bring this to the applicants attention through a suitably worded informative should permission be granted. Subject to consideration of this and other mitigation measures secured by condition, the proposal is considered compliant with the relevant ecological paragraphs of the NPPF, as well as Policies CP12, DM5 and DM7.

Soils and Agricultural Land Quality

Natural England's comments on soil and land quality have been noted. Of the 93ha site area, approximately 55.8ha is classified as being the 'best and most versatile' agricultural land (Grades 1, 2, and 3a land in the Agricultural Land Classification system). It should be noted that there is no land of Grade 1 or Grade 2 quality within the site. However, it is also fully appreciated that the majority of the built form proposed by the development is within Grade 3a land.

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

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

Matters of agricultural land quality have been considered within Chapter 12 of the ES. The ES assumes for the purposes of assessment that all agricultural land within the site would be lost. This would undoubtedly impact upon the existing land use and the magnitude of effect is recognized as being high with an overall effect on agricultural land quality being of moderate adverse significance. Whilst this must be weighed in the overall balance it is considered that the LPA have applied the duty required by the NPPF in allocating the site through thorough consideration of the economic and other benefits associated by the allocation of a strategic site of this scale. It is therefore not considered reasonable to resist the proposal purely on the basis of the loss of agricultural land.

Visual and Landscape Impact

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

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

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

The ES deals with matters of Landscape and Visual Amenity within Chapter 10 forming the LVIA to the application. Given the scale of the proposed development, the landscape impacts will undoubtedly be beyond the administrative boundaries of NSDC acknowledging the juxtaposition of the site boundaries to neighbouring authorities. In this respect, the comments of neighbouring authorities have been afforded appropriate weight in the consideration of the scheme. Specifically SKDC have suggested that the boundary of the site should be sensitively landscaped to ensure visual impact is minimised.

The LVIA has selected a number of representative viewpoints grouped based on their positioning in relation to the site, namely:

- Shire Lane & Broad Fen Lane;
- Great North Road & A1(T);
- Hollowdyke Lane & Fernwood;
- Claypole;
- Stubton;
- Doddington; and
- Fernwood South.

The methodology and assessment within the LVIA is considered appropriate in terms of allowing a thorough assessment of the likely impacts of the proposal. It is agreed that the site is strongly influenced by existing surrounding urbanized elements including the built form of the urban edge of Newark. Notwithstanding this, it is undoubtedly the case that the proposal will impose a fundamental change to the character of the site when compared to its existing form.

Of the detailed assessment contained within the LVIA, the following key conclusions are drawn for the attention of Members:

Landscape Effects

- The long term effects on SN PZ08 (which covers the greatest proportion of the site) are considered to be negligible to minor adverse in the vicinity of the site, taking into consideration the beneficial effects arising from the structural landscaping and green infrastructure across the site.
- The long term effects on the landscape of SN PZ09 due to the proposed green infrastructure will become minor beneficial in close proximity to the site.

Visual Effects

- The extent of visibility is controlled primarily by the topography of the local area.
- The majority of properties and settlements in the vicinity will have limited or no views of the site leading to a significance of no greater than negligible.
- The residential properties excluded, but surrounded by the site will be subjected to moderate to major adverse impacts with the properties at Airfield Cottages suffering a moderate adverse impact (reducing to minor to moderate adverse following establishment of the proposed buffer).

- Visual impacts to users of public rights of way, nearby footpaths and the road network range from minor adverse to moderate adverse again acknowledging that these impacts would reduce on establishment of site screening.

The proposal has taken lead from the requirements of Policy NAP 2C in terms of allowance for a landscape buffer along the eastern boundary of the site. Moreover, landscaping and structural planting has been indicated throughout the site and along the western boundary. In allocating the site for a mixed use residential development of this scale, it has already been implicitly accepted that there will be landscape impacts arising from the proposal. Nevertheless, the outline scheme as presented is considered appropriate in maximizing the opportunities to appropriately screen the development where possible. The identification of adverse impacts summarised above are noted, and indeed will be weighed in the overall balance of the proposal.

Archaeology and Cultural Heritage

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

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

The proposal represents a large development on the southern side of Fernwood, which is in itself a large urban extension. The A1 corridor is an important modern landscape feature, and the depot site and pylons to the east of the proposal site represent further modern landscape intervention. The indicative details submitted show a network of primary streets linked by junctions leading to streets and residential lanes. New buildings would have a maximum height of 2 storeys with some opportunity for 2.5 and 3 storeys on primary streets. Given the existing built form of Balderton and Fernwood, it is felt that the proposal is not likely to compromise designated heritage assets in Balderton or Newark, and I am satisfied that topography and relative distances between receptors and the proposal site ensure that impact in the wider landscape is not likely to result in any specific material harm to the setting or significance of the Church of St Giles in Balderton or Church of St Mary Magdalene in Newark.

It is nonetheless recognised that the proximity of the Church of St Peter at the western edge of Claypole suggests that the Fernwood South development could have an impact on the wider landscape setting of the Grade I church....Nevertheless, given the indicative proposed layout of the scheme, it seems likely that there are opportunities to help reinforce and improve green infrastructure at the eastern portion of the proposal site which would help mitigate impact on the wider setting of the church. The proposals for sports and amenity areas will help in this regard.

The proximity of the site to the Grade I listed Church of St Peter is acknowledged within the Heritage assessment contained within Chapter 13 of the ES and indeed its high sensitivity is recognized. Members will note that colleagues at South Kesteven have requested that due regard is had to the impacts on the setting of this asset. The comments make clear that it is for this Council as decision maker to come to a view in this regard. It is considered that the development around the Church obscures all views to the east, south and west (and subsequently the site). Further, it is stated within the ES that the Church primarily draws its historic and aesthetic significance from its immediate setting (i.e. the churchyard and the village of Claypole) which will not be impacted by the proposed development. In the context of the above conservation comments, I am minded to agree with this assessment. Moreover I am conscious that any specific impacts, such as those arising from the built form within the site, will be a matter for assessment at reserved matters stage when the full details of the scheme are before Members for consideration. On this basis no conflict with the aspirations of CP14 and DM9 have been identified in respect of designated heritage assets.

In addition to the aforementioned designated heritage assets, regard must also be had to non-designated assets present within the site, notably the identification of archaeological potential. The ES details the results of geophysical surveys and trial trenches undertaken which acknowledges there to be three main areas of archaeological activity. In the northern part of the site, traces of Iron Age settlement activity were revealed. In the southernmost part of the site extensive remains of Roman settlement activity were located, including human burials. In between these two areas it appears that further Roman activity had been affected by Medieval and later small scale industrial extractive processes.

It is fully acknowledged that the primary impact of construction works will be from the ground work associated with the development directly impacting upon the archaeological resource. Equally it is acknowledged that the impact is likely to result in substantial or total destruction of archaeological remains. The comments of NCC Archaeology are noted particularly in terms of the considerable mitigation measures deemed necessary to facilitate the development. Nevertheless this is recognized through the ES. As a consequence, subject to an appropriately worded condition requiring a suitable scheme of mitigation and programme of archaeological work the importance of the archaeological remains identified thus far is not considered sufficient to prevent development on the site.

Impacts on Environment

Flooding

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

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

Chapter 11 of the ES and the accompanying Flood Risk Assessment (FRA) deals with matters of Flood Risk and Surface Water Drainage (the latter discussed separately in the following section). In the context of the proposed development, the two most important watercourses in the area are the Shire Dyke and the River Whitham. The former constitutes the eastern and southern boundaries of the site. As a consequence of this, areas to the east and south of the site are recognized as being within Flood Zones 2 and 3 for fluvial flooding with the remainder (and indeed the majority of the site) within Flood Zone 1. The original application submission marked out the indicative floodplain on the submitted Green Infrastructure plan (Parameter Plan E reference 6534-L-05 dated 15th February 2016). This plan demonstrated the ability to confine all residential elements of the proposal within Flood Zone 1 with less vulnerable uses such as community spaces and allotments within the areas designated as being Flood Zone 2 and 3.

The original application submission has been assessed by relevant consultees. Of particular relevance is the original response from the Environment Agency (EA) dated 4th May 2016. The overall conclusion of this response was that the submitted FRA was appropriate given the outline nature of the development, no objection in principle was raised and conditions were suggested should the application be approved. Notwithstanding this, the response did also provide commentary on the data sources of the FRA acknowledging that the data used was obtained back in November 2014 and did not consider the new Upper Witham Modelling data. On the basis of this advice, during the life of the application, the applicant has instructed further work by their consultants RSK Environmental Ltd. The results of this work are outlined by letter dated 8th August 2016 and through a revised FRA and ES addendum received 17th August 2016. These details have been subjected to an additional consultation period in line with the Town and County Planning (Development Management Procedure) Order.

The additional works have now considered the updated Upper Witham Modelling data. The updated flood modelling data illustrates a wider flood extent than that which was used to develop the masterplan such that areas in the north east and south of the site, indicated for residential development on the masterplan, would now be situated within Flood Zone 3. Measures to overcome this have been suggested such as ensuring that the finished floor levels of the plots are raised to meet the EA requirements.

RSK have been in direct discussions with the EA and indeed the EA have provided further comment on the additional details provided. The EA have confirmed that they are satisfied that the additional information submitted in regards to loss of floodplain are satisfactory and demonstrate that the proposed land raising will not have a significant impact on third parties. Members will note that the NPPF does not require the application of the sequential test given that the site has been allocated for development of the nature proposed. However it is equally noted that the proposal would now represent a departure from the aspirations of Policy NAP2C in that a small number of residential properties would be situated within Flood Zone 3 (without mitigation via groundworks and design). In this instance it is considered appropriate to take a pragmatic approach acknowledging that the applicants made best endeavors to develop a policy compliant scheme on the basis of the data available at the time of application submission. The proposal therefore falls to be assessed against the exception test outline by paragraph 102 of the NPPF.

The wider sustainability benefits of the proposal are acknowledged (and indeed afforded the appropriate weight in the overall balance undertaken below) and thus it remains for the authority to be satisfied that the development will be safe for its lifetime and not increase flood risk elsewhere. Given the outline nature of the proposal, exact mitigation measures such as raising floor levels and incorporating flood resilient construction technique cannot be considered in detail

at this stage. Nevertheless, I am confident that these could be agreed through a suitably worded condition such as that recommended by the EA. In terms of the requirement to not increase flood risk elsewhere, the EA have confirmed satisfaction that the proposed land raising will not have a significant impact on third parties.

Surface Water Drainage

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

As has already been acknowledged, the development will impose a fundamental change to the character of the site introducing built form to existing agricultural land. This will undoubtedly lead to an increase in surface water runoff in correlation to the increase in impermeable surfaces (stated as being 27%). Given the proximity to surrounding watercourses there is potential for this to lead to increased instances of flooding if not addressed.

The indicative masterplan submitted demonstrates that three SUDs attenuation areas are proposed. Two of these would be located adjacent to the Sports Hub designed as grass, landscaped depressions with no permanent bodies of water. Sloping into the depressions has been designed to allow safe and easy access. The attenuation area situated within the southern part of the site has greater scope to provide wetland and aquatic habitats. The drainage strategy also includes conveyance swales, filter drains and permeable paving designed to drain survey water to convey it towards the detention basins. The proposed SUDs features are designed to provide approximately 16,400m³ of storage. The submitted Surface Water Drainage Strategy states this as being in excess of the 13,447m³ required volume to retain the 1 in 100 plus an allowance for climate change event.

Relevant consultees have assessed the development as proposed. Specifically, the original comments of NCC Flood Team are noted. Whilst not objecting to the application, their original comments imply that details of surface water drainage required further work to be secured by condition. The applicant has appointed their consultants to provide a rebuttal to these comments during the life of the application and NCC Flood have suggested a suitably worded condition to deal with issues of drainage.

The Upper Whitham Drainage Board have also raised no objection to the proposed development provided it is carried out in accordance with the application submission and a condition is attached to the grant of any permission to approve the final details of the scheme for the provision, implementation and future maintenance of the surface water drainage system. The comments of Anglian Water are noted in terms of the lack of capacity of Claypole Water Recycling Centre to cope with the wastewater treatment arising from the development. However, this does not constitute an objection to the proposal. It is suggested that this matter can be overcome through condition requiring the submission of a drainage strategy. This is in line with the comments of Severn Trent. Therefore I am satisfied that the proposal as submitted accords with the requirements of NAP2C.

Water Quality

Impacts on the natural environment including water quality is addressed through paragraph 109 of the NPPF and the associated online guidance of the NPPG. This is addressed within Chapter 11 of the ES. It is acknowledged that there is the potential for the development to result in water pollution from silt laden runoff if it is allowed to drain to the surrounding watercourse untreated. There is also potential from spillages and leaks from plant and machinery during the construction phase.

The site is in close proximity to the Shire Dyke which is recorded as having a moderate ecological status and good chemical status. The overall significance of construction activity impact on the water quality of the Shire Dyke is considered to be moderate adverse. Whilst this would undoubtedly be an undesirable impact arising from the development, I would concur with the ES in terms of this being a short term, non-permanent impact which is more importantly reversible. Moreover, the ES details numerous elements of legislation which will be adhered to during construction. I therefore do not consider that the potential impacts on water quality identified above would be significant enough to warrant a resistance of the proposal.

Air Quality

Chapter 7 of the ES and its associated Appendix has assessed matters of air quality based on findings of the existing air quality conditions, potential air quality impacts during the construction phase of the development and the predicted impacts on local air quality resulting from road source emissions generated by the development once it is fully operational. The assessment concludes that there are two types of air quality impact to be considered for the proposed development:

- The impact of existing sources in the local area on the development;
- The impacts of the development on the local area.

The focus of the impacts of the development on the local area include an assessment of dust emissions during construction. Mitigation measures are suggested such as the requirement for the submission of dust management plan including monitoring requirements during the construction phase (no monitoring is required during the operational phase of the development). This could be secured by condition as an incorporation of the Construction Environmental Management Plan (CEMP).

The traffic data used includes the increase in traffic from the development as well as all other committed developments in the area. If Members were minded to approve the application, it is recommended that a condition is attached to require the submission of a Travel Plan so that sustainable means of transport are encouraged for occupiers. The Travel Plan could incorporate the suggestion of at least one electric vehicle charge point per 10 residential dwellings.

The site is situated adjacent to an existing steel works depot as well as being in close proximity to the A1. Nevertheless, the illustrative masterplan demonstrates the ability for buffer zones between these existing uses.

No exceedance of any of the applicable air quality standards have been predicted in terms of any of the assessed pollutants with the majority of receptors considered to experience a negligible impact on air quality. With the ability to secure mitigation measures by condition the proposal is considered acceptable in respect of air quality impacts.

Noise and Vibration

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

The applicant has fully assessed the implications of the development through a noise and vibration assessment discussed within Chapter 8 of the ES. Of key consideration is whether the site is suitable for residential development with reference to indoor and outdoor design criteria of the associated noise legislation. Particular sources of noise include traffic (noting the proximity to the A1 and Great North Road); sports noise from the proposed facilities and the presence of existing industrial uses adjacent to the site. Further, there is noise associated with construction, both movements/activities and associated plan.

With regards to the industrial uses present, paragraph 123 of the NPPF is of relevance at its third bullet point where it states that existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established.

Environmental Health officers (EHO) agreed the methodology for noise assessment prior to the submission of the application. Baseline conditions were monitored by unattended noise meters for a 6 day period along Great North Road; the A1; and close to the industrial facility to the east of the site. Further short term monitoring equipment was placed at four further locations around the site.

Officers have assessed the associated chapter of the ES and more explicitly the associated Noise and Vibration Assessment with its accompanying figures. There are two broad noise issues to address, one for residential amenity when development is complete and one for the construction phase(s).

It is acknowledged that the site experiences high noise levels due to the proximity of the A1. The original comments received from the EHO raised concerns that some properties would experience very high noise levels which could create issues for external spaces turning the properties into 'acoustic prisons.' The ES divides assessment to indoor/outdoor living spaces as well as specifically addressing the implications for the proposed primary school.

In relation to indoor living space, it is brought to the attention of Members that for all twelve of the receptors assessed, there is an exceedance of between 17dB(A) and 31dB(A) of the 35dB(A) criteria. Where ambient façade noise levels are predicted to exceed 35dB(A) by more than 10dB(A) (as is the case across all 12 receptor points) additional mitigation will be required. It should be noted that further into the site, façade noise levels would be expected to reduce given the barrier presented by the built form along the edge of the site.

Moving to assess outdoor living space, the design criteria for traditional external areas that are used for outdoor living space is that levels should not exceed 50dB(A) (with 55dB(A) used as an upper limit). In the south of the development, within Phase 3, the gardens closest to the A1 are predicted to have levels in excess of 55dB(A).

With respect to the Primary School predicted façade noise levels on the north, south and west elevations at both ground floor and first floor are expected to exceed noise criteria levels to a degree of moderate significance. The eastern elevation would be affected to a level of minor significance.

The above was raised as a concern with the applicant during the life of the application and has been addressed through an additional response by RSK Environmental Ltd dated July 2016. This acknowledges that, should development be unmitigated, a number of properties in the final

masterplan would be exposed to noise levels which would exceed relevant design criteria. As such, the additional response goes on provide details of how internal and external living spaces will be protected through mitigation. This includes additional fencing/noise buffering to the western boundary of the site not previously submitted through the original 'worst case scenario.'

No formal objection to development has been raised by the EHO but the stance remains that a condition will be required to seek further details of noise mitigation measures within each Reserved Matters phase to ensure that they achieve the required levels of protection. It is noted that at present, the Masterplan has a wide landscaped buffer area, however if a noise barrier similar to that screening the industrial area were to be designed there would be a benefit to future residents of Phase 3. In addition facades of properties facing the existing and proposed road noise sources will require mitigation. Other measures suggested include a noise mitigation barrier along the boundary between the industrial area; suggested as a 3m high earth bund with an acoustic fence a further 1.5m high giving a total bund height of 4.5m. Furthermore it is confirmed that the masterplan allows for the incorporation of a landscaped standoff area for the boundary of the site facing onto Great North Road. This is suggested as being a bund of approximately 1.4m in height.

The assessment goes on to consider the implications of the sports facilities usage. The tennis courts and Artificial Grass Pitch have been modelled assuming full operation from 10am to 11pm (these are not necessary the hours of use but are considered appropriate in terms of noise assessment for a worst case scenario). The change in noise level in comparison to traffic noise is approximately 2dB(A) and thus of negligible significance.

The ES details 5 existing residential receptors which have been assessed in the context of construction noise. These include the properties which are surrounded by (but excluded from) the site area. There would undoubtedly be noise impacts to these properties during the general earthworks, construction and fit out phases of the development. Predictions based on estimated plant usage, measured from the facades of the properties, shows that the levels of noise at these receptors would exceed the 65 dB(A) threshold of potential significance at Balderfields and Balderfields Cottage. This is an undesirable impact of the proposal but unfortunately one considered difficult to overcome. It can, of course, be minimized as far as possible by ensuring that site compounds on each phase(s) are sited as far as practicable from these receptors and by controlling this, working practices, and hours of operation via a Construction and Environmental Management Plan (CEMP).

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

Land Contamination

Paragraph 120 of the NPPF requires the LPA in their decision making to ensure that new development is appropriate for its location to prevent unacceptable risks from pollution and land instability. It is noted that the site has comprised agricultural land use since prior to the 1880s until present and as such no significant contaminative land uses are present within the site.

The application has been accompanied by a Preliminary risk assessment which considers the possible direct or indirect effects that construction and operation of the development could have on the ground conditions both beneath and immediately adjoining the site. As expected, the majority of the potential effects on ground conditions are predicted to occur during the

construction phase of the development. The significance of effect of potential risks to human health of future site users via direct contact with contaminants in soils during the operational phase (post mitigation) would be minor adverse.

The ES, at paragraph 12.9 details a number of mitigation measures which will be secured by condition including submission of a Construction Environmental Management Plan and a Site Waste Management Plan. The comments of internal colleagues in environmental health are listed in full above confirming that the recommendations of the report advising a full scope of intrusive investigations should be secured by condition. On the basis of these conditions I am confident that the approval of outline residential consent would be appropriate and that any adverse impacts arising from land contamination factors could be readily mitigated by appropriate planning and design.

Utilities and Services

Residential development of the scale proposed will implicitly have implications on service infrastructure and utilities. Chapter 14 of the ES has considered the supply of electricity, gas, water and telecommunications to the site and the means of providing foul drainage disposal as well as the effects on the existing infrastructure and the environment. Paragraph 162 of the NPPF relates to infrastructure confirming that LPA's should work with other authorities and providers to assess the quality and capacity of local infrastructure services. Policy NAP2C follows this stance by requiring the provision of necessary infrastructure in relation to the progression of the development.

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

Given the existence of the High or Intermediate pressure (above 2 bar) gas pipeline within the site, the development requires the undertaking of a PADHI+ assessment. The comments of the Health and Safety Executive (HSE) are listed in full in the above consultation section. It is noted that their original response dated 1st June 2016 advised against residential development on the basis that a hazardous substances consent was identified at the existing industrial units adjacent to the development. On receipt of this response, the applicants have worked with the LPA and the HSE to demonstrate that the consent should be (and subsequently has been) revoked on the basis of a change in site ownership. On this basis the HSE have provided revised comments confirming that they do not object on safety grounds.

Foul drainage is proposed to discharge via a pumped outfall into the existing public sewer system. The nearest sewer network is in Fernwood village to the north of the proposed development. Whilst not incorporated within the formal response to the application from Severn Trent Water (STW), the ES states that, at pre-development enquiry stage, STW confirmed incapacity of the existing foul sewer network to serve the foul flows from the development. Despite this, the role of STW includes a requirement to carry out any works necessary off-site to meet additional capacity required by the development informed by their detailed modelling work. In any event STW have made clear that they do not wish to object subject to a condition to deal with sewerage.

The proposal would necessitate the diversion of some of the existing infrastructure within the site including pole mounted 11kV and 33kV cables; cables supplying the maintained dwellings off Claypole Lane; the medium pressure gas mains and telecommunication cables. Details of diversionary works will be provided at detailed design stage with the intention for works to be undertaken as part of the development. No objections have been raised by statutory consultees and I am therefore satisfied that the necessary infrastructure can be provided in accordance with the requirements of Policy NAP2C.

Developer Contributions

The applicants have been in discussion with the authority since 2014 which has enabled negotiations on the delivery of contributions associated with the development. The following section examines the developers offer against that anticipated by the authority. Further detail is provided at the table contained within Appendix 2 attached to this report.

Affordable Housing

Core Policy 1 requires that 30% on-site affordable housing is provided which should reflect local housing need and viability on individual sites, overall reflecting a mix of 60% social rent and 40% intermediate. For 1800 dwellings this equates to 540 dwellings.

The proposed scheme is policy compliant numerically in terms of affordable housing provision with the intention for each phase to include affordable housing delivery. Whilst the applicant has not departed from the aspiration of providing 30% of affordable units on site, through pre-application discussions a revised mix has been presented:

- 52% of units will be intermediate provision (the policy aspiration is 60%), consisting of:
 - 25% of units to be shared ownership;
 - 75% of units to be Discount Open Market Value (DOMV) properties, with a discount of 25%;
- 48% of units will be affordable rent provision (the policy aspiration is 40%), owned and managed by a Private Registered Provider or the Local Authority

The accompanying S106 will include a clause which allows flexibility in the event that circumstances change during the life of the build out. This does not diminish the importance of the delivery of affordable housing but is intended to give both the developer and the LPA comfort that the right housing is being delivered at the right time to meet potentially changing needs. The default position would be towards monetary contributions off site but only in the scenario where a number of stringent requirements have been met. A financial contribution would represent a last resort with all other avenues to secure a registered provider(s) having been exhausted.

Colleagues in Strategic Housing have assessed the latest offer acknowledging that it represents a departure from the 60/40% split aspired by policy. A pragmatic view has been reached in order to secure full 30% provision in numerical terms and no objection has been raised. The following tenure mix has been suggested:

| Type | Aff Rent | Intermediate (S/O) | Discount for sale 75% of OMV | Total |
|---------------|------------|--------------------|------------------------------|------------|
| 1 Bed | 50 | - | - | 50 |
| 2 Bed | 130 | 40 | 125 | 295 |
| 3 Bed | 70 | 30 | 80 | 180 |
| 4 Bed | 10 | - | 5 | 15 |
| Totals | 260 | 70 | 210 | 540 |

Community Facilities

As defined by the Developer Contributions and Planning Obligations SPD, community facilities include (but are not limited to), Community Halls; Village Halls and Indoor areas for sport. In the interest of comprehensive development, the District Council will seek the collective provision of new infrastructure (where necessary).

The development incorporates a Local Centre which is intended to be the community hub of the proposal. This will include a new Community / Sports Hall with a floor space of up to 1,113m². This is of an appropriate size to provide an indoor badminton facility. Again this has been discussed throughout pre-application discussions and deemed appropriate and commensurate to the scale of the development. Delivery of this will be secured through the accompanying S106. Securing all required community facilities on-site negated the need to secure any financial payments.

Health

Policy NAP2C states a requirement for a three GP facility for the whole allocation for the Land around Fernwood (circa 3,200 dwellings). The applicants acknowledge that, whilst not constituting the whole allocation, the development of 1800 dwellings would form a significant proportion. It is accepted that the proposed development through this application alone would not generate the need for a three GP practice. The applicant has proactively engaged with local health providers in order to establish the most appropriate form of health care for the development.

At this stage, there is not a clear steer as to whether the health facility will be delivered on site (incorporated within the Local Centre) or whether it would be more appropriate to provide an off-site contributions. The latest discussions have however suggested that the latter option would be most favorable to meet healthcare needs at this time. On this basis the S106 will be worded to allow flexibility and the ability for a healthcare review throughout the life of the development to ensure that the contributions sought are appropriate to the evolving needs of the health providers and ultimately the local community. Any off site contributions would be capped at £1.71M (derived from per dwelling figures of the SPD). The applicants have confirmed that they would reserve land for the healthcare facility until the healthcare review has reached a conclusion on where the contribution should be met. In the event that the review identifies an on-site facility, the applicant will transfer the land to the healthcare body to deliver the facility.

As identified above the application site boundary forms the administrative boundary of the District. It is therefore perhaps unsurprising that comments have been received from NHS Lincolnshire stating that the development is likely to affect the medical centre in Long Bennington. Justification for this is provided in full in the above consultee section but essentially the response confirms that the proposed housing development falls within the practice catchment for at GP surgery at Long Bennington.

NHS Lincolnshire have requested a commuted payment from the development based on the full 1800 units proposed and based on a 'health calculator' used by a Lincolnshire Planning Authority. Whilst there remains no objection to a health contribution, this can only be calculated on the basis of this Council's guidance, hence the £1.71m cap detailed above. Further, any proportion of this £1.71m which does go to Lincolnshire should be both reasonable in terms of evidence and detailed in terms of spend. For the avoidance of doubt NHS Nottinghamshire remain unconvinced that Lincolnshire are entitled to any proportion of monies secured. From a planning point of view the value of contribution is clear, as is the ability to spend some in Nottinghamshire and Lincolnshire. A S106 can be drafted on this basis, allowing debate and discussion between health authorities to continue. The exact split of where the contributions would be attributed could be decided through the healthcare review, a mechanism introduced and tied by any S106 agreement.

The proactive and flexible nature of the applicant in the delivery of healthcare provision should be noted and indeed is fully supported by officers. The exact wording of the agreement would be secured through the S106 but I remain confident that the applicant would be providing healthcare facilities (by some means) which would meet the needs generated by the development.

Education

T

here is no dispute that a development for 1800 dwellings would put a strain on the existing education provision. Indeed education provision within an urban extension is a key component of sustainability. In this respect, Policy NAP2C requires the Greater Fernwood allocation to deliver a new primary school.

The proposal for 1800 dwellings would generate approximately 378 primary school places. As demonstrated on the masterplan the proposal includes 2.2hectares of land within the north western corner of the site to deliver a two form entry primary school (420 places). In addition to this, an area of land approximately 0.8 hectares would be provided adjacent to the school to allow for expansion to a three form entry in the event that future housing is delivered (by other landowners) in line with the aspirations of the strategic site allocation. On this basis the proposal would be policy compliant with respect to education needs. Triggers for delivery have been agreed with the County Council as the Education Authority through pre-application discussions and will be secured through the S106.

