



**NEWARK &
SHERWOOD**
DISTRICT COUNCIL

*Castle House
Great North Road
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NG24 1BY*

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Monday, 25 November 2019

**Chairman: Councillor R Blaney
Vice-Chairman: Councillor I Walker**

Members of the Committee:

**Councillor L Brazier
Councillor M Brock
Councillor M Brown
Councillor L Dales
Councillor Mrs M Dobson
Councillor L Goff
Councillor R Holloway**

**Councillor J Lee
Councillor Mrs P Rainbow
Councillor M Skinner
Councillor T Smith
Councillor K Walker
Councillor Mrs Y Woodhead**

MEETING: Planning Committee

DATE: Tuesday, 3 December 2019 at 4.00 pm

**VENUE: Newark Town Council, Ball Room, Town Hall,
Market Place, Newark, NG24 1DU**

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

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

AGENDA

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None

15. Exclusion of the Press and Public

To consider resolving that, under section 100A (4) of the Local Government

Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act.

NOTES:-

A Briefing Meeting will be held at Newark Town Hall at 3.00 pm on the day of the meeting between the Business Manager – Planning Development, the Chairman and Vice-Chairman of the Committee to consider late representations received after the Agenda was published.

NEWARK AND SHERWOOD DISTRICT COUNCIL

Minutes of the Meeting of **Planning Committee** held in the Civic Suite, Castle House, Great North Road, Newark, Notts, NG24 1BY on Tuesday, 5 November 2019 at 4.00 pm.

PRESENT: Councillor R Blaney (Chairman)
Councillor I Walker (Vice-Chairman)

Councillor M Brock, Councillor M Brown, Councillor Mrs M Dobson,
Councillor R Holloway, Councillor J Lee, Councillor Mrs P Rainbow,
Councillor M Skinner, Councillor T Smith and Councillor K Walker

ALSO IN ATTENDANCE: Councillor B Laughton

APOLOGIES FOR ABSENCE: Councillor L Brazier (Committee Member), Councillor L Dales (Committee Member) and Councillor Mrs Y Woodhead (Committee Member)

119 DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS

Councillor M Skinner declared a personal interest in Agenda Item No. 8 – Yorke Drive and Lincoln Road Playing Field, Lincoln Road, Newark on Trent (18/02279/OUTM), as the item had been considered by Newark Town council, the Member confirmed that he would keep an open mind.

Councillors J Lee and I Walker declared personal interests as they were Council's appointed representatives on the Trent Valley Internal Drainage Board.

120 DECLARATION OF ANY INTENTIONS TO RECORD THE MEETING

The Chairman informed the Committee that the Council was undertaking an audio recording of the meeting and live screening on social media was being broadcast.

121 MINUTES OF THE MEETING HELD ON 8 OCTOBER 2019

AGREED that the minutes of the meeting held on 8 October 2019 be approved as a correct record and signed by the Chairman.

122 BROOKLYN, LOWER KIRKLINGTON ROAD, SOUTHWELL (19/01615/RMA)

The Committee considered the report of the Business Manager – Planning Development, which sought reserved matters approval for three dwellings on the site where outline planning permission had been granted upon appeal. Matters to be considered were the appearance, landscaping, layout and scale.

A schedule of communication was tabled at the meeting which detailed correspondence received after the Agenda was published from Southwell Civic Society; and the Agent.

Members considered the application and felt that the application was broadly acceptable, although the overall floor space had not been reduced much from 800sqm to 755sqm. They were content with the design and appearance, but felt that the properties were large and intrusive and were a mass on the urban edge with a loss of environmental amenity. The Civic Society's concerns regarding ecology considerations were noted. It was also noted that the issue of flooding was a zone 1 site which was not considered high risk of surface water flooding.

However Members recognised a compromise needed to be found in line with the Inspector's report.

AGREED (unanimously) that reserved matters be approved subject to the conditions contained within the report.

123 TOP STREET, RAINWORTH (19/00584/FULM)

The Committee considered the report of the Business Manager – Planning Development, which sought planning permission for fifty two dwellings and associated infrastructure which was a resubmission of 17/00865/FULM.

Members considered the application and it was commented that the additional fifty-two houses would put a strain on local services including GP's and primary school places, would impact on local residents and the local community and the proposed access road onto the site was tight. Other Members commented that they could see the need for affordable houses but raised concern that funding would not be submitted for extra primary school places. It was commented that the design was good and improved the village but rejected the scheme on 100% affordable houses due to not enough primary school places in that area and there should be a mix of houses to secure Section 106 funding. Members debated whether they should trade the education contribution of £131k for affordable housing.

A vote was taken to refuse the application on the grounds of lack of contribution on primary school education and health care, which was lost with 4 votes For, 6 votes Against and 1 Abstention.

A vote was taken to defer the application to negotiate a scheme with a mix of affordable and market housing if viable with the applicant, which was lost with 5 votes For, 5 votes Against and 1 Abstention.

AGREED (with 5 votes For, 5 votes Against, 1 Abstention, the Chairman using his casting vote For the application) that full planning permission be granted subject to the conditions contained within the report.

124 COBBLERS COTTAGE, BRICKYARD LANE, FARNSFIELD (19/00168/FUL)

The Committee considered the report of the Business Manager – Planning Development, which sought planning permission for the erection of a second storey extension providing two bedrooms above an existing ground floor footprint.

Councillor B Laughton, local Ward Member Farnsfield, spoke against the application

and felt that there was minimal change to the original application. The Committee was informed that Farnsfield Parish Council had objected to the application on the grounds of impact on neighbouring properties due to sunlight and amenity.

Members considered the application and felt that the proposal would have a massive impact on the local area and should be refused on the grounds of scale and design of the extension being inappropriate to non-designated heritage asset and to its setting.

AGREED (unanimously) that contrary to Officer recommendation planning permission be refused on the grounds of scale and design of the extension being inappropriate to non-designated heritage asset and to its setting.

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

Councillor	Vote
R. Blaney	For
L. Brazier	Absent
M. Brock	For
M. Brown	For
L. Dales	Absent
M. Dobson	For
L. Goff	Absent
R. Holloway	For
J. Lee	For
P. Rainbow	For
M. Skinner	For
T. Smith	For
I. Walker	For
K. Walker	For
Y. Woodhead	Absent

125 YORKE DRIVE AND LINCOLN ROAD PLAYING FIELD, LINCOLN ROAD, NEWARK ON TRENT (18/02279/OUTM)

The Committee considered the report of the Business Manager – Planning Development, which sought selective demolition and redevelopment of parts of the existing Yorke Drive Estate and the erection of new mixed tenure housing, community and recreational facilities on the adjoining Lincoln Road Playing Field site, resulting in the development of up to three hundred and twenty homes.

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

Members considered the application and felt that the application was acceptable.

AGREED (unanimously) that outline planning permission be granted subject to:

- matters
- (a) amendment to Condition 1 in relation to timescales for the commencement of development/subsequent reserved application;
 - (b) amendment to Condition 4 omitting requirement for affordable housing;
 - (c) an additional condition 28 requiring ecology mitigation; and
 - (d) an additional condition 29 requiring the submission of an up to date noise survey at each subsequent reserved matters phase adjacent to Brunel Business Park.

126 APPEALS LODGED

AGREED that the report be noted.

127 APPEALS DETERMINED

AGREED that the report be noted.

128 QUARTERLY ENFORCEMENT ACTIVITY UPDATE REPORT

The Committee considered the report of the Business Manager – Planning Development which presented the planning enforcement performance during the second quarter of 2019 from 1 July 2019 to 30 September 2019 and provided an update on cases where formal action had been taken. The report also included cases which showed how the breaches of planning control had been resolved through negotiation.

It was also reported that Enforcement Ref: 18/00034/ENF and Enforcement Ref: 19/00194/ENF had both gone to appeal.

129 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 5 of part 1 of Schedule 12A of the Act.

130 SPRINGFIELD BUNGALOW, NOTTINGHAM ROAD, SOUTHWELL - LEGAL ADVICE REGARDING PLANNING APPEAL

The Committee considered the exempt report of the Business Manager – Planning Development, which sought planning permission for applications 19/00779/FULM – Application for variation of condition 11 of planning permission 15/01295/FULM to allow the new access junction to be constructed wholly within

highway land or that owned by the applicant; and 19/00689/FUL – Application for variation of conditions 02,03, 04 and 05 of planning permission 16/01369/FUL to allow the new access junction to be constructed wholly within highway land or that owned by the applicant (Retrospective).

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

Meeting closed at 5.12 pm.

Chairman

By virtue of paragraph(s) 5 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

PLANNING COMMITTEE – 3 DECEMBER 2019

Application No:	19/01475/S73M	
Proposal:	Application to vary condition 2 attached to planning permission 15/01295/FULM to amend the approved plans for house types A and C	
Location:	Springfield Bungalow Nottingham Road Southwell NG25 0QW	
Applicant:	Springfield Eco Ltd	
Registered:	7th August 2019	Target Date: 6th November 2019 Extension of Time: 15 December 2019

This application is presented to Planning Committee because Southwell Town Council has objected to the proposal and given the sensitivity of the development.

The Site

This application relates to circa 1.92 hectares of land situated on the western side of Nottingham Road at its junction with Halloughton Road on the southern approach into Southwell. It consists of a detached bungalow (Springfield Bungalow) and associated land to the rear which abuts the rear gardens of the existing dwellings on Halloughton Road to the north, open countryside to the west and the detached property, Springfield House and its associated land to the south.

The gradient of the site rises steeply by some 14m towards the western boundary.

The immediately adjoining properties to the north and North West of the site are a mix of single and two storey detached dwellings. No.s 36 and 38 Halloughton Road are detached bungalows and adjoin the proposed access.

The adjoining property located immediately to the south of Springfield Bungalow, Springfield House, is a large two storey detached dwelling.

The site lies to the west of the Conservation area boundary within the Southwell Protected Views corridor. The site is allocated in the Newark and Sherwood LDF Allocations and Development Management DPD (2013) for housing development - Southwell Housing Site So/Ho/2.

Relevant Planning History

Residential Development

15/01295/FULM –38 dwellings and conversion and extension of existing residential property to form 12 supported living units- granted December 2017

19/00317/DISCON –Discharge of conditions 3, 4, 5, 6, 11, 13, 14, 17, 19, 20 and 21 attached to planning permission 15/01295/FULM – discharged 7th May 2019.

19/00456/DISCON –Discharge of conditions 14, 15 and 16 attached to planning permission

15/01295/FULM –discharged 7th May 2019.

19/00779/FULM –Variation of condition 11 of planning permission 15/01295/FULM to allow the new access junction to be constructed wholly within highway land or that owned by the applicant. Condition 11 of this permission required visibility splays of 2.4m x 43m (minimum) to be provided at the junction with Halloughton Road. Refused, July 2019. Appeal under consideration by the Planning Inspectorate.

Reach

19/01828/FULM - Erection of 12 units of living accommodation for assisted living following the demolition of the existing bungalow – Under consideration

Access

16/01369/FUL – Alteration of an existing vehicular access on Halloughton Road, installation of kerb radii and provision of visibility splay. Condition 3 of this permission required details of drainage of the access. Granted 22nd March 2017.

19/00076/DISCON – Discharge conditions 3 and 4 of planning permission 16/01639/FUL - discharged 1st March 2019.

19/00689/FUL –Variation of conditions 02, 03, 04 and 05 of planning permission 16/01369/FUL to allow the new access junction to be constructed wholly within highway land or that owned by the applicant. Refused, July 2019. Appeal is under consideration by the Planning Inspectorate

The Proposal

The application seeks variation of condition 2 which relates to the approved drawings. The proposed changes comprise:

- House Type A which are sited on plots 01-12 on Site Location Plan 37049-AJA-00-SL-DR-A-99101 rev P10. The changes relate to the omission of chimneys from the gable ends of the buildings and a slight change to the position of the chimneys on the central ridge, so they are positioned closer to each of the end dwellings of each terrace of 4 properties. Internally, the accommodation would change slightly with alterations to internal walls resulting in some of the dwellings floorspace being slightly larger and others smaller (from approximately 105m² and 75m² to 93m² and 92m²)
- House Type C which are sited on plots 19-23 on the above referenced Site Location Plan. Included in the amendments is the removal of the linked garage to create detached dwellings; a simplified roof design to a more conventional front and side facing gable; a revised internal layout to create a utility room on the ground floor and increased bedroom space at first floor to all 3 bedrooms, as well as a study area. The overall ground floor space of these properties would increase from approximately 95m² to 150m².

Departure/Public Advertisement Procedure

Occupiers of 113 properties have been individually notified by letter. Site notices have also been displayed near to the site and an advert has been placed in the local press.

Planning Policy Framework

The Development Plan

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

Spatial Policy 1: Settlement Hierarchy
Spatial Policy 2: Spatial Distribution of Growth
Spatial Policy 7: Sustainable Transport
Core Policy 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

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

Policy DM1: Development within Settlements Central to Delivering the Spatial Strategy
Policy DM2: Development on Allocated Sites
Policy DM3: Developer Contributions and Planning Obligations
Policy 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
Policy So/PV: Southwell Protected Views
Policy So/HN/1: Southwell Housing Need

Southwell Neighbourhood Plan (adopted October 2016)

Policy TA1: Cycle and Pedestrian Routes
Policy TA3: Highways Impact
Policy SS2: Land South of Halloughton Road (So/Ho/2)

Other Material Planning Considerations

National Planning Policy Framework (NPPF)
Planning Practice Guidance
Newark and Sherwood Developer Contributions and Planning Obligations SPD, 2013
Newark and Sherwood Affordable Housing SPD, 2013
Southwell Conservation Area Appraisal July 2005
Newark and Sherwood Landscape Character Assessment SPD December 2013
Nottinghamshire County Council Highway Design Guide

Consultations

Southwell Town Council (24.10.19)

Southwell Town Council considered application 19/01475/S73M Springfield Bungalow and agreed by majority to strongly object to this application for the following reasons:
The vision splays indicated are the same as those that have already been refused by the District Council Planning Committee. We strongly object to the reduction in road safety standards compared with those requested by the County Council in 2015

The access road is re-drawn to avoid the electricity transformer which serves an adjoining property but the latter appears to be drawn undersized compared to the existing transformer. There is no indication of any measures to protect the transformer from traffic, given its proximity to the roadway, nor to protect it, or the public, given its proximity to the public footpath.

New Drainage Design Calculations:

The site area used in the calculations is 0.7ha whereas the actual site area is 1.9ha. This ignores the comments made by the County Council Flood team in 2015.

The calculations are difficult to follow with no summary explanation but appear to indicate that in a 100 year plus climate change storm most of the manholes will surcharge in 15 minutes. Other drawings submitted previously show the route of flood water along the site roads and on to Halloughton Road in contravention of condition 11 of the original planning approval and in contravention of the Highways Act 1980. This surplus water will run down Halloughton Road, on to Nottingham Road and further exacerbate the flooding problems down-stream. Surcharging of manholes will thus cause such contraventions. Nottingham Road was under water yet again as recently as 14th October 2019.

The Reach element of the site has not been included. The site should be considered as a whole and not agreed in a piecemeal fashion. The additional run off from the Reach site is shown on the drainage drawings as a maximum of 3l/s yet the allowed discharge of surface water into the combined sewer in Halloughton Road is 3.7l/s. This only leaves 0.7l/s for the whole of the rest of the site. This is equivalent to the flow from 5 modern kitchen taps. What is not clear is whether or not this has been taken into account in the Drainage Design calculations.

We await the response from the County Council Flood team with interest. The comments from them, placed on the website under this application seem to relate to a different matter.

(06.09.19)

Southwell Town Council considered application 19/01475/S73M Springfield Bungalow and agree unanimously to no objection to this application but emphasise that the development must be built in compliance with the agreed plan

Nottinghamshire Wildlife Trust (NWT) 02.09.19, 15.10.19 and 11.11.19) No comments are made

Environment Agency (15.08.19) No comments are made

NSDC Conservation

(31.10.19) Of the different house type, 'C' is the only property that is without a chimney. The design would look better with the introduction of a chimney. This does not have to be function and could be blocked/faux.

(15.08.19) Although the site is not within Southwell CA or directly adjacent to any listed buildings, the proposal site is within the Southwell Protected Views boundary (So/Pv) which aims to ensure that development respects the wider setting and context of, amongst other assets, the landmark Grade I listed Minster and Grade II Church of Holy Trinity. Furthermore, the gateway location of the proposal site and its proximity to the Southwell CA are material considerations in this case. The application is to amended the design of two house types; A and C.

The design of house type A is very similar. It is not considered to alter the impact on heritage assets in the area or the setting of the listed buildings.

The amended design for house type C changes from an asymmetrical gable design to a traditional gable. It also removes the chimney. This house type will be visible within views of this site and would look better with the chimneys to help break it up.

NSDC Environmental Health (23.08.19) No comments are made.

NCC Highway Authority (27.08.19)

This application and drawing 99101-P6 has little effect on highway-related matters.

Primarily a change of house type is being sought. Minor amendments to the access road alignment are shown but do not offer significant changes.

On this basis, no objections are raised.

(12.11.19) This application and drawing 99101-P9 has little effect on highway-related matters.

Primarily a change of house type is being sought. Minor amendments to the access road alignment are shown but do not offer significant changes.

On this basis, no objections are raised.

NCC Lead Local Flood Authority

(07.11.19) As LLFA we have checked the designs for surface water on the development a number of times and are happy that the proposals meet our required standards.

This application is to amend house types only and as such we have no further comments to make.

(29.08.19 and 17.10.19) Thank you for inviting Nottinghamshire County Council as the Lead Local Flood Authority (LLFA) to comment on the above application, we have reviewed the application which you consulted us with on the 14 Aug 2019.

As a statutory consultee the LLFA should only be consulted on major developments with regards to surface water drainage.

Having considered the scale of this application the LLFA believes it is not required to respond to this application, as such, we will not be making any bespoke comments.

However 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.

If you believe that this response has been sent in error and the application should be considered as a major application, please contact us.

NCC Policy (04.11.19)

Considering the proposed amendments to the site layout, the NCC does not have any strategic planning policy comments to make at this time unless there are any specific issues you wish for us to consider. If so then please let me know as soon as possible and I will circulate the application to the relevant colleagues.

20 representations have been received from 10 different local residents/interested parties which raise the following concerns:-

- Surface water management and drainage size – flooding over recent weeks including muddy water emanating from site;
- Increase in property sizes will increase flooding;
- Flood experts should re-examine plans;
- Site has shrunk to allow less flood water retention, land owned for development has grown onto adjoining properties;
- Junction remains dangerous;
- Revised plans are inaccurate – do not take account of electricity meter, ignores right of way and layout plan is not that approved;
- Electricity meter has moved;
- Plans show refused access road;
- Drawing DR-A-991011 Rev P8 is misleading and inaccurate – does not show pavement verges and gives impression that the road is wider – amendments should be sought;
- Insufficient space to circumvent electricity meter along the access road;
- Revision to access road will endanger site occupants due to proximity of electricity installation;
- Access road visibility splays are 29m. but shown as 43m. and radii are 5m. and not acceptable 6m.;
- Halloughton Road is shown as being straight;
- Gradients of footpaths
- Land not owned by developer;
- Footpaths with steps and no ramps breaching Equality Act;
- Not happy with change from 3 sets of semi-detached houses to 6 detached – will require a S73 amendment;
- Application should not be decided whilst appeals being considered;
- No decision should be made until access is approved and water attenuation provision provided satisfactorily;
- Any application should take account of Reach project;
- Why are Council accepting applications when conditions have been ignored?;
- Increase in house type C goes against Southwell Neighbourhood Plan requirement for more affordable houses;
- Change to house type immaterial;
- Proposal conflicts with housing needed in Southwell;
- Increase in house height will result in loss of protected views;
- Increased landscaping is not acceptable as water flows through the site;
- House design generally is out of character (across whole site);
- House type C is likely to flood;
- Plans show other amendments:
- Do not believe Council will listen.

In addition, Southwell Civic Society have responded as follows:

(15.11.19) We object to this application.

There seems to be some confusion as to what is being proposed regarding the access road. It is not acceptable for Jigsaw Planning to say that hopefully this drawing may be withdrawn and substituted later with a drawing showing the original alignment. This application has to be decided

on the drawings submitted which continue to show the sub standard access which is contrary to Condition 11 of application 15/01295/FULM and subject to the planning appeal regarding 19/00779/FULM.

We would take this opportunity to alert you to the severe flooding which has occurred over the last week. Throughout the whole planning process residents and other experts have repeatedly warned of the dangers of developing this “Springfield” site.

Other submissions to this application have demonstrated that most of the water causing flooding at the Minster School entrance on 7th November was emanating from the site. This was repeated on 14th November when Nottingham Road had to be closed causing severe disruption, (even the Nottingham buses had to be diverted via Oxtun). Water flowing from Westgate was intercepted by gullies before reaching the flooded area. However it was surface water coming down Halloughton Road which was causing the problem. The culvert across Nottingham Road carrying the water down the Potwell Dyke was not overtopped.

We call upon the Council to take action and order the contractors to cease work until they can contain the surface water on the site.

(28.08.19) We have no objection to the change in house types. However there seems to be some doubt as to whether work is being carried out in accordance with approved plans and planning approval conditions. Therefore it is important that compliance is checked by the Enforcement Planning Officer.

Comments of the Business Manager

Background and Principle of Development

Application ref. 15/01295/FULM was presented to Planning Committee in June 2016 and re-presented in March 2017 where Members resolved to grant conditional planning permission in accordance with the officer recommendation and subject to the signing and sealing of a S106 Planning Obligation. The relevant conditions have been subsequently discharged.

This application seeks to vary condition 2 of planning permission 15/01295/FULM to enable the revisions noted in the proposals section of this report – namely to House Types A and C. An application under Section 73 enables variations or removal of conditions to planning applications and is in effect a fresh planning application but should be determined in full acknowledgement that an existing permission exists on the site. Section 73 provides a different procedure for such applications for planning permission, and requires the decision maker to consider only the question of the conditions subject to which planning permission is requested. As such, the principle of the approved development cannot be revisited as part of this application.

It is noted that a number of respondents to this application are raising matters that deal with matters outside of this application and were matters considered as part of the original application 15/01295/FULM. It is therefore not within the legal remit of the Council to revisit these matters e.g. gradients for footpaths and junction arrangements. A number of residents also cite that the amendments should be considered under a Section 73 application, which this is. For clarification there have been a number of layout plans submitted during the course of this application’s consideration, with the latest drawing being drawing number 37049-AJA-00-SL-DR-A-99101 rev P10. This shows the access arrangements as approved under the 2015 application. The

determination of this application would therefore not prejudice the Inspector in their decision making for the outstanding appeal in progress.

For clarity, there are a number of plans submitted which relate to other House Types across the site as well as alterations to the parking area to the rear of Plots 30-33. However, these were not explicitly referred to within the Application Form and have not formed part of the description of this development, and thus have not been consulted upon. It is noted from comments from residents that these amendments have been noted by some respondents. However, as they do not form part of the description, they are not forming any part of the consideration of this application and will not form any part of the decision notice if Members are minded to approve the scheme.

As the 2015 permission is extant, the principle of development is considered acceptable and cannot be revisited. This application therefore requires an assessment of issues specific to it, namely:

- (1) Whether the proposed change to House Types A and C are acceptable;
- (2) Whether the impact of the changes to House Types A and/or C raise other considerations – such as a change to surface water management; parking provision; compliance with Southwell Neighbourhood Plan.

Whether the Proposed Changes to House Types A and C are Acceptable

House Types A (Plots 01-12) are located to the southern boundary of the site, virtually at its centre, and are set over 47 metres away from the nearest neighbours on Halloughton Road and approximately 22.5 metres from Springfield House.

The approved dwellings were approximately 10.8m width, 8.5m depth and 8.6m height. The proposed dwellings would be 10.8m width, 10.6m depth and 8.4m height. The difference in depth results in the dwellings being slightly closer (by 2m) to Springfield House. However, with a distance of 22.5 metres being retained, it is not considered that overlooking from windows in the rear elevations would result in any loss of privacy over that previously considered. It is also not considered that there would be any overbearing impact as a result of this change.

In relation to design features, the approved dwellings had one chimney per dwelling. The proposal has reduced this to two (per four dwellings) and has also sited them slightly closer to the end-facing gables. These changes are considered to be relatively minor and do not affect the overall appearance of this House Type or the development as a whole.

Whilst the depth of the dwellings would increase, the number of bedrooms does not change (being 6 x 2 and 6 x 3) and therefore consideration to parking and the Housing Needs Survey, Southwell Neighbourhood Plan and Core Policy 3 do not apply, having been considered as part of the 2015 application.

House Type C (Plots 19-23) are situated to the south-western corner of the site and comprise 5 dwellings. These are subject to a greater change than House Type A. The approved dwellings comprise link-detached dwelling whereas the proposal is for detached properties. Both the approved and proposed dwellings show 3 bedrooms, although the proposed are larger.

In terms of floor areas, the approved measure approximately 11.5m width, 12m depth and a

maximum height of 9.2m. The proposed would measure approximately 9.4m width, 9.9m depth and 8.2m height. However, notwithstanding these figures, the proposed have a greater floor area due to the approved being more of an L-shape and the proposed being more square. The proposed include a utility room at ground floor where previously no development was proposed. At first floor, accommodation is proposed above the garage where none was previously.

These changes, like House Type A, results in no changes to the number of bedrooms although they would all be doubles, as opposed to 1 double and 2 singles. Therefore like House Types A, parking requirements remains the same. Nottinghamshire County Council as Highway Authority raise no objections. As before, consideration to the Housing Needs Survey or Southwell Neighbourhood Plan is not required.

The design of these dwelling results in a more material change than those for Type A. The National Planning Policy Framework (NPPF), Policy DM5 of the Allocations and Development Plan Document (DPD) and Appendix 1 of the Southwell Neighbourhood Plan all require development to have a high design standard.

The approved dwellings were quite contemporary in their appearance whereas the proposed are more traditional in their appearance. The resulting development would provide 6 detached dwellings as opposed to link-detached. This change results in spacing between the dwellings at first floor being reduced from approximately 3.2m to between 1.0m and 0.9m. Although this change is quite significant, it needs to be considered in the context of not having gaps at ground floor previously, together with a more traditional design. On balance these changes are considered acceptable.

The other alteration is the removal of chimneys which the Conservation Officer observes would result in a better appearance if retained in order to break up the appearance. It is agreed that chimneys can assist in providing interest across roofscapes. However, the omission of chimneys to this part of the development is not considered to cause such sufficient harm that would warrant refusal of the application on this ground alone.

Overall it is considered that the changes would comply with national, local and neighbourhood plan policies. In relation to House Type A being larger, they would still be provided with sufficient outdoor private amenity space and the 2015 application removed permitted development rights in relation to both Classes A (Extensions) and E (Outbuildings) which are recommended should be re-imposed with this application. The amenity space would therefore be under the control of the Local Planning Authority.

Impact on the Character and Appearance of the Conservation Area, Setting of Listed Buildings and Southwell's Protected Views

The 2015 application considered the impact upon Southwell Conservation Area (CA) and listed buildings and was found to be acceptable. The changes proposed with this application are not considered to materially change the previous considerations in any way due to not being within the CA or directly adjacent to any listed buildings.

However, the site falls within the Southwell Protected Views boundary (So/Pv) which aims to ensure that development respects the wider setting and context of, amongst other assets, the landmark Grade I listed Minster and Grade II listed Church of Holy Trinity. This again, was considered in detail as part of the 2015 application. It is therefore necessary to consider whether

the changes to the House Types would alter this previous consideration.

House Type A, as discussed, would result in relative minor differences and therefore the previous considerations would apply. House Type C is more significant, resulting in gaps between the dwellings being more limited, but also a reduction in the height by approximately 1m. As with the previous application, it is important that the scale of the development is compatible with the surrounding area when seen from the southwest.

With regards to the Landscape Visual Impact Assessment submitted with the 2015 application and particularly Viewpoint 5, the topography of the site can be seen. Whilst the dwellings would have less of a gap at first floor, this would be off-set by the reduction in height of the dwellings. The question is whether the differences would compensate for one another and if not, whether they would result in such harm that the application should be refused.

It is anticipated that with consideration to Viewpoint 5 and the impact on the landscape of Springfield House, whilst acknowledging that this is at a slight lower level than House Type C that there will be impact but it would not be to the detriment of the importance of the views towards the listed buildings, most, notably Southwell Minster, a Grade I listed building. As such it is considered that the harm that would result from the changes is not significant and planning permission should not be withheld for this reason.

Flood Risk and Surface Water Management

Flooding and surface water management was considered as part of the original application and was found acceptable, subject to the imposition of conditions relating to this. Members will be aware that there has been considerable upset by existing residents regarding run-off resulting from the development. This is considered by a number of residents to demonstrate the surface water mitigation proposed as part of the discharge of conditions applications is not fit for purpose.

Numerous conversations have taken place between the Council, the developer and the Lead Local Flood Authority (LLFA). The LLFA are confident that the mitigation proposed as part of the 2015 application is acceptable and will mitigate the impacts of water arising from this site. However, it is not designed to, nor is there any legal or planning requirement for this development to mitigate the impact of water resulting from adjoining land and passing through the application site. There is therefore always likely to be some run-off coming through and off this site.

In relation to recent water coming from the site, there has been unprecedented rainfall across the region, which with the timing of the development is very regrettable. The developer has confirmed they have installed the drainage works within the site, however, for this to work, they need to connect to drainage within the highway. This will necessitate in works within the highway, such that the road will likely need to be closed. Details are not known whether this will be in full or part, but would be subject to approval from Nottinghamshire County Council. Members will also be aware of the two appeals that are under consideration by the Planning Inspectorate. Whilst the outcome is unknown, should they be dismissed, the developer would need to consider alternative access arrangements, which would also require approval by the Local Planning Authority. Notwithstanding the elements of the 'unknowns', it is likely if the appeal is dismissed that works would be required in the highway requiring the road to be closed. The developer considered that the impact of possibly closing the road twice would be more detrimental to neighbours and users of this highway than the existing problems and has therefore not undertaken the final step of the drainage requirements.

The development, by virtue of the increased ground floor area for both House Types results in a need for the drainage to be re-assessed. The applicant has provided updated Storm Sewer Design Calculations. These have been assessed by the Lead Local Flood Authority who confirm the proposals meet their required standards.

With regards to the neighbour comment that House Type C will flood, the proposal is not sufficiently different to that previously approved for flooding of these houses to be any more of an issue now than previously. Matters relating to flooding were previously considered and no concerns, subject to conditions were raised. Further consideration to this cannot therefore be undertaken.

The impact in relation to flooding and surface water is therefore considered acceptable.

Highways Matters

The Proposed Site Layout Plan has been amended a number of times during the consideration of the application for a number of reasons. These principally relate to the electricity meter and junction arrangements. These matters have been raised by a number of residents.

The Site Layout Plan under consideration shows the visibility splays as approved under the 2015 application, as opposed to some earlier plans which had annotated the splay with the dimensions currently under appeal. This change, as shown on drawing rev P10, will ensure that the developer, if planning permission is granted, does not circumvent the appeal process in having the constructed splays approved.

It also shows the omission of the electricity meter along the access road following discussions with the owner of the meter box who has agreed that this can be relocated. Agreement for this is outside of the planning process and therefore the Local Planning Authority is not privy to the discussions. Notwithstanding this, if the development and Site Layout Plan rev P10 is approved, it could only be implemented with the meter box relocated. Planning permission would therefore be required if it was to remain in its existing position.

Other matters

A number of other matters have been raised which have not been dealt with above. These are addressed below:

Revised plans are inaccurate – ignores right of way and layout plan is not that approved. This application seeks to have the proposed layout plan approved. Amendments to the layout plan are required in review of the changes to the House Types. The right of way is outside of the application site to the west. There is therefore no requirement for the applicant or LPA to consider this.

Halloughton Road is shown as being straight – the road is shown on the Site Location Plan as having bends and curves. Notwithstanding this, the changes relate to alterations within the site and if it had been shown as straight, this would not be crucial to the considerations with this application.

Land not owned by developer – the applicant has submitted Certificate B with the application and has provided a further updated Certificate B during the course of the application. It is understood the developer has therefore notified all parties with an interest in the land. The developer is

required to ensure that it has gained consent from all those with an interest in the land prior to undertaking development. This is a requirement for the developer and not the LPA.

Footpaths with steps and no ramps breaching Equality Act – Section 149 of the Equality Act 2010 sets out the Public sector equality duty. This requires a public authority to have due regard to the need to eliminate discrimination... achieve equality of opportunity between persons who share a relevant protected characteristic and those who do not. Comparing the external space of House Types A and C as approved, compared to those proposed they show no change in relation to any ramps or steps. No steps are shown for any of the dwelling's external space.

Application should not be decided whilst appeals being considered – this application is separate to the two applications under appeal with the considerations for this application not having any bearing on the appeals. This statement is therefore not substantiated.

Any application should take account of the Reach project – the Reach project has been submitted and is under consideration. The changes with this application do not affect the principle of the development previously granted. This application therefore does not need to consider the Reach project. The Reach project would however need to consider the approval of the dwellings [across the wider site] in terms of matters such as overlooking etc.

Why are Council accepting applications when conditions have been ignored? – Planning law sets out when a LPA is able to decline to accept planning applications. Breaches of planning conditions do not fall within any of the reasons given. The LPA is therefore legally obliged to accept the application.

Increase in house type C goes against Southwell Neighbourhood Plan requirement for more affordable houses – the change to House Type C does not change the considerations given to affordable housing as part of the 2015 application. This secured, as part of the S106 Planning Obligation, two affordable dwellings. In addition, there is a requirement to provide 'Assisted Living Accommodation' as part of the Reach project. There is therefore no requirement to consider affordable housing further as part of this application.

Increase in house height will result in loss of protected views – the heights of both Types of dwellings have been measured and for both, the heights are reduced.

Increased landscaping is not acceptable as water flows through the site – this application is not considering any landscaping. Landscaping has been approved under application 19/00317/DISCON, condition 5.

Do not believe the Council will listen – matters raised by residents have been responded to within the body of the report or under this section. Whilst the recommendation might not be that which residents wish to read, representations have been considered and a response given.

Assessment of conditions

The Planning Practice Guidance is clear that any new permission should set out all conditions related to it unless they have been discharged and that it cannot be used to vary the time limit for implementation which must remain unchanged from the original permission. In this case as the development has begun, the time condition does not need to be re-imposed.

For ease of reference the conditions as originally imposed are listed in full below (in the recommendation section) with strikethrough text used to represent parts of the condition no longer required and **bolded text** used to indicate new wording. The conditions have been reworded where details have been provided through the discharge of conditions or revised plans, for further clarification is deemed appropriate.

Conclusion and Planning Balance

It should be noted that only the very narrow scope of the matters of varying the conditions imposed are open for consideration. The report provides a full discussion of the changes to House Types A and C and how they will impact upon the wider development as well as the sites wider setting. It is concluded throughout the discussion above that the proposal complies with national, local and the neighbourhood plan policies.

The 2015 application was also subject to a s106 Planning Obligation. It is therefore necessary, before this planning permission is issued, for a variation to be completed in order to tie the obligations originally secured as part of this proposal.

It is concluded that planning permission should be granted for the reasons given below and a variation to the S106 Planning Obligation.

Recommendation:

- (a) **Planning permission is granted subject to the conditions set out below, and**
- (b) **the execution of a deed of variation to the Section 106 Agreement to ensure the obligations still apply.**

Conditions

01

The development hereby permitted shall not be carried out except in complete accordance with the following approved plans and documents unless otherwise agreed in writing by the Local Planning Authority through the approval of a non material amendment to the permission.

Drawing No. 12/1889/LP Rev D Site Plan

Drawing No. ~~12/1889/101/Rev F~~ 37049-AJA-00-SL-DR-A-99101 Rev P10 - **Proposed Site Plan**

Drawing No. 12/1889/102/Rev A - proposed roofscape **insofar they relate to House Types, B, D, E and F**

~~Drawing No. 12/1889/103/Rev A - proposed street elevation~~

Drawing No. ~~12/1889/120/Rev A~~ 37049-AJA-01-ZZ-DR-A-99120 Rev P8- House type A

Drawing No. 12/1889/121/Rev A - House type B

Drawing No. 12/1889/122/Rev A - House type B

Drawing No. ~~12/1889/123/Rev A~~ 37049-AJA-03-ZZ-DR-A-99123 Rev P10- House type C

Drawing No. 12/1889/124/Rev A - House type D

Drawing No. 12/1889/125/Rev A - House type E

Drawing No. 12/1889/126/Rev A - House type F

Drawing No. 12/1889/05/Rev A - Springfield Bungalow Proposed ground floor layout

Drawing No. 12/1889/06/Rev A - Springfield Bungalow Proposed first floor layout

Drawing No. 12/1889/07/Rev A - Springfield Bungalow Proposed Elevation

Reason: So as to define this permission.

02

~~No development shall be commenced until details and samples of the materials identified below have been submitted to and approved in writing by the local planning authority. The Development shall thereafter be~~ **The development hereby approved shall be carried out in accordance with the following external materials approved by the Local Planning Authority in correspondence dated 7th May 2019 under application ref. 19/00317/DISCON unless otherwise agreed in writing by the Local Planning Authority.**

Bricks--Butterley Forterra Woodside Mixture

Roof - traditional single clay pantile

Reason: In the interests of visual amenity.

03

~~No part of the development shall be commenced until details of the existing and proposed ground and finished floor levels of the site and approved building[s] and the extension to the bungalow have been submitted to and approved in writing by the local planning authority.~~

The development hereby approved shall be carried out in accordance with the ground and finished floor levels approved by the Local Planning Authority in correspondence dated 7th May 2019 under application ref. 19/00317/DISCON unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of residential and visual amenity.

04

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

~~• a schedule (including planting plans and written specifications, including cultivation and other operations associated with plant and grass establishment) of trees, shrubs and other plants, noting species, plant sizes, proposed numbers and densities. The scheme shall be designed so as~~

~~to enhance the nature conservation value of the site, including the use of locally native plant species.~~

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

~~• proposed finished ground levels or contours;~~

~~• means of enclosure;~~

~~• hard surfacing materials;~~

~~• minor artefacts and structures for example, furniture, refuse or other storage units, signs, lighting etc.);~~

~~• the planting and screening along the southern boundary with Springfield House shown within the site boundary edged in red on the revised site plan ref. 12/1889/LP Rev D~~

The development hereby approved shall be carried out in complete accordance with the details of hard and soft landscaping approved by the Local Planning Authority in correspondence dated 7th May 2019 under application ref. 19/00317/DISCON unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and biodiversity.

05

~~Before the development is commenced a landscape management plan shall be submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall include time periods for implementation, including long term objectives, management responsibilities and maintenance schedule for all landscape areas, other than privately owned, domestic gardens. Once the landscape management plan is approved in writing the approved landscaping shall be completed in accordance with the approved timescales, or such longer period as may be agreed in writing by the local planning authority.~~

~~No trees, shrubs or hedges within the site which are shown as being retained on the approved plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed without the prior consent in writing of the local planning authority. Any trees/shrubs which, within a period of five years of being planted die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless otherwise agreed in writing by the local planning authority.~~

The development hereby approved shall be carried out in accordance with the Landscape Management Plan produced by Influence Environmental Ltd ref. INF N0559 R01-RevA deposited on the 16th April 2019 and approved by the Local Planning Authority in correspondence dated 7th May 2019 under application ref. 19/00317/DISCON. No trees, shrubs or hedges within the site which are shown as being retained on the approved plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed without the prior consent in writing of the local planning authority. Any trees/shrubs which, within a period of five years of being planted die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the development conserves and enhances biodiversity on the site in accordance with the aims of Core Policy 12 of the Newark and Sherwood Core Strategy (2011-2019).

06

No part of the residential development hereby permitted shall be occupied until all associated drives and any parking or turning areas are surfaced in a hard bound material (not loose gravel) for a minimum of 2 metres behind the Highway boundary. The surfaced drives 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.).

07

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.

08

The new shared private driveway serving Springfield Bungalow shall be laid out to a width of not less than 4.8 metres for at least 10 metres back from the nearside edge of carriageway and shall provide for vehicle parking and turning areas in accordance with the approved plan. The vehicle parking and turning areas shall not be used for any purpose other than the turning and parking of vehicles.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway and to ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems in the area; all in the interests of Highway safety.

09

No part of the Supported Living Units hereby permitted shall be brought into use until the new dropped vehicular verge crossing serving Springfield Bungalow is available for use and constructed in accordance with the Highway Authority specification to the satisfaction of the Local Planning Authority.

Reason: In the interests of Highway safety.

010

No part of the development hereby permitted shall be commenced until visibility splays of 2.4m x 43m (minimum) are provided at the junction with Halloughton Road.

Reason: In the interests of Highway safety.

011

No residential unit or 'supported living unit' hereby permitted shall be occupied until its associated private access/driveway/parking area is constructed with provision to prevent the unregulated discharge of surface water from the access/driveway/parking area to the public highway in accordance with details first submitted to and approved in writing by the LPA. The provision to

prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.

Reason: To ensure surface water from the site is not deposited on the public highway causing dangers to road users.

012

~~No part of the development hereby permitted shall be commenced until details of the drainage and outfall proposals for the new residential access road have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with these details to the satisfaction of the Local Planning Authority.~~

The development hereby approved shall be implemented in complete accordance and to the satisfaction of the Local Planning Authority with the details of the drainage and outfall proposals for the new residential access road as indicated on drg.no. HALL-BSP-ZZ-XX-DR-C-240-P2 approved by the Local Planning Authority in correspondence dated 7th May 2019 under application ref. 19/00317/DISCON. The development shall not be occupied until the drainage and outfall proposals, as approved, have been completed.

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

013

~~Before the development is commenced drainage plans for the disposal of surface water and foul sewerage drainage and precise drainage design details in accordance with the Flood Risk Assessment dated July 2015 and the Flood Risk Assessment Addendum dated 18th December 2015 and the comments of the Nottinghamshire County Council Flood Authority have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with these details to the satisfaction of the Local Planning Authority. The development hereby approved shall be implemented in complete accordance with and to the satisfaction of the Local Planning Authority with the details of the drainage and outfall proposals for the new residential access road as indicated on drg.no. Drawing HALL-BSP-ZZ-XX-DR-C-240-P2 approved by the LPA in correspondence dated 7th May 2019.~~

The development hereby approved shall be implemented in complete accordance and to the satisfaction of the Local Planning Authority with the following drainage plans for the disposal of surface water and foul sewerage drainage and the precise drainage design approved by the Local Planning Authority in correspondence dated 7th May 2019 under application ref. 19/00456/DISCON. The development shall not be occupied until the approved details have been implemented.

- **Drainage Strategy produced by bsp Consulting dated 01/12/19**
- **Storm Sewer Design produced by bsp Consulting dated 04.03.19**
- **Additional correspondence dated 03/04/19 from bsp Consulting and Storm Water Design by bsp Consulting, dated 08/10/19**
- **Private Drainage Layout plan (bsp consulting) drg. ref. HALL-BSP-22-XX-DR-C-240 rev P2**

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with Core Policies 9 and 10 of the Newark and Sherwood Core Strategy DPD 2011) and Policy So/Ho/2 of the Newark and Sherwood Allocations and Development Management DPD 2013).

014

The drainage system on site shall be designed so that the positive discharge will be restricted to a maximum ~~of 5.7/s~~ **of 3.5 l/s in accordance with confirmation stated in correspondence deposited on the 8th March 2019** and connected to the public combined sewer in accordance with paragraph 3.9 of the Flood Risk Assessment Addendum produced by ACS and dated 28/10/15 revised 18/12/15.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with Core Policies 9 and 10 of the Newark and Sherwood Core Strategy DPD ~~2011~~ **2019**) and Policy So/Ho/2 of the Newark and Sherwood Allocations and Development Management DPD (2013).

015

There should be no surcharge of the pipes on a 1year storm. No surcharge in a 30 year storm and no flooding outside the site boundary in a 100 year +30 climate change storm.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with Core Policies 9 and 10 of the Newark and Sherwood Core Strategy DPD (~~2011~~ **2019**) and Policy So/Ho/2 of the Newark and Sherwood Allocations and Development Management DPD (2013).

016

~~No development shall take place within the application site until a written scheme for archaeological mitigation has been submitted to and approved in writing by the Local Planning Authority.~~

~~Thereafter, the scheme shall be implemented in full accordance with the approved details.~~

The Written Scheme of Investigation produced by Locus Consulting Ltd dated 31/01/2019 approved by the Local Planning Authority in correspondence dated 7th May 2019 shall be implemented in full accordance with the approved details under application ref. 19/00317/DISCON.

Reason: To ensure that satisfactory account is taken of the potential archaeological interest of the site.

017

Removal of vegetation (including any trees to be removed following confirmation and approval of precise details through a reserved matters application) should not 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 prior to removal of any such vegetation and once approved all works shall be in accordance with these details.

Reason: In the interests of protecting ecology on the site in accordance with the aims of Core Policy 12 of the Newark and Sherwood Core Strategy ~~2011~~ **2019**.

018

~~Before development is commenced detail of methods to protect trees and hedgerow within and adjacent to the development in accordance with 855837:2012 as well as a proposed timetable for these measures to be retained shall be submitted to and approved in writing by the Local Planning Authority. Once approved in writing the agreed protection measures shall be put in place prior to commencement of development and shall be retained in accordance with the agreed timetable.~~

The tree and hedgerow protection measures including timetable for these measures to be retained shall be implemented in full accordance with the Arboriculture Method Statement produced by Influence Environmental (ref. RSE_2057-01-V2) and Tree Protection Plan (Drg, ref. RSE_2057-7PP Revision-V2) approved by the Local Planning Authority in correspondence dated 7th May 2019 under application ref. 19/00317/DISCON.

Reason: To ensure that existing trees and hedges to be retained are protected, in the interests of visual amenity and nature conservation in accordance with the aims of Core Policy 12 **of the Newark and Sherwood Core Strategy 2019**.

019

Before development is commenced the Poplar Tree identified as being within G3 in Appendix 1 of the Tree Survey prepared by Chris Barker and dated 11th November 2015 shall be checked for the presence of roosting bats in accordance with the recommendations of the Ecological Appraisal and letter prepared by CBE Consulting dated 9th November 2012 and 5th January 2015.

Reason: In the interests of protecting ecology on the site in accordance with the aims of Core Policy 12 of the Newark and Sherwood Core Strategy ~~2011~~ **2019**.

020

~~Before development is commenced precise details of ecological enhancement and mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. These shall include details of:-~~

- ~~• A Habitat Management Plan~~
- ~~• Proposed grassland seed mix for the proposed wildflower meadow and the Square~~
- ~~• Fencing to allow the passage of small mammals~~
- ~~• Enhancement of swales to benefit wildlife, by providing areas of continuous standing water and appropriate planting of native species of a local provenance.~~
- ~~• Installation of bird and/or bat boxes on retained trees.~~
- ~~• Native species proposed for the planting of native woodland~~

The details of ecological enhancement and mitigation measures contained within the Habitat and Ecological Management Plan produced by Influence Environmental Ltd ref. RSE_2057-02-V1 dated January 2019 and approved by the Local Planning Authority in correspondence dated 7th May 2019 shall be fully implemented in accordance with the approved details under application

ref. 19/00317/DISCON. These approved enhancement and mitigation measures shall be implemented on site prior to first occupation unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of protecting ecology on the site in accordance with the aims of Core Policy 12 of the Newark and Sherwood Core Strategy ~~2011~~ **2019**.

021

Management of hedgerows should be undertaken in an ecologically sensitive manner. Only one third of (the total length of) hedgerows onsite should be cut each year, on a three year rotation. These should be cut in January/February, outside of the bird breeding season, and to allow wildlife to utilise the winter berry crop. Cutting hedgerows into an "A" shape will prolong the life of the hedgerow and create denser cover for wildlife.

Reason: In the interests of protecting ecology on the site in accordance with the aims of Core Policy 12 of the Newark and Sherwood Core Strategy ~~2011~~ **2019**.

022

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) **(England)** Order ~~1995~~ **2015** (and any order revoking, re-enacting or modifying that Order), other than development expressly authorised by this permission, there shall be no development under Schedule 2, Part 1 of the Order in respect of:

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

Class B: The enlargement of a dwellinghouse consisting of an addition or alteration to its roof

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

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

Class E: Development within the curtilage of a dwellinghouse .

Or Schedule 2, Part 2:

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

Class B: Means of access

Class C: The painting of the exterior of any building

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

Reason: To ensure that any proposed further alterations or extensions are sympathetic to the original design and layout in this sensitive location.

023

Within 56 days of the date of this permission, the existing footway gradient shall be reconfigured to provide a maximum gradient of 1 in 12 as shown on drawing 37049-BSP-ZZ-XX-DR-C-101 Rev P3 deposited on the 10th July 2019. Any damage to the existing kerb edging, footway surface and tactile paving be re-instated to the original specification as shown on approved drawing HALL-BSP-ZZ-XX-DR-C-100 Rev 6.

Reason: In the interest of highway and pedestrian safety

Note to Applicant

01

The application as submitted is acceptable. In granting permission without unnecessary delay the District Planning Authority is implicitly working positively and proactively with the applicant. This is fully in accordance with Town and Country Planning (Development Management Procedure) **(England) Order 2010 2015** (as amended).

02

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 road works.

03

Severn Trent Water have advised that there is a public sewer located within the application site. Public sewers have statutory protection by virtue of the Water Industry Act 1991 as amended by the Water Act 2003 and you may not build close to, directly over or divert a public sewer without consent. You are advised to contact Severn Trent Water to discuss your proposals. Severn Trent Water will seek to assist you in obtaining a solution which protects both the public sewer and the proposed development.

BACKGROUND PAPERS

Application case file.

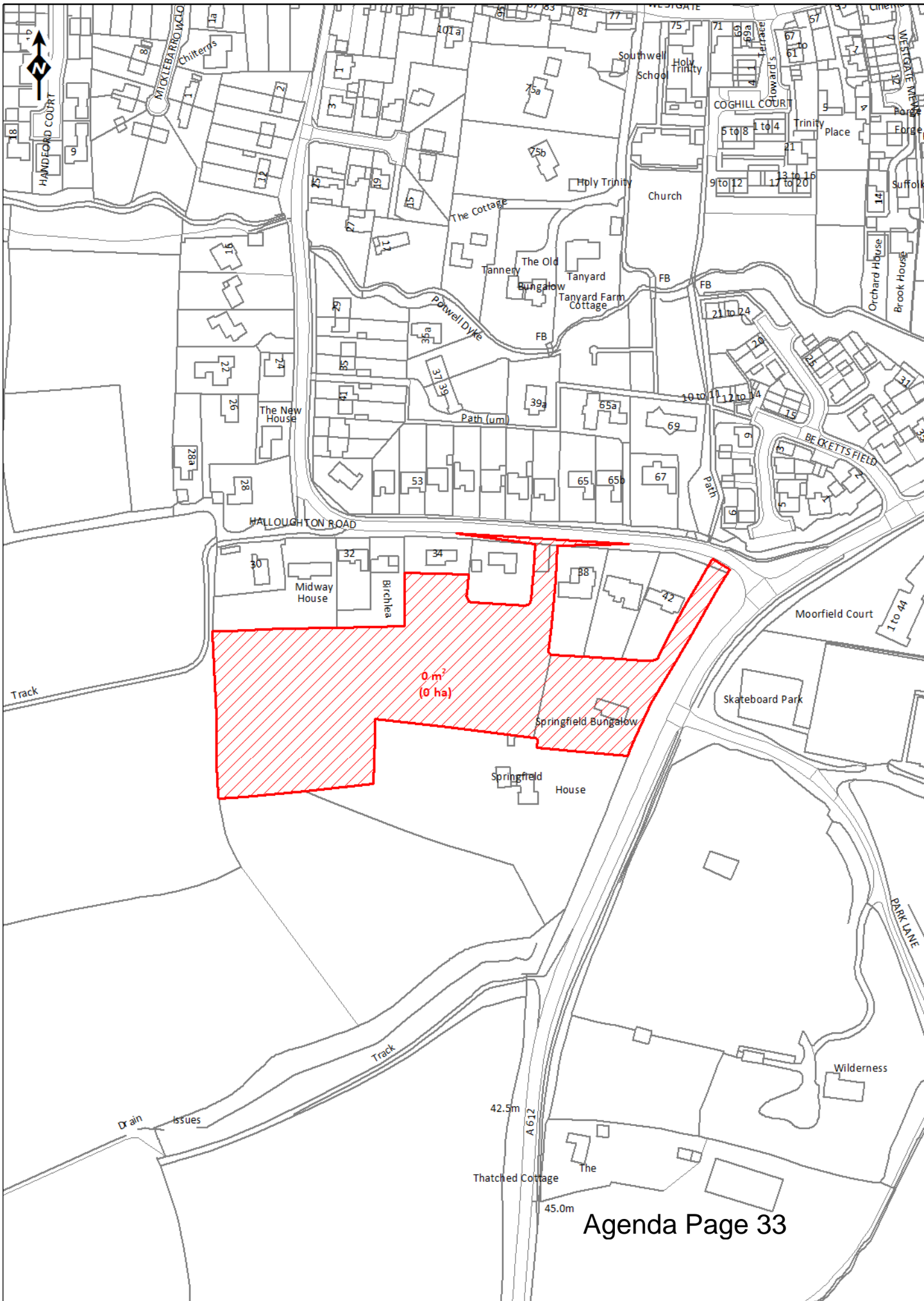
15/01295/FULM

For further information, please contact Lisa Hughes or Julia Lockwood on ext 5865 or 5902 (respectively)

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

Lisa Hughes
Business Manager – Planning Development

Committee Plan - 19/01475/S73M



PLANNING COMMITTEE – 3 DECEMBER 2019

Application No:	19/01771/FULM	
Proposal:	Proposed Residential Development for 80 Dwellings (Re-submission 18/01363/FULM)	
Location:	Land Off Lower Kirklington Road, Southwell	
Applicant:	Christopher Richardson - Capla Developments Ltd	
Agent:	None	
Registered:	27 September 2019	Target Date: 27 December 2019
Link to Application Documents:	https://publicaccess.newark-sherwooddc.gov.uk/online-applications/simpleSearchResults.do?action=firstPage	

Members may recall that a previous application on this site was refused by the Planning Committee in June this year. Given previous Member involvement, this application is brought before the Committee at the discretion of the Business Manager as the scheme is considered to warrant Member debate.

