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**Monday, 27 January 2020**

**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, 4 February 2020 at 4.00 pm**

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

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

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



## **AGENDA**

### **Page Nos.**

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| 1. | Apologies for Absence                               |       |
| 2. | Declarations of Interest by Members and Officers    |       |
| 3. | Declaration of any Intentions to Record the Meeting |       |
| 4. | Minutes of the meeting held on 14 January 2020      | 5 - 8 |

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

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| 5.  | Land at Lord Hawke Way and Bowbridge Road, Newark 19/01790/FULM                   | 9 - 52    |
| 6.  | Southwell Racecourse, Station Road, Rolleston 19/01824/S73M                       | 53 - 64   |
| 7.  | Cherry View, Bilsthorpe Road, Eakring 19/01701/FUL<br>Site Visit: 9.20am – 9.30am | 65 - 78   |
| 8.  | Land Off Oldbridge Way, Bilsthorpe 19/01858/FULM (MAJOR)                          | 79 - 124  |
| 9.  | Land Off California Road, Farndon 19/01946/FUL<br>Site Visit: 11.10am – 11.20am   | 125 - 141 |
| 10. | Land off Lower Kirklington Road, Southwell 19/01771/FULM                          | 142 - 144 |
| 11. | Diversion of Southwell Footpath 69  | 145 - 152 |

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

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| 12. | Appeals Lodged     | 153 - 154 |
| 13. | Appeals Determined | 155       |

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

None

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

- |     |                                   |
|-----|-----------------------------------|
| 14. | 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 in Room F1, Castle House at 2.30 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, 14 January 2020 at 4.00 pm.

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

Councillor L Brazier, Councillor M Brock, Councillor M Brown,  
Councillor L Dales, Councillor L Goff, Councillor J Lee, Councillor  
Mrs P Rainbow, Councillor M Skinner, Councillor T Smith, Councillor  
K Walker and Councillor Mrs Y Woodhead

ALSO IN  
ATTENDANCE:

APOLOGIES FOR Councillor Mrs M Dobson (Committee Member)  
ABSENCE:

### 145 DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS

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

### 146 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.

### 147 MINUTES OF THE MEETING HELD ON 3 DECEMBER 2019

Minute No. 136 – The Chairman informed the Committee that Councillor P Peacock local Ward Member, had requested that the minute be amended to accurately record that he did not speak against the application, but raised local concerns.

AGREED that subject to the above amendment the minutes of the meeting held on 3 December 2019 be approved as a correct record and signed by the Chairman.

### 148 LAND ADJACENT 4 YEW TREE WAY, CODDINGTON 19/00131/FUL

The Committee considered the report of the Business Manager – Planning Development, which sought the construction of two dwellings.

This application was presented to the Planning Committee on the 3 December 2019 following a site inspection earlier in the day. Following an officer presentation to Members, Coddington Parish Council spoke against the scheme and produced an overlaid plan and suggested that it showed the footprint of the application scheme to be greater than the previously refused scheme that was dismissed at appeal. Officers were unable to verify the position given the lateness of the information and Members therefore deferred the application without having undertaken the debate.

On 9 December 2019, Coddington Parish Council provided their script and plans handed out to the Committee plus an additional plan which they said showed the old and new designs overlaid for comparison purposes. The Business Manager – Planning Development confirmed that her calculations showed that the application reduced the amount of external footprint by c40.21m<sup>2</sup> when compared to the latest refused scheme. This did not change the recommendation in any way.

A schedule of communication was tabled at the meeting which detailed correspondence received after the Agenda was published from the applicants Agent; Coddington Parish Council; and Robert Jenrick MP's Office.

Councillor Mrs L Cox on behalf of Coddington Parish Council spoke against the application in accordance with the views of Coddington Parish Council, as contained within the report.

Members considered the application and the local Ward Member commented that whilst he was in support of housing developments due to the waiting list for housing in the district. He however considered this location not suitable due to the historic woodland and suggested refusal under the grounds of design and layout of the site and subsequent impact on amenity space. Local residents were also very supportive in retaining the woodland. Another Member suggested that two dwellings was too much and a compromise might be made with allowing one dwelling.

AGREED (unanimously) that contrary to Officer recommendation planning permission be refused due to layout and scale of the development on site leading to an encroachment to the available amenity space and existing protected woodland, which is exacerbated by the fact that the remaining garden will need to be continued to be managed as woodland.

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	For
M. Brock	For
M. Brown	For
L. Dales	For
M. Dobson	Absent
L. Goff	For
R. Holloway	Absent
J. Lee	For
P. Rainbow	For
M. Skinner	For
T. Smith	For
I. Walker	For
K. Walker	For

Y. Woodhead	For
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149 GARAGES AND PUBLIC AREA ADJACENT TO 1 THE MEERINGS, SUTTON ON TRENT 19/01811/FUL

The Committee considered the report of the Business Manager – Planning Development, following a site inspection, which sought full planning permission for the demolition of two garages albeit part of the existing northern boundary wall of the garage would be retained and development of one, one-bedroom bungalow.

A schedule of communication was tabled at the meeting which detailed correspondence received after the Agenda was published from the Planning Case Officer which advised the Committee that a condition restricting the permitted development rights of the new dwelling had been omitted from the committee report in error. It was proposed to add this condition in to the decision notice if a resolution to grant permission was given.

Members considered the application and some Members considered the proposal acceptable given the number of people on the Council Housing waiting list and the need for bungalows. Other Members commented on the removal of garages and parking spaces which would have an impact on an already congested area.

AGREED (unanimously) that full planning permission be approved subject to the conditions and reasons contained within the report and the additional condition regarding permitted development rights as detailed below:

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 E: Buildings etc. incidental to the enjoyment of a dwellinghouse.

Reason: To ensure that the local planning authority retains control over the specified classes of development normally permitted under the Town and Country Planning (General Permitted Development) (England) Order 1995 or any amending legislation) given the layout of this new dwelling.

150 ABBEY WOOD FARM, EDWINSTOWE ROAD, RUFFORD 19/01900/FUL

The application was withdrawn from the agenda.

151 APPEALS LODGED

AGREED that the report be noted.

152 APPEALS DETERMINED

AGREED that the report be noted.

153 QUARTERLY ENFORCEMENT ACTIVITY UPDATE REPORT

The Committee considered the report of the Business Manager – Planning Development, which presented the planning enforcement performance during the quarter from 1 October 2019 to 31 December 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.

AGREED that the report be noted.

154 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 Paragraphs 1, 2, 3 and 7 of part 1 of Schedule 12A of the Act.

Meeting closed at 4.46 pm.

Chairman



## PLANNING COMMITTEE – 4 FEBRUARY 2020

**Application No:** 19/01790/FULM

**Proposal:** Residential development for 87 dwellings and associated works

**Location:** Land At Lord Hawke Way And Bowbridge Road  
Newark

**Applicant:** Mr Andrew Dewberry - Arkwood Developments Ltd.

**Agent:** Mr Darren Turner - Jackson Design Associates

**Registered:** 15.10.2019                      **Target Date:** 14.01.2019

**Extension of Time Agreed Until** 11.02.2020

**Website Link:** <https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PYP8E3LBLL00>

**This application is being referred to the Planning Committee under the Scheme of Delegation as the applicant is a company owned by Newark and Sherwood District Council and the Town Council object which is contrary to the Officer recommendation.**

### The Site

The application site is approximately 2.8 hectares in size. The site is divided into two areas; the larger of which being to the north of Lord Hawke Way and a smaller area to the south fronting Bowbridge Road.

Lord Hawke Way is a recently constructed roadway which was built to serve the Leisure Centre and Gladstone House; a recently constructed retirement village. The road will also serve the recently approved Community and Activity Village further to the east of the application site which has begun construction. Other adjacent land uses include a cemetery; the car park serving the Leisure Centre and Community and Activity Village; allotment land to the south and residential and industrial uses in close proximity.

There is an informal path which crosses the site from Bowbridge Road to the cemetery but this is not formally designated as a right of way. The northern part of the site was formally a BMX cycle track. The site is largely laid to grassland albeit there is a fence which bisects the site and has more rough and unmanaged grassland beyond.

The site is within the Newark Urban Area close to, but outside of, the designated Conservation Area by virtue of the separation distance afforded by the existing cemetery. The site forms part of the mixed use allocation NUA/MU/4 as defined by the Proposals Map of the Allocations document. The policy envisaged that the overall site would deliver around 115 dwellings as well as

the new leisure centre. As is inferred above, development already delivered includes the Leisure Centre but also includes Gladstone House which was not explicitly referenced by the allocation. This provides 60 single and two bed units with associated private and communal facilities. The implications of this development on the current site will be discussed in the appraisal section below.

### Relevant Planning History

There is no site history specific to this application site of relevance.

### The Proposal

The proposal seeks full planning permission for the erection of 87 market residential properties divided into 15 different house types as summarized below:

Type	No. of beds	No. of storeys	No. of units	Note
A	2	Single (apartments)	6	Retirement market. Two storey apartment block
B	2	Dormer bungalows	5	Retirement market
C	2	Single (apartments)	5	Three storey apartment block
D	2	Single (apartments)	4	Three storey apartment block
E	2	Single (apartments)	4	Three storey apartment block
F	2	Single (maisonettes)	4	Two storey building
G	2	Two	2	Ground floor solely garage / undercroft
H	2	Two	8	Terrace arrangement
I	2	Single	6	Semi-detached bungalows
J	3	Two	21	Includes detached; semi-detached and terrace arrangements
K	3	Two	6	Includes semi-detached and terrace arrangements
L	3	Two	4	Terrace arrangement
M	3	Two	4	Detached
N	3	Three	2	Semi-detached
O	4	Two	6	Detached
<b>Total:</b>			<b>87</b>	

The development also includes the creation of new vehicular accesses from Lord Hawke Way and the creation of a pedestrian walkway broadly down the centre of the northern parcel of land to re-create the informal footway which has established across the site from Bowbridge Road.

The application has been submitted on the basis of the following plans and documents:

- Design and Access Statement – 19 / 2216 / DAS Rev. B dated September 2019 (received 15<sup>th</sup> October 2019);
- Extended Phase 1 Habitat Survey undertaken by C Barker – P1841 / 0619 – 01 dated 18<sup>th</sup> June 2019;
- Flood Risk Assessment & Drainage Strategy undertaken by bsp consulting – 19-0197 BBRN-BSP-ZZ-XX-RP-C-001-P1\_Flood\_Risk\_Assessment dated 22<sup>nd</sup> May 2019;

- Transport Assessment undertaken by ADC Infrastructure – ADC1938-RP-A dated 12<sup>th</sup> September 2019;
- Travel Plan undertaken by ADC Infrastructure - ADC1938-RP-B dated 12<sup>th</sup> September 2019;
- Site Location Plan – 19 / 2216 / LP (A) dated September 2019;
- Proposed Site Layout: General Arrangement - 19 / 2216 / SITE001 Rev. H received 15<sup>th</sup> January 2020;
- Proposed Site Layout: Landscaping - 19 / 2216 / SITE002 Rev. G received 15<sup>th</sup> January 2020;
- Proposed Site Layout: House Typology Key - 19 / 2216 / SITE003 Rev. F received 15<sup>th</sup> January 2020;
- Proposed Site Layout: Boundaries - 19 / 2216 / SITE004 Rev. F received 15<sup>th</sup> January 2020;
- Proposed Site Layout: Materials – 19 / 2216 / SITE0005 Rev. D received 15<sup>th</sup> January 2020;
- Adoption Plan – 19 / 2216 / SITE006 Rev. B received 2<sup>nd</sup> January 2020;
- Swept Path Analysis of Internal Layout – ADC1938-DR-051 Rev. P1 dated 10<sup>th</sup> September 2019;
- Type A: 2B4P Apartment (Retirement) – 19 / 2216 / A-001 Rev. B dated August 2019;
- Type B: 2B4P Bungalow (Retirement) – 19 / 2216 / B-001 Rev. B dated August 2019;
- Type C: 2B3P Apartment (Variant 1) – 19 / 2216 / C-001 Rev. B dated August 2019;
- Type D: 2B3P Apartment (Variant 2) – 19 / 2216 / D-001 Rev. B dated August 2019;
- Type E: 2B3P Apartment (Variant 3) – 19 / 2216 / E-001 Rev. C dated January 2020;
- Type F: 2B3P Maisonette (Floor Plans) – 19 / 2216 / F-001 Rev. B dated July 2019;
- Type F: 2B3P Maisonette (Elevations) – 19 / 2216 / F-002 Rev. B dated July 2019;
- Type G: 2B3P Coach House – 19 / 2216 / G-001 Rev. B dated July 2019;
- Type H: 2B4P Terraced House – 19 / 2216 / H-001 Rev. B dated July 2019;
- Type I: 2B4P Bungalow Detached & semi-detached – 19 / 2216 / I-001 Rev. B dated August 2019;
- Type J: 3B5P Linear House Semi-detached & terraced variant – 19 / 2216 / J-001 Rev. B dated July 2019;
- Type K: 3B5P Corner House Semi-detached – 19 / 2216 / K-001 Rev. B dated July 2019;
- Type L: 3B5P Linked Terraced House – 19 / 2216 / L-001 Rev. B dated August 2019;
- Type M: 3B5P Standard Detached – 19 / 2216 / M-001 Rev. B dated August 2019;
- Type N: Gateway Marker House – 19 / 2216 / N-001 Rev. B dated August 2019;
- Type O: 4B6P Standard House Detached – 19 / 2216 / O-001 Rev. B dated July 2019;
- Boundary Treatments – 19 / 2216 / GEN001 dated September 2019;
- Garages – 19 / 2216 / GEN002 dated September 2019;
- Car Ports – 19 / 2216 / GEN003 dated September 2019;
- Drainage and Levels Feasibility – BRNK-BSP-ZZ-XX-DR-C-0001 received 23<sup>rd</sup> October 2019;
- Tree Survey – P1841 / 1019 – 02 dated 28<sup>th</sup> October 2019;
- Historic Environment Record Data – 19 / 2216 / HER001 received 6<sup>th</sup> December 2019;
- Nottinghamshire County Council Event / Activity Summary Report received 6<sup>th</sup> December 2019;
- ADC Infrastructure Letter Response to NCC Highways dated 12<sup>th</sup> December 2019;
- Copy of NCC Document 'Residential Car Parking Research for Nottinghamshire' First Edition – 1<sup>st</sup> February 2010;
- Supplementary Exploratory Investigation for Arkwood Developments by GeoDyne dated 21<sup>st</sup> January 2020.

## Departure/Public Advertisement Procedure

Occupiers of 106 properties have been individually notified by letter. A site notice has also been displayed near to the site and an advert has been placed in the local press.

## **Planning Policy Framework**

### **The Development Plan**

#### **Newark and Sherwood 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 12 – Biodiversity and Green Infrastructure  
Core Policy 13 – Landscape Character  
Core Policy 14 – Historic Environment  
NAP1 - Newark Urban Area  
NUA/Ph/1: Newark Urban Area – Phasing Policy

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

Policy NUA/MU/4 – Newark Urban Area – Mixed Use Site 4  
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  
DM9 – Protecting and Enhancing the Historic Environment  
DM12 – Presumption in Favour of Sustainable Development

### **Other Material Planning Considerations**

National Planning Policy Framework 2019  
Planning Practice Guidance (online resource)  
SPD Development Contributions and Planning Obligations 2013  
National Design Guide – Planning practice guidance for beautiful, enduring and successful places  
September 2019

### **Consultations**

**Newark Town Council** - Objection was raised to this application on the following grounds:

l) Over intensification of the site;

- ii) Type H housing falls short of the Government guidelines regarding the size of the property;
- iii) Loss of privacy for Thoresby Avenue residents;
- iv) Loss of another green space.

**NCC Highways Authority – Additional comments received 22<sup>nd</sup> January 2020:**

Further to comments dated 3 January 2020, revised drawing 19/2216/SITE001/H has been submitted in an attempt to address previously raised concerns regarding parking.

Parking

As a result of the revised drawing the outstanding parking issues are considered to be:

Plots 33-40 – Whilst very minor adjustments have been made, the shortfall in spaces remains significant and there appears to be no alternative but to expect on street parking to occur.

Plots 41-44 – One additional space has been provided; 5 spaces are provided for 4 no. 2 bed properties. This is not considered to be adequate.

Plots 45-49 – it remains that 10 spaces are provided for 5 no. properties. This is acceptable in terms of the number of spaces but the issue over the inconvenience of rear courtyard parking has not been addressed and will result in on-street parking.

Plots 61-63 – it remains that that 6 spaces are provided for 3 no. properties. But the same issue of rear courtyard parking being inconvenient and leading to on-street parking arises.

Notwithstanding the above, it is reaffirmed that it is not only the number of spaces being provided that matters, but that these should be in the right location and convenient to use by the residents they serve.

It is concluded that the level, location and layout of the parking provision remains unacceptable.

Drainage

I am unaware of any new submission to resolve the matter of surface water highway drainage. Without this resolution, significant layout changes may be required. Soakaways under the carriageway (as shown on drawing DR-C-0001-P1) are not acceptable to the Highway Authority and if this system of drainage were to be pursued it is likely that the roads would remain privately owned and maintained. If this were to be the case, it is recommended that a Section 106 Agreement be entered into to provide for future maintenance.

Conclusion

In conclusion, this Authority would wish these comments to be considered as an objection on the grounds that the proposal will result in on-street parking to the detriment of other users of the highway and matters concerning the acceptable disposal of highway surface water have not been addressed.

Should the Planning Authority be minded to approve the application the following conditions are suggested:

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.

Any proposed soakaway shall be located at least 5.0m to the rear of the highway boundary.

Reason: To protect the structural integrity of the highway and to allow for future maintenance.

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.

Note 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.

*Additional comments received 3<sup>rd</sup> January 2020:*

Further to two sets of comments dated 19 December 2019, I am in receipt of further information via emails dated 2th December 2019, 2nd January & 3rd January 2020 submitted to address previously raised concerns regarding parking, traffic modelling and drainage.

#### Parking

Information and clarity have been provided in an attempt to address previous concerns over parking; specifically:

Plots 77-82 – it is confirmed that 9 spaces are provided for 6 no. 2 bed properties. Given the open layout and target residential group, it is considered that is now acceptable.

Plots 68-76 – only 11 spaces are provided for 9 no. 2 bed properties. *This has not been addressed.*

Plots 33-40 – only 10 spaces are provided for 8 n. 2 bed properties. On a private driveway with no spaces to park any additional visitor cars. *This has not been addressed.*

Plots 41-44 – only 4 spaces are provided for 4 no. 2 bed properties. *This has not been addressed.*

Plots 45-49 – it is confirmed that 10 spaces are provided for 5 no. properties. This is acceptable in terms of the number of spaces but the issue over the inconvenience of rear courtyard parking has *not been addressed* and will result in on-street parking.

Plots 61-63 – it is confirmed that 6 spaces are provided for 3 no. properties. But the same issue of rear courtyard parking being inconvenient and leading to on-street parking arises.

Plots 17, 25-28 & 56 – the 4-bed properties have now been provided with 3 spaces, *except plot 17*. However, the spaces have been provided in tandem. Since this leads to the inconvenience of shuffling vehicles, on-street parking will result. This same issue has been used in a refusal on an application at Southwell which is now the subject of an appeal – see reference 18/01363/FULM APP/B3030/W/19/3234051.

Plot 54 – it is confirmed that the “two garages” referred to in my comments are in fact open car ports. So, this is no longer an issue.

Notwithstanding the above, it is reaffirmed that it is not only the number of spaces being provided that matters, but that these should be in the right location and convenient to use by the residents they serve.

It is concluded that the level, location and layout of the parking provision remains unacceptable.

### Transport Assessment

The requested information regarding the Newark Highway Model Forecasting Report has been submitted to confirm traffic issues in the long term.

In addition, further traffic modelling has been provided to consider the interim scenario whereby 599 dwellings are occupied at Middlebeck with no further road improvements being made over and above the existing conditions. This modelling demonstrates that there should be no capacity issues resulting from the proposal.