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

The comments received from interested parties in respect of education provision are noted and the concern that the development would affect the existing primary provision in other schools is a legitimate one. Education would be delivered early in the development build out. By the occupation of the 200th dwelling, infrastructure for the school (including core facilities such as the school hall and dining room) and 4 classrooms would be delivered to cater for early occupations. The applicants offer is considered to make adequate provision for primary school facilities to serve the needs of the development itself. It is acknowledged that there may be some consequences for other schools in the vicinity during the very early stages of development but unfortunately this is deemed as inevitable and unavoidable given the scale of the development. NCC Education raise no objections to the delivery mechanism and triggers proposed.

Libraries

The Council's SPD allows for contributions towards library stock at a cost £47.54 (based on 2016 indexation). This would equate to £85,572 based on a development of 1800 dwellings. NCC have requested full stock costs (it is noted that the actual amount stated is slightly lower on the basis that it has not accounted for indexing).

This figure has been subject to dispute from the applicant in terms of whether it forms a CIL compliant request on the basis of the impact of solely this development. Officers have met with NCC to discuss the approach to the request and to seek comfort as to where the monies would be spent and how they are reasonably related to the development. Members will note an additional response listed in the consultee section above. It is acknowledged that Balderton and Newark libraries both have an existing shortfall in stock. It is equally acknowledged that it does not fall for the applicant to mitigate against existing stocking issues. NCC state that each new development places pressure on the library stock available. What is unfortunately not clear, is how specifically the development for 1800 dwellings will impact upon local libraries and thus where and how the contribution sought would be spent. Without this justification officers are unfortunately not satisfied that the request for a contribution towards library stock would be CIL compliant. On this basis, library contributions will not feature within the accompanying S106.

Public Open Space

Allotments and Community Gardens

The Council's SPD provides that 12m² should be provided per dwelling. Based on 1800 dwellings this would amount to 21,600m² (2.16ha). The masterplan demonstrates the delivery of 2ha of allotments to be delivered at two areas of the site (north east adjacent to the sports hub and south). The shortfall from policy aspirations is considered negligible in the context of the whole development (indeed acknowledging overprovision in other areas as discussed below). As such the proposal is deemed appropriate in this respect. Delivery of the allotments would be secured by the S106 with the north east area being delivered within Phase 1 and the southern area within Phase 3.

Amenity Green Space and Provision for Children and Young People

The SPD requires provision of 14.4m² per dwelling for amenity green space and 18m² per dwelling for provision for children and young people. The applicant has presented a combined offer of 6.4ha which would far exceed the policy requirements of 5.83ha. This would be delivered in the form of Pocket Parks and Greenways, as well as a Neighbourhood Equipped Area of Play (NEAP) and two Local Equipped Area of Play (LEAP). Precise details of what the NEAP should include are best decided in consultation with the new community and therefore this matter will be left flexible within the S106 Agreement to facilitate this. However in accordance with guidance it would need to include both grass and hard surfaced areas, an activity zone of at least 1000 square metres, comprising an area for play equipment and structures, and a hard surfaced area of at least 465 square metres (the minimum needed to play 5-a-side football), a buffer zone of a minimum of 30m between the activity zone and the boundary of the nearest property. It would also be expected to contain a minimum of 9 experiences (such as balancing, climbing, sliding etc), seating and litter bins. The older children's/youth element should be either through the provision of a tarmac surfaced, fenced and marked out Multi-use Games Area or a tarmac surfaced skate/wheeled sport park containing at least 4 separate ramps. These facilities will be secured through the Section 106 Agreement.

Natural and semi-natural Green Space

The SPD suggests that 10ha per 1000 population should be provided (which would be 43.2ha) but recognises that due to difficulties in achieving this residents should live within 300m of an area of natural and semi-natural green space. It is noted that it would be somewhat unrealistic for a site of 93.6ha to deliver 43.2ha of natural and semi-natural green space (and be able to achieve the residential development proposed). The proposal includes extensive areas of natural and semi-natural green space totaling 19.1ha alongside structural planting and landscape buffer areas totaling 6.7ha. All residents would live within the 300m zone as demonstrated by the masterplan and thus the proposal is policy compliant in this regard.

Outdoor Sports Facilities

The delivery of sports facilities has been subject to numerous negotiations throughout the pre-application process with the Councils Sports, Community and Arts Manager. The applicant has taken the decision to deliver all facilities on site (there had been discussion of off-site contributions at one stage). As a consequence the sporting offer within the Sports Hub is comprehensive and includes:

- 2 adult football pitches (one grass and one AGP);
- 2 mini football pitches;
- 1 junior football pitches;
- 1 adult and youth cricket pitch;
- 1 adult rugby pitch;
- A 252sqm sports pavilion and changing facilities;
- Additional changing facilities to support pitches north of Claypole Lane; and
- 4 tennis courts.

Specifications for the sports pavilion have utilised Sports England advice. These facilities combined are considered to be a significant offer which weighs positively in the overall balance of the scheme.

I note the comments received from Sports England which suggest (through comments by the Rugby Football Union) that there may not be a need for a single rugby pitch venue and as such off site contributions to Newark RFC should be considered instead. This does not an advance to an objection to the development and having discussed with the Sports, Community and Arts Manager, officers are satisfied that on-site provision as envisaged is appropriate.

Other on-site provision

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

Maintenance of Public Open Space

Maintenance of the public open space is still subject to negotiation. The District Council has confirmed that it would not take on the maintenance of the POS. The POS amounts to a total of approximately 31.9ha (which represents 34% of the site area) and includes a range of facilities including, equipped areas of play, sports pitches, allotments and attenuation ponds which would require an able and sophisticated maintenance regime.

It is understood that the management of public open space is a contentious issue and one that has caused concern in the past on the existing Fernwood development. During the life of the application, the applicant has engaged with the LPA, the Parish Council and the local MP. On the basis of these discussions a revised Outline Management Strategy has been submitted during the life of the application.

It is acknowledged that the applicant has a duty of care to new customers which extends far beyond the initial point of sale. Managing the delivery of communal facilities for a large sustainable urban extension requires careful programming and constitutes highly specialized, resource intensive work. Equally it is acknowledged that the use of Management Companies (ManCos) is common practice across the UK. The revised strategy, at page 5, provides detail as to what a ManCo is:

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

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

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

The intention is for maintenance to be delivered by an Umbrella MANCO (responsible for the whole site) as well as Phase Specific ManCos (responsible for phase specific needs such as open space and landscaping features within individual phases). The following charges and fees are outlined to facilitate operation of the ManCo:

- An annual administration charge – for operation of the ManCo; and
- A combined Umbrella ManCo service charge (for the physical maintenance of the overarching development) and phase specific MANCO service charge (for phase specific maintenance) [with break down of costs between Umbrella MANCO and phase specific ManCo].

These charges will be made readily available to prospective purchasers in an upfront and transparent manner. It has been explicitly stated that there will be no additional charges for items such as solar panels or satellite dishes. The brochure for prospective purchasers outlining associated charges could be secured by a suitably worded condition.

During stakeholder engagement, Fernwood Parish Council has expressed an interest in taking over management responsibilities of infrastructure and facilities. Whilst the applicant remains of the view that the ManCo framework is the most effective way to implement the management of the development, opportunities for management responsibilities of targeted infrastructure and facilities to be transferred to the Parish has been suggested. It is envisaged that this would be in the later stages of the development once the infrastructure has been delivered and management arrangements are established and sustainable. In the short term it is suggested that the ownership obligations and maintenance responsibilities of the Community Hall/Sports Hall could be transferred to the Parish Council upon its completion. Furthermore, a stream lined approach is suggested for the holding of community events on ManCo managed land.

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

Transport

The highways mitigation works discussed above in the Highways Impact section of the report (and incorporated within Appendix 1) would be secured through conditions and the associated S106 agreement. As previously discussed within the relevant sections, the intentions of the Travel Plan would be secured through condition.

In addition to the above, Members attention is drawn to the comments of Network Rail which are listed in full in the above consultation section of the report. Their initial response sought a financial contribution of between £3-4k to be spent towards further improving Newark North Gate Station facilities. Specifically works to improve the connectivity to the station by cycle were referenced. This request was relayed to the applicant during the life of the development and further discussions were entered into with Network Rail and officers in order to ascertain a more specific request which could be considered CIL compliant. A further response was received (again listed in full above) which confirmed that Network Rail are seeking funding for a ramp to enable ease of access for cyclists. This ramp was stated as being outside of the scope of works currently planned by Virgin Trains East Coast.

Understandably, the applicants want to secure that all requests are reasonable and relatable solely to their development in order to ensure a CIL compliant scheme. The applicants have provided a Technical Note undertaken by their Transport Consultants dated 20th July 2016. This response states that the ramp is covered under DDA compliance regulations and is therefore the responsibility of Network Rail. Further details are provided in terms of the level of cycle trips which will actually be undertaken between the development site and Newark North Gate station (a distance of 6.2km by cycle). Reference is also made to the bus services funded by the development which include a 30-min frequency from the site to the station. Despite the latest comments offered by Network Rail clarifying matters surrounding safety regulations, Officers concur with the overall conclusions of the technical note and agree that, in this instance, it would not be reasonable to require the applicant to make the contribution requested by Network Rail. As such this has not been incorporated within the S106.

Other Matters

Amenity

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

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

Cumulative Matters

EIA regulations require the submitted ES to examine possible cumulative impacts arising for development. In the case of the current submission, this is dealt with both through chapters on specific matters and through Chapter 15 which deals solely with Cumulative Effects presented in the tabulated form in relation to the following sites:

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

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

Consultee Comments

The majority of consultee concerns/comments have been addressed with the relevant sections above.

The detailed comments of the Access and Equalities Officer and the Police Architect Liaison Officer (listed in full above) have been noted. Indeed the importance of creating safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion is explicitly identified by paragraph 58 of the NPPF in the context of requiring good design. Given the outline nature of the development it is not possible (nor appropriate) to interrogate the development at the level of detail referred to by these comments. Nevertheless it is considered reasonable to include an informative drawing attention to the principles of Secured by Design and the requirements of Building Regulations. It should however be noted that the final street hierarchy will be designed such that fire appliances will be able to reach within 45m of any residential dwelling and the maximum carry distance for refuse collection be 25m.

Overall Planning Balance and Conclusions

This planning application represents an opportunity to deliver one of the Council's allocated Strategic Urban Extension sites. The delivery of housing, in this case promoted by a national housebuilder is a significant material planning consideration. That said it is equally necessary to ensure that an acceptable form of development takes place, including required mitigation. A development of this scale will inevitably have impacts and will inevitably change the existing character of the location. However, it does not follow that a significant change must equate to unacceptable harm.

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

RECOMMENDATION

That full planning permission is approved subject to the conditions appended at Appendix 3.

Background Papers

Application case file.

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

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

Kirsty Cole
Deputy Chief Executive

Schedule of Communication Received after Printing of Agenda

| Item | Correspondent | Date | Points Raised (Summary) | Officer's Response |
|------|------------------------------------|------------|---|---|
| 4 | Neighbouring Party | 08.09.2016 | The proposed roundabout at the top of Shire Lane will affect the access to Airfield Cottages. The masterplan does not identify existing driveways. | <p>Noted.</p> <p>Officers have sought assistance from the applicant and NCC Highways in responding to this point. In any event the existing access is shown as retained on the detailed technical drawings of the works to that junction.</p> <p>It has been confirmed that the proposed Shire Lane roundabout works do acknowledge the existence of the existing accesses to Airfield Cottages. It is important to note that to the south of the proposed roundabout the width of Great North Road will be the same under future conditions as exists today.</p> <p>The presence of a roundabout junction to the north of Airfield Cottages will serve to reduce the speed of vehicles approaching from this direction. This is considered to be a safety enhancement when compared to existing conditions.</p> <p>For the avoidance of any doubt, officers recommend an additional condition that requires a scheme to be submitted by the applicant prior to implementation of these highways works to demonstrate how reasonable access will be maintained for affected properties. Detailed wording to be delegated to Business Manager in consultation with Chair and Vice Chair.</p> |
| 4 | Neighbouring Parties from Claypole | | In acknowledgement that Claypole PC will not be able to address Members at the meeting, 6 no. of additional representations have been received since agenda print from residents within Claypole | Noted. The comments raised have already been covered through the discussion of the printed agenda papers. |

Schedule of Communication Received after Printing of Agenda

| Item | Correspondent | Date | Points Raised (Summary) | Officer's Response |
|------|---------------|------|--|--------------------|
| | | | <p>village. The issues raised can be summarised as follows:</p> <ul style="list-style-type: none"> • The road layout with seven junctions is inappropriate • Travel time to Newark will increase and there will be additional issues associated with the school run • Additional pressure put on hospitals which are already struggling – Grantham is now closed at night and it looks like Newark will close in the near future • The submitted TA fails to properly reflect what happens in the real world and instead relies too heavily on modelling • Suggestion of revised road layout from Claypole should be carried forward • Alternatively Hollowdyke Lane could be used as a long term access solution for traffic requiring access to Claypole, Stubton, Dry Doddington etc. • The impact on residents quality of life will be significant • The school should be re-sited as suggested by Claypole PC | |

Schedule of Communication Received after Printing of Agenda

| Item | Correspondent | Date | Points Raised (Summary) | Officer's Response |
|------|---------------|------|---|--------------------|
| | | | <ul style="list-style-type: none"> • The main access to the A1 south goes past the school which is a safety issue • The development traffic impacts should be considered in the context of the development of the business park and the creating of the Newark south relief road • There is a risk of accidents occurring if access is not properly considered - the potential impact in terms of peoples health and quality of life must not be underestimated • Shire Lane is the only access for Claypole residents to Newark and the A1 • Residents of the new site wanting to reach the A17 are likely to use Shire Lane and Claypole as a 'rat-run' which already happens when there are accidents on the A1 • The pollution from the volume of traffic will affect the children in school • The school and medical facilities will not have any build out | |

Schedule of Communication Received after Printing of Agenda

| Item | Correspondent | Date | Points Raised (Summary) | Officer's Response |
|------|---------------|------------|--|--|
| | | | <p>priority and so increase the demand on current facilities</p> <ul style="list-style-type: none"> • This will add of local traffic problems before the relief road has been completed • The proposed development will add 6-8000 vehicles to the local currently overstretched road infrastructure • The Persimmon homes development shouldn't be approved until the remainder of Fernwood is completed • At a recent Claypole meeting, approx.. 300 residents voiced their concerns over access to Newark and the A1 with the construction of 1800 houses | |
| 4 | Applicant | 12.09.2016 | <p>Observations on published report in relation to:</p> <ul style="list-style-type: none"> • Language in the report in terms of the Masterplan being indicative / illustrative. The Masterplan has undergone detailed work so that the proposal can be delivered as envisaged • Errors / Minor typos in report • The ManCo arrangement | <p>These points will be addressed verbally through presentation but for clarity the following errors have been identified in the report:</p> <p>P.88 – the policy aspirations referred to within the bullet points should be reversed – the aspiration for intermediate provision is 40% and the aspiration for affordable rent provision is 60%.</p> <p>P.96 – The recommendation should read:</p> <p>'That outline planning permission is approved subject to the conditions appended at Appendix 3.'</p> |

Agenda Page 253

Schedule of Communication Received after Printing of Agenda

| Item | Correspondent | Date | Points Raised (Summary) | Officer's Response |
|------|---------------------|------------|--|--|
| | | | <p>diverges from the traditional Persimmon model</p> <ul style="list-style-type: none"> • Comments on affordable split • Comments on condition wording | <p>For the avoidance of doubt, in the context of the discussion on page 65 under '5 year Housing Land Supply' there is a typographical error in that the relevant paragraph of the NPPF is paragraph 49 which refers to relevant policies for the supply of housing not being considered up to date if the LPA cannot demonstrate a 5 year supply. As detailed in the report, the authority is satisfied that it has a 5 year supply against the OAN and that in any event meeting a 5 year supply is predicated on the delivery of the sustainable urban extension sites such as this.</p> <p>For the avoidance of doubt, paragraph 14 of the NPPF remains material to decision making as a whole. The development is considered to accord with the development plan and thus is accordance with this paragraph the proposal should be approved without delay.</p> <p>A number of points have been raised on the wording of conditions which officers are still in negotiation on. It is recommended that the exact wording of the conditions is agreed by the Business Manager under delegated powers.</p> |
| 4 | Consultee Responses | | A number of consultee responses have been received on the basis of the re-consultation on the revised flood risk information confirming nothing additional to add. | Noted. Original responses listed in full in published agenda. |
| 4 | Officer | 13.09.2016 | <p>Recommended that the following condition be added in respect to land contamination:</p> <p>Unless otherwise agreed by the Local Planning Authority, development in any relevant phase</p> | Condition wording should be added to condition 11. |

Agenda Page 254

Schedule of Communication Received after Printing of Agenda

| Item | Correspondent | Date | Points Raised (Summary) | Officer's Response |
|------|---------------|------|--|--------------------|
| | | | <p>or sub phase which has potential sources of contaminants as identified by the Preliminary Risk Assessment undertaken by RSK and dated December 2014, other than that required to be carried out as part of an approved scheme of remediation, must not commence until Parts A to D of this condition have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until Part D has been complied with in relation to that contamination.</p> <p>Part A: Site Characterisation</p> <p>An investigation and risk assessment, 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</p> | |

Schedule of Communication Received after Printing of Agenda

| Item | Correspondent | Date | Points Raised (Summary) | Officer's Response |
|------|---------------|------|---|--------------------|
| | | | <p>the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:</p> <p>(i) a survey of the extent, scale and nature of contamination;</p> <p>(ii) an assessment of the potential risks to:</p> <ul style="list-style-type: none"> • human health; • property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes; • adjoining land; • ground waters and surface waters; • ecological systems; • archaeological sites and ancient monuments; <p>(iii) an appraisal of remedial options, and proposal of the preferred</p> | |

Schedule of Communication Received after Printing of Agenda

| Item | Correspondent | Date | Points Raised (Summary) | Officer's Response |
|------|---------------|------|---|--------------------|
| | | | <p>option(s).</p> <p>This must be conducted in accordance with DEFRA and the Environment Agency's <i>'Model Procedures for the Management of Land Contamination, CLR 11'</i>.</p> <p>Part B: Submission of Remediation Scheme</p> <p>A detailed remediation scheme 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</p> | |

Schedule of Communication Received after Printing of Agenda

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|------|---------------|------|--|--------------------|
| | | | <p>the land after remediation.</p> <p>Part C: Implementation of Approved Remediation Scheme</p> <p>The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of 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.</p> <p>Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.</p> <p>Part D: Reporting of Unexpected Contamination</p> | |

Schedule of Communication Received after Printing of Agenda

| Item | Correspondent | Date | Points Raised (Summary) | Officer's Response |
|-----------------|---------------|------|--|--------------------|
| Agenda Page 259 | | | <p>In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Part A, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Part B, which is subject to the approval in writing of the Local Planning Authority.</p> <p>Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with Part C.</p> <p>Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property</p> | |

PLANNING COMMITTEE - 13 September 2016

Schedule of Communication Received after Printing of Agenda

| Item | Correspondent | Date | Points Raised (Summary) | Officer's Response |
|------|---------------|------|---|--------------------|
| | | | and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. | |

NEWARK AND SHERWOOD DISTRICT COUNCIL

Minutes of the Special Meeting of the **PLANNING COMMITTEE** held in the Council Chamber, Kelham Hall, Newark on Tuesday, 13 September 2016 at 4.00pm.

PRESENT: Councillor D.R. Payne (Chairman)

Councillors: R.V. Blaney, Mrs C. Brooks, R.A. Crowe,
Mrs M. Dobson, G.P. Handley, J. Lee, N.B. Mison,
Mrs P.J. Rainbow, Mrs S. E. Saddington, Mrs L.M.J. Tift,
I. Walker, B. Wells and Mrs Y. Woodhead

78. APOLOGIES FOR ABSENCE

An apology for absence was received on behalf of Councillor D.M. Batey.

79. DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS

NOTED that the following Member declared an interest in the items shown below:

| <u>Member/Officer</u> | <u>Agenda Item</u> |
|-----------------------|--|
| Councillors N. Mison | Agenda Item No. 4 – Land at Fernwood South, Nottinghamshire (16/00506/OUTM) – Personal interest, the Councillor is a resident of Fernwood. |

80. DECLARATION OF ANY INTENTIONS TO RECORD THE MEETING

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

81. LAND AT FERNWOOD SOUTH, NOTTINGHAMSHIRE (16/00506/OUTM)

The Committee considered the report of the Deputy Chief Executive, which sought outline planning consent for a residential led mixed use development comprising up to 1,800 dwellings, a local centre, a primary school, a sports hub with extensive areas of public open space and associated infrastructure. The application had been submitted on the basis of all matters except access being reserved.

A schedule of communication was tabled at the meeting, which detailed correspondence received after the agenda was published from the following: a neighbouring party; neighbouring parties from Claypole; the applicant; consultee responses; and the case officer.

A plan of the proposed site including a map of the area was tabled for Members at the meeting.

The Planning Committee Chairman informed the Committee of a typographical error in the report. The recommendation should read 'outline planning permission' and not full

planning permission as stated in the report.

The Business Manager Growth and Regeneration informed the Committee that Condition 13 had been changed to include a construction requirement for reasonable access to the existing residential dwellings, as detailed in the Late Items Report. A typographical error was also noted on page 88 of the report which should read as follows:

- 48% of units will be intermediate provision (the policy aspiration is **40%**), consisting of:
 - 25% of units to be shared ownership;
 - 75% of units to be Discount Open Market Value (DOMV) properties, with a discount of 25%;
- 52% of units will be affordable rent provision (the policy aspiration is **60%**), owned and managed by a Private Registered Provider or the Local Authority.

The Business Manager Growth and Regeneration informed the Committee that whilst the overall numerical value and percentage split between Intermediate and Affordable Rent was being secured, the actual split of house types (eg. number of 1, 2, 3, 4 bed units) was to be negotiated and agreed by Officers prior to the signing of the S106 Agreement.

The Chairman sought clarification regarding the payment through the management company towards the allotments and questioned why all residents would have to contribute towards those allotments if they choose not to have one. The Business Manager Growth and Regeneration confirmed that this would be addressed as part of the management arrangements secured.

Councillor Gould representing Fernwood Parish Council spoke against the application in accordance with the views of the Parish Council, as contained within the report.

Councillor Bett representing Barnby in the Willows Parish Council expressed concerns regarding potential traffic congestion, but acknowledged that the Parish Council had not opposed the application as reflected within the report.

Councillor Wood representing South Kesteven District Council spoke regarding the application in accordance with the views of South Kesteven District Council. Whilst South Kesteven District Council had no fundamental objection to the proposal, he asked that careful consideration being given to certain points as contained within the report.

Members considered the application and concern was raised regarding the impact from additional traffic the development would cause. A Member commented that the road network as a whole needed to be addressed to alleviate highway issues. This led to further concerns regarding the road infrastructure running through the estate to Claypole, as it was felt that would create a rat run. It was commented that the medical practice should be located on the development site. Concern was also raised regarding the development being in close proximity to the A1 and it was suggested that the design could be amended to alleviate that.

Other Members noted that in this case the Highway Authorities had not objected, nor had the Council's own independent Highway Consultants. On this basis there were no grounds to challenge the highways conclusions or the mitigation package being secured.

Current problems with the bus service to existing Fernwood were also reported. The Business Manager Growth and Regeneration confirmed that bus provision would be subsidised by the applicants relatively early given the adopted nature of Shire Lane as existing. Any bus provision could only come forward once sufficient houses were built.

A Member commented that the location of the new school was correct, but it was suggested that the school should be open before the completion of 200 dwellings. The road infrastructure around the school should also be given some consideration with the inclusion of a drop off area and double yellow lines to clearly define where parents could park, to prevent future car parking issues. The Business Manager Growth and Regeneration confirmed that recommended condition 12 would require such details to be submitted. With respect to double yellow lines this was something the County Council, as Local Highway Authority, could pursue.

The inclusion of solar panels and underground water collection tanks within the development was also suggested.

Concern was raised regarding the proposed sports provision, as the identified land was divided by Shire Lane, with changing facilities only on one side. This was considered not suitable given that children would have to cross Shire Lane to use the changing facilities on the adjacent land. The Business Manager Growth and Regeneration confirmed that the applicants Design and Access Statement referred to changing provision on either side of Shire Lane. A condition could be attached and/or amended to secure this.

Concern was also raised regarding the access to Syvlan Way Depot which would result in shared residential and HGV traffic, including potential conflicts. The Business Manager Growth and Regeneration suggested that any reserved matters should set out how any conflict was being minimised to an acceptable level.

A local Member commented that land for a cemetery and a communal church would also be a future requirement for this area.

Clarification was sought as to whether the Authority was securing all required developer contributions that the Authority was seeking. The Business Manager Growth and Regeneration confirmed that as a whole the scheme was considered to be fully compliant with the Council's Developer Contributions SPD.

A Member asked that conditions 13 and 14 regarding noise would be thought through carefully in order that noise and disruption be kept to a minimum and controlled.

Concerns were raised regarding the proposed Management Company and how that would operate. The Business Manager confirmed that the management company would be a requirement of a S.106 agreement and would be a not for profit organisation, set up by the developers solely to administer the management and financial obligations associated with the communal facilities and infrastructure of a

development. All details would need to be submitted prior to occupation of any unit. Confirmation was also provided by the Business Manager Growth and Regeneration that there would be adequate provision for green open space.

Clarification was sought regarding when the widening of the bridge over the A1 would commence. The Business Manager Growth and Regeneration confirmed that the Authority would take the lead on securing the widening of the bridge, which could be financed through CIL payment. The scheme would only take place when required, which would be dependent on funding (including CIL receipts) and the level of development taking place above and beyond this application.

AGREED (with 11 votes for and 3 abstentions) that outline planning permission be granted in accordance with the Officer recommendations subject to:

- (1). The final wording of conditions being agreed by the Business Manager Growth and Regeneration, in consultation with the Planning Committee Chairman and Vice-Chairman;
- (2). The signing of a S106 Agreement to secure matters outlined in the report and in particular Appendix 2 thereof, the triggers for which to be agreed by the Business Manager Growth and Regeneration, in consultation with the Planning Committee Chairman and Vice-Chairman; and
- (3). Additional and/or amended conditions to secure (a). an appropriate access for existing residential properties; and (b). securing appropriate changing facilities in association with Sports Hubs on both sides of Shire Lane.