The Site

The site comprises approx. 2.76 hectares of land on the northern side of Lower Kirklington Road, opposite its junction with Kirklington Road and to the west of the residential development centred around Orchard Close at the north-western edge of Southwell, forming the very edge of the defined urban boundary. The site forms a narrow strip leading from Lower Kirklington Road which then widens considerably to the rear of existing houses fronting the road (namely Pear Tree Cottage, The Beacon, Red Roof and High Gables). The site then widens slightly again adjacent to its rear boundary. The site is low lying, relatively flat, although gently sloping and enclosed by substantial planting to the north and west. Pear Tree Cottage, fronting Lower Kirklington Road is considered to be a non-designated heritage asset.

Currently a mix of fields, some more open, some overgrown with vegetation bounded by hedgerows, the site also accommodates a private access road that serves Maltkiln Cottage and Hopkiln Cottage, which are located between the rear of the houses in Orchard Close and the Southwell Trail. The site is gently sloping with higher levels adjacent to the road and levels reducing towards the northern part of the site, with ranges from 35.5m AOD at the southern end to 27.89m AOD at the north-western corner. There is a Public Right Of Way (PROW) that runs along the private right of way from Kirklington Road. Two thirds of the way into the site, the Right of Way divides into two, one forks heads eastwards and one heads westwards but they both link up with the Southwell Trail. These PROWs are also identified as Ramblers Rights of Way (Southwell FP57 and Southwell FP58). The Southwell Trail is defined as a local nature reserve, and is a narrow footpath and Bridle Way 78 at this point is fully enclosed by mature hedgerow on either side. There are currently two openings close to the application site that allow pedestrian access onto the Trail, one to the west of the site (Footpath 58) and one to the east of the site, although the

position of the latter one is shown incorrectly on the proposed site plan which is in fact is much further to the east (Footpath 57) close to the open space and children's play area to the rear of Ridgeway. There is therefore no existing link directly to the Southwell Trail from the application site.

Located within Halloughton Village Farmlands of the wider Mid-Nottinghamshire farmlands regional character, the site is bound to the west by a continuous mature native hedgerow, beyond which are allotments and agricultural fields in the open countryside. There is an existing residential property known as Meadow Cottage that is situated approx. 260m to the north-west of the application boundary. The northern boundary also comprises hedgerow which divides the site from the Southwell Trail (which is set approx. 1 above the ground level of the application site), beyond which is open countryside and the River Greet, along with two large open water bodies to the north-west within 500m of the site. Within 500m to the south-west of the site are two smaller open water bodies. The eastern boundary at its northern end is defined again by hedgerow, beyond which are smaller open fields which are mown and managed and appear to be used as open space being used by the occupiers of Malkitln and Hopkln Cottages. However, the majority of the eastern boundary is formed by the rear gardens of the two storey dwellings fronting Orchard Close. The southern boundary is formed by the rear gardens of houses fronting Lower Kirklington Road with a slim section of managed hedgerow, which is interrupted by the current private road that forms the current vehicular access to the site. There are two deep but narrow water ditches that run along field boundaries in a south-western to north-eastern direction towards the Southwell Trail.

The application site is within the defined urban boundary of Southwell and along with a triangular shaped area to the east (northern end) and a narrow strip of land that runs towards Lower Kirklington Road on the current residential curtilage of the property known as High Gables is allocated for residential development for around 60 dwellings under Policy So/Ho/5.

The site is within Flood Zone 1, which means it is at low risk of fluvial flooding although it is prone to surface water flooding.

Relevant Planning History

18/01363/FULM - Proposed residential development for 80 dwellings was considered by the Planning Committee in June this year and contrary to the officer recommendation was refused planning permission for the following reasons:

1. In the opinion of the Local Planning Authority, the proposed traffic light junction design comprises an urbanising feature which, together with its associated highway paraphernalia, represents an intrusive and incongruous form of development that would be harmful to the rural character and visual amenities of the area. As such, the proposal is considered detrimental to the site's gateway location and fails to appropriately manage the transition from open countryside into the built-up area of Southwell.

The proposal is therefore contrary to Core Policy 9 (Sustainable Design) of the adopted Amended Core Strategy 2019, Policy So/Ho/5 (Southwell Housing Site 5) of the Newark and Sherwood Allocations and Development Management DPD (2013), Policies DH1 (Sense of Place, DH2 (Public Realm) and Policy SS5 (Lower Kirklington Road, So/Ho/5) of the adopted Southwell Neighbourhood Plan which together form the relevant parts of the Development Plan. The proposal is also contrary to the National Planning Policy Framework and Practice

Guidance which are material planning considerations.

2. Policy HE1 (Housing Type and Density) of the adopted Southwell Neighbourhood Plan states that on greenfield sites, all schemes of 11 or more dwellings will be required to deliver 20% of 1 or 2 bedroomed bungalows. This policy identifies a clear, unambiguous local need. There is a complete absence of any bungalows within the proposed development. As such, the proposal is therefore contrary to this policy of the up to date Development Plan.
3. The Newark and Sherwood Local Development Framework comprises an Affordable Housing Supplementary Planning Document (July 2013). At paragraph 3.14 this SPD states that the overall design of development should seek to integrate the affordable housing as part of the overall mix of dwellings and the affordable housing must be of the same style and materials so as to appear visually consistent and indistinguishable from the private housing (tenure neutral). The SPD also states that the Council requires that affordable housing should be 'pepper potted' throughout the proposed development to fully integrate the affordable housing with market housing or if completed in groups, they should be in small clusters.

The proposed layout of the development locates all the affordable houses in one area on the site, separated by hedgerow planting which noticeably and harmfully divorces the affordable homes from the market dwellings. In addition, the proposed design and layout of the affordable units themselves are materially different in appearance to the market housing which makes them readily identifiable. As such, the proposal is harmful to social cohesion and fails to promote social interaction and a sense of community contrary to the principles of sustainable development and contrary to Newark and Sherwood Affordable Housing Supplementary Planning Document (July 2013) which forms part of the adopted Development Plan and is contrary to the National Planning Policy Framework and Practice Guidance which are material planning considerations.

4. In the opinion of the Local Planning Authority the proposal represents a poor design and layout. This has led to a number of compromises including car parking layouts for a number of dwellings that are served by triple length perpendicular parking to the highway which is likely to result in vehicles being parked on the highway due to the inconvenience of such parking arrangements, an over-concentration of affordable housing in one area of the site and an inappropriate location of the children's play space which in the opinion of the Local Planning Authority should be located more centrally as required by the site specific policy. Together these compromises represent an unacceptable level of cumulative harm and unsustainable development that is contrary to the Development Plan, including Policies Spatial Policy 7 (Sustainable Transport), Core Policy 9 (Sustainable Design) from the adopted Amended Core Strategy (2019) as well as policies SD1 (Delivering Sustainable Development), E6 (Climate Change and Carbon Emissions) DH1 (Sense of Place), DH2 (Public Realm) and SS5 (Lower Kirklington Road, So/Ho/5) of the adopted Southwell Neighbourhood Plan as well as the NPPF, a material planning consideration.

The applicant has since submitted an appeal to the Planning Inspectorate which was until very recently waiting for a suitable Inspector to be allocated. The appeal is valid and has an official start date of 21st November 2019. Public notification of this is underway. Whilst the appellant requested a Public Inquiry route, the Council disputed the need for this and the appeal will be dealt with via an informal Hearing upon agreement by the Inspectorate.

In July this year, the applicant/appellant submitted a Revised Plan to the Authority in order to seek to resolve as many issues with the scheme as possible (save for the retention of the traffic light signaled junction) with the intention of submitting the amended plan to the Planning Inspectorate for consideration at the appeal. At the Planning Committee held on 10th September this year, Members considered this Revised Plan and felt that there was no need for traffic lights at this site and that this would be detrimental to the town and they resolved that:-

- (a) in the event that the Inspector refuses to accept the amendments shown on the Revised Plan, the Council should defend all the existing reasons for refusal set out on the existing decision notice; and
- (b) in the event that the Inspector accepts the amendments on Revised Plan, then the Council should defend the existing reasons for refusal with the exception of Reason 3 and this should be reflected in the narrowing of the scope of Reason 4, but it should also be made clear as part of the appeal process that the view of Members is that the revised scheme results in additional harm on the grounds of the resultant inappropriate affordable housing mix.

Other site history;

On the central part of the application site, with access through the demolition of High Gables fronting Lower Kirklington Road:-

15/00475/OUTM - Site for a maximum of 12 dwellings with point of access onto Lower Kirklington Road to be determined, approved 27.10.2016, not implemented.

On land within the highway at the junction of Lower Kirklington Road and Kirklington Road T-junction:-

13/00823/FUL - Formation of New Vehicular Access and Mini Roundabout with Associated Highway Works, approved 20.08.2013, not implemented and has now lapsed. The plans showed a 3-arm roundabout between Lower Kirklington Road and Kirklington Road and a separate T-junction created to serve the allocated to the south of Lower Kirklington Road known as So/Ho/4.

The Proposal

This application represents an amended scheme of 80 dwellings that seeks to respond to the concerns previously raised by the Planning Committee. The previous reasons for refusal are set out in the planning history above and this section will deal with each issue in turn and how it has sought to be addressed.

The previously proposed traffic light controlled junction to provide access to the site from the main road that was a concern for Members but supported by the Highway Authority, has been replaced by a four-arm roundabout, comprising two arms off Lower Kirklington Road, one arm serving Kirklington Road and the final arm serving the application site. This was submitted as part of the original scheme, however, due to an objection from the Highway Authority on highway safety grounds, the roundabout was removed and replaced with traffic lights. This submission has brought back a roundabout junction and seeks to argue that it would be safe and would be the most appropriate junction method given the sensitive location as a gateway to the town and adjacent to open countryside.

The number of dwellings proposed remains the same as does the proportion of market (70%) and affordable (30%) units, however, contrary to the previous scheme and as the schedule of accommodation set out below shows, it also includes 4 affordable and 12 market, 1 and 2 bed bungalows, which together represent 20% of the development.

Affordable	Tenure	No of Beds	No of storeys	No provided
Type D	Rent	1	2	4
Type F	Rent	2	2	6
Type F	Shared Ownership	2	2	4
Type G	Shared Ownership	2	2	2
Type H	Rent	3	2.5	2
Type H	Shared Ownership	3	2.5	2
1B Bung	Rent	1	1	2
2B Bung	Shared Ownership	2	1	2
Total				24
Market				
Type A		1	2	2
Type D		1	2	4
Type F		2	2	5
Type G*		2	2	5
Type H*		3	2.5	11
Type I		4	2	4
Type K		6	2.5	6
Type L		5	2.5	5
Type M		4	2.5	2
1B Bung		1	1	4
2B Bung		2	1	8
Total				56

*dwelling has upstairs 'study' capable of use as bedroom so this has been counted as a bedroom.

The 24 affordable housing units (providing a mix of 1, 2 and 3 bed properties; 14 (58%) units for rent and 10 (42%) for shared ownership products) are now pepper-potted through the development, rather than being concentrated within the central court-yard area of the development.

The proposed development is now served by car parking, none of which are laid out in a triple tandem arrangement. Whilst the children's play space is located in the same position on the site, it can now be accessed from the central court-yard area via the insertion of a new public footpath.

The properties within the site would be delivered through a series of different house types, with brick being the predominant material (two houses have rendered frontages). The two storey properties vary in height from approx. 8.23m to the ridge, rising to a maximum of 9.7m, with the 2.5 storey dwellings positioned at the northern end of the site, where ground levels are lower. The site layout plan demonstrates a foul and surface water pumping station in the north-western corner of the site (required to pump drainage from the new development to Lower Kirklington Road), and children's play area that sits at the northern end of an area of open space (which includes an attenuation pond) that runs along the western boundary of the site. The plan indicates

a new pedestrian/cycle link directly from the site to the Southwell Trail at the north western corner of the site.

The vehicular access to serve Malkiln and Hopkiln Cottages is maintained as well as the potential to access the remainder of the allocated site to the north-east of the site.

The site is served by one access point from Lower Kirklington Road and the layout therefore centres around a number of cul-de-sacs and courtyards. Strategic landscaping strips are identified along the western and northern boundaries of the site which are to be reinforced and managed by a future Management Company. Existing hedgerows along the other boundaries of the site are to be retained and reinforced, as well as the majority of hedgerows within the site itself. The existing Right of Way across the site would lie alongside the proposed road, so the site layout proposes to re-direct this footpath within the proposed open space.

Submitted Documents

- Site Location Plan (Drawing No: 618-2-000 Rev A) received 26.09.2019;
- Proposed Site Layout Plan (Drawing No: 816-2-001 Rev M) received 03.10.2019;
- Proposed Site Layout Plan – Materials (Drawing No: 618-2-003 Rev D) received 26.09.2019;
- Type A – 1B 2P – Plans (Drawing No: 618-2-A01 Rev B) received 26.09.2019;
- Type A – 1B 2P – Elevations (Drawing No: 618-2-A02 Rev B) received 26.09.2019;
- 1 Bed Bung – 1B 2P Bungalow – Plan and Elevations (Drawing No: 618-2-B01) received 26.09.2019;
- 2 Bed Bung – 2B 3P Bungalow – Plan and Elevations (Drawing No: 618-2-B02 Rev A) received 03.10.2019;
- Type D – 1B 2P Quarter House – Plans (Drawing No: 618-2-D01 Rev A) received 26.09.2019;
- Type D – 1B 2P Quarter House – Elevations (Drawing No: 618-2-D02 Rev A) received 26.09.2019;
- Type F – 2B 4P House – Plans (Drawing No: 618-2-F01 Rev B) received 26.09.2019;
- Type F – 2B 4P House – Elevations (Drawing No: 618-2-F02 Rev B) received 26.09.2019;
- Type G – 2B 4P House – Plans (Drawing No: 618-2-G01 Rev D) received 26.09.2019;
- Type G – 2B 4P House – Elevations (Drawing No: 618-2-G02 Rev E) received 26.09.2019;
- Type H – 3B 6P House – Plans (Drawing No: 618-2-H01 Rev B) received 26.09.2019;
- Type H – 3B 6P House – Elevations (Drawing No: 618-2-H02 Rev C) received 26.09.2019;
- Type I - 4B 7P House – Plans (Drawing No: 618-2-101 Rev B) received 26.09.2019;
- Type I - 4B 7P House – Elevations (Drawing No: 618-2-102 Rev B) received 26.09.2019;
- Type K - 6B 9P House – Plans (Drawing No: 618-2-K01 Rev B) received 26.09.2019;
- Type K - 6B 9P House – Elevations (Drawing No: 618-2-K02 Rev B) received 26.09.2019;
- Type L - 5B 9P House – Plans (Drawing No: 618-2-L01 Rev B) received 26.09.2019;
- Type L - 5B 9P House – Elevations (Drawing No: 618-2-L02 Rev C) received 26.09.2019;
- Type M - 4B 7P House – Plans (Drawing No: 618-2-M01 Rev C) received 26.09.2019;
- Type M – 4B 7P House – Elevations (Drawing No: 618-2-M02 Rev C) received 26.09.2019;
- Single Garage – Plan and Elevations (Drawing No: 618-2-001) received 27.09.2019;
- Double Garage – Plan and Elevations (Drawing No: 618-2-002) received 27.09.2019;
- Proposed Street Elevations (Drawing No: 618-2-200 Rev A) received 30.09.2019;
- Illustrative Masterplan Final (Drawing No: INF_N0490(03)001) received 26.09.2019;
- Western Buffer Strip Planting Plan Sheet 1 of 2 (Drawing No: (96)001 Rev G) received 26.09.2019;
- Western Buffer Strip Planting Plan Sheet 2 of 2 (Drawing No: (96)002 Rev G) received

- 26.09.2019;
- Proposed Tree and Hedgerow Works (Drawing No: 618-2-004 Rev A) received 26.09.2019;
 - Proposed Planted Buffer Sections (Drawing No: 618-2-005 Rev A) received 25.10.2019;
 - Covering letter from Capla Developments Ltd received 26.09.2019;
 - Affordable Housing Statement by Capla Development Ltd received 26.09.2019;
 - Design and Access Statement by Core Architects received 26.09.2019;
 - Archaeological Desk Based Assessment by M&M Archaeological Services dated April 2018;
 - Response to NCC Highway Comments received 20.11.2019;
 - Response to NCC Highway Comments 27.09.2019 – Technical Note 3 by Armstrong Stokes & Clayton dated October 2019;
 - Flood Risk – Technical Note 2 by Armstrong Stokes & Clayton Ltd dated April 2019;
 - Transport Assessment by Armstrong Stokes & Clayton Ltd dated September 2019;
 - Outline Travel Plan by Armstrong Stokes & Clayton Ltd dated January 2019;
 - Flood Risk Assessment by Armstrong Stokes & Clayton Ltd dated January 2019;
 - Landscape and Visual Assessment by Influence Environmental Ltd dated September 2019;
 - Geophysical Survey by Sumos Surveys dated September 2018;
 - Spatial Planning Statement by Capla Developments Ltd received 26.09.2019;
 - Desk Based Assessments for the Historic Environment by Pre-Construct Archaeology dated July 2014;
 - Arboricultural Survey by Welch Design dated April 2018;
 - Ecology and Protected Species Surveys by Scarborough Nixon Associates Ltd dated March 2018 and May 2018 received 26.09.2019;
 - Letter dated 21 October 2019 from Inspired Ecology Ltd;
 - Letter dated 25 October 2019 from Inspired Ecology Ltd.

Departure/Public Advertisement Procedure

Occupiers of 34 properties have been individually notified by letter. A site notice has also been displayed near to the site and an advert has been placed in the local press.

Planning Policy Framework

The Development Plan

Southwell Neighbourhood Plan (made 16 October 2016)

Policy SD1 – Delivering Sustainable Development
 Policy E1 – Flood Risk Assessments and Mitigation
 Policy E2 – Flood Resilient Design
 Policy E3 – Green Infrastructure and Biodiversity
 Policy E4 – Public Rights of Way and Wildlife Corridors
 Policy E5 – Green Link
 Policy DH1 – Sense of Place
 Policy DH2 – Public Realm
 Policy TA1 – Cycle and Pedestrian routes
 Policy TA2 – Public Transport and Connectivity
 Policy TA3 – Highways Impact
 Policy TA4 – Parking Standards
 Policy CF1 – Identified Assets
 Policy CF2 – Green and Open Spaces and Burial Grounds

Policy HE1 – Housing Type and Density
Policy SS5 – Lower Kirklington Road (So/Ho/5)

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

Spatial Policy 1 - Settlement Hierarchy
Spatial Policy 2 - Spatial Distribution of Growth
Spatial Policy 6 – Infrastructure for Growth
Spatial Policy 7 - Sustainable Transport
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 10A – Local Drainage Designations
Core Policy 11 – Rural Accessibility
Core Policy 12 – Biodiversity and Green Infrastructure
Core Policy 13 – Landscape Character
SoAP1 – Role and Setting of Southwell

Allocations & Development Management DPD (adopted July 2013)

Policy So/Ho/5 – Southwell – Housing Site 5
Policy So/Hn/1 – Southwell Housing Need
DM1 – Development within Settlements Central to Delivering the Spatial Strategy
DM2 – Development on Allocated Sites
DM3 – Developer Contributions and Planning Obligations
DM5 – Design
DM7 – Biodiversity and Green Infrastructure
DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2019
- Planning Practice Guidance (on-line resource)
- Affordable Housing SPD (June 2013)
- Landscape Character Assessment SPD (Dec 2013)
- Developer Contributions & Planning Obligations SPD (Dec 2013)
- Section 17 of the Crime and Disorder Act 1998
- National Design Guide, October 2019

Consultations

Southwell Town Council – “...welcomed the changes to the original application but agreed to unanimously object to the application as it is contravention of the Southwell Neighbourhood Plan 2016. E2 Flood Resilient Design – the flood issue around Hopkilm and Maltkilm Cottages has still not been resolved. The approach to Flood Resilience that is being proposed is the most acceptable; however, because of some of the assumptions stated in the Analysis are erroneous, it is essential that the figures used are confirmed by the NCC Flood Department and a fully detailed analysis should be included with the application. The Council also supports the comments of Notts Wildlife Trust. The Council also require clarification on the retention of footpath nos 56 & 57.”

NCC Highways Authority – Object

(22.11.2019) – “The comments offered by Jon Stokes in his email of 20 November 2019, do not address the primary objections expressed in the Highway Authority’s consultation response dated 21 October 2019.

Jon Stokes’s latest comments are a response to concerns about the roundabout design expressed by the Highway Authority on 8 November 2019. As a generalisation Mr Stokes’s comments do not address these concerns but simply suggests that they can be resolved AFTER planning permission has been granted. The Highway Authority view is that it may not be possible to resolve these issues safely within the constraints of the land ownership and public highway boundary.

Therefore, it is imperative that any revised scheme to address the concerns should be submitted and approved PRIOR to planning permission being granted. It is reaffirmed that the mini-roundabout design submitted fails to meet the requirements for the geometric design of roundabouts provided in Highways England document CD116.”

Therefore, this Authority confirms its objection to the proposal on the grounds that it fails to comply with Spatial Policy 7 in that it does not ensure the safety, convenience and free flow of traffic using the highway are not adversely affected.’

(08.11.2019) “Further to comments dated 21st October 2019, Technical Note 3 dated October 2019 has been received and reviewed, and further assessment by colleagues has been completed. In addition to previous comments, the very small refuge in Kirklington Road, shown in figures 3.2 and 3.3 of the Transport Assessment is unmaintainable and is not acceptable. Any refuge here should break up the sight line from Kirklington Road into the site access (to reduce the risk of overshoots) but it also must be practical to both build and maintain.

Technical Note 3 includes vehicle swept path drawings. The turning movements shown are unsatisfactory. The left hand diagram (turn out of Kirklington Road) shows the HGV encroaching significantly over the site access / exit give way line which is unacceptable. The right hand diagram (left turn into Kirklington Road) shows the HGV encroaching significantly into the approach half of the carriageway on Kirklington Road for some distance which, again, is totally unacceptable.

Should this application be progressed any further, swept path diagrams would also be required to show the turns into and out of the site access road. In this case, however, it would be unreasonable to ask for paths related to articulated lorries (since the development would attract negligible volumes of this type of vehicle) but swept paths for a refuse vehicle, removals lorry and fire appliance could be submitted to assess what level, if any, encroachment there is likely to be.

It is reaffirmed that the mini-roundabout design submitted fails to meet the requirements for the geometric design of roundabouts provided in Highways England document CD116.

Therefore, this Authority confirms its objection to the proposal on the grounds that it fails to comply with Spatial Policy 7 in that it does not ensure the safety, convenience and free flow of traffic using the highway are not adversely affected.”

(21.10.2019) - “This proposal is a resubmission of previous application 18/01363/FULM. That application originally proposed a 4-arm mini-roundabout access arrangement with Lower Kirklington Road. Following strong objections by this Authority to this arrangement, the junction

proposal was changed to offer traffic signals. Whilst this met with Highway Authority approval the Local Planning Authority refused the application stating that:

“The proposed traffic light junction design comprises an urbanising feature which, together with its associated highway paraphernalia, represents an intrusive and incongruous form of development that would be harmful to the rural character and visual amenities of the area. As such, the proposal is considered detrimental to the site's gateway location and fails to appropriately manage the transition from open countryside into the built-up area of Southwell”.

This new proposal reverts to the mini-roundabout arrangement. This Authority remains of the view that a 4-arm mini-roundabout is unacceptable in this circumstance as an appropriate and safe means of access, particularly in light of recommendation 3.2 made within the Road Safety Audit: “A 4 arm mini-roundabout introduces additional conflict and can produce several times more personal injury accidents than predictions or averages would suggest (TD54/07). Confusion can arise as to who has the right of way and collisions can occur between circulating traffic causing injury to vehicle occupants. Recommendation: An alternative junction arrangement should be used such as conventional roundabout or staggered T-junctions”.

The designer’s response to the audit is considered unsatisfactory in addressing the recommendation to seek an alternative junction arrangement.

Notwithstanding the above, new Highways England national guidance on the “Geometric design of roundabouts” CD116 was published in July this year, replacing TD54/07.

Statements to note from CD116 include:

2.9.1. Mini-roundabouts should not be installed where traffic flows or turning proportions differ significantly between arms.

2.12. 4-arm mini-roundabout shall not be used where the predicted two-way annual average daily traffic flow (AADT) on any arm of a junction is below 500 vehicles a day unless the design incorporates features to encourage vehicles to give way on all approaches.

2.12.1. A 4-arm mini-roundabout should not be used where the sum of the maximum peak hour entry flows for all arms exceeds 500 vehicles per hour.

In the case of the proposal, the traffic flows / turning proportions differ significantly between arms, as shown in Table 1.

ARM	AM peak flow entering junction 2023	AM peak flow expressed as a proportion of all traffic entering junction	PM peak flow entering junction 2023	PM peak flow expressed as a proportion of all traffic entering junction
Lower Kirklington Road (W)	247	48%	251	48%
Site Access	32	6%	21	4%
Lower Kirklington Road (E)	174	34%	192	36%
Kirklington Road	63	12%	64	12%
TOTAL	516		528	

It is concluded that the requirements of paragraph 2.9.1 quoted above are not met.

According to the submitted Transport Assessment, Table 5.2 states that the predicted daily traffic generation of the proposed development will be 446 trips. This is less than the 500 vehicles a day quoted by the CD116 requirement found in paragraph 2.12. quoted above.

Table 1 also shows that in the 'assessment year' of estimated full occupation, 2023, flows entering the junction will exceed 500 in both peak periods and would be expected to steadily increase over time. Therefore, the requirements of paragraph 2.12.1 quoted above are not met.

Other design details are being checked and will be reported on in due course, but it is clear from previous consideration and from the application of the latest guidance that the principle of a 4-arm mini-roundabout in this circumstance is objectionable.

If this proposal is to be pursued then additional information is required:

1. HGV swept path drawings should be submitted to demonstrate how the revised layout with the additional splitter island will function safely.
2. Confirmation is required over whether or not the central white circular road marking will be 'domed' or not. The answer to this may have additional implications.

As it stands, this Authority wishes to raise a holding objection. Whilst this stance is unlikely to change, additional time is required to assess whether or not other details meet design requirements."

NCC, Rights of Way – (18.10.2019) "Just to clarify we would like to see the re-aligned path along the north-western boundary as just incorporating the PRow on the adopted road is not acceptable as it results in a net loss to the PRow network. Southwell Public Footpath No.57 is currently a very well walked off-road route so any realigned path would need to be at a width and surface equivalent to that being lost. In this case we would like to see a 2m wide surfaced path (surface material to be agreed with ourselves in advance of construction). Any planting alongside should be such that the path does not end up being encroached upon by overhanging vegetation."

(14.10.2019) "I have checked the Definitive Map for the area and can confirm that the Southwell Public Footpath Nos. 57 and 58 cross the site edged in red on the site location plan. The Southwell Trail (Southwell Public Bridleway No. 78) is adjacent to the site and an important link. We welcome the fact that the applicant has acknowledged these rights of way and accommodated their line on the application plans.

Public Footpaths provide public rights of way for pedestrians. The two public rights of way which cross the site marked in red carry on outside of the site on the neighbouring land holdings. Both provide pedestrian links to Southwell Trail and beyond. However cycle links cannot be provided along these routes as by doing so would encourage trespass on neighbours land by cyclists.

Southwell Public Footpath No 57 follows the existing track which is planned to be the access estate road. It appears that the applicant plans to accommodate this along the footway of the access road. If the applicant is intending that the estate road and footway be adopted highway the footpath will cease to be necessary. The Proposed site Layout plan show a proposed line of re-route right of way however it's unclear to what extent the existing public footpaths are to be kept or extinguished. The Rights of Way Team require further clarification of this.

The Design and Access Statement states that Pedestrian and Cycle routes will be denoted by surface treatment through greenspaces to make them identifiable to members of the public and ensuring access for all. We are unclear what this refers to - does this refer to the re-routed Public Footpath through the green open space as the Proposed Site Layout Plan does not show any surface treatment? Does this imply that the re-routed Public Footpath will be a grassed/natural surface. We require the applicant to clarify whether this is the case. As the existing path (Public Footpath No. 57) is on a surfaced track any re-routed path needs to be of similar standard ie. A crushed stone surface would be acceptable. We require clarification of where cycle routes are planned.

The Rights of Way Team object to the application as it stands until further clarification of the above is provided by the applicant.

Please also make the applicant aware of the following general Rights of Way points:

- The footpath should remain open, unobstructed and be kept on its legal alignment at all times. Vehicles should not be parked on the RoW or materials unloaded or stored on the RoW so as to obstruct the path.
- There should be no disturbance to the surface of the footpath without prior authorisation from the Rights of Way team.
- The safety of the public using the path should be observed at all times. A Temporary Closure of the Footpath may be granted to facilitate public safety during the construction phase subject to certain conditions. Further information and costs may be obtained by contacting the Rights of Way section. The applicant should be made aware that at least 5 weeks notice is required to process the closure and an alternative route should be provided if possible.
- If the design of any proposed development requires the legally recorded route of the RoW to be diverted because it cannot be accommodated on the legal line within the scheme, then this should be addressed under the relevant provisions within the Town and Country Planning Act 1990 for the diverting/stopping up of public rights of way affected by development. An application under this act should be made to the Planning authority and is a separate application to the planning permission.”

Environment Agency – No comments received.

NCC, Lead Local Flood Authority – “Based on the submitted information we have no objection to the proposals and can recommend approval of planning subject to the following conditions;

Condition

No part of the development hereby approved shall commence until a detailed surface water drainage scheme based on the *principles* set forward by the approved ASC Flood Risk Assessment (FRA). Dated January 2019 has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The scheme shall be implemented in accordance with the approved details prior to completion of the development. The scheme to be submitted shall:

- Demonstrate that the development will use SuDS throughout the site as a primary means of surface water management and that design is in accordance with CIRIA C753.

- Limit the discharge rate generated by all rainfall events up to the 100 year plus 40% (for climate change) critical rain storm to Qbar.
- Provision of surface water run-off attenuation storage in accordance with 'Science Report SCO30219 Rainfall Management for Developments' and the approved FRA.
- Provide detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
- For all exceedance to be contained within the site boundary without flooding new properties in a 100year+40% storm.
- Details of STW approval for connections to existing network and any adoption of site drainage infrastructure.
- Evidence of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure long term.
- Show compliance with the drainage hierarchy – infiltration - watercourse – sewer.
- Provide evidence of any third-party agreements necessary to deliver the surface water proposals.
- Ensure that no existing watercourses are modified without consent from the relevant authority.

Reason: A detailed surface water management plan is required to ensure that the development is in accordance with NPPF and local planning policies. It should be ensured that all major developments have sufficient surface water management, are not at increased risk of flooding and do not increase flood risk off-site.

Should permission be granted it is recommended the applicant discusses the detailed proposals with the LLFA prior to application for discharge of any conditions to ensure their proposals are acceptable.”

Severn Trent Water – (03.11.2019)

“I confirm that Severn Trent Water Ltd has NO Objection to the proposal subject to the inclusion of the following condition.

The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the 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 advises that there is a public sewer located within the application site. Public sewers have statutory protection by virtue of the Water Industry Act 1991 as amended by the Water Act 2003 and you may not build close to, directly over or divert a public sewer without consent. You are advised to contact Severn Trent Water to discuss your proposals. Severn Trent Water will seek to assist you in obtaining a solution which protects both the public sewer and the proposed development.

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

(15.10.2019) "Foul is proposed to connect into the public sewer, which will be subject to formal a formal section 106 sewer connection approval. Surface water is proposed to discharge to a ditch / watercourse which will outfall to a watercourse, which we have no comment. As a pumped solution is being proposed for some of this site, a sewer modelling assessment may be required to determine what impact the generated flows from this site will have on the network and to determine the maximum pump rate that could be accommodated within the existing network without worsening the existing sewer performance in rainfall events. For the use or reuse of sewer connections either direct or indirect to the public sewerage system the applicant will be required to make a formal application to the Company under Section 106 of the Water Industry Act 1991. They may obtain copies of our current guidance notes and application form from either our website (www.stwater.co.uk) or by contacting our Developer Services Team (Tel: 0800 707 6600)."

Trent Valley Internal Drainage Board – The site is partly within the Trent Valley Internal Drainage Board district. The Board maintained Maythorne Feeder, an open watercourse, is located to the north east of the site and to which BYELAWS and the LAND DRAINAGE ACT 1991 applies. 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 Board's Planning and Byelaw Policy, Advice Notes and Application form is available on the website - www.wmc-idbs.org.uk/TVIDB

Under the provisions of the Flood and Water Management Act 2010, and the Land Drainage Act 1991, the prior written consent of the Lead Local Flood Authority, Nottinghamshire County Council, is required for any proposed works or structures in any watercourse outside those designated main rivers and Board Drainage Districts.

The Board's consent is required for any works that increase the flow or volume of water to any watercourse or culvert within the Board's district (other than directly to a main river for which the consent of the Environment Agency will be required). 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 site is in an area that the Board understand has suffered from surface water flooding. The development should not be allowed until the applicant is able to demonstrate that the development itself is safe from flooding and flood risk to surrounding land and/or properties is not increased.

No development should be commenced until the Local Planning Authority, in consultation with the Lead Local Flood Authority has approved a scheme for the provision, implementation and future maintenance of a surface water drainage system. The Board would wish to be consulted directly if the following cannot be achieved and discharge affects the Boards District:

- Existing catchments and sub-catchments to be maintained.
- Surface water run-off limited to 1.4l/s/ha for pumped and lowland catchments.

Surface water run-off rates to receiving watercourses must not be increased as a result of the development.

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

A permanent undeveloped strip of sufficient width should be made available adjacent to the bank top of all watercourses on site to allow future maintenance works to be undertaken. Where the watercourse is under riparian control suitable access arrangements to the access strip should also be agreed between the Local Planning Authority, Lead Local Flood Authority and the third party that will be responsible for the maintenance.

Consideration must be given to the route of flow downstream of the site from the discharge point to an appropriately maintained watercourse. Off-site works or the need for increased maintenance required to safeguard the site discharge for the life of the development must also be considered.”

Notts Wildlife Trust – (25.10.2019) “Thank you for sending me the reports and previous e-mails. You will appreciate that I have only been able to look at this quickly, given the urgency of your deadline and my other work that was already planned for today. Also the **Reports do not appear to contain Phase 1 habitat plans** so I have had to extrapolate from the text and aerial photos, which is not ideal. The inclusion of such a plan in a single report that is available to **consultees is a basic requirement of a proper ecological assessment process**. The following outstanding issues appear to be of greatest concern, **although that does not preclude there being others that I have not had time to investigate properly**:

The Ecological Reports from 2018 state that:

“There are no waterbodies within the proposed development area, but there are two large waterbodies within 500m, to the north-west of the site. Aerial photography suggests these waterbodies are used for fishing and as amenity areas. There are no records of great crested newt *Triturus cristatus* within 2km of the site, and this species is considered unlikely to be found on site and has therefore been scoped out of this report”

I **do not** agree that GCN could have been scoped out of the report, as:

- (a) there are other possibly suitable water bodies in close proximity , eg. what appears to be a small pond immediately NE of the proposed development site in the adjacent field, which should have been checked for signs of amphibians, and therefore;
- (b) it cannot be ruled out that the proposed development area is being used for foraging and /or overwintering by GCN and SN41 priority frogs and toads.
- (c) the fact that the ponds are on private land is irrelevant, the presence or absence of GCN still needs to be investigated, particularly as the often occur in ostensibly sub-optimal habitats;

- (d) the records held by the BRC cannot ever be comprehensive, as most areas of the County have not been surveyed for amphibians, hence the fact that there are no records of GCN nearby does not mean that they do not occur.

There is a wealth of suitable foraging and overwintering habitat for amphibians on site, including the bases of hedgerows/field margins, areas of long grassland, and scrub, a considerable area of which would be lost if this development were to be permitted, and from which virtually no compensatory habitat is being provided: one small pond is proposed and some largely amenity grassland, which will be used for dogwalking and other informal recreational activities that are largely incompatible with foraging amphibians. Your Biodiversity Duty under the NERC Act applies to all Sn 41 species, not just those specially protected by law.

The Letter of the 21st Oct 2019 states that:

“The site does contain features with value for foraging and commuting bats. These features include the site boundary hedgerows and trees. **All these features will be retained.**” They also state that “ We concur with the information provided by the Nottinghamshire Wildlife Trust and wish to convey that we fully support the Local Authorities requirement to adhere to ‘Biodiversity Duty’ and will therefore be retaining all hedgerows and trees,..”

I cannot reconcile these statements with the site plan and aerial photos which clearly show a band of scrub/young woodland habitat, 25 m wide and 105m long, in the centre of the proposed site, which appears to be almost entirely removed as a result of the site layout. This may be an error of mapping, but it does not appear to be retained, in which case both preceding statements are wrong. So in fact habitat suitable for foraging and commuting bats **would** be removed. This habitat is not being replaced by the provision of a few bat boxes.

Had the Phase 1 survey plans been provided, and then the proposed development layout superimposed on top, it would have been far more effective as a means to assess the likely impacts. Other issues which need further investigation are the **assumptions in the Report** that no Schedule 1 or Red or amber list breeding or wintering Birds of Conservation Concern are present, when no bird surveys were undertaken at all. For example you do not know if the semi-improved pasture contains breeding skylark, a red list BoCC, for which the habitat would be eminently suitable, you do not therefore know what the impact would be of the almost complete removal of such habitat to this nationally declining species.

The Reports do not comprise an adequate and comprehensive assessment of the potential impacts of this proposed development on wildlife.

I would also note that whilst this application was submitted possibly prior to the requirement for net gain in the NPPF 2018, **it has not been determined** before the updated NPPF came into force, (and indeed further strengthened through NPPF 2019) and would fail to meet such a requirement for net biodiversity gain.

On the basis of the above NWT **maintain our objection** to this proposed development, as I do not consider that adequate ecological information has been provided to inform a complete and rigorous assessment of impacts,, nor has sufficient mitigation or compensatory habitat for likely losses been proposed

Please do not hesitate to contact me if you require further details, but I would suggest that a proper review of the available information is required, as clearly there must be more that I have not received, as it is incomplete. I would also suggest that if the applicant cannot secure compensatory habitat within the site, then they should provide habitat elsewhere through an offsetting or conservation credits approach, as advocated by NE and MHCLG.

I would also suggest that rushing into determination of this application under these circumstances may leave NSDC open to challenge.”

(16.10.2019) “Thank you for sending over a copy of the ecology reports for this application. We have reviewed both of these reports and the information regarding this application available on the planning page and have the following comments and concerns:

Amphibians

Both reports consider that the site is unsuitable for great crested newts, as the reports state: *There is a small garden pond on site, however this has no potential as habitat for great crested newt Triturus cristatus due to several features: it is walled on all sides and steep sided which makes newt dispersal into the pond highly unlikely. The water surface has 100% duckweed coverage and the water is shaded by semi-mature trees. There are two large waterbodies within 500m of the site, to the north-west, which aerial photography suggests are used for fishing and as amenity areas. There are no records of great crested newt within 2km of the site, and this species is considered unlikely to be found on site and has therefore been scoped out of this report (Scarborough Nixon Associates Ltd, May 2018).*

And: There are no waterbodies within the proposed development area, but there are two large waterbodies within 500m, to the north-west of the site. Aerial photography suggests these waterbodies are used for fishing and as amenity areas. There are no records of great crested newt Triturus cristatus within 2km of the site, and this species is considered unlikely to be found on site and has therefore been scoped out of this report (Scarborough Nixon Associates Ltd, March 2018).

We strongly disagree with these statements within the Ecology reports, as located within 3km from the application site is a significant populations of great crested newts (Brackenhurst) and the application site is also located in very close proximity to Norwood Park Golf Centre (across Lower Kirklington Road on the southern boundary of the site) which contains at least three other ponds all within 250m of the site.

These ponds have not been considered in either of the ecology reports or assessed for their suitability to support great crested newts. Due to a number of water courses and waterbodies located within 500m from the application site, we would consider that it is likely that that terrestrial great crested newts could be present within the site (great crested newts utilise habitats such as grassland, hedgerows for foraging, refuge and hibernation and these habitats are present within the application site and are connected terrestrially to the wider habitats). We are also concerned that no other amphibians species including common toads *Bufo bufo* which are a Species of Principal Importance on Section 41 of the NERC Act have not been considered within these ecology reports, as the pond mentioned within the May 2018 ecology report is suitable habitat for other amphibian species which could also use the other terrestrial habitats on site. We also note the desk study information from Nottinghamshire Biological and Geological Records Centre (NBGRC) provided at the end of these ecology reports has records of both common toad and common frog within 200m of the application site.

We therefore strongly recommend **the planning decision for this application is not determined until further great crested newt and toad surveys have been undertaken** at the site and the waterbodies within 500m of the application site. We also strongly recommend a that a **Reasonable Avoidance Method Statement to be included as part of a Construction Environmental Management Plan (CEMP) for the site is secured through a suitability worded planning condition** (if the application is to be approved at a later date - more details of what the CEMP should include can be found within the various sections below). This Amphibian Method Statement should be produced by a suitability experience and qualified Ecologist and outline a working methodology to avoid any harm to any amphibians during any form of works to the site. For example, it should contain details of vegetation clearance, hand searches, directional stinging and detail the presence of a suitability qualified and experienced ecologist on site during any potentially harming works.

Bats

We are concerned that suitable habitats for foraging and commuting bats are being lost through the development proposals without any further bat surveys to determine the levels of activity and use by bats including species at the site. The two Ecology reports by Scarborough Nixon (March 2019 & May 2019), both assess the application site to have a **high suitability** to support commuting and foraging bats and we would consider that the loss of habitats within the application site could impact these protected species. We therefore recommend **the planning decision is not determined until a full suite of bat activity surveys have been undertaken at the site**. These surveys should be undertaken using the most recent guidelines from the Bat Conservation Trust (Collins,2016) for a site which a high suitability habitat for bats - *Up to two survey visits per month (April to October) in appropriate weather conditions for bats*.

At least one of the surveys should comprise dusk and pre-dawn (or dusk to dawn) within one 24 hour period (Collins, J. (2016) Bat Surveys for Professional Ecologists Good Practice Guidelines, 3rd Edition, pp.58, Bat Conservation Trust). The results of these surveys should be presented within an appropriate separate report and form a suitable mitigation strategy for the loss of the foraging and commuting habitats on site and should also feature suitable recommendations i.e. an appropriate bat friendly lighting scheme.

We are also concerned that some of the trees on site have been assessed to have a *low potential value for bats* (March 2018) and it is unclear from the plans available to view on the planning page if these are going to be retained. The ecology report does also not provide any recommendation if these trees are to be felled or works undertaken on them. As per the current guidelines (Collins, 2016) we would not expect any further surveys to be undertaken on them, but a precautionary approach should be undertaken and **any works to these trees should be completed by soft felling under the supervision of a bat licenced ecologist**. This ecologist will be able to advice on the most suitable way to soft fell the trees and can check the trees for any bats / remove bats from harm and take suitable next steps (if a bat is found).

Reptiles

The reports state that the habitats on site are suitable for reptiles and that a precautionary approach should be undertaken. Although we agree with the Precautionary Working Practices outlined within the reports, we do not feel these methods are sufficient or detailed enough to protect reptiles during site clearance and development works. We therefore strongly recommend **a Reasonable Avoidance Method Statement is secured through a suitability worded planning condition, as should be part of the CEMP recommendation for the site**. This method statement should detail how to displace reptiles from the site, e.g. site clearance works and vegetation clearance to be completed so that reptiles are displaced to a suitable location habitat (such as

Southwell Trail to the north), rather than becoming isolated e.g. strimming which pushes any reptiles to the residential gardens or the road surrounding the site. It should also include details of when a suitability qualified and experienced Ecologist should be present on site and provide other more detailed methodology to prevent any harm to reptiles.

Southwell Trail LNR/LWS

The application site is located adjacent to Southwell Trail LNR/LWS, the ecology reports state: *None of the above non-statutory sites are within or adjacent to the survey site and their nature conservation interest is not expected to be impacted by the proposed works.* We do not agree with this statement as the Southwell Trail LNR/LWS is directly adjacent to the application site and will be impacted through the development proposals through a number of different ways, for example:

- Increase in visitor numbers/pressure including increase of litter, dog walkers
- Increase in cats in the area preying on ground dwelling mammals and nesting birds
- Impacts from construction e.g. increase of noise, dust, surface water runoff etc.

Please note these are just examples and not an exhaustive list of the impacts this development could have on the LNR/LWS. We therefore strongly recommend all impacts and mitigation measures to the Southwell Trail LNR/LWS are considered and outlined within the recommended CEMP for the site.

General Recommendations and update reports

Both of the ecology reports by Scarborough Nixon (March 2019 & May 2019), outline recommendations in relation to other species, and habitats which are not mentioned in our comments above. We would expect these recommendations to be secured through suitability worded planning conditions, where suitable, for example the recommendations in relation to hedgehogs, nesting birds, bird boxes, enhancements etc.

We also recommend that all potential species are considered within the CEMP general good working practices should be outlined within this document to prevent any injury or killing of other species potentially present within the area, such as a mammals becoming trapping within open excavations or within pipes.

As the recommended above surveys will have to be undertaken during the next survey season (next year 2020) we would also consider that by this time, the Ecology reports will be out of date (two years old) we therefore strongly recommend that an update ecological appraisal survey and a report is undertaken at the site. This survey and report should be undertaken and produced using the latest Guidelines for CIEEM and feature up to date recommendations for the site.

Planning policy

We have made the above recommendations in line with current planning policy. Without our recommendations the application is considered not to meet with some aspects of the National Planning Policy Framework and Circular 06/2005.

National Planning Policy Framework (February 2019):

170. Planning policies and decisions should contribute to and enhance the natural and local environment by:

a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);

d) *minimising impacts on and **providing net gains for biodiversity**, including by establishing coherent ecological networks that are more resilient to current and future pressures;*

174. *To protect and enhance biodiversity and geodiversity, plans should:*

a) *Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and **locally designated sites of importance for biodiversity**; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation; and*

b) *promote the conservation, restoration and enhancement of priority habitats, ecological networks and the **protection and recovery of priority species**; and identify and pursue opportunities for securing measurable net gains for biodiversity.*

Paragraph 99 of Government (ODPM) Circular 06/2005 (which accompanied PPS9, but remains in force), states that:

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

Southwell Civic Society – “We welcome the changes made to the previous submission especially the redistribution of the social housing, the inclusion of more bungalows, the footpath from the courtyard area to the children’s play area and the replacement of the traffic lights by a roundabout.

We have read the Conservation Officer’s report and agree that a courtyard may be acceptable in an urban centre but is out of place on the fringes of a rural town.

The pedestrian and cycle access to Southwell Trail appears to cross private housing plots which would not be acceptable.

The applicant should be applauded for the detail given for the amount of green and open space to be provided on the development but there is a need to reconcile this with the areas required for the site in the Newark and Sherwood District Council’s “Developer Contributions and Planning Obligations Supplementary Planning Document” to meet the Southwell Neighbourhood Plan Policy CF2 – Green and Open Spaces and Burial Grounds.

There remain however, one or two aspects which need to be addressed before planning permission is granted, none more so than the drainage of the site.

There were many objections to the January 2019 Flood Risk Assessment (FRA) submitted by the applicant because drainage and flooding on the site remain a serious issue.

Flood Risk Technical Note 2, produced by the applicant in April 2019 seeks to answer community and the Local Lead Flood Authority (LLFA) concerns about the January FRA.

The Civic Society objected to the original FRA and now the subsequent Technical Note 2 presented in this application for the following reasons:-

1. There is no agreement from the Local Lead Flood Authority (LLFA) that the applicant has met the requirements below.

Newark and Sherwood District Council application 18/01363/FULM Planning comments

Application: 18/01363/FULM Kirklington Road, Southwell

Please refer enquires to Ross Marshall, Flood Risk Management Team, Nottinghamshire County Council, ross.marshall@nottscc.gov.uk 0115 9774473

Current comments: No objections subject to the following requirements:

1.1 Drainage from the site should be via a sustainable drainage system that aligns with the CIRIA Suds Manual and non-statutory technical guidance. The hierarchy of drainage options should be infiltration, discharge to watercourse and finally discharge to sewer subject to the approval of the statutory utility. If infiltration is not to be used on the site, justification should be provided including the results of infiltration tests.

1.2 For greenfield areas, the maximum discharge should be the greenfield run-off rate (Qbar) from the area.

1.3 The site drainage system should cater for all rainfall events upto a 100year + 30% climate change allowance level of severity. The underground drainage system should be designed not to surcharge in a 1 year storm, not to flood in a 30 year storm and for all flooding to remain within the site boundary without flooding new buildings for the 100year + 30% cc event. The drainage system should be modelled for all event durations from 15 minutes to 24 hours to determine where flooding might occur on the site. The site levels should be designed to direct this to the attenuation system and away from the site boundaries.

1.4 Consideration must be given to exceedance flows and flow paths to ensure properties are not put at risk of flooding.

1.5 Any proposals to use SUDS must include details showing how these will be maintained to ensure their effectiveness for the lifetime of the development.

2. There is no consent (or agreement that none is required) from the Trent Valley Internal Drainage Board (TVIDB) for any increased water volume produced as a result of the development to be discharged into the culvert under the Southwell Trail or the River Greet. See TVIDB response document. The proposal to direct any surface water generated to the dyke on the west of the site will produce an increase in flow to the River Greet.
3. The Environment Agency (EA) map for "*Risk to Southwell from Flooding from Surface Water*" demonstrates clearly that the development site will flood unless mitigation is in place. Unfortunately this map is out of date as it does not take Climate Change into account, which will increase the flood risk for the site.
The LLFA requirements above are concerned with drainage solutions for pluvial inundation to the site itself. There needs to be a separate modelling of future surface water flooding volumes to the site from the surrounding catchment, including Norwood Park golf course, with a viable mitigation attenuation system agreed with the LLFA to deal with these.
4. The applicant's current proposal for dealing with potential surface water generated on the site during flooding is to direct this down its natural flow path (which will be the access road to the site) and then into the dyke running down the western boundary of the development. At a pivotal point where the dyke turns northwest it leaves the site and runs onto a neighbour's land. For the applicant's proposal to be viable either, there must be an agreement in place with the neighbour that the applicant's agents can

maintain the dyke at that location or there will be a need for something like a relief channel on the development site to take any overflow should the existing dyke not be maintained by the neighbour.

5. In "Technical note 2" the applicant agrees the need for well maintained watercourses but the proposal to include 4.0 m wide maintenance margin along the water course on the western boundary is manifestly insufficient to allow adequate machinery access .The Southwell Neighbourhood Plan (NP) policy E2 – Flood Resilient Design stipulates this should be 8.0m wide, which in itself is less than the statutory width required by the TVIB for watercourses within its responsibility.
6. The watercourse along the western boundary is accepted by the applicant to be key to flood attenuation for the site and by the wider community as essential to carry surface water from a wider catchment. Cross section C-C on dwg. 618-2-005 shows a maintenance zone of approx. 2.5 metres which is totally inadequate and impractical. It is vital therefore that it can be maintained in good condition for its total length on the site with a maintenance margin of at least 8.0m width as above.
The present proposal by the applicant prevents this provision in that it positions dwellings alongside the watercourse at the entrance to the site. The distance between each dwelling and the watercourse is completely inadequate to allow maintenance of the dyke to keep it free flowing at a critical point. (See cross section D-D). At least three dwellings are therefore not viable at that location and should either be removed from the scheme or positioned further down the site as long as an adequate maintenance margin for the watercourse can be provided.
To move or remove these dwellings would also meet the Newark and Sherwood District Council's Conservation Officer's preference that the entrance to the site would be enhanced by their removal from the application.
7. Overall the application does not comply with the Southwell NP to produce a joined up approach to the flood mitigation requirements for the town and there is a need for the proposal to comply with all NP policies E1 and E2. It is essential that the LLFA agrees applicant's drainage /flood alleviation proposals in their totality prior to the submission of the application for planning approval to give the Southwell community assurance that these are viable for both the site and the strategic flood mitigation scheme for the town.

For clarity Policies E1 and E2 are detailed below:-

POLICY E1 – FLOOD RISK ASSESSMENTS AND MITIGATION

Where proposals are required to submit a Flood Risk Assessment this must take account of the most up to date EA flood mapping, hydraulic modelling and flood mitigation for Southwell.