### Drainage

This matter remains unresolved and has the potential to lead to significant layout changes. Soakaways under the carriageway are not acceptable to the Highway Authority and if this system of drainage were to be pursued it is likely that the roads would remain privately owned and maintained. If this were to be the case, it is recommended that a *Section 106 Agreement* be entered into to provide for future maintenance.

## Conclusion

In conclusion, this Authority would wish these comments to be considered as an objection on the grounds that the proposal will result in on-street parking to the detriment of other users of the highway and matters concerning the acceptable disposal of highway surface water have not been addressed.

Should the Planning Authority be minded to approve the application the following conditions are suggested:

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.

Any proposed soakaway shall be located at least 5.0m to the rear of the highway boundary.

Reason: To protect the structural integrity of the highway and to allow for future maintenance.

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.

## Note 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.

*Additional comments received 19<sup>th</sup> December 2019:*

Further to comments dated 10 December 2019, I refer to the submitted ADC letter of 12 December 2019; adoption plan 006A, and; site layout plan 001F.



It appears that many of the previously raised issues have been addressed. However, the two most critical matters of parking provision and traffic modelling to take account of the Middlebeck development remain unresolved.

### Parking

ADC have carried out a parking provision exercise to determine the level of provision. Firstly, it is believed that the calculation is flawed (House types I and O have more habitable rooms than stated). But more critical than this is the fact that even if the level of parking provision across the site were acceptable, the spaces need to be in the right location and convenient to use by the residents they serve. For examples:

Plots 77-82 – only 8 spaces are provided for 6 no. 2 bed properties. Plots 68-76 – only 11 spaces are provided for 9 no. 2 bed properties. Plots 33-40 – only 10 spaces are provided for 8 n. 2 bed properties. On a private driveway with no spaces to park any additional visitor cars. Plots 41-44 – only 4 spaces are provided for 4 no. 2 bed properties. Plots 45-49 – only 8 spaces are provided for 5 n. properties; 4 of these being 3-bed. Also, rear courtyard parking tends to be inconvenient to use and results in on-street parking. Plots 61-63 – only 4 spaces are provided for 3 no. properties; 2 of these being 3-bed. Plots 17, 25-28 & 56 – these are 4-bed properties and require 3 spaces each when only 2 are proposed. Should such provision be made, the spaces should not all be in tandem since the inconvenience of shuffling vehicles leads to on-street parking. This will have significant impact on the layout. Plot 54 - this is a 3-bed property with the provision of two garages which immediately front on to the prospective public highway. Any garage should be located 5.5m-6.1m (depending on door type) from the back edge of the footway to avoid cars being left onstreet whilst opening/closing doors.

It is concluded that the level, location and layout of the parking provision is unacceptable.

### Transport Assessment

A revised Transport Assessment was sought to take account of the committed development flows associated with the Middlebeck development. The latest ADC submission refers to figures 6.3 & 6.5 of the Newark Highway Model Forecasting Report (NHMFR). It would be useful to see this evidence that suggests a reduction of flows on Bowbridge Road. It is thought that these figures might represent a scenario where the whole length of the Southern Link Road is built out; offering alternative routes to the A1 and A46 for traffic generated in Southern Newark. It would be helpful if this could be confirmed or the associated scenario described. With the uncertainty surrounding the timescale for providing the link to the A46, it is considered appropriate that modelling should be produced to show what traffic conditions will occur on the basis of 599 dwellings being built out at Middlebeck with no further road improvements being made over and above the existing conditions.

### Conclusion

In conclusion, this Authority would wish these comments to be considered as an objection on the grounds that the proposal will result in on-street parking to the detriment of other users of the highway and insufficient evidence has been submitted to demonstrate that the capacity of the highway is not compromised to an unacceptable level.

Further to comments dated earlier today – 19 December 2019, it has come to my attention that the proposed drainage strategy for dealing with highway surface water is to have soakaways within the prospective public highway. This is not acceptable to the Highway Authority and risks any potential adoption Agreement.

The preference is for a piped system to a public utility system. Where this is not possible, soakaways may be considered where they lie within public open spaces where easements will be required for maintenance purposes. If the Highway Authority were to agree to such a system, commuted sums for maintenance would be required.

A revision of the drainage strategy, as outlined above, may result in an amended housing layout.

*Additional comments received 10<sup>th</sup> December 2019:*

Further to comments dated 7th November 2019, it appears that there are still significant issues to address prior to this Authority being able to offer no objection to this proposal.

1. The red line application site boundary should include Lord Hawke Way to ensure access is available to the nearest public highway at Bowbridge Road.
2. Assuming that the unreferenced 'Revised Adoption Plan' shows the proposed extent of adoptable highway only in purple, there are some amendments required for this to be acceptable.
  - a. Parking spaces should not fall within the public highway and should lie in the curtilage of the associated dwellings.
  - b. The adopted highway should not have canopy shelters over it. Either these should be omitted from plots 51,52, 58 & 59 or the boundary of the adoptable highway relocated away from the dwellings.
  - c. At least one footway connection should be added at the junctions outside plots 5/6 and 16 to allow pedestrians to cross the junction from north to south along a desire line.
3. There are significant areas of 'green' space. Can it also be confirmed the intention for maintaining these areas? If they were to be proposed as part of any road adoption, this may affect our comments and certainly would have commuted cost implications.
4. Tarmac surfacing is expected throughout the adoptable highway works, with perhaps the exception of the junction table outside plots 10-11. Any ramps should be in tarmac, since block paving tends to move over time and create a maintenance issue.
5. Traffic calming features should be omitted except perhaps the junction table outside plots 10-11.
6. It has always been considered that a 3m footway/cycleway should be provided on the north side of Lord Hawke Way.
7. The houses on the south side of Lord Hawke Way appear to gain access from the existing driveway to the Care Home. Do private access rights exist or are they proposed, since this will not be adoptable.

8. It would appear that insufficient off-street parking has been provided in many instances that could lead to on-street parking to the detriment of other road users. Each 2- or 3-bed property should have 2 spaces and larger homes have 3 or more spaces.

9. No revised Transport Assessment has been provided to take account of the committed development flows for the Middlebeck area.

10. In the original Transport Assessment the swept path analysis drawing ADC1938DR-051-P1, shows a vehicle using part of a private access (bottom right drawing). This is not acceptable and should be amended.

11. The submitted Travel Plan is acceptable

In conclusion, a number of amendments are sought and this Authority would wish these comments to be considered as a 'holding objection'

*Original Comments received 7<sup>th</sup> November 2019:*

There are several issues and queries that need addressing prior to this Authority being able to offer no objection to this proposal.

1. The red line application site boundary should include Lord Hawke Way to ensure access is available to the nearest public highway at Bowbridge Road.

2. It should be made clear which roads are to be offered for highway adoption so that there is no misunderstanding regarding standards to be applied.

3. There are significant areas of 'green' space. Can it also be confirmed the intention for maintaining these areas? If they were to be proposed as part of any road adoption, this may affect our comments and certainly would have cost implications.

4. Road surfacing details should also be made clear e.g. tarmac or block paving etc.

5. It is uncertain that traffic calming features are needed and it is suggested that these be removed or further justified.

6. It has always been considered that a 3m footway/cycleway should be provided on the north side of Lord Hawke Way.

7. The houses on the south side of Lord Hawke Way appear to gain access from the existing driveway to the Care Home. Do private access rights exist or are they proposed, since this will not be adoptable.

8. Any adoptable roads should have a defined footway(s) and normally this is adjacent to the carriageway.

9. It would be helpful if a schedule could be provided to identify that each 1 bed dwelling has at least 1 car space; each 2 or 3 bed property has 2 spaces and larger homes have 3 or more spaces. Any additional visitor parking should also be identified.

10. The Transport Assessment fails to include the committed development flows for the Middlebeck area.

11. In the Transport Assessment the swept path analysis drawing ADC1938-DR- 051-P1, shows a vehicle using part of a private access (bottom right drawing). This is not acceptable and should be amended.

12. Are any enhancements proposed for the footway/cycleway that exists between Bowbridge Road and Elm Avenue, as it runs through the development.

Comments regarding the submitted Travel Plan are awaited from colleagues and these will be forwarded in due course.

**NCC Rights of Way Officer** – No comments received.

**NCC Strategic Planning** - Thank you for your email dated 30th October 2019 requesting strategic planning observations on the above application. I have consulted with my colleagues across relevant divisions of the County Council and have the following comments to make.

In terms of the County Council's responsibilities there are number of elements of national planning policy and guidance are of particular relevance in the assessment of planning applications these include Minerals and Waste, Education, Transport and Public Health.

#### County Planning Context

##### Transport and Flood Risk Management

The County Council as Highway Authority and Local Lead Flood Authority is a statutory consultee to Local Planning Authorities and therefore makes separate responses on the relevant highway and flood risk technical aspects for planning applications.

Should further information on the highway and flood risk elements be required contact should be made directly with the Highway Development Control Team and the Flood Risk Management Team to discuss this matter further with the relevant officers dealing with the application.

##### Minerals and Waste

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

##### Minerals

In relation to the Minerals Local Plan, whilst the proposed site does not lie within an MSA/MCA, approximately 100m to the East of the site, lies the boundary for the MSA/MCA for gypsum. Given

the proposed development is surrounded by development, it is unlikely that there would be an adequate site area to facilitate a viable extraction site. Therefore, the County Council does not wish to raise an objection to the proposal from a mineral perspective.

### Waste

In terms of the Waste Core Strategy, there are no existing waste sites within the vicinity of the site whereby the proposed development could cause an issue in terms of safeguarding existing waste management facilities (as per Policy WCS10).

As set out in Policy WCS2 'Waste awareness, prevention and re-use' of the Waste Core Strategy, the development should be 'designed, constructed and implemented to minimise the creation of waste, maximise the use of recycled materials and assist the collection, separation, sorting, recycling and recovery of waste arising from the development.' In accordance with this, as the proposal is likely to generate significant volumes of waste through the development or operational phases, it would be useful for the application to be supported by a waste audit. Specific guidance on what should be covered within a waste audit is provided within paragraph 049 of the Planning Practice Guidance.

### Strategic Highways

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

### Archaeology

The application site has an archaeological potential; as recent developments across flat areas of the gravel terraces south of Newark have repeatedly shown. This is an open and largely undisturbed piece of ground which has largely avoided the housing and industrial development of neighbouring areas, so it would be expected that archaeological remains here to be relatively well preserved. The applicants do not seem to have considered the heritage impacts of their proposals, and it might be helpful if they were asked to address this omission. The most effective way of addressing the issue would be to commission a geophysical survey of the site. On the basis of the results of this work, the County Council would anticipate it will be possible to identify what further work is necessary, and whether this can best be achieved through the imposition of an appropriate planning condition.

### Planning Obligations

In terms of this application, whilst the County Council will not be seeking any planning obligations or conditions for Transport and Travel Services, confirmation of whether any other developer contributions (education and libraries) are considered necessary by the County Council is still awaited as outlined in appendix one. These will be provided as soon as possible along with supporting justification.

Where developer contributions are 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.

Further information about the County Councils approach to planning obligations can be found in its Planning Obligations Strategy which can be viewed at

<https://www.nottinghamshire.gov.uk/planningand-environment/general-planning/planning-obligations-strategy>

If the Council has any queries regarding planning obligations please contact Andrew Norton, the County Councils Developer Contributions Practitioner on 0115 993 9309 or by email [andrew.norton@nottscc.gov.uk](mailto:andrew.norton@nottscc.gov.uk)

## Conclusion

It should be noted that all comments contained above could be subject to change, as a result of ongoing negotiations between the County Council, the Local Planning Authority and the applicants.

## **NCC Developer Contributions - Primary Education**

The development would generate 18 additional primary places. Based on current data there is projected to be sufficient capacity to accommodate the additional pupils generated by this development. As a result, the County Council will not be seeking any primary school contributions to mitigate the impact of this development.

## Secondary Education

The development is located in the Mansfield Secondary Planning Area and would generate 14 additional secondary places. As can be seen in the table below; based on current data there is projected to be insufficient capacity to accommodate the pupils generated. The delivery of additional secondary education provision will be delivered through the District Council's Community Infrastructure Levy (CIL).

Planning area	DfE no	School	District	Net Capacity	Pupil projection	Housing				Surplus or Deficit Places
						Commitments, excluding local plan (1-10 yrs)	Local Plan (1-5 yrs)	Local Plan (6-10 yrs)	Local Plan (10+ years)	
Newark	4017	Magnus Academy	NEWARK	1140	724	230	10	25	79	151
Newark	4022	Newark Academy	NEWARK	1349	1412	145	10	25	0	-243
Newark	0006	PLANNING AREA TOTAL NEWARK		2489	2137	375	20	50	79	-93

## Libraries

### 1. Background

The County Council has a statutory responsibility, under the terms of the 1964 Public Libraries and Museums Act, to provide "a comprehensive and efficient library service for all persons desiring to make use thereof".

In Nottinghamshire, public library services are delivered through a network of 60 library buildings and 3 mobiles. These libraries are at the heart of our communities. They provide access to books and DVDs; a wide range of information services; the internet; and opportunities for learning, culture and leisure.

The County Council has a clear vision that its libraries should be:

- modern and attractive;
- located in highly accessible locations
- located in close proximity to, or jointly with, other community facilities, retail centres and services such as health or education;
- integrated with the design of an overall development;
- of suitable size and standard for intended users.
- contain a comprehensive range of stock to meet the needs of the local community

The County's libraries need to be flexible on a day-to-day basis to meet diverse needs and adaptable over time to new ways of learning. Access needs to be inclusive and holistic.

## 2. Potential development of Land on Lord Hawke Way

There is currently a proposal for a new development on land at Lord Hawke Way, this would comprise 87 new dwellings. At an average of 2.3 persons per dwelling this would add 200 to the existing libraries' catchment area population. The nearest existing library to the proposed development is Newark Library.

The County Council would not seek any costs towards increasing the size of the library to accommodate this population but for this development a contribution will be sought for additional library stock. An increase in population of 200 would put more demand on the stock at this library and a developer contribution would be expected to help address this situation.

The Museums, Libraries and Archives Council (MLA) publication "Public Libraries, Archives and New Development: a standard approach" recommends a standard stock figure of 1,532 items per 1,000 population.

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

The County Council would seek a developer contribution for the additional stock that would be required to meet the needs of the 200 population that would be occupying the new dwellings. This is costed at 200 (population) x 1.532 (items) x £10.00 (cost per item) = £3,064.00

### Library Optimum Stock Levels

LIBRARY	Catchment Popn Est (Census 2011)	Total Lending Stock	Ref Stock	Total Stock	Optimum Stock figure	Difference Optimum vs Actual stock
Newark Library	37,752	46,067	6943	53,010	57,836	-4,826

**Ramblers Association** – No comments received.

**NSDC Environmental Health (contaminated land)** – Historic mapping identifies that the previous use of the site was as allotments.

Allotments are a potentially contaminative land-use and such land can possibly be used for contaminative activities including: use of fertilizers, pesticides and fungicides, localised waste disposal. As it appears that no desktop study/preliminary risk assessment has been submitted prior to, or with the planning application, then I would request that our standard phased contamination conditions are attached to the planning consent.

**NSDC Environmental Health (noise and lighting)** – I refer to the above planning application and would like to make you aware that following the establishment of the YMCA facility, Environmental Health has received complaints alleging light nuisance from the lights on the pitches and general circulation lighting. As the complainants properties are situated further away from the proposed development, I would be obliged to know what action the developer is to take to prevent possible light nuisance complaints. It may be advisable for you to require them to undertake a lighting survey which takes into account the proximity of the YMCA and leisure centre.

**NSDC Tree Officer** – *Additional comments received 6<sup>th</sup> December 2019:*

Given the recent information I would consider that the outlined protection measures noted in the submitted tree report should be sufficient.

No dig drive construction is stipulated in 2 areas but there is no detail submitted for the final top surfacing or edging that will not result in tree root disruption. Phasing of these areas is not noted on the submitted tree protection plan—this is required and may result in fencing being in different locations prior to path/drive construction.

My concern with trees T5/6 are insufficient room for any future tree development that may result in future pressure for repeat pruning operations/removal of trees.

No full soft landscaping details have been provided.

I would recommend if approval is given then conditions should be attached as below:

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/drainage runs/soakaways 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



g. 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 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 (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.

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.

*Original comments received:*

Proposed layout -particularly to plot in the North West corner-will result in high detrimental impact to tree roots as a result of a large area of hard surfacing.

Trees 5 and 6 are likely to be under increased pressure due to the very close proximity to the proposed dwelling.

T16 will be detrimental affected by the extent of proposed new hard surfacing and it is likely that T19 will have similar issues.

Proposed indicative landscaping will require trees of smaller stature/form in order to allow full

development. Additional structural cells under proposed hard surfacing may be required to allow sufficient rooting volume to allow root development without detriment to proposed hard surfacing and drainage options. Some of the proposed soakaways/gullies are within RPAs of retained trees (T22) and likely to be too close to proposed trees.

**NSDC Conservation** – There are no designated heritage assets within the proposal site. The Newark Conservation Area (CA) is situated to the northeast of the proposal site. This part of the CA is defined by Newark Cemetery which includes the internationally important War Graves Cemetery. The centrally located chapels within the cemetery are both Grade II listed.

#### Legal and policy considerations

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') requires the Local Planning Authority (LPA) to pay special regard to the desirability of preserving listed buildings, their setting and any architectural features that they possess. In addition, section 72 of the Act requires the LPA to pay special attention to the desirability of preserving or enhancing the character and appearance of the CA. In this context, the objective of preservation is to cause no harm, and is a matter of paramount concern in the planning process.

Policies CP14 and DM9 of the Council's LDF DPDs, amongst other things, seek to protect the historic environment and ensure that heritage assets are managed in a way that best sustains their significance. Key issues to consider in proposals for additions to heritage assets, including new development in conservation areas, are proportion, height, massing, bulk, use of materials, land-use, relationship with adjacent assets, alignment and treatment of setting. It should be noted that the Newark & Sherwood Amended Core Strategy DPD has been through examination and determined to be sound. It therefore carries material weight in the decision-making process.

The importance of considering the impact of new development on the significance of designated heritage assets, furthermore, is expressed in section 16 of the National Planning Policy Framework (NPPF – revised February 2019). When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, for example. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. In determining applications, local planning authorities should take account of: a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) the desirability of new development making a positive contribution to local character and distinctiveness. LPAs should also look for opportunities to better reveal the significance of designated heritage assets when considering new development within their setting (paragraph 200).

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

Additional advice on considering development within the historic environment is contained within the Historic England Good Practice Advice Notes (notably GPA2 and GPA3).

#### Observations on proposal

Conservation has no objection to the proposed development.

The proposal site is allocated for residential and leisure facilities. The sports facilities element has been completed, along with a supported living development to the south.

The proposed development comprises 87 dwellings with a mixture of heights, with the maximum heights of 11.5m with the 3 storey components.

Having reviewed the submitted details, Conservation is confident that the development will cause no harm to the setting of the Newark CA, taking into account the special character of the Cemetery.

If approved, consideration should be given to the landscaping and boundary treatments on the northeast side towards the Cemetery. Panel fences and other domestic elements should be avoided as far as practicable. This will help preserve the setting and context of the CA.

**NSDC Archeological Advisor** – No comments received.

**NCC Flood** – Nottinghamshire County Council as the Lead Local Flood Authority (LLFA) has reviewed the application which was received on the 16 Oct 2019. 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 Flood Risk Assessment (FRA) and Drainage Strategy ref BBRN-BSP-ZZ-XX-RP-C-001-P1\_Flood\_Risk\_Assessment dated 22 May 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 5 l/s rates for the developable area.
- 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

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.

### Informative

We ask to be re-consulted with any changes to the submitted and approved details of any FRA or Drainage Strategy which has been provided. Any deviation from the principles agreed in the approved documents may lead to us objecting to the discharge of conditions. We will provide you with bespoke comments within 21 days of receiving a formal consultation.