The meeting closed at 6.27pm

Chairman

Conditions and Informatives for 16/00506/OUTM

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| Commencement | 01 | <p>The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved on any phase, whichever is the later.</p> <p>Reason: To conform with Section 92 (2) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.</p> |
| Time period | 02 | <p>The reserved matters application for the first phase or sub phase of the development shall be made to the Local Planning Authority before the expiration of five years from the date of this permission and all subsequent reserved matters applications shall be submitted before the expiration of fifteen years from the date of this permission.</p> <p>Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.</p> |
| Reserved Matters | 03 | <p>Details of the appearance, landscaping, layout (including internal accesses) and scale ('the reserved matters') for each phase or sub phase of the development (pursuant to Condition 4 (Phasing) of the development shall be submitted to and approved in writing by the local planning authority before development in that phase or sub phase begins and the development shall be carried out as approved.</p> <p>Reason: This is a planning permission in outline only and the information required is necessary for the consideration of the ultimate detailed proposal to comply with the requirements of Section 92 of TCP Act 1990, as amended by Section 51 of the Planning & Compulsory Purchase Act 2004 and for reasons of sustainable travel and highway capacity.</p> |
| Phasing | 04 | <p>The development hereby approved shall be implemented in accordance with the Phasing Plan (drawing no. 6534-L-06) and each reserved matters application for each phase or sub phase of the development shall be accompanied by an up to date phasing plan and phasing programme which includes details as follows:</p> <ul style="list-style-type: none"> I. Development area or parcels, including broad areas, range of residential unit numbers and/or floorspace or non-residential uses. II. Site accesses and major internal infrastructure including internal roads, pedestrian and cycle crossings, footpaths, cycleways and bus stop infrastructure. |

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| | | <p>III. Confirmation of the timescale for the implementation of the off-site highway infrastructure including highway improvements/traffic management.</p> <p>IV. Timing and delivery of the associated Green Infrastructure within that phase (including public open space, formal sports recreation facilities, allotments, NEAPs, LEAPs and associated parking facilities);</p> <p>unless otherwise agreed in writing by the Local Planning Authority.</p> <p>Reason: To ensure that the site is developed in a satisfactory manner and for the avoidance doubt.</p> |
| Plans | 05 | <p>Reserved matters submissions for any phase or sub phase hereby approved shall be carried out in accordance with the following plans:</p> <ul style="list-style-type: none"> • Parameters Plan A Application Boundary FPCR Drawing Reference No. 6534-L-01 • Parameters Plan B Land Use FPCR Drawing Reference No. 6534-L-02 • Parameters Plan C Residential Density FPCR Drawing Reference No. 6534-L-03 • Parameters Plan D Access FPCR Drawing Reference No. 6534-L-04 • Parameters Plan E Green Infrastructure FPCR Drawing Reference No. 6534-L-05 Rev A • Parameters Plan F Phasing FPCR Drawing Reference No. 6534-L-06 <p>unless otherwise agreed in writing by the Local Planning Authority.</p> <p>Reason: To ensure that the site is developed in a satisfactory manner and for the avoidance doubt.</p> |
| Design | 06 | <p>The submission of each reserved matters and the implementation of development shall be carried out in substantial accordance with the principles described and illustrated within the Illustrated Masterplan Ref 6534-L-07 rev. I and the Design and Access Statement. For the avoidance of doubt this should include changing facilities, toilets and car parking for the sporting provision to north of Shire Lane for the relevant phase or sub phase of the development.</p> <p>Reason: To ensure that the site is developed in a satisfactory manner and for the avoidance of doubt.</p> |
| | 07 | <p>Each application for reserved matters approval for each phase or sub phase of the development shall include a statement detailing how the application responds to the design principles contained within the Masterplan and Design and Access Statement on the following matters, subject to revisions agreed in writing by the Local Planning Authority;</p> |

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| | | <ul style="list-style-type: none"> • Place making including build form, design, scale, height and massing; • Design, materials, detailing and boundary treatment; • Movement including street hierarchy, connectivity and design principles; and • The design and function of landscaping, green infrastructure and open space <p>Reason: To ensure consistency with the Masterplan and Design and Access Statement and ensure the site is developed in a satisfactory manner.</p> |
| Development Quantum Residential | 08 | <p>The development hereby permitted authorises the erection of no more than 1800 dwellings falling within Use Class C3.</p> <p>Reason: To define the planning permission and to ensure the development takes the form agreed by the authority and thus results in a satisfactory form of development.</p> |
| Development Quantum Local Centre | 09 | <p>The development hereby permitted authorises no more than 0.75ha gross of A1, A3, D1 uses to be provided within a Local Centre as indicated on Parameters Plan B Land Use FPCR Drawing Reference No. 6534-L-02.</p> <p>Reason: To define the planning permission and to ensure appropriate development takes the form agreed by the authority and thus results in a satisfactory form of development.</p> |
| Development Quantum Specific Uses | 10 | <p>Within the Local Centre as indicated on Parameters Plan B Land Use FPCR Drawing Reference No. 6534-L-02, A1 food retail uses shall not exceed 420sqm (gross floor area) with non-food retail not exceeding 115sqm, D1 community uses not exceeding 1,413sqm and sports pavilion not exceeding 252sqm.</p> <p>Reason: To define the planning permission and to ensure the development takes the form agreed by the authority and thus results in a satisfactory form of development.</p> |
| Land Contamination | 11 | <p>Unless otherwise agreed by the Local Planning Authority, development in any relevant phase or sub phase which has potential sources of contaminants as identified by the Preliminary Risk Assessment undertaken by RSK and dated December 2014, other than that required to be carried out as part of an approved scheme of remediation, must not commence until Parts A to D of this condition have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until Part D has been complied with in relation to that contamination.</p> <p>Part A: Site Characterisation</p> |

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| | <p>An investigation and risk assessment for the relevant phase or sub phase of the development, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:</p> <ul style="list-style-type: none"> (i) a survey of the extent, scale and nature of contamination; (ii) an assessment of the potential risks to: <ul style="list-style-type: none"> • human health; • property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes; • adjoining land; • ground waters and surface waters; • ecological systems; • archaeological sites and ancient monuments; (iii) an appraisal of remedial options, and proposal of the preferred option(s). <p>This must be conducted in accordance with DEFRA and the Environment Agency's <i>'Model Procedures for the Management of Land Contamination, CLR 11'</i>.</p> <p>Part B: Submission of Remediation Scheme</p> <p>A detailed remediation scheme for the relevant phase or sub phase of the development to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental</p> |
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| | | <p>Protection Act 1990 in relation to the intended use of the land after remediation.</p> <p>Part C: Implementation of Approved Remediation Scheme</p> <p>The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of the relevant phase or sub phase of the development, other than that required to carry out remediation and unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.</p> <p>Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.</p> <p>Part D: Reporting of Unexpected Contamination</p> <p>In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Part A, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Part B, which is subject to the approval in writing of the Local Planning Authority.</p> <p>Following completion of measures identified in the approved remediation scheme a verification report must be prepared for the relevant phase or sub phase of the development, which is subject to the approval in writing of the Local Planning Authority in accordance with Part C.</p> <p>Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.</p> |
| <p>Parking and Management Plan</p> | <p>12</p> | <p>The reserved matters application for the relevant phase or sub phase of the development relating to the delivery of the primary school shall include a parking and management plan (including appropriate provision to utilise car parks associated with the Local Centre and a school safety zone which shall include appropriate</p> |

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| | | <p>signing, lining, traffic calming, coloured surfacing, and parking restrictions) and shall be submitted to and approved in writing by the local planning authority.</p> <p>Reason: To ensure that the site is developed in a satisfactory manner and for the avoidance of doubt.</p> |
| <p>Construction Management Plan</p> | <p>13</p> | <p>No development shall take place on any phase or sub phase of the development until a Construction Environmental Management Plan (CEMP) for that phase or sub phase of the development has been submitted to and approved in writing by the local planning authority. The CEMP shall be updated if required as part of each Reserved Matters submission for each phase or sub phase of the development. The approved CEMP shall be adhered to throughout the construction period. The CEMP shall set the overall strategies for the following showing explicit regard for all existing neighbouring receptors:</p> <ul style="list-style-type: none"> • the parking of vehicles of site operatives and visitors including manoeuvring arrangements; • loading and unloading of plant and materials; • storage of plant and materials used in constructing the development; • the proposed site compound; • the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate; • wheel and vehicle body washing facilities; • provision of road sweeping facilities; • measures to control the emission of noise, dust and dirt during construction; • a Site Waste Management Scheme for recycling/disposing of waste resulting from demolition and construction works; • a Materials Management Plan (MMP) to address the storage and handling of materials; • a Noise Mitigation Scheme (NMS) designed to minimise noise levels during construction such as adopting Code of Construction Practice, adopting principles of Best Practicable Means to reduce noise levels during construction work; • the means of access and routeing strategy for construction traffic; • details of construction traffic signage; • management and procedures for access by abnormal loads; • a strategy to control timings of deliveries to avoid the morning and evening peak travel times where possible; • hours of construction work; |

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| | | <ul style="list-style-type: none"> • a construction Travel Plan; • management of surface water run-off, including details of a temporary localised flooding management system; • the storage of fuel and chemicals; • the control of temporary lighting; • measures for the protection of retained trees, hedgerows and watercourses as identified in Tree Survey and Constraints Report dated 19th October 2015; • Appropriate controls for the storage of hazardous materials and fuel storage and filling areas • A scheme to demonstrate how reasonable access to existing properties bordering the site will be maintained during development <p>Reason: To ensure appropriate mitigation for the impact on residential amenity caused by the construction phases of the development and to reflect the scale and nature of development assessed in the submitted Environmental Statement and to accord with the objectives of the NPPF and Newark and Sherwood Core Strategy Policies CP9, CP12, CP13 and NAP2C and in line with the ES.</p> |
| Phased Noise Attenuation submitted with each RMA | 14 | <p>Each reserved matters application for each phase or sub phase of the development hereby approved shall be accompanied by a Noise Assessment and where necessary a Noise Attenuation / Mitigation Scheme shall be submitted to and approved in writing by the Local Planning Authority. The approved attenuation scheme shall be implemented on site prior to first occupation of any dwelling in that phase or sub phase or to an alternative implementation timetable as may be agreed in writing by the Local Planning Authority.</p> <p>Reason: To ensure that noise levels, specifically from the A1 Trunk Road are appropriately mitigated and that the mitigation measures are implemented in a timely manner. This condition accords with the expectations of the Environmental Statement submitted as part of this application and to ensure that the development accords with Policies DM5 and the NPPF.</p> |
| Noise of plant | 15 | <p>All new buildings containing plant and/or machinery or fixed external plant should be attenuated to achieve the noise criteria of 5dB below the measured background (L₉₀) at adjacent dwellings' (with an acoustic feature correction applied) unless otherwise agreed in writing by the LPA.</p> <p>Reason: To protect the amenity of the occupiers of the proposed development.</p> |
| Phased Archaeology | 16 | <p>No development shall take place within each phase or sub phase of the development hereby approved (pursuant to Condition 4) until an Archaeological Scheme of Treatment Work for the relevant phase or sub</p> |

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| | | <p>phase is submitted to and approved in writing by the Local Planning Authority. Thereafter the development in any relevant phase or sub phase shall be implemented in accordance with the approved Archaeological Scheme for Treatment Work unless otherwise agreed in writing by the Local Planning Authority.</p> <p>Reason: In order to ensure that satisfactory arrangements are made for the investigation, retrieval and recording of significant archaeological remains of the site and to accord with the with the objectives of the NPPF and Newark and Sherwood Core Strategy Policies CP14 and NAP2C.</p> |
| Bird protection | 17 | <p>No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.</p> <p>Reason: To safeguard protected species and to accord with the objectives of the NPPF and Newark and Sherwood Core Strategy Policies CP12 and NAP2C.</p> |
| Habitat Creation & Management Plan | 18 | <p>No development (pursuant to Condition 4) shall take place within each phase or sub phase until a Habitat Creation and Management Plan which relates to the green infrastructure associated with that phase or sub phase has been submitted to and approved in writing by the Local Planning Authority.</p> <p>The approved Habitat Creation and Management Plan shall be implemented on-site as approved, in accordance with the agreed timetable unless otherwise agreed in writing by the Local Planning Authority.</p> <p>Reason: To safeguard protected species and their habitats and in order to provide ecological enhancements in a timely manner in line with the CP12, NAP2C of the Development Plan and the advice contained in the NPPF as well to take account of the Nottinghamshire Local Biodiversity Action Plan.</p> |
| Operational phase external lighting scheme to accompany RMA | 19 | <p>Applications for reserved matters approval for each phase or sub phase shall be accompanied by a detailed external lighting scheme (for the operational phase) designed to ensure the impacts of artificial light are minimised and that light spill onto retained and created habitats, particularly around the site periphery and green corridors through the site are avoided. Any security lighting / floodlighting to be installed, shall be designed, located and installed so as not to cause a nuisance to users of the highway. The details of any such lighting shall be submitted to and approved by the Local Planning Authority (together with a lux plot of the estimated luminance). The development shall proceed within each phase or sub phase in accordance with the agreed external lighting scheme.</p> |

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| | | Reason: This condition is necessary to ensure that the impacts of external lighting on nocturnal wildlife, particularly bats are reasonably minimised in accordance with CP12 and the NPPF and to protect drivers from uncontrolled light sources near the public highway. |
| Foul Sewage Disposal | 20 | <p>No development shall be commenced within each phase or sub phase (pursuant to Condition 4) until drainage plans for the disposal of foul sewage for that phase or sub phase have been submitted to and approved in writing by the Local Planning Authority. The scheme for each phase or sub phase shall be implemented in accordance with the approved details before the development in that phase or sub phase is first brought into use.</p> <p>Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce of creating or exacerbating a flooding problem and to minimise the risk of pollution.</p> |
| Detailed Surface Water Drainage Scheme | 21 | <p>No development shall be commenced within each phase or sub phase (pursuant to Condition 4) until a detailed surface water drainage scheme for that Phase or sub-phase, in accordance with the approved Flood Risk Assessment and based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented prior to first occupation of any dwelling within that Phase or sub phase unless otherwise agreed in writing with the Local Planning Authority.</p> <p>Reason: To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures.</p> |
| Suspended Solids | 22 | <p>Prior to the commencement of any phase or sub phase (pursuant to Condition 4) of the development hereby approved a scheme detailing treatment and removal of suspended solids from surface water run-off during construction works for that phase or sub phase shall be submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented within that phase or sub phase as approved.</p> <p>Reason: To reduce the risk of surface water pollution.</p> |
| Flood risk | 23 | <p>The finished floor levels of residential development identified in the 2d Flood Depths within drawing 6534-L-07 rev. I submitted to accompany the letter from RSK dated 8th August 2016 are to be set 600mm above the predicted 1% 2015 flood level based on the flood risk depths.</p> <p>Reason: To reduce flood risk to the proposed development.</p> |
| Travel Plan | 24 | No development shall commence within each phase or sub phase until a scheme of implementation in |

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| | | <p>accordance with details as contained within the Framework Travel Plan dated March 2016 and prepared by Milestone Transport Planning has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details. For the avoidance of doubt the scheme shall include the following:</p> <ul style="list-style-type: none"> • Timing and means of delivery for the revenue contributions towards the additional costs to support the bus provision; • Timing and means of delivery for on site bus infrastructure; • Timing of delivery for the temporary terminus / turn-round point for the extended bus service to the site; • Details of appointment and job description of the Travel Plan Coordinator in line with Table 6.1 of the Framework Travel Plan dated March 2016. <p>Reason: In the interests of sustainable transport and to ensure the development takes the form agreed by the authority and thus results in a satisfactory form of development.</p> |
| Management Company | 25 | <p>Prior to the commencement of any phase or sub phase (pursuant to Condition 4) of the development hereby approved a brochure outlining management arrangements and associated charges relating to that phase or sub phase shall be submitted to and approved in writing by the local planning authority. Thereafter potential residential purchasers will be provided with the approved brochure by the developer prior to completion of sale.</p> <p>Reason: To ensure future residents are aware of the management arrangements and obligations and to deliver a satisfactory development.</p> |
| Marketing Brief | 26 | <p>Prior to the occupation of 300 dwellings, a Marketing Brief for the Local Centre to include the mix and disposition of uses, access and circulation, public realm, parking, and urban design principles shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.</p> <p>Reason: To ensure consistency with the Design & Access Statement and ensure a satisfactory form of development and in the interests of the character and appearance of the area.</p> |
| Highways England | 27 | <p>Prior to the commencement of any part of the development hereby approved, details of the form of the A1 / B6326 junction (as shown in Milestone drawing 14106/037, and 14106/027 revision C) shall be submitted</p> |

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| | | <p>to and agreed by the Local Planning Authority in consultation with Nottinghamshire County Council (acting as Local Highway Authority) and Highways England.</p> <p>Reason: To ensure that the A1 continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10(2) of the Highways Act 1980 by minimising disruption on the motorway resulting from traffic entering and emerging from the application site and in the interests of road safety.</p> |
| | 28 | <p>Prior to the occupation of 100 dwellings, improvements to the A1 / B6326 junction (as shown in Milestone drawing 14106/037) are complete and open to traffic, subject to Detailed Design and Road Safety Audit.</p> <p>Reason: To ensure that the A1 continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10(2) of the Highways Act 1980 by minimising disruption on the motorway resulting from traffic entering and emerging from the application site and in the interests of road safety.</p> |
| | 29 | <p>Prior to the occupation of 900 dwellings, improvements to the A1 / B6326 junction (as shown in Milestone drawing 14106/027 revision C) are complete and open to traffic, subject to Detailed Design and Road Safety Audit.</p> <p>Reason: To ensure that the A1 continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10(2) of the Highways Act 1980 by minimising disruption on the motorway resulting from traffic entering and emerging from the application site and in the interests of road safety.</p> |
| NCC Highways | 30 | <p>Notwithstanding the submitted indicative masterplan and layout drawings, all site highway layouts should comply with the 6Cs design guide unless otherwise agreed by the Highway Authority (see www.leics.gov.uk/index/6csdg) and be submitted to and agreed in writing by the LPA.</p> <p>Reason: To ensure the development is constructed to adoptable standards.</p> |
| | 31 | <p>Prior to the occupation of Phase 2 of the development hereby approved improvements to the B6326 Great North Road/ Sylvan Way shall be delivered and made available to traffic as illustrated by drawing 14106/026 Rev. A (or through a subsequent revised drawing agreed by the LPA).</p> <p>Reason: In the interest of highway safety and capacity.</p> |
| | 32 | <p>Before occupation of the 50th dwelling, improvements to the B6326 Great North Road/ Shire Lane junction</p> |

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| | <p>shall be delivered and made available to traffic as illustrated by drawing 14106/025 Rev. F (or through a subsequent revised drawing agreed by the LPA).</p> <p>Reason: In the interest of highway safety and capacity.</p> |
| 33 | <p>Prior to the completion of Phase 1 of the development hereby approved improvements to the C421 Shire Lane corridor shall be delivered and made available to traffic as illustrated by drawing 14106/018 Rev. E (or through a subsequent revised drawing agreed by the LPA).</p> <p>Reason: In the interest of highway safety and capacity.</p> |
| 34 | <p>Before occupation of the 50th dwelling, improvements to the B6326 Great North Road between Shire Lane and Dale Way shall be delivered and made available to traffic as illustrated by drawing 14106/016 Rev. D (or through a subsequent revised drawing agreed by the LPA).</p> <p>Reason: In the interest of highway safety and capacity.</p> |
| 35 | <p>In the event that the Barratt/DWH development the subject of planning application LPA reference 14/00465/OUTM does not commence, and unless an alternative scheme has been approved in writing and thereafter completed to the satisfaction of the Local Planning Authority, before occupation of the 630th dwelling, improvements to the Goldstraw Lane/B6326 roundabout shall be delivered and made available to traffic as illustrated by drawing 14106/038 (or through a subsequent revised drawing agreed by the LPA).</p> <p>Reason: In the interest of highway safety and capacity.</p> |
| 36 | <p>No dwelling shall be occupied until the associated parking areas and manoeuvring areas for that dwelling have been drained and surfaced in accordance with the details approved in writing by the Local Planning Authority. The areas so provided shall not be used, thereafter, for any purpose other than the parking and manoeuvring of vehicles, unless otherwise agreed in writing by the Local Planning Authority.</p> <p>Reason: In the interest of highway safety.</p> |
| 37 | <p>Prior to development commencing, a scheme to provide street lighting on the B6326 Great North Road between Dale Way and the A1 slip road, south of the development, shall be submitted to and approved in writing by the LPA, and thereafter implemented in accordance with the approved details.</p> <p>Reason: In the interest of highway safety.</p> |

Notes to Applicant

01 (Conditions)

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

Condition 4 – Phasing

The applicant is advised that bus infrastructure, as referred to in this condition should be agreed (at the very least communicated to prospective purchasers likely to be affected by provision) prior to occupation for each phase or sub phase in accordance with the Phasing Plan (drawing no. 6534-L-06) .

Condition 13 – Construction Management Plan

The Noise Mitigation Scheme (NMS) relating to the construction phase of the development NMS shall be designed to minimise noise levels during construction work such as adopting a Code of Construction Practice, adopting principles of Best Practicable Means to reduce noise levels during construction work, selecting the most appropriate plant, the use of localised hoardings where noise levels at noise-sensitive properties during certain specified periods of the construction, arrangements for liaison with local residents to inform them of periods where noise levels might be higher and any other appropriate measures.

Condition 18 – Habitat Creation and Management Plan

The Habitat Creation Plan shall include details of the following within each phase, as appropriate:

- The location and extent of all new habitats including all works required for the creation;
- For the creation of new habitats, these details shall identify target habitats with reference to the Nottinghamshire Local Biodiversity Action Plan and habitats specifically designed for the cinnabar moth, and shall include details of all tree, woodland, scrub and hedgerow planting, and wetland and grassland establishment, and will provide information regarding ground preparation; cover material; soil profiles; sources of tree and shrub stock (which should be of local provenance, seed mixes for grassland, woodland and wetland areas (to be used in grassland establishment methods, and which shall be of certified native origin); proportions; size; spacing; positions; densities; sowing rates; methods of establishment; areas left for natural regeneration; creation of wetland areas; and fencing off of planting areas. For the management of created and retained habitat, these details shall include the identification of management objectives; annual work programmes; and monitoring.
- Measures to enhance retained habitats;

- How public access will be controlled to limit disturbance to wildlife;
- Ecological enhancements to include (but shall not be limited to) bird, bat boxes and the creation of artificial hibernaculae for reptiles at appropriate points within the site which should offer immediate enhancements (prior to first occupation) and longer term enhancements where appropriate;
- Opportunities to enhance the proposed drainage features on site to benefit biodiversity;
- Details of a habitat management plan for existing and new habitats during the establishment phase including details/arrangements for on-going management and monitoring for not less than 5 years;
- An implementation timetable for all elements.

In addition to the above each reserved matters application shall be accompanied by an updated Extended Phase 1 Habitat Survey together with any Protected Species Surveys identified as being required. Where protected species are identified as being present on site, a scheme of mitigation shall be submitted. Any scheme of mitigation shall include a working design, methods statement and timetable of works to mitigate any adverse effects to protected species.

Condition 21 – Detailed Surface Water Drainage Scheme

The scheme to be submitted shall include

- Provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- Detailed site levels designs for the site. This information should be accompanied by a contour plan and a flood routing plan. The site should be designed to retain all surface water flows within the site and route these to the attenuation ponds. Flows crossing the site boundary onto 3rd party land are not acceptable.
- Detailed consideration of the risk of accumulation and mitigation of the pluvial flooding as shown on the Environment Agency surface water flood risk plans.
- Detailed drainage layout including building/plot drainage where possible. This is to include a fully referenced network plan with supporting calculations and documentary evidence of infiltration coefficients if used. The performance specification should follow the guidance within Sewers for Adoption 7th edition in terms of the criteria for pipe-full flows, surcharge and flooding;
- Full drainage simulation outputs to demonstrate that the drainage system can fulfil the design criteria and that failure of the drainage system during short-duration high-intensity events does not automatically mean that properties flood. The management of accumulations of water on the site should be clearly defined and the potential flow routes considered. The designers should consider how exceedance flow routes may be maintained and not blocked by fences, garden sheds and the like. In this regard they should be designed where possible to avoid reliance on 3rd party properties and should use public open space and highways.
- All infiltration areas with supporting specification, calculations and construction details.

- Attenuation pond/tank details including volumetric calculations, geotechnical & slope-stability calculations as appropriate, specification of materials used to construct any berms.
- Full specification & general arrangement drawings for inlet/outlet structures and flow control structures. The details should also include the access arrangements for clearing and maintenance including in times of flood/failure of the infrastructure.
- Full documentary evidence for consideration by the LPA/LLFA legal advisors of the rights to discharge to any watercourse.
- All calculations should be provided using contemporary drainage software (Windes or similar). If possible electronic files should be provided to support paper and pdf outputs. Information can be provided in common software packages and formats including PDS, Windes, xyz, genio, word/excel/autocad etc. All documents should be referenced with a unique identifier – drawing number, document number/revision etc. Calculations and drawings should be cross-referenced and issue sheets provided to enable tracking of revisions to information;
- Timetable for its implementation;
- Provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime;
- In addition to dealing with surface water drainage this scheme shall also be designed to maximize biodiversity opportunities.

02 (S106)

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

03 (NEAP expectations)

The developer is advised that in respect of the NEAP, it is expected that this should be provided in accordance with the specification for a 'Neighbourhood Equipped Area for Play' taken from the Fields in Trust publication 'Planning and Design for outdoor Sport and Play'. Specifically it should include the following elements:(1) The NEAP should occupy a well-drained site, with both grass and hard surfaced areas, together with impact absorbing surfaces beneath and around play equipment or structures as appropriate; (2) it should include an activity zone of at least 1000 square metres, comprising an area for play equipment and structures, and a hard surfaced area of at least 465 square metres (the minimum needed to play 5-a-side football); (3) a buffer zone of 30 metres minimum depth should separate the activity zone and the boundary of the nearest property containing a dwelling. A greater distance may be needed where purpose-built skateboarding facilities are provided. The buffer zone should include varied planting to provide a mix of scent, colour and texture; (4) it should provide a stimulating and challenging play experience that includes equipment and other features providing opportunities for balancing, rocking, climbing, overhead activity, sliding, swinging, jumping, crawling, rotating, imaginative play, social play, natural play, ball games, wheeled sports or other activities. There should be a minimum of nine play experiences included; (5) seating for accompanying adults and siblings should be provided, together with one or more litter bins (6) the older children's/youth element should be either through the provision of a tarmac surfaced, fenced and marked out Multi-use Games Area or a tarmac surfaced skate/wheeled sport park containing at least 4 separate ramps (7) there should be a sign indicating that the

area is for children and young people's play and that dogs are not welcome. The name and telephone number of the facility operator should be provided, together with an invitation to report any incident or damage to the NEAP.

04 (Highways England)

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

05 (EHO)

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

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

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

Natural England

Block 6 & 7 Government Buildings

Chalfont Drive

Nottingham

NG8 3SN

Tel: 0115 929 1191

Fax: 0115 929 4886

Email: eastmidlands@naturalengland.org.uk

Heritage England

Ancient Monuments Inspector

44 Derngate

Northampton,

NN1 1UH

Tel: 01604 735400

Fax 01604 735401

E-mail: eastmidlands@english-heritage.org.uk

Heritage Planning Specialists

Nottinghamshire County Council

Trent Bridge House

Fox Road

West Bridgford

Nottingham

NG2 6BJ

Tel: +44 (0)115 977 2162

Fax: +44 (0)115 977 2418

E-mail: heritage@nottscc.gov.uk

to prevent damage or harm to the historic environment.

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

06 (National Grid)

The following advice from National Grid should be noted:

'BEFORE carrying out any work you must:

- Ensure that no works are undertaken in the vicinity of our gas pipelines and that no heavy plant, machinery or vehicles cross the route of the pipeline until detailed consultation has taken place.
- Carefully read these requirements including the attached guidance documents and maps showing the location of National Grid apparatus.
- Contact the landowner and ensure any proposed works in private land do not infringe National Grid's legal rights (i.e. easements or wayleaves). If the works are in the road or footpath the relevant local authority should be contacted.
- Ensure that all persons, including direct labour and contractors, working for you on or near National Grid's apparatus follow the requirements of the HSE Guidance Notes HSG47 - 'Avoiding Danger from Underground Services' and GS6 – 'Avoidance of danger from overhead electric power lines'. This guidance can be downloaded free of charge at <http://www.hse.gov.uk>
- In line with the above guidance, verify and establish the actual position of mains, pipes, cables, services and other apparatus on site before any activities are undertaken.'

07 (STW)

The following advice from Severn Trent Water should be noted:

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

08 (Pro-active)

This application has been the subject of pre-application discussions and has been approved in accordance with that advice. The District Planning Authority has accordingly worked positively and pro-actively, seeking solutions to problems arising in coming to its decision. This is fully in accordance with Town and Country Planning (Development Management Procedure) Order 2010 (as amended).

09 (CIL)

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

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

010 (Police Architect)

The comments of the Police Force Architectural Liaison Officer should be noted in respect of the design presented at reserved matters stage.

011 (Hours of construction)

Condition 13 requires consideration of hours of construction. These would be expected to be broadly with those outlined within the ES unless otherwise justified through the discharge of condition 13. For the avoidance of doubt the hours of construction referred to in the ES are: 0700 – 1900 Monday to Friday and 0700 – 1300 Saturday (and not at all on Sundays or Bank Holidays).

012 (NWT)

The comments of Nottinghamshire Wildlife Trust should be noted in terms of the offer for further advice as to how drainage features can be designed with additional wildlife benefits.

013 (Natural England)

Natural England offer the following advice:

‘It is recognised that a proportion of the agricultural land affected by the development will remain undeveloped (for example as green infrastructure, landscaping, allotments and public open space etc.). In order to retain the long term potential of this land and to safeguard soil

resources as part of the overall sustainability of the whole development, it is important that the soil is able to retain as many of its many important functions and services (ecosystem services) as possible through careful soil management.