Specific regard should be had to the NCC Flood Mitigation Plan for Southwell or its most up to date equivalent. Where flows cannot be related to these sources they should be modelled using best practice. The methodology for the modelling, findings, FRAs and flood mitigation recommendations, shall be developed in consultation with the Lead Flood Authority.

There should be no development within the flood plain of local watercourses that would result in a loss of flood plain storage without adequate level for level floodplain compensation up to the 1%

Annual Exceedance Probability (AEP) flood with an allowance for climate change of 30% or any more current amount.

Proposals for flood mitigation must be designed to meet the requirements of other relevant policies within the NP, particularly those relating to the built and natural environments.

POLICY E2 – FLOOD RESILIENT DESIGN

Development proposals requiring a flood risk assessment must be designed to avoid increasing the risk of flooding both on and off site. Such proposals will be required to demonstrate how they have addressed the following:

- *That buildings have been placed on site with strict consideration of the sequential test, locating them on land in the area with least likelihood of flooding.*
- *That any flood mitigation measures to be adopted comply with current Sustainable Drainage Systems best practice, particularly in relation to Greenfield run off rates.*
- *To prevent run off beyond the relevant Greenfield rate, the drainage system and any attenuated storage should be designed to cover a range of rainfall and storm events, with a mandatory minimum provision to cope with the 1 in 100 year 6 hour duration event and a 30% allowance or more current amount to accommodate climate change with the maximum provision indicated, to demonstrate the level of safety included in the design.*
- *That the design of buildings and hard standing areas has been considered carefully to reduce the risk of flooding and increased run off.*
- *Unless impracticable or unviable, to make provision for a minimum 8m wide buffer strip between the boundary of any property and the top of the bank of any water course adjacent to the site, to allow for maintenance of the water course and as a pollution prevention measure.*
- *The maintenance of the water course and the buffer strips will be subject to a planning condition or other legal arrangement with the District Council, for the life of the development.*

Planning applications for development not requiring a formal flood risk assessment, but which are likely to affect drainage from the site, should also comply with current Sustainable Drainage Systems best practice.

Public Rights of Way

There are no specifications for the construction of new footpaths across green areas. These footpaths should be provided subject to NP policy E4 Public Rights of Way and Wildlife Corridors-

POLICY E4 – PUBLIC RIGHTS OF WAY AND WILDLIFE CORRIDORS

Developers must ensure that existing and any new PROWs including footpaths, cycle routes and bridle ways, which cross their sites, are retained wherever possible and enhance the Green infrastructure in Southwell parish.

PROWs should be considered to be multifunctional, contributing not only to the Green Infrastructure but also, where relevant, to open spaces including those due under developer contributions.

Unless it can be shown to be impracticable, the minimum total width for a PROW shall be sufficient to allow for machine maintenance, the inclusion of an allowance for hard surface to provide inclusive access for the public and with associated vegetation margins, for it to be effective as a wildlife corridor.

The provision or retention of trees, woody species and hedges along PROWs should have regard to guidance in the Southwell Design Guide.

When a new PROW is to be provided or revisions made to existing PROWs on a development, any alignment should avoid the use of estate roads for the purpose wherever possible, and preference given to estate paths through landscape or open space areas away from vehicle traffic.

Provision should be made for the long term maintenance of any PROWs that are part of development proposals.

There is no requirement for a cycle route along the northern boundary to the site because it would be a dead end and run along a watercourse. The PROW network would be much enhanced if access to the Southwell Trail from the development site could be arranged for cyclists.

Buffers and Margins

The applicant's attempt to provide buffers and maintenance margins for hedges and watercourses are a positive step but fall short of the NP policy requirements In relation to watercourses, as outlined above.

The applicant's maps show that the established hedges on the site are of great antiquity (at least 200 years old) and proper provision for their conservation and maintenance should be incorporated into the scheme for the development to meet the NP Policy E3- Green infrastructure and Biodiversity-

Unless it can be shown to be impracticable or financially unviable, a buffer strip must be provided between the boundaries of properties or plots within a development and any existing historic, landscape or ecologically valuable hedge row(s), tree(s) and any other features of merit for maintaining effective Blue and Green Infrastructures. The width of the buffer strip should have regard to guidance in the Southwell Design Guide.

The provision of non woody herbaceous species to be established on created buffer strips should have regard to guidance in the Southwell Design Guide.

Where the loss of protected trees as a result of a development proposal is unavoidable, appropriate replacement planting should be incorporated as part of the scheme.

As part of development proposals, provision should be made for the long term maintenance of any retained or created habitats, existing historic landscape or ecologically valuable vegetation and buffer strip provisions.

Whilst we are pleased that many of our objections have been taken on board in this latest application we remain deeply concerned that insufficient proposals have been put forward to mitigate against flooding on this vulnerable site."

NCC, Strategic Policy –

“Minerals and Waste

The adopted Nottinghamshire and Nottingham Replacement Waste Local Plan, Part 1: Waste Core Strategy (adopted 10 December 2013) and the saved, non-replaced policies of the Waste Local Plan (adopted 2002), along with the saved policies of the Nottinghamshire Minerals Local Plan (adopted 2005), form part of the development plan for the area. As such, relevant policies in these plans need to be considered. In addition, Minerals Safeguarding and Consultation Areas (MSA/MCA) have been identified in Nottinghamshire and in accordance with Policy SP7 of the emerging Publication Version of the Minerals Local Plan (July 2019). These should be taken into account where proposals for non-minerals development fall within them.

Minerals

The proposed site at Lower Kirklington Road lies within the MSA/MCA for brick clay. As per National Planning Policy (para. 204), the emerging Publication Version Minerals Local Plan contains a policy (SP7) concerning the safeguarding and consultation areas. Although the plan is not yet adopted, its provisions should be given some weight as a material consideration. Policy SP7 requires developments within the minerals safeguarding area to demonstrate it will not needlessly sterilise minerals and where this cannot be demonstrated, and there is a clear need for non-mineral development, prior extraction will be sought where practical. In some cases, large scale prior extraction might not be practical, however consideration should also be given to the potential use of minerals extracted as a result of on-site ground works rather than simply treating them as a waste material.

In terms of this proposal, the applicant should address policy SP7 and so National Policy and consider if prior extraction is feasible which could form part of the land preparation for the development. This would prevent the unnecessary sterilisation of the mineral resource and also reduce the waste generated from the construction stage of the development. The applicant should be able to demonstrate that the feasibility of extracting brick clay prior to development has been considered and if found to be not practical nor viable, the applicant should be able to demonstrate why this is the case.

Overall, considering the proposal is an extension of the Southwell built up area, the County Council would not consider the development to be inappropriate in this location, however it should be demonstrated there is a sound argument that identifies a clear and demonstrable need for the non-mineral development and that the practicality of prior extraction has been fully considered.

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

Strategic Highways

The County Council does not have any strategic transport planning observations to make.

Planning Obligations

The following sets out the Planning Obligations that are being sought by Nottinghamshire County Council to mitigate the impact of the above development. These are detailed in appendix one and summarised below.

Transport and Travel Services

In relation to bus stop infrastructure, the County Council would request that a planning obligation be added to state the below:

A Bus Stop Infrastructure contribution of £32,100 is paid to provide new bus stops fronting the development and shall include:

- *New Westbound Bus Stop - Install bus stop pole, extended footway/hardstand, polycarbonate bus shelter, solar lighting, raised boarding kerbs and lowered access kerbs.*
- *New Eastbound Bus Stop - Install bus stop pole, raised boarding kerbs and lowered access kerbs.*

Education

In terms of primary, a development of 80 dwellings would generate 17 additional primary school places. Based on current projections there is currently capacity to accommodate to accommodate these places. As a result, the County Council will not be seeking any contributions to mitigate the impact of this development.

In terms of secondary, the development is located in the catchment of the Minster School and would generate 13 additional places. There is currently insufficient capacity to accommodate the additional pupils generated. The delivery of additional secondary education places will be achieved utilising the District Councils Community Infrastructure Levy (CIL).

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

NSDC, Planning Policy – "The principle of residential development on this site is established through its allocation for around 60 dwellings in the Adopted Allocations & Development Management DPD. Although this application is for 80 dwelling, where policy requirements can be met and no unacceptable impacts are identified then there is no reason to resist more development and particularly not for statistical reasons alone. The figures quoted within the DPD were minimum estimates, not maximum capacities. Where sites can deliver a greater amount of development this will benefit both the settlements in which they lie and the whole district. Developer contributions for use within the settlement will be proportionally higher and there may be less need to find new sites in future rounds of site allocation. District wide, a greater amount of development helps to maintain the 5 year land supply and thereby provide protection from inappropriate development.

Given the level of development you will need to be content that a satisfactory design and layout has been provided for, in line with the site allocation policies, CP9 and Policy DM5. The housing mix proposed appears to be in line with the requirements of the Development Plan documents and the inclusion of bungalows for both market and affordable housing is particularly welcomed.

The site allocation policy sets clear requirements around the impact on Lower Kirklington Road/Kirklington Road junction, the achievement of acceptable visibility and provision of

appropriate mitigation measures. Clearly an important additional consideration will be the access requirements of So/Ho/4 'Land East of Kirklington Road'. A proposed scale/form of development or suggested access arrangements which would constrain or prevent the full delivery of So/Ho/4 would be unacceptable. I would defer to the views of the highways authority in this regard.

The application site is located within Flood Zone 1. In terms of flood risk from other sources Core Policy 9, Policy So/Ho/5 and Policy SS5 all carry the expectation that the design and layout of development will contribute towards the positive management of surface water, ensuring that there is no detrimental impact in run-off into surrounding areas or the drainage regime. Policy E2 adds to this approach in seeking to restrict run-off to relevant greenfield rates, via inclusion of a standard which proposals are expected to meet. I would defer to the Lead Local Flood Authority for consideration of the FRA and proposed measures.

Conclusion

This resubmission of the previously refused application 18/01363/FULM for development on the majority of allocated site So/Ho/5 represents a welcome improvement and subject to the views of the Highways and Lead Local Flood Authorities, I would not raise objection to this proposal."

NSDC, Archaeology Consultant – "No archaeological input required."

NSDC, Conservation – "We raised concerns with the original proposal in terms of urban design, notably layout, density and tenure mix.

The revised scheme follows a similar layout approach to that previously considered, and we therefore refer you to our previous advice.

We recognise that bungalows are now incorporated into the scheme, and that the affordable element is now not concentrated in one area of the site. We still feel that a better layout could be achieved without the courtyard approach, but this would likely require a drop in density. The bungalows help reduce the overall impact of development which is a positive.

We also acknowledge that significant discussions have been held between relevant partners regarding the highway access arrangements, and the issues relating to traffic lights at the entrance to the site. Conservation prefers the roundabout proposal to lights on the basis that this will have a more limited visual impact on the entrance to the town, noting our previous advice regarding the rural landscape context of the proposal site."

NSDC, Tree Consultant – "There still appears to be inconsistencies in the retention/removal options that are to be finalised on trees adjacent to the revised access, tree adjacent to plot 1 and tree adjacent to plot 19. This should be clarified in order to inform a final tree/hedge protection scheme and any further proposed mitigation landscaping.

As noted on the previous application for this site:

The revised/amended layout and proposed landscaping of the buffer zones and proposed POS are acceptable.

The proposed internal species mix is acceptable but final locations for stated trees are still only indicative.

No full tree hedge/tree protection plan is submitted so potential constraints on development or requirement for additional protection beyond fencing cannot be verified.

I would therefore still recommend the use of conditions noted in my previous comments:

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

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

2. All works/development shall be carried out in full accordance with the approved arboricultural method statement and associated tree/hedgerow protection scheme.

3. Prohibited activities

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

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

4. No works or development shall take place until the District Planning Authority has approved in writing the full details of every tree, shrub, hedge to be planted (and its proposed location, species, size and approximate date of planting) and details of tree planting pits including associated irrigation measures, tree staking and guards, and structural cells.

5. The approved landscaping scheme shall be carried out within 6 months of the first occupation of any building or completion of the development, whichever is soonest, unless otherwise agreed in writing with the District Planning Authority. If within a period of 7 years from the date of planting any tree, shrub, hedgerow or replacement is removed, uprooted, destroyed or dies then another of the same species and size of the original shall be planted at the same place. Variations may only be planted on written consent of the District Planning Authority.”

NSDC, Environmental Health - No objections in principle to the application.

“I would be grateful that if the application is approved the following conditions are applied:

Restriction on hours of operation:

The hours of operation on site should be limited to Monday to Friday 08:00 to 18.00hrs, 08:00 to 13.00hrs Saturday and no works on site on Sundays/Bank Holidays.

Hours of delivery:

No deliveries shall be received or dispatched from the site outside the hours of Monday to Friday 08:00 to 18.00hrs, Saturday 08.00 to 13.00 hrs nor at any time on Sundays and Bank Holidays.

Limit hours of operation of machinery:

No piling to be undertaken or vibrating rollers to be used on site Saturday, no works Sundays or Bank Holidays. The local Authority should be notified of any Piling technique to be employed on site in advance.

Dust:

The development shall not be commenced until a scheme specifying the provisions to be made to control dust emanating from the site and all access and egress roads has been submitted to and approved in writing by the local planning authority. The agreed scheme shall then be implemented in full before the proposed development is started, including demolition and site clearance.

Reason: In the interests of residential amenity”

NSDC, Environmental Health (Contaminated Land) – “No observations.”

Representations have been received from 7 local residents/interested parties (mostly raising objections/concern) which can be summarised as follows:

- Not against principle or an appropriate quantum of development but this is excessive;
- Concerns related to design and housing mix;
- 4 arm roundabout is unsafe and Council should not risk the safety of its residents;
- The residential square remains incongruous and inappropriate for Southwell and is too urban for rural and historic context; there are no precedents for this in Southwell;
- High density has led to significant level of hard surfacing and will produce car dominated development;
- Page 15 of DAS shows an acceptable layout of this part of the site - the one already approved;
- 2015 scheme showed bungalows would be used to soften impact but this hasn't happened;
- NSDC should be comforted by the new national design guidance and appeal decisions that have dismissed appeals that have had poor design;
- Parking is unsightly and inconvenient likely to result in cars being parked on the pavement which would be unsightly;

- Questionable whether the newly added side windows will provide sufficient surveillance to car park;
- Issues with the site result because of its proposed over-development;
- Concerns that LLFRA should be satisfied with the scheme before permission is granted;
- Issues with surface water run off where this will go, insufficient recognition that outflow of water discharging from 1.2m pipe into ditch which is often blocked;
- No assessment has been made about capacity to handle upstream water;
- Developers should think again about how to deal with a massive flow of water down a ditch incapable of handling it. The proposed plan to divert surface water from the South down the arrowed track back into this ditch will only exacerbate the problem;
- The ditch most certainly requires enlarging and capacity provided for stormwater flows;
- Surprising to find an attenuation pond serving the whole site situated upstream of the greater part of the development;
- Concerned that public right of way may be diverted and that it should be advertised as such;
- Concern there remain ecological issues outstanding;
- Traffic congestion and parking are already issues in Southwell and this development will add to the existing problem, making the roads and environment less safe;
- The roads in the area are already in a state of disrepair and concern that this development would lead to a worsening of this situation;
- Services in the area are already in heavy demand, with oversubscribed schools and only one doctors' surgery;
- The rural location and quiet character of the area makes it an ideal host for wildlife which the development would impact upon in terms of disturbance to the environment during construction and in the increased footfall on the Southwell trail and surrounding area;
- There is a right of way over and along the track crossing the property for the benefit of Pear Tree Cottage. There is an existing double gate to the western boundary of Pear Tree Cottage which currently provides direct access onto the track. This right should be preserved;
- There are rights relating to the use of a water pipe under the property for the benefit of Pear Tree Cottage which should be reserved;
- There are three existing trees and a hedgerow shown as being on land to be developed when they are within the curtilage of Pear Tree Cottage therefore the boundary line is shown incorrectly on the submitted proposal drawings for the development;
- Pear Tree Cottage is a Non-designated Heritage Asset at prominent gateway position to town so its disappointing that this is to be replaced by a new build property;
- Consideration should be given to the location and design of the site compound to avoid overlooking along with construction hours being limited to 8 until 6pm weekdays, 8am to 3pm on Saturdays, and not at all on Sundays.
- Nothing has changed since last comments as regard to the drainage of the site -excess water is still being channelled into surrounding water courses which will increase flooding;
- Concerned about the failure of the test soak away pits as this will negate the value of the attenuation soak away proposed at the north east of the site.
- No provision has been made to maintain the ditch for Lower Kirklington Road; for fencing and hedging the North-west section, no provision has been made to install a steel style across the public footpath to stop livestock from wandering;
- Developers plans talk about a new cycle track going onto the trail but don't show where the access is;
- Before any work can begin the developers will need to move a third party cold water

supply as it runs down the track and enters land by the small bridge.

Comments of the Business Manager

Background

This scheme is essentially a modified version of the refused application which has been amended in an attempt to address the concerns of Members. As the main issues were previously discussed in detail earlier in the year, the assessment below remains largely unchanged and is repeated from the previous scheme. Changes are made in **bold** text for ease of reference. In addition to discussing the impact of the changes it is also necessary to consider any material changes since the previous refusal.

Assessment

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 11 October 2016 Newark and Sherwood District Council adopted the Southwell 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 Southwell. 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.

Principle of residential development

The Council is of the view that it has and can robustly demonstrate a 5 year housing land supply which has been confirmed **within its 'Statement of Five Year Housing Land Supply 1st April 2019' (August 2019)**. I do not intend to rehearse this in full other than to say that the policies of the Development Plan are considered up to date for the purposes of decision making. This site, which is allocated and this part of the Development Plan supply, would clearly contribute to the Council's 5 year land supply if approved. This is a significant material planning consideration to be weighed in a planning balance.

The Core Strategy outlines the settlement hierarchy of the District identifying Southwell as a Service Centre with a function to act as a focus for service provision for a large local population and a rural hinterland. It is intended that Southwell will accommodate 15% of the overall housing growth for Service Centres. The site, located at the northwestern edge of the town, lies within the settlement boundary and forms part of a site that is allocated for around 60 dwellings as part of Policy So/Ho/5 of the Allocations and Development Management DPD. It is therefore considered that the principle of residential development on the site can be supported subject to a site specific assessment.

Policy So/Ho/5 (and Policy SS5 in the Southwell Neighbourhood Plan (SNP)) provides the framework for how development should be brought forward. Whilst the principal of development

is acceptable it still remains that the detail of the proposal needs to be carefully assessed, especially given the 'transitional' nature of the site on arrival into the Town.

I therefore consider that a key issue is whether the proposal would prejudice the delivery of the rest of the site allocation. The owner of the north-eastern corner of the site does not wish to dispose of the land at present, a matter which may well need to be considered at the Plan allocation stage. However, the development of this majority part of the allocation site does not prejudice development on the remainder coming forward at some time in the future as there is the ability to provide vehicular access to it via the main part of the site. The agent has stated that the supporting material submitted continues to take into account the cumulative impact of development, for example on the local highway and local flood risk. I am therefore satisfied that the development on the remainder of the allocation would not be prejudiced through any potential approval on this site, but would be assessed on its own merits. There is acknowledgement however, that additional units on this adjacent but allocated site would result in even greater numbers beyond that envisaged by the original allocation.

Housing Density and Mix

Policy SS5 requires appropriate design, density and layout which addresses the site's gateway location and manages the transition into the main built up area. Core Policy 3 provides that development densities should normally be no lower than 30 dwellings per hectare net. It goes on to say that development densities below this will need to be justified, taking into account individual site circumstances.

The wider site allocation relates to c3.25ha which would give an average density of 18dph based on around 60 dwellings. This application proposes 80 dwellings on a site area of c2.76 hectares of land equating to an average density of c28.9 dwellings per hectare. Therefore proportionately the site would have a slightly lower density than is envisaged by the policy. The agent states that 18 dph is not considered to represent the best and most effective use of the land and in order to comply with the density requirements set out in Table HE1b of the SNP, the allocation of 60 dwellings on site would be exceeded.

The agent refers to the Allenby Road site, where there was an uplift of units from around 65 to 67 and refers to the report to Members which stated:

"The main aim of the allocations process was to deliver the minimum number of dwellings to satisfy the requirements of the Core Strategy and this was endorsed by the Inspector who conducted the examination of the DPD... The key aspect in considering the greater level of development is therefore whether the proposal remains able to satisfy relevant policy requirements, and whether it would give rise to any unacceptable local environmental, highway or amenity impacts. Where the policy requirements can be met and no unacceptable impacts are identified then there is no reason to resist more development and particularly not for statistical reasons alone. As explained above, the figures quoted within the DPD were minimum estimates, not maximum capacities. Where sites can deliver a greater amount of development this will benefit both the settlements in which they lie and the whole district. Developer contributions for use within the settlement will be proportionally higher and there may be less need to find new sites in future rounds of site allocation. District wide, a greater amount of development helps to maintain the 5 year land supply and thereby provide protection from inappropriate development."

It is certainly true that often housing numbers envisaged can become a minimum delivery figure rather than a maximum. Indeed, in the context of the recently adopted Amended Core Strategy

(March 2019) the Inspector was clear that if the document were to be found sound development levels promoted must be viewed as minimums for quantum rather than maximums, subject to the usual assessments on acceptability of layout, scale, and impacts of a particular proposal.

In terms of mix, Policy So/HN/1 seeks to secure a majority of one or two bedroom units, Policy HE1 of the Southwell Neighbourhood Plan (SNP) is more prescriptive and seeks the following mix on Greenfield sites:

<i>Dwelling Type</i>	<i>Proportion</i>	<i>Density</i>
1 or 2 Bedroom (incl. starter homes)	40%	50 dph
1 or 2 bedroomed bungalows	20%	30 dph
3 Bedroom (Family Homes)	15%	40 dph
4 + Bedroom (Executive Homes)	25%	20 dph

The policy goes on to state a strong support for developments which provide bungalow and other types of accommodation for elderly and disabled people.

The proposed development includes a range of housing sizes and tenure types including 1 and 2 bed units; terraces; semi-detached and detached dwellings. As is outlined by the proposal section above, the scheme incorporates 30% affordable housing (and would be secured by a Section 106 agreement). The mix **(for the refused scheme and the scheme now before Members)** is shown in the table below:

<i>Dwelling Type</i>	<i>No. Units Refused Scheme</i>	<i>Proportion Refused Scheme</i>	<i>No. of Units Amended Scheme</i>	<i>Proportion Amended Scheme</i>
1 or 2 Bedroom	38	47.5%	41	51.25%
3 Bedroom (Family Homes)	17	21%	7	8.75%
4 + Bedroom (Executive Homes)	25	31.5%	32	40%
	80	100%	80	100%

Compared to the HE1 policy requirement, as can be seen from the table the scheme now has achieved the required 20% bungalows and there is an over-provision of 1 and 2 beds two storey dwelling of 11.25%. There is also an under provision of 3 bed dwellings by 6.25% and an over provision of 4+ bedroom dwellings of 15%. These figures differ from what the applicant has purported because two house types actually contain upstairs study's which are capable of being used as bedrooms (see proposal section) so they have been counted as bedrooms in the appraisal.

Whilst the amended mix does not exactly meet the prescriptive requirements of HE1, I am of the view that the mix of units is acceptable. This is said in the context that Policy So/Hn/1 of the 2013 DPD (albeit less up to date than HE1) also requires that the majority (i.e. greater than 50%) of housing on sites should be 1 or 2 bedroom dwellings. Furthermore I am mindful that the most needed type of units in Southwell are 2 bedroom dwellings (37.9%) followed by 4 bedroom dwellings (33%) according to the DCA Housing Needs Survey from 2014 which adds some support to this mix.

Whilst it is acknowledged that the proposed density is considerably above that referred to in the policy, the density falls below that set out within Core Policy 1 of 30 dph **(at 28.9dph)** and as such this need not be fatal, depending on the detailed impacts which are explored further below. I

accept that due to the site's location on the edge of the settlement, there is a requirement both to provide a substantial landscape buffer to the west and to manage the transition to the countryside beyond – a matter acknowledged in both Policies So/Ho/5 and SS5.

The site secures much needed affordable and smaller dwellings, however it also makes over-provision for larger dwellings which does not strictly reflect policy requirements which will need to be weighed in the planning balance.

Affordable Housing

Core Policy 1 of the Amended Core Strategy states that 30% affordable housing should be provided with a tenure mix to reflect local housing need and a breakdown of 60% for social rent and 40% affordable home ownership products.

The submitted scheme is policy compliant in terms of quantum of units and reflects the stated tenure mix delivering 24 units, 14 for rent (58%) and 10 (42%) for shared ownership.

The Council's Affordable Housing SPD recommends that affordable housing units are pepper potted around sites and should be tenure blind. In terms of the proposed layout, in order to address the concerns of Members, the affordable units have now been dispersed across the site. This now addresses the policy aspiration.

Layout/Scale/Design

Core Policy 9 and Policy DM5 seek development to reflect its local context in terms of rich local distinctiveness of the District's landscape and character of built form which should be reflected in the scale, form, mass, layout, design, materials and detailing of new proposals.

With a single vehicular point of access to the site, the layout of the development was always going to result in a cul-de-sac design and the limited width of the site has also resulted in a number of smaller cul-de-sac layouts. However, the PRow and the Southwell Trail at the northern end of the site will continue to encourage movement through the site from walkers and cyclists. Through negotiation **on the previous scheme (refused)**, the layout has sought to reflect its edge of site location with development considerably reduced along the western boundary.

The large properties are positioned towards the rear part of the site and although strictly two storey in appearance, with dormers and rooflights, accommodation is clearly provided at second floor level. This has resulted in ridge levels of over 9m and up to max of 9.7m in height in some house types, which causes some concern given its sensitive position. However, the land levels do reduce and slope downwards towards the northern end of the site and it is also acknowledged that the existing and proposed hedgerow and trees planting would help to provide some mitigate of the impact of this scale. The case officer sought to resist development with dormer windows given that they are not typical of the area but they remain in place on a large number of the units towards the rear, albeit in catslide features that are less prominent than standard dormers with ridged roofs. In terms of other detailing, the scheme presented is appropriate traditional design.

Bungalows (semi-detached pairs) have now been included in place of some previously two storey dwellings. One pair is located adjacent to the western strip of landscaping with the others located more centrally within the site. This represents the introduction of additional built form along the western edge of the development beyond what was previously proposed. Officers had previously sought to omit built form from this strip of land altogether.

It is a shame that these bungalows have not been included to the edge of the development where it would have helped with managing the transition between the town and the rural hinterland. However given that officers previously concluded that the two storey development was acceptable in this regard, it is not felt reasonable to raise objections to this modified element. Whilst noting the newly published National Design Guide is a new material consideration, high quality design was also previously expected by the Council, so in this regard it is not considered reasonable for officers to change position.

In terms of materials the predominant use of brick is acceptable (with just 2 properties proposed to have a rendered finish), however, the proposed use of the stated buff brick (on several plots) is not acceptable (as previously set out) and would be conditioned out on any approval.

Highway Safety

Policy DM5 seeks to ensure adequate access and parking is provided for development and Spatial Policy 7 relates to sustainable transport. So/Ho/5 states that development on this site would be subject to *'the preparation of an appropriate Transport Assessment as part of any planning application to identify the impact of the development on the highway network. This assessment should specifically include the impact of the site's access on Lower Kirklington Road and Kirklington Road junction, the achievement of acceptable visibility and the provision of appropriate mitigating measures.'* This is echoed by Policy SS5 of the Southwell Neighbourhood Plan (SNP). Policy TA3 of the SNP also looks to ensure that the provision of new highways provide suitable measures to accommodate traffic, improve the safety and attractiveness of the street-scene and integrate traffic calming measures.

The applicant initially **(in respect of the refused scheme)** submitted a Transport Assessment (TA) by Armstrong Stokes & Clayton Ltd dated July 2018 in support its submission. This assessment set out the provision and design of a 4-armed roundabout to provide access to the application site. However, the Highway Authority objected on a number of grounds, including highway safety. The applicant sought to provide additional clarification over the following months in an attempt to demonstrate their opinion that the roundabout was safe and secure the support of the Highway Authority. However, an objection was maintained and much to the frustration of the applicant, the case officer confirmed that any recommendation would not be made contrary to the expert advice of the NCC highway engineers on matters of safety.

It was with extreme reluctance therefore that the applicant amended the access design to a traffic light controlled junction which eventually NCC Highways Authority were able to support (in so far as they removed their objection). However at Planning Committee in June 2019, Members made clear they did not support the traffic light signal solution and resolved to refuse the scheme due to its urbanising visual impact upon the rural character at the edge of the settlement. As such the applicant has reverted back to their own preference of providing a 4 arm mini roundabout.

In their previous comments on the refused scheme, the Highway Authority raised two matters.

The first was that on adoptable roads there should be clear physical definition (i.e. a kerb) to differentiate between the carriageway and the footway on safety grounds. This is a matter that could be conditioned for clarity.

Secondly, there was concern that some of the plots relied on 3 deep parking spaces; in a long row behind one another. The Highway Authority were of the view that because such arrangements make parking on the site more difficult, it would result in more cars being parked on the highway. Members also shared this concern and it featured as part of the poor design reason no. 4 for refusal. This amended scheme has addressed this previous issue and none of the plots now have this arrangement with a maximum of two tandem spaces being used, which is acceptable. As such the parking arrangements are considered to be satisfactory.

However Members will note from the consultation section of this report that NCC Highways Authority raise strong objections to the scheme stating that the 4 arm roundabout solution is unacceptable in providing a safe means of access. They comment that the Road Safety Audit they have undertaken concludes that:

“a 4 arm mini-roundabout introduces additional conflict and can produce several times more personal injury accidents than predictions or averages would suggest (TD54/07). Confusion can arise as to who has the right of way and collisions can occur between circulating traffic causing injury to vehicle occupants. Recommendation: An alternative junction arrangement should be used such as conventional roundabout or staggered T-junctions”.

They go on to say that the designer’s response to the audit is considered unsatisfactory in addressing the recommendation to seek an alternative junction arrangement. They also quote new national guidance published in July 2019 on the provision of mini-roundabouts which they suggest strengthens their position as the proposal does not meet the guidance, which is material to the consideration of this scheme. They have also noted that if it were to be pursued further additional information would be required in the form of swept path drawings etc. which have to date not been forthcoming. They have also made clear that this additional information would be unlikely to change their views but could raise other issues.

The applicant’s highway engineer has advised that ultimately there would need to be some detailed design work on refuges and horizontal alignment to get all elements to work as highlighted within their text contained within an email of 20 November 2019. They suggest that no further swept paths are undertaken until detailed design is undertaken and that it would need to be conditioned, along with the engineering detail of the mini roundabout. NCC HWA maintain their objection that it is not acceptable and that decision makers need to be satisfied that a safe solution can be found BEFORE development is granted. I agree with this stance.

As things stand therefore there is an outstanding objection in principle to the use of the 4 arm mini roundabout as a solution to site access for this scheme. Giving substantial weight to the views of our statutory technical experts on highway matters as I must, I conclude that the proposal fails to accord with the Development Plan in this regard.

In addition to providing safe access to this allocated site, the junction design must also not prejudice a safe access being provided to serve the allocated housing site on the south side of Lower Kirklington Road (So/Ho/4), known as the Vineries. The Highways Authority are aware of the issues and have raised no issue that would suggest the scheme would jeopardise the ability of this other site to be delivered.

Drainage/Flooding

Policy SS5 of the SNP provides that development of the site should be subject to 'The positive management of surface water through the design and layout of development to ensure that there is no detrimental impact in run-off into surrounding residential areas or the existing drainage regime;' Policy E1 of the SNP sets out what Flood Risk Assessments should contain and achieve whilst Policy E2 relates to Flood Resilient Design, which seeks to restrict run-off to relevant green field rates, via inclusion of a standard which proposals are expected to meet.

So/Ho/5 provides that development will be subject to the following; 'co-operate with the infrastructure provider to carry out an assessment of the drainage infrastructure required to serve the development, the impact on the local drainage network serving the site and the identification of appropriate mitigating measures to ensure that there is adequate capacity in the local drainage network to serve the development' and 'the positive management of surface water through the design and layout of development to ensure that there is no detrimental impact in run-off into surrounding residential areas or the existing drainage regime'.

Core Policy 9 requires developments to pro-actively manage surface water and DM5 mirrors this.

The site lies within Flood Zone 1 (at lowest risk of fluvial flooding) according to the EA Flood Maps. However, small localized areas of the site are identified as being specific risk of surface water flooding as advised by the EA. It is also noted there are flood sensitivities in the Town following the flooding event that was experienced in July 2013 which arose from surface water flooding.

The application was accompanied by a Flood Risk Assessment and Drainage Strategies dated July 2018 by Armstrong Stokes & Clayton Ltd, which has been up-dated by a further FRA dated January 2019 and a Technical Note dated April 2019.

Paragraph 79 of the NPPG provides that 'New development should only be considered appropriate in areas at risk of flooding if priority has been given to the use of sustainable drainage systems. Additionally, and more widely, when considering major development, as defined in the Town and Country Planning (Development Management Procedure) (England) Order 2015, sustainable drainage systems should be provided unless demonstrated to be inappropriate.' For the avoidance of doubt this scheme is considered to be a major development and this is the starting point therefore.

Paragraph 80 of the NPPG goes on to say that 'Generally, the aim should be to discharge surface run off as high up the following hierarchy of drainage options as reasonably practicable:

1. into the ground (infiltration);
2. to a surface water body;
3. to a surface water sewer, highway drain, or another drainage system;
4. to a combined sewer.

The FRA submitted indicates that based on ground conditions infiltration SUDS is not viable in this instance. Thus in line with the hierarchy of drainage options, an attenuation based surface water strategy with restricted discharge (10.3 l/s) to the watercourse running along the western boundary of the site is to be promoted.

Based on the current proposed development layout, the potential impermeable area has been established at approx. 1.29ha. The likely size of balancing pond required (plan area of approx.

976.7 sq metres) and attenuation volume required (700.7 cubic metres) have been calculated. The attenuation pond can accommodate 387.3 cubic metres with an allowance for a 300mm freeboard. Therefore the remaining flows would be attenuated within a permeable paving storage structure situated below the northern most access road and will support the attenuation volume offered by the pond to the total requirement of 700.7 cubic metres.

The FRA states that the drainage system for the site will be designed at detailed stage to not surcharge in a 1 year storm, not to flood in a 30 year storm and not to flood for the 100 year + 30% climate change, which can be conditioned on any planning consent.

The balancing pond would be maintained for the life time of the development by a management company.

NCC Lead Local Flood Authority now raise no objection to the proposal, subject to certain criteria, that can be conditioned as part of any planning approval. Whilst I fully understand the concerns raised by the Town Council, Civic Society and numerous local residents regarding flood risk both on the site and on the surrounding land, (as well as wider concerns regarding surface water that already drains onto this site from higher land closer to Halam Road), the surface water drainage expert at NCC has confirmed that the run-off of surface water from the site could be controlled and would prevent any increase in flood risk on adjoin sites and on this basis, I consider the development accords with the flood risk policies contained within the Development Plan and as such is acceptable.

Landscaping, Visual & Tree/Hedgerow Impacts

Policy CP12 and DM5 seeks to protect and enhance natural features where possible. CP9 requires proposals *'to demonstrate a high standard of sustainable design that both protects and enhances the natural environment and contributes to and sustains the rich local distinctiveness of the District.'*

In respect of managing the sites gateway location at the edge of the settlement So/Ho/5 provides that *'in order to assimilate the development, provision should be made, in accordance with the landscape character, for the retention and enhancement of the site's existing landscaping screening.'* This policy also goes on to require that *'provision of appropriate landscape buffering to the Southwell Trail within the design and layout of any planning application.'*

Policy SS5 of the SNP, also sets out clear requirements regarding addressing the gateway location, in order to manage the transition into the main built up area. Central to this is the retention of landscape buffer strips *'between the north western boundary of the site, the Southwell Trail and the boundary footpath and the boundaries of individual building plots and arrangements are to be put in place for the maintenance of the strips and hedges for the lifetime of the development.'* SS5 also states that *'wherever possible, the layout should retain existing mature trees and vegetation on the site, based on a thorough survey of the quality and health of trees within the site.'*

The Design Guide attached to the SNP states that "unless it can be shown to be unreasonable, the width of a buffer/standoff should be a minimum of 8m and sufficient to allow for machine maintenance..."

A Landscape and Visual Impact Assessment supports the application, which has been revised and added to through the course of its consideration **including a revised version dated September 2019**. The LVIA concludes that the proposal would result in a loss of current agricultural fields

(inevitable given the sites allocation or housing), and some hedgerow and tree cover as well as excavation of earth, minor re-profiling of the site's topography and introduction of built form and residential land use. However, the site's boundary features will be protected and enhanced where possible restricting impact both within the site and at its boundary.

In terms of visual assessment, the LVIA considers the perceived visual effects resulting from the development would be very limited in the context of the entire LVIA area. This is due to the sites low lying, relatively flat landform and enclosed nature, being bounded by substantial vegetation to the north and west. The existing urban edge serves to screen views of the proposed development from the south and east. The report acknowledges that there are several residential receptors located in close proximity to the site (Pear Tree Cottage and properties in Orchard Close) which will be subject to high levels of visual disturbance during construction and operational periods.

Mitigation measures include peripheral tree screening along the eastern and southern boundary. The resulting change in character of the view and loss of a sense of openness are assessed as major adverse. Impact on The Beacon, High Gables and Redroof on Lower Kirklington Road and at Maltkilns/Hopkilns Cottages to the north-east are more screened and distant from the development and the impact here is defined as medium in magnitude by the report. However, it concludes that given the high sensitivity of the receptor group this will still constitute a major adverse effect. Users of short sections of PRoW FP57 and FP58 will experience high levels of visual disturbance, which will be at close range and represent a complete change to existing character, so magnitude of effect is high resulting in a major adverse effect. Other visual receptors in the wider are include users of Southwell Trail and Robin Hood Way would not be greater than low adverse with a moderate adverse level of effect, according to the report which following full mitigation measures, would expect to decline further in the long term to negligible adverse levels. The LVIA states that the development proposals are considered to not impinge on protected key designations as identified in the SNP nor would they have a significant visual impact on any other landscape or conservation designation in the locality, including Southwell Conservation Area.

The report conclusions **remain unaltered as follows:**

"The proposals will have some impact on landscape character and degree of openness in the immediate area. However, the effects will be localized and will generally not impinge on the quality and character of the wider landscape. Following the establishment of mitigation measures it is likely that adverse landscape effects will be moderate further. In general, the development will be perceived as part of the existing peri-urban, residential land use with the development proposals providing a transition between the countryside and settlement edge. In addition, topography and the presence of built form and tree cover in the wider landscape will serve to limit views from receptors located at over 1km distance. Taking these factors into consideration, it is concluded that the proposed development can be accommodated in the surrounding landscape without unacceptable landscape and visual impact."

The previous application included an Addendum to the LVIA to deal with the then proposed traffic light signal junction to serve the development. This is now largely redundant as a 4 arm mini roundabout is now proposed instead. No specific photomontages have been submitted with the updated LVIA to show the visual impact of the roundabout. However Members will be aware that Officers and the applicant have a preference for a roundabout solution at this location (with a 3 arm roundabout on lower Kirklington Road having previously been approved) as it is felt to be more in keeping with the rural context of the site at the edge of the urban area. When allocating the site, it was envisaged that a mini roundabout would be the solution. The visual

impact is therefore considered to be the most appropriate option to serve the allocated development.

Turning now to landscaping within the site, the SNP identifies the existing hedges both around and within the site as important landscape vegetation. Whilst there is no definitive width set out within either So/Ho/5 or SS5 for the proposed landscape buffers, there is reference to buffer widths being a minimum of 8m within the Design Guide of the SNP. I note that the landscape buffer shown on the indicative drawing is shown as being c3m wide along the northern boundary – which excludes the existing tree planting between the site and Southwell Trail. The buffer comprises additional hedgerow planting and a maintenance strip **as shown on sectional drawings provided. These strategic landscape buffers need to be conditioned** to be retained and appear to be separate from any adjacent garden space which the applicant advises would be maintained by a management company. Whilst not considered to be a Strategic landscape buffer, the existing hedgerow that runs along the eastern boundary of the site is to be preserved and reinforced with a maintenance strip. The existing hedgerow along the southern boundary of the site and existing hedgerows to be retained within the site are also to be preserved and reinforced, although as these form the boundary between private residential gardens, their future maintenance is not proposed to be secured by a management company. This clearly results in the hedgerows being left vulnerable to new owners on the site that may wish to rip out the hedgerows and replace them with some other form of enclosure. Unfortunately this could not be easily prevented once they fall within the ownership of third parties.

The application is supported by an Arboricultural Survey by Welch Design dated April 2018 which covers the application site.

Whilst there are not numerous trees present, none of the trees surveyed on the site or on the highway close to the proposed site entrance has been classified as a Category A tree and only one tree has been classified as a Category B tree (a sliver birch adjacent to High Gables – which is outlined in blue on the site location plan and so outside the red line plan); all the remaining trees are Category C or lower. The Survey does not identify any Category A hedgerow on the site, but there are a number of Category B hedgerows, the majority of which are located on the outer boundaries of the site with 4 internally within the site and others along both sides of Lower Kirklington Road. The majority of the Category B hedgerows are to be retained and reinforced as part of the proposals. There are smaller sections of hedgerows within the site that are proposed to be removed. **I note that the Council's consultant tree officer has made comment that there appears to be inconsistencies in the retention/removal options adjacent to the access at plots 1 and 19. These matters haven't been clarified but could be subject to condition in the event that the application is approved.**

As such, it is considered that based on the Arboricultural Survey that has been undertaken has informed the development of the site and largely retained existing significant hedgerows which would be added to by a condition that required additional new soft landscaping and as such, I consider the proposals to be acceptable and accord with the Development Plan.

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.

There would be approx. 21m between the side elevation of Plot 1 and the main side elevation of Pear Tree Cottage and 27m to the side elevation of the rear projection of Pear Tree Cottage. In

addition there is a c3.5m high mature hedgerow that runs along the western boundary of Pear Tree Cottage that would acts as a screening feature between these two properties. The privacy of the rear garden of Pear Tree Cottage would also be adequately protected from front elevation window openings within Plots 2 and 3. There are distances of 50m or more between the rear elevations of **Plots 6, 56 to 63** and the rear elevations of properties fronting Lower Kirklington Road which are considered to be ample in amenity terms. Distances from the rear elevations of properties fronting Orchard Close to the east to the proposed new dwellings adjacent to this boundary sit between **c18.7m (to garages)** and 22m in a back to back relationship and **14m** and 17m in a rear to side blank gable elevation orientation. These separation distances are considered to be acceptable in terms of creating a good standard of amenity for both existing occupiers adjacent to the site and future occupiers on the site. I am therefore satisfied that residential amenity would be safeguarded in line with Policy DM5.

Ecology

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

In support of the application, two Ecology and Protected Species Surveys have been submitted, one dated March and one dated May 2018 by Scarborough Nixon Associates which relates to the application site.

With regards to bats the reports concluded that the site has potential to be used by common reptile species and foraging and commuting bats and as such precautionary working practices should be used to ensure that bats are not disturbed, which include appropriate lighting on site and enhancements and roosting provision for bats within the proposed development. The reports recommend a minimum of 10 nesting features should be incorporated into the external fabric of the new buildings across the site. Works should also commence outside the active bird nesting season and precautionary approaches be taken towards possible hedgehogs, badgers, creation of wildlife friendly pond and use of native species and flowering lawn mixture/wildflower areas within any landscaping scheme. All these preventative/precautionary approaches are recommended all of which could be conditioned if the application were to be approved. These would involve the inclusion of an external lighting scheme to avoid harm to bats, covering of trenches and pipes overnight during construction in respect of badgers, clearance works to avoid bird breeding season and an ecologist conducting a search prior to commencement to check the site for reptiles, given surrounding landscape has the potential to support this species.

Both the Development Plan and the NPPF require ecological enhancements and the ecologist recommends enhancements through habitat creation, through an ecological landscape management plan and the provision of artificial roost boxes/bricks for bats.

Whilst the same information has been submitted with this application as the last, it should be noted that Nottinghamshire Wildlife Trust have raised object to this scheme. They have raised concerns that the impacts on Great Crested Newts and Bats has not been properly considered by the applicant's ecologist. In response the applicant's ecologist have issued rebuttal letters dated 21 October 2019 and 25 October 2019 who take a different view. Given the disagreement between the two professionals, the Council has sought independent advice from the County Ecologist who is very experienced and highly regarded, who has offered their perspective on the

areas of dispute.

“Great crested newts

It would appear to me that great crested newts are unlikely to be present at this site. Any impact on the known population at Brackenhurst can clearly be discounted given the distance (a figure of 3km is stated by NWT), and the fact that it lies on the opposite site of Southwell from the application site. NWT are therefore focusing on the presence of other waterbodies in the vicinity of the application site, and the applicant’s ecologists have, in a letters dated 21 and 25 October, provided what I consider to be adequate justification as to why no further surveys for this species are required. From my perspective:

- Reference is made by NWT to “a small pond immediately NE of the proposed development site on the adjacent field”, but having closely checked various aerial photography sources, as well as OS mapping, I can see no such feature.*
- Three ponds within Norwood Park Golf Course are stated as all being within 250m of the application site; it is unclear which three ponds NWT are referring to, as there are more than this number of ponds on the golf course and none are within 250m. Looking at the three closest to the application site, I have these located 325m, 370m and 390m away, with a fourth at 495m. Most great crested newts are actually thought to stay within 250m of their breeding ponds, although they will travel further to reach high quality foraging or refuge habitat. In this case, there are areas of suitable terrestrial habitat (woodland, scrub and long grass) on the golf course that any great crested newts potentially breeding in adjacent ponds could use when in their terrestrial phase.*
- I see that the applicant’s ecologists has carried out an assessment with Natural England’s risk assessment tool, which has concluded that the potential for a breach in the legislation occurring is ‘extremely low’; it would be useful to have sight of this, but assuming it has been filled in correctly, it further suggests that impacts on great crested newts arising from this development are unlikely.*

NWT also raise valid concerns about other amphibians. I suspect that further surveys would confirm common toad and/or common frog, and probably also smooth newt as breeding in various of the waterbodies around the application site, and that small numbers of individuals may be using the application site when away from their breeding ponds. On that basis, a precautionary method of working, set out in a Method Statement, and as proposed by the applicant’s ecologist and NWT (in relation to reptiles) would seem to be the most sensible way of dealing with this issue.

Bats

This matter is slightly less clear cut for me, as the applicant’s original ecological surveys identified the site as having ‘high’ suitability for foraging and commuting bats, but no activity surveys have been carried out. NWT’s comments set out the level of survey that they consider to be necessary based on Bat Conservation Trust guidelines. However, I am not sure that the results of these surveys would lead to any mitigation beyond what is being proposed – the retention of boundary hedgerows and trees, new planting, and a bat-sensitive lighting scheme. In addition, it appears that a small block of woodland or mature scrub in the centre of the site, referred to by NWT, was felled in advance of the ecological surveys. Therefore, the main area of habitat of value for foraging bats actually within the site appears no longer to be present. Lengths of hedgerow will be removed to accommodate the new housing, but these are relatively short, and their removal is unlikely to significantly affect local bat populations.

Other

In addition, NWT, with their third set of comments, flag up concerns about potential impacts on birds and the lack of targeted surveys. Given the relatively small size of the site and its urban-edge location, I would not expect that any particularly notable species of bird will be utilising the site, and certainly not in significant numbers. Reference is made to the potential for breeding Skylark, and whilst the largest of the fields may provide suitable habitat for this species, I would only expect a single territory to be present, the loss of which would not in my opinion constitute a significant impact.

Taking all matters into account, I take comfort from the County Ecologists comments and remain satisfied that harm can be adequately mitigated and that enhancements could be secured by condition if the application were to be permitted. I am therefore satisfied that the scheme in respect of ecology is acceptable and poses no conflicts with the Development Plan.

Other Matters

Archaeology

CP14 and DM9 seek to secure the preservation and enhancement of the District's heritage assets including archaeology sites. So/Ho/5 also states that development will be subject to '*pre-determination archaeological evaluation and any necessary post determination archaeological mitigation measures secured by condition on any planning consent are likely to be required reflecting the high archaeological potential of the site.*' This is also reflected in Policy SS5 of the SNP.

A Desk Based Assessment was submitted with this application and following the request of the Council's Archaeology Consultant a further Geophysical Survey has been completed and submitted. This concluded: This "detected no anomalies of archaeological potential; however a former field boundary shown on historic mapping was located. Parallel linear anomalies are due to past agricultural activity, either ridge and furrow, orchards, other crops or drainage. Several weak trends are probably due to agricultural or natural effects."

On this basis the Council's Archaeological Consultant was satisfied that there was no archaeology on the site to warrant any further investigation or conditions being imposed on any approval of planning permission. I therefore conclude that there would be no conflict with the identified Development Plan policies.

Rights of Way

Policy So/Ho/5 states that '*development will be required to seek to maintain and enhance the current provision of Right of Ways which transverse the site.*'

SS5 of the SNP states '*development will be required to seek to maintain and enhance the current provision of Rights of Way which transverse the site including avoiding then being diverted into estate roads, but wherever possible routed through landscaped or open space areas, to ensure a contribution to the Green Infrastructure. The scheme must offer pedestrian and cycle access onto the Southwell Trail from both ends and the centre of the site.*'

The existing site is transversed by both FP57 and FP58. The proposal seeks to retain both but FP57 is to be diverted to the west from its current course in order to run within the proposed open

space adjacent to the western boundary. This reflects the aspirations of the SNP. It is accepted however that where FP58 branches away from FP57, it will for a short section run along the proposed estate road. Given that this is an allocated site, it is inevitable that the rural nature of the PRoW would be impacted in some way, however, the diversion of FP57 within the open space represents a successful negotiation. **Members may note that NCC Rights of Way have requested clarification that the two existing rights of way FP57 and 58 (which will be slightly re-routed as a result of the new development) would not be encouraged to be used by cyclists. The applicant has since clarified that they are satisfied to do this and in the event that approval were recommended, appropriate signage could be installed. The ROW Officer has requested that the right of way that runs through the open space be a 2m wide hard surfaced footpath. I am satisfied that this could be controlled via condition. In terms of access onto the Southwell Trail, the applicant has clarified that pedestrian access via the existing paths which adjoin their site and go on to join the Southwell Trail would be for pedestrians only. This in my view has addressed the matters raised by NCC Rights of Way officers. With the proposed diversions secured through the correct legal process, it is considered that this element of the scheme is acceptable.**

In terms of providing a new pedestrian/cycle link from the development site itself directly onto the trail, in accordance with the Neighbourhood Plan, the consent of the landowner (NCC) is being sought and if approved, further details can be obtained through condition and its future adoption/maintenance can be secured through the S106 agreement.

Minerals Resource

NCC have advised that the site lies within the mineral safeguarding and consultation area for brick clay as shown within the emerging Publication Version Minerals Local Plan. This contains Policy (SP7) concerning the safeguarding and consultation areas and requires developments within the minerals safeguarding area to demonstrate it will not needlessly sterilise minerals and where this cannot be demonstrated, and there is a clear need for non-mineral development, prior extraction will be sought where practical. In some cases, large scale prior extraction might not be practical, however consideration should also be given to the potential use of minerals extracted as a result of on-site ground works rather than simply treating them as a waste material.

NCC state that the applicant should address policy SP7 and consider if prior extraction is feasible which could form part of the land preparation for the development to prevent the unnecessary sterilisation of the mineral resource and also reduce the waste generated from the construction stage of the development.

This new policy SP7 of the County Minerals Plan does not yet attract full weight given it is at publication stage but can be given some weight. The applicant has been made aware of this requirement and they have responded as follows:

“Firstly, the Publication Version Minerals Local Plan Policy (SP7 - safeguarding consultation area) is a draft policy and should have due regard to the adopted Local Plan and the adopted Neighbourhood Plan, both of which allocate the site in question for housing development. It would be completely erroneous for a new draft policy to jeopardise the committed allocations in an adopted plan(s). In the context of the officer’s comments below, our development would not ‘needlessly sterilise minerals’ in the ground, because the housing sites are committed and are needed to deliver the

NSDC's Local Plan commitments and the Parish Council's Neighbourhood Plan commitments – the sterilisation would not therefore be 'needless.'

As to whether the clay could be extracted from the ground prior to building work taking place on the site, this would require a monumental scale 'cut and fill' exercise in a very urbanised area. The clay would need to be worked from the land, which would require a complex County Matter planning application and EIA development; there would be significant objection to the planning application and I am in no doubt that the extent of works would cause subsidence to the immediately abutting existing homes (that's assuming there wouldn't be legislation preventing us from doing it this close to properties in any event)). Furthermore, mineral extraction needs to take place on a large scale in order for it to be viable – it can't be done on an ad hoc basis by individual landowners, because the cost of extraction and plant required to do this would be disproportionate to the receipts gained from selling the clay.

There is no cut and fill operation needed on this site – effectively the ground as it exists will be the ground that we're building on. In the unlikely event that we were able to extract the material, we'd then need to put even more costly soil or inert waste in the ground to bring the levels back up – this would cost a significant amount of money (we'd already be operating at a loss following the clay extraction) and would also need to be the subject of a Waste Application (County Matter again), which would be objected to by locals. In short, there are any number of reasons by this isn't appropriate on this site."