**NSDC Parks and Amenities Officer** – As a development of 87 units this scheme should make provision for public open space in the form of provision for children and young people (18m<sup>2</sup> per dwelling) and amenity green space (14.4m<sup>2</sup> per dwelling). I note that the proposed site landscaping drawing (19/2216/S1TE002) details amenity green space totalling 2,719m<sup>2</sup> (31.25m<sup>2</sup> per dwelling) – an over-provision of 1,466m<sup>2</sup>. However none of this public open space is obviously suitable as children’s playing space, with the majority of it fronting onto a busy main road.

In order to ensure that the development makes appropriate provision for children and young people then either an on-site area should be created or an off-site commuted sum should be paid to allow for the creation/improvement of new or existing children’s playing space in the vicinity of the development. The nearest potential sites for improvement are over 500m away and accessing them would involve crossing Bowbridge Rd. There are no obvious sites where new children’s playing space could be created within a reasonable walking distance of the development. I thus believe that an area of children’s playing space should be created on the development site. I note that 11 of the dwellings on the development are classed as retirement properties and these will not generate a need for children’s playing space. The area required should thus be in the region of 76x18=1,368m<sup>2</sup>. However given the over provision of amenity green space this can be reduced to an area that will allow for an appropriate equipped play area and the necessary buffer zones.

With regard to biodiversity I note that the Design and Access Statement refers to a Phase 1 habitat survey having been carried out, however this report is not available on the planning website. I note also that the Council’s Tree Officer has requested that a tree survey be carried out and I would support this. Wherever possible existing wildlife-friendly features such as trees and hedges should be retained and the new areas of amenity green space should be designed to offer opportunities for biodiversity gain.

**NSDC Community and Arts Manager** – I have no objection to the proposed development and a development of this scale would attract a community facilities contribution in accordance with the current Developer Contributions SPD to secure improved community infrastructure. However, given the sites location and proximity to the Newark Sports and Fitness Centre and YMCA

Community and Activity Village which provide significant community facilities a contribution would not be justified in this specific instance.

**NHS Newark and Sherwood CCG –**

Impact of new development on GP practice	The development is proposing 87 (A) dwellings which based on the average household size (in the Newark & Sherwood Council area) of 2.3 per dwelling, primary care health provision would result in an increased patient population of approx 200 (B) (2.3 x A).
GP practice most likely to be affected by growth and therefore directly related to the housing development	It is unlikely that NHS England or Mid Notts CCG would support a single handed GP development as the solution to sustainably meet the needs of the housing development and that the health contribution would ideally be invested in enhancing capacity/infrastructure with existing local practices. The practice that it is expected this development to be closest too is: <ul style="list-style-type: none"> <li>• Fountain Medical Centre</li> <li>• Lombard Medical Centre</li> <li>• Barnby Gate Surgery</li> </ul>
Necessary to make the development acceptable in planning terms	All practices in the area are working at capacity and therefore in order to make this development acceptable from a health perspective the infrastructure will need to be developed to accommodate the increased population. Infrastructure financing in the form of S106 will therefore be required to ensure that there is adequate primary care health facilities in the area
Plans to address capacity issues	The practices are currently reviewing their options as to how they may accommodate the increased number of patients due to this housing development. It is likely that the plans will include either reconfiguration or extension of existing premises or a new build that this S106 contribution will contribute towards.
Fairly and reasonably related in scale and kind to the development.	As a consequence we would ask for £920 per dwelling for costs of health provision as set out in the Newark and Sherwood Developer Contributions and Planning Obligations Details of this could be provided to the developer upon planning consent being granted and the development starting and any uncommitted funding could be returned within an agreed expiry period.
Financial contribution requested	£80,040 (87 x £920 per dwelling)

**Trent Valley Internal Drainage Board –** The site is outside of the Trent Valley Internal Drainage Board district but within the Board's catchment.

There are no Board maintained watercourses in close proximity to the site.

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).

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.

**6 letters of representation have been received which can be summarized as follows:**

*Principle of Development*

- The area is a valuable green space used by walkers; casual runners; dog-walkers and other aspects to promote health;
- The Council's Community Plan says it will protect, promote and enhance the District's natural environment;
- The site allocation is inappropriate and outdated in view of the large growth that is taking place south of Bowbridge Road;
- The Hawtonville Estate does not need another piece of green space removed from it;
- There are already 7150 houses being built south and east of Newark;
- There will nowhere to extend the cemetery in the future;
- Many people use the area for dog walking;
- The density is too high for the site;
- Not everyone can afford access to the Leisure Centre so green spaces are valuable;

*Impact on Highways Network*

- The Community Plan states that it will reduce congestion;
- This application will add to the congestion already placing a strain on Bowbridge Road – this will get worse as Middlebeck is built out;
- Building more homes will increase the traffic and fumes;
- The proposal will place a demand on vehicular parking;
- The condition of Bowbridge Road is poor;

*Impact on Amenity*

- The noise level will increase which will be detrimental to the visitors of the cemetery and the elderly residents of Gladstone House;
- The development will cause a loss of privacy and overshadowing to neighbouring properties;
- Neighbours will have to look at a building site;
- Car ports are proposed close to the neighbouring boundaries;
- If a footpath is on the boundary then it may lead to increased crime;

*Impact on Infrastructure*

- The homes will add more waste to landfill and plastic use;
- The proposal will affect the school and hospital resources;

*Other Matters*

- The development will bring neighbouring house prices down;

## Comments of the Business Manager

### Principle of Development

The site is within the Newark Urban Area but moreover is within a mixed use site allocation. As is referenced above, the circumstances have changed since the site was allocated insofar as part of the allocation has already delivered Gladstone House which comprises 60 no. one and two bed retirement units. Clearly, the nature of this development has taken up less land than 60 dwellings would and therefore the remainder of the site allocation (the application site) would be capable of delivering more than the remainder of the policy allocation.

The site represents a sustainable location where the principle of residential delivery would be acceptable irrespective of the site allocation. Thus the fact that the amount of development proposed by this application would lead to the total delivery of 147 units in an area initially envisaged for around 115 is not considered to be an issue in principle. The site allocations were not intended to be a ceiling for development and in the context of the previous permission for Gladstone House there would be justification for the higher density of development in principle. This is caveated on the basis that the application would still need to meet the remainder of the Development Plan which is assessed in detail below.

### Policy Requirements

As is detailed above, the site is within a mixed use site policy allocation. Policy NUA/MU/4 details that development on the site will be subject to:

- *The development of a Master Plan to address the relationship between the residential development and the new leisure centre and provide a context for any future incorporation of RHP Sports Ground within the management of leisure centre;*
- *Address issues relating to the adjacent operations of neighbouring employment sites; and*
- *Pre-determination archaeological evaluation submitted as part of any planning application and post-determination mitigation measures secured by condition on any planning consent are likely to be required.*

The first requirement relates to the development of a Master Plan which is absent from the submission. However, the leisure uses referred to have already been brought forward since the policy allocation. The current application essentially forms the last piece of the site allocation and therefore the preparation of a Master Plan is redundant insofar as the relationship with neighbouring land uses can be fully assessed.

The submitted Design and Access Statement deals with the other two requirements. Matters of archeology are discussed within the relevant heritage section below.

The policy wording is not prescriptive in terms of the potential 'issues' relating to the nearby employment uses. My interpretation of the policy is that it relates largely to an assessment for the amenity of the proposed occupiers from the industrial uses to the south (i.e. potential noise and disturbance impacts). I would agree with the stance of the submitted Design and Access Statement that the majority of the proposed development would be separated from the industrial uses to the south of the site by the presence of the Gladstone House development. In reality therefore, the most likely affected plot would be Plot 87 on the southern edge of the site.

However, this plot would still be separated by approximately 75m from the depot site to the south given the presence of the existing allotments. The landscaping plan details an existing hedge along the southern boundary of the site which would aid in mitigating impacts to this plot.

The application submission has also referred to the prevailing wind which would generally push dust and emissions away from the site. This has been discussed with Environmental Health colleagues and it has been confirmed that in broad detail the predominant wind direction is from the south west (thereby towards the north east). This does of course depend on other climatic features and can vary enormously. The direction of the prevailing wind is therefore given little weight in the assessment of this site specific application.

The agent has also pointed out that no noise or dust assessment was provided in the determination of the planning application for Gladstone House immediately adjacent to the site (relying again on a similar statement referring to prevailing wind and distance from employment uses). This was accepted in the Gladstone House application partially in acknowledgement of an appeal decision at 293 Bowbridge Road where an Inspector discounted noise and dust emissions as being an issue for a care home development:

*'Although a number of noise generating industrial and commercial uses exist in close proximity to the appeal site, it is apparent from the evidence before me that the dominant source of noise is from traffic along Bowbridge Road.'*

*'The Tarmac Topblock operation is a permitted process under local authority control as a Part B process. The Permit regulates the environmental controls required on site to prevent nuisance dust releases.'*

Further discussion with Environmental Health colleagues has confirmed that there have not been complaints from the occupants of Gladstone House. Given that Gladstone House would form intervening built form between the majority of the proposed development and the nearby industrial uses, it is considered that it would be unreasonable to resist the application purely on the basis of a lack of formal noise and dust assessment.

Other neighbouring employment uses in close proximity to the site include the recently build Gladstone House and the Leisure Centre. Although Gladstone House does have facilities that take it beyond the scope of a typical C3 dwelling house, the facilities are ancillary to the extra care use and are not considered materially different to a typical residential use in terms of a neighbouring amenity relationship.

The Leisure Centre is fully operational and has been for some time. The uses are well contained within the building and in any case the building is separated from the site by Lord Hawke Way. The most likely neighbouring impact on the proposed development would be the noise and disturbance created by the use of the Leisure Centre car park immediately to the east of the site boundary. The development has been designed such that the closest element would be a private driveway and car parking spaces to serve Plots 33-40 inclusive. In respect to Plots 33-40, rear amenity space would be on the west side of the dwellings and therefore protected by the built form of the dwellings. Whilst these plots may experience a slight increase in noise and disturbance from the use of the Leisure Centre car park, I cannot envisage a more appropriate design to mitigate against this. There would be an element of the buyers beware principle for these plots and to some extent the disposition of uses is not uncommon in an urban setting such as this one. No specific harm has therefore been identified against the requirements of Policy NUA/MU/4.



### Housing Mix, Type and Density

The application form refers to a site area of approximately 2.8 hectares which on the basis of 87 units would represent a density of approximately 31 dwellings per hectare thereby aligning with the aspirations of Core Policy 3.

The District Council has commissioned a district-wide Housing Needs Survey splitting the results into sub-areas. The following represents an assessment of the results of the survey for number of beds for the market sector against the proposed development:

<b>No. of Beds</b>	<b>Total existing and concealed demand from the 2014 survey (%)</b>	<b>Split of proposal for consideration (%)</b>
1 bedroom	3.7	0
2 bedrooms	33.7	50.6
3 bedrooms	40.2	42.5
4 bedrooms	14.4	6.9
Five or more	8	0

The Design and Access Statement refers to figures presented at pre-application stage when it was not explicitly clear whether the apartments would be one or two beds. Given that it is now proposed for all apartments to be two beds, the majority delivery is tipped towards two beds rather than three beds as required by the 2014 needs survey. Notwithstanding this, when assessing solely against the 2014 percentage results, the proposed three beds would exceed the proportionate split (i.e. the scheme would deliver 42.5% against the survey need for 40.2%). There is a danger in being too prescriptive to the exact percentage splits of the survey noting that the results of this survey are now over five years old. Essentially the applicant could partially rectify the situation by changing some of the two bed apartments to one bed apartments. However, I would be reluctant to insist upon this purely to meet the split of the 2014 survey partly because some of the secondary bedrooms to the apartments are relatively small in any case (discussed further below). It is noted that some of the two bed units are presented for the retirement market. The success of the Gladstone House scheme opposite the site in some respects represents a more up to date and site specific demonstration of demand than a report for the whole sub area conducted five years ago. The proposal would deliver a significant proportion of three bed units and the second majority demand of two bed units. On balance therefore I do not consider it would be reasonable or necessary to insist on revisions in this respect.

As is detailed by the table in the proposal section above, the proposed development incorporates numerous different house types ranging from bungalows; apartments / maisonettes; semi-detached; terraced; and detached. This varied mix is welcomed in terms of the overall development offer.

The national Government has published 'Technical housing standards – nationally described space standard' in March 2015. This document deals with internal space within new dwellings and is suitable for application across all tenures. However the National Planning Policy Guidance (online tool) is clear in stating that if an LPA *"wishes to require an internal space standard, they should only do so by reference in their Local Plan to the Nationally Described Space Standard."* Provision in a local plan can also be predicated on evidence, as the NPPG goes on to describe. In the case of NSDC we have not adopted the national space standards and thus the guidance is that one should

not *require* (emphasis added) them for decision making. The standards however do exist and must be material in some way.

The following table is lifted from the March 2015 document:

**Table 1 - Minimum gross internal floor areas and storage (m<sup>2</sup>)**

Number of bedrooms(b)	Number of bed spaces (persons)	1 storey dwellings	2 storey dwellings	3 storey dwellings	Built-in storage
1b	1p	39 (37) *			1.0
	2p	50	58		1.5
2b	3p	61	70		2.0
	4p	70	79		
3b	4p	74	84	90	2.5
	5p	86	93	99	
	6p	95	102	108	
4b	5p	90	97	103	3.0
	6p	99	106	112	
	7p	108	115	121	
	8p	117	124	130	
5b	6p	103	110	116	3.5
	7p	112	119	125	
	8p	121	128	134	
6b	7p	116	123	129	4.0
	8p	125	132	138	

The following table represents an assessment of the proposed development against the above space standards. In some cases the apartment sizes are not exactly the same (i.e. house type A varies from 68.5m<sup>2</sup> to 72m<sup>2</sup> so in these instances average floor spaces have been used.

House Type	No. of beds	No. of persons	Floor space (m <sup>2</sup> )	Space standard requirement (m <sup>2</sup> )	Compliance against (+/- m <sup>2</sup> )
A	2	4	70	70	Exact
B	2	4	68	70	-2
C	2	3	65	61	+4
D	2	3	63.5	61	+2.5
E	2	3	66.6	61	+5.6
F	2	3	72.1	61	+11.1
G	2	3	70.5	70	+0.5
H	2	4	68.5	79	-10.5
I	2	4	63	70	-7
J	3	5	91	93	-2
K	3	5	96	93	+3
L	3	5	91	93	-2
M	3	5	97	93	+4
N	3	5	101	99	+2
O	4	6	124.5	106	+18.5

On the whole the development would comply with the National Space Standards with the majority of the house types exceeding the requirements. The greatest deficiency (and indeed the only one which falls more than 10 square metres short of the standards) is house type H. This is referenced by the objection of the Town Council. This is a terraced two storey property proposed for 8 plots (33-40 inclusive) set along the eastern boundary of the site (adjacent to the Leisure Centre car park). The floor plans indicate that one of the bedrooms could fit a double bed in but the other would probably logistically be restricted to two single beds. There is no internal storage indicated. This has been raised as an issue with the agent during the life of the application to ascertain if it is scope to increase the footprint of these plots marginally to the rear. The following response has been received:

*The house types have had a long gestation and have been considered in terms of useable space, build-costs and likely sales values. There are a range of types across the development to suit a diverse market and consideration has been given to the designs to allow flexibility for a purchaser so that, for example, walls between living rooms and kitchen / dining spaces are non-loadbearing and could be omitted if bought off-plan. These particular dwellings are seen as entry-level and the floor area proposed has to be balanced against the likely sales values. From experience these 2 bed properties are some 5-8.5m<sup>2</sup> larger than well-known developers would provide on a comparable house type.*

Officers have no evidence to the contrary in respect to the salability of the plots and concur that a range of house types would suit a diverse market. In acknowledgement of the fact that the space standards have not been adopted and indeed noting that if the plots were increased then the subsequent rear garden sizes would be decreased (without a significant re-design), the slightly reduced floor area is not considered sufficient to warrant refusal in its own right. The compromises identified will need to be weighed in the overall balance of the proposal below.

#### Impact on Character and Design

Design remains high on the policy agenda as evidenced by the publication of a national design guide by the government in September 2019.

Inherently through the delivery of 15 different house types the development would give a varied mix of design which would add a sense of place and legibility within the development. The design has also incorporated other positive elements including gateway plots which address the entrance to the site from Lord Hawke Way. Notably plots 46 and 47 which are three storey properties (the only three storey properties proposed in the development other than the apartments). There would also be areas of open space at the site access and fronting Bowbridge Road which would soften the overall visual impact of the scheme.

As is detailed by the description of the site above, as existing there is a hardsurfaced pedestrian path (albeit not formally recognized as a right of way) which crosses the site. Upon site inspection this appears to be well used as a means of crossing the site. It is therefore welcomed that the proposed development seeks to incorporate this within the development. However, in order to deliver the residential development as envisaged by the policy allocation, it would now be the case that the path is crossed by vehicular accesses. There is a pedestrian diversion around the south of the private driveways which would mean that users would only have to cross one road which is overall considered to be an acceptable compromise.

The Design and Access Statement details the design principles that have been employed in the preparation of the overall site masterplan. One of these is to establish active and animated street frontages with an attractive public realm overlooked by new residents. This is evident within the development proposals, most notably along the already referenced path retained crossing the site. The plan demonstrates that additional planting would be created along the path and that the plots facing the path to the north would have soft landscaped frontages rather than featuring the hard standing of car parking spaces (the implications of which are discussed further in the Impact on Highways section below).

Being part of a mixed use site allocation, it is implicit that there are a variety of land uses in the immediately surrounding area. This includes the recently developed Leisure Centre and Gladstone House, both of which are significantly scaled buildings of modern design. The benefit of these buildings in terms of the residential delivery of the site is that there is sufficient scope to deliver a modern development approach overall including with elements of scale such as the three storey apartment blocks. This includes at the entrance of the site from Bowbridge Road where two flat storey apartment blocks would flank the entrance with the block to the north of the entrance proposed to be approximately 9m in height. Whilst a flat roof design is not necessarily an approach which would be encouraged, it does have the benefit of reducing the overall height which in turn is beneficial to the more modestly scaled dwellings behind the apartments (more akin to the amenity discussion below). The apartment blocks would be set back from the highways edge through areas of green space and have been designed with curved frontages at the entrance which would reduce their overall starkness. In the context of the existing Gladstone House and Leisure Centre buildings, and in acknowledgement that there are a variety of commercial uses in the area, I do not consider that the design of these apartment blocks is harmful in principle.

The approach for the lesser scale residential plots along the northern boundary which is shared with residential curtilages is appropriate (the amenity implications are discussed in further detail below). Each of the plot types has detailed the proposed materials (albeit with colours etc. to be agreed) with a focus on brickwork and smaller elements of cladding. This is considered acceptable to the residential context of the area and compliant with the relevant elements of Policy DM5.

#### Impact on Heritage and Archeology

The site is outside of the Conservation Area but is less than 70m from the boundary and therefore has the potential to affect its setting. Section 72(1) also requires the LPA to pay special attention to the desirability of preserving or enhancing the character and appearance of conservation areas. I am conscious that the development would be visually read alongside the modern recent developments of the Leisure Centre; Gladstone House and the buildings associated with the Community and Activity Village - all of which have a large modern scale. The proposed development closest to the Conservation Area boundary would feature the rear gardens of the proposed plots. The boundary of the Conservation Area also features dense landscaping to a degree that it is not considered the proposed development will have a perceivable impact on the setting of the Conservation Area.

The submitted Design and Access Statement includes a Heritage Assessment. This acknowledges that the policy allocation requires an archeological evaluation. It is confirmed that trial holes on the wider allocated site have not recorded archeological features or deposits. On the basis of this previous evidence (submitted to discharge conditions for the other schemes within the site allocation) it is contended that further evaluation and monitoring is not required. Having reviewed the most recent archeological watching brief undertaken for Gladstone House, it is noted that this

did not include the current application site. Given the uncertainty in relation to this specific site and the scale of the development proposed, Officers requested further desk based review through the Historic Environment Records.

The applicant has consulted the Historic Environment Record (HER) during the life of the application and therefore has met the requirements of paragraph 189 of the NPPF. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities typically require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation. Given the lack of archaeological interest uncovered in the adjacent site, as well as confirmation from the County HER that no identified archaeological data points fall within the development site, it is felt that further archaeological investigation is not required. This has been agreed verbally with internal Conservation Officers.