Consequently, we advise that if the development proceeds, the developer uses an appropriately experienced soil specialist to advise on, and supervise, soil handling, including identifying when soils are dry enough to be handled and how to make the best use of the different soils on site. Detailed guidance is available in Defra *Construction Code of Practice for the Sustainable Use of Soils on Construction Sites.*'

014 (NCC Highways)

Section 38 Agreement (Highways Act 1980)

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

The Advanced Payments Code in the Highways Act 1980 applies and under section 219 of the Act payment will be required from the owner of the land fronting a private street on which a new building is to be erected. The developer should contact the Highway Authority with regard to compliance with the Code, or alternatively to the issue of a Section 38 Agreement and bond under the Highways Act 1980. A Section 38 Agreement can take some time to complete. Therefore, it is recommended that the developer contact the Highway Authority as early as possible.

It is strongly recommended that the developer contact the Highway Authority at an early stage to clarify the codes etc. with which compliance will be required in the particular circumstance, and it is essential that design calculations and detailed construction drawings for the proposed works are submitted to and approved by the County Council in writing before any work commences on site.

Section 278 Agreement (Highways Act 1980)

In order to carry out the off-site works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act. Please contact Dave Albans on telephone number 01158 040015

It may be appropriate/helpful to submit a Design Code to include details of:

- street type/function;
- the principal dimensions of streets and boundary treatments include sight lines (visibility splays);
- junctions and types of traffic calming;
- treatment of major junctions public transport links;

- location and standards for on and off-street parking, including cycle parking, car parks and parking courts, and related specifications;
- street lighting and street furniture specifications and locations;
- pedestrian and cycle links including appropriate crossing facilities between all existing and proposed infrastructure;
- drainage which shall accompany any road layout submission;
- routeing and details of public utilities which shall accompany any proposed road layout submission;
- arrangements for maintenance and servicing including refuse collection/bin storage;

Developer Contributions for 16/00506/OUTM

| Contribution | Definition within S106 | Formula / SPD Requirement | Anticipated Contribution | Trigger Points |
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| <i>Affordable Housing</i> | Affordable Rented, Discounted Low Cost Affordable Dwellings as defined in Annex 2 to the NPPF (or any successor document or definition produced by HM Government or any agency thereof) | 13% (reflecting a mix of 52% affordable rent and 48% Discounted Open Market Value) | <p>234 (13%) affordable dwellings to be delivered on site:</p> <p>52% of units will be affordable rent provision owned and managed by a Private Registered Provider or the Local Authority</p> <p>48% of units to be Discount Open Market Value (DOMV) properties.</p> | <p>Affordable Housing Scheme to be submitted prior to the commencement of development of each phase</p> <p>Construct Affordable Housing in compliance with the approved scheme (each phase will include Affordable units)</p> <p>No occupation of more than 60% of the individual completed properties constructed on the site within any phase until at least 45% of the Intermediate Housing within any phase has been completed and transferred to an Affordable Housing Provider</p> <p>No occupation of more than 90% of the individual completed properties within any phase until the remaining 55% of the Intermediate Housing within any phase has been completed and transferred to an Affordable Housing Provider</p> |

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| <p><i>Community Facilities</i></p> | <p>The provision on site of a Community Hall which shall incorporate a badminton court having a total gross floor area not exceeding 1,113m² and a sports pavilion which shall include changing rooms having a total gross floor area not exceeding 252m²</p> | <p>Provision of new infrastructure from development proposals. Where existing infrastructure exists or where small scale developments do not warrant new infrastructure, a contribution may be appropriate.</p> | <p>Community Hall with badminton court within the Local Centre</p> <p>Sports Pavilion within the Sports Hub</p> | <p>To be delivered in accordance with the phasing arrangements of the development</p> <p>No development to commence within each phase to which community facilities are to be location until a Community Facilities Specification has been submitted and approved by the LPA</p> |
| <p><i>Health Provision</i></p> | <p>The sum of £1.71 million to secure Healthcare Provision</p> | <p>Core Strategy Policy requirement for strategic site to provide facilities for 3 GPs.</p> <p>The Developer Contributions SPD requires a contribution of £950 per dwelling.</p> <p>£950 per dwelling would equate to a contribution of £1.71 million</p> | <p>Pending a Healthcare Review the monies will either be contributed towards existing healthcare facilities at the following locations:</p> <ul style="list-style-type: none"> • Balderton Health Centre • Lombard Medical Centre, Newark • Fountain Medical Practice, Newark • Bowbridge Road Surgery, Newark • Newark Hospital <p>Or the healthcare provision will be delivered through an on site Health Centre with a maximum floor area of 300m² with associated car parking</p> | <p>Prior to the occupation of the 700thP [still under review by Officers and applicant] dwelling, the owner, the District Council and the CCG will carry out a healthcare review in order to determine the most suitable means of addressing the healthcare needs of the development</p> <p>An area of land within the site will be reserved to accommodate the Health Centre pending the outcome of the Healthcare Review</p> |

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| <p><i>Education Provision</i></p> | <p>The sum of up to £5,751,854 to secure the provision of the Primary School</p> <p>2.2ha of the site identified for future development of the Primary School</p> <p>0.8ha of the site adjoining the Primary School site to be reserved for future possible expansion of the Primary School</p> <p>The detailed specification for the proposed Primary School to be produced by the County Council to include (where applicable) the proposed phasing for the construction of the Primary School</p> | <p>A development of 1800 dwellings would generate 378 primary places</p> <p>The LEA require a new 2 form entry (420 place) primary school to be constructed on site. A site allowance of 2ha would be required. Build specification should meet DfE requirements and Education Funding Building Bulletin 103</p> <p>Site is required to be clear of contamination, level and serviced prior to transfer to LEA/construction of school</p> <p>Secondary education is delivered through CIL</p> | <p>The delivering of a 2 form entry primary school and expansion land to allow for the creation of a 3 form entry</p> | <p>The triggers for the delivery of the 2fe primary school if the County Council was to design and build it would be as follows:</p> <ul style="list-style-type: none"> • Transfer of the level, contamination free, serviced site to the County Council on commencement of the residential development; • 10% of the total costs to be paid on commencement of the residential development (to cover the design, planning and procurement;) • 37% on occupation of the 30PthP dwelling; • 15% on occupation of the 330th dwelling • 23% on occupation of the 780th dwelling; and • 15% on occupation of the 1280th dwelling <p>The triggers for the delivery of the 2fe primary school if it is to be construction by the developer would be as follows:</p> <ul style="list-style-type: none"> • Phase 1: Infrastructure for 420 places UplusU 4 classrooms to be completed by the occupation of the 200PthP dwelling OR within 16 months of commencement of the |
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| | | | | <p>residential development(First occupation) whichever is the sooner;</p> <ul style="list-style-type: none"> • Phase 2: 3 additional classrooms to make 210 places to be completed by the occupation of the 450th dwelling; • Phase 3: 4 additional classrooms to be completed by the occupation of the 900th dwelling; • Phase 4: 4 remaining classrooms to provide 420 places to be completed by the occupation of the 1400th dwelling. | |
| <i>Public Space</i> | <i>Open</i> | <p>The areas of open space comprising; Amenity Green Space; On-site Children’s Play Areas to include 2 LEAPs and 1 NEAP; On site Sports Facilities; Allotments and Community Gardens; Natural and Semi-Natural Green Space</p> | <p><i>Natural and Semi Natural Green Space</i> Policy = 10ha per 1,000 population or all residents to live within 300m. 1800 dwellings = 43.2 ha policy requirement.</p> <p><i>Amenity Green Space</i> Policy = 0.6ha per 1000 population 1800 dwellings = 2.59 ha</p> <p><i>Children and Young People</i> Policy = 0.75ha per 1000 population. 1800 dwellings = 3.24ha</p> | <p>19.1 hectares alongside structural planting and landscape buffer areas totaling 6.7 hectares including allotments</p> <p>6.4 hectares of amenity green space and provision for children and young people include pocket parks, 2 LEAPs and 1 LEAP</p> <p>2 adult football pitches (one grass and one AGP)</p> <p>2 mini football pitches</p> <p>1 junior football pitches</p> | <p>To be delivered in accordance with the phasing arrangements of the development</p> <p>No development to commence within each phase to which public open space are to be located until an On-site Open Space Scheme has been submitted and approved by the LPA</p> |

| | | | | |
|--|--|---|---|--|
| | | <i>Allotments and Community Gardens</i> Policy = 0.5ha per 1000 population 1800 dwellings = 2.16ha. | 1 adult and youth cricket pitch 1 adult rugby pitch Changing facilities north of Claypole Lane 4 tennis courts | |
|--|--|---|---|--|

PLANNING COMMITTEE – 24 JULY 2018

| | | |
|------------------------|---|---------------------------------|
| Application No: | 18/00125/FULM (MAJOR) | |
| Proposal: | Proposed conversion of Hatton House (formerly Newark Working Men’s Club) Beacon Hill Road Newark, to form 8 apartments. Remainder of building to be demolished. To include erection of 8 new cottages and associated access and landscaping works. | |
| Location: | Newark Working Men’s Club, 13 Beacon Hill Road, Newark On Trent | |
| Applicant: | Northgate Lettings | |
| Registered: | 31 January 2018 | Target Date: 01 May 2018 |

UPDATE

Following the last meeting comments from NCC transportation team were received on the 10th July 2018. NCC was actually consulted in January 2018 and this represents their first comments. Whilst I have very clearly expressed that this is unacceptable, unfortunately such comments do need to be considered in an overall planning balance given that the planning permission has not yet been issued pending completion of the S106.

NCC transportation comments:

“General Observations

The planning application covers an area of land situated to the North of Beacon Hill Road in the town of Newark; this application seeks permission for the development of 16 residential dwellings.

The proposed access point appears to be from an improved entrance onto Beacon Hill Road, the nearest current bus stops are approximately 450 metres from the centre of the site on Sleaford Road.

Bus Service Support

Transport & Travel Services has conducted an initial assessment of this site in the context of the local public transport network. This Site is within short walk of Newark Town centre. Stagecoach offer frequent commercial services to the town.

At this time it is not envisaged that contributions towards local bus service provision will be sought.

Infrastructure

Current Infrastructure

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

NS0126 Lindum Street – Bus Stop Pole, Raised Boarding Kerbs and Clearway Markings.

NS0716 Lindum Street – Bus Stop Pole, Raised Boarding Kerbs and Clearway Markings.

Transport & Travel Services would request a contribution via a Section 106 agreement for Bus Stop Improvements to the value of £12,500. This will be used towards improvements to the above bus stops to promote sustainable travel.

Justification

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 the standard of 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, Raise Lighting, Raised Boarding Kerbs, Lowered Access Kerbs and Enforceable Bus Stop Clearways."

Officer recommendation

Officers have already reported to Committee that in negotiating this scheme care has been taken to seek a level of development which is the minimum required to cross subsidise the conversion of the listed building. I do not consider that securing the contribution in this instance would change the officer recommendation, which was a finely balanced refusal (albeit I accept that the Planning Committee, as the LPA, have already resolved to support the scheme). In any event I do not consider the request in this instance to be reasonably justified relative to the CIL Regulations. It has not been demonstrated that the residential use of the site will place pressure on bus stops to such a degree that a contribution is required over and above the fall back and former use of the site. Indeed, the site itself is highly sustainable within the town centre. The key point for members is whether this new information changes your overall resolution to grant planning permission.

It should also be noted that NCC have also now confirmed they would not seek any contribution in terms of primary education as there is existing capacity to accommodate the pupil number that would arise from the development. This reduces the harm to be weighed in the planning balance.

The remainder of this report remains as published but has been updated to include late items that were before the Planning Committee previously. For completeness the conditions that officers have drafted in response to the resolution to approve are also included as an Appendix.

Due to the difficult balance that needs to be struck between heritage benefits and highway harm, this 'major' application has been referred to the Planning Committee by the Business Manager for Growth and Regeneration under his powers set out in the Scheme of Delegation.

The Site

The site lies on the northern side of Beacon Hill Road in Newark and contains a Grade II listed building that was formerly the Newark Workings Men's Club. The list description states:

"Formerly known as: Hatton House School BEACON HILL ROAD. House, now working mens' club. Mid C19, with mid and late C20 alterations. Stucco with hipped slate roof and 4 coped external gable stacks, each pair with a shaped gable between them. Chamfered quoins,

dentillated eaves. 2 storeys plus garrets; 3 window range. Projecting hipped central bay with central French window and fanlight, flanked by plain sashes and resembling a Venetian window. On either side, a tripartite plain sash. Tetrastyle Doric portico with dentillated cornice, covering a plastered doorcase with multiple keystones and 2-leaf fielded panelled door, flanked by single plain sashes. Single small sashes in each return angle. Beyond, single C20 French windows with sidelights. In each gable, a round headed margin light sash and above, a paired sash to the garrets. Interior altered late C20."

The building is set amongst hardstanding which was last used for car parking and can, according to the applicants accommodate c54 cars. The building is currently vacant and in a relatively poor state of repair.

Vehicular access to the site is located from Beacon Hill Road between No. 11 Beacon Hill Road and No. 1 The Close. The driveway is defined on either side by walls/fencing. There is an existing mono pitch garage (at the northern end of the drive) which appears to take its access from the driveway but which isn't the application site.

The application site also includes a small part of the garden of a property to the west which was erected under a permission granted in 1993 (FUL/93/0905) and is known as 26 Lindum Street. This part of the site until recently accommodated a single storey modern outbuilding which appears to have been demolished. This part of the site is bound by weathered fencing.

To the north of the site is the blank gable end of the two storey Victorian terraces of Lindum Street. No. 21 (the end terrace) takes its rear access via a passageway further along the row of the terraces albeit its garden bounds the site. Also to the north is the side elevation of Lindum Mews (a two storey mews terrace) which sits approximately 1 metre from the boundary (comprising relatively new timber fencing with laurel bushes planted in front of these). No. 1 Lindum Mews, (planning ref. 86/0217) which is the nearest dwelling, has a window at first floor level which appears to serve a bedroom.

To the south of the listed building are two storey modern dwellings known as numbers 1 to 7 The Close. These dwellings front the highway but vehicular access to these dwellings is between numbers 2 and 3 (which provides a view of the listed building from the roadside) and leads to its parking/garage court.

A Chapel of Rest/Funeral Directors has its buildings forming part of the eastern boundary with its single storey blank elevation facing the application site.

The site lies within the 'Newark Urban Area' as defined within the Allocations and Development Management DPD. The site also lies within an area that is prone to surface water run off according to the Environment Agency Maps.

Relevant Planning History

18/00126/LBC – Listed building consent is sought for the 'Proposed conversion of Hatton House (formerly Newark Working Men's Club) Beacon Hill Road Newark, to form 8 apartments. Remainder of building to be demolished. To include erection of 8 new cottages and associated access and landscaping works.' This application was submitted concurrently with this planning application and is pending consideration.

PREAPP/00199/17 – Pre-application advice was sought for the conversion of the existing listed building to residential use and its extension by way of the erection of a new apartment block and some new dwellings; totalling 17 dwellings. Advice was offered in November 2017.

The Proposal

Full planning permission is sought for the conversion (and change of use) of the former working men's club to 8 residential apartments and the erection of 8 new build dwellings within its grounds; totalling 16 dwellings. Car parking for 19 vehicles is now proposed on-site having been amended from 16 in an attempt to address highway concerns. A pedestrian access route is now also proposed via a passageway at the north-west corner of the site linking the site to Lindum Street to the north.

Plots 1 to 8

The existing listed building would be converted to form 8 x 2 bedroom apartments; with two on each storey.

Within the Basement, Unit 1 would have an open plan kitchen, diner and lounge which would gain natural light from a lightwell, a master bedroom with shower room and a second bedroom also gain light from a second lightwell. Also within the Basement Unit 2 has its dining/lounge area and separate kitchen arranged to benefit from a lightwell. The main bedroom also benefits from a further lightwell, whilst the second bedroom proposes a high level window in an existing opening to serve it. A separate shower room and toilet are also proposed.

At ground floor level Units 3 & 4 would have an open plan kitchen, diner and lounge, two double bedrooms (one with en-suite) and bathroom.

At first floor both Units 5 & 6 are accessed off grand central staircase and would have an open plan kitchen, diner and lounge, two double bedrooms (one with en-suite) and shower room.

At second floor Units 7 & 8 would be accessed off a secondary, rear staircase. Each would have an open plan kitchen, diner and lounge, two double bedrooms and a shower room.

Plots 9 to 13

A row of 5 two storey cottages is proposed to run parallel with the eastern boundary. These would each have a frontage width of c7.6m across with a narrow gable depth of 5.7m. These simple cottages would measure 4.79m to eaves and 7.37m to ridge height excluding the chimneys.

Each unit would have downstairs w.c and open plan kitchen, dining and living space and two bedrooms and a bathroom at first floor.

Plots 14 to 16

An L shaped mews type of arrangement would form 3 dwellings proposed to the north-western corner of the site.

Plot 16 is the corner plot which is two storey which is 7.37m to the ridge height, excluding chimney stack. This comprises a downstairs cloakroom and store, open plan kitchen diner, small

study and lounge within a single storey element. At first floor 3 bedrooms (1 double, 2 singles) and a bathroom are proposed.

Plot 15 is also two storey and to the same height. This has an open plan kitchen/diner, lounge and cloakroom as well as 3 bedrooms (2 doubles one with en-suite and 1 single) and a bathroom.

Plot 14 is a single storey dwelling with open plan living, two bedrooms and a bathroom. This has a ridge height of 5.18m (excluding chimney) and 2.47m to eaves.

The following plans and documents accompany the application. It should be noted that the layout plan has been amended to correct an annotated error (which referred to a non-existent Plot 17) and to revise the plans to address concerns:

- 17.3410 - Site Location Plan
- 17.3410.01 Existing Details Sheet 1 of 8 (Ground Floor Plan of existing building)
- 17.3410.02 Existing Details Sheet 2 of 8 (First Floor Plan of existing building)
- 17.3410.03 Existing Details Sheet 3 of 8 (Basement Floor Plan of existing building)
- 17.3410.04 Existing Details Sheet 4 of 8 (Section AA through existing building)
- 17.3410.05 Existing Details Sheet 5 of 8 (Section BB through existing building)
- 17.3410.06 Existing Details Sheet 6 of 8 (Section CC through existing building)
- 17.3410.07 Existing Details Sheet 7 of 8 (Existing Front & Side Elevations)
- 17.3410.08 Existing Details Sheet 8 of 8 (Existing Rear & Side Elevations)
- 17.3410.16D - Detailed Planning Sheet 1 of 8 (Proposed Block Plan, Site & Roof Plans) received 01/06/2018
- 17.3410.17B - Detailed Planning Sheet 2 of 8 (Proposed Elevations for Plots 1 to 8)
- 17.3410.18B - Detailed Planning Sheet 3 of 8 (Proposed Floor (Basement & Ground) Plans for Plots 1 to 8)
- 17.3410.19B - Detailed Planning Sheet 4 of 8 (Proposed Floor (First & Second) Plans for Plots 1 to 8)
- 17.3410.20 - Detailed Planning Sheet 5 of 8 (Elevations for Plots 9 to 13)
- 17.3410.21 - Detailed Planning Sheet 6 of 8 (Floor Plans for Plots 9 to 13)
- 17.3410.22A - Detailed Planning Sheet 7 of 8 (Elevations for Plots 14 to 16)
- 17.3410.23A - Detailed Planning Sheet 8 of 8 (Floor Plans for Plots 14 to 16)
- 17.3410.25 – 3D Visualisations Sheet 1 of 2
- 17.3410.25 – 3D Visualisations Sheet 2 of 2
- OTH/MSE/3698 – Topographical Survey
- Heritage Impact Assessment, Grover Lewis Association, January 2018
- Protected Species Survey by CBE Consulting, October 2017
- Flood Information, dated 17th November 2017
- Heads of Terms Statement
- Design & Access Statement
- **Highway Summary Statement (25/06/2018) Previously provided as Appendix A**
- **Trip Generation Statement (submitted 25/06/2018) Previously provided as Appendix B**

The applicant has also submitted 3 x Viability Appraisals upon request (focusing on (1) the developer contributions sought, (2) focusing on just the conversion of the listed building and (3) focusing on the new building element) during the lifetime of the application as well as information on the marketing of the club.

Departure/Public Advertisement Procedure

Twenty neighbours were individually notified and the application has been advertised in the local press and 3 site notices have also been displayed at the site and in the vicinity of the site. Re-consultation has been carried out in respect of amendments where appropriate.

Relevant Planning Policies

The Development Plan

Newark and Sherwood Core Strategy Adopted March 2011

Spatial Policy 1 - Settlement Hierarchy
Spatial Policy 2 - Spatial Distribution of Growth
Spatial Policy 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
Core Policy 14 – Historic Environment
NAP1 - Newark Urban Area

Allocations and Development Management DPD Adopted July 2013

Policy DM1 - Development within Settlements Central to Delivering the Spatial Strategy
Policy DM2 – Developer Contributions and Planning Obligations
Policy DM5 - Design
Policy DM7 - Biodiversity and Green Infrastructure
Policy DM9 - Protecting and Enhancing the Historic Environment
Policy DM12 - Presumption in Favour of Sustainable Development

Other Material Planning Considerations

National Planning Policy Framework
Planning Practice Guidance 2014
Newark and Sherwood Developer Contributions SPD
Publication Amended Core Strategy

Consultations

Newark Town Council – Object:

28/06/2018: ‘It was decided to OBJECT to this application as Members could see no reason to change their original objection.’

31/05/2018 (comments made in respect of applicants Highway Statement):

'Newark Town Council's Planning Committee considered the above application at their meeting last night and they felt that the access road remained too narrow and that the application was still too over intensive for the site. It was decided to Object to this application and confirm the original reasons for the objection namely:

"Objection was raised on the grounds that the proposed development was over intensive and the access/egress onto Beacon Hill Road could cause further traffic congestion on an already busy road".'

Previous comments: 02/02/2018:

"18/00125/FULM & 18/00136/LBC – Newark Working Men's Club, 13 Beacon Hill Road, Newark

The above applications were considered at Newark Town Council's Planning Meeting on 31st January 2018 and Objection was raised on the grounds that the proposed development was over intensive and the access/egress onto Beacon Hill Road could cause further traffic congestion on an already busy road. Please note the additional comments made below:

'Members felt that this application could have a significant impact on the local community beyond the immediate neighbouring properties, particularly with respect to the traffic impact arising from such a large number of additional properties being proposed on such a small site. It was AGREED therefore, that the District Council be asked to undertake a wider direct consultation than would normally be the case to include, but not exclusively, the Ropewalk and properties on Beacon Hill Road that are close to the site'."

NCC Highways – Object:

28/06/2018 (In response to the Trip Generation Statement and Summary Statement that were late items at the last Planning Committee):

'I consider the new (late) information is unhelpful.

Not only does the description of the proposal differ from the application, but as a consequence the interrogation of the TRICS database to derive the trip generation is also erroneous. [Trips generated by apartments are lower than houses]. It also describes a summary of a typical week's activity at the club (pages 2-3) which demonstrates that traffic was largely generated outside of the peak hours. So this does not change the stance of this Authority.'

01/06/2018 (In response to amended block plan Rev D showing new pedestrian link to Lindum Street):

"This proposal does not change our views. The new pedestrian link is not an attractive option for people accessing the town centre and not on the shortest desire line. No further comment."

30/05/2018 (in response to applicants Highway Statement):

“Additional Information

The agent has submitted further details by email dated 8 May relating to the previous use of the site along with possible improvements to the existing driveway by way of traffic calming measures, appropriate signage and lighting.

The access driveway is approx. 40m in length and its width cannot be increased to enable two vehicles to safely pass. There are no footways along its length so the site does not encourage pedestrian activity for residents, nor provides safe passage given that Spatial Policy 7 seeks safe, convenient and attractive access for all including the elderly, disabled and others with restricted mobility.

The lack of pedestrian facilities encourages dependency on the car. This is exacerbated further in that whilst residents may wish to travel by car only minimal parking is provided to cater for potential demand.

There are no proposals to reduce the number of units on the site.

As such, the concerns raised in my previous comments dated 27 March remain and it is recommended that this application be refused for the following reasons:

1. The access road leading to the site is substandard in that it is of inadequate width to allow two vehicles to pass and the increased use of the access would result in an increase in the likelihood of unacceptable danger to users of the highway.
2. The proposed development fails to make adequate provision for the parking of vehicles within the site curtilage resulting in an increase in the likelihood of danger to other users of the highway due to the likelihood of vehicles being parked on the public highway.
3. 3. In view of the poor access width and lack of pedestrian facilities, the proposal is contrary to Spatial Policy 7 in that it fails to provide safe, convenient and attractive access for all, including the elderly, disabled and others with restricted mobility.”

28/03/2018: “This proposal is for the conversion of the former Newark WMC to form 8 apartments and the erection of 8 new dwellings. The site is served by an existing access onto Beacon Hill Road, which is bounded each side by a wall with fencing along each side of the driveway up to the application site. Considerable on street parking currently exists along Beacon Hill Road including on each side of the access.

In accordance with the current Highway Design Guide (6C’s), for this number of dwellings an access is required to have a minimum width of 5.8m (4.8m minimum width with 1m added as the access is bounded on each side). The existing access is considerably less than this. This would result in the situation where a vehicle would turn into the driveway to meet an egressing vehicle. This would lead to reversing/manoeuvring from the access driveway onto Beacon Hill Road to wait for a clear passage along the driveway, increasing the likelihood of vehicular/pedestrian conflict.

From the plans submitted, plots 15 and 16 have 3 bedrooms and the remainder are two bedroomed. The layout plan submitted, drawing no. 17.3410.16C, provides 1 parking space per unit. There is the concern that this is insufficient and would further increase on street parking in the vicinity.

There are no footways or lighting along the length of the driveway and as such is unsuitable for pedestrian activity.

Therefore, it is recommended that this application be refused for the following reasons:

1. The access road leading to the site is substandard in that it is of inadequate width to allow two vehicles to pass and the increased use of the access would result in an increase in the likelihood of unacceptable danger to users of the highway.
2. The proposed development fails to make adequate provision for the parking of vehicles within the site curtilage resulting in an increase in the likelihood of danger to other users of the highway due to the likelihood of vehicles being parked on the public highway."

NCC Lead Flood Risk Authority – ‘Thank you for inviting the Lead Local Flood Authority (LLFA) to comment on the above application. Having considered the application the LLFA will not be making comments on it in relation to flood risk as it falls outside of the guidance set out by Government for those applications that do require a response from the LLFA.

As a general guide the following points are recommended for all developments:

1. The development should not increase flood risk to existing properties or put the development at risk of flooding.
2. Any discharge of surface water from the site should look at infiltration – watercourse – sewer as the priority order for discharge location.
3. SUDS should be considered where feasible and consideration given to ownership and maintenance of any SUDS proposals for the lifetime of the development.
4. Any development that proposes to alter an ordinary watercourse in a manner that will have a detrimental effect on the flow of water (eg culverting / pipe crossing) must be discussed with the Flood Risk Management Team at Nottinghamshire County Council.’

NCC (Developer Contributions) – 29th June 2018 (was late Appendix C at July Committee)

“National Planning Context

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

Waste

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

Paragraph 8 of the NPPW states that:

***‘When determining planning applications, all planning authorities should ensure that:
- the likely impact of proposed non-waste related development on existing waste management facilities, and on sites and areas allocated for waste management, is acceptable and does not prejudice the implementation of the waste hierarchy and/or the efficient operation of such facilities;***

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

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

In Nottinghamshire, relevant policies are set out in the Nottinghamshire and Nottingham Replacement Waste Local Plan: Part 1 – Waste Core Strategy (December 2013). Nottinghamshire County Council, County Hall, West Bridgford, Nottingham NG2 7QP

Minerals

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

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

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

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

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

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

'When determining planning applications, local planning authorities should:

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

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

- having regard to the local minerals plan when identifying suitable areas for non-mineral development in their local plans. District Councils should show Mineral Safeguarding Areas on their policy maps;

- in those areas where a mineral planning authority has defined a Minerals Consultation Area, consulting the mineral planning authority and taking account of the local minerals plan before determining a planning application on any proposal for non-minerals development within it; and

- when determining planning applications, doing so in accordance with development policy on minerals safeguarding, and taking account of the views of the mineral planning authority on the risk of preventing minerals extraction.'