I agree with the response of the applicant on this matter and find that clay mineral extraction from the site would be inappropriate given its context, its allocated status and the likely issues arising from it.

Secured By Design/Crime and Disorder

During the previous refused application, Notts Police Architect had been a welcomed contributor within the consultee process and initially concerns were raised regarding the design of parking courts and their lack of natural surveillance in order to provide a secure design. The applicants took on board the comments raised and as a result, the amendments they undertook resulted in the issues having been satisfactorily addressed. **These amendments related to a number of other dwellings also have side windows inserted to help provide overlooking where there were/are concentrated expanses of car parking.**

Given the insertion of a new footpath link from the central courtyard area to the on-site public open space has been provided, consideration is required in terms of its impacts upon crime and disorder. The Police Architect has not commented on this amended scheme. Members will note that 'surveillance' windows are positioned in the side elevations of some plots. Plot 15 has its main kitchen window facing the footpath whilst two bungalows (Plots 16 & 17) front onto an area of open space where the footpath is located. A side window (serving a living room) is also proposed to the side elevation of bungalow Plot 76. I am satisfied that given the windows are serving habitable rooms that this approach is adequate to help design out issues that could potentially be vulnerable to crime.

Developer Contributions and Other Infrastructure required for the Wider Site Allocation

Spatial Policy 6, Policy DM2 and Policy DM3 set out the approach for delivering the infrastructure necessary to support growth. This infrastructure will be provided through a combination of the Community Infrastructure Levy, developer contributions and planning obligations and where appropriate funding assistance from the District Council. It is critical that the detailed infrastructure needs arising from development proposals are identified and that an appropriate level of provision is provided in response to this. The Developer Contributions and Planning Obligations SPD provides the methodology for the delivery of appropriate infrastructure.

The applicant has expressed a willingness to enter into a S106 Obligation to secure the required developer contributions which are set out below.

Affordable Housing

Affordable housing provision makes a valuable contribution towards the creation of mixed and balanced communities and is integral to a more sustainable form of development.

Core Policy 1 sets out that qualifying schemes should secure 30% affordable housing on site. The proposal would exceed the revised affordable housing thresholds (11 units or more, or where the combined gross floor space exceeds 1000m²) and thus is a qualifying development.

The scheme proposes 24 of the 80 units to be affordable which equates to the 30% of on-site provision set by the Development Plan policy. The provision can be broken down into 14 units for rent and 10 units for shared ownership which reflects the rough breakdown set out with Core Policy 1 of the Amended Core Strategy of 60% rent; 40% shared ownership.

Public Open Space

The Council's SPD on Developer Contributions states that the scheme would need to provide for open space in the form of provision for children and young people, amenity open space and natural and semi natural green space.

Provision for children and young people

As a development of 80 dwellings, this application should make provision for public open space in the form of space for children and young people which should equate to 1,440sq m based on 18m² per dwelling.

The proposed site layout shows that the required quantum of space would be provided on site adjacent to the western boundary. I note that the SNP provides that the public open space should be a focal point for the development under Policy SS5. The Town Council previously raised concerns regarding its location on the site stating that it is too close to the busy road and some distance from the affordable housing units. Members previously were concerned that its position and lack of footways within the site resulted in it being inaccessible/inconvenient for residents to utilize. This has been addressed with the inclusion of the footway linking the central courtyard area to it. I remain of the view that the public open space is at a focal point and therefore complies with SNP Policy SS5.

Amenity Open Space

As a development of 80 dwellings, this application should make provision for amenity open space which should equate to 1,152sq m based on 14.4sq m per dwelling.

The proposed site layout plan shows that 1,210sq m would be provided adjacent to the western boundary. This area would also be used as an attenuation pond.

The applicant has confirmed that the maintenance of the open space and landscape buffers would be charged to a management company.

Natural and semi-natural green space

The Newark & Sherwood Green Spaces Strategy has set local provision standards for a number of different types of open space. Those of relevance to new housing developments are as follows:

Natural and semi-natural green spaces – 10ha per 1,000 population. However in recognition of the difficulty of achieving this standard in urban areas the Strategy recommends that all residents of the district should live within 300m of an area of natural and semi-natural green space. Given that the site is on the edge of the settlement there are fields adjacent to the development which I consider would meet the aspirations of the policy.

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 in my view 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. There are a number of projects that an off-site contribution could be used towards and the applicants have confirmed they are willing to enter into an agreement to secure this.

The contribution would be based on £1,384.07 (figure from SPD but indexed at 2016) per dwelling equating to a maximum of £110,725.60.

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. **As part of the previous application that was refused, Nottinghamshire County Council confirmed that in order to accommodate the children from this development within primary education, 17 places would be generated equating to a cost of £232,152.00 (17 x £13,656). However since that**

time, primary education is now under capacity and the LEA have now confirmed that they will accordingly not be seeking such a contribution.

For secondary, to accommodate the additional 13 places, these would be funded by the collection of Community Infrastructure Levy (CIL) operated by NSDC. As a guide, the contribution would be approximately 13 x £17,753 = £230,789.00

Health

£982.62 per dwelling which equates to £78,609.60

Library

£47.54 per dwelling which equates to £3,803.20

NCC - transport

£15,000 for the provision of two new bus stops

NCC – Future Maintenance of a pedestrian/cycleway from the development site to the Southwell Trail (precise amount TBC)

NCC – waste

£21,805.42 to cover costs of installation of additional litter and dog bins at the entrance of the new path that links with the Southwell Trail and the emptying of these bins plus the costs of additional grass cutting, litter picking and fly-tipping removal, cutting back overhanging vegetation on the new link path.

The applicant has maintained that this development would be fully compliant in terms of S106 contributions and as such, all the elements set out above would be secured through the Section 106 legal agreement.

Overall Balance and Conclusion

All the material planning considerations raised by local residents during the course of this application have been considered and taken into account in the determination of this application, however, some matters raised are private civil matters that cannot be afforded any weight.

The residential development of the site is clearly, given its allocation, acceptable in principle. This proposal would contribute further to the Council's 5 year housing land supply. The proposal also represents a scheme that is fully compliant with all the S106 developer contribution requirements, and is acceptable with respect to a range of technical and design matters which includes, archaeology, rights of way, design against crime, impact on existing trees and hedgerows and residential amenity. Whilst there is an outstanding ecological objection from NTW, I am satisfied having regard to both the applicants submissions and the independent advice sought that the impacts can be adequately mitigated and that enhancements can be controlled via suitably worded conditions. I am also satisfied that it would not be appropriate to extract clay from the land prior to development as is required to be considered by emerging policy SP7 from the Minerals Plan.

The housing mix does not strictly accord with the prescriptive housing requirements of HE1 of the SNP. It over-provides for larger units (albeit 4 bed dwellings are the second most needed type in this Sub Area) but does provide for the majority of 1 and 2 bedroom dwellings as required by SoHn1 and includes the 20% bungalows required by policy. Overall I find that the mix is adequate and do not consider this should be fatal to the scheme.

Whilst noting the significant concerns of Southwell Town Council, Civic Society and residents regarding flood risk, subject to conditions, surface water drainage engineers at NCC have confirmed that the proposal can adequately deal with surface water from the development without resulting in increased risk of flooding elsewhere.

Having regard to the allocation, although considerably higher than the “about 60” quoted within the policy, I have concluded, on balance, that the quantum of 80 dwellings on this part of the site is acceptable with two strategic landscape buffers along the western and northern boundaries that could be secured and retained.

The applicant has sought to address the specific matters raised by Members in the recent refusal of a similar scheme. Taking these previous reasons for refusal in turn;

- 1) The visual impact of the Traffic Lights Junction has in my view been addressed through omitting this solution and introducing a 4 arm roundabout, which from a visual perspective is considered appropriate;
- 2) The lack of bungalows has been addressed by the inclusion of 20% (16) bungalows in line with Policy HE1 of the SNP;
- 3) The affordable housing has now been dispersed across the site and is tenure blind addressing the concerns of concentrating this in one area and being indistinguishable from other types of housing;
- 4) Finally in terms of the 4th reason for refusal, the applicant has sought to address the poor layout with a range of minimal interventions to the previous refused scheme. The specific ‘compromises’ mentioned within the reason for refusal, were:
 - Triple length parking likely to result in vehicles being parked on the highway due to the inconvenience of such parking arrangements. This has now been adequately addressed by reducing the parking arrangements to tandem;
 - Over-concentration of affordable housing in one area. This has been addressed by dispersal across the site;
 - Inappropriate location of the children's play space which should be located more centrally. This has not been moved but a footpath link has been provided to allow better access and legibility within the site.

Whilst the specific concerns of reason for refusal no. 4 have been addressed, the reason for refusal stated ‘including’ and did not seek to list every aspect that Members may have found to be at fault. Members will need to consider whether they consider the changes made have adequately addressed the ‘poor design’ and indeed whether the changes made are appropriate for the context.

Importantly however in addressing reason for refusal no. 1, a new issue (cause for concern) has arisen in the form of a highway safety objection from the relevant statutory consultee. This raises strong objections on the grounds of highway safety to the principle of a 4 arm mini-roundabout. NCC as Highway Authority also refer to latest Highways England guidelines that have been published this year that they suggest adds weight to their stance. These are highly technical matters and the applicant's highway consultant disagrees with their objection. In any event the objection represents risk of injury/life and therefore officers must give this significant weight.

The only other alternative access advanced (traffic lights) has already been rejected on visual amenity grounds by this Authority which will ultimately be defended on appeal. It should also be noted that if Members were to refuse this application on the grounds of highway safety the implication would be that the site may not be able to be developed for this quantum in a satisfactory way. A discussion on whether this remains as an allocated site would potentially need to be considered in due course which would have its own implications.

This scheme has clear benefits which weigh in favour of the scheme. However Members will also need to consider whether the 'poor design' has been satisfactorily addressed. Bearing in mind the previous conclusions drawn by officers, I would suggest that this scheme is satisfactory in this regard. Notwithstanding this, the harm to highway safety as advanced by the statutory consultee does weigh heavily against the scheme and therefore I must recommend refusal on that basis.

RECOMMENDATION

That planning permission is refused for the following reason

Reason for Refusal

01

In the opinion of the Local Planning Authority the proposed means of site access for this quantum of development via a four arm mini roundabout would be unsafe and detrimental to highway safety posing an increased risk of personal injury accidents due to the confusion that can arise as to who has right of way. The proposal is considered to be contrary to the new Highways England national guidance on the "Geometric design of roundabouts" CD116 published in July 2019, which is material to the consideration of this application as well as being contrary to Spatial Policy 7 (Sustainable Transport) of the Newark and Sherwood Amended Core Strategy adopted March 2019, Policy DM5 (Design) and Policy So/HO/5 (Southwell Housing Site 5) of the Allocations and Development Management DPD adopted July 2013 and Policy SS5 (Lower Kirklington Road [SoHo5]) and Policy TA3 (Highways Impacts) of the Southwell Neighbourhood Plan adopted October 2016 which together form the relevant parts of the Development Plan. The proposal is also contrary to the National Planning Policy Framework a material planning consideration.

Notes to Applicant

01

You are advised that as of 1st December 2011, the Newark and Sherwood Community Infrastructure Levy (CIL) Charging Schedule came into effect. Whilst the above application has

been refused by the Local Planning Authority you are advised that CIL applies to all planning permissions granted on or after this date. Thus any successful appeal against this decision may therefore be subject to CIL (depending on the location and type of development proposed). Full details are available on the Council's website www.newark-sherwooddc.gov.uk/cil/

02

The application is clearly contrary to the Development Plan and other material planning considerations, as detailed in the above reason(s) for refusal. However the District Planning Authority has worked positively and proactively with the applicant to make some revisions to the proposal. Whilst not all problems arising can be overcome, several potential reasons for refusal have been negated.

BACKGROUND PAPERS

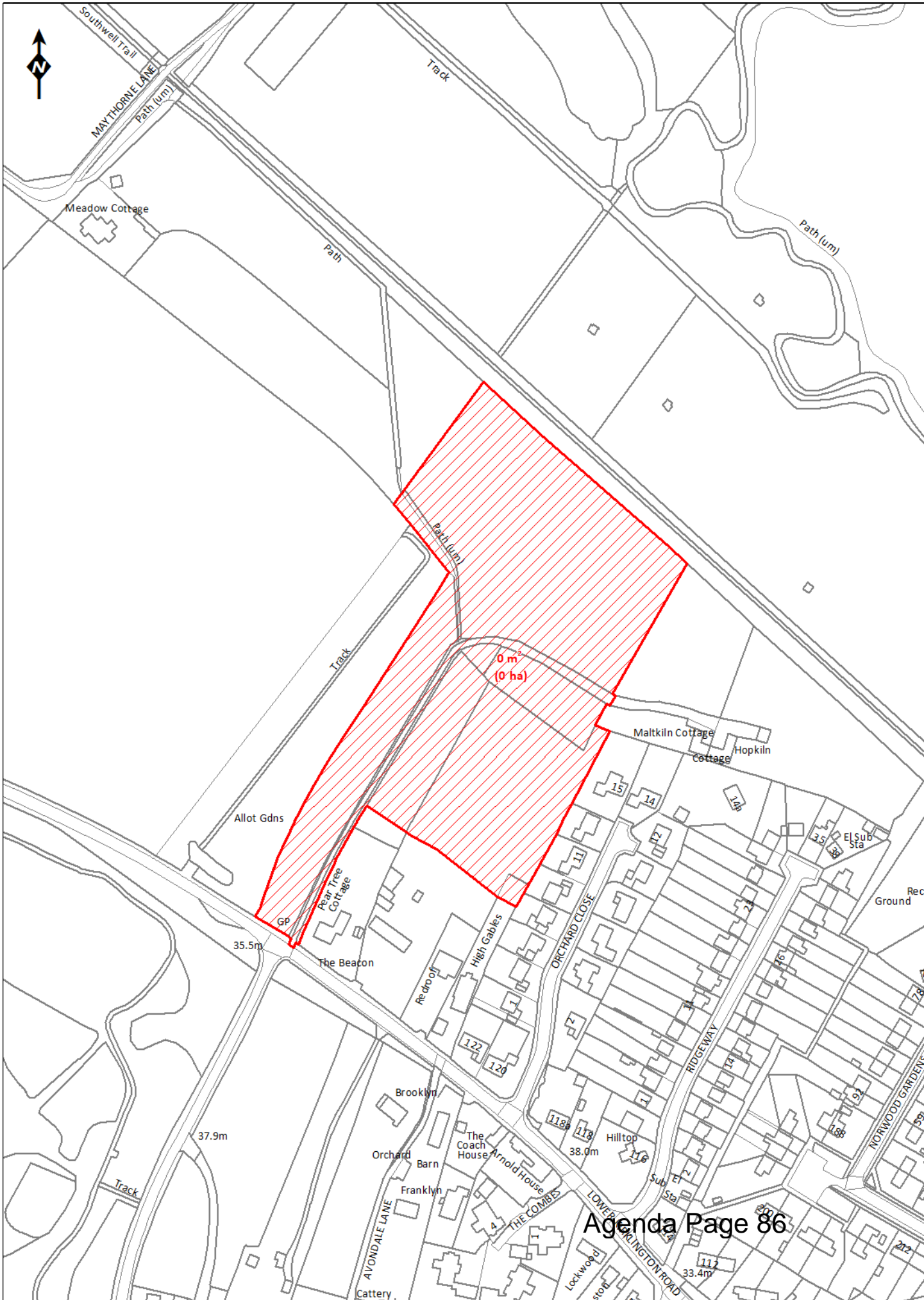
Application case file.

For further information, please contact Julia Lockwood on ext 5902.

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

Lisa Hughes
Business Manager – Planning Development

Committee Plan - 19/01771/FULM



PLANNING COMMITTEE – 3 DECEMBER 2019

Application No:	19/01016/RMAM (MAJOR)	
Proposal:	Reserved matters application for Phase 1 residential development comprising 143no. dwellings with access gained from the primary, central spine road (outline permission ref. 16/02173/OUTM)	
Location:	Former Thoresby Colliery, Ollerton Road, Edwinstowe, Nottinghamshire	
Applicant:	Harron Homes Ltd - Mr John Booth Agent: DLP (Planning) Ltd	
Registered:	31st May 2019	Target Date: 30th August 2019
	Extension of time agreed until 6th December 2019	

This application is before Members as the recommendation (for approval) differs from that of the host (Edwinstowe) Parish Council. Cllr P Peacock has also requested that the application be considered by the Planning Committee.

The Site

Thoresby Colliery closed in July 2015 and the wider site extends to approximately 150.3ha, comprising the former pit yard area, spoil heaps and arable fields fronting the A6075 Ollerton Road to the south. The colliery site lies to the north east of the settlement of Edwinstowe and is primarily accessed from the A6075 Ollerton Road via the existing colliery access road.

This application site forms a residential phase and extends to some 12.8 hectares of land located to the east of the existing colliery access road adjacent to the Ollerton Road boundary to the south. The site is set at a similar height to the adjacent highway to the south albeit it appears to rise gradually from south to north. The site is being stripped ready for development and is having the drainage tanks infrastructure laid in accordance with a previous reserved matters application that approved a pre-development stage. Existing vegetation adjacent to the highway screens the site. Land immediately to the north and east will form later phases of residential development which also benefit from outline permission.

To the north and east of the wider site is the Birklands and Bilhaugh Special Area of Conservation and Special Sites of Scientific Interest that lie within the adjacent Special Area of Conservation (Birklands and Bilhaugh; Birklands West and Ollerton Corner). The Sherwood Forest National Nature Reserve (NNR) and Country Park lies to the west. The site also lies within the 5km buffer zone of the Sherwood Important Bird Area, and parts of the of the site are within 500m of an Indicative Core Area identified by Natural England for a potential prospective Special Protection Area (SPA). The site lies within the parish of Edwinstowe and within the Edwinstowe and Clipstone Ward.

Relevant Planning History

Thoresby Colliery closed in 2015, with the loss of 600 jobs. It was the last deep coal mine to close in Nottinghamshire. The spoil heap to the north is already subject to a significant restoration scheme agreed with Nottinghamshire County Council which will see it restored to heathland, woodland and grass land, which has commenced.

The applicants, Harworth Group, are a large property regeneration company which specialise in the remediation of brownfield sites such as former colliery sites and coking works.

The site is allocated as a Strategic Urban Extension site in the Amended Core Strategy adopted in March 2019 (Policy ShAP4) which identifies the application site for large scale housing development, employment land uses, leisure and community uses including retail to meet local needs and associated green, transport and other infrastructure.

A scheme for the restoration of the former spoil heaps has been approved by Nottinghamshire County Council originally in 1996 (3/96/0531). This was updated in 2012 (31/11/01826/CMA). The movement of soils and spoil spreading, seeding and planting to restore the spoil heap have consequently commenced and are ongoing. Other relevant site history is as follows:

16/SCR/00009 – A screening opinion was submitted in August 2016 seeking an opinion on a proposal for mixed uses including residential, employment and recreational uses. The Council considered that any application would need to be accompanied by an Environmental Statement.

16/02173/OUTM – An outline planning application was presented to Planning Committee in October 2017 for a residential development up to 800 dwellings, a strategic employment site comprising up to 4,855 sqm class b1a, up to 13,760 sqm class b1c, and up to 13,760 sqm class b2, a new country park, a local centre, containing a mix of leisure, commercial, employment, community, retail health, and residential uses, a primary school, open space and green infrastructure together with associated access works including the details of the primary access junctions into the site from Ollerton Road. Members resolved to grant subject to conditions and the signing and sealing of a S106 Agreement. The approved outline scheme will be a phased development over 8 phases. An updated report was presented to Planning Committee in February 2019 and outline permission was approved in March 2019 subject to 51 conditions and a number of planning obligations secured by a section 106 Agreement:

- Affordable Housing of 7.5% of total number of dwellings
- Primary Education contribution, 1.3ha of land and £3,600,000 for new school
- Healthcare contribution of £786,096
- Sports Pitch contribution £590,176
- Ollerton Roundabout contribution of £1,198,000
- Library contribution of £35,130
- Community Facility contribution of £607,256
- Open Space of 11.89 ha of land comprising;
 - Sustainable urban drainage;
 - Multi-use games area;
 - Public open space;
 - Children's and young people's space comprising 2 x locally equipped area for play and 1 x neighbourhood play area;
- Maintenance of the open space/country park and monies to do so.
- Review of viability prior to occupation of 400th dwelling

19/00674/RMAM – Reserved Matters were granted under delegated powers in July 2019 for the enabling infrastructure phase of the comprehensive development. The approved works included the provision of a new ghost island at the junction of the existing colliery access with Ollerton Road, a new main spine road to serve the first two phases of the residential development which utilises the existing colliery access drive together with its associated highway drainage, surface water and foul infrastructure drainage systems, landscaping and earthworks. It also included the approval of an air quality assessment which covered the whole of the site and all phases of development.

19/01116/DISCON – Condition 18 in relation to Habitat Creation and Management plan was discharged on the 30th August 2019 for the for enabling infrastructure works only

19/01117/DISCON - Conditions 9 and 10 (Oil and petrol separators and removal of suspended solids from surface water run off) for the whole site were discharged on 30th August 2019.

The following conditions were also discharged purely in relation to the enabling infrastructure phase of the development:-

11 (CEMP)

12 (SWMP)

16 (Arboricultural works)

19 (External Lighting)

Condition 31 (retained building strategy) was also discharged as part of this application.

19/01865/RMAM – Phase 2; Reserved Matters submission for 220 no dwellings with access gained from the primary, central spine road (permitted under 19/00674/RMAM) including open space, landscaping (soft and hard) and associated internal road infrastructure. Application lodged by Barratt Homes in October 2019 which is currently pending consideration.

The Proposal

As originally advanced the scheme related to 132 dwellings. However due to concerns raised by officers with regard to housing mix and design, the scheme has been amended and has been the subject of further re-consultation.

The proposal relates to the reserved matters application for phase 1 of the overall development and now comprises the erection of 143 (132 market and 11 affordable) dwellings to be delivered in 4 phases starting in the south-east and moving anti-clockwise.

The scheme will deliver 13 different house types, all two storey properties, typically being between circa 7.6 and 8.5m in height. Materials proposed are either red or buff brick, some render panels and grey plain concrete roof tiles.

The proposal has been assessed against the following plans and documents:

- Thoresby Vale PH1 Planning Layout drg. no. 514-001 Rev H, deposited 25th October 2019
- Thoresby Vale PH1 External Materials and Boundary Treatments Plan 514-006 A, deposited 25th October 2019
- Landscape Masterplan drawing ref. R 2232 1D, deposited 12th November 2019
- Thoresby Vale PH1 Screening illustration. no. 514-007 deposited 25th October 2019
- Materials Plan. 514-005 Rev C, deposited 12th November 2019

- 13 house types are advanced with different variances of these. All of the plans are listed in condition 10.
- Design and Access Statement, deposited 30th May 2019
- Planning Statement, deposited 30th May 2019
- Noise Impact Assessment by Environmental Noise Solutions Limited, dated 23.05.2019
- Master developer Statement, deposited 25th October 2019
- Housing Mix Report 08th October 2019

Departure/Public Advertisement Procedure

Occupiers of 3427 neighbouring properties (both residential and commercial) have been notified by letter of the proposal, site notices have been displayed at the site and a press advert has been placed in the local press.

Planning Policy Framework

The Development Plan

Newark and Sherwood Amended Core Strategy (March 2019)

- Spatial Policy 1 Settlement Hierarchy
- Spatial Policy 2 Spatial Distribution of Growth
- Spatial Policy 5 Delivering the Strategy
- Spatial Policy 6 Infrastructure for Growth
- Spatial Policy 7 Sustainable Transport
- Core Policy 1 Affordable Housing Provision
- Core Policy 3 Housing Mix, Type, and Density
- Core Policy 9 Sustainable Design
- Core Policy 10 Climate Change
- Core Policy 12 Biodiversity and Green Infrastructure
- Core Policy 13 Landscape Character
- Core Policy 14 Historic Environment
- ShAP 3 Role of Edwinstowe
- ShAP 4 Land at Thoresby Colliery

Newark and Sherwood Allocations & Development Plan Document (adopted July 2013)

- Policy DM3 Developer Contributions
- Policy DM4 Renewable and Low Carbon Energy Generation
- Policy DM5 Design
- Policy DM7 Biodiversity and Green Infrastructure
- Policy DM9 Protecting and Enhancing the Historic Environment
- Policy DM12 Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework (2019).
- National Planning Policy Guidance
- Newark and Sherwood Affordable Housing SPD (June 2013)

- NSDC, Landscape Character Appraisal, SPD
- 6 C's Design Guide
- National Design Guide, October 2019
- Edwinstowe Conservation Area Appraisal and Management Plan, adopted November 2019

Consultations

Edwinstowe Parish Council – (15.11.2019) ‘This development has not been passed by the Parish Council. It needs to be called in by the Parish Council. We have sent NSDC an inaccurate decision notice.’ Corrected comments awaited.

(15.11.2019) – Support ‘The green space indicated adjacent to phase 1 (which is in phase 4) can this be developed in phase 1 instead of phase 4’

(02.07.19) Edwinstowe PC feel that this phase of the application is over intensive and lacks green space within the phase itself. We feel that the design of the houses themselves fails on creativity and also pays scant regard for the environment. The Statement states at point 1 that sustainability is a key aim of the overall development. There are no aspects of Phase1 that lead us to believe it is any way sustainable eg the fitting of solar panels etc. There is also no children’s play area in Phase 1 which is a serious omission. This development, particularly its layout which seeks to squeeze the maximum residential development out of every possible square metre available, is also not in keeping with the surrounding natural environment. The Council would also like to see wildlife friendly swift bricks, house martin, sparrow parades and boat [sic] boxes built into the house design. We would urge the planning authority to strive for a better quality and more environmentally friendly development given both the size and the prominence of the site and its proximity to Sherwood Forest Nature Reserve.

Perlethorpe Parish Council – No comments received

Bilsthorpe Parish Council – No response in relation to the amended plans (which increase mix and unit numbers etc).

(11.09.19) Objected to the application on the grounds that there are no open green spaces, there are no plans for additional school places, the houses are very close together and there are no play areas.

Ollerton and Boughton Town Council - No response in relation to the amended plans (which increase mix and unit numbers etc).

(30.09.19) At the meeting of the Town Council’s Planning Committee last night, following careful consideration the members agreed that whilst they support the design in principle they are disappointed to see that several requested surveys have not yet been received.

The members of Ollerton and Boughton Town Council are therefore requesting that the decision on this application be deferred until all requirements regarding outstanding surveys are satisfied prior to development.

The members of Ollerton & Boughton Town Council strongly request that these comments be taken into account when the application is considered by members of NSDC Planning.

(14.06.19) Support the application subject to the required surveys being undertaken prior to the development of the site.

Nottinghamshire County Council (Highways Authority) – Awaiting response to amended plans.

(10.09.19) - The proposed layout as shown on drawing 514-001-F is acceptable in highway terms.

In order to promote sustainable travel, the only amendment I would wish to see is the provision of a pedestrian/ cyclist access directly with the Main Colliery Site Access to the west and/or the A6075 Ollerton Road to the south. Whilst 'indicative future footpath links' have been shown it is uncertain whether these are to be delivered, and, in the case of the link to the Colliery Site Access, whether it is correctly positioned in relation to the road that will become adopted highway. Its current position enters the site via a shared private driveway.

On the assumption that the above matter can be given further consideration, no objections are raised subject to the following conditions:

No dwelling forming part of the development hereby permitted shall be occupied until its associated drive/parking area is surfaced in a hard bound material (not loose gravel) for a minimum of 5 metres behind the Highway boundary. The surfaced drive/parking area 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.

No dwelling forming part of the development hereby permitted shall be occupied until its associated access/driveway/parking area is constructed with provision to prevent the unregulated discharge of surface water from the access/driveway/parking area to the public highway. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.

Reason: To ensure surface water from the site is not deposited on the public highway causing dangers to road users.

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. A Section 38 Highway Adoption Agreement is likely to be required and further details can be provided - Contact: david.albans@nottscc.gov.uk

(02.07.19) Concerns raised and holding objection lodged.

Consultant Tree Officer – (13.11.2019) ‘Proposed soft landscaping is now acceptable. I think mixed native (hedgerow) would be ok for boundaries but internally proposed species are ok.’

(04.11.2019) (06.09.19) - Previous comments apply.

(14.06.19) ‘The proposed soft landscaping will be heavily constrained by the regimented design of the layout where limited space is available for both canopy and root development.

The majority of new tree locations are shown directly adjacent to proposed drives [sic] and access roads with no clear indication given of specific tree locations.

Proposed species mix is therefore unclear but there is heavy reliance on a limited number of species (7).

Mix includes trees with heavy blossom which while attractive for a short time will cause problems with nuisance or causing honeydew fall for some occupants.

The same issues will be encountered with species bearing fruit.

Proposed species will have little tolerance to predicted climate change and invasive pests and diseases.

Tree form in many areas needs to reflect constraints of drives and highways--while Tilia "Green spire" and Carpinus betulus" Frans fontaine" are noted in recognition of a more columnar form ultimate size and loss of form may be problematical.

Many other variants are available that may be more suitable in more enclosed areas e.g. Acer campestre "Nanum" or "Arends" Acer platanoides "Columnare", Betula "Ermanii", Crataegus mongyna "Stricta", Fagus sylvatica " Stricta", Gingho biloba " Nanum" , Liquidambar styraciflua " Slender silhouette", Quercus palustris "Green pillar", Quercus robur "Fastigiata (Koster).

Any tree planted should have sufficient rooting volume to allow full root development-- this may require use of structural cells or other engineered solutions to avoid damage to infrastructure and to ensure sufficient irrigation.

Given the indicative position of trees robust protection measures are likely to be required to minimise damage.

Natural England – No comments received

Nottinghamshire Wildlife Trust – No comments received

RSPB – (19.6.19): Thank you for consulting the RSPB. We have no comments to make on this application per se, but we do want to use this early opportunity to raise an important matter relevant to all the planning applications submitted (or yet to come) at Thoresby Colliery.

Condition #18 of outline permission ref. 16/02173/OUTM states that no development can commence unless a detailed Habitat Creation and Management Plan (“HCMP”) associated with that phase or sub phase has been submitted to and approved in writing by the Local Planning Authority.

We cannot over-emphasise how critical it will be to us that the detail in HCMP is satisfactory in all aspects. It will be crucial not just to guarantee the ecological quality of the restored pit top but also to help ensure there are no indirect adverse effects on the nearby National Nature Reserve and other designated wildlife sites. It will also be important that the HCMP is not developed piecemeal - it needs to present a single clear picture of how many different and complex habitat creation and management functions will work together across the whole site. Approval of the HCMP will also be a starting gun for construction operations to begin, so it is also surely of high interest to any developers involved in the site. To avoid any unnecessary delays to commencement of development and ensure that the RSPB and all the stakeholders in this site have full opportunity to consider and comment on it, we will be urging Harworth Group plc that work on the HCMP is not delayed too long. We hope the Local Planning Authority shares our views on the importance of this.

NDSC (Strategic Housing) – No comments received on the amended scheme.

(01.10.19) The DCA survey’s evidence states that the greatest demand is for 2 bedrooms in the market sector (335) and then 3 beds at 247. 4 beds represent only 65 units.

I would suggest that the scheme requires a review that accommodates an element of two beds. Of the 132 units a more appropriate mix would be:-

2 bed house	32
2 bed bungalows	20
3 bed houses	40
4 bed houses	40
Total	132

Whilst this proposed mix is estimated and does not fully concur with housing need, it offers a marketable mix to the developer.

Comments have been received from 13 households (some have responded to the re-consultation) which can be summarised as follows:

- Views of the Parish Council are supported;
- Concerns are rased with regards to the phasing of the development and provision of infrastructure;
- Given the number of dwellings there development would impact on local infrastructure including roads and health and education services;
- Increased traffic will exacerbate existing traffic congestion and on street parking issues experienced within the village – there is little room for upgrading;
- The highway infrastructure is not in place to accommodate the development – there are already significant issues at the Ollerton Roundabout;
- The additional use of existing sewerage systems will create potential flood risks and surface water run off into the Maun;
- There are no affordable houses being built on the site;
- Existing drains struggle to cope, future developments should be forced to complete a S106 agreement to bring vital infrastructure up to date;
- The proposal would impact on nature conservation and ecology of the area;
- The site is heavily contaminated;

- This application should not be approved until issues raised within 19/00674/RMAM (enabling development phase) are resolved and the application approved otherwise consultation is pointless;
- The Landscape Masterplan only shows landscaping to the individual properties which could be removed which will not be 'policed' and is inadequate;
- There is no green space in this phase of the development;
- There is no children's play area – the application refers to nearby play and recreational space but none is shown on the layout plan;
- The school is not scheduled until phase 9 – how will existing schools cope with the new homes;
- The application refers to community and employment areas but these will not be forthcoming for many years. The employment phase needs to be brought forward;
- The application states that there is sufficient off street parking in compliance of parking guidelines. This is unlikely to prevent excessive on street parking;
- The development is over intensive;
- Construction traffic should be via the central spine road and not directly onto the A6075. Wheel washing facilities are unlikely to be used and regular road sweeping will increase traffic congestion;
- There is no need for a ghost island;
- Public consultation is just a paper exercise – views of the local community are always ignored;
- The original permission should never have been approved - the site is in open countryside, in a Special landscape Area and adjacent to a Wildlife site and includes agricultural land. It does not conserve or enhance the natural environment;
- The proposal does not support the local community;
- The proposal does not respond to the local character and history – the street-scenes shows rows of miserable looking houses in grey and black;
- Local housing need has already been identified;
- The proposed entrance feature is poor - the winding wheels should remain in situ;
- The Colliery is an important part of Edwinstowe's heritage – the workshop site should be part of the Country Park and a memorial garden to miners who lost their lives should be provided;
- Was access to the restored tip granted to Haworth Estates – the Country Park is not part of this development;
- The development is a blot on the landscape;
- An extra 11 dwellings to increase the developer profit margin;
- Drives do not have safe pedestrian access;
- A number of surveys are outstanding.

Comments of the Business Manager

Background and Context

Members resolved to approve outline permission for a mixed use development on this allocated site at Planning Committee in October 2017 and in February 2019 (when an update report was presented taking account of the updated NPPF) in accordance with the officer recommendation. Lengthy delays followed relating to the signing and sealing of the Section 106 Agreement which was eventually executed in March 2019.

The principle of this phased development has therefore been established through the granting of the outline consent. The principle of the uses, the parameters and general disposition of uses are therefore established and need not be considered further in any detail. The scheme secured a range of developer contributions as set out in the site history section earlier in the report.

The delivery model is similar to that at Land South of Newark (the strategic urban extension) in that the site is owned by Harworth Group plc, who are essentially the Master Developer who will be responsible for delivering the majority of the infrastructure. They have already secured reserved matters approval for an enabling phase which included the development of the spine/access road (known as The Avenue) into the site as well as meeting the overarching pre-commencement conditions such as the dealing with any air quality, ground water pollution etc. They then offer each phase which is appropriately remediated and serviced on a serviced 'ready to go' basis to different house builders. This approach requires significant upfront investment. Thoresby Group therefore retain a role of coordinating the overall mix, design ethos and provision of infrastructure moving forward for the developments lifetime.

The principle of phased residential development has therefore been established through the granting of the outline consent with the means of access being the only matter that was considered and ultimately approved. Phasing of the development remains unchanged from that advanced at outline stage.

Housing Density, Mix and Type

Density

The quantum of overall housing was set at outline stage and to a degree the density was also indicated. It is noted that this parcel of residential development was indicatively shown to provide for around 130 dwellings. The scheme has increased to 143 but I consider that this is broadly in line with the Master Plan and Design and Access Statement. This will be one of the lower density parts of the site at around 24 dwellings per hectare but it is anticipated that higher densities will be focused towards the local centre. I am satisfied that the proposal meets with the expectations of the outline permission, CP3 and ShAP4 in striking an appropriate balance for density levels.

Mix

Core Policy 3 (Housing Mix & Density) seeks to secure housing that meets the needs of the district, namely family housing of 3 bedrooms or more, smaller housing of 2 bedrooms or less and housing for the disabled and elderly population, but to reflect local need. It also states that such a mix will be dependent on the local circumstances of the site and any localised housing needs information.

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 and 4.7% identified need for 1 bed units.

The Sub Area Report of the DCA Housing Needs Survey from 2014 indicates that the most needed type of market housing in the Sherwood Area (within which this site falls) is 2 bedroom dwellings (51.8%) followed by 3 bedrooms (38.2%) followed by 4 bedroom dwellings (10%) with no requirement identified for 1 bedroom units. The report also identified that the main property

type in the sub area as existing are semi-detached dwellings, with Edwinstowe being the most popular choice for future housing requirements.

Market Mix

Notwithstanding the above policy requirements, Members will be aware that at outline stage a viability case was advanced which adopted an ‘assumed mix’ for the wider site which then influenced the level of developer contributions that were secured. This assumed mix was not strictly in line with the policy objectives but struck a balance between getting an acceptable mix whilst obtaining a range of developer contributions in order to mitigate the impacts of the scheme upon infrastructure. This assumed mix was implicitly accepted when outline permission was granted.

Whilst this assumed mix 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 7.5% affordable housing).

As originally submitted the developer proposed a scheme dominated by detached four and five bedroom dwellings with just 8 three bedroom homes. This was not considered to be acceptable in terms of providing an appropriate market mix and the developer was invited to alter the scheme which it has done and also increased the number of units. The increase in units (to 143 including affordable dwellings) is considered acceptable in the context that the masterplan at outline showed this phase to advance 130 units.

It should be noted that house type ‘Dunstanburgh’ has been categorised by the applicant as a 5 bedroom dwelling. However this also has an upstairs study that in my view is capable of being used as a single bedroom. I therefore categorise this as a 6 bedroom unit.

In terms of the overall market mix the table below summarises the position:

Unit Type	No of units Original (% rounded up)	No of units Revised (% rounded up)	Viability Assumed Mix
1 bed	0	0	18 (2.43%)
2 bed	0	0	82 (11.07%)
3 bed	8 (7%)	40 (30%)	327 (44.18%)
4 bed	97 (79%)	75 (57%)	261 (35.25%)
5 bed	12 (10%)	8 (6%)	52 (7.02%)
6 bed	5 (4%)	9 (7%)	-
Total	122	132	740 (100%)

You will note that in terms of its proportionate share of the entire site when compared to the assumed mix, the Harron Homes mix does not conform. The amendments have improved the mix

and it now offers 40 x 3 bedroom dwellings with the remainder of the market mix being detached larger dwellings. No 2 bedroom dwellings have been advanced for the market.

However the Master Developer supports the mix. In a supporting statement by them, they note that adjacent Phase 2 (currently pending consideration) has been submitted by Barratt Homes and they offer the following commentary:

“There are differences in the product mix between the Harron Homes and David Wilson Homes scheme. Given the two sites will be selling side by side, Harworth consider that in order that average sales rates, approximately 3 private sales per calendar month, are to be achieved it is important that there is differentiation. Two sales outlets offering very similar products to the market at the same time would risk undermining each other and slow the progress of the wider site.

Given the current “placemaking” agenda Harworth have focussed resources on establishing a sense of place by creating the gateway into the site. An active residential sales outlet on either side of the tree lined entrance spine road, will establish the site quickly and set the right, quality tone, with which to bring forward further development.

The initial phases are bias toward the delivery of 4 bed detached properties. Harworth support this approach and given the site wide context consider it to be in line with the outline framework.....

Residential phases in the northern quarter radiating out from the local centre/new public realm, are proposed to be higher density mews and apartment style dwellings, sustainably positioned close to amenities and within the industrial character area of the site. Harworth anticipate, residential development in this area of the site to be bias toward 1, 2 and 3 bed dwellings. Including a proportion of 4 and 5 bed properties around the higher density local centre would be difficult and would likely prejudice the feasibility of delivering a mews/apartment type scheme in this area. Harworth consider a bias of 1, 2 and 3 bed dwellings in the northern quarter, surrounding the proposed “heart of the community” to be in line with the outline framework.”

I take comfort from the above that a greater mix will be forthcoming in later phases and am particularly persuaded by the statement from the Master Developer. I also note that the Housing Report prepared by the agent and submitted in support of the scheme references market evidence from Wilkins Hammond concludes that the local area is currently dominated by semi-detached houses, and that recent new build developments in the area have included limited detached houses. It goes on to suggest that a significant proportion of residents are employed in managerial/lower managerial positions, making the demand for larger executive style housing strong and that it is considered that there is a current under-supply of larger, detached housing stock on offer to the market.

I further note that the Barratt scheme does provide for more, smaller market dwellings and thus there would be competing offers available that will be complementary and provide a catalyst for kick starting what will be an exciting redevelopment project. Taking all of this into account I consider that the mix is on balance acceptable.

Affordable Mix

It should be noted that the quantum of affordable housing (7.5% equating to 60 units overall on the wider site) has been set firm at outline stage and embedded into the S106 Agreement. The s106 requires the owners to submit a scheme detailing the tenure split, design and location prior to construction begins on each phase. However it is timely to consider part of this now as by first construction the design, type and location would have been approved.

Harron Homes advance a proportionate share (8% rounded up) of affordable housing, being 11 dwellings. The proposed affordable housing mix is as follows:

House Type	Bedrooms
1 bed flat	0
2 bed	3
3 bed house	8
Total	11

The proposed tenure split will be 60% rent and 40% shared ownership as agreed with the Council's Strategic Housing Officer. Details of the plot numbers has not been provided but would need to be as part of an obligation of the s106 Agreement.

Design, Layout and Visual Impact

Given the extant approval for outline planning permission for residential development, it has already been accepted in principal that the character of the site will fundamentally change. However, with the benefit of full layout and elevational details, the LPA are now in a position to fully assess the magnitude and ultimately appropriateness of this against the policy context set out in policies CP9, CP13, ShAP4 and DM5.

The Master Developers have set a Design Code but this has no planning status having never been formally advanced as part of an application. However its objective is to create a sustainable development that respects the positive features of the site, creates a legible and attractive place with a sense of identity of a high quality and provide a well-planned layout with pleasant well designed streets and spaces. These elements are what are expected for good design in any event.

The design approach adopted for this phase is one of a modern interpretation of local house types and features in order to create its own character and identity but utilising a materials pallet reflecting the built form of Edwinstowe and Ollerton, being predominantly red brick, with some interspersed buff brick and rendered dwellings. Most have plain grey tiles with the use of red plain tiles on some houses. All 13 house types are two storey. Overall I find that the house types are an interesting mix of styles that have some features that reflect the local vernacular. No precise details have been provided in terms of brick/roof tile manufacturers so it will be necessary to control these elements by condition.

As the land rises gradually across the site, details of the finished floor levels in relation to ground levels is considered important in ensuring that the adjacent phases sit well with one another and this is a matter than can be subject to condition.

The development would be well screened and be set behind mature belts of existing landscaping that front Ollerton Road and the main entrance into the wider site known as The Avenue. Access into this Phase is from the east with the highway looping around with cul-de-sacs and private

driveways off it. Dwellings are designed to front both Ollerton Road and The Avenue accessed by private drives to their frontages. Having dwellings addressing the road frontages is welcomed so as to avoid views of gardens and the inevitable domestic paraphernalia which can result in clutter.

I note that Edwinstowe Parish Council have expressed concerns that they want to see the use of more sustainable features in the development such as solar panels. Whilst I agree that this would be a benefit for the scheme, this is not a matter robustly embedded within policy. I note that site specific policy ShAP4 (point 14) requires 'consideration of the provision of on-site renewable energy scheme to help meet the energy requirements of the development'. Upon request the developer has been asked to consider the matter further and has now incorporated electric charging points for all dwellings. I consider that in the absence of a more specific policy (such as an SPD or neighbourhood plan) setting out a requirement to provide for a certain quantum of sustainable features that it would be unreasonable to demand more.

Car dominance is matter that has been carefully considered in terms of how this would look visually. The vast majority of the plots are set back to allow frontage parking within their plot with only a limited number (17) having parking to the side served by driveways/garages. In support of their application the developer has provided details of boundary treatments and photomontages (see images below provided by applicant to show screened car parking) to show how this would appear in the street-scene given concerns were raised about car dominance. A landscape masterplan has also been provided. This shows that on key/prominent plots hedgerows would be planted to soften the appearance of cars parked and some corner plots would utilise estate rails with hedgerows to define frontages. Other frontage plots show the use of dwarf walls with railings or 1.8m high walls where these turn corners and enclose rear gardens. Timber fencing has been reserved for dividing between dwellings internally away from the public realm. Overall I am satisfied that the resultant visual appearance of this approach will be acceptable.



Heritage Considerations

At outline stage it was noted in the committee report and in decision taking terms that the wider (whole) site was located 300m from Edwinstowe Conservation Area and that there are a number of listed buildings and a registered park in the area which could be affected by the scheme. Having regard to the policy context and all relevant considerations I consider that this scheme is acceptable particularly given that heights of buildings are restricted to genuine two storey development and given the existence of structural landscaping to the south and west. It is noted that since the outline permission was granted, Edwinstowe Conservation Area Appraisal and Management Plan has been adopted. However this does not change my view the impact upon setting.

Upon investigation archaeological potential was established to be very low at outline stage with very little surviving archaeology and no mitigation was therefore required. I am satisfied therefore

that heritage matters have been adequately addressed and that the scheme preserves the historic significance of assets in the vicinity in line with DM7 and CP14.

Public Open Space

The timing of delivery and the quantum of public open space (POS) to be provided on site is controlled by the s106 Agreement. At outline stage a Masterplan was advanced showing how the scheme might look and condition 5 of the outline permission required the development to be 'substantially in accordance with' it unless otherwise agreed.

Extract of approved Masterplan submitted at outline stage:



The scheme as advanced by Harron Homes does not provide any public open space whereas the outline permission did show an element of this to the NW of this parcel of land. This is a matter of concern raised by Edwinstowe and Bilsthorpe Parish Councils (and some residents) which they consider to be a serious omission. Whilst acknowledging these concerns I do not consider this should be fatal to the scheme.

The Master Developer in their supporting statement has set out that they will deliver the amenity land and green infrastructure on a phased basis as below:



Members will note that public open space is located immediately to the north of this phase which will be delivered in the near future and thus will serve both Phase 1 and Phase 4 with the wider site delivering a country park which residents will be able to enjoy. Whilst I agree that ideally some public open space would have been provided early in the development, overall I do not consider that the proposal would be unacceptable for its lack on on-site POS within this immediate phase and find that on balance it accords with the policy provisions set out in SP8, ShAP4, CP9 and DM5.

Impact on Amenity (upon existing and proposed occupiers and Noise Impacts)

Policy context in respect of the impact on living conditions is set out in policies DM5 and CP9 of the Development Plan as well as the NPPF.

Relationships between proposed dwellings (generally in the region of around 19.5m to 23m rear to rear elevations on a relatively flat site) are considered to be satisfactory in order to meet the needs of privacy and avoid adverse impacts. In any event buyers would be aware of these relationships at the outset.

A small number of existing dwellings lie to the south of the A6075 where the distance between dwellings is such (120m min) that there would be no adverse impacts in terms of overlooking, overshadowing etc. and this is also the case for the dwellings located to the east and west where the distances are c425m. The impact from the construction phase of the development was considered at outline stage and conditions were imposed in order to deal with impacts. These conditions have been discharged and the matter need not be considered any further as part of this scheme.

Condition 32 of the outline consent required with the submission of reserved matters for each phase, an up-to-date noise assessment and mitigation strategy, where appropriate.

A Noise Assessment by ENS dated May 2019 has been submitted. This identifies the A6075 as a sole source of noise and identifies no changes in circumstances since the outline scheme was considered.

A technical appraisal is undertaken with mitigation measures for the noise suggested as being standard double glazing and standard trickle vents for the dwellings themselves which would reduce noise levels to well within acceptable guidelines.

For the plots adjacent to the A6075, most gardens are positioned to the rear and are therefore screened by the dwellings themselves. There are two plots (115 & 136) where this is not the case and it is recommended that these gardens are screened with 1.8m solid acoustic timber fencing as this would reduce external noise levels to below 50dB L satisfying the desirable guideline as recommended by British standard noise guidance.

Subject to conditions being imposed to ensure that these mitigation measures are installed on site, I am satisfied that the noise levels will be satisfactory and comply with relevant guidance as well as Policies DM5 and CP9 of the Development Plan.

Highway and Parking Matters (including legibility and appearance of parking)

During the lifetime of this application, the layout has been amended to address matters raised by NCC Highways Authority. One of the matters raised was to request the inclusion of pedestrian and cycle access directly with the main spine road and to the south. The applicant has shown links would be made albeit this is onto parts of the land controlled by the Master Developer who are satisfied with this arrangement. Overall this has removed the concerns that NCC Highways initially raised and incorporates more sustainable access points as required by SP7, ShAP4 and DM5.

With regards to the quantum of parking, the two bedroom dwellings have been provided with 2 spaces per plot, the 3 bedroom affordable units with 2 spaces, 3 bedroom market homes with 3 (including integral garage) spaces and all of the larger units of 4 or more bedrooms have a minimum of 2 spaces (some have 4) plus garages (both integral and detached) which increase the number of available spaces. I note there is no provision for visitor parking and given that most dwellings have frontage parking it does somewhat limit the amount of available space for on-street parking without blocking driveways in some areas. The developers state that they do not consider visitor bays are necessary as the roads are 5.5m wide in the majority. NCC Highways have not raised objection to this and overall the number of spaces would appear to be adequate.

Landscaping and Ecological Matters

ShAP4 sets out that green infrastructure is to be provided to include landscaping and structural planting throughout the development, links to the countryside beyond, enhancements to the existing habitats and local landscape to name some of the objectives.

It should be noted that the structural landscaping most closely associated with this phase is actually outside of the application site, being that which fronts onto Ollerton Road and the central access spine road known as The Avenue falling within the remit of the Master Developer. The landscaping for this phase is therefore limited to within the confines of the Harron Homes parcel of land.

In support of the application a Landscape Masterplan has been submitted which has been revised to take account of the comments of the Council's consultant Tree Officer who now confirms their objections have been overcome. Proposed trees are now smaller specimens which will not require a large rooting area to avoid the need for structural cells and other engineered solutions, with species being amended to remove blossom and fruit likely to cause nuisance. The hedgerows

around the residential plots are not of native species comprising beech and laurel etc. However these species are considered appropriate for the domestic boundaries and it would be the external site boundaries and structural landscaping where this needs to be native. I note that the Tree officer indicates this approach is acceptable and suggests a condition regarding its implementation which I consider to be reasonable.

It is noted that Edwinstowe Parish Council would like to see habitat improvements within the scheme and mention the use of swift bricks, house martin, sparrow parades and bat boxes built into the house design. Condition 18 of the outline permission states that no development can commence unless a detailed Habitat Creation and Management Plan ("HCMP") associated with that phase or sub phase has been submitted to and approved in writing by the Local Planning Authority.

I note that the latest Materials Plan (514-005 Rev C) details that 14 bat boxes and 14 bird nest boxes would be provided on dwellings sited at the peripheries of the phase adjacent to existing trees belts/wildlife corridors. I consider that the number and siting of these would be appropriate. The implementation of these is for Condition 18 of the outline permission albeit I expect that these would be installed when the dwellings are built. Given the lack of POS where other habitat might have been created I consider that installation of these 28 artificial nest boxes is sufficient to partly discharge C18 of the outline consent for this phase of the development in line with the requirements of CP12, DM7 and DM5 and need not be considered further at this stage.

Other Matters

Matters such as Land Contamination and Remediation, Drainage, Waste Management and Construction Environmental Management Plans were dealt with by the outline permission and the enabling application 19/00674/RMAM and do not form of this reserved matters stage. Capping of rear gardens is not yet resolved with Environmental Health Officers but this is not for consideration as part of this application.

I note that Bilsthorpe Parish Council raise concerns about lack of school places. Land to provide a new primary school was secured along with £3.6m to build this at outline stage via the s106 Agreement and this is not a matter that is open for consideration at this stage in the process.

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 has been provided as part of this reserved matters or as part of the current Discharge of Condition applications noted within the planning history section of this report, whilst others have not yet been provided and will require the submission of a formal Discharge of Condition application, whereby statutory consultees will be given the opportunity to make representations. It is likely that some of these conditions will be discharged on a phase by phase basis. For the avoidance of doubt it should be noted that conditions imposed at outline stage will still apply unless they are not applicable to the development in question, have been discharged or have been dealt with as part of the reserved matters process.

Planning Balance and Conclusion

The principle of development for 800 homes and the delivery of an appropriate quantum of associated infrastructure to serve the development was secured at outline stage. It is noted that the majority of the concerns by local residents relate to such matters.

Phase 1 was shown on the outline masterplan as providing approximately 130 dwellings whereas this reserved matters application is now for 143 dwellings. However I consider that the amount and disposition of dwellings is appropriate when taken in context of the wider development.

I have found no harm arising from the scheme in terms of highway safety or parking and the amenity of both existing and future residents is considered to be acceptable. Noise issues arising during the construction and operational phases have been/can be mitigated by conditions imposed already at outline and more specifically in relation to plots as set out below.

The mix of houses on this phase does not meet the 'assumed market mix' advanced as part of the viability submission at outline stage. However in response to concerns raised by officers, the market mix has been amended and now comprises 30% 3 bedroom dwellings, 57% 4 bedroom dwellings, 6% 5 bedroom dwellings and 7% having 6 bedrooms. No market two bedroom dwellings are promoted. However I have been persuaded by the comments made by both the master developers and the developers set out earlier in this report and on balance consider that the mix of units is acceptable when taking a holistic view of the overall site. I also note that the affordable housing will offer a small number of 2 and 3 bedroom dwellings in line with the s106 requirements.