### Impact on Amenity

Policy DM5 seeks to protect the amenity for both existing neighbouring residents but also to provide appropriate levels of amenity provision for proposed occupiers.

In terms of relationships with existing neighbours, the most likely affected properties would be those adjoining the northern boundary of the site along Thoresby Avenue. There are six plots along this boundary however only three (22-24 inclusive) would create back to back relationships. These plots are all single storey with minimum back to back distances of approximately 22m with the properties on Thorseby Avenue. There would be car ports at a closer distance but again noting that these would be single storey, this is considered to be an appropriate relationship.

Plot 21 would be closer to the northern boundary of the site such that the distance between this plot and the nearest neighbour at no. 4 Thorseby Avenue would be just under 19m. However, the orientation of this plot is such that it would be the single storey gable end facing the neighbour and therefore this is not considered harmful in amenity terms.

Plots 01 and 25 would both be adjacent to the northern boundary and two storey in height. In respect of plot 01, this would broadly align with the building line of the nearest neighbour to the north albeit with a greater set back from Bowbridge Road. However, the distance between the two properties would be around 13.5m such that the plot is not considered to create an imposing or overbearing impact. Any outlook from the rear of no. 221 Bowbridge Road towards the development would be at an oblique line of site.

The distance between no. 22 Thorseby Avenue and the two storey side gable of plot 25 would be approximately 18.5m. There would be one first floor narrow window on the side gable of this plot although this is intended to serve an en-suite bathroom. It would therefore be wholly reasonable to ensure this window is obscurely glazed by condition.

There are also residential properties on the opposite side of Bowbridge Road which would share a relationship with the proposed development. This includes the apartment for house type A although this is restricted to a two storey height. Taking the distance of at least 32m across the highway into account, I have not identified any harmful amenity impacts in terms of overbearing or overlooking.

Moving then to assess the amenity relationships within the site itself, it is notable that the scheme has evolved since pre-application discussions to ensure adequate separation distances. Rear to rear distances of over 21m have now been presented on the overall site layout. The houses proposed would be allocated an area of rear garden albeit of differing extents (some relatively modest for example the Coach Houses at plots 49 and 61). This is not considered to be an issue in principle given that the variety of house types in the site give proposed occupiers choice at the time of purchase. Although the apartments would not be afforded separate private amenity provision, this is not an uncommon scenario and the overall open space within the site (discussed in further detail below) would ensure that all residents have the opportunity to enjoy areas of open space in close proximity to their dwelling.

During the life of the application, comments have been received from Environmental Health colleagues making specific reference to the potential for light pollution from the nearby YMCA Community and Arts Village (partially given previous complaints from existing residents). Paragraph 182 of the NPPF confirms that where the operation of an existing business or community facility could have a significant adverse effect on new development, it falls for the applicant to consider appropriate suitable mitigation. The comments have been passed to the agent during the life of the application. The agent's response correctly identifies that the complaints originated from residents to the north of the YMCA facility where there had been a change to the existing site circumstances (i.e. the flood lighting sports use was imposed to existing residents). On this basis, it is argued that this application would be materially different insofar as the proposed occupiers would not have experienced the darker skies which existed before the YMCA development. Officers agree that there is merit to this argument and that occupiers would be aware of the mixed use nature of the area prior to purchase (and thereby given the opportunity to avoid the properties towards the west of the site if it were a concern).

Nevertheless it remains the case that the Environmental Health Act 1990 would require the investigation of any valid complaint received which could ultimately compromise the operations of the YMCA Community and Arts Village (for example through requiring a restriction of the usage of the flood lights). In this instance Officers are conscious that the original complaints (from residents to the north of the YMCA facility) came at a time when the lights were incorrectly installed. This has now been rectified through enforcement negotiations. Given the intervening distance afforded by the Leisure Centre car park, it is considered unlikely that the flood lighting, as correctly installed, would impose an adverse amenity impact to the proposed occupiers of this site.

On this basis, whilst the comments of Environmental Health have been taken on board, it is not considered reasonable to insist upon further surveys in terms of lighting.

Taking all of the above factors into account, I have not identified any specific areas of amenity harm and the proposal would be compliant with the relevant elements of Policy DM5 and the provisions of the NPPF.

#### Impact on Flood Risk and Drainage

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

Given that the development forms a major application, one of the validation requirements was for the submission of a Flood Risk Assessment (FRA) and Drainage Strategy. This report states that

ground levels at the site are generally level. There are however some small patches of the site which are at a low risk of surface water flooding attributed to low spots in the ground levels associated with former land uses.

In terms of drainage, the report details that the ground conditions are favorable for the discharge of surface water to ground via infiltration as evidenced through soakaway testing. Foul sewage is intended to use the existing combined sewer located in Bowbridge Road via a gravity connection. The means of drainage have been assessed by NCC as the Lead Local Flood Authority with no objections raised subject to a condition. Officers have queried whether or not such a condition would be reasonable given that the application submission included drainage details. However, given the concern from the Highways Authority (as discussed further below) in respect to the submitted details, the condition is deemed reasonable and indeed necessary.

### Impact on Trees and Ecology

The Design and Access Statement details that there a number of tree specimens along Bowbridge Road and towards the eastern boundary of the site. It is suggested that the latter species are immature, planted in the last 20 years. The original submission did not include a Tree Survey albeit it was discussed with the agent that this had already been commissioned and the final report was awaited. This has since been received during the life of the application.

The survey identified a total of 20 individual trees and two tree groups, the majority of which are along the site boundaries. A significant majority of the specimens are identified as Category B (retention is considered desirable). However, only one individual tree (a Category C Damson tree) and one group of trees (Category C comprising beech and cherry) would need to be removed to facilitate the development. The remainder would be retained with canopies protected by fencing and / or ground protection boards across the root protection area. A ground reinforcement geotextile is also intended to be used to protect the roots of T1 near the proposed access road.

The original comments of the Tree Officer raised concern in respect to some areas of hardstanding and their respective impact on tree specimens to be retained. These comments have been passed for review during the life of the application. A response has been received which essentially contend that the root protection measures outlined by the original Tree Report would be appropriate. Whilst the revised comments of the Tree Officer agree to this in principle, it is stated that the protection measures are still lacking in detail and therefore further detail is requested by condition.

The comments in respect to T5 and T6 are noted (that there may be later pressure to fell) but in reality I consider this to be relatively low risk given that they are positioned to the north side of the plot and therefore wouldn't impede on the plots amenity space. There may be some requirement for pruning but this level of compromise is considered reasonable to a site of this size.

Subject to securing the measures outlined by the report by condition, (and indeed acknowledging that there will be additional landscaping as part of the proposals), I am satisfied that the impact on trees would be appropriate.

The site is not affected by any local or national ecological designations. Nevertheless there is a local site of nature conservation at Balderton Lake some 400m to the east of the site. The

applicant has assessed the ecological potential of the site through the submission of an Extended Phase 1 Habitat Survey based on surveys undertaken in May and June.

The site is predominantly comprised of species poor amenity grassland and species poor tall ruderals and perennials. The survey did not identify significant habitat within the site nor an indication of any rare plants or plant communities present. The site does demonstrate the potential to support nesting birds and foraging bats as well as reptiles such as Grass Snake and Toad where taller vegetation is present. No physical evidence of protected species were identified through the site survey works and therefore the report does not recommend any further survey works. It is however suggested that precautionary methods are employed including careful consideration of lighting to ensure that it is low level and shielded. These methods could be secured by suitably worded condition which would ensure the development is appropriately mitigated and compliant with Core Policy 12 and Policy DM7.

### Impact on Highways

Spatial Policy 7 of the Core Strategy seeks to ensure that vehicular traffic generated does not create parking or traffic problems. Policy DM5 of the DPD requires the provision of safe access to new development and appropriate parking provision and seeks to ensure no detrimental impact upon highway safety.

Given the number of dwellings to which the application relates, the application submission has been accompanied by both a Transport Assessment and a Travel Plan document (both undertaken by ADC Infrastructure). The development would be accessed via Lord Hawke Way with a T-junction to the north and south. This is a recently constructed roadway from Bowbridge Road developed to enable the delivery of the site allocation including the Leisure Centre and also now the Community and Sports Hub further east.

The Transport Assessment estimates the trip generation that the development will create both in terms of sustainable modes of transport such as walking and cycling but also in terms of use from the private car. It is stated that the residential delivery of the site would generate 52 two way traffic movements in a peak hour which is considered to be immaterial to the traffic on the wider highways network.

In respect to the submitted Travel Plan, the sustainable location of the development in the Newark Urban Area is used to demonstrate that numerous facilities will be within walking distance of the site. Nevertheless various measures and incentives are proposed to achieve targets such as a reduction in use of the private car. These measures (which could be secured by an appropriately worded condition) include appointment of a Travel Plan Co-coordinator as well as a monitoring regime.

The proposed development has been assessed by Nottinghamshire County Council as the Highways Authority with their comments listed in full above. Their comments have detailed a number of issues on various occasions which the agent has continuously attempted to address through revisions and further correspondence from their appointed Transport Consultant.

The outstanding matters of concern can be broadly split into matters of parking and drainage.

A parking schedule has been provided during the life of the application albeit this is now out of date for the scheme being formally considered owing to protracted discussions and amendments



to the parking provision and layout. The overall scheme demonstrates a mixture of solutions including parking to the side of plots; within undercrofts; in front of plots and in parking courts.

The latest plans for consideration demonstrate considerable efforts to overcome the perceived parking issues throughout the site. This includes moving dwellings within their plots (for example the four bed dwellings at Plots 25-27) to allow for side by side parking on the frontage thereby eliminating the need for tandem parking of three spaces. Other amendments include handing the apartment block for Plots 29-32 so that there is more space for overspill / visitor provision for Plots 33-40.

Notwithstanding the revisions made, there are still areas where the parking provision is less than ideal. For example, whilst the retained pedestrian linkage through the site is advocated in design terms, the consequence of this is that the parking provision for the adjacent plots would be positioned at the rear with car ports and spaces in front served by hardstanding turning heads. This is not ideal in terms of function insofar as the proposed occupiers would have to walk from the spaces to [probably] their rear door. The concern with this situation normally is that it will lead to on street parking as occupiers seek a more convenient solution. However, the width of the turning heads would not be inviting to allow on street parking and in some respects this would not even create a more favourable position. For example, if plot 08 were to park their car on the access to the turning head then they would have to walk further than if they were to use their assigned car port / parking space. It is fully appreciated that there will be compromises for some occupiers. However, this must be weighed in against the benefits of an attractive pedestrian environment which would be delivered by the retained pathway.

On the whole, the parking provision is screened from the public realm which is beneficial in design terms. Perhaps the starkest contrast to this would be the parking provision along the eastern boundary of the development to serve plots 33-40 inclusive. However, I am conscious that this is immediately adjacent to the car park for the existing Leisure Centre and therefore it is difficult to conclude that this would be harmful in itself.

With a scheme of this size there has to be a careful balance for both the amount of parking provision and its disposition within the site to avoid on street parking which could ultimately affect the efficiency and safety of the highways network (the crux of the outstanding highways objection).

Despite the elements of compromise identified above I am conscious that the site is within the Newark Urban Area which is a sustainable location well served by public transport. The apartment buildings in particular have also demonstrated spaces for cycles which would encourage more sustainable transport if parking provision does become in high demand. It is an unusual scenario for Officers to go against the advice of the Highways Authority. However, in this case, the concern that the proposal will result in on-street parking to the detriment of other uses of the highway is not considered to be robustly demonstrated on the basis of the latest plan submissions. On balance, it is not considered that this should represent a reason to refuse the application in its own right.

The other matter for concern from NCC Highways perspective is in respect to the drainage plan which shows soakaways within the highway where they have a preference for a piped system (which may or may not be acceptable to Severn Trent). Whilst the demonstration of a satisfactory drainage regime remains outstanding, it is not considered reasonable to withhold the

determination on that basis. NCC Flood have already suggested a condition requiring details of drainage which could be imposed with details submitted at a later date.

Moving then to NCC comments on the Transport Assessment submitted, it was requested that the agent specifically consider the implications of the committed Middlebeck (otherwise known as Land South) development currently under construction. This has been addressed by the agent including further traffic modelling to consider the interim scenario whereby 599 dwellings are occupied at Middlebeck with no further road improvements being made over and above the existing conditions. NCC Highways have accepted that this modelling demonstrates that there should be no capacity issues resulting from the proposal.

#### Impact on Land Contamination

The application submission included an Exploratory Investigation Report undertaken by GeoDyne and dated May 2013. The age of the report is in acknowledgement that it was undertaken for the entire site allocation (i.e. where the Leisure Centre and Gladstone House has already been delivered).

Colleagues in Environmental Health have reviewed the report and, as their original comments above outline, requested that if permission is forthcoming a condition is imposed requiring further works. This is in acknowledgement that the report itself recommends supplementary testing of the topsoil prior to the residential delivery of the site. This matter has been subject to lengthy negotiations which have essentially led to the consultant acting on behalf of the applicant to present an alternative methodology of works (i.e. not as onerous as the usual 'standard' condition). The additional report has been received but is subject to an outstanding consultation with Environmental Health colleagues. Condition 11 has been drafted in the instance that this report is not acceptable however an update either way will be provided to Members through the late items schedule.

#### Developer Contributions

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

Planning obligations are usually delivered directly through the completion of a Section 106 legal agreement prior to planning permission being granted, and not through a planning condition. However, because NSDC are both the land owner and local planning authority, the legal advice states that a Section 106 legal agreement cannot be utilized. NSDC cannot enter into a planning obligation which imposes obligation upon itself as land owner enforceable by itself as Local Planning Authority. In this instance it would therefore be necessary to impose a condition which duplicates the necessary elements of a S106 legal agreement. The idea being the requirements of the condition would later form the basis of a future Section 106 legal agreement as and when the site (or elements of it) are disposed of to a third party who would then be able to enter into a legal agreement with the Local Planning Authority. This is an approach which has been previously taken by the Authority (specifically the Yorke Drive development).

### *Affordable Housing*

The District Council sets a threshold of 30% on site affordable housing delivery. For an 87 unit scheme this would amount to 26 units.

However, in the assessment of the application of 60 Care Units at Gladstone House, the Officer report accepted that *'the use promoted would essentially forward fund the delivery of affordable housing which could be off-set against any required contribution in association with future market housing delivery on the wider site.'* Put simply 60 affordable units at Gladstone House would represent 41% affordable delivery over the entirety of the allocation site and therefore given these specific site circumstances it is no longer considered reasonable for the current application to make provision towards affordable housing.

### *Community Facilities*

The SPD outlines that for a development of this size, a contribution towards community facilities would be expected. Community Facilities can include numerous types of development including village halls; areas for sport and activity; buildings for worship or buildings for leisure and cultural activity.

The SPD sets out a formula which equates to a contribution of £1,384.07 per dwelling plus indexation. This would amount to circa £120k for a scheme of this size.

However, I am mindful that the application site is immediately adjacent to existing community facilities both in the form of the recently developed Leisure Centre and also the development coming forward at the Community and Activity village. In this context, the area is well served by facilities of a high standard. In this case therefore there would be no justification to insist on a further contribution amounting from this development proposal. This has been agreed by the Community and Arts Manager as detailed by the consultation section above.

### *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. The application includes 11 units specifically intended to cater for the retirement market. Nottinghamshire County Council as the education authority would ordinarily discount one bedroom apartments from the education requirement (on the assumption that these are unlikely to house children which would need school places). A similar assumption could be made for apartments directed towards the retirement market but seen as these are all two bed units, it would be necessary to control their occupation by condition.

Notwithstanding the above, as is confirmed by the comments of NCC as the education authority above, there is existing capacity in the education system to support the development and therefore no contribution towards education is sought.

### *Open Space*

As a development of 87 dwellings this application would need to make provision for public open space. The indicative layout demonstrates areas of formal open space which appears to include some garden areas to the rear of plots 83-87. This has been queried during the life of the

application with the applicant confirming that this is the correct interpretation of the plan. These units are intended for the retirement market and therefore it is proposed that they are served by a small patio looking onto the open space.

The SPD states that the scheme, at its maximum quantum, would need to provide for open space in the form of provision for children and young people (18m<sup>2</sup> per dwelling), amenity green space (14.4m<sup>2</sup> per dwelling), and natural and semi natural green space. The SPD also sets out the cost per dwelling where a commuted sum is required as well as the potential maintenance costs that would need to be agreed as part of any legal agreement. The alternative would be to provide all open space on site with a maintenance company.

The latest plan does not show any on site provision for children and young people with the intention to make a contribution towards an existing play area in the vicinity. The open space delivered on site would amount to 2,753m<sup>2</sup> which would meet the quantum requirements for amenity green space for 87 dwellings.

### *Health*

The Developer Contributions SPD details that, for a scheme of this size, a contribution to the health authority should be made for the sum of £982.62 per dwelling. Clearly this is subject to a justifiable means of spending such a contribution which is discussed in the comments of Newark Clinical Commission Group listed in full above. It is confirmed that it would be necessary for the development to make a payment of £80,040 for the investment in local health provision including Fountain Medical Centre; Lombard Medical Centre and / or Barnby Gate Surgery.

### *Libraries*

The SPD details that library contributions can be attributed towards the costs of building / extending a library building or the costs of providing additional stock for existing facilities. NCC have commented on the need for the development to contribute towards library provisions in their comments above. Based on the anticipated increase of 200 in population from the development, a contribution of £3,064 is sought.

### CIL

The development would be required to make a community infrastructure levy contribution of £45 per internal square metre. The applicant has submitted confirmation of the total floor space for the purposes of CIL calculations.

### Overall Balance and Conclusion

The proposal relates to the residential development of an allocated site within the Newark Urban Area. Although the quantum of development exceeds that originally envisaged by the policy allocation, as is detailed by the above appraisal, this is not considered fatal in principle.

The development would comprise a modern scheme with a variety of house types including single storey bungalows; apartments and two storey dwellings. The overall character implications of the proposal is on balance considered acceptable. Although there are areas of compromise, for example instances of rear parking and some house types being below government space

standards, these are somewhat mitigated by the overall layout which incorporates areas of open space including the retention of a right of way across the centre of the site.

Statutory consultees have appraised the application and it has been found acceptable in respect to matters; flooding / drainage; and heritage. Whilst there remains an outstanding highways objection, Officers consider that the latest plans have made enough changes to adequately address the areas of concern identified such that the parking provision and layout represents an acceptable compromise for a scheme of this size.

The contributions towards the District's housing supply in a sustainable location warrants significant positive weight and in the absence of any demonstrable harm to the contrary, the recommendation is one of approval subject to the conditions outlined below to mitigate the impacts of the development.