Transport

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

Education provision

Paragraph 72 states that:

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

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

County Planning Context

Transport and Flood Risk Management

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

Minerals and Waste

Minerals

In relation to the Minerals Local Plan, there are no Minerals Safeguarding and Consultation Areas covering or in close proximity to the site. There are no current or permitted minerals sites close to the application site. Therefore, the County Council does not wish to raise any objections to the proposal from a minerals perspective.

Waste

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

Ecology

The application is supported by a bat survey, carried out at the beginning of September 2017. This found no evidence of bats, but does make recommendations towards the end of page 13, which should be conditioned.

Heritage

NCC have read the excellent heritage statement with interest. From Victorian mansion, to a boarding school for boys, then a military hospital, finally its use as a Club, this building has had a packed life. Most of what remains of its grounds are now hardstanding, but these too will have seen many changes, many of which will have been shortlived and not necessarily picked up by OS mapping.

NCC recommend that the building needs an appropriate level of recording, capable of picking up features like blocked windows, graffiti, etc, while ground works and ground reduction around the building need to be monitored by archaeologists. NCC therefore recommend that if planning permission is granted, this should be conditional upon the implementation of an approved scheme of archaeological investigation and recording. This scheme needs to cover both building recording and archaeological supervision and control of ground works.

Developer contributions

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

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

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

Conclusion

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

NSDC Conservation – have made the following comments during the lifetime of the scheme (in response to various amendments and clarification. They now support the scheme:

08/03/2018 – "Further to the submission of this email and the revised plans sent by Mark Smalley 1st March 2018 I am now happy with this scheme.

I am happy, in this case, that the cellar be tanked, as there are no features that would be lost or obscured by doing so. The system they have described also has the capacity to drain water potentially trapped between the dry lining and outer wall away, particularly important as I doubt the existing render on the outside is very breathable. If this is combined with the re-laying of the cellar brick pavers, consolidated into the main room in each basement flat, this addresses my concerns about the cellar.

In terms of sound insulation the scheme now protects the first floor, which is the principal floor in terms of surviving architectural features, as well as the hall stairs and landing. The scheme for the attic, which also survives well but is lower status in terms of architectural features, can hopefully be achieved by sound insulation between floor joists, which is acceptable. I note the annotation on the attic floor plans also says floor will be overlaid if needed – I am happy that this stays on the plans, but would rather the use of this only if necessary, secured by condition if we can.

I also note the confirmation of the use of downstands where walls are to be removed, which is now acceptable.

I now believe this addresses all my Conservation concerns and, subject to condition, have no objection to this scheme."

28/02/18 – "Thank you for this. However, as I understood it the plan was that the 1st floor would be left untouched in terms of its floors and ceilings, especially as it has decorative fireplaces. The plan I discussed with Kevin was to under-draw the ceilings to the ground floor as this floor is most altered (and the re-fix covings, which in any event may not be original), though not undrawn any area of the stairs and hallway (which shouldn't be necessary in any event I presume) and then lay a floor over that the attic level, which would require skirtings and one less decorative fire place to be lifted, as well as doors (where they survive in the attic) to be minorly trimmed. This would therefore avoid altering the highest status floor.

Please can you confirm that this is the understanding with the client and amend plans accordingly? I am happy that the cellar brick pavers in the rooms they survive will be lifted and re-laid over insulation and dpc. I note the alteration of the rooflights to conservation rooflights, which is better, thank you.

Other queries still not answered:
Is the cellar to be tanked?

Can a downstand be left where walls are to be removed pleased?"

16/02/18 – "I am managed to have a look through these plans and I believe they cover nearly all my requests for amendments. I am grateful for these amendments having been taken on board – this has made this a much improved scheme, especially so with the main central staircase and treatment of plan form.

What I have not had time to do is check them for new or different amendments and perhaps the agent could confirm the amendments only relate to my comments as requested?

The item which remains unaltered in elevation is the rooflights – which are still shown as being of different designs. I note the plan annotation speaks of conservation rooflights but I still think these would look better in a consistent design.

My comments also included a number of queries about whether the cellar was to be tanked, what was to happen to the brick paver floors, details of sound insulation, the potential for keeping downstands above wall removal etc. - all of which are still crucial to getting an acceptable scheme. Could agent now look through my comments and follow up on the questions posed please?"

09/02/18: "Further to the submission of plans to convert the Newark Working Men's Club and associated new build in the grounds I have the following comments. (Please note that comments underlined require amendments with potential conditions are in **bold** and a number of queries are in *italics*)

This submission follows extensive pre-application discussions under PREAPP/00199/17.

Site description

The building is a Grade II listed building, formerly called Lindum House and built in the mid-1860s for a wealthy local businessman and former mayor of Newark. The building is built in the Victorian Classical style, using plain and margin light sashes, rusticated quoins, large moulded eaves and a portico porch.

When first built the building was set in extensive grounds with gate lodges, formal gardens and glass houses. The building also once had full width glass house/orangery to the rear, stepped entrance down into the basement with Regency style awnings over the ground floor windows either side of the porch.



1885 OS Map showing original extent of grounds

By 1882 Lindum House was renamed Hatton House and used as a boys' boarding school, creating a new block to the north of the building (now lost). In 1913 the building became used for Newark Working Men's Club. The building was then requisitioned during WWI for billeted soldiers and as a military hospital. When leased back to the Working Men's Club in the 1920s the curtilage was significantly reduced. From 1900 onwards there was a piecemeal and progressive contraction of the building's land and the consequent residential development around it. The setting of the building today has been significantly impacted by this reduction and development of its curtilage, with no trace of formal gardens now surviving.

In the late 1960s and 1970 large flat roofed extensions were added to the building, taking out the rear wall at ground floor and infilling most of the remaining rear land, again significantly and negatively impacting upon the significance of the building. These extensions are particularly harmful as they overlap the footprint of the building, making them visible in all directions. At some point in its history the grand, central staircase was removed from ground to first floor, leaving legible but much altered vestiges at first floor and an attractive tiled floor to the former hallway at ground floor. The former hallway became a bar area with a suspended ceiling (recently removed to reveal overall good survival of the decorative coving).

The building's plan form is essentially four rooms off the central hallway/staircase, but this plan form has been significantly altered over time and while legible in a plan based exercise survives only in part on the ground floor and somewhat better at first floor. The attic is generally better preserved, having a number of rooms off a central corridor. The attic doors, where they survive, still retain a notation about the number of men allocated to each room – a survival presumably from its military days. The attic did previously have a bank of rooflights, the glass from which has been smashed in and the lights roofed over.

In terms of architectural detail - survival is varied. Of note is the tiled floor in the hallway (covered in screed in places but hopefully mostly capable of repair), decorative coving to the former hallway and landing (part damaged but again hopefully capable of repair), grand, staircase at first floor, a few fireplaces and a few fire baskets, partially legible plan form, good survival at attic level. The

basements are a number of rooms with the remains of blocked sash windows. Some brick paver floors survive while others have been lost. There is one set of cold slab shelves in the basement.

Statutory framework

Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') require the Local Planning Authority (LPA) to pay special regard to the desirability of preserving listed buildings, their setting and any architectural features that they possess. In this context, the objective of preservation is to cause no harm, and is a matter of paramount concern in the planning process.

Policies CP14 and DM9 of the Council's local plan, 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 are proportion, height, massing, bulk, use of materials, land-use, relationship with adjacent assets, alignment and treatment of setting.

The importance of considering the impact of new development on the significance of designated heritage assets, furthermore, is expressed in section 12 of the National Planning Policy Framework (NPPF). Paragraph 132 of the NPPF, for example, advises that the significance of designated heritage assets can be harmed or lost through alterations or development within their setting. Such harm or loss to significance requires clear and convincing justification. The NPPF also makes it clear that protecting and enhancing the historic environment is sustainable development (paragraph 7).

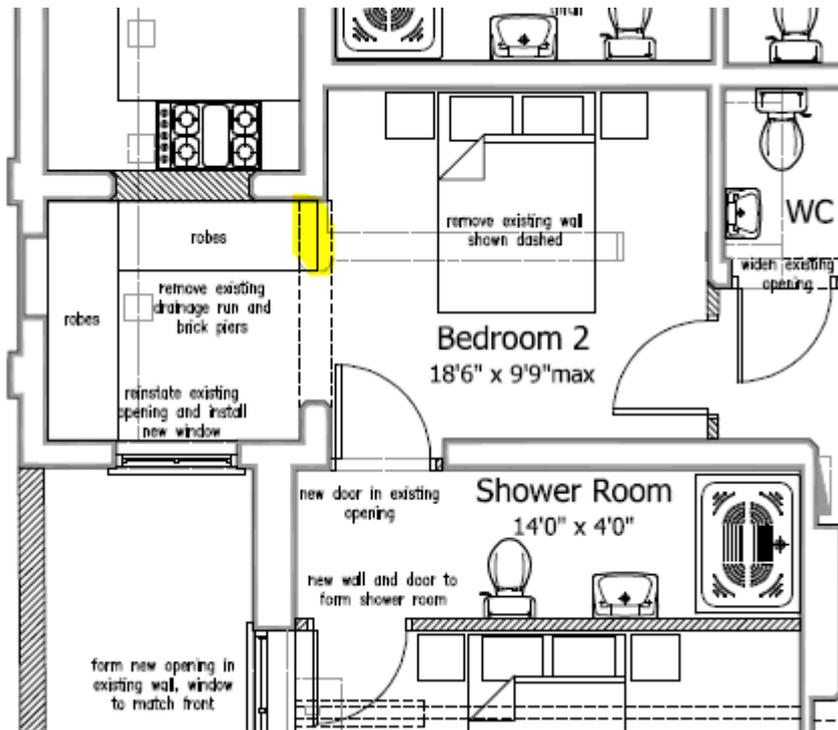
Comments on proposed scheme

Basement

One of the main changes to the basement is the reinstatement of the windows here, which can be seen surviving, albeit in a derelict and blocked in form. These were reasonably formal sash windows and show that the basement was used as living accommodation in some form. Their reinstatement and the better use of the cellar will be a positive heritage gain for the building. I do note, however, that for some reason the new cellar windows have been drawn as almost full height but are not currently. I can see no reason why the existing pattern (which survives well enough to be copied) could not be re-used. I would be grateful if you could pursue this amendment please. I understand from the owner that some hidden steel supports will be required behind these window architraves but I have no objection to this. **All repairs and structural interventions required should be conditioned.**

In terms of plan form, the overall existing layout is actually quite well preserved in the proposed plans. I note one of the small store rooms is being removed to create a larger room, but appreciate the re-use of the adjacent store room as a shower and another as a kitchen.

There is one small area, see plan extract below, where an attractive rounded arch is being removed to create a wider entrance to a wardrobe area. Given the use of this space there is no need for this removal of fabric and the arch should be retained.



It is a shame to lose the shelving with the cold slabs, though I do accept they could be hard to re-use within the flats conversion. Overall I think the reinstatement of the windows and an active use here makes for an acceptable balance and I have no objection.

I note in the proposed sections one area of cellar floor will be raised – this is where it has been reduced in height previously and I have no objection to this.

Ideally the brick pavers, where they exist, should be retained, which should be conditioned.

Is there a proposal to tank the cellar? It does not actually seem to smell or feel damp so I am not sure this is necessary, though do accept that there are no architectural features which would otherwise be covered or compromised (other than the floor covering – see above) if it were tanked (especially as the windows will be reinstatements).

Ground floor

The main alteration here is the reinstatement of the grand, staircase down from the first floor level. This will be a significant heritage gain and improvement to the aesthetic significance of the building as well as making the plan form more legible. I understand new decorative metal stair rods would be cast to match, though this detail should be conditioned. Now that the suspended ceiling over the bar has been removed the decorative coving is now revealed and while it will **need repair (to be conditioned)** it is relatively well preserved and mostly capable of repair. **The treatment of the tiles in the hallway, as well as the spec for coving repair, should also be conditioned.** This should secure a significant heritage gain for this building.

In order to divide off the separate residential units from this communal hallway I appreciate that a new inner hall is to be created, to allow not just access into the flats but access *within* the flats to different rooms. This seems like an acceptable compromise and the original hallway will still be retained in plan but **the retention of a downstand** where historic walls are being widened out should be conditioned, as this will make the plan form more legible. I understand the **new inner hall can sit just within (and therefore not harm) the moulding on the hallway ceiling, but again this detail could be secured by condition.**

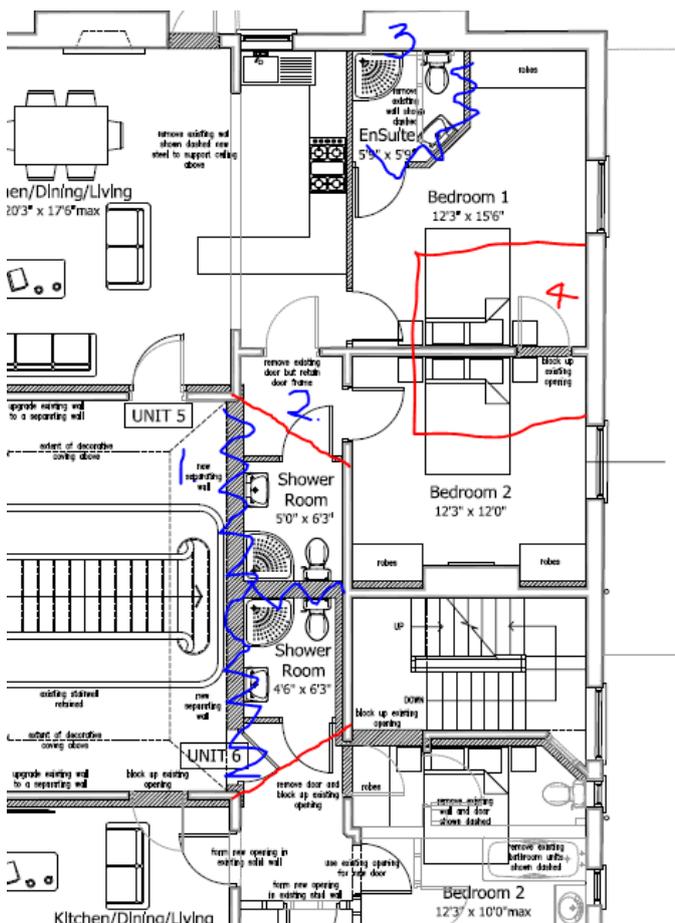
The front rooms are the only rooms which retain their original proportions, though with no fireplace or chimney breast. While the left hand room will be partially opened up to create a kitchen/diner the original layout can be read by conditioning a downstand, and is a 'trade-off' for the re-formation of the right hand room.

The removal of the rear extension gives the opportunity to re-form the original position of the back wall. While these back rooms are to be then subdivided they have long since lost any significance by the wholesale opening up which occurred in the 1960s/70s, so I have no objection to their subdivision and think there is still overall heritage gain by re-forming the original position of the back wall.

How is any acoustic separation going to be made between first and ground floor? If needed I think this should be made within the ground floor living areas (though not in the communal staircase and hallway) as these rooms are quite altered and I am not convinced the coving in these ground floor rooms are original. Details should be submitted or conditioned.

First floor

Please see my annotated floor plan for suggested amendments to the first floor:



My main issue with this first floor layout is the way the reinstatement of the grand staircase will be compromised by bringing forward rooms right up the banister, removing the landing, as marked with the blue zigzag line and number 1. This will crowd the staircase and undermine the ostentatious sense of space (and circulation) that it was designed to bring. I have spoken to the owner about this specifically and accept there needs to be some form of easement to keep access across the landing it the flats, but that this can be achieved by a chamfered corner, as marked

number 2 above, leaving most of the original landing open. This will complete the positive impact of reinstating the grand staircase.

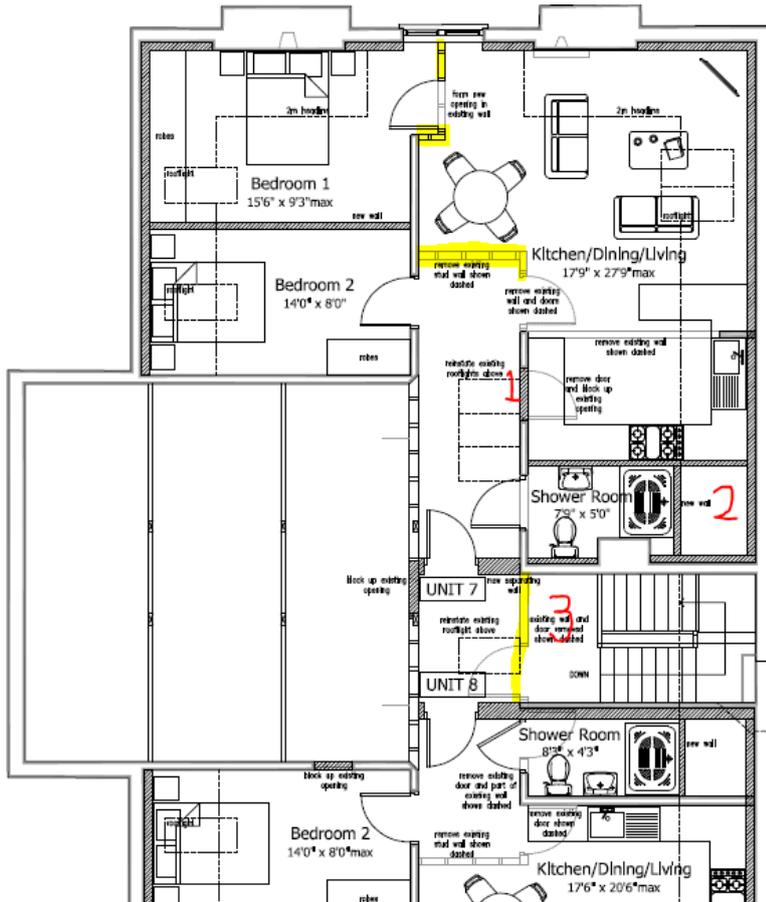
I am also not happy at the proposed ensuite across a fireplace (marked number 3 above). I do appreciate an existing inappropriate stud wall here, but the removal of this and reinstatement of the fireplace as a proper feature will be a positive enhancement which could be achieved here. The compromise is the need to achieve bathroom space and I feel this is best achieved by creating a 'Jack and Jill' style arrangement as marked number 4 above. Overall, I think this will be a better arrangement than is currently at the building and a reasonable compromise moving forward. What we didn't discuss on site, but which could be looked at, is whether the floor to ceiling height is such that this ensuite could be formed more as a pod, sitting under the original ceiling height allowing the original layout of the room to be read. The other option, which was used at St Pancras Station Hotel and put forward in the recent Kelham Hall application, is to create a bespoke bed which has an ensuite behind, almost like a fitted wardrobe, although I appreciate this may be more appropriate for hotels than for residential properties.

I also note there are various areas of internal lining to improve acoustic qualities between separate units. While this is an otherwise unwanted intervention the room proportions are such that this can be achieved with no perceptible alteration but I would ask that the **coving, skirting and picture rails be reformed and secured by condition**. It is a better compromise to have this lining within the living areas, rather than on the staircase and landing, and so overall I have no objection to this intervention. Equally bedroom 2 of unit 5 sees lining either side of the chimney breast, but the reveal is deep enough here to allow for this with no perceptible loss of the chimney breast projection. **I would ask that the annotation marked robes either side of this chimney breast not rise to full ceiling height, allowing the dimensions of the chimney breast to be read, again to be secured by condition.**

Second floor

The second floor has the best degree of preservation in plan form, although unsurprisingly the least amount of fine architectural detail (as is usual of what would have been servant's quarters). I am disappointed to see a large degree of loss to the planform here, which in most cases does not seem necessary at all. The owner and I discussed potential revisions here and feel a similar and workable layout can be achieved by mostly retaining the existing plan form, as indicated below:

In unit 7:



Fabric marked yellow should be retained and the scheme would work the same with this retained.

This includes the entrance lobby to the second floor (marked by number 3) where the arched opening should be retained, although the door itself can be lost as this is a modern, somewhat flimsy, door.

At my number 1 the historic door (which retains details of the number of billeted soldiers painted onto it) should be retained and fixed shut.

I note there is a bathroom to be formed across a chimney breast but this is the flue only and no sign of having had a fire place opening, so I am happy with this. We discussed not wasting the void at number 4 but incorporating this for a bath, which seem a sensible use of space.

Again, where the wall is to be removed to create the large kitchen/diving/living area I believe there should be space for small downstand to be left?

I believe a bed is shown across a fireplace with fire insert in bedroom 1. While I appreciate this is indicative only the fireplace and fire insert here should be retained.

Generally at second floor:

I believe my annotations for unit 7 also apply to unit 8 which is a symmetrical reflection of this unit, so I would also be seeking similar alterations on this part of the second floor.

I have objection to the proposed division of the large rooms into two double bedrooms. While the rooms have a central fireplace it is very much a functional, rather than decorative, feature and the rooms have no other architectural features that would be harmed by its division. I am therefore sympathetic of the desire to create two double rooms out of this one larger room.

I note again the use of internal acoustic lining. I note this will remove the small projection of the chimney breast, however the existing arrangement is almost flush anyway and the fireplaces are very functional with no grandeur, so I have no objection to this intervention.

I note the reinstatement of the lost rooflights (those closer to the ridge), which I have no objection to. I note these are not shown as 'conservation rooflights', i.e. no central bar is shown – *do we have any evidence they were large sheets of glass as shown? I wonder if there would be more consistency if these were also designed as conservation rooflights with the central bar?* I also note new additional rooflights but do not object to these as they are required to bring a new use to this upper floor, which is lit by minimal natural light at present, and were already a feature historically used at the building. I would rather these were not on the front elevation, but there is no way to sensibly create a second bedroom without them, so provided these are **conditioned to be low profile conservation rooflights** I have no objection.

In terms of acoustic separation between the first and second floor I feel the compromise should occur at the second floor. There is space in the floor void for insulation and I believe a small air gap can be created by over-boarding the second floor floorboards. This would require a minor amendment to the few surviving doors and may require one fire insert to be lifted, but this could be achieved without a visual compromise and leaves the more sensitive first floor preserved. **The exact means of acoustic interventions should be conditioned throughout.**

Elevations

I note the huge improvement to the rear elevation through the demolition of the flat roofed extensions and the re-formation of the rear wall. I also note the use of a matching margin light sash to the new ground floor elevation, bringing consistency back to this elevation. While I had wanted all the new windows to be aligned at the rear elevation, I note this is not possible due to the location of the servant's stairs, so I doubt this arrangement ever was truly symmetrical. **All new windows should be conditioned.**

I also note reinstatement of the enclosures around the basement windows, which will better reveal the original appearance and significance of the building, and should again be conditioned.

I think it is a plan drawing error but the round topped finish to the side elevation windows has been lost between the existing and the proposed plans, though I can see no reason why. Please can this be looked at and hopefully re-drawn?

Landscaping

The demolition of the large flat roofed extensions will enhance the setting of the building. The creation of a small area of formal garden to the rear of the building in its place will further help enhance the building, as will the small area of formal greenery to the right of the front entrance way.

I note the equivalent space to the left of the entrance is given over to parking, but I would very much like this space removing and relocating, so that a sense of formality could be seen across the whole of the front (see below). Considering how little is now left of the grounds a sense of greenery and formal setting is now extremely important, especially with the proposed new building in the grounds (see comments below)



I note the proposal has close boarded fencing around the perimeter of the site. While this is far from the historic boundary treatment one would have once seen here, I see it is what is already around the site (plus a small area of modern bricks from an adjacent garage). As such I have no objection but perhaps we could **condition this to be a dark brown colour and softened with planting where possible.**

Development in the grounds

Units 14-16 have been designed and placed to equate to the kind of ancillary outbuildings a building of this status may once of have had, and their location at the end of the drive would have been similar to other historic arrangements of stables and coach houses etc. Their overall scale is modest and traditional and does not rival the host building. They have a general sense of traditional detailing, in the window proportions, segmental arches, gable stacks etc., but have simple details which avoid the pastiche. They are not located on a part of the site which specifically contributes to its setting and will not affect any significant views. I have no objection to these new units and they may even enhance the setting of the building, enclosing its curtilage and blocking out the residential developments beyond.

The current design of units 9-13 is the result of extensive pre-application discussions, which began initially in creating a new build extension to replace the existing flat roofed units. However, due to the large floor to ceiling heights of the host building, along with its high status and imposing appearance, we were unable to create an extension which respected the architectural features of the host building, deferred to its dominance but also provided a level of accommodation desired by the applicant. While accepting that the total removal of the existing extensions and no commensurate extensions or new build would be the ideal situation, weight must be given to the starting point of these modern flat roofed extensions being a reality and a fall-back position. I am therefore happy that the best way forward is to effectively shift the bulk of extensions and new build away from the main building and create detached structures. Again, I note the overall modest and traditional form and detail of these units, which I do not think will look out of place in this general context. Given the historic removal of the formal setting and grounds of this building and the current impact of the flat roofed extension I think the new build here as proposed this will cause no net harm over the existing arrangement. I do also feel the re-formation of the hall and a

small sense of formal grounds around it, even with the new build as proposed, will overall enhance the setting of the hall.

As such I have no objection to these new-build elements **subject to conditions for high quality materials and details.**

Conclusions

Overall I am supportive of this application and am keen to find a viable new use for this listed building which is currently vacant and has been under-used and poorly maintained for many years. Given the building's size but limited grounds I have considered the unlikely event of it being bought as a single residential unit and feel its use as flats is a pragmatic way forward. While there are some inevitable compromises required to divide this building up into smaller units, the scheme also brings with it significant and tangible heritage benefits which, on balance, make for a positive scheme.

There are various elements of detail which I feel need altering to ensure this is not a harmful scheme, especially as in these cases the harm cannot be justified as there are sensible and workable revisions which overcome this harm. I therefore do want to see this scheme improved by negotiation.

If recommended for approval there are various specific and detailed conditions which would be necessary (as well as the more standard conditions seen on listed building conversions) which I have tried to highlight above but am happy to work through prior to determination.

I trust these comments are helpful for now."

Historic England – 'Thank you for your letter of 13 June 2018 regarding the above application for planning permission. On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.'

NSDC – Parks & Amenities – No response received.

NSDC – Strategic Housing – 'Under the Council's current policy, we would be seeking up to 4 units of on-site affordable housing. In terms of tenure we would be looking at 50% affordable rent and 50% shared ownership. I have spoken with a couple of our Registered Providers and given the site details available they would now show some interest in the houses only. (\$106 capacity varies from month to month). Their current offer would be in the region of 40% of open market value for the rented and approximately 70% for the shared ownership.

I have discussed the perceived values of these with Planning Policy and they believe this would range from £90K (for the smallest) to £120K for the two bed houses. They would therefore be making an offer of £84k for the two rented properties and approximately £168k for the 2 shared ownership properties. This obviously represents a loss to the developer of £126K for the rented and £72k for the shared ownership. This totals an offer to the developer of £252K for the 4 properties. Therefore they will 'lose' or the planning gain is £198k.

The Council may also be interested in purchasing the properties and also Newark and Sherwood Homes may register an interest.

The Council's policy on commuted sum payments (Affordable Housing SPD) states that any financial contribution must provide sufficient funds to enable the equivalent value of on-site affordable housing to be provided off-site. Where there is no provision on site, the payments must reflect the fact that 100% of the on-site development will be market housing (compared to 70% when affordable housing is provided on site).

Thus for every seven dwellings on site, the commuted sum payment must provide for 3 dwellings off-site.

I would suggest that the commuted sum is a minimum of £200k on this site. If we added the uplift from the site becoming 100% market housing this would increase to £300k.'

NSDC – Community Facilities (Community Sports and Arts Development) – 'I have no objection to this proposal subject to a full community facilities contribution in accordance with the current Developer Contributions SPD. Such contribution would be directed at a community project in the locality. Further details can be provided as necessary should this be necessary.'

Further comments: "The project I have identified is the Sherwood Avenue Pavilion. The club are keen to open the facility to the wider community particularly in the daytime and outside of the bowling season to make it more sustainable as it is currently underused. The site could be promoted as a community resource where local people could go for social purposes and get some refreshments. The plan is to extend the pavilion ideally and create a kitchen facility and more internal floor space. The facility could be opened up for visitors to the park. I think that the site may have had some S106 monies previously but that would be approximately 13 years ago."