Whilst noting the concerns of Edwinstowe Parish Council regarding the scheme's failings in creativity and lack of sustainable features, I consider that the design and layout is acceptable, having taken references from house types in the area. The lack of green space on this phase is not considered fatal to this scheme given that the development immediately to the north will feature public open space and overall the scheme will deliver a large amount including a country park. The provision of soft and hard landscaping as advanced is acceptable and appropriate for the site context.

Given the site doesn't contain any of the structural landscaping nor any public open space, enhancements to the landscape and ecology will be more limited than other phases. However the scheme advances 10% of the homes having artificial roost/nesting boxes at eaves height on plots that are adjacent to the strategic landscape corridors which I note is something that the host parish council were keen to see incorporated.

Overall, I consider that the scheme advanced is when taken in context, acceptable and a recommendation of approval is offered.

RECOMMENDATION

That reserved matters approval is approved subject to the conditions shown below:-

01 (External Materials)

No development above damp proof course (within in each sub phase) shall take place until a schedule of manufacturers details (and samples upon request) of the external facing materials

(tiles including colour/finish) have been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be carried out in accordance with the approved details.

Reason: Insufficient details have been provided with the application and this condition is necessary the interests of visual amenity.

02 (Levels)

No part of the development within each sub phase shall be commenced until details of the existing and proposed ground and finished floor levels of the site and approved dwellings have been submitted on a single plan/or document and approved in writing by the Local Planning Authority. The development shall be carried out thereafter in accordance with the approved details.

Reason: In the interests of residential and visual amenity.

03 (Internal Noise Mitigation)

All dwellings shall be fitted with a minimum of standard double glazing and standard trickle vents (or better) prior to first occupation of each dwelling.

Reason: To protect the occupiers from an unacceptable noise impacts in line with the necessary mitigation identified in the Noise Impact Assessment by Environmental Noise Solutions Limited, dated 23.05.2019 which accompanied this application.

04 (External Noise Mitigation)

Prior to first occupation of Plots 115 and 136, a 1.8m high solid wall shall be installed on their southern boundaries in the positions shown on drawing number 514-006 Rev A. These boundary treatments shall be retained on site for the lifetime of the development unless otherwise agreed in writing with the Local Planning Authority through an appropriate application.

Reason: To protect the occupiers of these plots from an unacceptable noise impacts in line with the necessary mitigation identified in the Noise Impact Assessment by Environmental Noise Solutions Limited, dated 23.05.2019 and in line with the External Materials and Boundary Treatments Plan which accompanied this application.

05 (Driveways to be bound in perpetuity)

No dwelling forming part of the development hereby permitted shall be occupied until its associated drive/parking area is surfaced in a hard bound material (not loose gravel) for a minimum of 5 metres behind the Highway boundary. The surfaced drive/parking area 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.).

06 (Garage Doors types)

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.

07 (Control of surface water onto highway)

No dwelling forming part of the development hereby permitted shall be occupied until a drainage scheme to prevent surface water from entering the public highway from the access drives, driveways and/or parking areas of each plot has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented on site prior to first occupation and shall then be retained for the lifetime of the development.

Reason: To ensure surface water from the site is not deposited on the public highway causing dangers to road users.

08 (Implementation of Landscaping and boundary treatments)

The approved landscaping scheme (as shown on drawing number R/2232/1D; Landscape Masterplan) shall be completed during the first planting season following the first occupation, or such longer period as may be agreed in writing by the Local Planning Authority. Any trees/shrubs which, within a period of seven years of being planted die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and same species unless otherwise agreed in writing by the local planning authority. All tree, shrub and hedge planting shall be carried out in accordance with BS 3936 -1992 Part 1-Nursery Stock-Specifications for Trees and Shrubs and Part 4 1984-Specifications for Forestry Trees ; BS4043-1989 Transplanting Root-balled Trees; BS4428-1989 Code of Practice for General Landscape Operations. The approved hard landscaping scheme including the provision of boundary treatments shall be completed prior to first occupation of each associated dwelling.

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

09 (Bird and Bat Boxes)

The bird and bat boxes as identified on drawing number 514-005 Rev C (Materials Plan) shall be installed on site prior to first occupation of each dwelling upon which they are to be sited and shall be installed at eaves level of that dwelling unless otherwise agreed in writing by the Local Planning Authority. These bird and bat boxes shall be retained on site for the lifetime of the development.

Reason: In order to create habitat and to ensure these features are retained on site in line with the requirements of the policies CP12, DM7 and DM5 of the Development Plan.

010 (Approved Plans)

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

House Types: Dunstanburgh (drawing no.s AV-DU-PD1, AV-DU-PD2, OR-DU-PD2, OR-DU-PD1, PD/31/01, PD/31/02) Edlingham (drawing no.s AV-ED-PD1, AV-ED-PD2, OR-ED-PD1, OR-ED-PD2, PD/04/01, PD/04/02) Salcombe (drawing no.s AV-SAV1-PD, OR-SAVO-PD, PD/07/01, PD/07/02) Settle (drawing no.s AV-SEV1-PD, PD/53/03, PB/53/03) Tonbridge (drawing no.s AV-TO-PD, OR-TO-PD, PD/57/01, PD-514-03) Windsor (drawing no.s AV-WD-PD, PD-55-01, OR-WD-PD, PD-514-02) Warkworth (drawing no.s AV-WW-PD1, AV-WW-PD2, PD/61/01, PD/61/02 and PD/61/03) Baybridge (drawing no.s OR-BB-PD, PD-71-01) Nidderdale (drawing no. OR-ND-PD, PD-54-01, PD-514-01) Hadleigh (drawing no. PD-01-01) Bamburgh (drawing no. PD.14.00, PD-14-01) Alderton (drawing no. OR-AD-PD, PD.70.01) Brick double garage front pitch, G1-00-PD, Thoresby Vale PH1 Planning Layout drg. no. 514-001 Rev H, Thoresby Vale PH1 External Materials and Boundary Treatments Plan 514-006 A, Landscape Masterplan drawing ref. R 2232 1D, Thoresby Vale PH1 Screening illustration. no. 514-007, Materials Plan. 514-005 Rev C

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

011 (ECP provision)

No dwelling hereby approved shall be occupied until its associated outdoor electrical charging point has been installed on site in line with the application submission. The electrical charging point shall be retained for the lifetime of the development.

Reason: In order to secure the EC charging points at an appropriate time in the development as advanced by the applicant in terms of providing for sustainable development features within the development in line with the aspirations of the Development Plan.

Notes to Applicant:

01

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. A Section 38 Highway Adoption Agreement is likely to be required and further details can be provided - Contact: david.albans@nottscc.gov.uk

02

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

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

03

The applicant's attention is drawn to those conditions on the decision notice AND those contained on the outline permission which are also relevant, 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. The applicant is advised that the decision notice should ALSO be read in association with the legal agreement made under Section 106 of the Town and Country Planning Act 1990

04

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 accord Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

BACKGROUND PAPERS

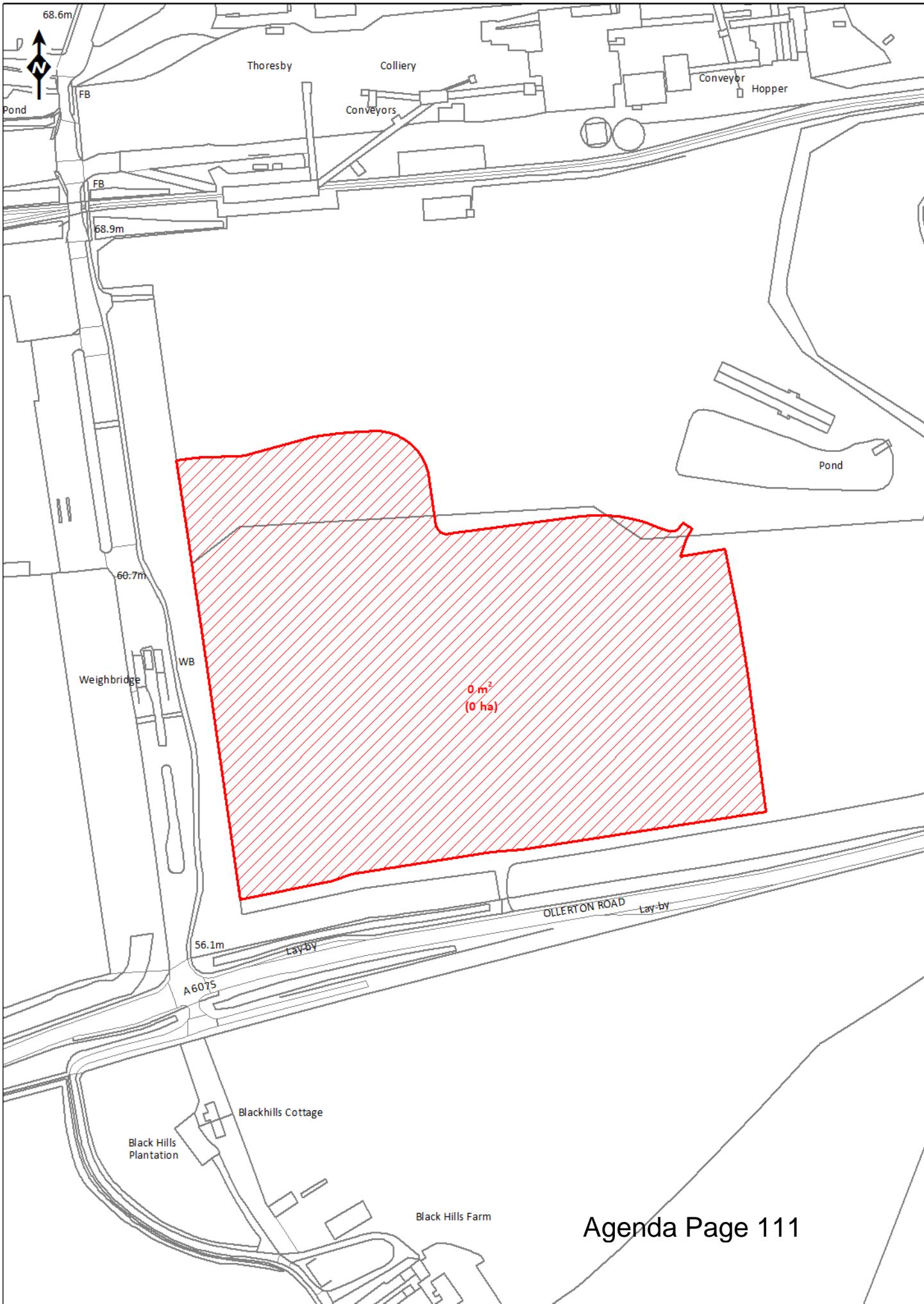
Application case file.

For further information, please contact Clare Walker on extension 5834.

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

Lisa Hughes
Business Manager – Planning Development

Committee Plan - 19/01016/RMAM



PLANNING COMMITTEE – 3 DECEMBER 2019

Application No:	19/01484/S73M (MAJOR)	
Proposal	Application to vary condition 2, 5, 6, 9, 10, 12 and 15 attached to planning permission 18/01477/FULM to amend the approved plans, reducing from three turbines to two and with a smaller development footprint	
Location:	Land On The South Side Westfield Lane, Collingham, Nottinghamshire	
Applicant:	Mr Ewan Campbell-Lendrum Cromwell Weir Hydropower Ltd	
Agent:	Matt Lomax Renewables First Ltd	
Registered:	12th August 2019	Target Date: 11th November 2019
	Extension of time agreed until 6th December 2019	

This application is being presented to the Planning Committee as it is a Section 73 application which raises new material planning impacts. In addition due to the sensitivity of the site and its site history, Officers felt it necessary for Members to make the decision on the specifics of the application.

The Site

The site is located on the eastern bank of the River Trent to the east of Cromwell and to the west of Collingham on an area of land between the river and the flood plain. The site is known as Cromwell Weir.

A dwelling associated with the lock alongside the weir is situated on the western river bank. A quarry owned and operated by Tarmac lies to the east of the site and there is a restored area of land which forms a RSPB wetland to the north of the site. The proposed site would cover approximately 0.6ha of land which predominantly includes a section of modified river bank on the eastern side of the weir. The site would be accessed from an existing access point serving the neighbouring Tarmac Quarry. The eastern bank of the river downstream of the weir is used by fishermen from local angling clubs.

Access is via the Tarmac Quarry entrance at the A1133 and two other vehicular access routes which are used by the two local angling clubs.

Given the proximity of the site to the River Trent the development land is designated as being within Flood Zones 2 & 3 in accordance with Environment Agency mapping. Public rights of way are situated on both eastern and western banks of the river; the western side terminates at the weir and the eastern side runs to the rear of the site along the boundary of the nature reserve to the north.

The site sits within the Langford and North Muskham parish wards with the boundary for the

Collingham ward being approximately 0.5km further to the east.

Relevant Planning History

19/SCR/00017 - Screening Opinion under Regulation 6 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 Application to vary condition 2, 5, 6, 9, 10, 12 and 15 attached to planning permission 18/01477/FULM to amend the approved plans, reducing from three turbines to two and with a smaller development footprint. The purpose of this development is to generate and store renewable electricity and provide improvement to upstream fish and eel passage and biodiversity on the River Trent - An Environmental Statement is not required dated 7th November 2019

19/01568/DISCON – Conditions 03, 05, 06, 08, 09, 10, 12, 15, 21 and 22 attached to planning permission 18/01477/FULM were discharged on the 31st October 2019.

18/01477/FULM – Full planning permission was granted at Planning Committee on the 26th March 2019 for the erection of a Hydropower Electricity Generating Station, supported by energy storage and fish passage in the area of land adjacent to Cromwell Weir on the right bank of the River Trent near Collingham. The purpose of this development was to generate and store renewable electricity and provide improvement to upstream fish and eel passage and biodiversity on the River Trent. A HRA and Screening Opinion were undertaken prior to determination.

17/01447/FUL – Full planning permission was granted in May 2018 for the erection of a Hydropower Electricity Generating Station, supported by energy storage and fish passage in the area of land adjacent to Cromwell Weir on the right bank of the River Trent near Collingham. The purpose of this development was to generate and store renewable electricity and provide improvement to upstream fish and eel passage and biodiversity on the River Trent.

This permission was challenged on that basis that no screening opinion had been undertaken under the EIA Regulations, no Habitat Regulation Assessment was undertaken under the relevant legislation and that the application had been wrongly determined under delegated powers. The Council submitted to judgment and the decision was quashed.

The Proposal

This application seeks to vary conditions 2, 5, 6, 9, 10, 12 and 15 attached to planning permission 18/01477/FULM in relation to an amended scheme which reduces the previously approved development from three turbines to two and with a smaller development footprint.

The development site would involve the removal of an existing engineered section of riverbank and installation of the turbines and associated infrastructure.

The proposal now comprises 2 no. Kaplan type turbines (2.5m in diameter) aligned in three reinforced concrete channels set into the ground which (together) are approximately a maximum of 40m long, 20m wide and 8.5m deep. The channels run from immediately above the weir to immediately below the weir to transfer water from the high side to the low side via the hydropower generators.

These would be housed beneath a turbine gallery which measures circa 16.0m x 14.9m and 2.1m in height from ground level by the river. Access to the gallery would be from a kiosk.

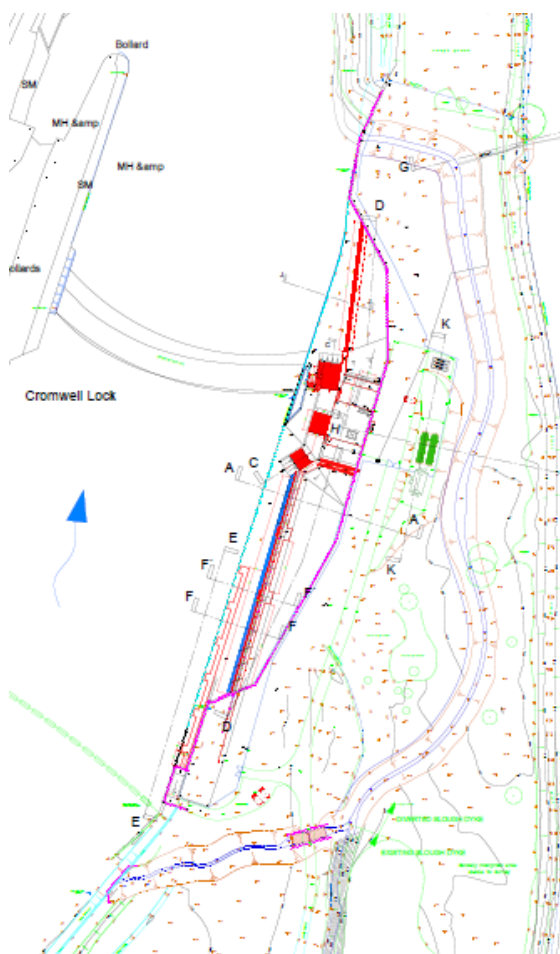
Two energy storage containers each measuring circa 12.2m x 2.5m and 2.7m in height are also proposed. A substation kiosk would be situated to the south of these units which would be circa 5m wide, 9m deep and have a hipped roofline 3.5m high. It is proposed that these buildings be constructed of steel cladding & GRP and be finished in drab olive. The structures would be enclosed within a compound which would be finished with approximately 2.4m high dark green mesh fencing.

A fish pass, by wash and relief flow channels make up another 3 separate channels and would be provided close to the weir with pedestrian access for maintenance. Ancillary equipment associated with the installation includes penstock gates and secondary trash screen cleaners and screen trash rake and screen sweep.

The scheme would involve the installation of an adjustable weir crest on top of the current weir which would ensure that upstream water levels are maintained once a large proportion of flow is diverted in the turbine channels. When the river floods, the weir would deflate back to its original height as to pose no further risk to flooding in the local area.

Clearance of the river bank for a distance of c170m upstream and c110m downstream would be required to facilitate the development which would result in the loss of some riparian trees

It is proposed to restore the Slough Dyke to its original route emerging circa 110m further downstream behind the output channel which would be provided with 2 eel passes in Slough Dyke; one connecting the Dyke to Langford Lowfields and one that connects the upstream part of the River Trent.



To maintain security for the site and the safety of the general public, the site perimeter would be secured by a 2.4m high Type 358 Security fence finished in dark green with a double width access gate.

A rolled stone vehicle access track with an area of hard-standing would be created to serve the site together with a new hard standing at the upstream end of the site to provide parking for anglers. Access would be gained through the quarry to the east of the site and link to the A1133. The proposal includes the continuation of an existing surfaced access track with the creation of 2920m of stone surfaced access track circa 5m wide with passing places.

The site would be connected to the electricity network by a combination of underground and overhead power lines to a substation in South Scarle approximately 8km to the north east.

Construction of the site is estimated to take approximately 100 weeks and a temporary contractor's compound and laydown area would be provided to the south of the site. It is anticipated that works will be completed by the first quarter of 2021.

The Submission

The application is supported by the following plans:-

Site location plan dated 25 July 2019

General Scheme Outline drg. ref. 15/010/500 REV C

General Scheme Outline Key Elevations drg. ref. 15/010/501 REV C

Sub Station Kiosk Details drg. ref 15/010/504 REV B

Contractors Compound And Laydown Areas drg ref. 15/010-CROMWELL-516 REV C

Site Access Corridor drg ref. 15/010-CROMWELL-517 REV C

The application is supported by the following documents:-

Abridged Assessment of Hydrology, Morphology, Ecology, Operation and Water Framework Directive (WFD) Compliance dated 8th August 2019 deposited 8th August 2019

Discharge Data deposited 8th August 2019

Flood Risk Assessment produced by JBA Consulting dated November 2019 deposited 7th November 2019

Cromwell Weir HEP hydraulic impacts modelling report dated August 2019 deposited 8th August 2019 (ref: BJR-JBAU-00-00RP-HM004-A4-P01)

Heritage Statement Revision Date 15th July 2019 deposited 8th August 2019

Cromwell Landscape and Visual Appraisal Revision Dated 15th July 2019 deposited 8th August 2019

Planning Statement deposited 8th August 2019

Shadow Habitat Regulations and Appropriate Assessment dated 1st August 2019 deposited 8th August 2019

Transport Statement and Construction Management Plan Revision Date July 2019 deposited 8th August 2019.

Time Schedule dated 19th August 2019

Cromwell Weir Hydroelectric Scheme Fisheries Assessment plus appendices produced by FISHTEK dated 13/08/18 deposited 20th August 2019.

Movable Weir Operational Instruction dated 16.08.19 deposited 20th August 2019

Arboricultural Method Statement and Tree Protection Plan produced by EMEC dated August 2019

Slough Dyke Diversion Revised Scheme Habitat Creation Scheme incorporating an Ecological Management Plan Dated September 2019 produced by MRB Ecology and Environment deposited 3rd October 2019

Hydropol Footpath access plan

Hydropol General Layout (Landscape)

Hydropol Layout (Fishing platform)

Hydropol Sections (Fishing platform)

BS5837 Arboricultural report & Impact assessment August 2019

Planning Policy Framework

The Development Plan

Amended Newark and Sherwood Core Strategy Adopted March 2019

Spatial Policy 3 – Rural Areas

Spatial Policy 7 – Sustainable Transport

Core Policy 9 – Sustainable Design

Core Policy 10 – Climate Change

Core Policy 12 – Biodiversity and Green Infrastructure

Core Policy 13 – Landscape Character

Newark and Sherwood Allocations and Development Management DPD Adopted July 2013

Policy DM4 – Renewable and Low Carbon Energy Generation

Policy DM5 – Design

Policy DM7 – Biodiversity and Green Infrastructure

Policy DM8 – Development in the Open Countryside

Policy DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

National Planning Policy Framework 2019

Planning Practice Guidance

Newark and Sherwood Landscape Character Assessment SPD

The Town and Country Planning (Environmental Impact Assessment) Regulations 2017

The Conservation of Habitats and Species Regulations 2017

The Climate Change Act 2008

Publicity

No neighbours have been notified given the isolated location. Site notices have been posted in proximity to the site and a notice displayed in the local press.

Consultations

Winthorpe with Langford Parish Council – No comments received

North Muskham Parish Council – No comments received

Cromwell Parish Council – comments received 23.08.19

This proposal was discussed at a parish planning meeting held on the 22nd August. It was supported without any opposition, as was the original application.

Collingham Parish Council - comments received 10.09.19 and 20.09.19

The Parish Council considered the application 19/01484/S73M for an application to vary condition 2, 5, 6, 9, 10, 12 and 15 attached to planning permission 18/01477/FULM to amend the approved plans, reducing from three turbines to two and with a smaller development footprint at the meeting of 22 August 2019 The Parish Council resolved unanimously to Object to this Proposal on the following grounds:

- The Parish Council received representations from Collingham Angling Association, with regard to the original application, expressing their concerns about this development and the impact this would have on the environment. Having consulted them on the new proposal they have made the following comment “It seems that the original company has passed on the project to another party, and they want to do away with the pre-conditions made by the original council decision. We believe that this is not right and the whole project is so different that it requires re--submitting as a new separate project.” Having considered this the Parish Council feel that a new application should be submitted for this site.

- Material Planning Consideration: recent planning history for the site, for which the original planning decision was quashed following an appeal from the Collingham Angling Association. To the Parish Council there still appears to very little additional information to support an application at this site.

- Material Planning Consideration: Design and Visual impact– The design, whilst a smaller development footprint, will still be significantly dominant and out of proportion with its surroundings.

- Material Planning Consideration: Access and Traffic - No mention has been made to the PRoW, which runs along the existing river bank. This route is well used and consideration still has not been given to it,

- Material Planning Consideration: Ecology & landscape – the proposal is to remove the existing established trees and replaced with new saplings, this will result in the loss of established wildlife habitats for a considerable number of years and will also be detrimental to flooding in the area

The Parish Council still feel that insufficient information has been provided to enable non technical people to properly comment on such a significant development on the river, which will impact on the whole village and surrounding area. It is believed that the reduction of the scheme from three turbines to two turbines will lessen the benefit of the proposed hydroelectric scheme. The above comments remain unaltered with the submission of the additional information and drawings, notified to the Parish Council at the end of August.

The Parish Council and the Fire Service, through the Emergency Steering Group have long been concerned about emergency access to the weir. A member of this steering group has asked if, through planning gain, a proper emergency access route could be constructed as part of this

development. The Fire Service are still not aware of this application and they should be consulted to ensure that in an emergency, they are still able to gain the necessary access to the weir. The Parish Council, whilst objecting to the proposal, support the suggestion of a proper emergency access to the weir, should the District Council be so minded as to approve the application.

NCC Highways - comments received 23.08.19

Whilst the Discharge or Variation of Condition 8, controlling lorry routing, is not being sought, the submitted Planning Statement and Transport Statement & Construction Management Plan both mention this in similar terms:

“During the whole construction and operational maintenance phases of the hydropower project, the Applicant understands that vehicles travelling to the site will approach the turning off the A1133 from the south and any vehicles leaving the site will always turn right (i.e. south). Drivers and commercial vehicles will be strictly advised to avoid driving through the village of Collingham. This is consistent with guidelines agreed between the parish council and Tarmac”.

It is a requirement that all HGVs turn right when leaving the site and those arriving must turn left into the site to ensure that no HGV traffic passes through Collingham village.

This Authority is uncertain that sufficient control is in place and respectfully requests that the Planning Authority consider the strength of this, at the appropriate time.

Comments received 20.11.2019 – The submitted transport routing statement (October 2019) is acceptable.

NCC Policy – comments received 28.08.19 and 13.08.19

Thank you for contacting the NCC for strategic policy comments on this variation of condition application for the Hydropower electricity generating station at Collingham which now contains amended plans.

Considering the documents available, the NCC does not have any strategic comments to make at this time unless there is a specific issue you wish for us to consider. If so, please let me know as soon as possible and I will circulate the application to the relevant colleagues for their consideration.

Environment Agency –

Updated comments received 20.11.19

Environment Agency position

The proposed development will only meet the National Planning Policy Framework’s requirements in relation to flood risk if the following planning condition is included.

Condition

The moveable weir shall be operated in accordance with the submitted operational instruction (Cromwell Weir Moveable Weir Operational Instruction, Ref: CROMW_HIN, Issue: 01a, Date: 16/08/2019, Renewables First).

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme’s timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason

To ensure that the moveable weir remains operational in a flood event and does not increase flood risk elsewhere.

The development shall be carried out in accordance with the submitted flood risk assessment (ref: FINAL Report v2.0, November 2019, JBA); drawing CROMWELL MASTER GA, Rev C; drawing Sub Station Kiosk Details, Rev B; and the following mitigation measures they detail:

- Finished floor levels of the weir bladder plant room shall be set no lower than 10.30 metres above Ordnance Datum (AOD)

- Finished floor levels of the substation kiosk shall be set no lower than 9.50 metres above Ordnance Datum (AOD)

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason

- To reduce the risk of flooding to the proposed development.

INFORMATION FOR APPLICANT/LPA:

The applicant will need to apply for formal variations to their existing licences.

We recommend that they follow our pre application process prior to submitting a formal application.

The forms can be found at the following link:

<https://www.gov.uk/government/publications/water-abstraction-application-for-a-water-resources-licence>

Please amend 'occupation' to 'operation'. The reason 'To reduce the risk of flooding to the proposed development' looks ok to me because this we are talking about protecting a building from flooding.

Updated comments received 01.11.19

We'd like to take this opportunity to highlight that this response supersedes our previous response (dated 17 October 2019) in which we appeared to comment on the separate, but somewhat similar, discharge of condition application. Our current position is set out below.

Having reviewed the information available to us at this time, our assessment of the proposed variations is that there will be no fundamental changes to the environmental risks previously assessed and determined under planning permission 18/01477/FULM.

We've no objection to the principle of varying conditions 5, 6 and 12 in particular as we've already supported their discharge under 18/01477/FULM. We'd like to remind the applicant of the comments we made in response to the discharge of condition 6 in particular.

Please note that as a result of the proposed changes to the scheme, your Authority will need to review the WFD assessment previously submitted to determine if it needs to be updated following the variation.

Informative to the LPA – flood risk

We'd like to highlight that the applicants Flood Risk Assessment (FRA) will need to be updated to take account of the proposed changes in design. We've made the applicant aware of this requirement and are currently awaiting receipt of a revised FRA. Once an adequate FRA has been submitted we'll be in a position to recommend an update to the wording of condition 4 to ensure that any new permission would also proceed in accordance with an appropriate FRA.

Comments received 17.10.19

Condition 5

The Environment Agency would be willing recommend discharge of this condition if we can have it put in writing that the operational instruction (OI) will be agreed in writing by the EA prior to start of operation.

There are some additional details that we need to see in the document but we do not think that it requires the LPA to sign off the OI.

Condition 6

The plans submitted are consistent with condition 6. If the proposals for the Slough Dyke are part of the scheme's proposal for fish passage, to discharge an EA water resources license condition for the passage of eels, lamprey or other species, the design will require fish pass panel approval. The next meeting is early November. Fish pass panel approval could require a modification to design. To proceed without fish pass panel approval is entirely at the applicant's own risk.

Condition 12

Advisory relating to installation of fishing platform Environmental permit - advice to applicant The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal);
- on or within 8 metres of a flood defense structure or culverted main river (16 metres if tidal);
- On or within 16 metres of a sea defence;
- Involving quarrying or excavation within 16 metres of any main river, flood defence structure (16 metres is it's a tidal main river) and you don't already have planning permission.

The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

Canals and River Trust – Comments received 18.10.2019 following the receipt of amended drawings from the applicant.

These show revised details for the landscaping and fishing platforms, as well as information on the proposed fencing on site. I can confirm that we are satisfied with these revised details, which address the points made in our original consultation responses.

Comments received 11.09.19

We are the charity who look after and bring to life 2000 miles of canals & rivers. Our waterways contribute to the health and wellbeing of local communities and economies, creating attractive and connected places to live, work, volunteer and spend leisure time. These historic, natural and cultural assets form part of the strategic and local green-blue infrastructure network, linking urban and rural communities as well as habitats. By caring for our waterways and promoting their use we believe we can improve the wellbeing of our nation. The Trust is a statutory consultee in the Development Management process.

Based on the information available our substantive response (as required by the Town & Country Planning (Development Management Procedure) (England) Order 2015 (as amended)) is to advise the following general advice:-

We note that this application seeks to undertake amendments to the previous consent in order to reduce the number of turbines associated with the proposals. We consider that this change is minor and therefore do not wish to raise any associated comment on this change.

In addition to the above change the application forms indicate that information has been provided to address information requested in conditions 5,6,9,10,12 and 15 of the decision notice associated with 18/01477/FULM.

Conditions 9, 10 and 12 are of interest of the Trust and require the provision of an Arboricultural Method Statement, details of hard and soft landscaping works on site and details of the proposed replacement fishing platform on site. We wish to provide the following comments on the information provided.

Condition 9 – Arboricultural Method Statement

We welcome the Arboricultural Report and Method Statement provided and believe that the details are satisfactory with regards to the retention and protection of existing trees on site.

Condition 10 Hard and Soft Landscaping details

In the interests of visual amenity of the river corridor we advise that compensatory planting should be provided so as to provide screening to the new access road and car park to the fishing platform area.

The submitted details within the submitted landscaping plan by Hydropol dated 22/08/19 reveal that compensatory planting is to be provided to the north of the Slough Dyke Channel where it would not screen the majority of the access road nor the hard standing areas associated with the fishing platforms.

We therefore advise that additional compensatory planting is included to the NW of the hardstanding areas proposed which would help screen these features and reduce their prominence on the landscape. This would help to ensure that the scheme compliments the existing landscape environment helping to protect the natural environment in line with the principles of Core Policy 9 of the adopted Newark and Sherwood Core Strategy.

Condition 12 – Fishing Platform

The provision of replacement fishing platforms on the site should help to retain the recreational facilities on the site, which would help to meet the aims of para. 92 of the NPPF.

Having reviewed the proposed platform design, we note that the design of the fishing platform with the use of the 2 rails could impede the ability to carry out effective angling, as users would be unable to hold their own rods at a reasonable height. We suggest amendments to remove the top rail (to replace with a moveable chain) and the addition of points for anglers to attach their own rod rests should be carried out. So that the new facility provides an affective recreational asset. Consideration for the provision of access for the disabled should also be considered.

Nottinghamshire Wildlife Trust – no comments received.

Natural England –comments received 03.09.19 and 19.08.19

Natural England currently has no comment to make on the variation of conditions 2, 5, 6, 9, 10, 12 and 15 pursuant to planning permission 18/01477/FULM.

Species Advice

We have not assessed this application and associated documents for impacts on protected species. Natural England has published Standing Advice on protected species.

You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence is needed (which is the developer's responsibility) or may be granted.

If you have any specific questions on aspects that are not covered by our Standing Advice for European Protected Species or have difficulty in applying it to this application please contact us with details at consultations@naturalengland.org.uk.

Comments 21.10.2019

Natural England notes that this application includes an amendment from the approved plans reducing the number of HEP turbines from three to two. We advise that your authority updates the Habitats Regulations Assessment for this amended proposal to ensure the of the potential impacts of the river lamprey, *Lampetra fluviatilis*, and sea lamprey, *Petromyzon marinus*, have been fully considered.

RSPB – comments received 22.11.19

Nothing further to add. Assuming appropriate EIA have and will be carried out this is seen as an exciting scheme. Not only will it be generating a lot of renewable energy it will also vastly improve fish movement up the Trent and onto our nature reserve through the proposed eel pass. The reduction in turbine numbers does not impact on how the scheme is viewed.

NSDC Conservation – no comments received

Archaeological Consultant – comments received 15.08.19 and 10.09.19

These amendments do not alter our original recommendations.

Trent Valley Drainage Board – comments received 04.10.18

The site is within the TVIDB district.

The Board maintain the Slough Dyke on behalf of the EA under the PCSA. This is an open watercourse that exists in close proximity of the site and to which BYELAWS and the LAND DRAINAGE ACT 1991 applies. The EA should be consulted on any development.

It is important that the Board maintain access to this watercourse with a clearance of 9m to allow machinery to carry pout repairs and maintenance.

NSDC Environmental Health (Noise) – no comment received

Nottinghamshire County Council Rights of Way- comments received 20.08.19

We have no further comment to add to our existing comments below:-

I have checked the Definitive Map for the Langford area and can confirm that Langford public footpaths 2, 3 & & cross or run adjacent to the site. I attach a plan showing the definitive routes of the footpaths and would be grateful if you could make the applicant aware of the legal lines.

The safety of the public using the paths should be observed at all times. The proposal is for site traffic to use existing quarry access tracks, which run parallel in places to Langford footpaths 2 and 3 and Sustrans Route 64. The current arrangements for Quarry traffic should be adequate to ensure the continued safety of the public, so long as contractors are made aware of public use and site safety arrangements.

The site access route crosses Langford footpath 7, at this point suitable signage to both protect the public and inform site traffic should be in place and a temporary crossing surface considered to avoid damage to the public footpath.

Langford footpath 7 runs parallel with the contractors compound and laydown area, with a short distance between the two. Although this work area should not impact on the footpath, there is informal public use of this area that the contractors should be aware of.

A Temporary Closure of the footpath may be granted to facilitate public safety during the construction phase subject to certain conditions. Further information and costs may be obtained by contacting the Rights of Way section. The applicant should be made aware that at least 5 weeks' notice is required to process the closure and an alternative route should be provided if possible. This could be assessed with a site visit, although on paper it does not look as though this will be necessary.

Comments received on the 7th September from Fish Legal on behalf of a local fishing group are summarised below:-

None of the points made in our letter of 19 August 2019 have been addressed. We repeat:

1. The applicant must provide full documentation and explanation of the application and not just a highlight/ edited planning statement
2. The s 73 application is effectively a new planning application and should be treated as such, requiring full documentation for a fresh planning application;
3. The full process of notification of the application must be undertaken and including the consultation of the statutory and non-statutory consultees.

Whilst the development may well be for a smaller energy output, that does not mean to say that the environmental impact will be smaller as the development is a different one from that previously granted permission.

The development is also clearly controversial and must go to committee for its decision and not be left to delegated powers.

We therefore maintain that if the present development proposal is permitted as described and without documents being made available, we will issue an application to the Administrative Court.

Comments of the Business Manager

Principle of Development

In considering the revised proposal officers are mindful that the original planning permission which was larger in terms of scale remains extant and is considered to represent a realistic fallback position. Members resolved to approve the application in March 2019 and a subsequent application has been submitted to discharge conditions (19/01568/DISCON) and all relevant conditions have been satisfactorily discharged by the Authority as of 31 October 2019.

This application seeks to vary conditions 2, 5, 6, 9, 10, 12 and 15 of planning permission 18/01477/FULM approved in March 2019 to enable a revision to the previously approved scheme in terms of reducing the number of turbines within the hydro power scheme from 3 to 2. This has a consequence of reducing the built form. It would also reduce the amount of electricity the development would produce together with carbon savings. This is discussed in further detail later

in this report.

An application under Section 73 is in effect a fresh planning application but should be determined in full acknowledgement that an existing permission exists on the site. This Section provides a different procedure for such applications for planning permission, and requires the decision maker to consider only the question of the conditions subject to which planning permission was granted. As such, the principle of the approved development cannot be revisited as part of this application.

The NPPF is clear that any new permission should set out all conditions related to it unless they have been discharged and that it cannot be used to vary the time limit for implementation which must remain unchanged from the original permission.

The principle of development is therefore considered acceptable subject to an assessment of site specific issues with regards to impact on the amount of renewable energy produced, impact on ecology, fisheries and geomorphology, landscape impact and impact on local angling clubs.

Members will also note that the application has been screened under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and it has been determined that an Environmental Statement is not required in this instance. The Screening Opinion is attached as Appendix 1 to this report.

An Appropriate Assessment in accordance with the Conservation of Habitats and Species Regulations 2017 (the Habitat Regulations) has been undertaken by consultants on behalf of the Local Planning Authority (LPA). The findings are agreed and this has been adopted which forms Appendix 2.

The Principle of Development

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

The site lies outside of any settlement and is therefore located within the countryside. Spatial Policy 3 seeks to protect the countryside and states that schemes to enhance heritage assets, to increase biodiversity, enhance the landscape will be encouraged. It also states that *'Development not in villages or settlement, in the open countryside, will be strictly controlled and restricted to uses which require a rural setting. Policies to deal with such applications are set out in the Allocations and Development Management DPD...'* Policy DM8 of the A&DM(DPD) provides that *'In accordance with the requirements of Spatial Policy 3, development away from the main built up areas of villages in the open countryside will be strictly controlled and limited to the following types of development.'* It then lists a number of types of development that may be acceptable. The proposed development doesn't fall neatly into any of the development type exceptions listed. However this type of development by its very nature needs to be in a countryside location. It is a logical step to consider policies related to renewable development set within the Development Plan.

The District Council's commitment to tackling climate change is set out in Core Policy 10 of the Amended Core Strategy as well as setting out a commitment to develop measures and set targets to deal with climate change following its declaration of a Climate Emergency. Policy 10 provides

that the Council will promote energy generation from renewable and low-carbon sources through supporting new development where it is able to demonstrate that its adverse impacts have been satisfactorily addressed. The policy seeks to mitigate the impacts of climate change through ensuring that new development proposals minimise their potential adverse environmental impacts during construction and eventual operation including the need to reduce the causes and impacts of climate change and flood risks. New proposals should ensure that impacts on natural resources are minimized and the use of renewable resources are maximised and be efficient in consumption of energy water and other resources.

Policy DM4 also reflects the NPPF and provides that permission shall be granted for renewable energy generation schemes unless there are adverse impacts that outweigh the benefits.

Whilst the development plan takes primacy, the policies in respect of climate change are consistent with the NPPF, which is a material consideration. Chapter 14 of the NPPF (2019) 'Meeting the challenge of climate change, flooding and coastal change' at paragraph 148 requires that the *'planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources.....; and support renewable and low carbon energy and associated infrastructure'*.

Paragraph 153 states that in determining planning applications, local planning authorities should expect new development to comply with development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable and take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.

Paragraph 154 adds that when determining planning applications for renewable and low carbon development, local planning authorities should only approve the application if impacts are (or can be made) acceptable.

The revised scheme is set to:

- provide 1,000 kilowatt-peak (previously 1,600 KW) - 1 MW (previously 1.6MW) of renewable electricity generation capacity;
- generate in a typical year, 6,500,000 kilowatt-hours (units) of carbon free electricity per annum for the life of the project (previously 8,000,000), which represents all the electricity used by around 2,500 average UK households (previously 3,000)
- ensure improved levels of non-intermittent, clean, renewable energy to the grid at times of most demand;
- reduce the release of greenhouse gases by around 6,700 tonnes of CO₂ per annum (previously 8,200 tonnes);

Notwithstanding that this is a reduction in the output and savings previously approved scheme it is considered that the proposal remains to accord in principle with both local and national policy aspirations. In determining an application it would be necessary to balance the policy presumption in favour of applications for renewable technologies against any specific adverse impacts. These are discussed below.

Impact on Landscape Character

The planning application has been accompanied by a Landscape and Visual Appraisal based upon Guidelines for Landscape and Visual Impact Assessments published by the Landscape Institute for Environmental Management and Assessment but does not comprise a full Landscape and Visual Impact Assessment.

Core Policy 9 states that new development should achieve a high standard of sustainable design and layout that is of an appropriate form and scale to its context complementing the existing built and landscape environments. Core Policy 13 requires the landscape character of the surrounding area to be conserved. Policy DM5 states that the rich local distinctiveness of the District's landscape and character of built form should be reflected in the scale, form, mass, layout, design materials and detailing of proposals for new development.

Core Policy 13 of the Core Strategy addresses issues of landscape character. It states that development proposals should positively address the implications of the Landscape Policy Zones in which the proposals lie and demonstrate that such development would contribute towards meeting the Landscape Conservation and Enhancement Aims for the area.

The District Council has undertaken a Landscape Character Assessment to assist decision makers in understanding the potential impact of the proposed development on the character of the landscape. The LCA provides an objective methodology for assessing the varied landscape within the District and contains information about the character, condition and sensitivity of the landscape. The LCA has recognised a series of Policy Zones across the 5 Landscape Character types represented across the District.

The application site is located with the Trent Washlands Policy Zone 17 – Besthorpe River Meadows with key characteristics such as medium to large scale fields in arable production and open long-distance views often with power stations on the skyline. The application has been accompanied by an updated Landscape and Visual Appraisal.

The proposal results in a reduction in the scale of the built form within the development. It is considered that that the impact of the revised scheme would have no greater visual impact upon the landscape character of the area both during construction and during operation to that previously approved. This would be anticipated to be no worse than moderate adverse during construction and slight adverse after 5 years.

It is also concluded that the proposed mitigation planting and ecological measures outlined at section 2.4 of the updated Abridged Assessment of Hydrology, Morphology, Ecology, Operation and Water Framework Directive (WFD) Compliance dated 8th August 2019 will help to achieve the policy objectives set out in the LCA. The mitigation proposals include stand-off zones to be maintained to the tree lined edge of the Slough Dyke to prevent damage to trees during the construction of the access track; widening the dyke to create online ponds and backwaters for fish refuges and disturbed riverbank reinstated to with species rich grassland mix which will be maintained. These measures were previously considered necessary and reasonable in order to make the impacts of the development acceptable and were consequently secured by conditions requiring the submission and written approval of details of external materials, landscaping, the ponds and the rerouting of the dyke. These have been submitted within the discharge of condition application 19/01568/DISCON and have been found to be acceptable.

It is therefore considered that the relevant conditions be reworded accordingly to secure the implementation of these measures in line with the discharge of condition decision.

Impact on Trees

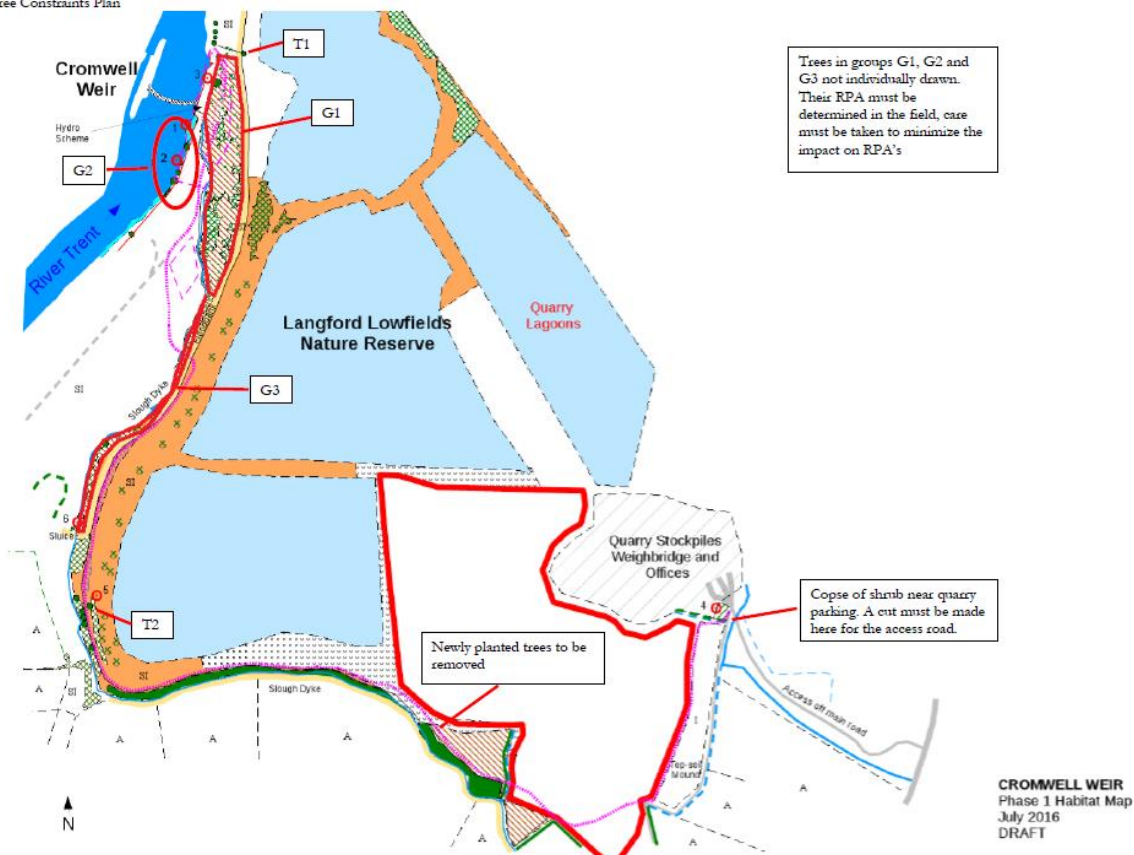
Policy CP12 and DM5 seeks to protect and enhance natural features where possible. CP9 requires proposals ‘to demonstrate a high standard of sustainable design that both protects and enhances the natural environment and contributes to and sustains the rich local distinctiveness of the District.’

A Phase 1 Habitat survey deposited with the application provides some commentary on the trees within the application site which are identified as being predominantly young species including Willow and Ash.

The current application has been accompanied by an Arboricultural Method Statement and Tree Protection Plan. Arboricultural Reports & Impact Assessments have also been deposited with the current application. These identify that for the development, Group G2 and part of Group G1 will have to be removed to allow the construction of the water ducts, the turbine house and the associated structures. Also the Slough Dyke River will be diverted around the power plant. This will take away trees from Group G1. Approximately 1/4 to 1/3 of the area of this group will be lost however only about half of the area of Group G1 is covered by trees, the rest is grass, brambles, nettles and various smaller shrubs. The most notable trees within the tree survey area and its immediate vicinity are 2 individual Ash trees (T1 and T2) identified in the tree constraints plan below. T1 and T2 are identified for being retained and protection measures are proposed. They are both classified as category B2/3 trees which means they are in good/fair condition but are to be retained for their landscape and conservation qualities.

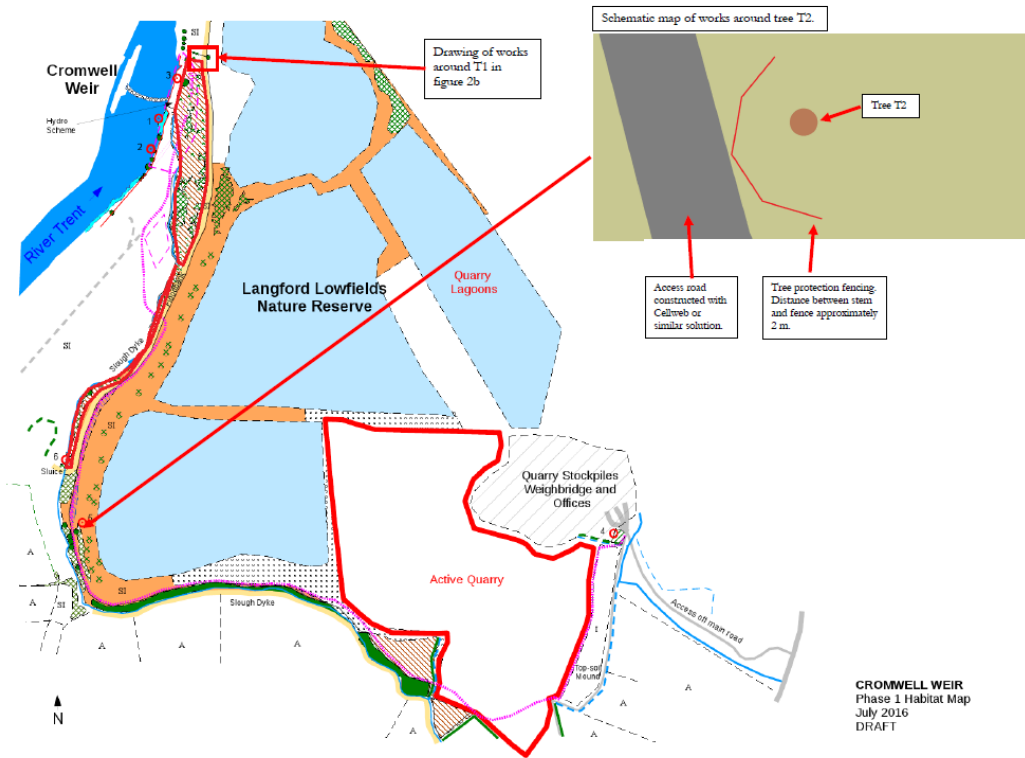
Tree constraints plan

Figure 3: Tree Constraints Plan



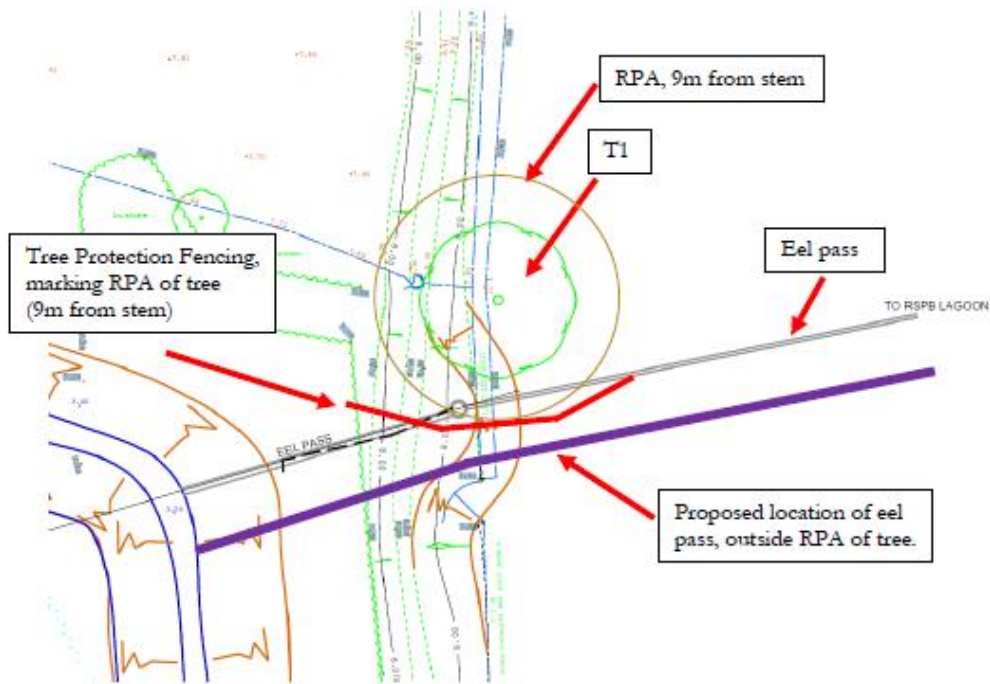
Tree protection plan for T2

Figure 2a: Tree Protection Plan



Tree protection plan for T1

Figure 2b: Tree Protection Plan: detail around T1



It is noted that in order to facilitate the scheme, the removal of riverside trees are proposed and 11 trees are proposed which comprise of oak and poplar. It is accepted that the existing trees do support the role of the River Trent as a Green Corridor in the local area, and do aid biodiversity. Those to be retained on the periphery of the site can be protected with tree protection fencing.

The number of trees to be removed is limited and are not mature species that make a significant contribution to the amenity of the area such that these trees are not worthy of protection in their own right. In any event this loss can be adequately compensated through the replanting of native trees elsewhere on the site as is proposed.