## **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:

- Site Location Plan – 19 / 2216 / LP (A) dated September 2019;
- Proposed Site Layout: General Arrangement - 19 / 2216 / SITE001 Rev. H received 15<sup>th</sup> January 2020;
- Proposed Site Layout: Landscaping - 19 / 2216 / SITE002 Rev. G received 15<sup>th</sup> January 2020;
- Proposed Site Layout: House Typology Key - 19 / 2216 / SITE003 Rev. F received 15<sup>th</sup> January 2020;
- Proposed Site Layout: Boundaries - 19 / 2216 / SITE004 Rev. F received 15<sup>th</sup> January 2020;
- Proposed Site Layout: Materials – 19 / 2216 / SITE005 Rev. D received 15<sup>th</sup> January 2020;
- Type A: 2B4P Apartment (Retirement) – 19 / 2216 / A-001 Rev. B dated August 2019;
- Type B: 2B4P Bungalow (Retirement) – 19 / 2216 / B-001 Rev. B dated August 2019;
- Type C: 2B3P Apartment (Variant 1) – 19 / 2216 / C-001 Rev. B dated August 2019;
- Type D: 2B3P Apartment (Variant 2) – 19 / 2216 / D-001 Rev. B dated August 2019;
- Type E: 2B3P Apartment (Variant 3) – 19 / 2216 / E-001 Rev. C dated January 2020;
- Type F: 2B3P Maisonette (Floor Plans) – 19 / 2216 / F-001 Rev. B dated July 2019;
- Type F: 2B3P Maisonette (Elevations) – 19 / 2216 / F-002 Rev. B dated July 2019;
- Type G: 2B3P Coach House – 19 / 2216 / G-001 Rev. B dated July 2019;

- Type H: 2B4P Terraced House – 19 / 2216 / H-001 Rev. B dated July 2019;
- Type I: 2B4P Bungalow Detached & semi-detached – 19 / 2216 / I-001 Rev. B dated August 2019;
- Type J: 3B5P Linear House Semi-detached & terraced variant – 19 / 2216 / J-001 Rev. B dated July 2019;
- Type K: 3B5P Corner House Semi-detached – 19 / 2216 / K-001 Rev. B dated July 2019;
- Type L: 3B5P Linked Terraced House – 19 / 2216 / L-001 Rev. B dated August 2019;
- Type M: 3B5P Standard Detached – 19 / 2216 / M-001 Rev. B dated August 2019;
- Type N: Gateway Marker House – 19 / 2216 / N-001 Rev. B dated August 2019;
- Type O: 4B6P Standard House Detached – 19 / 2216 / O-001 Rev. B dated July 2019;
- Boundary Treatments – 19 / 2216 / GEN001 dated September 2019;
- Garages – 19 / 2216 / GEN002 dated September 2019;
- Car Ports – 19 / 2216 / GEN003 dated September 2019.

Reason: So as to define this permission.

03

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 and retained in accordance with the approved details.

Reason: In the interests of visual amenity.

04

No development hereby permitted shall be occupied until details have been submitted to the Local Planning Authority for approval in writing of the 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.

Reasons: To preserve and protect existing trees and new trees which have and may have amenity value that contribute to the character and appearance of the area.

05

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 Local 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.

Reasons: To preserve and protect existing trees and new trees which have and may have amenity value that contribute to the character and appearance of the area.

06

No development shall take place until a Construction Methodology and Management Plan (CMMP) has been submitted to and approved in writing by, the Local Planning Authority. The approved CMMP shall be adhered to throughout the construction period. The CMMP shall comprise the following:

- The details of temporary fencing to be erected and retained during the construction period;
- the parking of vehicles of site operatives and visitors;
- loading and unloading of plant and materials;
- storage of plant and materials used in constructing the development;
- any measures to control the emission of noise, dust and dirt during construction;
- hours/days of proposed construction.

Reason: To protect the amenity of the surrounding area.

07

To avoid negative impacts to nesting birds, any clearance works of vegetation on site should be conducted between October to February inclusive, outside the bird breeding season. If works are conducted within the breeding season, between March to September inclusive, a nesting bird survey must be carried out by a qualified ecologist prior to clearance. Any located nests must then be identified and left undisturbed until the young have left the nest.

Reason: In order to protect biodiversity on the site in accordance with the aims of Core Policy 12 of the Newark and Sherwood Core Strategy (2019).

08

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 Flood Risk Assessment (FRA) and Drainage Strategy ref BBRN-BSP-ZZ-XX-RP-C-001-P1\_Flood\_Risk\_Assessment dated 22 May 2019, has been submitted to and approved in writing by the Local Planning 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 5 l/s rates for the developable area.
- 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

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.

09

No unit hereby approved shall be occupied until bin storage facilities have been provided for that unit in accordance with design, siting and materials details, which have been first submitted to and approved in writing by the Local Planning Authority. The bin storage facilities shall be provided prior to occupation of any unit in accordance with the approved details and retained for the lifetime of the development.

Reason: To ensure that adequate bin storage is provided for occupiers in the interests of residential and visual amenity.

10

The boundary treatments for each plot as shown on plan references Proposed Site Layout: Boundaries - 19 / 2216 / SITE004 Rev. F received 15<sup>th</sup> January 2020 and Boundary Treatments – 19 / 2216 / GEN001 dated September 2019 shall be implemented in full prior to the occupation of each relevant plot.

Reason: In the interests of residential amenity.

11

The results of the further testing / sampling of the site as outlined by the scope of works in the letter by GeoDyne dated 12<sup>th</sup> November 2019 (reference 39368/CJP) shall be submitted to the Local Planning Authority prior to the commencement of development. Details of any subsequently required mitigation / validation shall thereafter be agreed with the local Planning Authority and the development carried out in accordance with the approved details.

Reason: To ensure that the risk to residential occupiers is fully understood and where appropriate mitigated against.

12

The first floor window opening on the northern side elevation of Plot 25 shall be obscured glazed to level 3 or higher on the Pilkington scale of privacy or equivalent and shall be non-opening up to a minimum height of 1.7m above the internal floor level of the room in which it is installed. This specification shall be complied with before the development is occupied and thereafter be retained for the lifetime of the development.



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

13

Units 77-87 inclusive as indicated by plan reference Proposed Site Layout: General Arrangement - Proposed Site Layout: General Arrangement - 19 / 2216 / SITE001 Rev. H received 15<sup>th</sup> January 2020 shall be occupied by at least one person over 60 years of age or their widow, widower (or recognised co-habitee, main carer or dependant).

Reason: To define the planning permission and in line with the applicants submissions.

14

The development hereby approved shall be carried out in accordance with the mitigation measures outlined by the requirements of the submitted Extended Phase 1 Habitat Survey undertaken by C Barker – P1841 / 0619 – 01 dated 18<sup>th</sup> June 2019, specifically;

- Controlled and directional vegetation clearance to enable reptiles to move away from the site.

Reason: In order to protect biodiversity in the District in accordance with the aims of Core Policy 12 of the Newark and Sherwood Core Strategy (2019).

15

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. 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 biodiversity specifically bats.

16

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 Local Planning Authority. This scheme shall include:

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

- f. Details of any scaffolding erection and associated ground protection within the root protection areas
  - g. Details of timing for the various phases of works or development in the context of the tree/hedgerow protection measures.
- All works/development shall be carried out in full accordance with the approved tree/hedgerow protection scheme.

Reasons: To preserve and protect existing trees and new trees which have and may have amenity value that contribute to the character and appearance of the area.

17

No development shall commence until a planning obligation pursuant to Section 106 Town and Country Planning Act 1990 relating to the land subject of this consent has been made by all parties with an interest in the land has been lodged with and executed by the Local Planning Authority. The said obligation will provide for following:

<b>Open Space / Children's Play Space</b>	On / off site provision and maintenance as follows:  Amenity Green Space  Provision for Children and Young People
<b>Health</b>	£80,040 (87 x £920 per dwelling) + indexation and monitoring from January 2020
<b>Libraries</b>	£3,064 + indexation and monitoring from January 2020

Reason: In order to secure the necessary infrastructure and contribution requirements in accordance in the interests of achieving a sustainable development.

18

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 the proposal site.
- b. No equipment, signage, fencing etc. shall be attached to or be supported by any retained tree on the application site,
- c. No temporary access within designated root protection areas,
- d. No mixing of cement, dispensing of fuels or chemicals within 10 metres of any retained tree/hedgerow on the application site.
- e. No soak-aways to be routed within the root protection areas of any retained tree/hedgerow on 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 the application site.
- g. No topsoil, building materials or other to be stored within the root protection areas of any retained tree/hedgerow on the application site.

h. No alterations or variations of the approved works or protection schemes shall be carried out without the prior written approval of the Local Planning Authority

Reasons: To preserve and protect existing trees and new trees which have and may have amenity value that contribute to the character and appearance of the area.

19

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.).

20

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.

21

Any proposed soakaway shall be located at least 5.0m to the rear of the highway boundary.

Reason: To protect the structural integrity of the highway and to allow for future maintenance.

22

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.

23

The development shall be carried out in accordance with "Section 8.0 Implementation and Monitoring" of the Travel Plan undertaken by ADC Infrastructure - ADC1938-RP-B dated 12<sup>th</sup> September 2019 specifically the role of the Travel Plan coordinator and the monitoring requirements with the exception of the references to approval from Nottinghamshire County Council. Approval shall be sought from the Local Planning Authority.

Reason: To promote sustainable measures of travel.

#### 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) (England) Order 2015 (as amended).

02

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

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

03

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.

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

**Lisa Hughes**  
**Business Manager – Growth and Regeneration**

## PLANNING COMMITTEE – 4 FEBRUARY 2020

<b>Application No:</b>	<b>19/01824/S73M</b>		
<b>Proposal:</b>	<b>Application to vary conditions 4 and 5 attached to planning permission 17/01268/FULM to exclude the six lights serving the circulation areas that replaces the lights previously in place.</b>		
<b>Location:</b>	<b>Southwell Racecourse Station Road Rolleston NG25 0TS</b>		
<b>Applicant:</b>	<b>Arena Racing (Southwell) Ltd</b>		
<b>Agent:</b>	<b>WYG Planning - Mr Matthew Pardoe</b>		
<b>Registered:</b>	<b>06.11.2019</b>	<b>Target Date: 01.01.2020</b>	<b>EOT: 05.02.2020</b>
<b>Link to application documents:</b>	<a href="https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=PZ29V6LBLPE00">https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=PZ29V6LBLPE00</a>		

The application is referred to Planning Committee due to an objection received from Southwell Town Council which is contrary to the views of the Officer. Approximately one third of the west part of the site is located within the administrative boundary for Southwell Town Council with the remaining part including the grandstand located within the administrative boundary for Rolleston Parish Council.

### The Site

Southwell Racecourse is a horse racing venue located to the west of the village of Rolleston, with the villages of Fiskerton and Upton to the north and south respectively and the town of Southwell to the west. The site area equates to 64 hectares in area. The River Greet runs to the north of the site and is linked to various dykes surrounding the site, most notably the Greenfield Drain and Beck Dyke which run to the south of the site, and as such is located within flood zones 2 and 3 of the Environment Agency's flood maps. The site also includes a biological SINC within the racecourse track. A public right of way runs along the western and northern boundaries of the site. The site lies within the Parish of Rolleston although it is close to Southwell, Fiskerton and Upton. One of the closest properties to the site is the Grade II Listed Mill Farm as well as a scheduled monument close to Rolleston Manor which lies approximately 200m to the east of the site.

### Relevant Planning History

17/01268/FULM Erection of directional lighting [55 columns] – permission 07.11.2017

15/01292/FULM Flood alleviation scheme – permission 13.06.2016

In addition to this, there are approximately 60 planning applications associated with the site, most

of which relate to the erection of new buildings or extensions of existing buildings within the site and the variation of conditions to allow Sunday racing to take place under temporary permissions between 1997 and 2006. Planning permission was granted under 07/01125/FUL to permanently vary condition 11 of Planning Permission 54890792 to allow a maximum of 12 Sunday races per year (within the 80 races per year limit permitted in 1989).

### The Proposal

The application seeks full planning permission for the variation of conditions 4 and 5 attached to 17/01268/FULM which relates to planning permission for the erection of directional lighting [55 columns]. The purpose of these columns was to provide floodlighting to the racecourse to allow races to take place until 2130h. No additional meetings are proposed per year.

The lighting columns which were erected on site between September 2018 and April 2019 measure between 21m and 30m in height and are constructed of galvanised steel with LED lights. They are situated around the racecourse, grandstand, paddock and car parking areas.

The aforementioned conditions constrain the use of the lighting not only for the track but also the circulation areas which the Racecourse have confirmed raises health and safety implications that (in retrospect) should have been excluded from the controls agreed for the new lighting to the track.

Condition 4 states:

*'The lighting columns hereby permitted shall be switched off within 30 minutes of the last race or by 2130h, whichever is sooner. The lighting columns shall not be illuminated except during race meetings.'*

*Reason: In the interests of visual and residential amenity in accordance with the NPPF, Core Policies 9 and 13 and Policies DM8 and DM5 of the DPD.'*

However, the racecourse state that there is a need for patrons to be able to move between buildings and return to their cars safely after this time and the short timeframe is causing them health and safety issues. They are therefore asking for permission for the circulation lights (namely P01 – 06) **and** the rear facing lights on Poles A23 and A24 to be left on longer than the time period currently specified by this condition. The events are limited by and often do not extend for the full licenced hours (which are 1 am).

It was originally requested that the circulation site simply be excluded from the condition – however the Officer advised that that the circulation lights should not be left on all night if this was not necessary. It was therefore agreed with the Agent during the lifetime that the condition be amended as follows:

***'The track lighting columns comprising poles A1-24, B1-B22, C1 and C2 and POH1 (other than the two low level rear/south facing lights on A23 and A24) shall be switched off within 30 minutes of the last race or by 21:30 hours, whichever is sooner. The track lighting columns shall not be illuminated except during race meetings.'***

**The circulation lighting columns comprising poles P01 – 06 and the two low level rear/south facing lights on poles A23 and A24 shall be turned-off within 30 minutes of the last patron's departure from race meetings or other function/event taking place at the site.**

*Reason: In the interests of visual and residential amenity in accordance with the NPPF, Core Policies 9 and 13 and Policies DM8 and DM5 of the DPD.'*

Condition 5 states:

*'The number of evening race meetings where the floodlights are in operation in any calendar year shall not exceed 20.'*

*Reason: In the interests of residential amenity in accordance with the NPPF, and Policy DM5 of the DPD.'*

It is proposed that this condition be amended to refer specifically to the track flood lights.

*'The number of evening race meetings where the **track** floodlights are in operation in any calendar year shall not exceed 20.'*

*Reason: In the interests of residential amenity in accordance with the NPPF, and Policy DM5 of the DPD.'*

The application has been accompanied by the following documents:

- Covering Letter Dated 04.10.2019
- SS-01 Rev A Site Location Plan
- 180859L1-A Pole Location Plan
- 180859E-C Equipment Layout

#### Departure/Public Advertisement Procedure

Occupiers of 17 properties have been individually notified by letter. A site notice was displayed 19.11.19 and a press notice published 24.10.2019.

#### **Planning Policy Framework**

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

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

Spatial Policy 7: Sustainable Transport

Spatial Policy 8: Protecting and Promoting Leisure and Community Facilities

Core Policy 6: Shaping our Employment Profile

Core Policy 7: Tourism Development

Core Policy 9: Sustainable Design

Core Policy 10: Climate Change

Core Policy 12: Biodiversity and Green Infrastructure

Core Policy 13: Landscape Character

Core Policy 14: Historic Environment

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

Policy DM5: Design  
Policy DM7: Biodiversity and Green Infrastructure  
Policy DM8: Development in the Open Countryside  
Policy DM9: Protecting and Enhancing the Historic Environment  
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 December 2013

### **Consultations**

**Rolleston Parish Council** – support proposal.

**Southwell Town Council** – Southwell Town Council considered application 19/01824/S73 Southwell Racecourse Station Road and agreed by majority to object to this application due to increased and extensive light pollution.

**Upton Parish Council** – we have no objections to the application except we would request a cut-off point of the lights at 11 pm.

**NATS** – no safeguarding objection.

**Trent Valley Internal Drainage Board** – The site is within the Trent Valley Internal Drainage Board district. There are a number of Board maintained watercourses in close proximity to the site. The Board's consent is required to erect any building or structure (including walls and fences), whether temporary or permanent, or plant any tree, shrub, willow or other similar growth within 9 metres of the top edge of any Board maintained watercourse or the edge of any Board maintained culvert.

**NCC Highways Officer** – Variation of condition 4 will not have any impact on the public highway. Hence there is no objections to this. It is unclear if condition 5 requires variation and, if so, no proposal is put forward for a new limit on the number of floodlit events. If the previous limit of 20 is to be increased, this Authority would wish to review the potential traffic impact that that may have.

**NSDC Environmental Health Officer -**

*Comments received 19.12.2019:*

Environmental Health would be happy with the suggested condition that requires the lighting is turned-off within 30 minutes of the last patron's departure.

*Comments received 01.11.2019:*

I refer to the above application and cannot see what times the six lights serving the circulation are to be left on for safety purposes. I would have concerns if the lights are left on over-night.

**No representations have been received from local resident/interested parties.**



## Appraisal

### *Principle of Development*

This application is made under Section 73 of the Town and Country Planning Act 1990 to vary or remove conditions associated with a planning permission. Where an application under section 73 is granted, the effect is the issue of a new planning permission, sitting alongside the original permission, which remains intact.

If the application is acceptable a decision notice describing the new permission should be issued, setting out all of the conditions related to it. To assist with clarity, decision notices for the grant of planning permission under Section 73 should also repeat the relevant conditions from the original planning permission, as appropriate. As a Section 73 application cannot be used to vary the time limit for implementation, this condition must remain unchanged from the original permission.

The principle of the development has already been established through the granting of the permission for the development in November 2017. The Amended Core Strategy was adopted in March 2019 since the determination of the application. However, there has been no significant material change in the Development Plan context relevant to the consideration of the amendment to the plans condition since this time.

In terms of other material considerations, a revised NPPF was published in 2019. Again, it is not considered that this revision results in any material change to the national planning context relevant to the consideration of the amendment to the plans condition since the determination of the original application.

The submitted application form confirms that development was commenced in September 2018 and completed in April 2019. All of the relevant condition discharged in November 2017.

The main issue to consider is whether it is appropriate to allow the variation of the conditions to enable the 8 circulation lights to be left on for a longer duration than the track lighting with their switch off required within 30 minutes of the last patron's departure. In reality, the circulation lights would be operational only when there are events taking place which often do not extend for the full licenced hours (which are 1 am). Condition 4 currently requires them to be switched off within 30 minutes of the last race or by 2130h, whichever is sooner which the Racecourse have stated is causing them health and safety issues.

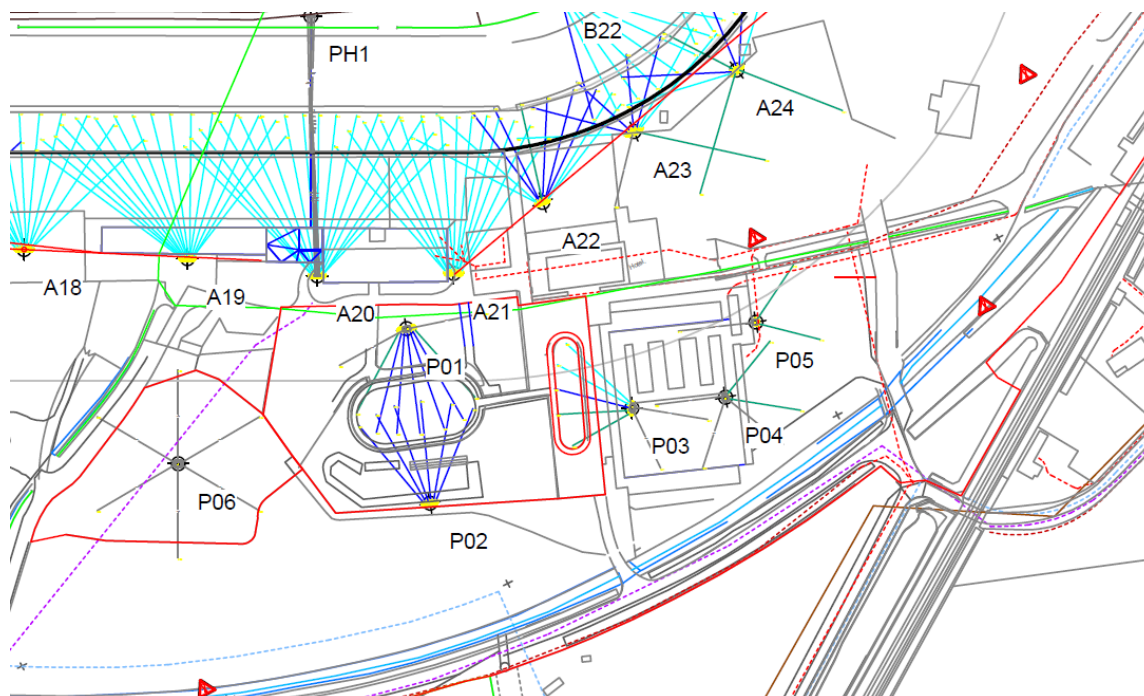
### *Impact on Visual Amenity including Heritage Assets*

Core Policy 9 and Policy DM5 of the DPD require new development to achieve a high standard of sustainable design and layout that is of an appropriate form and scale to its context, complementing the existing built and landscape environments. Policies CP14 and DM9 of the Council's LDF DPDs, amongst other things, seek to protect the historic environment and ensure that heritage assets are managed in a way that best sustains their significance.