It has since been clarified that the building is an asset now owned by Newark Town Council having been transferred from NSDC.

Nottinghamshire Wildlife Trust –(06/02/2018) "Thank you for sending through the Protected Species Survey Report. Whilst the survey work was carried out late in the season, we find we are satisfied with the report's conclusions. Should the application be approved, the recommendations should be secured through use of a planning condition."

NSDC – Access and Equalities Officer – Makes general observations

NCC (12/07/2018) - **Having liaised with the Place Planning Team I can confirm that based on current pupil projections there are sufficient places to accommodate the additional 3 primary and 3 secondary pupils projected to arise from the proposed development 18/00125/FULM. NCC would therefore not be seeking an education contribution on this current application.**

Independent Viability Assessor – (in respect of viability report focusing on developer contributions)

'The applicant has sought to challenge the level of developer contributions by way of Affordable Housing and Infrastructure provision on the basis that the level of contributions proposed would render the development economically unviable.

An independent viability assessment has been commissioned to determine whether the policy based contributions are viable and, if not, the level of contributions that can be delivered whilst maintaining economic viability.

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

The detailed methodology to assess the economic viability of development is set out in 'Vi-ab Viability for Town Planners Guidance Notes'.

Summary

The site contains a Grade II Listed Building which is proposed to be refurbished and therefore will have a number of inherent abnormal repair and restoration costs. The remainder of the site will be developed for new build terraced houses.

Key Assumptions

| GENERAL | | |
|---|-------------------------|------------------|
| Net Developable Site Area | | 0.23Ha |
| Development Scenario | | Brownfield |
| Total Unit Numbers | | 16 |
| AREAS | | |
| Net Residential Sales Area | Houses | 572sqm |
| | Apartments | 537sqm |
| Gross Construction Area | Houses | 572sqm |
| | Apartments | 671sqm |
| AFFORDABLE HOUSING | | |
| Affordable Housing Delivery Test Parameters | | 0-30% |
| Affordable Housing Tenure Mix | | 60% Social Rent |
| | | 40% Intermediate |
| SALES VALUES | | |
| | Houses | £1991qm |
| | Apartments | £1937sqm |
| CONSTRUCTION COSTS | | |
| | Houses | £1175sqm |
| | Apartment Refurbishment | £791sqm |
| ABNORMAL DEVELOPMENT COSTS | | |
| Abnormal Construction Costs | Listed Build Repairs | £79,000 |
| | Demolition | £40,000 |
| LAND VALUE ALLOWANCE | | |
| Residual Land Value with Planning Permission | | £111,952 |
| Existing Brownfield Land Use Value | | £85,100 |
| Share of Uplift in Land Value to Landowner | | 50% |
| Land Value Allowance in Viability Appraisal | | £98,526 |
| OTHER FEES & COSTS | | |
| Professional Fees | | 8.0% |
| Legal Fees | | 0.5% |
| Statutory Fees (Planning, Build Regs, Warranties) | | 1.1% |
| Sales/Marketing Costs | | 3.0% |
| Contingencies | | 5.0% |

| FIXED DEVELOPER CONTRIBUTIONS | | |
|----------------------------------|--|-----|
| CIL | | £0 |
| Planning Obligations | | £0 |
| | | |
| | | |
| | | |
| FINANCE COSTS | | |
| Interest | | 5% |
| Arrangement Fee | | 1% |
| | | |
| DEVELOPMENT PROFIT | | |
| Development Profit Return on GDV | | 20% |

Assumptions Comments

The sales values proposed by the applicant for apartments at £1937sqm are significantly in excess of the values recently adopted by the Council in the viability evidence presented at the Local Plan Examination in February 2018. The housing the proposed housing values are broadly in accordance with evidence at £1991sqm. As such the sale values are agreed for the purpose of the appraisal.

The applicant proposes construction cost rates (inc external costs) of £1175sqm for the new build houses and £791sqm for the Apartment refurbishment. This compares favourably to current BCIS rates at £1318 for new build terraced houses and £1351 for refurbished apartments. The applicant's proposed costs have therefore been adopted in the appraisal.

The applicant has included £40,000 for demolition works and £79,000 for various Listed Building repairs including staircase reinstatement, chimney stack overhaul, portico/frontage works and cellar brick sett works. These costs have been investigated in detail but do not seem unreasonable in connection with Listed Building refurbishment.

The land value allowance has been calculated following the benchmarking methodology adopted by NSDC. This splits the uplift in land value 50:50 resulting from the grant of planning permission and is calculated as follows :-

$$\text{Benchmark} = \text{Existing Use Value (Based on Brownfield Office/Industrial Use)} + \frac{(\text{Residual Land Value} - \text{Existing Land Value})}{2}$$

$$\text{Benchmark} = \text{£85,100 (Based on £370,000 per HA)} + \frac{(\text{£111,952} - \text{£85,100})}{2}$$

The resulting benchmark value at £98,526 is significantly lower than the proposed land value allowance of the applicant at £222,000, which is the reported purchase price.

The standard fee and cost assumptions adopted by NSDC have been used in the appraisal.

For the purpose of the appraisal no Sec 106 Infrastructure contributions have been assumed and the location carries no CIL charges.

Viability Results & Conclusions

A copy of the Viability Appraisal is attached to the Report.

The viability assessment indicates a small positive margin of £4784. This is not considered sufficient to make any meaningful contribution to Affordable Housing or Infrastructure. It is also acknowledged that the adopted land value benchmark in this case at £98,526 (at approximately £6,000 per residential plot) may be unrealistically low to secure a residential site in this location in Newark.

On balance it is considered that the proposed development is not able to viably support any developer contributions.'

Four neighbours/interested parties have made comments/raised concerns which are summarised as follows:

- This development could involve the parking of at least 16 cars and possibly 32 – has this been taken into account?
- Access onto Beacon Hill Road is poor due to on-street parking every day of the week;
- This level of existing on-street parking already obscures the visibility when local residents (eastern terrace lane) are trying to leave;
- Access will be virtually impossible for large lorries with building materials if the entrance is from Beacon Hill Road;
- Loss of privacy through overlooking;
- Imposing impact on Lindum Mews through height of proposed terrace (plot 9) given the 1m difference in land levels and 2m distance to the boundary;
- Plot number 13 will have its gable end right up to the boundary fence which will cause reduction in light to bedroom and sitting room windows of existing house and garden;
- Loss of light to southern boundary of Lindum Mews would dramatically reduce the amount of available light to the front of Lindum Mews (rear accessible only for maintenance);
- Direct loss of sunlight to the front of Lindum Mews would equate to circa 60%;
- The development is too intense, particularly given existing new developments in the area - there has been in excess of 100 houses built within a matter of 300yds within recent years without local amenities being addressed;
- Surface water drainage concerns - Historically, the level of water gathering along the Northern edge of the site has been problematic to the point of flowing in to the adjoining gardens when the drainage has failed. Drains haven't been able to cope and needs to be addressed;
- May be a more suitable option of a lower property (bungalow) and/or lower number of units which would not impede neighbouring amenity.

Comments of the Business Manager

The Council is of the view that it has and can robustly demonstrate a 5 year housing land supply which has been confirmed by a number of recent appeal decisions including the dismissal of the Farnsfield appeal (at Public Inquiry) by the Secretary of State in April 2018. I do not intend to rehearse this in full other than to say that the policies of the Development Plan are considered up to date for the purposes of decision making and thus carry significant weight in an overall planning balance.

Principal of Development (including loss of a Community Facility)

The existing site was last used as a working men's club. Therefore the starting point is to consider whether the loss of what is effectively a leisure/community facility is acceptable having regard to Spatial Policy 8 of the Development Plan.

SP8 seeks to protect against the loss of community and leisure facilities unless it can be demonstrated that (1) the continued use as a community facility or service is no longer feasible, having regard to appropriate marketing, the demand for the use of the site or premises, its use ability and the identification of a potential occupier; and (2) that sufficient alternative provision has been made elsewhere which is equally accessible and of the same quality or better, and (3) there is sufficient provision of such facilities in the area. I am mindful however that the Publication Amended Core Strategy which is now well advanced is less onerous with the 'and' being replaced with 'or' which given the stage of Plan Review must carry considerable weight.

The applicant has advised that after 100 years the club ceased trading due to it being no longer a viable commercial concern when it was agreed that the property would be sold. Wood Moore & Co. Ltd have confirmed that they were instructed to market the property in June 2016 but that after extensive marketing no interest was received for the property to be purchased as a working social club nor for activities of a similar nature. In April 2017 the former Working Men's Club Committee agreed to sell the property.

Other than confirmation of this from Wood Moore & Co. Ltd no further evidence of marketing has been provided for the period of up to 10 months that this was marketed by them. However I am mindful that the site is located within Newark where there are other clubs (such as the Newark Town Club on Barnby Gate which is within a short walking distance) and public houses also nearby such that I am minded to conclude that there is adequate provision of such a facility in the area and that its loss should not be fatal to this application, particularly when considering the direction of travel of SP8 through the Plan Review.

The site is located within the built up area of Newark which is defined as a 'Sub Regional Centre' as set out in the Settlement Hierarchy defined by Spatial Policy 1 of the Core Strategy which states that Newark should be the focus for new housing growth in the district.

I am satisfied that the site is located within the main built up area of a sustainable settlement, and as such, there is no objection in principle to the residential development at the site. However, the impact upon the character of the area including the listed building, residential amenity of neighbouring properties and parking/highway safety will all need to be taken into consideration and are discussed below.

Impact on Character (including Design and Heritage)

Core Policy 9 requires that developments achieve a high standard of sustainable design and layout that is capable of being accessible to all and of an appropriate form and scale to its context complementing the existing built and landscape environments and requires developments make the most efficient use of land at a level suitable to local character. Policy DM5 provides that the district's landscape and character of built form should be reflected in the scale, form, mass, layout, design, materials and detailing of proposals. 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 conversion of the listed building to 8 apartments has been very carefully considered by the Council's Conservation Officer. Full details are set out in the consultation section above which I have not repeated. Members will see that the Conservation Officer (CO) is very supportive of the scheme and is keen to secure a viable use for this listed building which has been vacant, under used and poorly maintained for years. The CO believes that this scheme will bring with it significant and tangible heritage benefits which include the removal of the modern extensions which harm the buildings significance, the reinstatement of the blocked windows in the basement, the reinstatement of grand central staircase, the removal of a modern suspended ceiling at ground floor, revealing original coving and the restoration of the tiles to the hallway floor to name of few. The Conservation Officer has worked with the applicants agent to secure amendments and clarity where needed such that there would now be no harm to the listed building and all of these benefits including improvements to the grand central staircase could be secured through condition. I concur with the CO that there would be heritage benefits in an approval situation.

With regards the development in the grounds, in order to facilitate this, the ugly flat roof modern extension to the listed building would be removed which in my view would bring about enhancements to the listed building. The design, scale, layout, use of materials and detailing of the proposed new build has been sensitively designed following detailed pre-application advice. All of the detailing could be controlled via condition if the application were to be approved. I share the views of the CO in that the scheme would not have a harmful impact on the setting of the listed building nor the wider character of the area. The CO succinctly summarises the view that we share below:

“Units 14-16 have been designed and placed to equate to the kind of ancillary outbuildings a building of this status may once of have had, and their location at the end of the drive would have been similar to other historic arrangements of stables and coach houses etc. Their overall scale is modest and traditional and does not rival the host building. They have a general sense of traditional detailing, in the window proportions; segmental arches, gable stacks etc., but have simple details which avoid the pastiche. They are not located on a part of the site which specifically contributes to its setting and will not affect any significant views. I have no objection to these new units and they may even enhance the setting of the building, enclosing its curtilage and blocking out the residential developments beyond.

The current design of units 9-13 is the result of extensive pre-application discussions, which began initially in creating a new build extension to replace the existing flat roofed units. However, due to the large floor to ceiling heights of the host building, along with its high status and imposing appearance, we were unable to create an extension which respected the architectural features of the host building, deferred to its dominance but also provided a level of accommodation desired by the applicant. While accepting that the total removal of the existing extensions and no commensurate extensions or new build would be the ideal situation, weight must be given to the starting point of these modern flat roofed extensions being a reality and a fall-back position. I am therefore happy that the best way forward is to effectively shift the bulk of extensions and new build away from the main building and create detached structures. Again, I note the overall modest and traditional form and detail of these units, which I do not think will look out of place in this general context. Given the historic removal of the formal setting and grounds of this building and the current impact of the flat roofed extension I think the new build here as proposed this will cause no net harm over the existing arrangement. I do also feel the re-formation of the hall and a small sense of formal grounds around it, even with the new build as proposed, will overall enhance the setting of the hall.”

For these reasons I consider that the proposals accord with the relevant policies of the Development Plan and bring about heritage gains which will need to be weighed in the planning balance.

Cross Subsidy

Throughout the course of the planning application, the viability of the development has been considered in respect of the schemes ability to contribute towards developer contributions which is discussed later in this report. The developer has also put forward a case that the new build dwellings are necessary in order to fund the conversion of the listed building.

Additional viability reports have been submitted upon request which have been independently reviewed. The conclusions of our consultants review are summarised below:

- The conversion of just the listed building into 8 apartments makes an overall 'loss' of approximately £140,000. The listed building appraisal includes the entire site cost at £222,000 which is considered reasonable and fair given its size and location;
- The new build appraisal, which has no cost in for land, makes a profit beyond the base 17.5% allowance, of £95,000;
- The additional profit of £95,000 for the proposed new build houses does not make up the overall loss of £140,000 for bringing the listed building back into residential use (i.e. there is still a £45,000 deficit). As such there is no 'tipping point' as the entire new build development proposed still does not create a minimum developer return of 17.5%. The developer would in effect have to accept a reduced profit of 13.5% on the new build element to make the overall subsidy balance.

It therefore appears to me that mothballing the site is not an attractive option given the site is vulnerable and is already suffering from security issues from squatters (according to the applicants) and there will be a cost of doing this without any revenue to set against this.

The figures show that the conversion of the listed building is highly unlikely to happen without any new build as this alone would make a developer loss giving no incentive to deliver the scheme.

Officers have sought to understand the minimum level of new build development required to bring about the conversion/restoration of the listed building. Based on the applicant's submissions and the independent advice we have taken, it has been concluded that even a scheme for 8 new dwellings would not deliver the usual minimum of 20% profit that a developer would expect in order to provide the incentive to progress. Nevertheless the developer (who has successfully implemented similar heritage schemes previously within the District) has expressed a willingness to accept a lower profit margin of 13.5% and I am satisfied that the new build dwellings are necessary in order to render the overall scheme financially viable insofar as a developer is willing to accept a reduced profit in this case. This must carry weight and the matter will be considered further in the planning balance section.

Housing Density, Mix and Need

Core Policy 3 provides that development densities should normally be no lower than 30 dwellings per hectare net. Average densities of between 30-50 dwellings per hectare have been set for the 3 strategic sites in the Newark Urban Area.

Excluding the proposed apartments and the land upon which these are sited, the scheme of 8 new build dwellings on 0.2 hectares equates to 40 dwellings per hectare, which is within the range expected in urban areas such as this, subject to other considerations.

Paragraph 50 of the NPPF states that “To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should,

- plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes)
- identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand...”

The Development Plan (in terms of the policies identified below) reflects and is compliant with the NPPF. The Council has sought to plan for a mix for communities and has identified the size, type and range of housing that is required taking into account local demand as is reflected in the following policies.

Core Policy 3 states that the LPA will seek to secure new housing which adequately addressed the local housing need of the district, including the elderly and disabled population. It says that mix will be dependent on the site location (in terms of settlement), local circumstances, viability and any local housing need information. The Publication Amended Core Strategy has, based on more up to date evidence, named that the greatest need for the District as being smaller houses of 2 bedrooms or less and housing for the elderly or disabled population.

This proposal would provide 14 x 2 bedroom dwellings and 2 x 3 bedroom dwellings. Whilst there is a limited mix in terms of the number of bedrooms, I am satisfied that the scheme would deliver a mix of units (with a range of living space options) that meet the most up to date identified needs for the district in a highly sustainable location. The accommodation comprises a mix of two storey terrace/mews dwellings, apartments and contains 3 units that have ground floor accommodation only that would potentially be suitable for the elderly or disabled population. I therefore conclude that the scheme meets with the policy aspirations of CP3 and is acceptable in terms of density, need and mix.

Impact on Highways Network

Policy DM5 is explicit in stating that provision should be made for safe and inclusive access to new development and appropriate parking. Spatial Policy 7 encourages proposals which place an emphasis on non-car modes as a means of access to services and facilities. It also seeks to minimise the need for travel through measures such as travel plans, provide safe convenient and attractive accesses for all and provide links to the network of footways etc. to maximise their use, be appropriate for the highway network in terms of volume and ensure the safety, convenience

and free flow of traffic are not adversely affected, provide appropriate and effective parking provision and ensure that the traffic generated from a proposal does not create new or exacerbate existing on street parking problems.

Members will note that the Highways Authority have consistently objected (details are contained within the consultation section of the report) to the scheme from the outset. Despite attempts by the applicant to address and persuade the Highways Authority, they remain resolute that the scheme is unacceptable and should be refused.

In order to ensure the scheme is financially viable, 16 units is the minimum number of dwellings required in order to render the scheme financially viable (see Cross Subsidy Section above) so there is no scope from the developers perspective to reduce the number of dwellings.

Access to the site is from Beacon Hill Road between no. 1 The Close and no. 11 Beacon hill Road which is bounded by a wall on each side with fencing along the side of the drive.



The thrust of the NCC objection relates to the inadequacy of the width of the access (which should be 5.8m) and drive for the number of units which would result in vehicles turning in to the drive, encountering a car have then having to reverse back onto Beacon Hill Road to wait for clear passage increasing the likelihood of vehicular/pedestrian conflict. They have commented that there are no footways or lighting along the length of the driveway and conclude that it is unsuitable for pedestrian activity; the provision of such would further reduce the width of the drive. They have also raised concerns that the 16 parking spaces is insufficient and would further increase on street parking in the area.

In response the agent has sought to address the concerns through the submission of a revised plan and acquiring garages to the south-west (north of no. 1 The Close) which increases the number of parking spaces to 19 as well as including a pedestrian access link from the north-western part of the site (via a passageway adjacent to Plot 16) to Lindum Street to the north. There is no further land available to allow for the widening of the access and drive (so whatever the use the access will likely be substandard). The applicant's agent has also provided a short statement which I have set out in full below:

"I would be obliged if you would consider the following statement in respect of the propose conversion of the existing commercial premises to 8 apartments together with a further 8 enabling houses, proposed to generate sufficient commercial viability to facilitate the full restoration of this important listed building.

Former Use

The premises have been a long-standing commercial enterprise consisting of a fully licensed club which attracted significant numbers of people in its heyday. The commercial use not only generated substantial traffic movements in terms of the private car but also required regular deliveries by larger lorry and van movements. The premises provided for a maximum number of 57 car parking spaces which all utilised the existing drive.

Since closure of the club, approaches were made for the use of the vacant car park as town centre and college related car parking. This was permitted on a short-term licence arrangement but has now ceased. However, without the ability to secure the planning permission for restoration of the listed building, the re-use of the car park for such purposes will have to be considered in order to generate some income stream.

Proposed Use

The listed building is in a poor state of repair and it is proposed that conversion to residential apartments will permit its full restoration, together with the reinstatement of features which have been removed over various years. It should also be noted that the building is now beginning to suffer vandalism and illegal occupation, which is further damaging and putting at risk the fabric of the building. An urgent solution to its future use is required.

From a highway point of view, it is fully accepted that the access serving the property is below ideal modern day standards and is therefore compromised. However, when the existing lawful use is compared to the traffic generated by the proposed use, there will be a highway betterment in terms of traffic movement out onto the adjacent roads. The situation can further be improved as the acquisition of a double garage block has been agreed and is now proceeding through legals. The three car parking spaces associated with these garages can be removed, thereby further reducing the lawful vehicular use of the existing driveway. The submitted plans also ensure access can be achieved for refuse and emergency vehicles, with onsite turning facilities.

Furthermore there is the opportunity to seek additional improvements in the use of the existing driveway by ensuring the installation of traffic calming measures, appropriate signage, lighting and utilisation of the maximum width of the available driveway. All of these matters would create betterment over the existing situation and given the reduction in traffic usage, there is good reason to support this proposal in highway terms alone. Notwithstanding this, there is a critical need to ensure the future commercial and viability viable use of the import listed building before further deterioration takes place.

In any event, the location of the property is highly sustainable and within walking and cycling distance of the town centre and other public transport facilities. The inclusion of a requirement for a travel plan for future residents would further incentivise the reduction in dependency on the private car.

Conclusion

The existing commercial use and alternative use of the existing carpark can be demonstrated to have a greater impact on highway concerns in the locality than the proposed modest redevelopment for residential use. Given the thrust of National policy to provide more housing, the sustainable site location and the ability to secure highway access improvements, the balance should be such that a wider strategic view be taken to support or at least raise no objection to the proposal which will ensure the viable future for an important listed building.”

The amendments and above Statement have not overcome NCC Highways concerns with them stating that the pedestrian access is not the shortest desire line to the town centre and their reiteration of previous concerns.

I note the new pedestrian route is not the most convenient for the town centre but it would likely be attractive for residents using the convenience store on Sleaford Road and the Northgate Railway Station.

The agent makes an argument that the fallback position is such that it could have a worse impact upon highway safety than the proposal and its use as an interim car park (bearing in mind there is currently space for over 50 cars) has the potential to attract cars at peak times, not unlike a residential use. This would not require planning permission so it is realistic. This fallback position causes me some difficulty in balancing the highway view against matters which could arise in any event. On this basis NCC have been explicitly asked whether on this basis they are still confident to object and whether they would defend their position in an appeal situation. Their response (14/06/2018) is as follows:

“The access arrangement is both wrong for the scale/type of proposed development AND as use as a car park. Therefore I am of the opinion that using the site as a car park does not make it any more right (in this case) to approve the residential development where residents will have no choice but to use a risky access. I am uncertain as to how attractive a public car park will be here in any case. I stand by our recommendation and would be happy to support an appeal if necessary.”

You will note that that NCC Highways Authority are resolute that the scheme would be harmful to highway and pedestrian safety even taking into account the fallback position. It is fully accepted even by the applicants that the access is inadequate in terms of its width but there is no land available to allow for this to be widened and the reality is that whatever the use of the site in future, the access would likely be sub-standard. Whilst I do feel that the NCC stance is challengeable at appeal (especially when fallback is considered alongside heritage matters) I note that NCC remain resolute, and are the statutory consultee and highway experts in this instance. Accordingly I do give great weight to their objection given the potential harm to highway safety and pedestrian and vehicular conflict.

Despite attempts to find a solution, this has not been possible. From NCC Highways perspective the fewer number of units the safer the development would be. Given the site is within walking distance of the town and thus is a highly sustainable location I have explored with NCC whether there is any scope for a scheme to provide no parking (or a more limited number of parking) given its location within Newark. The NCC reply was that this would lead to on-street parking which they would also object to.

With regards to the Trip Generation Statement by Bancroft Consulting (which formed a late item at the last committee), this is not dated but appears to relate to an earlier version of the scheme (17 dwellings with 17 parking spaces – as opposed to 16 dwellings with 19 spaces). My understanding is that there has been a dispute between the author of the report and the applicants such that it was never updated and hence it was not submitted.

Impact Upon Residential Amenity

Policy DM5 requires development to be acceptable in terms of not having a detrimental impact on residential amenity both in terms of existing and future occupiers. Indeed 'always seeking to secure a good standard of amenity for existing and future occupants of land and buildings' is one of the 12 core planning principles set out in the NPPF.

Careful consideration has been given to the impacts of the scheme and I consider these further below.

Plots 1 to 8 (proposed apartments within the existing building)

The external alterations to the listed building are relatively minimal and the applicant has sought to utilise existing fenestration openings limiting the impact upon neighbouring in terms of overlooking.

Four small roof lights are proposed to be inserted on the front elevation serving bedrooms of the apartments within the attic space; these are situated c14.8m from the boundary with dwellings to the west, albeit these are off-set to the north and south. Given the distance and orientation, I do not consider that these would cause an unacceptable impact in terms of loss of privacy.

At the rear of the listed building, 4 roof windows are proposed facing east towards the front elevation of new build plots 9 to 13. Whilst the distance between the listed building and the proposed dwellings is c12.5m away, I am mindful that this is an acceptable arrangement in the case of many dwellings facing one another with a highway in-between and thus I do not consider it to be detrimental.

There are no new upper floor windows to the building that would impact upon the privacy of existing dwellings.

Plots 9 to 13

A row of 5 two storey terraces would be located broadly parallel with the eastern site boundary. The rear of the proposed terraces would be located between 5.6m and 6.4m from the eastern boundary which consists of the blank (single storey) rendered wall of the adjacent funeral outbuilding for much of the boundary. There would therefore be no unacceptable overlooking towards the east.

The northern side gable end is located c2m from the northern boundary. No. 1 Lindum Mews, part of a one and a half storey row of Mews dwellings lies approximately 1.5m from the boundary and the proposal would therefore be c3.5m away. I note the presence of a side window at first floor level (to the west of the ridge) within No. 1 Lindum Mews. This is clear glazed and may serve a bedroom. Plot 13 (the end terrace) has been sited such that this is staggered slightly away from the western elevation of No. 1 by 1.4m and projects out by 1.2m beyond its eastern elevation

where the private gardens appear to be located. There are no openings proposed within the northern side boundary and consequently there would be no overlooking to the north. Given that the existing window to No. 1 is off-set and the end terrace is also off set, I consider that the impact upon the occupier will be minimal. The occupier of No. 1 would have a view of terrace frontages, grounds and overbearing impacts would be diminished even taking into account the ridge height of 7.37m and the slightly lower land levels of the existing Mews. Finished floor levels could be controlled by condition to ensure that this remains acceptable if the application were to be approved.

The southern side gable of this terrace block (Plot 9) again proposes no openings to avoid overlooking. This would be located c13.6m from the rear elevation of No. 7 The Close to the south and c15.3m from the rear elevation of No. 6 The Close. I consider that these distances together with the positioning (whereby the gable would straddle the boundary between the existing dwellings) is adequate in order to avoid an unacceptable impact from overbearing and loss of light.

The distance from the first floor windows of the terraces to No. 21 Lindum Street is c22m and is slightly oblique such that I consider it would be acceptable to avoid any unacceptable loss of residential amenity.

Plots 14 to 16

There are 3 dwellings proposed to the north-western corner of the site arranged in a corner L plan form.

Plot 14 is single storey and would be sited between c4.6m and c5.2m from the northern boundary. The dwelling immediately adjacent to the northern boundary here is No. 21 Lindum Street, a two storey Victorian terrace that has its blank side gable facing the application site. Given this dwelling is single storey, I consider that the impacts on the neighbour are acceptable in terms of overshadowing and loss of privacy etc. I do consider however that if minded to approve a condition should be imposed to remove permitted development rights in respect of alterations to the roof to safeguard the amenity of the neighbour.

Plot 15 is two storey and is located c6.2m from the northern boundary with No.21. The majority of Plot 15 would face the blank gable of no. 21, however c2.8m of it would project beyond the main rear elevation wall and be located c7.6m from the blank elevation of its two storey rear offshoot. Having carefully considered the relationship, I am satisfied that this is acceptable and would not amount to an unacceptable loss of amenity through overbearing and loss of light. The internal layout has been amended to remove one of the bedroom windows that would have directly overlooked the yard of the adjacent neighbour such that a bathroom window (which could be obscure glazed and non-opening controlled via condition) now replaces it which negates any loss of privacy.

Plot 16 is proposed to have a blank side elevation facing west towards No. 26 Lindum Street (a bungalow) in order to avoid direct overlooking. I do not consider that this would cause any unacceptable impacts such as overbearing upon the adjacent properties given its orientation and distances to existing dwellings. The northern (rear) elevation of the proposed plot would face partly onto the blank gable of No. 21 Lindum Street and the street itself. Whilst oblique views from the first floor bedrooms would be possible of a small part of the parking area and access of No. 26, this is not the private amenity space that the bungalow currently enjoys. Likewise oblique views may be possible of the frontage of No. 24 Lindum Street but I find that the relationship is not

dissimilar existing ones (for example No. 21 and 24 which front either side of Lindum Street). Consequently I do not consider there would be any adverse impacts upon the amenity of neighbours that could sustain a reason for refusal.