Other trees affected are those alongside the Slough Dyke which have already been referred to above whereby mitigation through condition is recommended to adequately protect these trees.

A landscape plan has been submitted within the suite of discharge of conditions for the previous application which has been deemed satisfactory by the LPA. Should Members be minded to grant permission this landscaping scheme can be conditioned to be carried out in a reasonable timeframe following operational commencement of the weir. Subject to this I consider that the impact is acceptable.

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 potential impacts of the proposed development on fish and the Collingham Angling Association are identified in the HRA. In addition, the applicant has undertaken an extended Phase 1 Habitat Survey in 2016, updated in August 2018. The applicant has confirmed that this remains relevant to the current application, with no changes required to the document. The assessment identifies the potential impacts on biodiversity.

It is acknowledged that the proposed development has the potential to impact locally on biodiversity. The disturbance of Slough Dyke, loss of river's edge margins and loss of trees, scrub and ruderal grasslands have the potential to give rise to impacts on water vole, otter and breeding birds respectively.

The current S73 application has been supported by a habitat creation scheme for Slough Dyke and a Habitat Creation Scheme incorporating an Ecological Management Plan. This includes at Section 3, Habitat and Species Protection in line with sections 8.1 and 8.2 of the MRB Ecological Appraisal associated with the 2018 application. This includes pre works checks, timing and methods for vegetation removal, fencing, excavations and vehicle movements, minimising noise and light pollution, and protection of air and water quality.

Section 4 of this document outlines habitat compensatory provision which includes the creation of a new, shallow-sided open channel set within a floodplain habitat to compensate for the loss of some drain habitat and the provision of compensatory nest boxes on trees or large scrub.

As detailed in Section 5 the Habitat Creation Scheme would improve the ecological value of the area including for example providing flood plain habitats for wildlife by the introduction of better management, promoting the development of deeper water and more diverse aquatic habitats, improving the safe passage of fish, provision of planting of native species to compensate for loss of trees and shrubs, promotion of divergent plant species and the provision of habitat for wildlife and the provision of fish refuges

It is not considered that the proposal would give rise to unacceptable adverse impacts on the watercourse, its habitats or protected species. Currently, Cromwell Weir acts as a barrier to the upstream movement of fish. The planning application proposes the installation of fish passes into the hydro-electric scheme which it is considered will result in improved upstream fish passage and will therefore give rise to significant benefits to the resident fish population, particularly to eel, lamprey, sea trout and salmon. Again, these measures have been secured by way of condition.

In terms of impacts on fish the application has been accompanied by an updated Fisheries Assessment undertaken by Fishtek consulting (dated 13 August 2019), a specialist fisheries consultancy. Their consultants have visited the site twice to collect empirical data to inform the evaluation and the Fisheries report provides a desk-based assessment of site data together with conclusions and recommendations which have informed the detailed design.

It notes that the weir forms the tidal limit of the River Trent and is frequented by migratory fish including Atlantic Salmon, sea trout, sea lamprey and European eel together with a diverse range of coarse fish and is a cyprinid dominated fishery.

The assessment considers the potential effects of the proposed development on hydrology, geomorphology fish habitat, fry refuge habitat, Slough Dyke, upstream passage and impacts to fishing beats.

It concludes at Section 11 that:

- There would be a slight shift in spawning habitat availability and quality given the changes in hydrology and geomorphology downstream of the weir and modeling predicts some variation in the availability of near optimal and optimal habitat for different species life stages.
- The creation of an eel and lamprey naturalised by pass channel would allow the lamprey and eel to bypass the weir and the HEP (there is an existing eel pass)
- The Larinier fish pass (which reduces water velocity) would significantly improve the upstream fish passage at the weir particularly for migratory salmon
- Approach and escape velocities would not vary compared to the previous proposal
- The proposed reduction in scheme design from an 80 m³/s to a 54 m³/s abstraction does not result in a cause for concern from a fisheries perspective and would ensure a more varied flow regime immediately downstream of the weir. Impacts to hydrology, geomorphology and subsequent fish habitat are similar for either abstraction regime, with only subtle localised variations in velocities and sediment deposition/erosion rates and no significant overall change in habitat availability.

The fisheries assessment has been reviewed by Natural England as a statutory consultee (detailed comments are noted within the Consultation section of this report) and by Aecom who were commissioned by the Council to provide an assessment of the suitability of the report to support the planning application. It is noted that the Environment Agency have not provided specific comments on the fishery impact however this is a more detailed assessment which would be assessed by them during the application for a variation to their permit which the applicant would need to apply for through the EA. Therefore their silence on this matter is not through an absence of information but merely it is more appropriate for them to fully assess that through the permit process.

Our commissioned consultants do not question the validity of the methodology or conclusions of the Fishtek report. A Technical Note has been prepared by AECOM and is available on the public file.

This considers that the submitted assessment provides robust evidence that the proposals will improve fish passage at Cromwell Weir. At present the weir provides a barrier to fish migration and the existing fish pass is not passable for 95% of the year, making it unfit for purpose.

In summary the Technical Note concludes that:-

The report provides robust evidence that the proposals will improve fish passage at Cromwell Weir. The baffle height was selected by the developer to best meet the requirements for migratory salmonids and coarse fish and is based on discussions they had with EA fisheries. At present the weir provides a barrier to fish migration and the existing pool and traverse fish pass does not currently meet best practice guidelines and is unlikely to provide effective upstream passage for coarse fish and brown trout. Large head drops and high velocities means that the fish pass is not passable for 95% of the year, making it unfit for purpose.

Due to the location of the proposed turbines below ground and the incorporation of additional noise attenuation measures, it is considered that the predominant background noise will be that from the existing weir and proposed fish pass. Therefore, it is considered that there will be no adverse effects on fish due to noise from the turbines.

Therefore it is considered that there would be negligible impact on the fish population, and habitat would continue to support the fish population on completion of the development.

There are no European Protected Species (EPS) identified on the site and therefore there is no requirement for the applicant to obtain a licence from Natural England during construction or operation. Consent would be required from the Environment Agency (EA) due to the proposed changes to the weir in case of changes to flood risk. Our advisers at AECOM state that the scheme is also likely to require a fish rescue due to the construction of a cofferdam in the channel, so a permit from the EA to use fishing instruments other than rod and line would also be required. This is however something outside of the Planning Act and one which should not feature in the merits of Members discussion on the planning application but merely provides context on the differentiation in permits and licence processes.

The Habitat Regulations Assessment (HRA) carried out in accordance with the Conservation of Habitats and Species Regulations 2017 on the Council's behalf by Lepus, recommends that an additional stronger condition should be imposed on this application in order to assess, monitor and record the level of ammocoete numbers passing through the weir safely. In addition there should be a process to monitor lamprey (eel) populations in and around the location of the weir before and after the construction and operation. This will provide a useful up to date baseline of fish numbers which could be used to measure the effectiveness of the mitigation proposals for this and future schemes.

A condition was imposed on the original consent (18/01477/FULM), C.15, however this was only sought for monitoring which is not so explicit or thorough enough to adequately measure the effectiveness of the scheme. However it is deemed not to be the responsibility of the developer to

undertake this monitoring and it has been agreed in conjunction with Natural England and the Environment Agency that they will carry out such monitoring themselves.

The representations made by Fish Legal on behalf of Collingham Angling Association are noted and have been considered carefully. On the basis of advice received, Council Officers are satisfied that the scheme will, in fact, improve bio-diversity over the longer term. The proposed development is therefore consistent with adopted planning policy, the NPPF and Section 40 of the Natural Environment and Rural Communities Act 2006 which places a duty on public bodies to have regard to the conservation of biodiversity when carrying out their functions.

Impact on Highways.

Spatial Policy 7 provides that proposals should be appropriate for the highway network in terms of volume of traffic generated and ensure that the safety, convenience and free flow of traffic using the highway are not adversely affected and should avoid highway improvements that might harm the environment and character of the area ensure that appropriate and effective car parking provision should be made. Policy DM5 mirrors this.

The site would be accessed from the A1133 using the existing road for Tarmacs Langford Quarry.

The proposal has been reviewed by NCC Highways Authority and their comments are detailed within the consultation section of this report. In summary they raise no objection and state the access is sufficiently adequate to cater for the estimated level of additional construction traffic.

Previously the Highway Authority raised concern with regards to construction traffic movements into and out of the site and the impact this could have on the highway network. A condition was subsequently attached to the permission granted in 2018 requiring the submission of a traffic routing statement.

The applicant has subsequently submitted this document with the discharge of condition application ref. 19/01568/DISCON (dated October 2019) which has been reviewed by the Highway Authority and found to be acceptable and this condition has now been discharged.

Officers therefore remain of the view that overall vehicle movements associated with the development are considered to be acceptable and will not have unacceptable impacts on the highway network either during construction or once operational, given the limited movements which would be associated with maintenance. Subject to appropriate conditions it is not considered that the proposal would result in highway safety concerns and therefore would accord with the requirements of Spatial Policy 7.

Impact on Flood Risk and Drainage

The Planning Practice Guidance outlines that planning applications for hydropower should be accompanied by a flood risk assessment and that advice on environmental protection for new hydropower schemes has been published by the Environment Agency.

Core Policy 10 of the Core Strategy and Policy DM5 of the Allocations and Development Management DPD along with the revised NPPF set out a sequential approach to flood risk (paras 158 onwards). The aim of the sequential test is to steer new development to areas with the lowest risk of flooding. Development should not be allocated or permitted if there are reasonably

available sites appropriate for the proposed development in areas with a lower risk of flooding. If it is not possible for development to be located in zones with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied. The need for the exception test will depend on the potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability Classification set out in national planning guidance. Where development is necessary within areas at risk of flooding, it will also need to demonstrate it would be safe for the intended users without increasing flood risk elsewhere.

The site is designated as being within Flood Zones 2 & 3 as shown on the Environment Agency's (EA) Flood Map. A large area of the site which is closest to the river (which includes the power house) falls within Flood Zone 3.

However I take the view that this application passes the Sequential Test. The site is required to be adjacent to the Weir by its very nature so there is no scope to provide this outside of a flood zone. Doing so would be impractical and illogical.

In considering whether the Exception Test needs to be applied I refer to Table 3 within the Planning Practice Guidance (PPG) on Flood Vulnerability Classification. The proposal could be considered to fall into either the 'water compatible' or the 'essential infrastructure' category where in both zones 2 and 3 development is considered appropriate. The Exception Test only has to be applied in the event that it is considered to be essential infrastructure and not for water compatible. The EA have advised that it falls within both categories in which case I have considered it as the worst case scenario and have applied the Exception Test.

The NPPF sets out that for the exception test to be passed it should be demonstrated that:

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

Both elements of the exception test should be satisfied for development to be allocated or permitted.

I consider that Part A of the Exception Test is passed. In reaching this conclusion I give considerable weight to fact that the scheme would generate 6,500,000 kw hours of carbon free electricity via a renewable energy source which is a significant public benefit and is in my view a wider sustainability benefit that outweighs the (minimal) flood risk which is discussed further below.

In terms of Part B of the Exception Test, the application is supported by an updated Flood Risk Assessment, which has been the subject of lengthy on-going discussions with the Environment Agency (EA).

This has concluded at 5.1 of the document that:-

- The scheme has been designed to withstand design flood events without increasing flood risk elsewhere. The generator housing is designed for a 200-year water level with about 1200mm freeboard.
- The roof slab level for the turbine house will be above the 1 in 200yr flood level. Anything above this level will not be necessarily further flood protected. There will be a single removable panel in the roof of the turbine house which will facilitate removal of any of the equipment within. This will be sealed with a watertight concrete roof slab.
- For the final scheme arrangement, there is a localised approximate 0.01m increase in modelled water levels upstream compared to the flood risk currently (at return periods greater than 100-years). Such small increases resulted in no changes in the flood outline. The scheme will not impede flows and no further measures are proposed.
- The turbines will automatically shut down at times of high flows in the river, and the control panels will sit in the turbine house on the level at the top of the turbine pits, along with the generators and hydraulic power packs.
- The flood levels are not expected to increase significantly upstream of the weir during the construction period when the sided cofferdam is in place in the river.
- Compared to previous versions of the scheme, the reduction in the number of turbines does result in an increase in water level at the weir at a Q5 flow from 7.0mAOD to 7.163mAOD. At flood flows when the bladder is deflated there is no change. The scheme change therefore has a negligible impact fluvial flood risk.
- It is acknowledged that the backwater effect of the increase of Q5 level may have a detrimental impact on land drainage from ordinary watercourses and land drainage systems into the Trent during intense rainfall events (i.e. summer thunderstorms), which might affect flashy catchments and land drainage whilst not significantly raising levels in the River Trent to a level where the flood gate would be opened or the adjustable weir lowered. As noted in section 2.5 of the Hydraulics Impacts report, the Q5 water level increase due to the scheme (or change in scheme) is much less than the normal intra-annual variation of water levels (e.g. Q5-Q50 levels) and is unlikely to lead to any significant increase in the probability or degree of land drainage impedence.

At section 5.2.1 of the FRA a number of recommendations have been made during the construction period which include registration with the Environment Agencies Floodline service, provision of method statements to ensure safety and to minimise flood risk at the works and to have standby pumps to help deal with any surface water flooding in the vicinity of the works. At operational stage (5.2.2) the FRA recommends that turbines are closed during flood conditions and water diverted over the weir, by-wash, floodgate and fish pass. The turbine house, sub-station and battery units will be designed to withstand 200 year flood level.

As detailed in their latest comments, the EA is satisfied that, subject to the imposition of conditions, the proposed development would not impact on flooding in the area. The proposed development has been designed in conjunction with the EA and the Canal & Rivers Trust and would also contribute to flood resilience in the area through the ability of the development to raise and lower the water level of the weir to ensure optimum flow over the turbines.

In conclusion, the Sequential Test is considered to be passed and the Exception Test is also passed having regard to the schemes wider sustainability benefits of providing electricity to the national grid and having also demonstrated that the scheme would be safe in terms of the flood resilient design of buildings, the provision of flood warning devices and the proposed operation and continued maintenance of the scheme. The proposal in this regard complies with CP10, DM5 and the NPPF.

Impact on Amenity

Core Policy 9 sets out an expectation that development is of a high standard and that contributes to a compatible mix of uses. Policy DM5 requires that all proposals be assessed to ensure that amenity is not adversely affected by surrounding land uses and where this cannot be mitigated should be resisted. The NPPF seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings.

The applicant has submitted a noise assessment within the Planning Statement which notes that the dominant noise source in the area is from water passing over the existing weir. Noise levels do not differ from those previously considered in the iteration of the 2018 application as noted below:-

- 1m from a turbine – 83 dBA
- Within the turbine house but at the entrance door (door closed) – 82 dBA
- Outside the turbine house but overlooking the Larinier Fish Pass (4m from door) – 76 dBA
- Outside the turbine house but overlooking the weir (8m from door) – 68dBA

This is considered to demonstrate that any external noise would be set against the noise of the weir and fish pass and noise levels would not be audible from the lock island (some 50m from the turbine house) or from the nature reserve some 30m distant given these relationships and separation distances.

The closest dwelling is some 180m from the proposed turbine house on the opposite side of the riverbank. Environmental Health colleagues have assessed the proposal and have confirmed that no concerns are raised with regards to noise levels in view of the nature of the development and the distance to human receptors.

Taking the above into account, I conclude that the proposed development would not be likely to create any noise which would be audible above the background noise of water flowing over the weir.

With regards to noise impact on fish, AECOM have assessed the noise assessment deposited by the applicant and have concluded that:-

The noise within the powerhouse is not expected to be more than 86dB, which will be significantly reduced in the aquatic environment based on the building design with dense concrete block and associated cladding, which will suppress noise. Additionally, the close proximity of the turbine and powerhouse to the weir, will mean that it is unlikely that the noise produced from the proposed HEPP will be heard over the baseline noise of the weir cascade. The background noise from the weir for similar schemes is typically 65 – 75dB, and it is considered that due to the attenuation of turbine noise, the predominant noise on the site will be that from the weir and fish pass. Therefore, there is not expected to be any influence on fish populations from the noise produced by the HEPP system.

Given the comments received from Environmental Health officers and our commissioned consultants, Officers are satisfied that the proposed development can be constructed and operated without giving rise to significant impacts on the amenity of occupants land or buildings or on the fish populations. Furthermore, where local impacts have been predicted, mitigation

measures are proposed to make these acceptable. The mitigation measures have been secured through the imposition of appropriate conditions.

Other matters

Impact on Collingham Angling Association

Paragraph 182 of the NPPF introduces the concept of the “agent of change” and expects planning policies and decisions to ensure that new development can be integrated effectively with existing business and community facilities. The policy goes on to require that existing businesses and facilities should not have unreasonable restrictions placed upon them and where the operation of an existing business or community facility could have a significant adverse effect on new development, the application should be required to provide suitable mitigation.

The Fisheries Assessment accompanying the application finds that changes in pool hydrology and morphology may result in a shift in the optimum fishing spots. The assessment considers that Barbel may thrive in the higher velocity waters near the turbine outfall whereas carp may shift downstream.

The Fisheries Assessment goes on to identify that the proposed development is likely to have an impact on fishing pegs.

The applicant has confirmed that the upstream channel of the hydro will extend a good distance upstream from the weir and will remove a stretch of river bank which currently houses eight bankside pegs. However, the applicant is proposing to install a fishing platform with improved access for less mobile anglers which as confirmed by the agent is to be provided on the gantry in front of the screen. This will provide 6 fishing pegs. Precise details of the structure were conditioned under the planning permission and have been submitted by the applicant with the discharge of condition application. The Canals and River Trust and the Environment Agency have confirmed the details to be satisfactory and the condition duly discharged.

Therefore post construction a total of 2 upstream pegs would be lost and, as a result of the rerouting of Slough Dyke, 2 further pegs would be lost downstream.

Impact on Public Right of Way

Public rights of way are situated on both eastern and western banks of the river. The western side terminates at the weir and the eastern side runs to the rear of the site along the boundary of the nature reserve to the north. These rights of ways would remain unobstructed by the development.

A condition was attached to the planning permission granted in 2019 which required the submission and approval of precise details including location and numbers of signs to warn members of the public of the construction access and works together with details of a briefing note to be made available to all staff during construction phase. These details have been submitted with the discharge of condition application and reviewed by the NCC Rights of Way Officer who confirmed them to be acceptable. The relevant conditions have therefore been duly discharged.

Heritage Impacts

An updated Heritage Statement has been deposited with the application. There are no listed buildings or other designated heritage assets within the site or its immediate setting nor is there likely to be any surviving archaeological deposits. Officers are therefore satisfied that the proposed development would not raise any heritage issues and the proposal accords with heritage policies CP14 and DM9 of the Development Plan.

S73 Application

The comments received with regards to this application should be a full planning permission are noted. Officers are satisfied that given this is a reduction to the scheme originally approved a S73 application is appropriate and acceptable. Although we cannot revisit the principle of the HEP scheme full consideration has been given to the details deposited with this application and to the material planning matters which arise from the revised scheme as noted above.

Assessment of conditions

The PPG is clear that any new permission should set out all conditions related to it unless they have been discharged and that it cannot be used to vary the time limit for implementation which must remain unchanged from the original permission. Conditions 3 (materials), 5 (moveable weir), 6 (Slough Dyke), 8 (lorry routing), 9 (arboricultural method statements), 10 (landscaping), 12 (fish platforms), 15 (Habitat Creation Schemes), 21 (footpath signage) and 22 (safety briefing note) of the original permission have been formally discharged. Notwithstanding this given the above it is conserved that conditions 2, 5, 6, 9, 10, 12 and 15 can therefore be varied accordingly.

For ease of reference the conditions as originally imposed are listed in full below (in the recommendation section) with strikethrough text used to represent parts of the condition no longer required and bolded text used to indicate new wording. The conditions have been reworded where details have been provided through the discharge of conditions or revised plans.

Conclusion and Planning Balance

It should be noted that only the very narrow scope of the matters of varying the conditions imposed are open for consideration given the other matters discussed above. In this instance it is considered that the reduction in the number of turbines would not result in any greater impact than the originally approved scheme and would not cause ecological harm (including fisheries) nor result in any undue flooding or visual/amenity impacts.

The applicant will need to apply to the Environment Agency separately in order to gain a permit for the works which will include further details on the specifics including impact on the fishery element. The Local Planning Authority is mindful of the potential impacts of the development and the legislative process required in achieving a licence. However the LPA is satisfied that all material impacts of the revised development has been considered in due process and in weighing up the impact with regard to planning, it is considered that the proposal is acceptable.

There are no other material considerations that would indicate that planning permission should not be granted for this S73 application.

RECOMMENDATION

Approve Planning Permission subject the following conditions:-

01 (Time for Implementation)

The development hereby permitted shall not begin later than ~~three years from the date of this permission.~~ **26 March 2022.**

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

02 (Plans)

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

~~Site Access Corridor – 15/010-CROMWELL-517 REV B~~

~~General Scheme Outline – 15/010/500 REV B~~

~~General Scheme Outline Key Elevations – 15/010/501 REV B~~

~~Contractors Compound and Laydown areas – 15/010-CROMWELL-516 REV B Sub Station Kiosk Details – 15/010/504 REV A~~

~~Amended Site Location Plan deposited 13.11.18~~

Site location plan dated 25 July 2019

General Scheme Outline drg. ref. 15/010/500 REV C

General Scheme Outline Key Elevations drg. ref. 15/010/501 REV C

Sub Station Kiosk Details drg. ref 15/010/504 REV B

Contractors Compound And Laydown Areas drg ref. 15/010-CROMWELL-516 REV C

Site Access Corridor drg ref. 15/010-CROMWELL-517 REV C

Hydropol Footpath access plan

Hydropol General Layout (Landscape)

Hydropol Layout (Fishing platform)

Hydropol Sections (Fishing platform)

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

03 (External Materials)

~~Prior to commencement of the development, manufacturers details (and samples upon request) of the external facing materials (including colour/finish) of the buildings/structures hereby approved shall be submitted to and approved in writing by the local planning authority. Development shall thereafter be carried out in accordance with the approved details.~~

The external facing materials shall be in full accordance with the Technical Report produced by Hydropol, dated August 2019 (Sections 3 and 4) and the confirmation email dated 21 October 2019.

Reason: In the interests of visual amenity.

04 (EA requested condition 1)

~~The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (dated October 2017) and in particular the following mitigation measure:~~

~~• Finished floor levels of the kiosk shall be set no lower than 10.30m AOD.~~

~~The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.~~

~~Reason: To reduce the risk of flooding and damage to electrical equipment.~~

The development shall be carried out in accordance with the submitted flood risk assessment (ref: FINAL Report v2.0, November 2019, JBA); drawing CROMWELL MASTER GA, Rev C; drawing Sub Station Kiosk Details, Rev B; and the following mitigation measures they detail:

- **Finished floor levels of the weir bladder plant room shall be set no lower than 10.30 metres above Ordnance Datum (AOD)**
- **Finished floor levels of the substation kiosk shall be set no lower than 9.50 metres above Ordnance Datum (AOD)**

These mitigation measures shall be fully implemented prior to operation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

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

05 (EA requested condition 2)

~~Prior to the commencement of development, an operational instruction detailing the operation of the moveable weirs shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Environment Agency. The operational instruction shall include the following details: a. Calculation of the trigger levels at which the weirs shall be operated; b. Details of the remote and 'on-site' operating mechanisms; c. Measures to be put in place in the event of remote operation, electrical or mechanical failure; and d. Details of the maintenance programme. The scheme shall be fully implemented and subsequently maintained in accordance with any timing/phasing arrangements embodied within the scheme or within any other period subsequently agreed in writing by the local planning authority, in consultation with the Environment Agency.~~

The moveable weir shall be operated in accordance with the submitted operational instruction (Cromwell Weir Moveable Weir Operational Instruction, Ref: CROMW_HIN, Issue: 01a, Date: 16/08/2019, Renewables First).

These mitigation measures shall be fully implemented prior to operation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To ensure that the moveable weir remains operational in a flood event and does not increase flood risk elsewhere.

06 (EA requested condition 3)

~~No development shall take place until the proposed pond and Slough Dyke is constructed in accordance with a scheme to be submitted to and approved in writing by the local planning authority. The scheme shall include the following features: 1) Ponds should not be within the main channel of the Dyke but should be fed by arms leading off the main channel. This is because on line ponds silt up quickly and cause on going maintenance issues; 2) The opening up of the Slough Dyke is welcomed, however when designing the final layout of the Dyke it should be in keeping with the energy and topography of the land so the new channel operates naturally once completed. Creating meanders where they would not naturally occur can cause siltation issues. The approved scheme shall be implemented and maintained as agreed for the lifetime of the development unless otherwise agreed in writing by the local planning authority.~~

The proposed pond and Slough Dyke shall be constructed in full accordance with the Slough Dyke Realignment Habitat Creation Suggestions plan dated 24.09.2019 together with details contained within the Habitat at Creation Scheme incorporating an Ecological Management Plan dated September 2019 produced by MRB both submitted on the 3rd October 2019 which have been deemed satisfactory. The approved scheme shall be implemented and maintained as agreed for the lifetime of the development unless otherwise agreed in writing by the local planning authority.

Reason: This condition is necessary to ensure that the proposed pond and Slough Dyke are developed in a way that contributes to the nature conservation value / fisheries value of the site in accordance with the National Planning Policy Framework (NPPF) paragraph 170, which requires the planning system to aim to conserve and enhance the natural and local environment by minimising impacts on biodiversity. Paragraph 176 of the NPPF also states that opportunities to incorporate biodiversity in and around developments should be encouraged.

07 (Construction Hours)

Notwithstanding the Construction Management Plan dated 11th July 2017, construction or development (including excavations) shall only take place between the hours of 0730 until 1800 on Mondays to Fridays inclusive and between 0800 and 1300 on Saturdays and not at all on Sundays or Bank/Public Holidays unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of residential amenity.

08 (Lorry Routing)

~~Notwithstanding the details contained within section 8.1 of the Construction Management Plan dated 11th July 2017, no development shall be commenced until details of construction lorry routing has been first submitted to and approved in writing by the Local Planning Authority. The approved details shall be adhered to during the construction period.~~

The construction traffic shall be routed in full accordance with the Lorry Routing Statement dated October 2019. This shall be adhered to during the construction period.

Reason: In the interests of highway safety and amenity.

09 (Tree Protection)

~~No works or development shall take place until an Arboricultural Method Statement and scheme for protection of the retained trees/hedgerows has been agreed in writing with the District Planning Authority. This scheme shall include~~

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

~~All works/development shall be carried out in full accordance with the approved tree/hedgerow protection scheme. The protection measures shall be retained during the development of the site.~~

Trees within the site shall be protected as stated within the approved Arboricultural Method Statement & Tree Protection Plan produced by EMEC Arboriculture dated August 2019. The protection measures shall be retained during the construction phase of the site.

Reason: To ensure that existing trees and hedges to be retained are protected, in the interests of visual amenity and nature conservation.

010 (Hard & Soft Landscaping)

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

- ~~• a schedule (including planting plans and written specifications, including cultivation and other operations associated with plant and grass establishment) of trees, shrubs and other plants, noting species, plant sizes, proposed numbers and densities. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species and shall provide for replacement trees (of at least 5 sapling crack willows) to compensate for the loss of existing trees;~~
- ~~• proposed finished ground levels or contours;~~
- ~~• car parking layouts and materials;~~

- ~~• hard surfacing materials including fencings/means of enclosures (it is expected that the existing fence alongside the wooded section of Slough Dyke be retained);~~
- ~~• proposed and existing functional services above and below ground (for example, drainage power, communications cables, pipelines etc. indicating lines, manholes, supports etc.)~~
- ~~• a timetable for the implementation of the hard landscaping elements.~~

The hard and soft landscaping shall be carried out in complete accordance with the following plans and documents:

Landscaping Plan deposited 23rd October 2019

Habitat Creation Scheme incorporating an Ecological Management Plan dated September 2019 produced by MRB both submitted on the 3rd October 2019 (Section 6.7 regarding Seeding and Planting)

Technical Report produced by Hydropol dated August 2019 (Sections 3 and 4) deposited on the 23rd August 2019 together with email dated 21st October 2019 relating to Access Track and Car Parking Materials (Grey/brown gravel) and fencing (2.4m high welded steel wire fence Dark Green).

Updated project timetable deposited 30th October 2019.

Reason: To ensure that adequate protection is afforded to existing trees during the construction phase of the development and that tree losses are compensated with replacement planting and in the interests of visual amenity and biodiversity and in line with the recommendations of the ecology report submitted with the application.

011 (Landscaping Implementation)

The approved soft landscaping shall be completed during the first planting season following the commencement of the development, or such longer period as may be agreed in writing by the local planning authority. Any trees/shrubs which, within a period of five years of being planted die, are removed or become seriously damaged or diseased shall be replaced in the current or next planting season with others of similar size and species unless otherwise agreed in writing by the local planning authority. The approved hard landscape scheme shall be implemented to a timescale to be agreed as per Condition 10.

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

012 (Provision of Fishing Platform)

~~Prior to commencement of the development, precise details of the fishing platform proposed within the Fishtek document dated 01.06.17 deposited with the application shall be submitted to and approved in writing by the Local Planning Authority. The details shall include their precise location, design (including materials) and timings for the installation. The development shall thereafter be carried out in accordance with the approved details and retained for the lifetime of the development.~~

The fishing platform shall be available for use prior to first operation of the weir (generating electricity) and in complete accordance with the approved details contained on drawing no. 2400010 and 2400011 and the platform shall be retained for the lifetime of the development.

Reason: To provide adequate compensation of the lost fishing peg in the interest of safeguarding the amenity of anglers.

013 (Fish & Eel Passes)

Prior to the development hereby approved from becoming operational (i.e generating electricity) the proposed fish and eel passes shall be provided on site in accordance with the approved plans. These passes shall thereafter be retained for the lifetime of the development.

Reason: To ensure that these elements of the scheme are provided at an appropriate time in order that the ecological enhancements detailed in the proposal are delivered.

014 (Protection for Breeding Birds)

No development, including site clearance (such as pruning, the removal of hedgerows, vegetation or trees) shall take place between the beginning of March to the end of August inclusive, unless otherwise agreed in writing by the Local planning authority.

Reason: In order to afford protection to breeding birds which are protected by the Wildlife and Countryside Act 1981 (as amended) and specifically to avoid any significant impact on notable breeding bird species at the adjacent Langford Lowfields nature reserve.

015 (Habitat creation)

~~No development shall be commenced until full details of a Habitat Creation Scheme have been submitted to and approved in writing by the local planning authority. The Scheme shall include, but is not limited to, the creation of a meandering shallow stream margin with a wide band of emergent vegetation with fish refuges, provision to enable otters to bypass the weir on dry land at all times and new species-rich grassland habitat. The scheme shall also detail:~~

- ~~a) the purpose, aims and objectives of the scheme;~~
- ~~b) a review of the site's ecological potential and any constraints;~~
- ~~c) description of target habitats and range of species appropriate for the site;~~
- ~~d) selection of appropriate strategies for creating/restoring target habitats or introducing target species;~~
- ~~e) selection of specific techniques and practices for establishing vegetation;~~
- ~~f) sources of habitat materials (e.g. plant stock) or species individuals;~~
- ~~g) method statement for site preparation and establishment of target features;~~
- ~~h) extent and location of proposed works;~~
- ~~i) aftercare and long term management;~~
- ~~j) the personnel responsible for the work;~~
- ~~k) timing of the works;~~
- ~~l) monitoring;~~
- ~~m) disposal of wastes arising from the works.~~

The habitat creation works shall be carried out in complete accordance with the Habitat Creation Scheme incorporating an Ecological Management Plan document dated September 2019 produced by MRB.

All habitat creation works shall be carried out in accordance with the approved details and timetable unless otherwise agreed in writing by the local planning authority.

Reason: In line with the recommended mitigation measures outlines in the ecology appraisal submitted in support of the application and in the interests of maintain and enhancing biodiversity.

016 (Riverbank precautionary search)

Immediately prior to development taking place in the vicinity of the riverbank directly affected by the development, a precautionary inspection shall be undertaken by a suitably qualified ecologist to check for the presence of nesting waterbirds or signs of wildlife usage such as Waterfowl. Should their presence be confirmed no works should commence until appropriate mitigation (and the timings of this) to avoid negative impacts has been set out and has been submitted to and been approved in writing by the LPA.

Reason: In order to afford adequate protection to nesting waterbirds in line with the recommendations of the ecology report submitted with the application.

017 (No external lighting)

There shall be no external lighting installed as part of this development.

Reason: To safeguard the ecological interest of the site and in line with the ecology appraisal submitted as part of the application.

018 (Bat Protection)

Should any pruning of lower limbs of trees adjacent to the proposed access track be required, the affected tree(s) shall first be inspected by a suitably qualified and experienced bat surveyor to ensure that no roosts are affected. Should a roost be identified as affected, no pruning shall take place unless mitigation has first been submitted to and approved in writing by the Local Planning Authority. The approved mitigation shall thereafter be adhered to in accordance with an agreed timetable.

Reason: In order to afford adequate protection to protected species and in line with the ecology report submitted in support of the application.

019 (Amphibian Mitigation)

Prior to any site clearance work, a 'destructive' search of the potential terrestrial amphibian refugia (e.g. piles of logs, old tree stumps etc. within the affected areas should first be undertaken by a suitably qualified and experience ecologist to ensure no amphibians are present. Any animals found should be removed and transported to an appropriate habitat nearby for immediate release. This search should be undertaken in the later summer /early autumn period prior to clearance works, before amphibians go into hibernation.

Reason: In order to protect the wildlife that may be inhabiting the site in line with the recommendations of the ecology appraisal that accompanies the planning application.

020 (Vegetation Clearance in relation to amphibians)

Any vegetation clearance work (such as tree removal) or clearance of tall herbage should commence immediately after the amphibian refugia search (between September and the end of February i.e. outside the bird breeding season). Cut material (logs and branches) should be removed from the working area. The cut material may be deposited as log piles in a location well away from the construction zone, *provided* that they are not in an area prone to deep flooding.

Reason: In order to protect the wildlife that may be inhabiting the site in line with the recommendations of the ecology appraisal that accompanies the planning application.

021 (Rights of Way)

~~Prior to the commencement of the development hereby approved precise details of signage including numbers and their locations to warn users of the Langford public footpaths 2, 3 and 7 of the construction works and traffic shall be submitted to and approved in writing by the Local Planning Authority. The approved signage shall be provided in accordance with the approved details and shall be retained and maintained during the construction phase of the development.~~

Prior to the commencement of development the approved footpath signage for Langford public footpaths 2, 3 and 7 shall be erected to warn users of the footpaths to the development. The approved signage is as follows:

**Footpath Signage Details drg ref CROMWELL_FP (dated 24.10.19) Sheet 1 of 4
Footpath Signage Details drg ref CROMWELL_FP (dated 24.10.19) Sheet 2 of 4
Footpath Signage Details drg ref CROMWELL_FP (dated 24.10.19) Sheet 3 of 4
Footpath Signage Details drg ref CROMWELL_FP (dated 24.10.19) Sheet 4 of 4
CROMWELL Footpath Management & Signage Plan R04**

The signage shall be retained and maintained during the construction phase of the development.

Reason: In the interests of public safety

022 (Site safety briefing note)

~~Prior to the commencement of development hereby approved a site safety briefing note to be made available to all construction staff shall be submitted to and approved in writing by the Local Planning Authority. The approved briefing note shall be made available at all times during the construction phase of the development.~~

The site safety briefing note dated 23 August 2019 shall be made available to all construction staff at all times during the construction phase of the development.

Reason: In the interests of site and public safety

023 (Restoration of the site)

Not later than six months after the date on which the site ceases to be operational, the above ground structures and ancillary equipment shall be dismantled and removed from the site and the land restored in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity.

024 (Noise)

The level of noise emitted from the development hereby approved shall not exceed the following levels at the distances specified at any time as stated in correspondence dated 27th February 2019 unless otherwise agreed in writing by the Local Planning Authority :--

- 1m from the turbine – 83 dBA
- Within the turbine house but at the entrance door (with the door closed) – 82 dBA
- Outside the turbine house but overlooking the Larinier Fish Pass (4m from the door) – 76dBA
- Outside the turbine house but overlooking the weir (8m from the door) – 68dBA

Reason: In the interests of amenity.

Informatives

01

The applicant/developer is advised to contact the Canal & River Trust's Works Engineering Team on 0303 0404040 in order to ensure that any necessary consents are obtained and that the works comply with the Trust's 'Code of Practice for Works affecting the Canal & River Trust.

02

The site is within the TVIDB district. The Board maintain the Slough Dyke on behalf of the EA under the PCSA. This is an open watercourse that exists in close proximity of the site and to which BYELAWS and the LAND DRAINAGE ACT 1991 applies. The EA should be consulted on any development. It is important that the Board maintain access to this watercourse with a clearance of 9m to allow machinery to carry out repairs and maintenance.

03

The applicant will need to apply for formal variations to their existing licences.

We recommend that they follow our pre application process prior to submitting a formal application.

The forms can be found at the following link:

<https://www.gov.uk/government/publications/water-abstraction-application-for-a-water-resources-licence>

04

In respect of the condition 14 relating to breeding birds, it is recommended that the applicant liaise closely with the RSPB as managers of the adjacent nature reserve to confirm whether notable bird species are breeding in locations that may be prone to disturbance.

05

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) **(England)** Order ~~2010~~ **2015** (as amended).

06

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

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

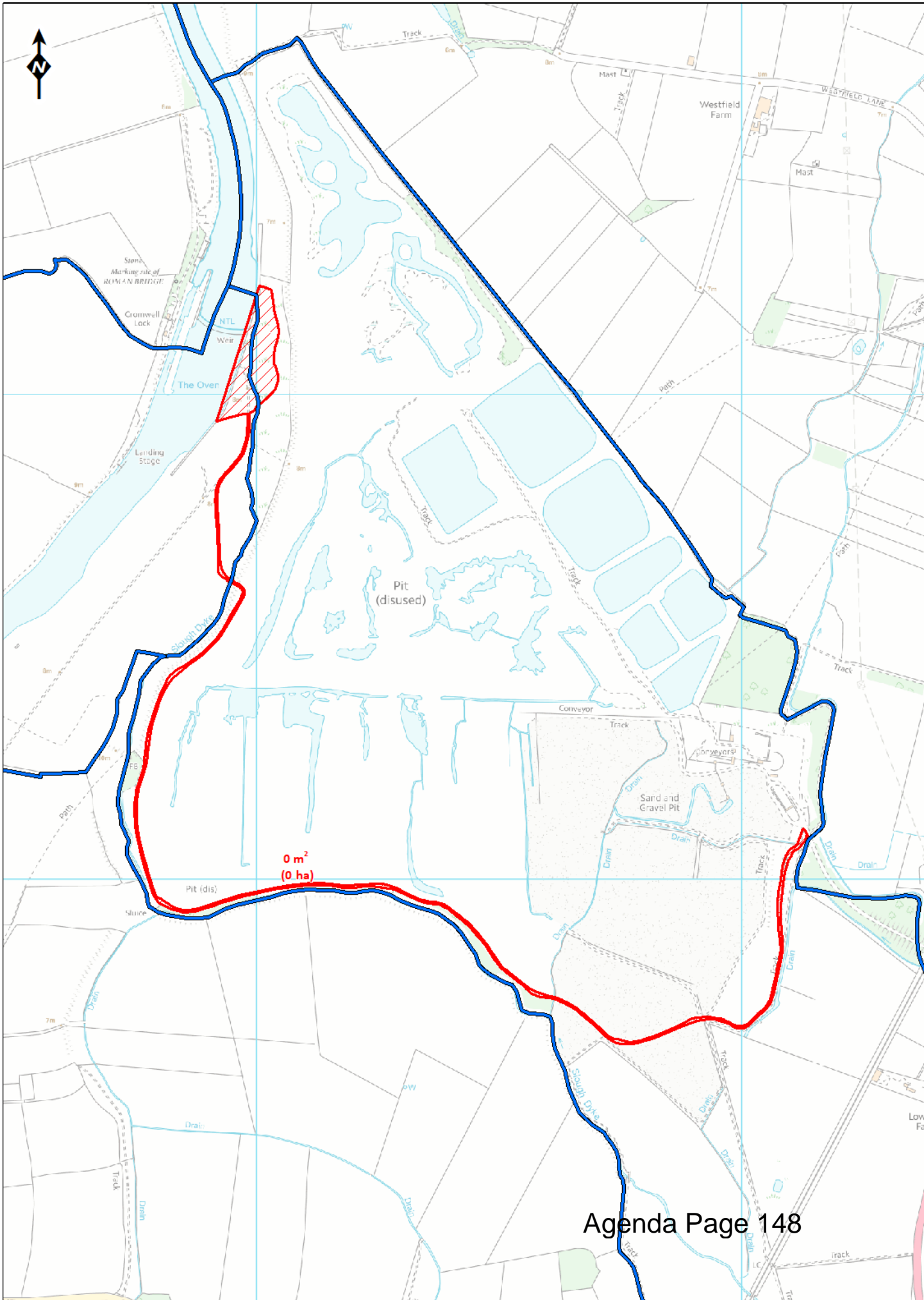
BACKGROUND PAPERS

Application case file.

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

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

Lisa Hughes
Business Manager – Planning Development



Matt Lomax
Renewables First Ltd
The Mill
Brimscombe Hill
Brimscombe
Stroud
GL5 2QG

Our ref: 19/01484/S73M

7th November 2019

Dear Mr Simon

Screening Opinion under Regulation 6 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 –Application to vary condition 2, 5, 6, 9, 10, 12 and 15 attached to planning permission 18/01477/FULM to amend the approved plans, reducing from three turbines to two and with a smaller development footprint. The purpose of this development is to generate and store renewable electricity and provide improvement to upstream fish and eel passage and biodiversity on the River Trent.

I write in connection with the above application deposited with the District Council on the 8th August 2019 and subsequently validated on the 12th August 2019.

The District Council is satisfied that the proposal does not constitute Schedule 1 development, for which an Environmental Impact Assessment (EIA) is mandatory. The proposal set out in the covering letter includes development which is considered to fall within the criteria and thresholds of Class 3(a) (Industrial installations for the production of electricity, steam and hot water and installations of hydroelectric energy) and 3(h) (Installations for hydroelectric energy production) of Schedule 2 of the 2017 Town and Country Planning Environmental Impact Regulations. The proposal does not meet or exceed the relevant thresholds set out within Schedule 2 of the Regulations nor does it fall within any of the sensitive areas defined within National Planning Guidance. The Local Planning Authority (LPA) has applied the selection criteria set out by Schedule 3 of the Regulations and made reference to the guidance set out in Planning Practice Guidance.

Taking all matters into account, in our opinion, based on the details provided the proposal is unlikely to have complex or significant environmental effects and thus a formal Environmental Statement is not required in this instance.

In reaching this conclusion, the Local Planning Authority (LPA) is satisfied that the proposal would not constitute a development that would have major impacts on the environment of more than local significance. There are a number of environmental matters which need to be addressed in the application and these matters, whether singularly or cumulatively could have a level of environmental effect. However, it is considered that these impacts can be adequately assessed through the detailed supporting documents that have been submitted with the application.

I trust the contents of this letter are clear. Should you have any further questions please feel free to contact the case officer to discuss them.

Yours sincerely

pp
Lisa Hughes
Business Manager – Planning Development

Technical Note – Planning Documents Review

Cromwell Weirs

Newark and Sherwood District Council

Project reference: Cromwell Weirs

18 October 2019

Quality information

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Revision History

Revision	Revision date	Details	Authorized	Name	Position
V1 issue	18/10/2019	Issue	Yes	Andrew Went	Associate Aquatic Ecologist
V1 Rev 1	23/10/2019	Rev 1	Yes	Pete Cowley	Principal Aquatic Ecologist

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1. Introduction

- 1.1 This Technical Note has been prepared for Newark and Sherwood District Council in order to provide a review of the ecological reports supporting an application (19/01484/S73M) to vary condition 2, 5, 6, 9, 10, 12 and 15 attached to planning permission 18/01477/FULM. The current application is to amend the approved plans, reducing from three turbines to two and with a smaller development footprint for the proposed erection of a hydropower electricity generating station, supported by energy storage and fish passage in the area of land adjacent to Cromwell Weir, on the right bank of the River Trent near Collingham. This application has also been submitted to discharge all pre-commencement conditions on the existing consent 18/01477/FULM.
- 1.2 The scheme is an update of an earlier proposal submitted by Barn Energy that comprised three Kaplan turbines. The new proposals have been submitted by H2O Power and comprise of two turbines instead of three. The new scheme means there is a reduction in the maximum abstraction rate from 80m³/s to 54m³/s.
- 1.3 This report provides:
- a summary of the applicable legislative requirements and guidance, and whether this has been satisfactorily addressed in the supporting documents;
 - A critical technical review of the collective ecology work submitted in support of the application including commentary on adherence to both legislative and best practice guidance requirements and the robustness of the work carried out, including the reasonableness of any conclusions reached. This component will include the identification of gaps in the robustness of supporting documents, and recommendations for further work where this is considered appropriate; and
 - an overall review of the key issues presented in any previously submitted objections limited to the potential impact of the development on fish, other aquatic and riparian species, and their associated habitat.

2. Ecological Reporting

Fisheries Assessment – Fishtek Consulting

- 2.1 This report provides a detailed assessment of the potential impacts of the proposed Hydro Electric Power Plant (HEPP) at Cromwell Weir. The assessment includes analysis of flows, river substrate, fish passage, species-specific modelling, hydraulic and geomorphological modelling and proposes mitigation and enhancement measures in the form of a naturalised bypass channel linking Slough Dyke to the River Trent, a Larinier fish pass and an eel pass.

Fish Passage

- 2.2 H2O Power Ltd instructed Fishtek Consulting to update the 2017 Cromwell Weir HEPP Geomorphology and Fisheries Report to assess how the up to date scheme may affect the areas of concern as set out in pre-application response NPS/WR/022415. In terms of fish passage, there are no fundamental changes to the baseline scenario and no further fish surveys have been completed. It is considered that based on available information the report provides a thorough understanding of fish populations within the River Trent.
- 2.3 The River Trent supports a diverse range of fish species, including Atlantic salmon *Salmo salar*, sea trout *Salmo trutta trutta*, sea lamprey *Petromyzon marinus* and European eel *Anguilla anguilla*; however, the River Trent itself has no specific statutory or non-statutory designations at the location of the proposed development.
- 2.4 The site is located within 250 m of the Langford Lowfields RSPB Nature Reserve and Local Wildlife Site (LWS), designated in part for aquatic plant and invertebrate communities, and is connected to the Humber Estuary SSSI (2000480) and SAC (UK0030170) approximately 60 km downstream, for which sea and river lamprey (*Petromyzon marinus* and *Lampreta fluviatilis*) are qualifying features.

- 2.5 The proposed Larinier fish pass would significantly improve upstream fish passage at the weir, particularly for migratory salmonid species, namely Atlantic salmon and sea trout.
- 2.6 The proposed naturalised bypass channel has been designed to allow passage for lamprey and eel, however, Fishtek still recommend a separate eel and lamprey pass to be installed on the opposite bank to the HEPP, either in place of or alongside the existing pool and traverse pass. The combined pass should comprise a channel lined with both eel and lamprey crawling media, as detailed in the outline design. This would further reduce the risk of entrainment and impingement at the intake. Recent studies on the efficacy of lamprey tiles have found mixed success during in-situ trials and research is on-going. Fishtek have therefore recommended that it would be beneficial if any lamprey substrate could be easily removed and replaced with an alternative at a later date, subject to the findings of on-going research.
- 2.7 It is considered that the report provides robust evidence that the proposals will improve fish passage at Cromwell Weir. The baffle height was selected by the developer to best meet the requirements for migratory salmonids and coarse fish and is based on discussions they had with EA fisheries. At present the weir provides a barrier to fish migration and the existing pool and traverse fish pass does not currently meet best practice guidelines and is unlikely to provide effective upstream passage for coarse fish and brown trout. Large head drops and high velocities means that the fish pass is not passable for 95% of the year, making it unfit for purpose.
- 2.8 Fishtek have also stated that given the reduction in scheme size there is a potential to reduce the size of the fish pass, providing minimum discharge limits can be met as well as the hydraulic conditions required for coarse fish and salmonid migration.

Hydrology and geomorphology

- 2.9 Results from the hydraulic and geomorphological modelling predict changes in flow velocities and geomorphology in the downstream channel, which translate into variations in fish spawning habitat quality.
- 2.10 The largest impact will be on brown trout habitat, for which the model predicts a large increase in near-optimal adult habitat and a slight reduction in juvenile and spawning habitat. The model also predicts gains in near-optimal juvenile barbel, adult roach and spawning roach habitat, as well as a slight reduction in the availability of near optimal adult barbel, adult chub and spawning chub habitat. Impacts to optimal habitat are less significant mainly due to the low availability of such habitat under the pre-installation scenario. The results are largely similar to those found in the previous report for an 80 m³/s abstraction.
- 2.11 The modelled effect of the abstraction regime on channel velocities does not seem to vary significantly between the current proposal of 54 m³/s abstraction, and the previous proposal of 80 m³/s abstraction. One observation is that under the reduced abstraction regime the course taken by the higher velocity turbine discharge shifts from the centre of the channel and towards the true right bank sooner. This can likely be explained by the fact that the hydro turbines will be drowned out sooner and therefore, there will be more flow discharging over the weir.
- 2.12 The maximum abstraction rate of the proposed scheme is 54 m³/s and the minimum residual flow is 7.54 m³/s to be divided between the weir and fish pass. Whilst the maximum abstraction is lower than the previous proposal, the residual flow has not changed.
- 2.13 The report is supported by Environment Agency (EA) correspondence, which confirmed that the EA do not believe that the development will significantly impact upon fish species present.

Habitat Regulations Assessment

- 2.14 During the licensing determination the applicant considered lamprey and consulted Natural England as the competent authority for the Humber SAC. The EA completed a Stage 1 Habitat Regulations Assessment and submitted this to Natural England for comment. Natural England responded and '*agree with the Environment Agency that the proposal will have no Likely Significant Effect on the integrity of the Humber lamprey population*'.
- 2.15 A Shadow Habitats Regulations Assessment has been completed by Barn Energy and updated to provide Appropriate Assessment of the SAC and impacts on the associated aquatic species. Additional mitigation measures to ensure no detrimental impacts on sea and river lamprey, and European eels, have been included and are detailed below:

- The 6mm fish screen has been augmented with a 3mm section at the base so as to specifically protect against the impingement of juvenile eels, river lamprey and sea lamprey. The detail of the screen design is contained in the Abstraction Licence.
- Biosecurity measures, including rigorous implementation of Check-Clean-Dry, will be implemented on site to stop the spread of waterborne diseases and INNS.
- Fish passage will be maintained during construction works by constructing the adjustable weir section-by-section, and part of the channel will have flow over the weir crest at all times.
- Pollution prevention measures will be implemented during construction of the HEPP.
- The risk of harming fish species during de-watering will be mitigated by using fish friendly pumps.
- Contractors will ensure that suitably qualified Ecologists are on site to undertake a fish rescue should any fish remain trapped in the dry-working area.

Suitability of report to support planning

- 2.16 The proposed 6 mm intake screening deviates from best practice guidelines; however, the Shadow HRA states that the 6 mm fish screen has been augmented with a 3 mm section at the base to specifically safeguard against the impingement of eel, river lamprey and sea lamprey. The detail of the screen design is contained in the Abstraction Licence. Environment Agency best practice guidance states that mesh size for glass eel and elvers should be 1-2 mm; however, given the location of the weir approximately 60 km from the Humber Estuary, elvers and glass eels of such a small size are unlikely to be present. There is still a risk that this deviation from best practice may form the basis of objection to the planning application, and therefore it is recommended that the design of the intake screen is revisited if possible.
- 2.17 Fishtek recommend that 150 mm high baffles on the Larinier fish pass could be considered in place of the 125 mm baffles currently proposed to prevent the fish pass from becoming overcharged for migratory species at high flows. However, even with higher baffles the fish pass would be slightly overcharged with the newly proposed lower abstraction regime. A more detailed hydraulic design that better meets best practice guidelines should be produced if possible for approval by the Environment Agency's National Fish Pass Panel.
- 2.18 Fishtek still recommend a separate eel and lamprey pass to be installed on the opposite bank to the HEPP, either in place of or alongside the existing pool and traverse pass. The combined pass should comprise a channel lined with both eel and lamprey crawling media, as detailed in the outline design. This would further reduce the risk of entrainment and impingement at the intake. Although this is a nice to have, it is considered that for planning purposes, the proposed naturalised bypass channel designed for eel and lamprey migration should be considered appropriate.
- 2.19 The construction of the fish passage must be completed by a competent engineer to ensure gradients and flows are sufficient to provide attractant flows and passage for all species.
- 2.20 A maintenance regime must be agreed to ensure that the bypass channel remains passable for all fish species and does not become blocked with silt or debris.

Ecological Appraisal and Protected Species

- 2.21 An Ecological Appraisal was completed in 2016 and updated in 2018. The 2018 update concluded that there was no significant change in the assessment in the intervening time.
- 2.22 The Ecological Appraisal Report covered the main development area and the proposed access track and included recommendations for mitigation in relation to vegetation clearance throughout the site.
- 2.23 An amended Ecological Appraisal has not been completed to accompany this new application and the previous reports are considered sufficient to support this application. As per the recommendations in the Ecological Appraisal, a Habitat Creation Scheme incorporating an Ecological Management Plan has been completed by MRB Ecology and Environment in September 2019, and has been submitted as supporting information.