In this particular case, the impact to be considered is whether or not the increased duration of the use of the circulation lights would result in any material adverse increase in light pollution.

Eight out of the 55 lighting columns would potentially be illuminated for longer should this application be approved (instead of 2130 hours this would be 30 minutes of the last patron leaving

which is likely to be around 01:30 at the latest given the licensed hours are until 01:00 hours). These circulation lights would also be utilised for other functions (non race meeting events). The applicant has stated that the number of occasions this would occur are limited and that events often do not extend for the full licenced hours. These columns are shown on the plan and summarised in the table below:



Extract from Equipment Layout Plan Drawing No 180859E\_C 10-May-17

LOCATION	MAX. HEIGHT	LUMINAIRE TYPE	QUANTITY
A23	21.33m	TLC-LED-1150	2 rear facing
A24	21.33m	TLC-LED-1150	2 rear facing
P01	21.34	TLC-LED-1150 and TLC-LED-400	9
P02	21.34	TLC-LED-1150	6
P03	18.29	TLC-LED-1150 and TLC-LED-400	7
P04	15.24	TLC-LED-1150 and TLC-LED-400	5
P05	15.24	TLC-LED-1150 and TLC-LED-400	3
P06	18.29	TLC-LED-400	3

The applicant has stated that the circulation lighting 'comprises the latest technology, which reduces light spill preventing spread outside the circulation areas. As these areas are principally enclosed, or to the rear of the racecourse building, the lighting in these areas will not be apparent in the wider area. As such, there is a neutral change over the existing situation'. Some of the lighting around the track has a higher luminaire type (TLC-LED-1400). The lighting around the circulation areas is either TLC-LED-1150 or TLC-LED-400.

The Committee Report in relation to application 17/01268/FULM concluded that:

*'The application has been accompanied by a lighting assessment which has concluded that the proposal will not have a significant impact upon surrounding dark sky landscape. I am happy to accept this conclusion based on the evening photomontage, glare impact assessment diagrams and equipment layout plan showing the direction of light spill, in addition to the fact that the Environmental Health Officer has concluded that the work undertaken to depict lighting levels appears reasonable, subject to finishing time and specification conditions'.*

In relation to the impact on landscape character, the report also concluded that:

*'Having reviewed the landscape character assessment submitted with the application, I am satisfied that the proposal will not have an undue impact upon the landscape surrounding the site. I accept that there would be some change in the landscape as a result of the installation of the floodlights. However, adverse effects are likely to be short term when illuminated for the 20 nights of the year. The proposed columns will be visible across the site and from the public realm, however given the slimline nature of the columns and the number of trees surrounding the site, some will be somewhat screened. Furthermore, electricity pylons cross the site which sit higher than the columns proposed and as such vertical infrastructure would not be entirely new to the area and would therefore not in my view be overly prominent. The submitted photomontages show the proposed landscape and I am satisfied that the columns would not be a dominating feature within the landscape, particularly when viewed from a distance'.*

It should be noted that previous circulation lighting that illuminated this area is still in situ on the site albeit the Racecourse do not consider it to affectively illuminate circulation areas.



*View west from car park towards old and new circulation lighting (P01-P06). 3 original circulation lighting columns are also shown.*



*View east towards A23 and A24*

These photographs show that there is little light spill from the circulation lighting subject of this application e.g. there is no backwash from the rear facing lights on A23 and A24 onto the track or wider area albeit this does not mean that they cannot be seen from further afield from the direction they are facing. The track lighting when turned on at night is visible from further afield particularly when viewed from the direction they are facing. However, it is not considered that the 8 circulation lights subject of this application area are the most visible part of the overall lighting scheme due to their positioning around a much smaller part of the overall site area facing different directions.

Therefore, whilst the circulation lighting has the potential to be left on for longer (and would be used additional functions not relating to evening race meetings), I do not consider that this alters the previous conclusions in relation to 17/01268/FULM. Nor does the Environmental Health Officer raise any concerns in this respect.

In relation to nearby heritage assets, it is not considered that the extended use of the circulation lighting would result in harm to their setting.

Overall, it is not considered that any greater adverse material impact would arise from the proposed variation when compared with the extant permission. Nor is it considered that any material adverse increase in light pollution would result in accordance with Core Policies 9 and 14 and Policies DM5 and DM9 of the DPD.

#### *Impact on Residential Amenity*

Policy DM5 states that development proposals should ensure no unacceptable reduction in amenity. The existing condition limits use of the floodlighting as opposed the use of venue past 21:30 hours. As such, it is not considered that any material adverse increase in noise impacts should be generated from the extended use of the circulation lighting. Nor is it considered that the extended hours of light would impact on the living conditions of nearby residents. Overall, it is not considered that any greater adverse material impact would arise from the proposed variation when compared with the extant permission in accordance with Policy DM5.

### *Impact on Highways Network*

Members will recall that a Section 106 Agreement Dated 26.07.2018 secured the Transport Management Plan for vehicles entering/leaving the site during evening and Sunday racing. Having sought advice from the Council's legal team, it has been confirmed that an updated Section 106 specifically linking the Transport Management Plan to this application is not required as the obligations were conditional upon 17/01268/FULM development first coming into use. This has occurred and the obligations remain in force and remain unchanged by the variation proposed by this application.

#### The relevance of other conditions attached to Application Number 17/01268/FULM

Condition 1 (time limit)) needs to be deleted as development has commenced.

Condition 2 (approved plans) shall be re imposed as it remains relevant.

Condition 3 (materials) shall be re imposed as it remains relevant.

Condition 4 (illuminance duration) amended to enable the circulation lights to be differentiated from the track floodlights with their switch off required within 30 minutes of the last patron's departure.

Condition 5 (no. of events) amended to enable the circulation lights to be differentiated from the track floodlights

Condition 6 (illuminance) shall be re imposed as it remains relevant.

#### Conclusion

Overall, the proposed variations to conditions 4 and 5 are considered to be acceptable. It is not considered that there are any other changes to circumstances which affect the consideration of this application.

It is considered that subject to the attachment of the relevant conditions addressed earlier in this report that the proposed variation is considered to be acceptable and is recommended for approval.

#### **RECOMMENDATION**

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

#### Conditions

01

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

- Site Location Plan - SS-01 Rev.A
- POLES(S): P04 - 180859P1 (sheet 1 of 18)
- POLES(S): P05 - 180859P1 (sheet 2 of 18)
- POLES(S): P01 - 180859P1 (sheet 3 of 18)

- POLES(S): P06 - 180859P1 (sheet 4 of 18)
- POLES(S): P03 - 180859P1 (sheet 5 of 18)
- POLE(S): A23 - 180859P1 (sheet 6 of 18)
- POLES(S): A02-06 - 180859P1 (sheet 7 of 18)
- POLE(S): A24 - 180859P1 (sheet 8 of 18)
- POLES(S): A01, C01-02, P01 - 180859P1 (sheet 9 of 18)
- POLES(S): A07-08, A22 - 180859P1 (sheet 10 of 18)
- POLES(S): A10-16 - 180859P1 (sheet 11 of 18)
- POLES(S): A09 - 180859P1 (sheet 12 of 18)
- POLES(S): PH1- 180859P1 (sheet 12 of 18)
- POLES(S): B12-17, B22 - 180859P1 (sheet 13 of 18)
- POLES(S): A17-18, A21, B05-11, B18, B20, B21 - 180859P1 (sheet 13 of 18)
- POLES(S):A19, B01-04 - 180859P1 (sheet 14 of 18)
- POLES(S): B19 - 180859P1 (sheet 14 of 18)
- POLES(S): A20- 180859P1 (sheet 15 of 18)
- Pole Location Layout - 180859L1\_A

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

*Reason: So as to define this permission.*

02

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 in accordance with the NPPF, Core Policies 9 and 13 and Policies DM8 and DM5 of the DPD.*

03

The track lighting columns comprising poles A1-24, B1-B22, C1 and C2 and POH1 (other than the two low level rear/south facing lights on A23 and A24) shall be switched off within 30 minutes of the last race or by 21:30 hours, whichever is sooner. The track lighting columns shall not be illuminated except during race meetings.

The circulation lighting columns comprising poles P01 – 06 and the two low level rear/south facing lights on poles A23 and A24 shall be turned-off within 30 minutes of the last patron's departure from race meetings or other function/event taking place at the site.

*Reason: In the interests of visual and residential amenity in accordance with the NPPF, Core Policies 9 and 13 and Policies DM8 and DM5 of the DPD.*

04

The number of evening race meetings where the track floodlights are in operation in any calendar year shall not exceed 20.

*Reason: In the interests of residential amenity in accordance with the NPPF, and Policy DM5 of the DPD.*

05

The luminaire of each floodlight shall be as stated on the 'Equipment Layout' plan included within Appendix 6 - Aiming Angles and Upward Light Ratio Diagrams of the Lighting Assessment undertaken by WYG dated July 2017 unless otherwise agreed in writing by the local planning authority.

*Reason: In the interests of residential amenity in accordance with the NPPF, and Policy DM5 of the DPD.*

**Note to Applicant**

01

This permission relates solely to the installation of lighting columns only. There will be no increase in the total number of race meetings held in any calendar year above the 80 races currently permitted under planning permission reference 54/890792.

02

This application should be read in conjunction with the Section 106 Agreement Dated 26.07.2018 (linked to the original application 17/01268/FULM) that secures the Transport Management Plan for vehicles entering/leaving the site during evening and Sunday racing.

03

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

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

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 Helen Marriott on Ext 5793.

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

**Lisa Hughes**  
**Business Manager - Planning Development**



The map displays a large area outlined in red and filled with diagonal hatching, labeled with the text "0 m² (0 ha)". This area is situated in a rural landscape. To the north, there are residential areas with buildings and a road labeled "The Sunnyside". A "Depot" is also visible. To the east, a "Golf Course" and "Field of Hillfield" are shown. To the south, there are more buildings, including "Sydney Farm", and a "Watercell". A "Sluice" is located near the bottom center. The map includes numerous labels for "Drain", "Path", "Track", and "Dyke". A "North Arrow" is located in the top left corner. The text "Agenda Page 64" is printed in the bottom right corner of the map area.



## PLANNING COMMITTEE REPORT – 4 FEBRUARY 2020

<b>Application No:</b>	<b>19/01701/FUL</b>		
<b>Proposal:</b>	<b>Erection of 1 No. 3 bed detached dwelling</b>		
<b>Location:</b>	<b>Cherry View, Bilsthorpe Road, Eakring, NG22 0DG</b>		
<b>Applicant:</b>	<b>Mr N Wallis and Mrs L Wiffen</b>		
<b>Agent:</b>	<b>George Machin, GraceMachin Planning and Property</b>		
<b>Registered:</b>	<b>27 September 2019</b>	<b>Target Date:</b>	<b>22 November 2019</b>
<b>Link to application:</b>	<a href="https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=PXXDM0LBLDB00">https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=PXXDM0LBLDB00</a>		

**This application is being presented to the Planning Committee in line with the Council's Scheme of Delegation at the request of the Business Manager.**

### The Site

The site relates to the side garden to the east of Cherry View, a 19<sup>th</sup> Century Cottage, which is located on the north side of Bilsthorpe Road in the village of Eakring in the Sherwood Area of Newark and Sherwood. Access to the site is achieved off an unnamed lane to the west of the site which is a public footpath and leads off Bilsthorpe Road to the north. There is an outbuilding located to the rear of Cherry View and a number of fruit trees at the rear of the site. To the east of the site is a semi-detached pair of 19<sup>th</sup> Century cottages which are identified in the County Historical Environment Record. To the rear of the site is a paddock. Boundaries are formed by stone walls and hedges, with a close-boarded fence on top of the stone wall forming the boundary with the highway.

The site is located in Eakring Conservation Area.

The application site slopes down to the front south east roadside corner.

The site is located in Flood Zone 1

### Relevant Planning History

16/01745/FUL: Land to the rear of Cherry View - Erection of two, two-bedroomed dwellings and associated access. Refused 14.12.2016. Appeal dismissed.

### The Proposal

Revised plans have been submitted following discussions between the case officer, conservation officer and agent. The application would retain the existing outbuilding for use as a garage and seeks permission for the erection of a two-storey dwelling which would provide accommodation

for a kitchen, living room, W.C and store at ground floor and three bedrooms and two bathrooms at first floor. The dwelling would have dimensions 8.6m width and 8.8m length and would be stepped in at the side elevations by 1.3m for a length of 0.9m on the west elevation and 2.8m on the east elevation to form a T-shaped plan. The main roof section would be parallel and the front elevation and would be dual-pitched with a ridge height of 7.4m and an eaves height of 4.4m. The rear roof section would run at right-angles and be set at a height of 7m with an eaves height of 4.4m. Materials would consist of red clay brick walls and red clay pantiles. The dwelling would be built in a neo-traditional style with features such as segmental brick header arch lintels, double-row red plain clay tile sills, steep pitched roofs and a red clay chimney stack.

Access to the new dwelling would be achieved between the rear of Cherry View and the outbuilding and lead to two car parking spaces and a turning head to the rear of the proposed dwelling. A panel fence of 1.2m which has been erected without planning consent at the boundary with the highway is part of the application and a new timber post and rail fence would be erected between Cherry View and the proposed dwelling.

Revised plans seek to retain the existing trees on site (T5, T6 & T7 as identified in the Arboricultural Report received by the Council on 16 September 2019).

#### Plans:

Revised site location plan 1:1250 received on 13 December 2019

Revised block plan 1:250 received on 16 December 2019

ECV/2019/01R1: Revised proposed floor plans and elevations 1:100 received on 20 January 2020

Topographical survey 1:250 received on 13 December 2019

Existing garage elevations 1:50 received on 24 September 2019

Street scene 1:1250 received on 13 December 2019

#### Documents:

Design and Access Statement and Planning Statement and Appendix

Arboricultural report

#### Departure/Public Advertisement Procedure

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

#### **Planning Policy Framework**

#### **The Development Plan**

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

Spatial Policy 1 - Settlement Hierarchy

Spatial Policy 2 - Spatial Distribution of Growth

Spatial Policy 3 – Rural Areas

Core Policy 3 – Housing Mix, Type and Density

Spatial Policy 7 – Sustainable Transport

Core Policy 9 -Sustainable Design

Core Policy 14 – Historic Environment

## **Allocations & Development Management DPD**

DM5 – Design

DM9 – Protecting and Enhancing the Historic Environment

DM12 – Presumption in Favour of Sustainable Development

### **Other Material Planning Considerations**

- National Planning Policy Framework 2019
- Planning Practice Guidance
- Eakring Conservation Area Appraisal

### **Consultations**

#### **Eakring Parish Council –**

Eakring Parish Council object. Though they like the design and think it's a beautiful house they do not feel that another large property is required in the village. As has been stated a few times Eakring requires smaller properties and so they would like the house to be two smaller properties rather than one large one based upon previous documents that identified the smaller house need.

#### **NSDC Conservation -**

##### **Site Analysis**

The Eakring Conservation Area was first designated in 1974, and was extended in 1988, including the village's landscape setting to the south. The Council adopted a conservation area appraisal for the village in 2001, and this document includes a useful summary of the character and appearance of the designation.

Eakring is essentially a medieval settlement within open countryside. The landmark 15<sup>th</sup> century Church of St Andrew is a focal building at the heart of the village. The medieval street pattern of Eakring is evident in the remnants of plots in a grid layout between Kirklington Road/Main Street and Church Lane/Back Lane. In this context, the rural hinterlands of the village are an important element of the conservation areas setting.

The older, typically red brick buildings are an important feature of the conservation area (CA). Apple Cottage to the west of the proposal site is a good example of this. Cherry View, along with its outbuilding, is identified in the appraisal as a building that positively contribute to the character of the conservation area. Although the building has been altered, its traditional features are still legible. Ashcroft and to the east of the site is identified in the appraisal and on Nottinghamshire County HER. Due to the historic interest, vernacular significance and aesthetic value it is considered to be a non-designated heritage asset.

The proposal site contributes to the setting of the historic cottages in this part of the conservation area, notably Cherry view and Ashcroft. The land around Cherry view appears to have been orchard land following enclosure in the 18<sup>th</sup> century, and before that part of a medieval croft. Historic orchards, make a positive contribution to the character of the conservation area and should be retained where possible.

### **Legal and policy considerations**

Section 72 of the Act requires the LPA to pay special attention to the desirability of preserving or enhancing the character and appearance of the CA. In this context, the objective of preservation is to cause no harm, and is a matter of paramount concern in the planning process. Policies CP14 and DM9 of the Council's LDF DPDs, amongst other things, seek to protect the historic environment and ensure that heritage assets are managed in a way that best sustains their significance. Key issues to consider in proposals for additions to heritage assets, including new development in conservation areas, are proportion, height, massing, bulk, use of materials, land-use, relationship with adjacent assets, alignment and treatment of setting.

The importance of considering the impact of new development on the significance of designated heritage assets, furthermore, is expressed in section 16 of the National Planning Policy Framework (NPPF – revised 2019). When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, for example. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. In determining applications, local planning authorities should take account of: a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) the desirability of new development making a positive contribution to local character and distinctiveness. LPAs should also look for opportunities to better reveal the significance of conservation areas when considering new development (paragraph 200).

Additional advice on considering development within the historic environment is contained within the Historic England Good Practice Advice Notes (notably GPA2 and GPA3).

In this context, the objective of preservation is to cause no harm, and is a matter of paramount concern in the planning process. The courts have said that these statutory requirements operate as 'the first consideration for a decision maker'. Planning decisions require balanced judgement, but in that exercise, significant weight must be given to the objective of heritage asset conservation.

#### Assessment of proposal

Although the design of the proposed dwelling reflects the vernacular character of Eakring it is considered that the infill of the plot impacts the dispersed character found at the fringes of the village.

The centre of the village has a much more dense development character, with a mix of house types and smaller plots. However, as you leave the village along Bilsthorpe Road the density of the development greatly reduces, transitioning from the fringe of the village into the countryside. The plots are noticeably larger. The infilling of this plot will alter this and therefore the character of this part of the conservation area.

The proposed dwelling is of a similar scale, although slightly further set back. This competes with the dwelling. As well as blurs the historic plot boundaries and historic orchard.

The proposal will cause harm to the character and appearance of the conservation area. The proposal therefore is contrary to the objectives of preservation required under section 72 of the

Act. In addition the proposal does not follow the heritage objectives contained within the Council's LDF DPDs and section 16 of the NPPF.

#### **NCC Highways Authority –**

This proposal is for the construction of one dwelling, with vehicular access from an unnamed, unadopted lane off Bilsthorpe Road, which is also a Public Right of Way (Eakring Footpath). It is noted that the Rights of Way Officer has submitted comments for this application. This proposal includes the removal of the existing brick garage for Cherry View and a parking area provided within the site curtilage of Cherry View. The access is existing and is considered acceptable to the Highway Authority for one dwelling only. However, the access point onto Bilsthorpe Road is in poor condition and would benefit from improvement to the surfacing. Therefore, there are no highway objections to this proposal subject to the following: 1. The access from the back edge of footway shall be improved and tarmac surfaced for a minimum distance of 5m into the site and no other part of the development shall be commenced until the access has been completed in accordance with plans to be first submitted to and approved in writing by the LPA. Reason: In the interests of highway safety. 2. No part of the development hereby permitted shall be brought into use until the parking areas for both Cherry View and the proposed dwelling are provided in accordance with the block plan submitted. The parking areas shall not be used for any purpose other than the parking of vehicles. Reason: In the interests of highway safety. Note to applicant: The development makes it necessary to improve a vehicular crossing over a footway of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact VIA, in partnership with Notts County Council, tel: 0300 500 8080 to arrange for these works to be carried out.