Having carefully considered the impacts upon amenity arising from this development I find that the proposal is satisfactory and in accordance with DM5 of the Development Plan.

Flood Risk

Core Policy 9 (Sustainable Design) provides that development should 'through its design, pro-actively manage surface water, where feasible, the use of Sustainable Drainage Systems.' CP10 seeks to mitigate the impacts of climate change whilst Policy DM5 also seeks to ensure development is safe for the intended users without increasing flood risk elsewhere. This broadly reflects the advice in the NPPF.

The site lies in Flood Zone 1 which is at lowest risk of flooding but is within an area prone to surface water flooding. The application is accompanied by some Flood Information showing the site is at low risk of surface water flooding. No flooding is shown on the site during the high or medium risk events, only the low risk event (which is actually low probability and not low risk) and there is no development proposed within this area of the site, and the proposals are not likely to impact on the surface water flooding shown to the surrounding areas. The Lead Local Flood Authority have stated they do not wish to make comments given its low risk of flooding. I note that representations from local residents have raised surface water drainage as an area of concern. However I am satisfied that in the event of an approval a condition could be imposed to deal with surface water disposal. Subject to this, I consider the proposal would accord with CP9, CP10 and DM5 of the Development Plan.

Impacts on Ecology

Core Policy 12 and Policy DM7 promote the conservation and enhancement of the District's biodiversity assets. The NPPF also seeks to minimise impacts on biodiversity and provide net gains where possible.

The application has been accompanied by a Protected Species Survey which has surveyed the existing building and its extensions for bats and nesting birds. This concludes that whilst the main building has a number of features of potential interest to bats, given its location, only light tolerant species such as Pipistrelle are likely to be regularly foraging around this location and as such it is considered to have 'low roost potential'. There was no evidence of bat activity found either within the building or outside. The extensions (which are to be demolished has a 'negligible roost potential'. The emergence survey confirmed that Pipistrelle bats observed are unlikely to have emerged from a roosting point in close proximity to the survey area.

The Survey suggests that if permission is granted, that the works to repair the soffits of the main building should ideally take place outside of the bat activity season as a purely precautionary measure. It also suggests that if such work does have to take place during the 2018 bat activity season it is recommended, once again as a purely precautionary measure, that the soffits should be inspected by a licensed person who can use an endoscope to inspect any deep areas within the remaining soffits once scaffolding has been erected. I am satisfied that these recommendations along with ecological enhancements could be secured by condition. Subject to these I consider that the proposal would accord with the Development Plan with regards ecology impacts.

Developer Contributions and Viability

Spatial Policy 6, Policy DM2 and Policy DM3 set out the approach for delivering the infrastructure necessary to support growth. This states that infrastructure will be provided through a combination of the Community Infrastructure Levy, developer contributions and planning obligations and where appropriate funding assistance from the District Council. The Developer Contributions and Planning Obligations SPD provides the methodology for the delivery of appropriate infrastructure.

In terms of the starting point, the contributions that would ordinarily be sought are as follows:

Affordable Housing

Core Policy 1 provides that for schemes of 11 or more dwellings, on-site affordable housing should be provided with a tenure mix of 60% social rented and 40% intermediate housing. This is reaffirmed within the Council's SPD on Developer Contributions. A scheme for 16 dwellings would require 4 affordable houses on-site to meet the 30%.

In Newark there is need for 2 bedroom affordable dwellings as well as one bedroom affordable units. Given the nature of the development it is unclear as to whether a registered provider would take units on the site and an off-site contribution was likely to have been sought, albeit the viability issues (discussed shortly) means that this has not been progressed. No affordable units are being offered as part of this proposal.

Provision for children and young people

As a development of 16 dwellings, this application would normally need to make provision for public open space at 18m² per dwelling (288m²) as set out in the Developer Contributions SPD. As none is shown on the layout nor indeed would it be appropriate to, it would be expected that a financial contribution should be provided in lieu of this which would be spent to upgrade the existing parks in the area, the nearest of which is a short walk away to the south-west. This is based on £927.26 per dwelling based on 2016 indexation equating to £14,836.16.

Community facilities

Community facilities are defined as including Community Halls, Village Halls, Indoor areas for sport, physical activity, leisure and cultural activity and Halls related to places of worship. The Council's SPD provides where existing infrastructure exists or where small scale developments do not warrant new infrastructure, a contribution may be appropriate to support the existing infrastructure such as a village or community hall or other community asset. It goes on to say that 'it is further recognised that some community facilities are not fulfilling their potential to meet the needs of residents and thus may appear to be underused. In such circumstances qualitative improvements to such facilities would increase their ability to make a positive contribution to meeting the needs of the community.'

The site itself is too small to provide community facilities on it and therefore any additional pressure upon community facilities that this scheme would place upon the community should be met off-site by way of a financial contribution. The Community Projects Manager has advised that such a contribution should go towards the Sherwood Avenue Pavilion in order to help with widening the appeal of this building (through creating a kitchen facility and possible extension)

during the daytime and outside of the bowling season for social purposes and refreshments. I consider that this is justified and is apt given that it would go towards sustaining a facility that could fill any void that the loss of the former working men's club may have left. A financial contribution toward community facilities which is based on £1,384.07 (figure from SPD but indexed at 2016) per dwelling equating to a maximum of £22,145.12.

Education

The Developer Contributions and Planning Obligations SPD indicates that development which generates a need for additional primary school places will be secured via a legal agreement. Nottinghamshire County Council has reviewed the proposals and have confirmed that a development of 16 dwellings would yield an additional 4 primary places. Each primary school place costs £11,455 based on their methodology which is set out in the SPD and thus a primary education contribution of £45,820 would be required to accommodate the additional pupils projected to arise from the proposed development. **At pre-application stage NCC advised that a primary education contribution would be sought. However they have since confirmed that as the schools in the locality have capacity to accommodate the pupils arising from the development no contribution would be sought.** In terms of secondary education the development would be covered under CIL regulations.

Libraries

The trigger for library contributions has now been raised and would not be applicable to this scheme.

| CONTRIBUTION | Policy Requirement |
|----------------------|--|
| Affordable Housing | 30% on-site provision (equating to 4 x 2 bedroom units) |
| Children's Play Area | Provision either on-site (at a rate of 18m ² per dwelling) or by financial contribution based on £927.26 (indexation 2016) equating to £14,836.16 |
| Primary Education | £45,820 to provide 4 additional primary places (at £11,455 per place) None required. |
| Community Facilities | Financial contribution based on £1,384.07 per dwelling (2016 indexation) equating to £22,145.12 |
| TOTAL | 4 x affordable houses on site plus £82,801.28 |

Viability

The National Planning Policy Framework says that plans should be deliverable and that the sites and scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. The NPPG makes clear that this policy on viability also applies for decision taking and makes clear that decisions must be underpinned by an understanding of viability, ensuring realistic decisions are made to support development and promote economic growth. Where the viability of a development is in question, local planning authorities should look to be flexible in applying policy requirements wherever possible.

A Viability Case has been submitted that seeks to demonstrate that the scheme cannot afford to contribute to any of the normal expected developer contributions as doing so would render the scheme unviable. The Council has commissioned an independent expert to provide independent advice to the Council in respect of viability. Their advice to the Council is contained within the consultation section of this report.

Members will note that our Independent Viability Assessment concluded that the development cannot not afford to pay any of the requested developer contributions. It is noted that a nominal positive margin of £4,784 exists. This could not deliver any of the infrastructure needs of the development albeit it could be put towards off-site affordable housing in the Newark area given that this contribution can be pooled and spent through the Councils own programme of works in delivering affordable housing. The applicant has stated they are willing to offer this and has instructed solicitors to prepare a Unilateral Undertaking to enable this contribution to be secured. On the basis of the advice received I am satisfied that the applicant has demonstrated that the scheme is unviable if contributions above £4,784 are sought.

Other Matters

Bin Store/Collection Area

The applicant was asked to consider the refuge/bin collection arrangements that could come forward with their scheme at pre-application stage. The layout plan shows the provision of a bin storage area (for the apartments) adjacent to the garage court of The Close. Whilst this does not appear to be sufficient to accommodate potentially 16 bins associated with the apartments, I am satisfied that there is sufficient space to enable a scheme to be provided for, which could be controlled via condition. Storage of bins for the new build properties would be within their own plot curtilage.

The applicant has advised that the bins for the dwellings would need to be taken to the roadside on bin collection days as there is insufficient turning space to allow a refuse lorry to manoeuvre within the site. There are now two potential roadsides where the bins could be taken (Lindum Street through the new pedestrian access and Beacon Hill Road) thus dispersing the number of bins that would be on the roadside on collection day. I am therefore satisfied that a suitable solution for this could be found in the event of an approval.

Planning Balance and Conclusion

Members will note from the appraisal above that in this particular case there are many material planning considerations to balance in coming to a final view. This site is located in a very

sustainable location being on the fringe of the town centre and within the Newark Urban Area. The building forms a Grade II listed building which is of significance nationally by the very nature of its designation which is currently vacant and in a vulnerable state.

The proposal would bring back into active use of this heritage asset and bring about a number of heritage benefits through being able to secure restoration of lost features within the building and improve the setting the building through the demolition of inappropriate, ugly extensions and their replacement with more appropriately designed new dwellings which better complement the building and its setting. I am also satisfied that the level of new build development is the minimum required through cross subsidy in order for the scheme to be financially viable with the developer accepting a reduced profit in order to bring forward the proposals. Clearly as professional officers, we would want to see the listed building restored and retained with a viable and long term used in place.

However these heritage benefits need to be carefully balanced against the highway concerns and the fact that this scheme cannot afford to pay the necessary and appropriate contributions towards primary education, affordable housing, community facilities or children's open space. I take the view that the heritage benefits and the need to secure a viable future use of the listed building should take priority in this particular instance over the inability of the scheme to pay towards the infrastructure impacts of the proposal, albeit I say that with some caution with respect to education and affordable provision (I consider there is sufficient provision within Newark to largely absorb the impact of the scheme for community facilities and open space). **As noted above the contribution requested towards two bus stops is not considered to be CIL compliant in any event.**

In terms of the highway safety harm, Members will note the firm view of NCC that the scheme would be harmful to highway and pedestrian safety even taking into account the fallback position through the increased use of what is accepted is a sub-standard access. However it should also be noted that a new use must be found for this building in order to retain this valuable heritage asset and that any such use would likely have issues with its access, albeit it is an access that has been used previously for years without incident for greater activity than is now proposed.

Notwithstanding my concern that the highway refusal reason is debatable in an overall planning balance, as highway experts I do give great weight to NCC's objection. On a very fine balance, I conclude that this just amounts to a determinative material consideration. On this basis I recommend refusal.

RECOMMENDATION

That planning permission is refused for the following reason:

01

In accordance with the current Highway Design Guide (6C's), for this number of dwellings an access is required to have a minimum width of 5.8m (4.8m minimum width with 1m added as the access is bounded on each side). The existing/proposed access is considerably less than this. This would result in the situation where a vehicle would turn into the driveway to meet an egressing vehicle. This would lead to reversing/manoeuvring from the access driveway onto Beacon Hill Road to wait for a clear passage along the driveway, increasing the likelihood of vehicular/pedestrian conflict and danger. There are no footways or lighting along the length of the driveway and as such is unsuitable for pedestrian activity and to provide these would further

reduce the already sub-standard access. Furthermore there is also concern that the scheme would not provide for sufficient on-site parking. Consequently the development would likely further increase on street parking in the vicinity resulting in an increase in the likelihood of danger to other users of the highway due to the likelihood of vehicles being parked on the public highway. In the opinion of the Local Planning Authority the proposal is therefore contrary to Spatial Policy 7 (Sustainable Transport), Core Policy 9 (Sustainable Design) of the adopted Newark and Sherwood Core Strategy Adopted March 2011 and Policy DM5 (Design) of the Allocations and Development Management DPD Adopted July 2013 which together form the Development Plan. There are no material planning considerations that outweigh the harm identified.

Informative

01

The application is clearly contrary to the Development Plan and other material planning considerations, as detailed in the above reason(s) for refusal. However the District Planning Authority has worked positively and proactively with the applicant to make some revisions to the proposal. Whilst not all problems arising can be overcome, several potential reasons for refusal have been negated.

02

You are advised that as of 1st December 2011, the Newark and Sherwood Community Infrastructure Levy (CIL) Charging Schedule came into effect. Whilst the above application has been refused by the Local Planning Authority you are advised that CIL applies to all planning permissions granted on or after this date. Thus any successful appeal against this decision may therefore be subject to CIL (depending on the location and type of development proposed). Full details are available on the Council's website www.newark-sherwooddc.gov.uk/cil/

Background Papers

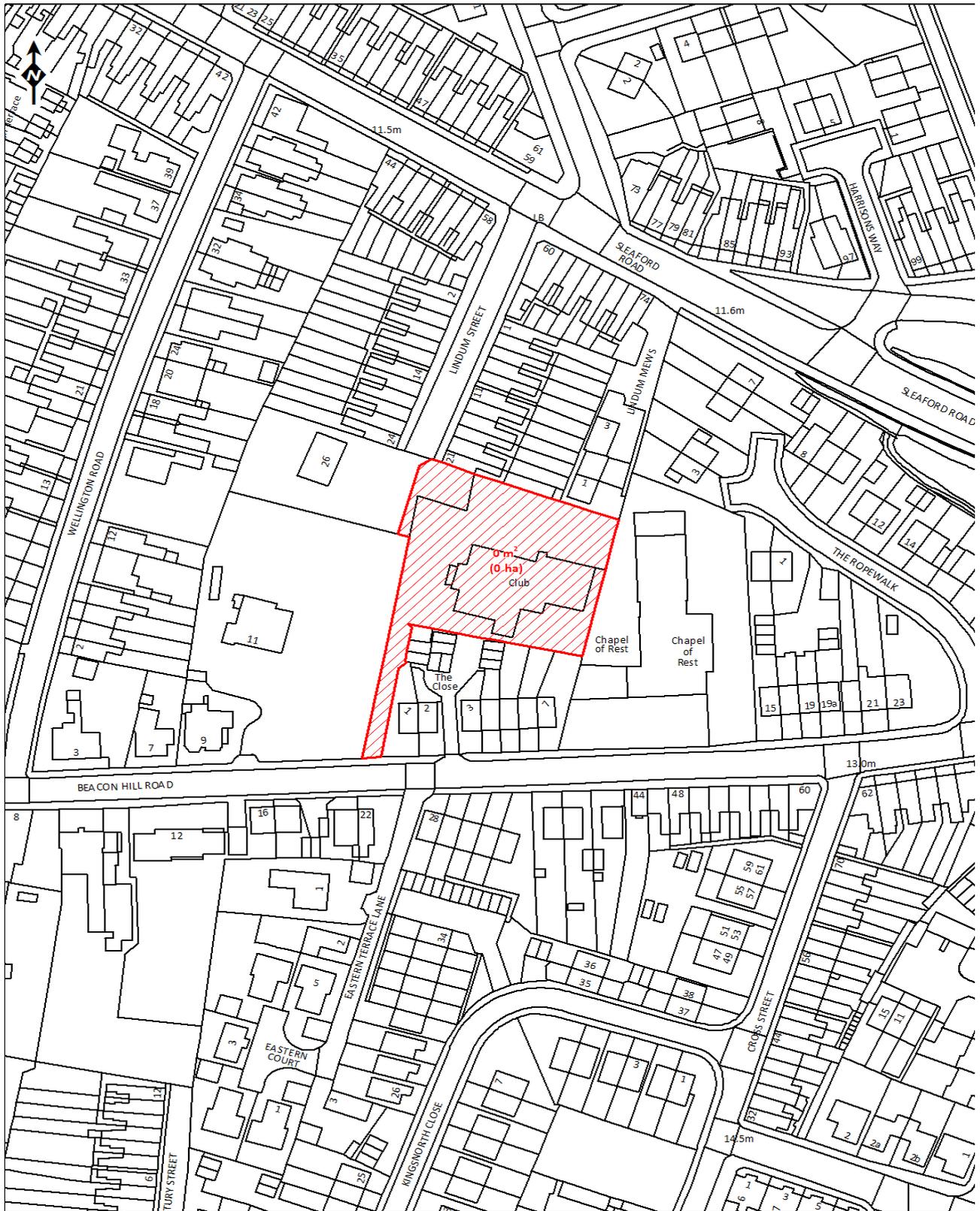
Application Case File

For further information, please contact **Clare Walker** on Ext **5834**.

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

Matt Lamb
Business Manager for Growth and Regeneration

Committee Plan - 18/00125/FULM



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Appendix A - Conditions 14/00465/OUTM

01

The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved on any phase, whichever is the later.

Reason: To conform with Section 92 (2) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

For compliance only.

02

The reserved matters application for the first phase or sub phase of the development shall be made to the Local Planning Authority before the expiration of five years from the date of this permission and all subsequent reserved matters applications shall be submitted before the expiration of thirteen years from the date of this permission.

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

For compliance only.

03

Details of the appearance, landscaping, layout (including internal accesses) and scale ('the reserved matters') for each phase or sub phase of the development pursuant to Condition 4 (Phasing) of the development shall be submitted to and approved in writing by the local planning authority before development in that phase or sub phase begins and the development shall be carried out as approved.

Reason: This is a planning permission in outline only and the information required is necessary for the consideration of the ultimate detailed proposal to comply with the requirements of Section 92 of TCP Act 1990, as amended by Section 51 of the Planning & Compulsory Purchase Act 2004 and in the interests of highway safety, sustainable travel and highway capacity issue.

For compliance only.

04

The development hereby approved shall be implemented substantively in accordance with the Indicative Phasing Plan (drawing no. EMS.2508_006C) 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. Each Reserved Matters submission shall accord with the latest Phasing Plan and Programme and include the following details:

- I. Site accesses and major internal infrastructure including internal roads, pedestrian and cycle crossings, footpaths and cycleways.
- II. Confirmation of the timescale for the implementation of the off-site highway infrastructure including highway improvements/traffic management and any restoration; for example with respect to the Hollowdyke Lane Passing Bays.
- III. Timing and delivery of the associated green infrastructure (as indicated on the Provision of Open Space Strategy Drawing No. EMS.2508-004E) with that phase (including public open space, formal sports recreation facilities, allotments, NEAPs, LEAPs and associated parking facilities). unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the site is developed in a satisfactory manner and for the avoidance of doubt.

A revised phasing plan has been submitted with the reserved matters approval as is allowed for under this condition. However bullet points 2 and 3 remain outstanding and will need to be resolved via a discharge of condition application.

05

Reserved matter submissions for any phase or any use shall be substantively in accordance with the following plans:

- Illustrative Master Plan (drawing no. EMS.2508_002G)
- Landscape Strategy Plan (drawing no. Bir.3362_25B; Figure 5.6 of ES)
- Illustrative Landscape Masterplan (drawing no. Bir.3362_28A; figure 5.8 of ES)
- Illustrative Master Plan: Provision of Open Space Strategy (drawing no. EMS.2508_004E)
- Illustrative Master Plan: Residential Areas (drawing no. EMS.2508_003F)
- Parameters Plan (drawing no. EMS.2070_01E)
- Hollowdyke Lane South Proposed Layout (Existing Alignment with Passing Places) (Waterman drawing no. 005.4 Revision E)
- Hollowdyke Lane North Proposed Layout (New Bus Link) (Waterman drawing no. 006 Revision D)
- Application Site Boundary (drawing no. EMS.2508_005C)

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 of doubt.

For compliance only.

06

Each reserved matters application shall be broadly in accordance with the Illustrative Master Plan. (drawing no. EMS.2508_002G) and the approved Design and Access Statement Version 2 (June 2016), subject to revisions agreed in writing by the Local Planning Authority.

Reason: To ensure consistency with the Masterplan and Design and Access Statement and ensure the site is developed in a satisfactory manner.

For compliance only.

07

Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence on any phase or sub phase pursuant to Condition 4 (relating to phasing) until parts 1 to 4 (below) have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until point 4 has been complied with in relation to that contamination.

1 - Site Characterisation

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

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- 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 point 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of point 2, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with point 3.

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

No details have been forthcoming to date and this condition remains undischarged.

08

No development shall take place on any phase or sub phase until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by, the local planning authority. The approved CEMP shall be adhered to throughout the construction period. The CEMP shall set the overall strategies for:

- the parking of vehicles of site operatives and visitors;
- loading and unloading of plant and materials;
- storage of plant and materials used in constructing the development;
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- wheel and vehicle body washing facilities;
- provision of road sweeping facilities;
- measures to control the emission of noise, dust and dirt during construction
- a scheme for recycling/disposing of waste resulting from demolition and construction works;
- the means of access and routing strategy for construction traffic;
- details of construction traffic signage;
- a strategy to control timings of deliveries to avoid the morning and evening peak travel times where possible (such as being co-ordinated by a logistics manager in order to prevent queuing on the surrounding highway network) as identified at chapter 8.5.1 of the ES;

- a construction Travel Plan;
- management of surface water run-off, including details of a temporary localised flooding management system;
- the storage of fuel and chemicals;
- the control of temporary lighting;
- measures for the protection of retained trees, hedgerows and watercourses;
- details of pre-commencement surveys and mitigation measures for ecological sensitive areas (which should detail procedures/timings of works to avoid impacts on protected species and retained habitats(;
- the protection of (and avoidance of disturbance to) badger setts and the implementation of good working practices to minimise impacts on foraging or transitory badgers;
- Appropriate controls for the storage of hazardous materials and fuel storage and filling areas (as referenced in E.S chapter 12.5.3)

Reason: To ensure appropriate mitigation for the impact on residential amenity caused by the construction phases of the development and to reflect the scale and nature of development assessed in the submitted Environmental Statement and to accord with the objectives of the NPPF and Newark and Sherwood Core Strategy Policies CP9, CP12, CP13 and NAP2C and in line with the ES.

No details have been forthcoming to date and this condition remains undischarged.

09

No development shall be take place on any phase or sub phase until a Site Waste Management Plan (SWMP) has been submitted to and approved in writing by the Local Planning Authority. The SWMP shall set out the volumes and types of waste that are likely to be produced during the development within that phase or sub phase and shall set out actions for the recycling, recovery, re-use and disposal of each waste stream. The development within that phase or sub-phase shall thereafter be carried out in full accordance with the approved SWMP.

Reason: In the interests of the environment and to accord with the recommendations of the ES (part 12.5.1).

No details have been forthcoming to date and this condition remains undischarged.

010

Prior to commencement of development on each phase pursuant to Condition 4 (Phasing) a Noise Assessment shall be submitted for approval which shall include updated background noise modelling data where appropriate (such as there being a change in circumstance since the original noise modelling was undertaken) and where necessary, a Noise Attenuation Scheme shall be submitted to and approved in writing by the Local Planning Authority. The approved attenuation scheme shall be implemented on site prior to first occupation of any dwelling in that phase or to an alternative implementation timetable as may be agreed in writing by the Local Planning Authority. For the avoidance of doubt this condition also relates to the construction phase of the development.

Reason: To ensure that noise levels and vibration, specifically from the A1 Trunk Road and adjacent East Coast Railway Line are appropriately mitigated and that the mitigation measures are implemented in a timely manner in the interests of residential amenity in line with the ES, particularly 10.5.1. This condition accords with the expectations of the Environmental Statement submitted as part of this application and to ensure that the development accords with Policies DM5 and the NPPF.

Details have been provided with the reserved matters application for all phases and this condition is essentially satisfied. A number of additional conditions to secure the noise mitigation are proposed to be attached to the reserved matters approval.

011

No development shall take place within any phase or sub phase pursuant to Condition 4 until a written scheme of investigation (WSI) for archaeology has been submitted to and approved by the Local Planning Authority (LPA) in writing. For land that is included within the WSI, no development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and

- The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works;
- The programme for post-investigation assessment and subsequent analysis, publication and dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

Reason: In order to ensure that satisfactory arrangements are made for the investigation, retrieval and recording of significant remains of the site should they be found and to accord with the objectives of the NPPF and Newark and Sherwood Core Strategy Policies CP 14 and NAP 2C.

Whilst a written scheme of investigation has been submitted with the RMA, further work has now been identified as necessary and this condition remains as undischarged.

012

No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive. Where this is not possible, areas should be cleared of vegetation only if they have been surveyed by a suitably qualified ecologist and has found to be clear of nests immediately prior to the destructive works commencing and these finding have been submitted to and confirmed in writing by the Local Planning Authority. If an active bird nest is identified then the area will need to be retained until the young have been deemed, by a suitably qualified ecologist, to have fledged and a five meter buffer around the nest should be maintained. Only once this has happened can the area be cleared from site.

Reason: To safeguard protected species and to accord with the objectives of the NPPF and Newark and Sherwood Core Strategy Policies CP12 and NAP2C.

For compliance only.

013

Prior to commencement of development in any phase or sub phase pursuant to Condition 4, an updated Arboricultural Survey and Impact Assessment shall be submitted to and approved in writing by the Local Planning Authority. This shall include measures to protect trees and hedgerows to be retained within that phase or sub phase and details of mitigation measures where necessary. The approved mitigation measures shall be implemented on site in accordance with an agreed timetable and shall be retained during the development of the site, unless otherwise agreed in writing by the local planning authority.

Any trees/shrubs (planted by way of mitigation) which, within a period of five years of being planted die, are removed or become seriously damaged or diseased shall be replaced in the current or next planting season with others of similar size and species unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that existing trees and hedges to be retained are protected, in the interests of visual amenity and nature conservation in line with the measures identified in the Addendum to the AIA.

No details have been forthcoming to date and this condition remains undischarged.

014

The first reserved matters submission for the landscaping of each phase (as required by condition 3) shall include the submission of a updated Landscape Masterplan and full details of both hard and soft landscape works (both in the public realm/strategic landscaping works and for individual plots) for that phase and a programme for their implementation. This submission shall include:

- Provision for replacement hedgerows and trees broadly in line with Figure 5.8 (Illustrative Landscape Masterplan) of the ES or any updated version that shall be agreed through the relevant reserved matters approval
- 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.
- Soft landscaping details shall include planting plans, written specification (including cultivation and other operations associated with plant and grass establishment) and schedules of plants, including species, numbers and densities together with clear annotations as to existing trees and hedgerows that would be retained plus proposed finished ground levels or contours. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species.

Reason: In the interests of visual amenity and biodiversity, to ensure that trees and hedgerows to be lost as a result of development is properly and commensurately mitigated with replacements, to reflect the scale and nature of development addressed in the Environmental Statement and to ensure accordance with the objectives set out in the NPPF and the Newark and Sherwood Core Strategy Policies CP12, CP13 and NAP2C.

The strategic landscaping for all phases has been submitted as part of the reserved matters application and is acceptable. The timings for its delivery is currently not precise enough and therefore an additional condition attached to the RMA is proposed. In plot landscaping has

been submitted for Phase 1 and this is satisfactory. In plot landscaping for remaining phases and its implementation is to be dealt with via a condition attached to the RMA.

015

All hard and soft landscape works for each phase or sub phase shall be carried out during the first planting season following commencement of that phase/ in accordance with the approved implementation and phasing plan for each phase including as approved by the associated reserved matters approval. The works shall be carried out before any part of the phase or sub phase is occupied or in accordance with a programme which shall firstly be agreed in writing with the local planning authority.

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

For compliance only.

016

Prior to commencement of development within any phase or sub phase pursuant to Condition 4, a scheme to update the Extended Phase 1 Habitat Survey and any associated protected species surveys will be submitted to and approved in writing by the Local Planning Authority. The updates shall then be provided in accordance with an agreed timetable. Where protected species are identified as being present on site, a scheme of mitigation shall be submitted to and approved in writing by the Local Planning Authority. This scheme of mitigation shall include a working design, method statement and timetable of works to mitigate any adverse effects to protected species. The development shall be implemented in accordance with the approved schemes unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that decisions regarding the details of the scheme are made in accordance with up to date ecological information and so that any mitigation which may be required can be put in place in a timely manner in the interests of ecology and to accord with the objectives of the NPPF and Newark and Sherwood Core Strategy Policies CP12 and NAP2C.

An up-to-date survey has been carried out for part of Phase 1 (the extent of the site area surveyed doesn't fully match with Phase 1 of the Phasing Plan). There are some omissions and in relation to amphibians and reptiles which will need to be addressed and the survey area will need to be enlarged before this can be discharged in respect of Phase 1.