Otter and Water Vole

- 2.24 It is agreed that the Slough Dyke provides an important route for riparian mammals, such as otter, to pass between the River Trent and the adjacent Langford Lowfields Reserve. This wildlife corridor should be retained and enhanced, where possible, through appropriate design of the diversion channel, to incorporate suitable bank profiles and wide berms which will support a greater diversity of marginal vegetation than is currently present on the Dyke.
- 2.25 No water vole were found in the baseline surveys, however, as detailed in the Habitat Creation Scheme, suitable bank profiles will be incorporated into the bypass channel design to offer burrowing habitat for water vole in the event that they are present within the wider area. A double line of native hedge species along the northern bank of Slough Dyke will also be provided to provide cover for otter.

Bats

- 2.26 No evidence of potential bat roosts was found in the Ecological Appraisal. However, a mature ash tree (Target Note 5) was identified as having 'modest potential', although this tree is to be retained. Further bat roost surveys are recommended should there be any impacts proposed to this tree.
- 2.27 A small patch of immature scrub and scattered young willow trees on the river bank are to be removed, but these were noted as having no bat roost potential. However, these areas of vegetation do contribute to areas of optimal bat foraging habitat locally and should be replaced through compensatory planting where possible.
- 2.28 An Arboricultural Method Statement and Tree Protection Plan has been submitted with the new application and details the tree protection measures which should be adopted by site contractors throughout the works to minimise any risks and adverse impacts on the trees to be retained.
- 2.29 It is understood that trees will be planted along the east side of the main site, between the Slough Dyke river and the flood bank. 11 trees are proposed here, a mix of pedunculate oak (*Quercus robur*) and poplar (*Populus* sp.). These trees will form a row of taller trees between the development and the neighbouring nature reserve. As oak and poplar trees grow to larger sizes, they can provide good nesting and roosting habitat for birds and bats from both the river and the nature reserve.
- 2.30 As detailed in the Habitat Creation Scheme, an existing strip of scrub running parallel to the realigned Dyke corridor is a feature of the scheme and will be retained. The tree-lined edge of Slough Dyke is likely to be an important linking feature for any riparian animals (including bats) using the Langford Lowfields site and the riparian corridor of the nearby River Trent.

Suitability of reports to support planning

- 2.31 As an amended Ecological Appraisal Report has not been submitted, the comments from our previous review still stand and are detailed below for ease of reference.
- 2.32 In the Ecological Appraisal Report, trees were assessed for their suitability as bat roosts. Due to the lack of bat roost features identified further bat surveys were scoped out. However, it is considered that the justification for this is poor: '*trunks are not of sufficient girth*'. Roosts have been found in tree trunks with girth less than 10 cm and therefore further surveys are recommended to satisfactorily establish the likely absence of bat roosts in any scrub or trees to be removed. In the event that potential bat roosts were found in trees to be removed, it would be recommended that where possible these trees should be retained. Where removal of such trees was unavoidable, further investigation of potential bat roosts in the form of nocturnal bat emergence surveys may be required and a European Protected Species licence application submitted to Natural England to allow the removal of an active bat roost.
- 2.33 The report comments that habitats on the site have some potential to support reptiles such as grass snake, but no further recommendations are made. The new Habitat Creation Scheme document provides recommendations in relation to timing and methods of vegetation clearance in relation to reptiles and amphibians.
- 2.34 The Ecological Appraisal does not provide a list of relevant legislation or review the potential development in relation to these.

- 2.35 The report makes reference to known badger activity in the area, but no further assessment is made in relation to this protected species. In the event that vegetation clearance is required and considering the time elapsed since the extended Phase 1 Habitat Survey, it is considered that a pre-commencement check for the presence of badger in these areas of vegetation is required. Badger are not included in the Habitat Creation Scheme or Ecological Management Plan.

Construction Environmental Management Plan

- 2.36 A new Construction Environmental Management Plan has not been submitted and therefore our comments on the previous application still stand. These have been included below for ease of reference.
- 2.37 It is recommended that the Construction Environmental Management Plan be updated to provide more specific mitigation measures with regards to protection of the aquatic environment during the construction phase. Some examples are provided below.
- The site access track must provide a suitable buffer (i.e. 8-10 m) between the track and Slough Dyke to ensure that no suspended sediments and contaminants enter the waterbody.
 - Any crossing of the Slough Dyke will be completed in compliance with the local authority guidance, e.g. Land Drainage Consent requirements.
 - Storage of materials must be outside of the floodplain, if this is not possible materials should be stored securely to ensure run-off does not enter any surface waterbodies should a flood event occur.
 - Pollution Prevention Guidelines should be followed as best practice when undertaking construction works near water.
 - Incident response methodology should be provided should a pollution incident occur.

Potential Noise Impacts on Fish

- 2.38 According to the updated Cromwell Weir Planning Statement Addendum Noise Assessment (dated 8 August 2019), the fact that the two proposed Kaplan Type turbines are buried will result in little or no noise disruption – certainly much lower aggregate noise levels than arises from the weir currently. *Any noise from the turbines will be generator noise, and as they are in the semi-buried turbine gallery, are not expected to create significant ambient noise above background levels.*
- 2.39 It has become increasingly apparent that human-generated sound has the potential to affect the health and wellbeing of animals as well as humans. There are still many gaps in the knowledge of fish bioacoustics, including questions on ear function. According to Popper et al., (2003), high sound levels are anything above 80dB, however, Lumsden (2016) demonstrated that the base flow of rivers can be anything from 95 – 106dB, and peak flows generating noise levels from 107 -123dB. Therefore, such noise levels are unlikely to have any adverse effects on fish.
- 2.40 The typical noise of a Kaplan turbine is 83 – 86dB (based on measurements from existing sites). However, the noise associated with the system will be predominantly generated within the turbine house, which will be buried to minimise acoustic leakage. The noise within the powerhouse is not expected to be more than 86dB, which will be significantly reduced in the aquatic environment based on the building design with dense concrete block and associated cladding, which will suppress noise. Additionally, the close proximity of the turbine and powerhouse to the weir, will mean that it is unlikely that the noise produced from the proposed HEPP will be heard over the baseline noise of the weir cascade. The background noise from the weir for similar schemes is typically 65 – 75dB, and it is considered that due to the attenuation of turbine noise, the predominant noise on the site will be that from the weir and fish pass. Therefore, there is not expected to be any influence on fish populations from the noise produced by the HEPP system.

3. Conclusions

- 3.1 This report provides a critical technical review of the collective ecology work submitted in support of the application, including commentary on adherence to both legislative and best practice guidance requirements and the robustness of the work carried out. This includes an evaluation of the reasonableness of any conclusions reached to support the planning application 19/01484/S73M. This application has also been submitted to discharge all pre-commencement conditions on the existing consent 18/01477/FULM.
- 3.2 The ecology reports provided meet the requirements to discharge the pre-commencement conditions. The Shadow HRA addresses the original objection '*the defendant failed in its obligation under the Habitats Directive to consider the impact on protected species*'. An Appropriate Assessment has now been completed to determine impacts on protected aquatic species, including those in the Humber Estuary SAC approximately 60 km downstream.
- 3.3 Detailed design of Slough Dyke has been submitted and takes water vole, otter, eel and lamprey habitat into account as well as the planting and protection of trees, which is further supported by the Arboricultural Method Statement and Tree Protection Plan.
- 3.4 The only outstanding concern is that Fishtek recommend 150 mm high baffles should be considered in place of the 125 mm baffles currently proposed to prevent the fish pass from becoming overcharged for migratory species at high flows. However, even with higher baffles the fish pass would be slightly overcharged with the newly proposed lower abstraction regime. It is recommended that a more detailed hydraulic design that better meet best practice guidelines is produced to satisfy the requirements of the National Fish Pass Panel.
- 3.5 Although a reduction in screen size from 6 mm to 3 mm is a vast improvement to protect eels and lamprey, there is still a risk that the Environment Agency will push for a 2 mm screen at the intake to account for glass eels and elvers as per their best practice guidance. However, screening requirements can be decided on a site by site basis, informed by local monitoring data. This will generally require input from local area Environment Agency officers. Where data does not exist, it may be possible to agree with the EA that the slot-width is based on appropriately designed surveys conducted during the glass eel/elver migratory window.
- 3.6 Fishtek also recommend that a combined eel and lamprey pass should be installed on the opposite bank to the HEPP alongside the existing pool and traverse pass. The pass should comprise a channel lined with eel and lamprey tiles that runs from the downstream bed to upstream of the weir. Although this would be a nice to have, it is considered that the proposed naturalised bypass channel is sufficient mitigation for lamprey and eel.
- 3.7 The Ecological Appraisal makes reference to known badger activity in the area, but no further assessment of this protected species is made. In the event that vegetation clearance is required and considering the time elapsed since the extended Phase 1 Habitat Survey, it is considered that a pre-commencement check for the presence of badger in these areas of vegetation is required. Badger are also not included in the Habitat Creation Scheme or Ecological Management Plan.
- 3.8 Due to the location of the proposed turbines below ground and the incorporation of additional noise attenuation measures, it is considered that the predominant background noise will be that from the existing weir and proposed fish pass. Therefore, it is considered that there will be no adverse effects on fish due to noise from the turbines.

PLANNING COMMITTEE – 3 DECEMBER 2019

Application No:	19/00131/FUL	
Proposal:	Construction of 2no. dwellings	
Location:	Land adjacent 4 Yew Tree Way, Coddington	
Applicant:	Mr & Mrs Hazzledine	Agent: Jen Leadbetter at Aspbury Planning
Registered:	31.01.2019	Target Date: 25.03.2019
	Extension of Time Agreed until 05 December 2019	

This application is being presented to the Planning Committee in line with the Council’s Scheme of Delegation as Coddington Parish Council has objected to the application which differs to the professional officer recommendation and the Local Ward Member, Cllr J Lee has requested it go before the committee for the following reasons: “Committee has had previous involvement, site is woodland and there is a TPO in place, there are parking issues, loss of habitat, it has poor design, is over-development and there are amenity concerns for residents.”

The Site

The application site lies to the northern end of Coddington and comprises part of the land associated with 4 Yew Tree Way. The site abuts Coddington Conservation Area. A 1.8m close boarded fence exists to the boundary of the garden serving the existing property with a landscaped buffer between the fencing and the boundary with the highway on Yew Tree Way. The site fronts the turning head on Yew Tree Way.

Numerous trees exist within the application site and these are protected by 3 separate Tree Preservation Orders. Given the numbers of trees and their disposition, the site takes on the appearance of a small woodland. The existing dwelling on the site is a two storey dwelling with a conservatory to the rear. Yew Tree Way is characterised by detached two storey dwellings and existing residential properties are situated opposite the application site. Beyond the site (to the west and north) is open countryside.

Relevant Planning History

There are three Tree Preservation Orders that relate to the wider site, as shown on the plan appended to this report:

- TPO 34 - -A Tree Preservation Order was made in 1982 (TPO 34) which related to a much wider site including the application site. This was missed off the land registry (13/00002/TPO).
- TPO 174 – A Tree Preservation Order was made in 1991 (TPO N174) which also related to a wider site but omitted the application site now being considered (11/00110/TPO);

- TPO 349 – A Tree Preservation Order was made in 2013 (TPO N349) which rectified the previous omission and relates to the land adjacent to 2 & 4 Yew Tree Way (and includes the application site) 12/00017/TPO

13/00226/FUL – An application was submitted in 2013 for the erection of 2no. two storey detached houses. The application was subsequently withdrawn.

13/01623/FUL – An application for the erection of two houses was submitted which was subsequently refused on 18th March 2014 under delegated powers on the grounds of:

- 1) Failure to meet an identified local need as required by SP3 and;
- 2) Failure to provide sufficient space to accommodate standing vehicle between house 2 and the highway resulting in a public safety contrary to DM5.

APP/B3030/A/14/2225664 - An appeal was lodged and was dismissed on 23rd December 2014. In dismissing the appeal the Inspector concluded that the scheme would likely affect highway safety. It was also concluded that it was not clear that the 2 houses would help enhance or maintain the vitality of the community or that there is a need for new housing in the village for the maintenance of the existing vitality of the community and that the appellant provided little evidence and no quantified analysis to confirm a local need. It was therefore not possible to conclude that the development would accord with the NPPF and the appeal failed.

16/01508/TPO - Undertake works to trees contained within G1 in schedule of TPO N349. The works were subsequently undertaken in accordance with the agreed works.

16/02158/FUL - Erection of 2 dwellings. The application was refused under delegated powers on 30.03.2017 on the grounds of:

- 1) In the opinion of the Local Planning Authority the proposed dwellings would not meet an identified proven local need for Coddington, which is not an area of focus for new housing development with the Council's settlement hierarchy. The proposal therefore does not represent a sustainable form of development and would be inappropriate. The proposal is therefore contrary to the requirements of Spatial Policy 3 (Rural Areas) of the Newark and Sherwood Core Strategy (adopted 2011) and Policy DM12 of the Allocations and Development Management DPD (adopted 2013). The proposal also fails to accord with the provisions of the National Planning Policy Framework (NPPF) 2012 which is a material planning consideration.
- 2) In the opinion of the Local Planning Authority the Tree Surveys submitted are flawed as they do not accurately show root protection areas, tree canopies or the tree shading as one would expect from a survey that complies with the British Standard 5837-2012. Notwithstanding this however Officers consider that the proposals would result in positive harm; it is considered that the proposed dwellings would have insufficient functional amenity space that would be completely dominated by surrounding trees which are not yet fully mature and there will likely to be pressure from any future occupants for pruning/felling the result would be to have adverse impacts on the trees. There would also be seasonal tree debris (from leaves, fruits, seeds etc) which could be seen as a nuisance as well as apprehension of occupants over the possible failure of trees/tree parts that are likely to be of concern to any future occupiers given the close proximity of large trees to their dwellings and this would also lead to pressure for repeat pruning and/or tree felling.

Furthermore the space that the dwellings would have access to would be severely restricted and overshadowed with occupiers having to manage their space as woodland rather than garden and the species (Yew) is not an ideal species for family houses given they are poisonous to humans, especially small children. Overall it is considered that the proposal is contrary to Policies SP3 (Rural Areas), CP9 (Sustainable Design) and CP12 (Biodiversity and Green Infrastructure) of the adopted Newark and Sherwood Core Strategy and Policies DM5 (Design) and DM7 (Biodiversity and Green Infrastructure) of the adopted Allocations and Development Management DPD which together form the Development Plan, as well as the NPPF, a material planning consideration.

17/02320/TPO – Undertake works to Oak tree protected by TPO N34 and N174 – Woodland 1 Removal of smaller lower lateral back to stem and reduction of larger lateral back to secondary growing point. Approved 21.12.2017.

The Proposal

Full planning permission was initially sought for two detached two storey 3 bedroom dwellings with detached garages. However following concerns raised by officers, the applicant has amended the scheme to a pair of semi-detached dwellings with no garages.

Both dwellings are identical in design (but handed) comprising a central front porch, kitchen, utility, living room and w.c. at ground floor whilst at first floor are three bedrooms (1 en-suite) and bathroom.

The building would measure c15m in width by 9.9m in depth (excluding the forward projection which adds a further 1.4m). The eaves height is 5.13m rising to 8m (reduced from 9.2m) to the ridge of the hipped roof.

Block paved driveways are proposed to the side of each dwelling. For House 1 the depth proposed is c14.7m whilst for House 2 it is c12m.

Plans showing part street-scenes, levels and cross sections have been provided showing that the ridge height of the proposed dwellings would sit lower than the ridge height of the existing dwelling at 4 Yew Tree Way. All windows serving the proposed dwellings (save for bathroom and landing first floor windows) would be to the front and rear elevations and materials are indicated to be red brick to complement existing dwellings with pantile roofs.

The submitted plans show lawn areas to the front and rear of the proposed dwellings and indicate the line of presence of protected trees on site.

The Submission

The application has been revised twice during its lifetime with the following documents forming the submission:

- L (03)51 Rev A – Proposed Elevations Option 10
- L(03)50 Rev D – Proposed Plans Option 10
- Agents Covering Letter
- Extended Phase 1 Habitat Survey and Tree Assessment for Bats (by Rachel Hacking Ecology, November 2016)

- Design Guide by Influence
- Planning and Design & Access Statement
- Arboricultural Method Statement by AWA Tree Consultants

Departure/Public Advertisement Procedure

Occupiers of four properties have been individually notified by letter. A site notice has also been displayed near to the site and an advert has been placed in the local press. Re-consultation has taken place on the amended scheme.

Planning Policy Framework

The Development Plan

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

Spatial Policy 1 – Settlement Hierarchy
 Spatial Policy 2 – Spatial Distribution of Growth
 Spatial Policy 3 – Rural Areas
 Spatial Policy 7 – Sustainable Transport
 Core Policy 3 - Housing Mix, Type and Density
 Core Policy 9 – Sustainable Design
 Core Policy 10 – Climate Change
 Core Policy 12 – Biodiversity and Green Infrastructure
 Core Policy 14 – Historic Environment

Allocations & Development Management DPD (2013)

Policy DM5 – Design
 Policy DM7 – Biodiversity and Green Infrastructure
 Policy DM9 – Protecting & Enhancing the Historic Environment
 Policy DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2019
- Planning Practice Guidance
- SP3 Guidance Note
- APP/B3030/A/14/2225664 – Appeal Decision
- Newark and Sherwood Housing Needs Survey 2014 by DCA
- Palm Developments Ltd v Secretary of State for Communities and Local Government, Court of Appeal - Administrative Court, February 1, 2009 and Distinctive Properties (Ascot) Ltd v Secretary of State Distinctive Properties (Ascot) Ltd v Secretary of State for Communities and Local Government, Court of Appeal - Administrative Court, March 19, 2015

Consultations

Coddington Parish Council – (15.11.2019)

“The proposed amendments to the application have done nothing to mitigate the Parish Council’s objections.

- None of the previous objections raised by the Council and local residents concerning safety and access have been addressed and residents have complained about a lack of communication by the Planning Office;
- A minor reduction of 0.7m in the height of the two houses is of no significance for preserving the character of the area. The building is still larger than all the other houses and still obliterates the public view of protected ancient woodland. The original development plan purposely left the site vacant in order to preserve the open woodland character of the estate;
- A small shed would not provide sufficient storage for a large three bedroom house and there would likely be future pressure for the addition of a garage, further encroaching on protected woodland, in direct conflict with the District Council’s policy of tree planting and preservation;
- The site currently provides a soakaway for surface water which, in view of concerns about climate change and recent flooding, is of high importance, yet there are no proposals for its relocation.”

(23.10.2019) Object on the following grounds:

- **Character** - The original plan for development at Beaconfield was for well-spaced 4-bedroomed houses with large gardens, designed around the predominant woodland setting. The design of the proposed additional semi-detached dwellings is over-development not in keeping with other properties with spacious gardens on Yew Tree Way. The semi-detached houses together are not modest in size, and in fact ignoring the garages, are larger than before. Both houses are the same width as the detached house designs previously submitted, but larger front to back with the rear of both houses closer to Yew Tree Wood. Furthermore, the division of gardens and loss of trees would set a precedent for further development, contrary to the original design conditions laid down for this area, with views over the countryside and the open space character of the area being lost.
- **Safety** - Access to the proposed houses lies at the hammer-head of the cul de sac. Additional vehicles at this point would cause congestion and inconvenience for vehicles using the turning area, and block access to the emergency services’ vehicles entry/exit route. The lack of a footpath would cause significant danger to pedestrians especially those families walking to school. Additional housing would increase road parking on the narrow Yew Tree Way, causing pedestrian hazards from emergency, utility and domestic vehicles, including reversing manoeuvres. The driveways to the proposed properties are of insufficient length for the average number of household cars and visitors. The design guide incorrectly gives the impression that there are two points of normal vehicle access to Yew Tree Way, whereas one access is for emergency vehicles only.
- **Sustainability** - The statement contains references to the Post Office and Village Shop; both these services were closed by April 2018, and planning consent has now been granted for conversion to residential use. A limited Post Office service is due to launch from the Community Centre, but this will only be open for 3 hours per week.
- **Setting of the Conservation Area** - The site lies close to the southern boundary of the Conservation Area where mature woodland provides a natural extension and setting for the Conservation Area, enhancing the environmental quality of the village. The surrounding retained trees are likely to be the subject of repeat applications for tree

felling and removal of branches, which will damage the setting of the Conservation Area and Yew Tree Way. For example, the present applicant has carried out work to significantly reduce the scale of large yew trees, so they now provide much reduced visual amenity on Yew Tree Way, and applied to fell an oak tree (01508/TPO). It is also not clear how damage to trees will be avoided during construction works due to the very limited space available for laydown and contractor vehicles / facilities.

- **Ecology** – Habitat surveys have been completed in 2016 and 2019 on behalf of the applicant, with the scope including woodland protected by TPOs. The scope of the 2019 survey covers a more restricted area than the 2016 survey, but it is clear from the report that there has been significant degradation of the mixed woodland between the two surveys, and this may extend further back towards Yew Tree Wood given the pattern of degradation. Further degradation of the woodland would be expected if permission is granted for development, both during construction and during occupation, due to the limited space for laydown and residential gardens.

20.02.2019 - Objected on the grounds of character, safety, sustainability, setting of the conservation area and ecology.

NCC Highways Authority – Standing advice applies. However given history of a refusal based on highway concerns bespoke advice was requested which is as follows:

“Yew Tree Way is a cul-de-sac and the application site is positioned near the turning head. The proposal includes the construction of two vehicular accesses which are required to be constructed in accordance with the Highway Authority’s specification.

Sufficient parking space has been proposed.

There are no highway objections subject to the following...”

They then go on to request 2 conditions and an informative which are included within the recommendation section.

Natural England – 15.10.2019: No objection. Advice that that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes. Other standing advice applies.

06.02.2019: ‘Natural England has no comments to make on this application.

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

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

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

on the environmental value of this site and the impacts of the proposal to assist the decision making process. We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.

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

Nottinghamshire Wildlife Trust – 14.10.2019;

‘Thank you for consulting Nottinghamshire Wildlife Trust on the above application for Construction of 2no. dwellings at Land Adjacent 4 Yew Tree Way, Coddington, NG24 2RZ. We note the application has not significantly changed and therefore stand by our previous comments dated 3rd June 2019. We hope you find these comments helpful, please get in touch if you have any questions.’

03.06.2019: “We are pleased to see an extended Phase 1 Habitat Survey and Daytime Bat Assessment (Rachel Hackling, April 2019) has been undertaken in line with our previous comments on this application. We agree with the advice in Section 5 (page 12) of the report and recommend these are incorporated into an appropriately worded planning conditions, should the development be approved.”

12.02.2019: ‘Given that it is outside the time frame that is usually considered to be up to date and that the survey was carried out at a sub-optimum time of year, we recommend that the LPA requests an updated survey is produced prior to determination.’

Trent Valley Internal Drainage Board – Make general comments.

Consultant Tree Officer – (04.11.2019): The proposed sheds are unlikely to be detrimental to tree roots. Previous comments are still applicable--this may require a revised tree protection plan to address.

10.10.2019: “The revised scheme is likely to reduce any tree impact on future occupants which was a concern on previous layouts. The submitted tree protection scheme noted in the Arboriculture Method Statement is broadly acceptable. However, no specification details of the ground protection area have been submitted and there appears to be no provision for any on site facilities or storage of materials.”

08.02.2019: “Although the submitted revised layout just fits between retained tree RPAs I still have the following concerns:

1. There is little room for the provision of contractor facilities, materials storage or construction access to the rear of the proposed dwellings.
2. The surrounding retained trees are likely to be the subject of repeat applications from any future applicants due to issues with heavy shading, overhanging branches, seasonal nuisance and fear of the failure of tree /tree parts.
3. Garden areas still remain part of a woodland TPO and consequently understorey growth is protected which may result in issues as any future occupants may desire a "tidy" garden environment. All garden areas are likely to have reduced amenity use due to issues of shade and

again fear of failure of tree/tree parts which may increase pressure for works to trees which were previously in a woodland environment.”

Historic Environment Officer (Archaeology) – No archaeological input required.

The following objections have been received; the amended plans have not overcome the strong objections raised from 6 households:

- Planning history is material to decisions;
- Applicant should never have been given permission to remove trees for the woodland that now enable the space for 2 houses;
- Applicant should not have been allowed to benefit from a Council error;
- Protected trees removed due to errors of the District Council;
- Loss of trees from yew wood;
- Trees are vital to fight against climate change;
- Removal of mulberry tree unacceptable (only ones in the village);
- Pressure to fell yet more trees;
- Previous objections regarding highway safety still remain;
- Pedestrian safety as no pavements;
- Concerns regarding contractor vehicles during construction;
- Site slopes so would need split level garden;
- Inaccuracies and misleading comments in the Design and Access Statement;
- Driveways in close proximity to others would cause conflict;
- Comments that fences are not in the correct position;
- Claims that the village has a shop and post office is not correct;
- There is nowhere to move soakaways to;
- Design of houses does not carefully blend in with others on the street;
- Scale, width of building bigger than others on the Way;
- Concerned at lack of garages and future pressures for one;
- Shed of size proposed does not make up for lack of garage;
- Ecology concern/loss of habitat;
- Parked cars would block emergency access from farm road;
- Conflicts with location of road water soakaways;
- Properties are right up to the road with protected woodland for rear garden could play on the road;
- Boundary issues;
- Area is focal amenity for the village with protected woodland and based at the edge of the conservation area.

Comments of the Business Manager

Background

It is fair to say that there has been strong objections received in respect of this scheme. Some of these objections appear to stem from events that have happened in recent years (since 2012) whereby trees were removed because the Council had failed to take into account one of 3 TPO's relating to the site and the owner was therefore not made aware that these particular trees were subject to protection. This resulted in a complaint to the Ombudsman in 2015 against the Council for failure to enforce replanting which the Council could not take because of the fault as it would

unlikely succeed and would have been unreasonable. The Ombudsman found fault with the Council due to record keeping from 1982 but recognized that it had done all it could to prevent the problem reoccurring. The Inspector also recognized that the concern regarding future development on the site was separate from the TPO and that 'the presence of the TPO does not mean the site cannot be redeveloped' and that they 'couldn't link the fault to possible development of the site'. They did however accept that that 'removal of trees has changed the site forever and may have removed obstacles to development.' They went on to say that 'Replanting could have made development of the site more difficult but it would not have prevented development.' It is within this context that the application is assessed.

Members will note that there is a history of refusals on this site for two detached dwellings. Reasons for refusal have previously related to the lack of an identified housing need, highway safety and impacts to and from protected trees. However since the refusals there has been a shift in planning policy and the scheme, which has been amended to a pair of semi-detached dwellings, has been assessed afresh in light of all material considerations.

The Principle of Development (including a discussion on sustainability)

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

The starting point in assessing this application is with the Development Plan. Core Policies 1, 2 and 3 set out the settlement hierarchy in the District. Spatial Policy 1 details the settlement hierarchy to help deliver sustainable growth and development in the District. The intentions of this hierarchy are to direct new residential development to the sub-regional centre, service centres and principal villages, which are well served in terms of infrastructure and services. At the bottom of the hierarchy are 'other villages' will be considered against the sustainability criteria set out in Spatial Policy 3 (Rural Areas). These are location, scale, need, impact and character and are assessed below.

Location

SP3 states that new development should be 'in villages, which have sustainable access to Newark Urban Area, Service Centres or Principal Villages and have a range of services themselves to address day to day needs'.

I have assessed the site's location taking into account the existing situation in terms of the built form of the area. I am particularly mindful of the existing layout of development and that the site sits opposite and adjacent to existing properties on Yew Tree Way and would be served by the existing cul-de-sac in terms of vehicular access. I am satisfied that the application site is situated within the main concentration of existing development in the village.

With regards to the provision of services, whilst Coddington is defined as an 'Other Village' in the settlement hierarchy it does nevertheless contain a Primary School, two public houses, a village hall, community centre and church. There are also bus stops which provide regular half hourly bus connections to Newark. As such I consider the proposal meets the first criteria of SP3. I note the comments made by residents relating to the Design and Access Statement referring to a local shop which no longer exists but this does not alter my findings on the scheme.

Scale

SP3 provides that new development should be appropriate to the proposed location and small scale in nature. This relates to both the amount of development and its physical characteristics, the latter of which is discussed further in the Character section below.

Two additional dwellings on the site is considered small scale in numerical terms and as such is unlikely to detrimentally affect local infrastructure such as drainage and sewerage systems even when added to the development already committed to in Coddington through the granting of permissions. I also consider that two additional dwellings are highly unlikely to materially affect the capacity of the transport network in dealing with the increased volumes of traffic levels, a matter which the Highways Authority have not raised concerns on. The site is located within Flood Zone 1 of the Environment Agency flood maps and as such is at low risk of flooding from river and coastal sources. The site is also at very low risk of flooding from surface water according to the Environment Agency surface water maps and thus the additional built form is unlikely to result in adverse impacts from surface water runoff that could not be adequately mitigated against.

Character, Design/Visual Amenities

The character criterion of SP3 states that new development should not have a detrimental impact on the character of the location or its landscaped setting. This assessment overlaps with the consideration required by Policy DM5 which confirms the requirement for new development to reflect the rich local distinctiveness of the District's landscape and character through scale, form, mass, layout, design, materials and detailing. Core Policy 13 requires the landscape character of the surrounding area to be conserved. The NPPF states that good design is a key aspect of sustainable development.

The site's location adjacent to the designated conservation area is also a material consideration. The Council's conservation team raise no objection to the setting of the conservation area. I concur with this opinion.

The proposed dwellings are modern in design and very much reflect the style of the existing detached dwellings along Yew Tree Way.

The height of the dwellings has been reduced so that in context it sits lower than adjacent dwellings. The building is wider than the other buildings on the street, however I do not consider this to be fatal to the scheme. Visually this does not read as jarring with some of the larger detached dwellings in the vicinity. I am satisfied that the proposed dwellings by reason of their height, choice of materials, layout, and soft landscaping would ensure the buildings would have an acceptable relationship with the street scene and the visual character of the area. Given the properties would be seen in context with existing dwellings on Yew Tree Way and that existing trees on the site would be retained, I am satisfied that the proposals would result in no significant impact on landscape character and setting of the adjoining conservation area. Tree protection measures have been set out in the Arboricultural Methodology Statement which can be conditioned and precise details of soft landscaping would be subject to condition if approved.

I am therefore satisfied that the proposals would comply with the design guidance in the NPPF and DM5 of the DPD and the policies in the Core Strategy and DPD relating to the historic environment and landscape character.

Need for Development

Members will note that a lack of housing need was previously cited as a reason for refusal and an appeal against the Council's decision was dismissed. However planning policy has shifted since the determination of the appeal. Whereas previous housing in such an area was expected to meet an identified proven local need, the adopted policy now requires development to *"help support community facilities and local services."* It goes on to say that *"Neighbourhood Plans may set detailed policies reflecting local housing need, elsewhere housing schemes of 3 dwellings or more should meet the mix and type requirements of Core Policy 3."*

In essence the need criteria of SP3 has relaxed and only has to support community facilities and local services, which this scheme is capable of doing. There is no Neighbourhood Plan for Coddington that sets a specific housing need agenda or policy to the contrary. I also note that the Newark and Sherwood Housing Needs Survey 2014 by DCA identifies that in the Newark Sub Area (where Coddington falls) the most needed type of accommodation is for 3 bedroom dwellings (40.2%). CP3 also reinforces that family housing of 3 bedrooms or more is a general need across the district.

Therefore whilst the appeal decision is a material consideration, in this case I am on the view that given the changes to the policy in respect of need, it would now be unreasonable to resist an application on this basis.

Impacts on Trees

The starting point for all development is that Policies CP12 and DM5 seeks to protect and enhance natural features where possible. CP9 requires proposals *'to demonstrate a high standard of sustainable design that both protects and enhances the natural environment and contributes to and sustains the rich local distinctiveness of the District.'*

The trees on the site are protected by Tree Preservation Orders. In support of the application a tree survey, updated method statement and plans showing the tree protection measures has been submitted by AWA Tree Consultants.

In order to facilitate the development the proposals would require the removal of 3 semi-mature trees (2 x Mulberry and 1 Maple) and a dense group of shrubbery, all of which are graded as category C, which have low amenity value. The Council's Consultant Tree Officer has been on site and reviewed the scheme. The loss of the trees and shrubbery is considered to be acceptable given their low amenity value.

The Tree Officer notes that the Arboricultural Method Statement is broadly acceptable but that no specific ground protection areas have been submitted and there appears to be no provision for any on site facilities or storage of materials. These however are matters that could be dealt with by condition if Members were minded to approve the scheme. Confirmation has also been received that the positioning of the sheds is unlikely to be detrimental to tree roots given they would be placed on no dig footings.

The garden to House 1 would contain 5 trees comprising 3 x Yews, an Oak and Maple and be overhung by 2 other Oaks. House 2 would contain 7 trees; 2 x Yews, 3 Oaks and 2 Mulberry's with an Oak overhanging its garden.

In terms of the impact on the remaining woodland, concern was previously raised in terms of pressure to prune trees due to the shading of the garden and seasonal nuisance and fear of the trees falling in close proximity to the dwellings. Members will note that the amended plans have addressed the concerns raised by the tree officer. The scheme is considered 'likely to reduce any tree impact on future occupants which was a concern on previous layouts.' I note the presence of the Yew trees whose debris is toxic particularly for small children if consumed which isn't ideal for family housing, which these dwellings are. However I agree that the dwellings are now an adequate distance from trees and the occupiers would be well aware of the potential issues before taking possession of the houses.

Whilst the dwellings proposed would still have gardens dominated by trees, each has some external space that is clear of trees allowing for areas that aren't overshadowed, particularly House 2 having the largest curtilage. Notwithstanding this, the way in which the site would have to be managed has been clarified by case law in that a woodland TPO protects all trees and the site would essentially need to be managed as a woodland as opposed to being managed as a garden.

The key question therefore is whether the concerns that have not/cannot be addressed are sufficient to resist this development. In doing so it is important to note that the host dwelling sits within a similar woodland setting of similar species including Yews. Taking all matters into account I am of the view that the amendments made to the scheme from the previous refusal and during the life of this application, that the scheme is on balance acceptable and in line with policy.

Impact on Residential Amenity

Policy DM5 states that the layout of development within sites and separation distances from neighbouring development should be sufficient to ensure that neither suffers from an unacceptable reduction in amenity including overbearing impacts, loss of light and privacy. In the context of the current application, consideration of amenity requires deliberation to the impacts of the development on the existing neighbouring properties as well as the proposed occupiers of the development proposed.

In terms of the built form of the proposed dwellings and the parking and garden areas proposed, I am satisfied that the proposal would result in no undue impacts on neighbouring residential amenity (nor with each other) given the relationships with other properties on Yew Tree Way. In reaching this conclusion I am mindful that 'House 1' is set back in relation to the existing dwelling at 4 Yew Tree Way. However, given the separation distances between this existing property, that the rear garden of no.4 includes numerous trees which already result in a degree of overshadowing to this property, and that there are no side windows (other than an obscure glazed bathroom window) on the proposed dwellings, I consider that the proposals would not result in any undue overbearing, overshadowing or overlooking impacts. The insertion of any further windows in the side elevations of the proposed dwellings could be controlled by a condition. There are no dwellings affected to the west and those to the south are located on the opposite side of the road with sufficient space and distances between them to allow for privacy.

Concern was previously expressed that the garden curtilages of the two detached dwellings would not create functional or meaningful gardens given that the presence of the trees would require the gardens to be managed as woodland rather than gardens.

The revised scheme has sought to address this concern by providing more useable garden space for each of the dwellings. The reduction in the size of the dwellings, their repositioning and the

removal of the garages from the scheme has aided this albeit the trees still would still somewhat dominate much of the external space, particularly with House 1, and would still need to be managed as woodland. Notwithstanding this I am mindful that the future occupiers of the dwellings would be aware of the limitations of the garden in advance and that not all occupiers would be concerned by this management requirement. As the land slopes, details of land contours can be clarified by condition but it would be expected that no alterations to the land levels would need to occur.

The loss of the garages from the scheme has resulted in the loss of ability to store domestic paraphernalia for residents such that the applicant was invited to consider the siting of an appropriate sized shed at this stage. This was particularly important given that I would be recommending the removal of permitted development rights in the event of an approval. The applicant has advanced a plan to show each dwelling provided with a small shed measuring 1.83m x 1.24m. No elevation details have been forthcoming albeit the height has been given as 1.83m to eaves and 2.11m to ridge. I am satisfied that this would not adversely affect residential amenity.

On balance I find that the level of amenity space and its usability has now tipped over into being acceptable.

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.

The site offers ecological value within its woodland habitat. An Extended Phase 1 Habitat Survey and Tree Assessment for Bats (November 2016) was undertaken in support of the application and this was updated in April 2019 given the passage of time.

The survey concludes that there is potential foraging, hibernating and commuting habitat suitable for Great Crested Newts which could be supported on a pond outside of the site c250m to the south-west, however given the lack of connectivity it is not considered to be a constraint to development. The site supports good foraging and commuting habitat for bats although no evidence of bat activity was found during the tree survey and likewise there was no evidence of badgers or other protected species. The trees also provide suitable bird nesting habitat.

Invasive non-native species (4 types) were also found on the site in 2019; none were previously found in 2016. It is an offence to allow these to spread. However unless these are causing a nuisance no formal action can be taken. However I consider that it would be reasonable to require these to be removed as part of a landscaping scheme in the event that the application is approved which would be a betterment that otherwise could not at this stage be obtained.

I note that Natural England raise no objections to the proposal.

Having following the Standing Advice issued by Natural England and in line with the recommendations of the Survey, given I have no evidence to the contrary I am satisfied that any harm could be mitigated through conditions and that habitat creation and enhancements could also be secured by condition. Subject to this the proposal would accord with Core Policy 12 and Policy DM7.

Impact on Highway Safety

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

I note that local residents have raised concerns that there are no pavements along Yew Tree Way and that garages at many properties along this Way are used for storage and there are parking problems already. During site visits I did not encounter any obvious parking issues. The garages have now been removed from the scheme and as a consequence longer driveways have been provided for each unit which would allow for the parking of at least two cars each which is sufficient for three bedroom dwellings. I note that the Highways Authority raise no objection to the scheme in terms of highway or pedestrian safety.

It is therefore considered that the proposal does not result in any highway safety issues and complies with SP7 and Policy DM5 of the Core Strategy and DPD respectively.

Other Matters (Not already covered)

I note that local residents have raised concerns that the local schools are already oversubscribed. Whilst this may well be true, an application for just two dwellings is not required to contribute towards primary education (as the trigger for developer contributions is set at 11 units) and indeed secondary education would be covered by CIL in any event.

Concerns have also been raised regarding drainage which I am satisfied could be controlled by conditions if the application were to be recommended for approval.

Lack of communication from the planning office is cited by residents to the Parish Council as being of concern. I can confirm that appropriate public consultation has been undertaken on the application. As is pointed out in the neighbour notifications, officers are unable to respond individually to each concern raised. This report is essentially that response.

If soakaways need to be removed, this would require the consent of the relevant authority. If it is not possible to relocate them as suggested by some third party comments, then it could mean that the planning permission is unable to be implemented in the same way that one couldn't implement a scheme on land that one doesn't own.

The issue of fencing not being in the correct position appears to be a civil issue rather than a planning one.

Planning Balance and Overall Conclusion

Having regard to the criteria contained within SP3, the principle of development within Coddington village is considered acceptable. Having carefully considered the site specific impacts I conclude that there would be no demonstrable harm in terms of heritage and highway safety.

I appreciate the concerns of the Parish Council and those of the residents who raise strong objections. I also appreciate the planning history relating to the site and events that have led up to the submission of this latest submission.

With regards to the design of the new dwellings and whether they fit with the character of the area is subjective. However I have found that these would be acceptable for their context and would offer needed (in a district and national sense) 2 x 3 bedroom dwellings in a relatively sustainable settlement.

Three category C grade trees and some shrubbery would need to be removed from the site in order to facilitate the development. The Tree Officer has raised no concerns to this loss given their low amenity value. A reasonable level of useable garden space is now available to each dwelling such that the amenity space is now considered acceptable. Whilst the potential pressure for pruning would not fully disappear, I, like the Tree Officer am satisfied that due to the proximity of the dwelling and the age of the species closest to the dwelling, this pressure would not be undue. Seasonable debris is a matter for the owners to manage acknowledging that the external space would need to be managed as a woodland rather than gardens. However this is no different to the host dwelling and others in the vicinity. Not all occupiers would be put off by this prospect.

In terms of ecology no specific harm was identified. Four types of 4 invasive species found on site could be sought to be removed through a landscaping condition which would be a betterment which I give some limited positive weight to. Any other potential harm can be mitigated by condition and I consider that enhancements could also be achieved.

All relevant matters need to be weighed in the planning balance. I have considered all of the above and have come to the view that the previous refusal reasons have been adequately addressed and any harm could be mitigated by conditions. I therefore offer a recommendation of approval.

RECOMMENDATION

That planning permission is approved subject to the conditions and reasons shown below:

Conditions

01 (Time for Implementation)

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 (Construction Management Plan)

No development shall be commenced, including any works of demolition or site clearance, until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site construction workers and visitors;
- ii. loading and unloading of plant and materials;

- iii. storage of plant and materials used in constructing the development specifically avoiding root protection areas of retained trees;
- iv. the erection and maintenance of any security fencing required including the positioning of this with specific consideration in relation to retained and protected trees.

Reason: In the interests of ensuring that protected and retained trees are protected during the construction phase and in the interests of residential amenity.

03 (Prohibited Activities near trees)

During the construction period the following activities must not be carried out under any circumstances.

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

Reason: To ensure that existing trees and hedges to be retained are protected, in the interests of visual amenity and nature conservation.

04 (No machine digging underneath tree canopy)

Unless otherwise agreed in writing by the Local Planning Authority, no machines shall be used and only hand digging shall be undertaken when excavating beneath the crown spread of any trees on site. Any roots exposed over 25mm diameter, shall be retained, undamaged and protected i.e. from unnecessary damage and drying out. All backfilling over exposed roots shall be of top soil or washed sand, carefully tamped by hand around and over all roots before continuing to backfill with other materials required for the finished treatment.

Reason: To ensure that adequate protection is afforded to the existing vegetation and trees to remain on site, in the interests of visual amenity and biodiversity.

05 (Tree Protection)

No works or development shall take place until the trees shown to be retained have been protected in accordance with the details contained within the Arboricultural Method Statement prepared by AWA Tree Consultants as amended and submitted to the Local Planning Authority on 2nd October 2019. All works/development shall be carried out in full accordance with the approved tree/hedgerow protection scheme. The protection measures shall be retained during the construction phase of the development.

Reason: To ensure that existing trees and hedges to be retained are protected, in the interests of visual amenity and nature conservation.

06 (Updated Tree Protection Plan for Sheds)

Prior to the installation of the approved timber sheds within each garden, a revised Tree Protection Plan (TPP) shall be submitted to and approved in writing by the Local Planning Authority. The approved tree protection shall then be installed on site prior to the installation of the sheds and shall only be removed once these sheds have been installed.

Reason: The TPP has not been updated to reflect the provision of the garden sheds and this condition is necessary to ensure that existing trees and hedges to be retained are protected, in the interests of visual amenity and nature conservation.

07 (Drainage)

No development shall be commenced until details of the means of foul drainage and surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out thereafter prior to first occupation in accordance with the approved details.

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

08 (External Facing Materials)

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

Reason: In the interests of visual amenity.

09 (Architectural Details)

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

External windows including roof windows, doors and their immediate surroundings, including details of glazing and glazing bars.

Treatment of window and door heads and cills

Verges and eaves

Reason: In the interests of visual amenity.

010 (Hard and Soft Landscaping)

Prior to first occupation of the development hereby approved, full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:

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

proposed finished ground levels or contours;

means of enclosures to each curtilage;

hard surfacing materials;

Reason: In the interests of visual amenity and biodiversity.

011 (Implementation of landscaping)

The approved soft landscaping shall be completed during the first planting season following the first occupation/use of the development, or such longer period as may be agreed in writing by the local planning authority. Any trees/shrubs which, within a period of five years of being planted die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless otherwise agreed in writing by the local planning authority. All tree, shrub and hedge planting shall be carried out in accordance with BS 3936 -1992 Part 1-Nursery Stock-Specifications for Trees and Shrubs and Part 4 1984-Specifications for Forestry Trees ; BS4043-1989 Transplanting Root-balled Trees; BS4428-1989 Code of Practice for General Landscape Operations. The approved hard landscaping scheme shall be completed prior to first occupation.

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

012 (Further Bat Survey)

No development or clearance works shall begin later than 12th April 2021 unless a further daytime bat survey has been undertaken on site by an appropriately qualified/experience ecologist and the results and proposed mitigation where required has been submitted to and approved in writing by the Local Planning Authority. The approved mitigation shall be implemented on site in accordance

with an approved timetable and shall be retained on site in perpetuity where this is deemed necessary.

Reason: To ensure that adequate protection is afforded to bats that could be on site in line with the findings of the Extended Phase 1 Habitat Survey dated April 2019 by Rachel Hacking Ecology which after this date will be considered to be out of date.

013 (Habitat Enhancement and Creation)

No dwelling on site shall be occupied until details of a habitat enhancement and creation scheme has been submitted to and approved in writing by the Local Planning Authority. This should include, but is not limited to, the provision of bird nest boxes/bricks and artificial bat roosts and should set out the type (manufacturer) the number and their precise positioning including their heights. The habitat creation and enhancement scheme shall then be implemented on site, prior to occupation, in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason: In the interests of enhancing biodiversity in line with the requirements of the Development Plan, the NPPF and in line with the recommendations of the Extended Phase 1 Habitat Survey dated April 2019 by Rachel Hacking Ecology.

014 (Removal of Invasive Species)

No dwelling on site shall be occupied until a methodology for the removal of the four invasive species found on the application site has been submitted to and approved in writing by the Local Planning Authority. The invasive species should then be removed from the site as detailed within the methodology prior to first occupation of the dwellings hereby approved.

Reason: In the interests of enhancing biodiversity in line with the requirements of the Development Plan, the NPPF and in line with the recommendations of the Extended Phase 1 Habitat Survey dated April 2019 by Rachel Hacking Ecology.

015 (Protection for nesting Birds)

No hedge or tree that is to be removed as part of the development hereby permitted shall be lopped, topped, felled or otherwise removed during the bird nesting period (beginning of March to end of August inclusive) unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that adequate provision is made for the protection of nesting birds on site.

016 (External Lighting)

Prior to first occupation details of any external lighting to be used in the development shall be submitted to and approved in writing by the Local Planning Authority. The details shall include location, design, levels of brightness and beam orientation, together with measures to minimise overspill and light pollution in terms of the surrounding habitat and nocturnal wildlife. The lighting scheme shall thereafter be carried out in accordance with the approved details and the measures to reduce overspill and light pollution retained for the lifetime of the development.

Reason: In the interests of affording protection to nocturnal wildlife on the site.

017 (Provision of bound driveway)

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

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

018 (Dropped Curb)

No dwelling forming part of the development hereby permitted shall be occupied until its associated dropped kerb vehicular crossing is available for use and constructed in accordance with the Highway Authority's specification.

Reason: In the interests of highway safety.

019 (Approved Plans)

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

- L (03)51 Rev A – Proposed Elevations Option 10
- L(03)50 Rev D – Proposed Plans Option 10
- Site Location Plan (unreferenced but received 28.01.2019)

unless otherwise agreed in writing by the Local Planning Authority through the approval of a non-material amendment to the permission.

Reason: So as to define this permission.

020 (Removal of Permitted Development Rights)

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

Schedule 2, Part 1 of the Order in respect of:

Class A: The enlargement, improvement or other alteration of a dwellinghouse.

Class B: The enlargement of a dwellinghouse consisting of an addition or alteration to its roof.

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

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

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

Class F: Hard surfaces incidental to the enjoyment of a dwellinghouse.

Or Schedule 2, Part 2:

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

Class B: Means of access to a highway.

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

Or Schedule 2, Part 40 of the Order in respect of:

Class A: The installation, alteration or replacement of solar PV or solar thermal equipment.

Class B: The installation, alteration or replacement of standalone solar within the curtilage of a dwelling house.

Class C: The installation, alteration or replacement of a ground source heat pump within the curtilage of a dwellinghouse.

Class D: The installation, alteration or replacement of a water source heat pump within the curtilage of a dwellinghouse.

Class E: The installation, alteration or replacement of a flue, forming part of a biomass heating system, on a dwellinghouse.

Class F: The installation, alteration or replacement of a flue, forming part of a combined heat and power system, on a dwellinghouse.

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

Reason: To ensure that the Local Planning Authority retains control over the specified classes of development normally permitted under the Town and Country Planning (General Permitted Development) (England) Order 1995 or any amending legislation) given the presence of protected trees within the garden curtilages of these dwellings and in the interests of amenity.

Note to applicant

01

The development makes it necessary to construct vehicular crossings over a footway/verge of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact the County Council's Agent, Via East Midlands to arrange for these works to be carried out. Email: licences@viaem.co.uk Tel. 0300 500 8080 and further information at:

<https://www.nottinghamshire.gov.uk/transport/licences-permits/temporary-activities>"

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 trees on site are protected by tree preservation orders and you are advised that should you wish to lop, top or fell such a tree or trees, or their undergrowth the prior consent in writing of Newark and Sherwood District Council is likely to be required. The gardens will need to be managed as woodland and the occupiers should be aware of this.

04

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.

05

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 accord Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

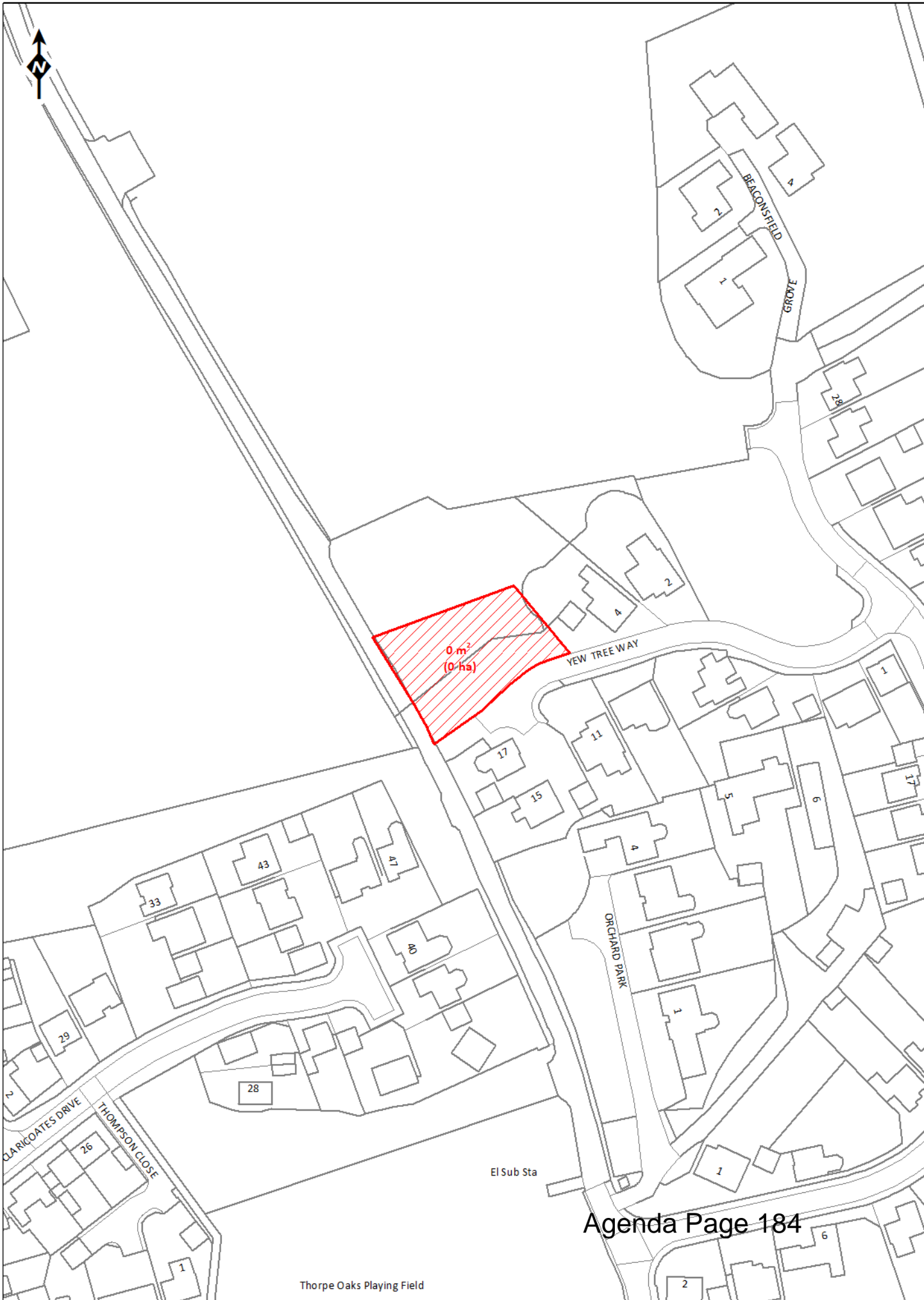
BACKGROUND PAPERS

Application case file.