#### **Lincolnshire County Council Archaeology –**

These proposals are in area that is close to areas of known archaeology, in the form of potential house platforms, although this is undated it could possibly be medieval. Any development here could disturb this archaeology and recording it could greatly inform our knowledge of the development of this part of Eakring. Recommendation: Prior to any groundworks the developer should be required to commission a Scheme of Archaeological Works (on the lines of 4.8.1 in the Lincolnshire Archaeological Handbook (2016)) in accordance with a written scheme of investigation submitted to and approved in writing by the local planning authority. This should be secured by an appropriate condition to enable heritage assets within the site to be recorded prior to their destruction. Initially I envisage that this would involve monitoring of all groundworks, with the ability to stop and fully record archaeological features. 'Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publically accessible.' Policy 199 National Planning Policy Framework (2018)'. An outline of the required work produced by this department which will lay out the details above, and the specification for the work should be approved by this department prior to the commencement of works. Please ask the developer to contact this office for further details.

#### **Ramblers Association –**

The track bordering the western aspect of this property is a public right of way (Eakring Footpath 22). We have no objection as long as the path remains open and safe during and after the construction process.

## **NCC Rights of Way –**

No public rights of way are recorded over the proposed development site. This does not preclude unrecorded public rights being proven to exist at a later date. However, Eakring Footpath 22 runs adjacent to the development along the Western border, could you please make the applicant aware of the legal line of the footpath as shown on the attached plan.

The Rights of Way section has no objection to the proposal, however, the Rights of Way team would like the applicant to be advised as follows;

- 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 on should be provided if possible.
- Structures cannot be constructed on the line of the right of way without the prior authorisation of the Rights of way team. It should be noted that structures can only be authorised under certain criteria and such permission is not guaranteed
- The existing boundary hedge/tree line directly bordering the development along the western boundary is the responsibility of the current owner/occupier of the land. On the assumption that this boundary is to be retained it should be made clear to all new property owners that they are responsible for the maintenance of that boundary, including the hedge/tree line ensuing that it is cut back so as not to interfere with right of way.

**No representations have been received from local residents/interested parties.**

## Appraisal

### *Principle*

The Council has a 5 year housing land supply and the Development Plan is up to date for the purposes of decision making. The District's settlement hierarchy is embedded within Spatial Policies 1 & 2 of the adopted Core Strategy which aims to see the focus of the housing growth in the Sub Regional Centre, Service Centres and Principal Villages. As an 'Other Village' in the hierarchy, this application falls to be assessed against Spatial Policy 3 (Rural Areas) of the Development Plan. This provides that in rural areas such as this new housing should be located within sustainable and accessible villages and should principally meet the five criteria as set out within Spatial Policy 3 (SP3). These are 1) Location; 2) Scale; 3) Need; 4) Impact and 5) Character. The proposal is assessed against this criteria below.

### Location

I consider that Eakring has sustainable access into Bilsthorpe, a Principal Village located approx. 2 miles to the south and has a few local services itself, including a public house and church. I am satisfied that the site lies within the village of Eakring and the proposal accords with SP3 in this regard.

### Scale

Policy SP3 requires that new development should be appropriate in scale to the proposed location and small scale in nature. The existing dwelling Cherry View and the adjacent cottages to the east are considered to be small scale. Revised plans have been submitted which have sought to address concerns about the scale of the proposed dwelling and a street view drawing illustrates the relationship of the proposed dwelling with adjacent dwellings. The width of the proposal has been reduced by 2m, the length has been reduced by 0.5m and the ridge height has been reduced by 0.35m. I consider that the proposal is of an appropriate scale. It should be noted that the street view which was submitted to the Council on 13 December 2019 shows a ridge height of 8m and I consider that the reduction to 7.4m would produce a better movement along the street from Cherry View to Ashcroft, the neighbouring cottages.

### Need

Policy SP3 provides that new housing is permissible where it helps to support community facilities and local services. I consider that a single dwelling would be capable of doing this. Smaller housing and family housing reflects the District's housing needs as per Core Policy 3. I consider that a three-bedroom dwelling, as proposed, could help fulfil the need.

### Character

The 'character' criteria of SP3 overlaps other relevant policies; CP9 requires a high standard of sustainable design, with an appropriate form and scale to complement its environment and DM5 requires that the character of built form should be reflected in scale, form, mass, layout, design and materials. It goes on to say that uncharacteristic forms of development will be resisted. Policy CP14 states that the Council will work with developers to secure the conservation and enhancement of the character of the district's heritage assets and historic environment including conservation areas and non-designated heritage assets. Policy DM9 states that development proposals should take account of the distinctive character and setting of individual conservation areas including open spaces.

The site is located towards the edge of the village and the edge of the Conservation Area where the spaces between buildings contribute positively towards the character of the Conservation Area. It represents the transition from the open countryside, where isolated agricultural buildings and farmsteads predominate, to the inner core of the village, which is relatively dense. The Conservation Officer is of the opinion that the proposal would cause harm to the character and appearance of the conservation area as a result of altering the density of development and blurring the historic plot boundaries and the historic orchard. However, I take the view that although the proposal would increase the density of dwellings at this point, the street scene is more dense at Ashcroft in any case where the dwellings become more tightly packed. The reduced footprint of the proposed dwelling allows for some separation and retention of open space to the

front and rear and due to the reduction in ridge height it reads as subservient to Cherry View, which is supported. I consider that the harm caused to the Conservation Area by the proposal would be less than substantial and in this case is outweighed by the public benefit of providing a small family-sized dwelling in a village which is well connected to Bilsthorpe, a Primary Village. I consider that the proposal is in conformity with the objectives of preservation required under section 72 of the Act. In addition the proposal follows the heritage objectives contained within the Council's LDF DPDs and section 16 of the NPPF. The proposal is in conformity with the policies CP14 and DM9.

### Impact

There are various types of impacts that I have discussed below:

#### *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.

The proposed dwelling would have a separation distance of 5 m from Cherry View. There are no windows proposed in the side (west) elevation of the proposed dwelling and as such I have no concerns regarding loss of privacy for Cherry View. There would be loss of light to the rear rooms of Cherry View at ground floor which have fenestration in the side (east) elevation, however, from what I can ascertain these do not serve a principal room and as such I have no concerns regarding harm to amenity from loss of light.

There would be a separation distance of 8m between the proposed dwelling and the boundary with the neighbouring cottage to the east, Ashcroft. The neighbouring cottage is located against this boundary. The proposed dwelling would be set forward of this (and its adjoining) cottage by approx. 3m. I consider that the separation distance is adequate to prevent loss of privacy. The land slopes down towards the neighbouring cottages which potentially raises concerns regarding loss of light and overbearing impacts. However, with the reduction in height of the dwelling and that fact that separation is as much as 8m I consider that these impacts are acceptable. I consider that the proposal is in conformity with policy in this regard.

#### *Archaeology*

Due to the known presence of archaeological remains close to the application site, prior to any groundworks the developer would be required to commission a Scheme of Archaeological Works in accordance with a written scheme of investigation submitted to and approved in writing by the local planning authority. This could be secured by way of a condition.

#### *Right of Way*

Nottinghamshire County Council ROW Section have no objections to the proposal subject to the public footpath to the west of the site remaining open and unobstructed during any construction works, unless through prior arrangement. An informative would be added to any consent.

#### *Highways*



The new development would have some impact on local infrastructure and is likely to increase car-borne traffic to some degree, however it is unlikely that a development of this scale would have an unacceptable impact in this regard. The Highways Authority has no objections to the proposal, subject to improvements in surfacing of the access and driveway being made.

### *Trees*

The trees present on site are protected by virtue of the fact the site is located within Eakring Conservation Area. The arboricultural report submitted with the application identifies eight trees on site which are categorized as being of lower retention value (C category). Trees T5, T6 & T7 (a willow, plum and apple respectively) have the potential to be adversely affected by the proposed drive and turning circle. In view of this, any consent would be conditional on the submission of an Arboricultural Method Statement prior to commencement.

### Conclusion

The principle of this development in this location is considered to be acceptable and accords with the Development Plan. The proposed dwelling is considered to be appropriately designed, scaled and sited so as not to detrimentally impact upon the character and appearance of the conservation area. Consideration of the proposed dwelling's impact on surrounding neighbouring amenity has been had and on balance the perceived impacts are considered to be acceptable. The proposed development would not detrimentally impact upon surrounding highway safety. I therefore recommend that planning permission be granted subject to appropriate conditions.

### **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 plan references

Revised site location plan 1:1250 received by the Council on 13 December 2019

Revised block plan 1:250 received by the Council on 16 December 2019

ECV/2019/01R1: Revised proposed floor plans and elevations 1:100 received by the Council on 20 January 2020

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.

Reason: In the interests of visual amenity.

04

No part of the development hereby permitted shall be brought into use until details (and samples upon request) of the boundary treatment materials (including colour/finish) have been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be carried out and retained in accordance with the approved details prior to occupation.

Reason: In the interests of visual amenity and in order to preserve or enhance the character and appearance of the conservation area.

05

The access from the back edge of footway shall be tarmac surfaced for a minimum distance of 5m into the site and no part of the development shall be occupied until the access has been completed in accordance with plans to be first submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

06

No part of the development hereby permitted shall be brought into use until the parking areas for both Cherry View and the proposed dwelling are provided in accordance with the block plan submitted. The parking areas shall not be used for any purpose other than the parking of vehicles.

Reason: In the interests of highway safety.

07

Prior to the commencement of any groundworks the developer shall commission a Scheme of Archaeological Works (on the lines of 4.8.1 in the Lincolnshire Archaeological Handbook (2016)) in accordance with a written scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.

Reason: To enable heritage assets within the site to be recorded prior to their destruction.

08

No works or development shall take place until an arboricultural method statement and scheme for protection of the retained trees has been submitted for approval in writing by the Local Planning Authority. This scheme shall include

- a. A plan showing details and positions of the ground protection areas.
- b. Details and position of protection barriers.
- c. Details of any special engineering required to accommodate the protection of retained trees (in connection with hard surfacing).
- d. 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.
- e. 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 method statement and tree/hedgerow protection scheme. The protection measures shall be retained during the development 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.

#### Notes to Applicant

01

This application has been the subject of discussions during the application process to ensure that the proposal is acceptable. The District Planning Authority has accordingly worked positively and pro-actively, seeking solutions to problems arising in coming to its decision. This is fully in accord Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

02

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

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

03

The development makes it necessary to improve a vehicular crossing over a footway of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact VIA, in partnership with Notts County Council, tel: 0300 500 8080 to arrange for these works to be carried out.

04

Please contact Ian George at Lincolnshire County Council regarding the Scheme of Archaeological Works. Tel. 01522 554838/07990 785499 Email: [ian.George@lincolnshire.gov.uk](mailto:ian.George@lincolnshire.gov.uk)).

05

The footpath should remain open, unobstructed and be kept on its legal alignment at all times. Vehicles should not be parked on the Right of Way (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 at Nottinghamshire County Council. A Temporary Closure of the Footpath may be granted to facilitate public safety during the construction phase subject to certain conditions. Further information and costs may be obtained by contacting the Rights of Way section. The applicant should be made aware that at least 5 weeks' notice is required to process the closure and an alternative route on should be provided if possible. Structures cannot be constructed on the line of the right of way without the prior authorisation of the Rights of way team. It should be noted that structures can only be authorised under certain criteria and such permission is not guaranteed. The existing boundary hedge/tree line directly bordering the development along the western boundary is the responsibility of the current owner/occupier of the land. On the assumption that this boundary is to be retained it should be made clear to all new property owners that they are responsible for the maintenance of that boundary, including the hedge/tree line ensuing that it is cut back so as not to interfere with right of way.

#### BACKGROUND PAPERS

Application case file.

For further information, please contact Emma Fawcett on ext 5436.

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

**Lisa Hughes**  
**Business Manager – Planning Development**





## PLANNING COMMITTEE – 4 FEBRUARY 2020

**Application No:** 19/01858/FULM (MAJOR)

**Proposal:** Residential development of 120no. 2, 3 and 4 bed dwellings and ancillary works

**Location:** Land Off Oldbridge Way  
Bilsthorpe

**Applicant:** Mr Matt Jackson – Gleeson Homes

**Agent:** None

**Registered:** 16.10.2019                      **Target Date:** 15.01.2020

**Extension of Time Agreed Until** 11.02.2020

**Website Link:** <https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PZEWC1LB04M00>

**This application is being presented to the Planning Committee in line with the Council's Scheme of Delegation as the development represents a significant departure from the statutory development plan.**

### The Site

The application site is a large, broadly linear plot approximately 7.9 hectares in extent abutting the southern edge of the village envelope of Bilsthorpe towards the west of the village. Owing to the positioning of the site adjacent to the village envelope, three of the four boundaries are shared with residential curtilages of existing properties. Land to the south is open countryside. The red line site location plan wraps around the edge of the village envelope with the exception of the exclusion of an existing playing field to the north east corner of the site. The site slopes gradually from north to south with an existing agricultural land use.

The site is within Flood Zone 1 according to the Environment Agency maps although land outside the site, to the southern boundary, falls within Flood Zone 3. There are no designated heritage assets within the site. There are no formal rights of way within the site itself albeit it is understood from anecdotal evidence (and indeed as witnessed on site) that the site is used informally by the public for dog walking etc.

### Relevant Planning History

Outline planning permission was granted on the 28<sup>th</sup> April 2017 for the residential development of up to 113 dwellings and associated infrastructure (16/01618/OUTM) following a resolution to grant at the January 10<sup>th</sup> 2017 Planning Committee. The application was granted at a time where

the LPA were uncertain of their position in respect to demonstrating a five year land supply and therefore were taking a pragmatic approach. Nevertheless, a shorter timeframe for the submission of a reserved matters application was imposed by condition (18 months). There was a subsequent Section 73 application to amend a condition in respect to the highways access which was approved on 1<sup>st</sup> March 2018 (17/01910/OUTM) albeit reserved matters submission was required by 28<sup>th</sup> October 2018 in order to meet the original 18 month timeframe. The reserved matters submission was received within the prescribed timeframe and granted permission on the 7<sup>th</sup> June 2019 (18/01971/RMAM). The permission remains extant until 7<sup>th</sup> December 2020.

### The Proposal

The current application seeks full planning permission for the residential development of the site for 120 two storey dwellings. The schedule of accommodation sought is as follows:

<b>No. of beds</b>	<b>No. of units</b>	<b>% of total (120 units)</b>
2	25	21
3	74	62
4	21	17

The proposed dwellings would be a mixture of semi-detached and detached delivered through 13 different property types. Each property would be afforded at least two car parking spaces (some including garage spaces).

The site would be developed in two distinct areas separated by a wide expanse of open space (as was the case through the extant permission). 97 of the units would be served by Oldbridge Way to the eastern end of the site with the remaining 23 served by Allendale and The Crescent in the north west.

The intention is for 36 of the homes to be Low Cost Homes for sale to eligible households at a price equivalent to at least 20% below local market value. The submitted draft head of terms also makes reference to contributions towards libraries, outdoor sports; health; children and young people and transport improvements.

The application has been considered on the basis of the following plans and references:

- Design and Access Statement dated October 2019;
- Addendum Transport Assessment – 107 v2 dated September 2019;
- Affordable Housing Statement received 15<sup>th</sup> October 2019;
- Archaeological Geophysical Survey
- dated July 2017;
- Ecological Impact Assessment (EcIA) including Extended Phase I Habitat Survey & Appraisal of Likely Impact upon the possible Sherwood Forest pSPA – 424.03044.00109 Version No: 4 dated October 2019;
- Economic Benefits Report Version 001 dated September 2019;
- Flood Risk Assessment – 18/035.01 Revision 02 dated 23<sup>rd</sup> September 2019;
- Materials Schedule received 15<sup>th</sup> October 2019;
- Phase 2 Geotechnical and Geo-Environmental Site Investigation – 41552-003 dated 12<sup>th</sup> November 2018;
- S106 Heads of Terms received 15<sup>th</sup> October 2019;



- Travel Plan – P0404ZJ dated September 2019;
- Maximising Security through Design received 15<sup>th</sup> October 2019;
- Site Location Plan – 1047-2/6- received 21<sup>st</sup> January 2020;
- 2D Topographical Survey – 18120-J dated 24/09/18 (Sheets 1 and 2);
- 201 Dwelling Type – 201/1G dated July.10;
- 212 Dwelling Type – 212/1- dated Feb 16;
- Detailed Landscaping Proposals – 1 of 4 – 2971/1 Rev. K received 21<sup>st</sup> January 2020;
- Detailed Landscaping Proposals – 2 of 4 – 2971/2 Rev. K received 21<sup>st</sup> January 2020;
- Detailed Landscaping Proposals – 3 of 4 – 2971/3 Rev. K received 21<sup>st</sup> January 2020;
- Detailed Landscaping Proposals – 4 of 4 – 2971/4 Rev. K received 22<sup>nd</sup> January 2020;
- Landscape Management Specification – Rosetta Landscape Design dated 2019;
- Existing Trees on Site – 1 of 2 – 2971/5 dated 6<sup>th</sup> September 2019;
- Existing Trees on Site – 2 of 2 – 2971/6 dated 6<sup>th</sup> September 2019;
- 301 Dwelling Type – 301/1H dated July.10;
- 303 Dwelling Type – 303/1E dated July.10;
- 304 Dwelling Type – 304/1E dated July.10;
- 309 Dwelling Type – 309/1E dated Jun.11;
- 311 Dwelling Type – 311/1B dated Dec.13;
- 313 Dwelling Type – 313/1- dated Feb 2016;
- 314 Dwelling Type – 314/1- dated Feb 2016;
- 315 Dwelling Type – 315/1A dated May.18;
- 410 Dwelling Type – 401/1G dated July.10;
- 403 Dwelling Type – 403/1J dated July.10;
- 405 Dwelling Type – 405/1E dated July.10;
- 1800mm High Close Boarded Timber Fence – 0282 SD-100 Rev. F dated 13.04.11;
- 1800mm High Timber Fence with 300mm Trellis – 0282 NSD104 Rev C dated 16.05.19;
- 1200mm High Timber Fence – 0282 Rec. C NSD105 dated 16.05.19;
- Detached Single Garage Details – 0282 SD 700 Rev. C dated 22.08.12;
- Detached Double Garage Details – 0282 SD 701 rev. D dated 22.08.12;
- Planning Layout – Sheet 1 of 2 – 1047-2/3H received 21<sup>st</sup> January 2020;
- Planning Layout – Sheet 2 of 2 – 1047-2/4H received 21<sup>st</sup> January 2020;

#### Departure/Public Advertisement Procedure

Occupiers of 100 properties have been individually notified by letter. A site notice has also been displayed near to the site and an advert has been placed in the local press.

#### Planning Policy Framework

##### The Development Plan

#### **Newark and Sherwood 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 1 – Affordable Housing Provision

Core Policy 3 – Housing Mix, Type and Density

Core Policy 9 -Sustainable Design  
Core Policy 12 – Biodiversity and Green Infrastructure  
Core Policy 13 – Landscape Character  
ShAP1 - Sherwood Area and Sherwood Forest Regional Park

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

DM3 – Developer Contributions and Planning Obligations  
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 (online resource);
- National Design Guide – Planning practice guidance for beautiful, enduring and successful places September 2019;
- Technical housing standards – nationally described space standard (March 2015),

### **Consultations**

**Bilthorpe Parish Council** – The Parish Council discussed the above at their council meeting on Monday 9th December.

They have asked that if the attached walk ways/pavements were to be included as previously agreed, they would support the application. They are very keen for Crompton playpark to not be used as a short cut, which we have discussed before.

*Attached plan indicates linkages within the site which are shown on the proposed planning layout. The latest layout plan also removes the linkage to southern boundary of the play area.*

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

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

**NSDC Parks and Amenities** – No comments received.

**NSDC Conservation** – We are in receipt of your request for Conservation advice for the above proposal.

We raised no objection to a previous scheme for residential development of 113 units on this site (ref 16/01618/OUTM & 18/01971/RMAM).

There are no identified heritage assets within the proposal site.

Bilthorpe Conservation Area (CA) is approximately 230m from the eastern boundary of the proposal site. There are no listed buildings within a 250m buffer zone, but there are 4 listed

buildings within 500m. There are various non-designated heritage assets within 1km, including areas of archaeological interest.