017

No development shall be commenced in respect of each phase or sub phase pursuant to Condition 4, unless a detailed Habitat Creation and Management Plan associated with that phase or sub phase has been submitted to and approved in writing by the Local Planning Authority. The Habitat Creation Plan shall include details of the following within each phase, as appropriate:

- The location and extent of all new habitats including all works required for the creation;

- For the creation of new habitats, these details shall identify target habitats with reference to the Nottinghamshire Local Biodiversity Action Plan and shall include details of all tree, woodland, scrub and hedgerow planting, and wetland and grassland establishment, and will provide information regarding ground preparation; cover material; soil profiles; sources of tree and shrub stock (which should be of local provenance - seed zone 402 or 403), seed mixes for grassland, woodland and wetland areas (to be used in grassland establishment methods, and which shall be of certified native origin); proportions; size; spacing; positions; densities; sowing rates; methods of establishment; areas left for natural regeneration; creation of wetland areas; and fencing off of planting areas. For the management of created and retained habitat, these details shall include the identification of management objectives; annual work programmes; and monitoring. In particular it should include areas of damp grassland and a network of ponds, new mosaics of long sward wildflower grasslands and scattered scrub to the south-east as set out at 6.6.6 of the ES Addendum.
- Measures to enhance retained habitats;
- How public access will be controlled to limit disturbance to wildlife;
- Ecological enhancements to include bird, bat boxes and the creation of artificial hibernaculae for reptiles at appropriate points within the site which should offer immediate enhancements (prior to first occupation as per 6.5.58 of the ES) and longer term enhancements where appropriate;
- Opportunities to enhance the proposed drainage features on site to benefit biodiversity;
- Details of a habitat management plan for existing and new habitats during the establishment phase including details/arrangements for on-going management and monitoring for not less than 5 years;
- An implementation timetable for all elements.

The approved Habitat Creation and Management Plan shall be implemented on-site as approved, in accordance with the agreed timetable unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard protected species and their habitats and in order to provide ecological enhancements in a timely manner in line with the CP12, NAP2C of the Development Plan and the advice contained in the NPPF as well to take account of the Nottinghamshire Local Biodiversity Action Plan.

No details have been forthcoming to date and this condition remains undischarged.

018

Prior to the commencement of development on any phase pursuant to Condition 4 (Phasing) a detailed external lighting scheme (for the operational phase) shall be submitted to the Local Planning Authority. The scheme shall be designed to ensure the impacts of artificial light are minimised and that light spill onto retained and created habitats, particularly around the site periphery and green corridors through the site are avoided shall be submitted. Any security lighting / floodlighting to be installed, shall be designed, located and installed so as not to cause a nuisance to users of the highway. The details of any such lighting shall be submitted to and approved by the Local Planning Authority (together with a lux plot of the estimated luminance). The development shall proceed within each phase or sub phase in accordance with the agreed external lighting scheme.

Reason: This condition is necessary to ensure that the impacts of external lighting on nocturnal wildlife, particularly bats are minimised in accordance with CP12 and the NPPF and to protect drivers from uncontrolled light sources near the public highway.

No details have been forthcoming to date and this condition remains undischarged.

019

No development shall be commenced within each phase or sub phase (pursuant to Condition 4) until drainage plans for the disposal of foul sewage for that phase or sub phase have been submitted to and approved in writing by the Local Planning Authority. The scheme for each phase or sub phase shall be implemented in accordance with the approved details before the development in that phase or sub phase is first brought into use.

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

No details have been forthcoming to date and this condition remains undischarged.

020

No development shall be commenced within each phase or sub phase pursuant to Condition 4 until a detailed surface water drainage scheme for that phase or sub-phase, in accordance with the approved Flood Risk Assessment and based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. In addition to dealing with surface water drainage this scheme shall also be designed to maximize biodiversity opportunities. The scheme shall subsequently be implemented prior to first occupation of any dwelling within that Phase or sub phase unless otherwise agreed in writing with the Local Planning Authority. The scheme to be submitted shall include the following:

- Information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- Detailed site levels designs for the site. This information should be accompanied by a contour plan and a flood routing plan. The site should be designed to retain all surface water flows within the site and route these to the attenuation ponds. Flows crossing the site boundary onto 3rd party land are not acceptable.
- Detailed consideration of the risk of accumulation and mitigation of the pluvial flooding on the northern part of the site either side of the watercourse as shown on the Environment Agency surface water flood risk plans.
- Detailed drainage layout including building/plot drainage where possible. This is to include a fully referenced network plan with supporting calculations and documentary evidence of infiltration coefficients if used. The performance specification should follow the guidance within Sewers for Adoption 6th edition (or any later edition as may be published) in terms of the criteria for pipe-full flows, surcharge and flooding;
- Full drainage simulation outputs to demonstrate that the drainage system can fulfil the design criteria and that failure of the drainage system during short-duration high-

intensity events does not automatically mean that properties flood. The management of accumulations of water on the site should be clearly defined and the potential flow routes considered. The designers should consider how exceedance flow routes may be maintained and not blocked by fences, garden sheds and the like. In this regard they should be designed where possible to avoid reliance on 3rd party properties and should use public open space and highways.

- All infiltration areas with supporting specification, calculations and construction details where applicable.
- Attenuation pond/tank details including volumetric calculations, geotechnical & slope-stability calculations as appropriate, specification of materials used to construct any berms.
- Full specification & general arrangement drawings for inlet/outlet structures and flow control structures. The details should also include the access arrangements for clearing and maintenance including in times of flood/failure of the infrastructure.
- Full documentary evidence for consideration by the LPA/LLFA legal advisors of the rights to discharge to any watercourse.
- All calculations should be provided using contemporary drainage software (Windes or similar). If possible electronic files should be provided to support paper and pdf outputs. Information can be provided in common software packages and formats including PDS, Windes, xyz, genio, word/excel/autocad etc. All documents should be referenced with a unique identifier - drawing number, document number/revision etc. Calculations and drawings should be cross-referenced and issue sheets provided to enable tracking of revisions to information;
- Timetable for its implementation;
- Provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason: To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures.

No details have been forthcoming to date and this condition remains undischarged.

021

Prior to the commencement of development on any phase or sub phase pursuant to Condition 4 (Phasing) involving outdoor sports pitches and associated pavilion/changing facility an up to date Flood Risk Assessment shall be submitted to the Local Planning Authority demonstrating how the pavilion/changing facility will be designed and constructed to remain operational and safe for users in times of flood, would result in no net loss of floodplain storage and would not impede water flows and not increase flood risk elsewhere. The scheme shall also include details of how the sports pitches will be drained. Development shall thereafter be carried out in accordance with the approved FRA unless otherwise agreed in writing by the LPA.

Reason: To ensure that adequate consideration is given to flood risk for the sports pitches and associated development in line with national planning guidance and in the interests of flood risk.

No details have been forthcoming to date and this condition remains undischarged. The pavilion building is shown to be provided alongside Phase 2 and in any event there is a trigger for provision within the Section 106 Agreement.

022

No development shall be commenced until a scheme setting out what reasonable avoidance measures will be adopted to protect roosting bats in respect of the felling of trees identified as Category 2 for roosting bats which forms part of this application have been submitted to and approved in writing by the LPA. The approved measures shall be implemented on site.

Reason: In order to afford protection to bats that have the potential to be roosting in trees which are to be felled.

No details have been forthcoming to date and this condition remains undischarged.

023

Prior to the commencement of development on any phase or sub phase pursuant to Condition 4 (Phasing) involving the erection of dwellings, details of the proposed finished floor levels of dwellings shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved finished floor levels.

Reason: To reduce flood risk to the proposed development.

Whilst finished floor levels have been provided, currently these do not show existing levels to enable a comparison. A fresh condition requesting this is suggested to be attached to the RMA.

024

Prior to the commencement of any phase or sub phase (pursuant to Condition 4) of the development hereby approved a scheme detailing treatment and removal of suspended solids from surface water run-off during construction works shall be submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented within that phase or sub phase as approved.

Reason: To reduce the risk of surface water pollution.

No details have been forthcoming to date and this condition remains undischarged.

025

Following completion of the bus link shown on plan 210354.03.006D, a scheme shall be submitted to and shall be approved in writing by the Local Planning Authority which details the closure of Hollowdyke Lane from the underpass of the A1 Trunk Road leading to Main Street, Balderton for all other vehicles unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of sustainable transport, highway safety and to ensure the development takes the form agreed by the authority and thus results in a satisfactory form of development.

No details have been forthcoming to date and this condition remains undischarged.

026

No development shall commence until the following information has been submitted to and has been approved in writing by the Local Planning Authority:

- Full details including the signage to, design, precise locations and the timing of delivery for the provision of two bus gates to physically control access to the dedicated bus/cycle pedestrian link (marked on the approved Illustrative Masterplan (drawing no. EMS.2508--_002G) as 'bus control feature');
- Full details including the design, precise location and the timing of delivery of the turning head to be provided to ensure that vehicles can manoeuvre safely in the event of a wrong turn onto the dedicated bus link;

The approved scheme shall be implemented on site to the agreed timetable and shall remain for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of sustainable transport, highway safety and to ensure the development takes the form agreed by the authority and thus results in a satisfactory form of development.

No details have been forthcoming to date and this condition remains undischarged.

027

Notwithstanding the submitted indicative masterplan and layout drawings, all site highway layouts should comply with the 6Cs design guide unless otherwise agreed by the Highway Authority (see www.leics.gov.uk/index/6csdg) and be submitted to and agreed in writing by the LPA.

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

For compliance only.

028

Prior to commencement of development improvements to Hollowdyke Lane shall be delivered and made available to traffic as illustrated by drawing 210354-005.4E in Appendix C of the submitted Addendum Transport Assessment (June 2016) entitled for Hollowdyke Lane (South) (or subsequent revised and agreed drawing) and thereafter Hollowdyke Lane shall be the exclusive route for construction traffic and appropriately sign posted in accordance with details of a traffic management and signing scheme to be first submitted to and agreed in writing by the LPA. No other route for construction traffic shall be used unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of highway safety and to protect the amenity of residential areas.

No details have been forthcoming to date and this condition remains undischarged.

029

Construction traffic shall only use the route from the B6326 Great North Road via Hollowdyke Lane unless otherwise agreed in writing by the Local Planning Authority. This route will be sign posted in accordance with details of a traffic management and signing scheme to be first submitted to and agreed in writing by the LPA in consultation with Highways England.

Reason: To minimise the temporary loss of amenity to resident.

For compliance only.

030

Before occupation of the 100th dwelling (unless otherwise agreed in writing by the Local Planning Authority), improvements to the Goldstraw Lane/B6326 Great North Road roundabout and B6326 Great North Road between Goldstraw Lane and Dale Way junctions shall be delivered and made available to traffic as illustrated by drawing 210354-008.A03 (or subsequent revised and agreed drawing) and the works shall tie in with the existing highway network including regard to the southern link road roundabout at the junction of the B6326. These works shall be subject to a detailed Design and Road Safety Audit which shall be carried out in accordance with a timetable to be first agreed in writing by the Local Planning Authority unless otherwise agreed in writing.

Reason: In the interest of highway safety and capacity and having regard to phasing of highway infrastructure works in the locality.

No details have been forthcoming to date and this condition remains undischarged.

031

Notwithstanding drawing 210354-006D already submitted, before the provision of a road linking the existing Fernwood development to Hollowdyke Lane, a scheme shall be first submitted to and approved in writing by the LPA to improve Hollowdyke Lane between the proposed development hereby approved and the underpass of the A1 trunk road leading to Main Street, Balderton that will include a restriction to allow buses and cycles only unless otherwise agreed in writing. Such a scheme shall include a trigger point for implementation which shall thereafter be delivered and open to traffic in accordance with an agreed programme (or revised programme that may be agreed from time to time).

Reason: In order to promote sustainable transport and to restrict traffic from rat-running via Main Street, Balderton and Coddington village.

No details have been forthcoming to date and this condition remains undischarged.

032

No dwelling shall be occupied until the associated parking areas and manoeuvring areas have been drained and surfaced in accordance with the details approved in writing by the Local Planning Authority. The areas so provided shall not be used, thereafter, for any purpose other than the parking and manoeuvring of vehicles, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of highway safety

For compliance only.

033

No school extension shall be occupied until an additional school safety zone is in place which shall include appropriate signing, lining, traffic calming, coloured surfacing, and parking restrictions, in accordance with details to be first submitted to and agreed in writing by the Local Planning Authority.

Reason: In the interest of highway safety.

No details have been forthcoming to date and this condition remains undischarged.

034

No development shall commence within each phase or sub phase until a scheme of implementation for the details contained within the Revised Framework Travel Plan dated March 2015 (version 2 issued 18th August 2015) prepared by Waterman has been submitted to and approved in writing by the Local Planning Authority (LPA). The Travel Plan shall be updated if required and any revision or review of targets therein shall be submitted to the LPA for consideration as part of each Reserved Matters submission for each phase or sub phase of development. The scheme shall be implemented as approved. For the avoidance of doubt the scheme shall include the following:

- Timing, precise locations and means of delivery for on-site bus infrastructure to include the provision of bus stops which includes; shelters, poles, timetable cases, raised kerbs , bus stop clearways and works for the provision of real time passenger information to Nottinghamshire County Council specification;
- Details of appointment and job description of the Travel Plan Coordinator (TPC) in line with the Framework Travel Plan dated March 2015 shall be provided to the LPA prior to first occupation.
- Confirmation of the appointment of the Travel Plan Co-ordinator (TPC) within 3 months of commencement of development;
- Precise details of the community notice board (including design and location) and timing of installation,
- Upon first occupation the TPC shall co-ordinate a car share scheme as outlined in the Revised FTP;
- TPC to carry out residents travel survey once dev is 30% occupied then annually every 5 years unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of sustainable transport and to ensure the development takes the form agreed by the authority and thus results in a satisfactory form of development.

No details have been forthcoming to date and this condition remains undischarged.

Appendix B – Plans used to determine the application & details of house types etc

Location Plan layout plan Ref: H5950/BDWH/102

GENERAL LAYOUT

Layout:

Greater Fernwood Composite Planning Layout Ref: H5950/BDWH/P100 (Rev V) submitted 11 July 18
Greater Fernwood Planning Layout 1-500 1of 5 ref: H5950/BDWH/P101 Jun18 (Rev R)
Greater Fernwood Planning Layout 1-500 2of 5 ref: H5950/BDWH/P102 Jun18 (Rev D)
Greater Fernwood Planning Layout 1-500 3of 5 ref: H5950/BDWH/P103 Jun18 (Rev D)
Greater Fernwood Planning Layout 1-500 4of 5 ref: H5950/BDWH/P104 Jun18 (Rev D)
Greater Fernwood Planning Layout 1-500 5of 5 ref: H5950/BDWH/P105Jun18 (Rev D)

Materials: Materials Layout ref: H5950/106 Rev A (Phase 1)

Phasing Plan: Phasing Plan ref: H5950/13 Rev D (received 13/07/2018)

LANDSCAPE PROPOSALS

Landscaping Layouts:

GL0817 07C Play Proposals
GL0817 12B Landscape Masterplan (received 09/07/2018)
GL0817 13 Feature Square Hard Landscape Details
Illustrative Landscape Masterplan Plan, GL0817 12A

Landscape Infrastructure Proposals:

Infrastructure Soft Landscaping Proposals, Sheet 1 of 6, GL0817 01G Soft Landscape Proposals (received 09/07/2018)
Infrastructure Soft Landscaping Proposals, Sheet 2 of 6, GL0817 02F Soft Landscape Proposals (received 09/07/2018)
Infrastructure Soft Landscaping Proposals, Sheet 3 of 6, GL0817 003E Soft Landscape Proposals (received 09/07/2018)
Infrastructure Soft Landscaping Proposals, Sheet 4 of 6, GL0817 04D Soft Landscape Proposals (received 10/07/2018)
Infrastructure Soft Landscaping Proposals, Sheet 5 of 6, GL0817 05D Soft Landscape Proposals (received 10/07/2018)
Infrastructure Soft Landscaping Proposals, Sheet 6 of 6, GL0817 06C Soft Landscape Proposals (received 10/07/2018)

Landscape Phase 1 Detailed Plot Landscape:

Soft landscape Proposals, 1 of 4, GL0817 08C
Soft landscape Proposals, 2 of 4, GL0817 09C
Soft landscape Proposals, 3 of 4, GL0817 10C
Soft landscape Proposals, 4 of 4, GL0817 11C

ENGINEERING

FFL's:

D109A -111B Preliminary Floor Levels
D109A -112B Preliminary Floor Levels
D109A -113B Preliminary Floor Levels
D109A -114B Preliminary Floor Levels

Tracking:

Refuse Tracking:

D109A- 106E Refuse Vehicle Tracking
D109A- 107D Refuse Vehicle Tracking
D109A- 108E Refuse Vehicle Tracking

Private Car Tracking:

D109A- 115B Private Car Tracking
D109A- 116B Private Car Tracking
D109A- 117B Private Car Tracking

Boundary Treatments

Barratt Boundary Treatments

| | |
|------------------------------------|--------------|
| 1800 Screen Wall detail | 2010/DET/203 |
| 1200 Close Boarded timber fence | 2010/DET/209 |
| 900mm Post and Rail fence | 2010/DET/214 |
| 450mm Timber Knee rail | 2010/DET/216 |
| 1200mm Estate Railings | 2010/DET/219 |
| Various Topped Railings 900-1200mm | 2010/DET/220 |

David Wilson Boundary Treatments

| | |
|--------------------------------|-----------|
| 450mm Knee Rail Detail | SD/600/11 |
| 1200mm Post and Rail Fence | SD/600/12 |
| 1800mm Close Board Fence | SD/600/13 |
| 1800mm High Screen Wall Detail | SD/600/02 |

Garage Drawings

2016 DWH Sales marketing suite (6x3 Triple Garage Left hand entrance) (63.91m²)
DWH Floor Plans & Elevations Twin Garage (hipped) Ref: LDG2H7 (c44.82m²)
DWH Floor Plans & Elevations Single Garage (hipped) Ref: LSG1H7 (c23.44m²)
DWH Floor Plans & Elevations Triple Garage Ref: LTG2H7 (67.19m²)
DWH Floor Plans & Elevation Double Garage Ref: SDG1H7 (31.19%)
Barratt Double Hipped Garage Ref: G2 (31.21m²)
Barratt Double Hipped Garage Ref: G3 (31.19m²)
Barratt Single Hipped Garage Ref G1 (16.46m²)
BH_M_2016 Sales Garages- Triple Garage Right Hand Entrance (received 05/07/2018) (38.72m²)
DWH_M_DWH_2017_G – 6X3M Triple Garage Left Hand Entrance (received 05/07/2018) (58.59m²)

House Types

| House Type & Drawing No. | Scale | No. of Bedrooms | Square m for CIL calcs. purposes |
|--|--------------|------------------------|---|
| SF11-5 (DWH) Elevations (Opp) SF11-5 Floor Plans (Opp) SF11-5 Elevations (AS) SF11-5 Floor Plans (AS) | Two storey | One bed apartment | 49m G/F, 50m F/F= 99m ² per dwelling |
| Archford (DWH) P382-I-7 drawing no.13 | Two storey | 3 beds (2 doubles, 1 | 832 sq ft (77.29m ²) |

| | | | |
|--|------------------------------------|------------------------------|--|
| (Floor Plans and Elevations) P382-E-7 drawing no. 13 (End elevations and floor plans) | | single) | |
| Washford P385-E-7 drawing no.13 (Floor and Elevations) | Two storey | 3 beds (2 doubles, 1 single) | 873 sq ft (81.10m ²) |
| Fairway P332-P7 drawing no. 13 (plans & elevations) | Two storey corner turner | 3 beds | 1024 sq ft (95.13m ²) |
| Hadley (DWH) P341-D7 – Elevations (OPP) P341-D7 – Floor Plans (OPP) P341-WD7 (drawing no.15) floor plans, P341-WD7 (drawing no.14) end floor plans, P341-WD7 (drawing no.14) detached floor plans, P341-WD7 (Elevations) P341-E-7 drawing no. 13 (end elevations) P341--D7 drawing no. 13 (detached elevations) P341-D7 (Elevations (AS)) P341-D7 (Floor Plans(AS)) | Two storey, detached | 3 beds (2 doubles, 1 single) | 1001 sq ft (92.99m ²) |
| (DWH)H536 06EM.04 (OPP) Planning Elevation Drawings, H536 06EM.03 (OPP) Floor Plans H536 06EM.02 (AS) Planning Elevation Drawings H536 06EM.01 (AS) Floor Plans | Two and a half storey, detached | 5 beds | GF=84.4m ² FF=81m ² SF=58.7m ² Total=224.1m ² per dwelling |
| Lichfield (DWH) H533.04.7 Elevations (OPP) H533.03.7 Floor Plans (OPP) H533.02.7 Elevations (AS) | Three storey, detached | 5 beds | 2515 sq ft (233.65m ²) |

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|---|---------------------------|-------|-----------------------------------|
| H533.01.7 Floor Plans (AS) H533-7 drawing no.15 (Floor plans), H533-7 drawing no. 14 (elevations) | | | |
| Ashtree (DWH) H455.7 (drawing no. 14) floor plans, H455-7 (DRAWING NO. 13) elevations, H455.04-7 Elevations (OPP) H455.03-7 Floor Plan (OPP) H455.02-7 Elevations (AS) H455.01-7 Floor Plan (AS) | Two storey, corner turner | 4 bed | 1391sq ft (129.22m ²) |
| Winstone (DWH) H421.7 drawing no. 14 Elevations. H421.7 drawing no. 13 Elevations) H421.04-7 Elevations (OPP) H421.03-7 Floor Plan (OPP) H421.02-7 Elevations (AS) H421.01-7 Floor Plan (AS) | Two storey, detached | 4 bed | 1765sq ft (163.97m ²) |
| Exeter (DWH) H418-7 drawing no. 14, floor plans, H418-7 drawing no.13 (elevations) H418.04-7 Elevations (OPP) H418.03-7 Floor Plan (OPP) H418.02-7 Elevations (AS) H418.01-7 Floor Plan (AS) | Two storey, detached | 4 bed | 1484sq ft (137.86m ²) |
| Millford H411-7 drawing no. 14 | Two storey, detached | 4 bed | 1335sq ft (124.02m ²) |

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|--|-------------------------|--------|---------------------------------------|
| (floor plans) H411-7 drawing no. 13 (elevations), H411.04-7 Elevations (OPP) H411.03-7 Floor Plan OPP) H411.02-7 Elevations (AS) H411.01-7 Floor Plan AS) | | | |
| Kennett - T310-E-7 Drawing No.16 (Kennett End Floor Plans) T310-I-7 Drawing no. 16 (Kennett Floor Plans), T310-E-7 Drawing No. 15 (Kennett & Elevations), T310-I-7, Drawing no. 15 (Elevations) | Three storey | 3 bed | 1089sq ft (101.17m ²) |
| Hertford H470-7 Floor Plans drawing no. 16, H470-7 Elevations Drawing no. 15 | 2 ½ storey, detached | 4 bed | 1364sq ft (126.71m ²) |
| Baywater H406-7 Baywater Floor Plans drawing no.16, H406-7, drawing no.15 (Elevations) | 2 ½ storey | 4 bed | 1342sq ft (124.67m ²) |
| Layton (DWH) H436-X7, Drawing no. 15 (floor plans) H436-X7 Drawing no..16 (elevations) | Two storey, detached | 4 bed | 1605sq ft (149.10m ²) |
| Henley (DWH) H588-7 drawing no. 14 (Rev A), (floor plans), H588_7 drawing no.13 (detached elevations) | Two storey, detached | 5 bed | 1983sq ft (184.22m ²) |
| Cornell (DWH) H433-7 drawing no. 14 (Rev A) floor plans, H433_7 drawing no. 13 elevations | Two storey, detached | 4 beds | 1374 sq ft (127.64m ²) |
| Bradgate (DWH) H417-7 drawing no. 14 Rev A (floor plans) | Two storey detached | 4 beds | 1434sq ft (133.22m ²) |

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| H417-7 drawing no. 13 (elevations) | | | |
| Chelworth (DWH) H497-7 drawing no. 14 (floor plans) H497-7 drawing no. 13 (elevations) | Two storey detached | 4 beds | 1703sq ft (158.21m ²) |
| Severn Washington Mews (Barratt) BSEV 00CF/BWAS 00CI drawing no.02 (elevations) BSEV 00CF/BWAS 00CI drawing no.01 (floor plans) | Two storey apartments | 1 bed flat over drive through to courtyard & 2 bed house | Severn 48.8m Washington 57.8m ² |
| Wilford P204-EC7 drawing no. 02 (plans and elevations) | Two storey | 2 bed | 620sq ft (57.59m ²) |
| Ingleby H403-C7 drawing no.16 (plans & elevations) | Two storey | 4 beds | 1081 sq ft (100.42m ²) |
| Radleigh Classic (det) BRAD 00CD drawing no.01 (plans and elevations) BRAD 00CD R303 drawing no.1 (classic render) plans & elevations, | Two storey | 4 beds | 121.5m ² |
| Kingsley Classic (det) BKEY 00CD drawing no. 1 (plans & elevations) BKEY 00CD R301 drawing no. 1 render (plans & elevations) | Two storey | 4 bed | 100.3m ² |
| Alderney Classic (det) BALD 00CD drawing no. 1 (plans and elevations) | Two storey | 4 bed | 113.8m ² |
| Windermere Classic (det) BWIE 00CD drawing no.1 (plans & elevations) | Two storey | 4 bed | 99.7m ² |
| Woodcote Classic (det) BW00 00CE drawing no. 1 (plans & elevations) | Two ½ storey | 4 bed | 113.1m ² |

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|--|--------------------|---------------------|--|
| Moresby Classic (det) BMMS 00CE Drawing no. 001 (plans & elevations), BMMS 00CD, Drawing no. 01 (plans & elevations) | Two storey, | 3 bed | 79.4m ² |
| Maidstone Classic (end) BMAI 00CE Drawing no. 001 (plans & elevations) | Two storey | 3 bed | 77.1m ² |
| Kenley Classic BKNL 00CI drawing no. 01 Mid (plans & elevations) BKNL 00CE drawing no. 01 End (plans & elevations) | Two storey | 2 bed | 57.1m ² |
| Kingsville BKIS 00CE Drawing no. 001 End (plans & elevations) | 2 ½ storey | 3 bed | 99.6m ² |
| Derwent BDER 00CD Drawing no. 001 Classic detached (plans & elevations) | 2 storey | 3 bed | 85.5m ² |
| Haversham BHVR 00CE Drawing no. 001 end (plans & elevations) | 3 storey | 3 bed | 108.3m ² |
| Hesketh BHSK 00CD Drawing no. 001 classic det (plans & elevations) | 2 ½ storey | 4 bed | 117.9m ² |
| Eskdale BESK 00CD Drawing no. 001 classic det (plans & elevations), BESK 00CD R303 drawing no. 1 render, (plans and elevations) | 2 storey corner | 3 bed | 98.3m ² |
| Brentford BBNF 00CE Drawing no. 001 (plans & elevations) | 3 storey | 3 bed | 107.9m ² |
| Chudleigh/Dursley Drawing no. 001 (plans & elevations) | 2 storey | 1 bed apartments | Chud = 42.2m ² Dur= 53.5m ² |
| NGF TYPE 74 (Affordable) | 2 storey | 3 bed | 72.9m ² |

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|---|----------|--------------------|---|
| B74F 00CE drawing no.1 (plans & elevations) | | | |
| NGF TYPE 69 (Affordable) B69F 00CE/B69 00CI drawing no.1 (plans & elevations) | 2 Storey | 3 bed | 73.2m ² |
| NGF TYPE 58 and TYPE 59 (Affordable) B69F 00CE/B69 00CI drawing no.1 (plans & elevations) | 2 Storey | 1 bed apartment | Type 58 = 40.41m ² Type 59= 48.23m ² |
| NGF TYPE 67 (Affordable) B67f 00CE 01 A | 2 Storey | 2 beds | 63.9m ² |
| CHESTER BCSR 00CD 01 | 2 storey | 4 beds | 95.9m ² |
| HOLDEN H469_X7-17 floor plans H469_X7_16 elevations | 2 storey | 4 beds | 142.69m ² |