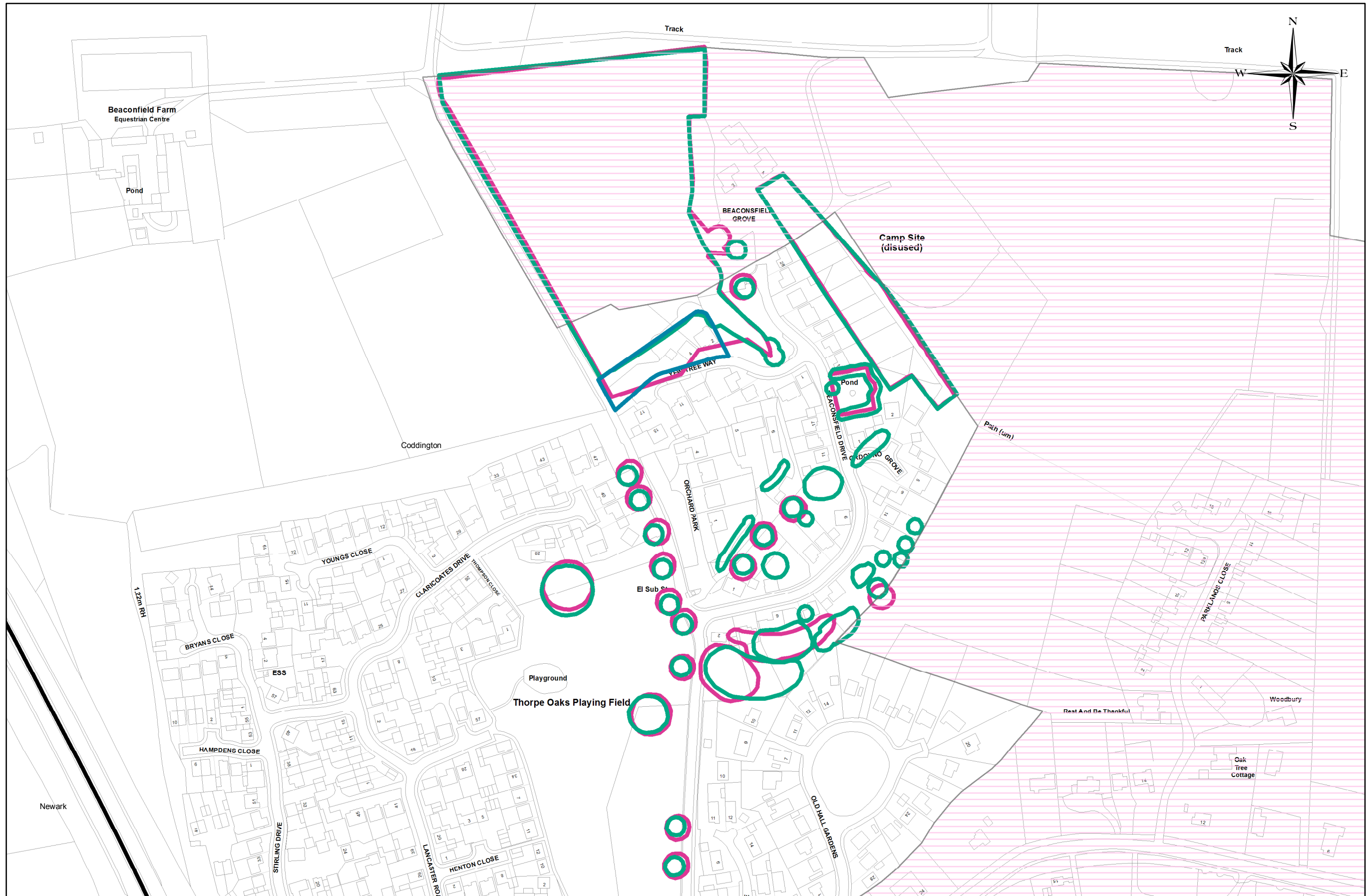
For further information, please contact Clare Walker on ext 5834.

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

Lisa Hughes
Business Manager – Planning Development



Tree Preservation Orders Yew Tree Way / Beaconsfield Drive



Legend

Tree Preservation Order

REFVAL

- 11/00110/TPO TPO N174 - The Old Hall, Coddington
- 12/00017/TPO TPO N349 - 2 and 4 Yew Tree Way, Coddington
- 13/00002/TPO TPO N34 on land at Coddington Hall, Newark

PLANNING COMMITTEE – 3 DECEMBER 2019

Application No:	18/02175/FUL		
Proposal:	Change of use of property to run a pet sitting service and erection of dog shed building.		
Location:	6 Barkstone Close, Balderton, Newark on Trent		
Applicant:	Mr Shelley Frost		
Registered:	29.05.2019	Target Date:	24.07.2019
Link to application	https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PILC37LB04M00		

This application is being referred to the Planning Committee for determination by the local ward member (Cllr L Hurst) who supports the originally proposed position of the dog shed within the paddock area.

The Site

The application site relates to a semi-detached bungalow located at the an end of a cul-de-sac, within (albeit at the edge of) the urban area of Balderton. To the south is a paddock area, with open countryside beyond and the strategic urban area to the land south of Newark would lie beyond that. The closest residential properties are the adjoining bungalow at no. 4 Barkstone Close as well as no. 5 Barkstone Close to the east and no. 3 Denton Close, to the north-west.

The site is relatively level in nature, although there is a banked area of land running along the southern boundary of the site with the paddock. There are a number of small fruit trees within the associated garden area as well as 2 no small outbuildings. Panel fencing at a height of c1.8m runs along the rear boundary of the site and open post and wire fencing runs along the boundary with the paddock.

The majority of the site is located within flood zone 1, although the area close to the southern boundary is located within flood zone 2 and 3.

Relevant Planning History

0377928 - Conservatory and store shed to existing dwelling bungalow – Approved 13.12.1977

19/00445/FULM - Flood defense maintenance and improvements works involving; excavation, re-grading and compaction of the existing flood embankment to achieve required safe maintenance standards and creation of approximately 60m of new embankment to tie a low spot of defence into high ground. Approved 23.05.2019.

The Proposal

The proposal seeks planning permission for the erection of a dog shed and enclosure in connection with the applicants business which relates to dog boarding and exercising. While there have been discussions on the potential location of the dog shed including a position within the extended curtilage of the property, the applicant has reverted back to the originally proposed siting for the dog shed, which is within agricultural/paddock land associated with the property, approximately 22m to the south-west of the main property 6 Barkstone Close. Given the use of land, the proposal would also include a change of use of the land to accommodate the intended business use.

The proposed dog shed building would measure 6m in depth and 5m in width. The roof design would be dual pitched with a 3m maximum ridge height. The external finish would be timber cladding on the elevations and a felt finish on the roof. There would be a paved surfaced immediately adjacent to the dog sheds main entrance which would be utilised as an exercise/open area for use by the dogs. The land to the south of the shed would be fenced off with 1.8m close boarded fence and 1m high post and wire fencing to create an exercise area for the dogs.

The proposal also includes the change of use of the existing property (6 Barkstone Close) to a dual use for both a dog boarding business and a residential property.

The applicants have confirmed that the dog boarding and exercising business would operate between the hours of 1100 and 1600 on weekdays only, with a maximum number of dogs at the site at any one time being set at 20. There would be no dogs boarding overnight or at all during the weekend. Collection of the dogs would be made by the applicant in one vehicle trip and returned in one vehicle trip. There are to be no drop offs to be made by dog owners.

The submitted plans also show the erection of a new 1.5m high gate at the vehicular entrance to the site on Barkstone Close. This would be a 5 bar of traditional timber construction.

Public Advertisement Procedure

Occupiers of twelve properties have been individually notified by letter.

Planning Policy Framework

The Development Plan

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

Spatial Policy 3 – Rural Areas
Core Policy 6 – Shaping our Employment Profile
Core Policy 9 -Sustainable Design
Core Policy 10 – Climate Change
Core Policy 12 – Biodiversity and Green Infrastructure
Core Policy 13 – Landscape Character

Allocations & Development Management DPD

DM5 – Design
DM7 – Biodiversity and Green Infrastructure

DM8 – Development in the Open Countryside
DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2019
- Planning Practice Guidance

Consultations

Balderton Parish Council – Supports Proposal.

Environment Agency - *I refer to the above application which was received on the 26 September 2019.*

Environment Agency position

We object to the proposed development as it falls within a flood risk vulnerability category that is inappropriate to the Flood Zone in which the application site is located. The application is therefore contrary to the National Planning Policy Framework and its associated planning practice guidance. We recommend that planning permission is refused on this basis.

Reason

The PPG classifies development types according to their vulnerability to flood risk and provides guidance on which developments are appropriate within each Flood Zone. We have received confirmation from Newark and Sherwood District Council that this site lies within Flood Zone 3b functional floodplain, which is land defined by the PPG as having a high probability of flooding. We consider the development is classed as Less Vulnerable in accordance with table 2 of the Flood Zones and flood risk tables of the PPG. Tables 1 and 3 make it clear that this type of development is not compatible with this Flood Zone and therefore should not be permitted.

Overcoming our objection

As the above is a policy objection, we recommend that you contact the Local Planning Authority to confirm that the development is inadequate to the Flood Zone. We ask that the LPA consult the EA if they were minded to approve the application as the development is situated in a high flood risk area and any development in this location may result in significant flooding to, and from, the site.

Advice to applicant: Flood Defences

Please note the Environment Agency has just undertaken flood defence improvements in the area. The asset runs through the centre of the site. The FRA has not provided details of this asset and confirmation that there will be no development on or within 8m of the toe of the flood defence structure.

Environmental Health Services – ‘I refer to the above application. I understand that the applicants run a similar business elsewhere without complaint. Assuming that the premises is licenced as required I would have no objections to make.’

Trent Valley Internal Drainage Board – No objections.

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

- Concerns over the noise from barking dogs throughout the day.
- Lack of notification over the application.
- Object to a commercial business in a residential area.
- Concerns over treatment of dog excrement.
- This is a quiet residential area, the proposal will increase the volume of traffic and range of visitors to a small street.
- The commercial venture will create a precedent for further similar development.
- Highway safety concerns.
- The business could expand further in the future due to the size of the paddock.
- Questions raised over the nature and extent of the business.
- Impact on the landscape.
- Potential flood risk issues.

Comments of the Business Manager

Principle of Development

It is considered that the proposal is split into two distinct elements, albeit very tightly linked; the first element being the dual use of the main property as a residential dwelling as a dog sitting business and the second being the erection of a dog shed in the paddock area adjacent to the main property. I will comment on these two elements separately due to the differing policy guidance that relate to each element.

The application dwelling and the associated residential curtilage is considered to be within the established urban area of Newark which acts as the sub-regional centre as identified within Spatial Policy 1 of the Amended Core Strategy. Spatial Policy 1 advises that the function of the sub-regional centre is to be the focus for housing and employment growth.

Given the above, it is considered that the principle of the proposed dual use of the existing property at the site is acceptable, however the proposal is required to be assessed under a number of site specific considerations which are discussed in detail below.

In regards to the proposed dog shed, the proposed location of this shed lies within a paddock area outside of the established urban area of Newark and is therefore, as a matter of fact, within the open countryside.

Policy DM8 dictates that in accordance with the requirements of Spatial Policy 3, development away from the main built up areas of villages, in the open countryside, will be strictly controlled and limited to certain types of development. Similarly Spatial Policy 3 states that development away from the main built-up areas of villages, in the open countryside, will be strictly controlled and restricted to uses which require a rural setting such as Agriculture and Forestry.

The erection of commercial buildings or structures would not fall within the list of appropriate development within the open countryside. The proposed dog shed and associated exercising area represents expansion of commercial use into the open countryside. Whilst the footprint of the kennels is in itself small (and a structure of this type for agricultural use may be appropriate) even small unnecessary encroachments into the countryside can be, in my submission, harmful as a matter of principle. They equally create a situation which could be too easily be repeated on other sites elsewhere. It is considered that the dog shed could be located within the existing residential

curtilage of the application property, which would then not result in a residential feature being imposed upon the open countryside unnecessarily.

Flood Risk

Core Policy 10 requires development to be adequately drained and Policy DM5 relates to flood risk and water management. The NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development necessary, making it safe for its lifetime without increasing flood risk elsewhere. It also states that applications for minor developments and changes of use should not be subject to the Sequential or Exception Tests but should still meet the requirements of site specific flood risk assessments.

The proposed dog shed would be located within flood zone 3b (the functional flood plain) and the proposed dog shed building and associated exercise area would fall into a 'Less Vulnerable' category of use for flood risk purposes according to national policy. The Flood Risk Vulnerability Classification table within the NPPG advises that only essential infrastructure and water compatible uses are appropriate within the functional flood plain and that all other development categories should not be permitted.

I note that the Environment Agency have raised an objection to the proposal on the grounds described above and have also raised concerns over the submitted Flood Risk Assessment's lack of consideration of the position of the dog shed, which would be centrally located within an area where flood defense improvements are being carried out.

In light of the above, it is considered that the development would be an inappropriate form of development within an area of functional flood plain which serves as land where water has to flow or be stored in times of flood. Furthermore, the FRA has not successfully demonstrated that the development would be safe for its lifetime having not taken into account the flood defense work being carried out in the area. The proposal would therefore be contrary to Policy DM5, Core Policy 10 as well as Para 155 of the NPPF and the advice within the NPPG.

Impact upon the Character of the Area

Core Policy 9 of the Core Strategy seeks to ensure that new development is of an appropriate form and scale to its context and complements the existing built and landscape environments. Core Policy 13 (Landscape Character) requires development proposals to positively address the implications of the Landscape Policy Zones and demonstrate that such development would contribute towards meeting Landscape Conservation and Enhancement aims for the area. Policy DM5 of the ADMDPD states in relation to Local Distinctiveness and Character that 'the rich local distinctiveness of the District's landscape and character of built form should be reflected in the scale, form, mass, layout, design, materials and detailing of proposals for new development. In accordance with Core Policy 13, all development proposals will be considered against the assessments contained in the Landscape Character Assessment Supplementary Planning Document.

The application site is located within Landscape Policy Zone of SN PZ 07: Elston Village Farmlands (noting its position adjacent to Balderton), as identified by the Newark and Sherwood Landscape Character Assessment. This landscape condition is defined as moderate, with a moderate level of sensitivity. The overall landscape action for built features within this policy zone are to create new

development which reflects the local built vernacular and the conserve what remains of the rural landscape by concentrating the creation of new development around existing settlement.

I am mindful that the proposed siting of the proposed dog shed is located within a paddock area that is open nature and devoid of any built form. Therefore, while relatively modest in scale and of a utilitarian design, I am of the view that the development would be a somewhat alien form of development within the landscape. Furthermore, as the dog shed would be in fairly close proximity to Barkstone Close, the development would be visible from public vantage point. It is therefore considered that this element of the proposal would be somewhat out of character with the open and rural setting and result in an impact on the open countryside.

Given that the business would be effective during the hours of 11am through till 4pm on weekdays only, and that the property would continue to be used as a residential dwelling, I am satisfied that this proposed dual use of the property would not have a material impact on the character of the site and wider area.

Residential Amenity

Policy DM5 seeks to ensure that new development does not have a detrimental impact on the amenities of neighbouring residential properties.

I note the concerns raised by local residents in relation to potential noise disturbance from the proposed business operating at the site and it is acknowledged that there is potential for dog barking at the site. However, having had regard to operating times of the business, I am mindful that this potential noise disturbance would not be during anti-social hours or at the weekend. I also note that the Environmental Health Officer has not raised an objection to the proposed scheme and I also aware of the powers under separate legislation in which the Environmental Health department could act on should there be any significant disturbance from the business on neighbouring residential amenity. As such, it is considered that the refusal of planning permission on the grounds of the potential impact on residential amenity could not be sustained at appeal.

In terms of the dual use of the property, I am mindful that Barkstone Close and the wider urban area is a predominately residential area and that the proposal would introduce a commercial use to the application site. However, having had regard to the nature of the proposed pet boarding business which operates by the applicants picking pets up from their respective owners properties and bringing them back to the application site, rather than the individual owners dropping off their pets at the site, I am mindful that the number of vehicle trips to and from the site are unlikely to be excessive or cause undue harm.

Other Matters

In relation to the concerns raised by local residents, I would comment as follows;

While the proposal could see a number of dogs at the site at any one time, I am of the view that the concern raised over the amount of associated excrement is unlikely to result in a material impact upon neighbouring amenity, especially as a dedicated surfaced area within the site would be provided for this purpose. The applicants have confirmed that there are to be no pick up or drop offs made by dog owners at the application site, as such the increase in vehicular traffic at the site is unlikely to be significantly increased.

Conclusion

The proposed dual use of the existing property as a commercial dog sitting business and residential dwelling is acceptable in principle. However, the proposed associated dog shed and exercise area within the adjacent paddock area is considered to result in an unnecessary and inappropriate encroachment into the open countryside with a commercial use that does not require a rural setting that is contrary to the aims of sustainable development.

Furthermore, the dog shed would be located within the functional flood plain, flood Zone 3b and would not fall into an appropriate development category. It has also not been demonstrated that the development would be safe for its lifetime having not taken into account the flood defense work being carried out in the area. The Environment Agency as statutory consultee have raised objection. Accordingly it is recommended that planning permission be refused.

RECOMMENDATION

That planning permission is refused for the following reasons:

Reasons

01

The proposed site of the dog shed is, as a matter of fact, located in the open countryside. In the opinion of the Local Planning Authority the change of use of land and construction of the commercial dog shed represents an inappropriate encroachment of commercial use and activity that does not require a rural setting into the open countryside contrary to the aims of sustainable development. The development is thereby contrary to Spatial Policy 3 (Rural Areas) of the Newark and Sherwood Amended Core Strategy (adopted March 2019) and Policy DM8 (Development in the Open Countryside) of the Newark and Sherwood Allocations and Development Management DPD (adopted July 2013). The development is also contrary to the NPPF and NPPG. There are no other material planning considerations that in view of the Council would outweigh such harm.

02

The proposed dog shed would be sited within flood zone 3b (the function flood zone) according to the Environment Agency flood risk maps and according to national planning policy therefore falls into an inappropriate development category. In the opinion of the Local Planning Authority and the Environment Agency this development should not be permitted as a matter of principle in the functional flood zone. The submitted flood risk assessment has not successfully demonstrated how the development would be made safe for its lifetime. The proposed development therefore represents an unacceptable increase in flood risk at the site and neighbouring sites contrary to Policy DM5, Core Policy 10 (Climate Change) of the Development Plan as well being contrary to the NPPF and the advice within the NPPG which are material planning considerations.

Notes to Applicant

01

You are advised that as of 1st December 2011, the Newark and Sherwood Community Infrastructure Levy (CIL) Charging Schedule came into effect. Whilst the above application has

been refused by the Local Planning Authority you are advised that CIL applies to all planning permissions granted on or after this date.

Thus any successful appeal against this decision may therefore be subject to CIL (depending on the location and type of development proposed). Full details are available on the Council's website www.newark-sherwooddc.gov.uk/cil/

02

The application is clearly contrary to the Development Plan and other material planning considerations, as detailed in the above reason(s) for refusal. Working positively and proactively with the applicants would not have afforded the opportunity to overcome these problems, giving a false sense of hope and potentially incurring the applicants further unnecessary time and/or expense.

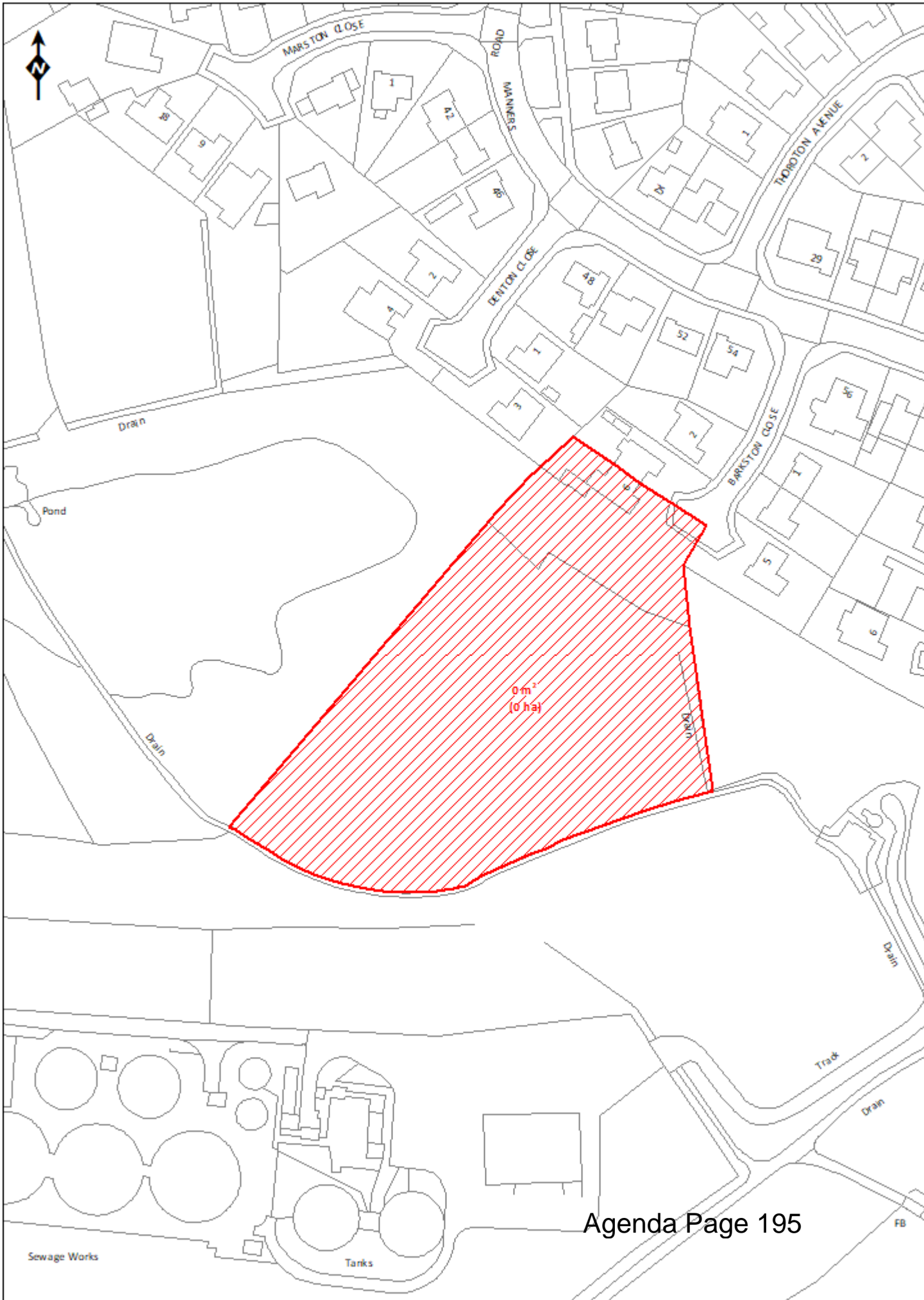
BACKGROUND PAPERS

Application case file.

For further information, please contact Gareth Elliott on ext 5836.

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

Lisa Hughes
Business Manager – Growth and Regeneration



PLANNING COMMITTEE – 3 DECEMBER 2019

Application No: 19/01489/FUL

No:

Proposal: Single storey extension to main building to form Sauna and steam room.

Location: Blidworth Community Leisure Centre, Blidworth.

Applicant: Mr Andy Carolan

Agent: Mr John Gaddass Newark & Sherwood District Council

Registered: 19.08.2019 **Target Date:** 14.10.2019

Link: <https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PVXB88LBKSQ00>

This application is being presented to the Planning Committee in line with the Council's Scheme of Delegation as this Council is the applicant/agent.

The Site

The application site comprises a substantial rectangular plot occupied by Blidworth Community Leisure Centre at the junction of Mansfield Road and Belle Vue Lane. The site is within the main built up area of Blidworth, a principal village as identified by the settlement hierarchy of the Core Strategy. Neighbouring development includes both residential and commercial uses as well Blidworth fire station immediately to the northern boundary of the site. A number of large mature trees are located close to the boundary with the Mansfield Road. To the rear of the application building is a hard surfaced car park and children's playground.

Relevant Planning History

13/01526/ADV - 1 Steel Frame Sign and 1 Internally Illuminated LED Screen Enclosure. Approved 20.12.2013

08/00011/FULR3 - Change of use and extension of existing community centre to form leisure centre – Approved 28.02.2008.

07/00470/FULR3 - Erection of 2.4 Meter high green "Heras" style mesh fence. Approved 12.10.2007.

The Proposal

The proposal seeks planning permission for a single storey extension in order to create a steam room and sauna facility in connection with the existing leisure centre.

The proposed extension would be located on the south-west facing elevation and measure 5.3m in depth and 6.13m in width. The roof design would be dual pitched with an eaves level of 2.3m and a maximum ridge height of 3.4m. The external finish would be facing brickwork on the elevations and tiles on the roof, both to match the existing building.

Submitted Documents

For the avoidance of doubt, the following assessment has been based on the plans and details listed below

RR-97-03 – Existing Plans and Elevations

RR-97-02 – Block Plan

RR-97-04 – Proposed Plans

RR-97-05 – Proposed Elevations

Tree Survey by FPCR Environment and Design Ltd dated October 2019

Public Advertisement Procedure

Occupiers of twenty two properties have been individually notified by letter.

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy DPD (adopted March 2011)

Spatial Policy 1 - Settlement Hierarchy

Spatial Policy 2 - Spatial Distribution of Growth

Spatial Policy 7 - Sustainable Transport

Spatial Policy 8 – Protecting and Promoting Leisure and Community Facilities

Core Policy 6 – Shaping our Employment Profile

Core Policy 8 – Retail Hierarchy

Core Policy 9 -Sustainable Design

Core Policy 10 – Climate Change

Allocations & Development Management DPD

DM1 – Development within Settlements Central to Delivering the Spatial Strategy

DM5 – Design

DM11 – Retail and Town Centre Uses

DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2019
- Planning Practice Guidance
- National Design Guide – Planning practice guidance for beautiful, enduring and successful places September 2019

Consultations

Blidworth Parish Council – ‘We object to this application as it is an illegal application due to the wrong name being used on the Property Name on the application form.’

‘Further to our comment submitted yesterday we would like to clarify by adding the following: The Planning application states that the proposal is for Blidworth Community Leisure Centre. There is no where stated on the building that this is a community building. We therefore feel that this application does not benefit the community but only those that pay a membership.’

Tree Officer –

Further comments on the submitted Tree Protection Plan received 13/11/19

‘The proposed ground protection noting ply over polythene is not acceptable. It needs to be ply (thickness needs specifying) on top of compressible layer i.e.150mm depth of wood chip laid over a geotextile.’

Original comments received 01/11/19

The amended plan indicates a new footway to be installed within the RPA of trees on the north/west boundary that has not been addressed within the submitted tree report. The report implies any excavations to be carried out under supervision which is unlikely to be monitored. I would suggest a site specific method statement is required. Fencing and ground protection measures are recommended by no site specific details are noted.

Site specific details for the proposed footway should be submitted. Soft landscape options are noted in the tree report but none have been submitted. Recommend any approval has attached conditions relating to an arboricultural method statement and scheme for tree protection, prohibited activities, details on new tree planting and implementation of eh landscaping scheme.

NSDC Environmental Health - There are no environmental health observations to make about this application.

No other representations have been received

Comments of the Business Manager

Principle of Development

The application site is located within Blidworth which is defined as a ‘Principal village’ in the settlement hierarchy contained within Spatial Policy 1 of the Amended Core Strategy which has a defined function as a secondary focus for service provision. Spatial Policy 2 outlines that the overall strategy for Blidworth is regeneration where the District Council will amongst other things seek to secure new employment opportunities and the regeneration of vacant land.

Furthermore Spatial Policy 8 of the Amended Core Strategy advises that the provision of new and enhanced community and leisure facilities will be encouraged, particularly where they address a deficiency in current provision, and where they meet the identified needs of the communities. Given the above, it is considered that the principle of the development at the site is acceptable.

Impact on visual amenity and local distinctiveness

Core Policy 9 states that new development should achieve a high standard of sustainable design and layout that is of an appropriate form and scale to its context complementing the existing built and landscape environments. Policy DM5 requires the local distinctiveness of the District's landscape and character of built form to be reflected in the scale, form, mass, layout, design, materials and detailing of proposals for new development. The NPPF states that good design is a key aspect of sustainable development and new development should be visually attractive as a result of good architecture and appropriate landscaping.

The application building is a large detached building located within a prominent position on a corner plot, and while I am mindful that the proposed extension is located on an elevation facing Mansfield Road, I am also aware that this section of the application building is heavily screened by the large mature trees that run close to the boundary with this highway.

Furthermore, I am of the view that the large host building would form a backdrop to the proposed extension, which is small-scale in context and as such the proposed development is considered to appear visually acceptable within the street scene and would not result in an unduly prominent feature. The single storey design and external finish of the proposed extension is also considered to be in keeping with the host building.

Impact on Trees

The application is supported by a tree survey which has identified 3 small Hawthorn trees (labelled G4 within the tree survey plan) would be required to be removed in order to accommodate the proposed development. These trees have been classified as being of low quality. The survey has also identified that pruning works would be required to the closest larger mature Ash trees, (labelled G5) consisting of a crown lift and reduction.

It is considered that while the loss of the young hawthorn trees at the site is regrettable, taking into account the size and quality of these trees, as well as the lack of prominence within the area, the loss of these trees would not result in such an adverse impact on the visual amenity of the site and wider area that it should be refused. In coming to this conclusion I have taken into account that the tree survey has confirmed that the large mature trees along the frontage would be unaffected by the proposal, albeit with some pruning works required to the closest trees within group G5.

Following negotiations with the agent, confirmation has been received that the new footpath indicated along the frontage of the site and in close proximity to the root protection area of the trees no longer forms part of the proposal. I note that the Tree Officer raises no objection to the scheme, and while mindful of the recommended conditions, I consider the replacement landscaping scheme to not be appropriate in this instance given the intended retention of the mature trees along the frontage. Instead, a more bespoke condition securing the recommendations of the submitted tree survey results to be more appropriate. A condition securing the agreed protection measures during construction is also considered appropriate.

Impact on amenity

Policy DM5 of the DPD states that development proposals should ensure no unacceptable reduction in amenity including overbearing impacts and loss of privacy upon neighbouring

development. Furthermore, the NPPF seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

The closest neighbouring residential properties are located along Mansfield Road, approx. 30m to the west and properties along Belle Vue Road, approx. 48m to the south-east. Given the level of separation to the closest neighbouring residential properties and limited dimensions of the proposed extension, it is considered that the proposal would not result in any material impact on neighbouring amenity.

Highway safety

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

The site is served by a large hard surfaced car park to the rear of the application building and accessed via Belle Vue Lane. There is no change to vehicular access into the site or the layout of car park as part of this application and it is also not envisioned that the proposed development would alter the demand for parking at the site significantly. As such, it is considered that the proposal is unlikely to result in material impact on highway safety at the site.

Other matters

I note the comments of the Parish Council in relation to the use of the word community within the application buildings name, and while I am mindful that the leisure use may require a paid membership fee, it is understood that this leisure facility is open to the general public. I therefore consider the use of the word community in the title of the application building to not be misleading. In any case, I do not consider the title of the application building to be central to the assessment of the proposed development. Regardless, it is still capable of being a community facility in accordance with SP8 which would offer an improved service.

Conclusion

The proposal relates to the extension and improvement of an existing leisure facility within the Principle Village of Blidworth and is acceptable in principle. I have identified no adverse impacts on the visual amenity of the site or wider area or the residential amenity of neighbouring properties. Impacts to trees is acceptable and harm can be mitigated by condition. Furthermore, the proposal would not result in any material impact on highway safety. Accordingly it is recommended that planning permission be granted.

RECOMMENDATION

That planning permission is approved subject to the conditions and reasons shown below

Conditions

01

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

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

02

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

RR-97-02 – Block Plan

RR-97-04 – Proposed Plans

RR-97-05 – Proposed Elevations

Tree Survey by FPCR Environment and Design Ltd dated October 2019

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

Reason: So as to define this permission.

03

The development hereby permitted shall be constructed entirely of the materials details submitted as part of the planning application unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual amenity.

04

Prior to the commencement of development at the site, the landscaping works as shown within the submitted Tree Survey Plan Ref. 9277-T-02 which includes the removal of Hawthorn trees labelled G4 and the recommended pruning works to trees labelled G5 shall be carried out at the site.

Reason: To ensure that satisfactory provision is made for the continued health and retention of the remaining trees in the interests of visual amenity and biodiversity.

05

Prior to the commencement of development at the site, the tree protection measures shall be carried out in accordance with the submitted Tree Protection Method Statement dated 11/12/19 details, with the exception of stated ground protection, which shall be 200mm thick ply on top of a compressible layer consisting of 150mm depth wood chip laid over a geotextile. These measures shall be in place for the entire construction period.

Reason: To ensure that existing trees and hedges to be retained are protected, in the interests of visual amenity and nature conservation.

06

Notwithstanding the approved layout plan Ref; RR-97-02 Block Plan, the indicated new footpath along the frontage is not approved.

Reason: As agreed by the applicant who has withdrawn this element of the proposal to ensure that existing trees and hedges to be retained are protected, in the interests of visual amenity and nature conservation.

07

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

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

Reason: Reason: To ensure that existing trees and hedges to be retained are protected, in the interests of visual amenity and nature conservation.

Notes to Applicant

01

The application as submitted is acceptable. In granting permission without unnecessary delay the District Planning Authority is implicitly working positively and proactively with the applicant. This is fully in accordance with Town and Country Planning (Development Management Procedure) Order 2010 (as amended).

02

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

The proposed development has been assessed and it is the Council's view that CIL is not payable on the development hereby approved as the gross internal area of new build is less than 100 square metres.

BACKGROUND PAPERS

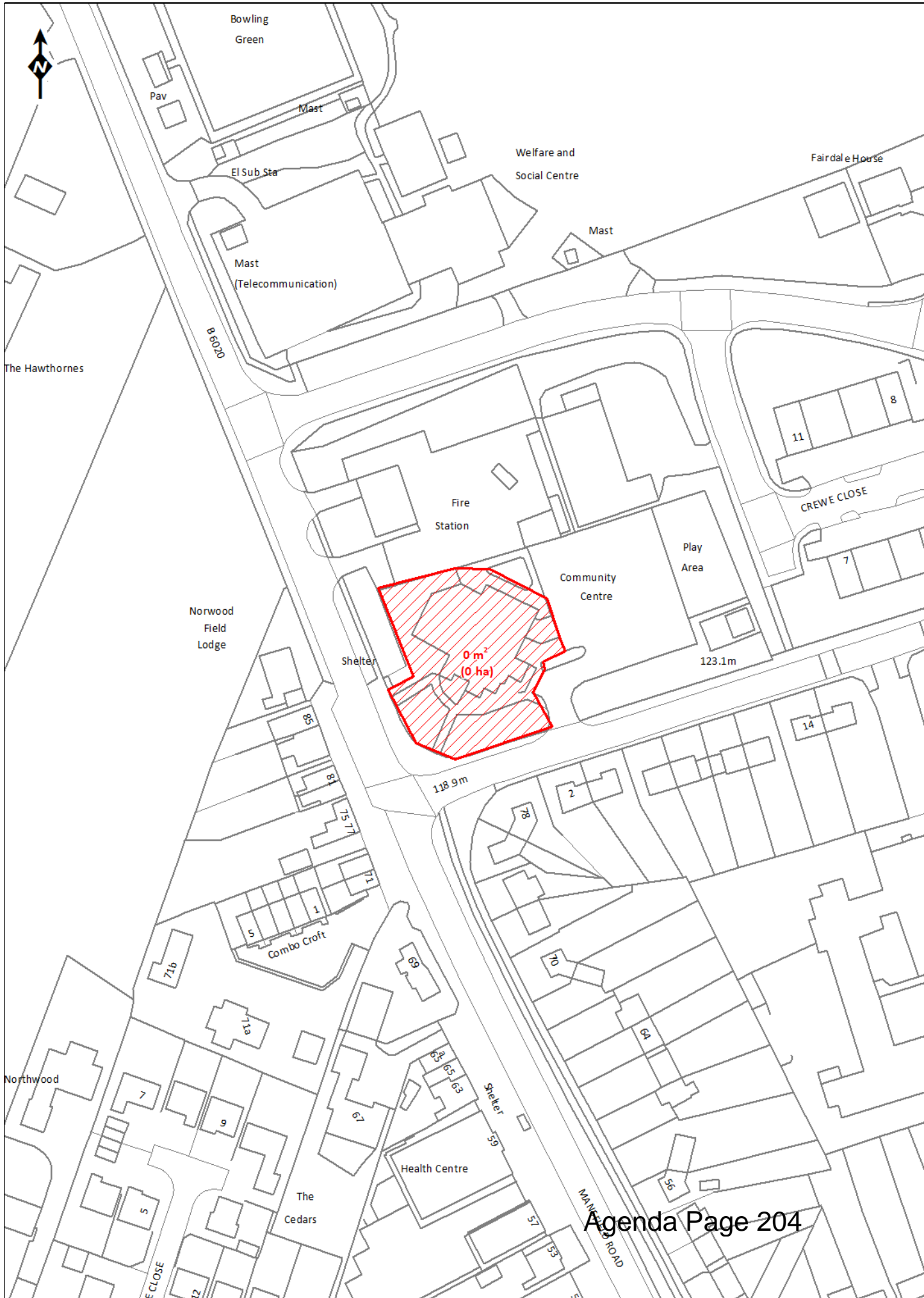
Application case file.

For further information, please contact Gareth Elliott on ext 5836.

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

Lisa Hughes
Business Manager – Growth and Regeneration

Committee Plan - 19/01489/FUL



PLANNING COMMITTEE – 3 DECEMBER 2019

Application No:	19/01835/FUL
Proposal:	New swimming pool, associated changing rooms and plant on the car park adjacent to the Dukeries Leisure Centre
Location:	Dukeries Leisure Centre, Dukeries Complex, Main Road, Boughton Nottinghamshire, NG22 9JJ
Applicant:	Total Swimming - Mr Adrian Turner
Agent:	Box Architects - Mr Toby Harling
Registered:	11.10.2019 Target Date: 06.12.2019
Website Link:	https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PZ79DYLB0EP00

The application is referred to committee in line with the scheme of delegation as Newark and Sherwood District Council own part of the site.

The Site

The application site relates to a site forming part of the existing Dukeries Leisure Centre complex car park and the associated access road from Main Road to the south east as well as land to the east of the existing Leisure Centre car park. The site is within the urban boundary for Ollerton and Boughton immediately adjacent to areas of public open space / school playing fields to the north west and east associated with the Dukeries Academy. Other adjacent land uses include the Fire Training Centre and White Water Community Centre.

The site as existing is laid to hardstanding forming part of the car park serving the existing Leisure Centre. Part of the site is grassed (to the east of the Leisure Centre car park) albeit used informally for car parking. The site is within Flood Zone 1 and in an area of very low risk of surface water flooding according to the Environment Agency maps. There is a gradient change within the site such that the site itself is set at a lower level than the existing leisure centre building and the Dukeries Academy buildings.

Relevant Planning History

There is no planning history of relevance to this application.

The Proposal

The proposal seeks full planning permission to extend the existing leisure centre through the erection of a swimming pool building and associated facilities including a unisex changing facility; plant room and an enhanced entrance and circulation area. The swimming pool itself would measure 20m x 10m and be positioned to the eastern elevation of the building within the existing car park. The total floor area would be approximately 640m² and would result in the loss of 42

existing car parking spaces.

The design of the building would be modern in nature with a shallow pitched roof reaching approximately 6.8m. The material palette would feature cladding of metallic grey and metallic orange in colour.

The application has been considered on the basis of the following plans and documents:

- Site Plan - NS-BOX-XX-XX-DR-A-(03)01 Rev. C received 5th November 2019;
- Existing General Arrangement - NS-BOX-XX-XX-DR-A-(03)02;
- Proposed General Arrangement - NS-BOX-XX-XX-DR-A-(03)03;
- Proposed Roof Plan - NS-BOX-XX-XX-DR-A-(03)04;
- Proposed Elevations - NS-BOX-XX-XX-DR-A-(03)05;
- Proposed Sections - NS-BOX-XX-XX-DR-A-(03)06;
- Block Plan – NS-BOX-XX-XX-DR-A-(03)07;
- Design and Access Statement dated October 2019;
- Planning Statement dated September 2019;
- Transport Statement dated October 2019.

Departure/Public Advertisement Procedure

Occupiers of 61 properties have been individually notified by letter. A site notice has also been displayed near to the site.

Planning Policy Framework

The Development Plan

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

Spatial Policy 1 - Settlement Hierarchy

Spatial Policy 2 - Spatial Distribution of Growth

Spatial Policy 7 - Sustainable Transport

Spatial Policy 8 - Protecting and Promoting Leisure and Community Facilities

Core Policy 6 - Shaping our Employment Profile

Core Policy 9 - Sustainable Design

Core Policy 10 - Climate Change

Core Policy 13 - Landscape Character

ShAP2 - Role of Ollerton & Boughton

Allocations & Development Management DPD

DM1 - Development within Settlements Central to Delivering the Spatial Strategy

DM5 - Design

DM12 - Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2019
- Planning Practice Guidance (online resource)

- National Design Guide – Planning practice guidance for beautiful, enduring and successful places September 2019

Consultations

Ollerton and Boughton Town Council – Support the proposal.

NCC Highways Authority – *Verbal discussion and agreement in respect to the wording of conditions 4 and 5.*

Original comments received 1st November 2019:

This proposal is for a swimming pool adjacent Dukeries Leisure Centre. The pool facility within the adjacent Dukeries Academy site was closed in 2017. The existing vehicular access to the site from Main Road is to be used for this proposal.

The Transport Statement provides considerable information and survey results relating to the available parking for the existing leisure centre and expected available parking for the proposed development. Occupancy surveys have been carried out for the existing parking arrangements with a site plan provided demonstrating car parks 1-4, and additional parking along the access drive (car park 5). However, car parks 2-5 (car park 4 is shown as a grassed area and not suitably surfaced) are not shown within the red line of the application site and so cannot be considered as parking for this proposal, leaving only car park 1 to be considered. It is stated that the proposed pool building will result in the loss of 42 parking spaces from the 67 currently available in car park 1, leaving only 25 spaces for this proposal. Taking into account the existing maximum occupancy of 39 vehicles for car park 1 (*Headline results Car Park 01*), the parking facilities would be insufficient for the proposed use.

Therefore, as submitted, the Highway Authority is unable to support this proposal as the information as submitted fails to make adequate provision for the parking of vehicles within the red line of the application site.

Cadent Gas - Should you be minded to approve this application please can the following notes be included an informative note for the Applicant

****PLEASE NOTE** – the below information is related to Low and Medium Pressure Assets. You may be contacted separately by our engineers regarding High/Intermediate Pressure Pipelines.**

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

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

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

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

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

Email: plantprotection@cadentgas.com Tel: 0800 688 588

No letters of representation have been received.

Comments of the Business Manager

Principle of Development

The Spatial Hierarchy within the Core Strategy recognizes Ollerton and Boughton as a Service Centre intended to act as a focus for service provision for a large area. Moreover, Spatial Policy 8 is supportive of the provision for new and enhanced community and leisure facilities, particularly where they address a deficiency in current provision.

The submitted Planning Statement confirms that, since July 2017 when the Dukeries Academy closed its swimming pool facilities, users of Dukeries Leisure Centre have had to rely on the temporary use of facilities in the surrounding area. These arrangements have however now ceased such that *"no public swimming can be offered by Active4Today in the "Sherwood" area of the district."* The provision of swimming pool facilities would therefore be a welcome addition to the leisure facilities in the area and the development is acceptable in principle. The proposal is required to satisfy the remainder of the Development Plan with the main issues being the impact on parking and highways and the impact of the design of the building on the character of the area.

Impact on Character

The proposed extension would be a significant scale totaling around 640m² in area to a maximum pitch height of approximately 6.8m. Clearly the size of the building is dictated by the facilities in which it is intended to serve with the application submission confirming that there is a need for a 5m internal ceiling height above the pool deck.

The proposal would form an extension to the existing leisure centre facilities and has been carefully designed to ensure that the overall height would not exceed the existing maximum height of the leisure centre. This is partially achieved through the use of an area of the site which is set at a lower land level.

The design of the building would be modern in nature with cladding materials of both grey and orange. The Design and Access Statement qualifies that this precedence is taken from the recent development of the Leisure Centre in Newark. This modern design is not disputed in principle albeit it is acknowledged that it would represent a contrast to the existing leisure centre buildings on the site which include both brick and horizontal cladding. Nevertheless, the immediate site surroundings feature a variety of materials such that it is not considered necessary for the proposal to explicitly conform to any particular material palette. The plans detail exact materials including the colour of the cladding by reference to the RAL colour chart and therefore it would not be necessary to seek any additional details by condition. The distinction of different colours of cladding would break up the bulk of built form adding visual interest.

The proposal is considered to comply with the intentions of Core Policy 9 and the relevant elements of Policy DM5.

Impact on Highways and Parking

The proposal would occupy an area of existing car parking and therefore implicitly will have a negative impact on the parking provision for the overall leisure centre facility through the loss of 42 spaces. Spatial Policy 7 and Policy DM5 both seek to ensure that development is appropriately served in terms of parking provision to avoid issues of overspill on to the highways network.

The loss of parking provision is explicitly referenced by the application submission including through the preparation of a Transport Statement. The evidence collected to compile this Statement includes occupancy surveys of the existing parking provision on both a weekday and a weekend. The surveys were conducted between 6am and 10pm with spaces counted every 15 minutes. Five car parks were reviewed with Car Park 01 being the area potentially affected by the development.



The data collected shows peak areas of parking between 9am and 10am; 2pm and 3pm; and 6pm and 6:30pm.

Car park 01 (i.e. where the proposed extension would be) has a capacity of 67 spaces. The range of occupation recorded was from 3 to 39 spaces with the average use over the course of the day being 22 spaces. Clearly the loss of 42 spaces would mean that there are occasions throughout the day when car park 01 would be insufficient to meet the existing parking demands taking account in the potential increases in demand arising from the development.

The case made by the Transport Statement is that the other areas of car parking would have sufficient capacity to serve the development with the results showing that the other car parks empty significantly before the evening peak and other have spaces available during the lesser peaks in the morning and at lunchtime. It is stated that there is currently a significant over provision of spaces to the complex as a whole.

The original application submission did not include the other areas of parking referred to by the Statement within the red line site location plan and relied on the following statement:

“The Leisure centre enjoys a good relationship with the Academy and will employ an informal management plan to ensure that visitors to the leisure centre park appropriately to not inconvenience the other users of the Complex.”

It was also stated that there are other more sustainable modes of transport to the site with the access arrangements for pedestrians and cyclists to remain as existing (which is not disputed in principle).

Nottinghamshire County Council assessed the proposals as the Highways Authority. Their original comments echo the above concerns that the wider parking provision was not within the red line site location plan and therefore could not be relied on to serve the development.

The applicant has addressed this matter throughout the life of the application through the submission of a revised site location plan (and serving relevant notice on NCC as the land owners) which incorporates car park 04 as well as a strip of land between car park 04 and car park 01. It is notable that this land is not laid formally to car parking and therefore for this to be relied on as a true compensation for loss of formal spaces, a condition would need to be imposed demonstrating this area being laid as available spaces. This approach has been agreed in discussion with NCC and their original objection has been lifted. In the context of the ability to secure alternative car parking to compensate for the loss of spaces in car park 01, no harm has been identified to the highways network and the proposal would therefore be compliant with the relevant elements of Policy DM5 and Spatial Policy 7.

Other Matters

The site is within an area of commercial uses with the nearest residential neighbour being over 80m away and intervened by other built form. No adverse amenity impacts have therefore been identified.

The site is within an area at low risk of flooding or surface water drainage. The site is already laid to hardstanding such that the development of built form is unlikely to materially affect surface water run-off. The application form confirms that the swimming pool water would be treated on site most likely with Sodium Hypochlorite and Sodium Bi-Sulphate for pH correction. The Health and Safety Executive has published a document entitled ‘Health and safety in swimming pools – HSG179’ designed for those involved with the operation and management of swimming pools. The need to comply with the requirements of this document falls outside of the planning regime and therefore is not material to the current decision albeit would be a requirement of the operational use of the development if Members were minded to approve the application.

Overall Balance and Conclusion

The principle of the development is acceptable and indeed welcomed as an enhanced community and leisure facility to serve the west of the District in an area lacking in provision as existing. The greatest adverse impact arising from the development would be the loss of existing parking provision serving the leisure centre. This has been addressed through the application submission through the acknowledgement of alternative means of parking to serve the existing and proposed use. The impacts of the development can therefore be appropriately mitigated and the recommendation is for approval subject to the conditions outlined below.

RECOMMENDATION

That planning permission is approved subject to the conditions and reasons shown below:

Conditions

01

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

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

02

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

- Proposed General Arrangement - NS-BOX-XX-XX-DR-A-(03)03;
- Proposed Roof Plan - NS-BOX-XX-XX-DR-A-(03)04;
- Proposed Elevations - NS-BOX-XX-XX-DR-A-(03)05;
- Proposed Sections - NS-BOX-XX-XX-DR-A-(03)06;
- Site Plan - NS-BOX-XX-XX-DR-A-(03)01 Rev. C received 5th November 2019

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

Reason: So as to define this permission.

03

The development hereby permitted shall be completed in accordance with the material details submitted through the application submission unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual amenity.

04

No part of the development hereby permitted shall commence until replacement temporary parking facilities are provided to match the loss of spaces occupied by construction works in accordance with plans to be first submitted to and approved in writing by the LPA. The parking areas shall be available throughout the construction period and shall not be used for any purpose other than the parking of vehicles.

Reason: To ensure adequate parking provision is available to serve existing development.

05

No part of the development hereby approved shall be brought into use until replacement parking of a minimum of 42 spaces surfaced in a bound material clearly delineated in accordance with plans to be first submitted to and approved in writing by the LPA has been provided. The parking areas shall be maintained in the bound material for the life of the development and shall not be used for any purpose other than the parking of vehicles.

Reason: To ensure adequate parking provision is available to serve existing development.

Notes to Applicant

01

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

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

02

The application as submitted is acceptable. In granting permission without unnecessary delay the District Planning Authority is implicitly working positively and proactively with the applicant. This is fully in accordance with Town and Country Planning (Development Management Procedure) Order 2015 (as amended).

03

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

If buildings or structures are proposed directly above the gas apparatus then development should only take place following a diversion of this apparatus. The Applicant should contact Cadent's

Plant Protection Team at the earliest opportunity to discuss proposed diversions of apparatus to avoid any unnecessary delays.

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

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

Email: plantprotection@cadentgas.com Tel: 0800 688 588

BACKGROUND PAPERS

Application case file.

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

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

Lisa Hughes
Business Manager – Planning Development

PLANNING COMMITTEE – 3 DECEMBER 2019

APPEALS A

APPEALS LODGED (received between 21 October 19 and 19 November 19)

1.0 Members are advised that the appeals listed at Appendix A to this report have been received and are to be dealt with as stated. If Members wish to incorporate any specific points within the Council’s evidence please forward these to Planning Services without delay.

2.0 RECOMMENDATION

That the report be noted.

BACKGROUND PAPERS

Application case files.

For further information please contact our Planning Development Business Unit on 01636 650000 or email planning@nsdc.info quoting the relevant appeal reference.

Lisa Hughes
Business Manager – Planning Development

Appeal reference	Application number	Address	Proposal	Procedure	Decision
APP/B3030/W/19/3236718	19/00768/FUL	Land To The Rear Of 15 Cheyne Drive Bilsthorpe Nottinghamshire NG22 8SB	Erection of a dormer bungalow with existing access and driveway from Archers Drive, and erection of a new boundary wall	Written Representation	Committee refused as recommendation

PLANNING COMMITTEE – 3 DECEMBER 2019

APPENDIX B: APPEALS DETERMINED (between 21 October 2019 and 19 November 19)

App No.	Address	Proposal	Decision	Decision date	Decision by	Decision in line with recommendation
19/00551/FULM	Field Reference 7600 Off North Scarle Road Wigsley Nottinghamshire	Creation of a Fish Farming Facility at Wigsley from Agricultural Land as a Farm Diversification Business (resubmission of 17/02043/FULM)	Appeal Allowed	01.11.2019	Committee	No Overturned
19/00623/FUL	Eden Great North Road South Muskham NG23 6DY	Householder application for proposed two storey side extension	Appeal Allowed	04.11.2019	Delegated	Not Applicable
19/00688/OUTM	Land Adjacent Rose Cottage Main Street North Muskham Nottinghamshire	Outline Application for Proposed Residential Development with all items other than access as reserved matters	Appeal Dismissed	14.11.2019	Delegated	Not Applicable
19/00590/FUL	West Farm Lodge Gonalston Lane Hoveringham NG14 7JH	Householder application for the construction of a new garden room	Appeal Dismissed	31.10.2019	Delegated	Not Applicable

		building incorporating a garden store.				
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RECOMMENDATION

That the report be noted.

BACKGROUND PAPERS

Application case files.

For further information please contact our Planning Development Business Unit on 01636 650000 or email planning@nsdc.info quoting the relevant application number.

Lisa Hughes
Business Manager – Planning Development