### Legal and policy considerations

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') requires the Local Planning Authority (LPA) to pay special regard to the desirability of preserving listed buildings, their setting and any architectural features that they possess. In addition, section 72 of the Act requires the LPA to pay special attention to the desirability of preserving or enhancing the character and appearance of the CA. In this context, the objective of preservation is to cause no harm, and is a matter of paramount concern in the planning process.

Policies CP14 and DM9 of the Council's LDF DPDs, amongst other things, seek to protect the historic environment and ensure that heritage assets are managed in a way that best sustains their significance. Key issues to consider in proposals for additions to heritage assets, including new development in conservation areas, are proportion, height, massing, bulk, use of materials, land-use, relationship with adjacent assets, alignment and treatment of setting. It should be noted that the Newark & Sherwood Amended Core Strategy DPD has been through examination and determined to be sound. It therefore carries material weight in the decision-making process.

The importance of considering the impact of new development on the significance of designated heritage assets, furthermore, is expressed in section 16 of the National Planning Policy Framework (NPPF – revised February 2019). When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, for example. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. In determining applications, local planning authorities should take account of: a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) the desirability of new development making a positive contribution to local character and distinctiveness. LPAs should also look for opportunities to better reveal the significance of designated heritage assets when considering new development within their setting (paragraph 200).

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

Paragraph 197 of the NPPF advises that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Additional advice on considering development within the historic environment is contained within the Historic England Good Practice Advice Notes (notably GPA2 and GPA3).

### Assessment of proposal

Having reviewed the submitted plans and details, Conservation has no material objection to the proposed development:

- Although the quantum of development is slightly higher, the proposed development is not significantly different in landscape terms to that envisaged with the previously approved development scheme (16/01618/OUTM & 18/01971/RMAM).
- Due to the buffer formed by the Forest Link housing development and the distance away from significant receptors, Conservation does not feel that the proposal will have an adverse impact on the setting or significance of the CA;
- The Grade I Church of St Margaret is a significant building within the CA and enjoys a prominent location at the top of Church Hill. It enjoys group value with the Grade II listed Manor Farmhouse adjacent and its boundary wall and gateway entrance. However, it is felt that the proposed development would not harm the parish landscape setting of the Church, and that the proposed development would otherwise appear as a continuation of the existing urban extensions on the west side of Kirklington Road;
- The proposal would not adversely affect the setting of 56 Kirklington Road to the southeast. The distance from the proposal site combined with a landscape buffer at the termination of the Southwell Trail at Forest Link ensures that the proposal will not have any significant impact on the setting of the listed building;
- There is no identified archaeological interest within or close to the proposal site. Various earthworks can be found to the south and southeast. The closest site is the earthworks to the southeast of Forest Link and relates to late medieval enclosures. However, the Historic Environment Record shows no interrelated potential interest in the proposal site.

I have taken account of the Southwell Trail in reaching these views, noting the ability to enjoy and experience the historic environment outside of and on approach to the immediate setting and surroundings of heritage assets.

**NSDC Strategic Housing** - No comments received but verbal discussions discussed in the appraisal below.

**NSDC Environmental Health** –A Construction Method Statement for the site should be provided before any works commence, outlining measures to limit noise emissions from the site and from plant machinery, hours of operation, dust suppression etc.

The following should be contained in the Construction Method Statement:

No development shall commence on site (including any site clearance/preparation works), until a Construction Method Statement has been submitted to the Local Planning Authority for approval in writing. Details shall provide the following, which shall be adhered to throughout the construction period:

- The parking of vehicles of site operatives and visitors
- Loading and unloading of plant and materials
- Storage of oils, fuels, chemicals, plant and materials used in constructing the development
- The erection and maintenance of security hoarding, including any decorative displays and facilities for public viewing
- Wheel-wash washing facilities and road-cleaning arrangements

- Measures to control the emission of dust and dirt during construction
- A scheme for recycling/disposing of waste resulting from site preparation and construction works
- Measures for the protection of the natural environment
- Hours of work on site, including deliveries and removal of materials
- Full details of any piling technique to be employed, if relevant
- Location of temporary buildings and associated generators, compounds, structures and enclosures, and
- Routeing of construction traffic.
- Measures to limit noise emissions from the site and from plant machinery

I would request the following conditions, some of which will be incorporated into the Construction Method Statement requested:

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.

Reason: To protect the amenity of the locality, especially for people living and/or working.

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.

Reason: To protect the amenity of the locality, especially for people living and/or working.

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.

Reason: To protect the amenity of the locality, especially for people living and/or working.

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: To protect the amenity of the locality, especially for people living and/or working.

A BS4142:2014 assessment assessing sound at the site of the proposed new dwellings should be undertaken due to the close proximity of Industrial/commercial premises.

Within BS4142 industrial and commercial sources are specified as being Sound from:

1. Industrial/manufacturing processes.

2. Fixed mechanical/electrical plant and equipment.
3. The loading and unloading of materials at industrial and/or commercial premises.
4. Mobile plant and vehicles specific to a premises activities or process around a given industrial/commercial site.

Reference should also be made to BS8233:2014 so appropriate internal and external noise levels can be achieved to guarantee the amenity of the future occupants. BS8233:2014 set's out appropriate internal and external noise levels for Bedrooms, Living Rooms, Dining Rooms and Gardens for the day time (07:00 to 23:00) and night time (23:00 to 07:00).

**NSDC Environmental Health (contaminated land)** – With reference to the above development, I have received a Phase 1 Geotechnical And Geo- Environmental Site Investigation report submitted by Eastwood and Partners on behalf of the developer.

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

Following this preliminary desk study, a Phase 2 Geotechnical and Geo-Environmental Site Investigation report has also been submitted by the same consultant.

This document confirms that of the intrusive sampling carried out, there were no exceedances of the relevant screening criteria for the proposed use.

Given this evidence, I am in agreement that the on-site soils do not present a potential risk to human health for the proposed residential use.

**NSDC Communities and Arts Manager** – No comments received.

**NCC Archeology Advisor** - The geophysical survey identified a limited number of potential archaeological features, including part of a semi-circular anomaly which is clearly incomplete. I note that the survey results show signs of “staggering”, which tends to reflect rough ground conditions, or the surveyor walking at varying speeds. Whatever the source of the issue, the results have the potential to obscure anomalies, and it is therefore feasible that there is more archaeology present than the survey has indicated.

I therefore recommend that if the planning application is granted consent this should be conditional upon the successful implementation of a programme of archaeological work. I envisage this would take the form of a strip map and record exercise over the 2/3 areas identified as containing potential archaeological features, but allowing for these areas to be extended should additional archaeological remains be revealed – this is particularly relevant for the area around the semi-circular feature.

**NCC Highways Authority** – *Original comments received 8<sup>th</sup> November 2019:*

This application proposes to take primary access from Oldbridge Way. The application red line boundary should be amended to include a length of extended Oldbridge Way which is currently subject to a Section 38 highway adoption agreement between the Highway Authority and Peveril Homes. This section of road will need to be adopted prior to, or concurrently with the adoption of other lengths of road served therefrom.

Similarly, the red line boundary should be amended to match up with the public highway boundary at The Crescent, and include the area where a proposed footway connection is made to Chewton Close.

Consideration has been given to the potential impact of the proposal upon traffic conditions in the Bilsthorpe area. There is a moderate level of new vehicle trips at peak times (about 70) and these trips will be widely spread over the highway network given the number of routes in and out of Bilsthorpe in various directions serving Nottingham, Mansfield, Ollerton and the north, Southwell and Newark. For this reason a severe impact cannot be demonstrated on any one junction or link to justify improvements being sought from the developer.

Future maintenance responsibilities for the various footpath connections throughout the site should be confirmed and agreed. It may also be appropriate for the LPA to consider trigger points for the delivery of each footpath connection in the interests of the residents' amenity and to promote sustainable travel. Perhaps a delivery schedule would be helpful.

It would appear the insufficient car parking provision has been proposed. To avoid on-street parking it is recommended that 1-bedroom properties have 1 space; 2- & 3-bedroom properties, 2 spaces, and; 4 + bedroom dwellings, 3 spaces.

In some instances, parking spaces have been placed at the rear of properties and slightly remote from being overlooked or having easy access to the front door. This makes them less attractive to use and can lead to on-street parking. Plots 3,13, 21, 44, 69, 79, 108, 111, 118, 119 are examples of this.

The visibility splay relating to the vehicle access to plot 92 is not shown but needs defining and protecting due to the access being on the inside of significant bend. A drawing should be produced showing 2.4m x 20m splays that can be used to impose a protective condition.

Given the number of issues to be addressed, it is considered that this Authority should issue a 'holding objection' until a satisfactory response from the applicant is received.

**NCC Planning Policy** –Thank you for your letter dated 17th October 2019 requesting strategic planning observations on the above application. I have consulted with my colleagues across relevant divisions of the County Council and have the following comments to make.

In terms of the County Council's responsibilities a number of elements of national planning policy and guidance are of particular relevance in the assessment of planning applications and these include Minerals and Waste, Education, Transport and Public Health.

#### County Planning Context

#### Transport and Flood Risk Management

The County Council as Highway Authority and Local Lead Flood Authority is a statutory consultee to Local Planning Authorities and therefore makes separate responses on the relevant highway and flood risk technical aspects for planning applications.

Should further information on the highway and flood risk elements be required contact should be made directly with the Highway Development Control Team and the Flood Risk Management Team to discuss this matter further with the relevant officers dealing with the application.

### Minerals and Waste

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

#### *Minerals*

The eastern part of the proposed development site at Oldbridge Way lies within the MSA/MCA for brick clay. In accordance with the National Planning Policy Framework (para. 204), the emerging Publication Version Minerals Local Plan contains a policy (SP7) concerning 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 a development within a minerals safeguarding area to demonstrate that 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 consider if prior extraction is feasible and 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 surrounded by residential development, 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 nonmineral development and that the practicality of prior extraction has been fully considered.

#### *Waste*

In terms of the Waste Core Strategy, the proposed development site, at its closest point, is approximately 206m to the west of the active waste management facility, 'Oakwood Waste Oil'. Considering the distance and that the proposed development does not bring housing closer to the waste management facility, it is unlikely that housing at the proposed development location would present a significant additional sterilisation risk to the permitted waste management site in terms of Nottinghamshire and Nottingham Waste Core Strategy Policy WCS10.



As set out in Policy WCS2 'Waste awareness, prevention and reuse' 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 Transport

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

#### Transport and Travel Services

##### *General Observations and Accessibility*

The proposed access point will be from an improved entrance onto Oldbridge Way. The access to the main housing area to the south east part of the site will be from an extension to the existing Oldbridge Way and will serve 97 dwellings. The remaining 23 houses in the northern area will be served by extending the existing roads - Allendale and The Crescent.

There will also potentially be pedestrian access onto Scarborough Road. The nearest bus stops which are frequently served are approximately 400 metres from the centre of the site on Eakring Road, Cross Street and Church Street.

##### *Bus Service Support*

The County Council's Transport & Travel Services team has conducted an initial assessment of this site in the context of the local public transport network. Bilsthorpe is served by two commercial services operated by Stagecoach.

Service 28b operates between Mansfield and Eakring, whilst the Sherwood Arrow service links Bilsthorpe with Nottingham and Ollerton. This service also operates to Worksop and Retford on alternate hours. Both services operate to an hourly frequency.

At this time, it is not envisaged that contributions towards local bus service provision will be sought.

##### *Bus Stop Infrastructure*

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

NS0032 Church Street – Polycarbonate bus shelter and raised boarding kerbs.

NS0595 Cross Street – Polycarbonate both ways bus shelter and raised boarding kerbs.

NS0596 Crompton Road – Both ways bus stop pole.

NS0599 Church Street – Layby, bus stop pole and raised boarding kerbs.

The County Council requests a Planning Obligation to state the following:

A Bus Stop Infrastructure contribution of £32,000 is paid to provide improvements to the bus stops:

NS0032, NS0595, NS0596 and NS0599, and shall include:

NS0032 Church Street – Install real time bus stop pole & displays including associated electrical connections.

NS0595 Cross Street – Install real time bus stop pole & displays including associated electrical connections.

NS0596 Crompton Road – Install real time bus stop pole & displays including associated electrical connections and raised boarding kerbs. (subject to minor relocation).

NS0599 Church Street – Install real time bus stop pole & displays including associated electrical connections.

Reason: To promote sustainable travel.

### *Justification*

The current level of facilities at the specified bus stops are not at the standard set out in the Appendix to the County Council's Public Transport Planning Obligations Funding Guidance for Prospective Developers. Improvements are necessary to achieve an acceptable standard to promote sustainable travel and make the development acceptable in planning terms.

The site is served by bus service offering connections to key facilities including work, education and shopping and is estimated to generate 25 passenger trips per day (50 return trips) from the stops identified for improvement. This will encourage sustainable public transport access to and from the site for staff, visitors and residents, and therefore assist in achieving the Travel Plan targets.

Research conducted by Transport Focus has highlighted that at-stop real time information is seen as an important factor for non-bus users and is therefore a major factor in inducing modal change.

The real-time displays also provide other network information, including details of current and future disruptions, roadworks and special events, including community information which is not otherwise readily obtainable in a concise format. The displays can therefore help users make informed decisions about their current and future journeys. The overall impact of providing real time and disruption information to customers is positive with additional patronage and increased confidence.

The Campaign for Better Transport state that real time information, particularly physical displays, provide an important reassurance that a bus is going to arrive and also comment that provision of stop displays has a positive impact on all population segments, but particularly for the more disadvantaged groups, where it assists in reducing the social inequality of transport.

The provision of a raised boarding kerb at stop ref. NS0596 will provide level access boarding for people with buggies, wheelchairs and those with reduced mobility.

The improvements are at the closest bus stops serving the site entrances, so are directly related to the development, fair and reasonably related in scale and kind to the development and necessary to make the development acceptable in planning terms (120 dwellings).

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

Transport & Travel Services  
Nottinghamshire County Council  
County Hall  
West Bridgford  
Nottingham  
NG2 7QP  
[ptdc@nottscc.gov.uk](mailto:ptdc@nottscc.gov.uk)

Tel. 0115 977 4520

Planning Obligations

#### Transport and Travel Services

A planning obligation is requested, as detailed above, to provide bus stop infrastructure improvements.

#### Education

Information regarding the education provision contributions that may be sought to mitigate the impact of this development are currently awaited. This will be provided to the District Council as soon as possible.

Where developer contributions are 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.

Further information about the County Council's approach to planning obligations can be found in its Planning Obligations Strategy which can be viewed at

<https://www.nottinghamshire.gov.uk/planningand-environment/general-planning/planning-obligations-strategy>

If your Council has any queries regarding planning obligations please contact Andrew Norton, the County Council's Developer Contributions Practitioner on 0115 993 9309 or by email [andrew.norton@nottscc.gov.uk](mailto:andrew.norton@nottscc.gov.uk)

Information on planning obligations is also provided in Appendix 1.

#### Conclusion

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

*Additional comments from Developer Contributions Practitioner received 10<sup>th</sup> January 2020 –*

Further to our discussion earlier this week; I have looked into this matter further and can confirm that the projections do take account of the previous planning approvals including the original application for this site (18/01618/OUTM). As a result when considering the current application, consideration can only be given to the impact of the 7 additional dwellings which are proposed. Based on the approach in the County Council's Planning Obligations Strategy, the number of additional places generated would be 1 (7 dwellings x 0.21).

Therefore, on this basis and because even if this application were to be refused, the applicant could implement the original scheme without paying any contributions (as none were required at the time due to current capacity), I can confirm that the County Council would not seek any planning obligations to mitigate the impact of the 7 additional places generated by this proposal.

In terms of secondary education; I can confirm that the County Council's position remains the same as that set out in my email of the 13<sup>th</sup> November.

I trust this provides the clarification that you require and if you have any queries let me know.

*Original comments from Developer Contributions Practitioner received 13<sup>th</sup> November 2019 –*

#### Primary

The proposed development would yield 25 additional primary school places. As can be seen in the table below; based on current projections there is insufficient capacity to accommodate the additional pupils generated. As a result, the County Council would seek a primary education contribution of £435,650 (25 x £17,426 per place) to provide additional primary provision to serve the development.

							Housing: Local Plans		Places available: surplus (+) or deficit (-)
Planning area	DfE no	School	District	Net Capacity	Average 5 Year Projection	Housing commitments, 5 yrs	5 yrs	6-10 yrs	
Rural	2940	Bilsthorpe Flying High Academy	NEWARK	238	176	36	29	17	-20

#### Secondary

The development is located in the Rainworth Secondary Planning Area and would generate 19 additional secondary school places. As can be seen in the table below; based on current projections there is insufficient capacity to accommodate the additional pupils generated. The delivery of additional secondary education provision will be delivered via the District Councils Community Infrastructure Levy (CIL).

						Housing				Surplus or Deficit Places
Planning area	DfE no	School	District	Net Capacity	Pupil projection	Commit- ments, excluding local plan (1-10 yrs)	Local Plan (1-5 yrs)	Local Plan (6-10 yrs)	Local Plan (10+ years)	
Rainworth	4408	Joseph Whitaker Academy	NEWARK	1269	1485	40	11	14	8	-280
Rainworth	0013	PLANNING AREA TOTAL	NEWARK	1269	1485	40	11	14	8	-280

**NCC Ecology** – No comments received.

**NCC Rights of Way** – I have checked the definitive map for the area and confirm that there are no recorded rights of way over the proposed development site, however Bilsthorpe Footpath 1 runs adjacent to the site along the Northern border. I attach a plan showing the definitive route of the footpath to make the applicant aware of the legal line.

There is also evidence of use on site that suggests there are routes on the ground that are very well used. In not accommodating public access on these routes the applicants face the potential risk of a claim for public rights to be acquired through usage which could result in the routes being legally recorded subsequent to development work commencing or being completed. In order to mitigate this risk applicants are advised to seek to formally divert or extinguish all routes across the proposed development site under the provisions of Section 257 of the Town and Country Planning Act 1990.

The Rights of Way team would like the applicant to be advised as follows:

- The footpath should remain open, unobstructed and be kept on its legal alignment at all times. Vehicles should not be parked on the RoW or materials unloaded or stored on the RoW so as to obstruct the path.
- There should be no disturbance to the surface of the footpath without prior authorisation the Rights of Way team.
- The safety of the public using the path should be observed at all times. A Temporary Closure of the Footpath may be granted to facilitate public safety during the construction phase subject to certain conditions. Further information and costs may be obtained by contacting the Rights of Way section. The applicant should be made aware that at least 5 weeks' notice is required to process the closure and an alternative route on should be provided if possible.
- The existing boundary hedge/tree line directly bordering the development and the right of way is the responsibility of the current owner/occupier of the land. On the assumption that this boundary is to be retained it should be made clear to all new property owners that they are responsible for the maintenance of that boundary, including the hedge/tree line ensuring that it is cut back so as not to interfere with right of way.

These comments have been provided by Via East Midlands Limited on behalf of Nottinghamshire County Council, in its capacity as Highway Authority, through Via's continuing role of providing operational services on behalf of the County Council'

**Natural England** – No comments received.

**Nottinghamshire Wildlife Trust** – No comments received.

**Trent Valley Internal Drainage Board** – The site is outside of the Trent Valley Internal Drainage Board district and catchment.

There are no Board maintained watercourses in close proximity to the site.

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).

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.

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

#### 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.

Planning Practice Guidance and section H of the Building Regulations 2010 detail surface water disposal hierarchy. The disposal of surface water by means of soakaways should be considered as the primary method. If this is not practical and there is no watercourse is available as an alternative other sustainable methods should also be explored. If these are found unsuitable, satisfactory evidence will need to be submitted, before a discharge to the public sewerage system is considered.

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. They may obtain copies of our current guidance notes and application forms for diversions from either our website ([www.stwater.co.uk](http://www.stwater.co.uk)).

**Environment Agency** – This type of application falls outside of the scope of applications the EA wishes to see. Please consult the LLFA regarding sustainable surface water disposal.

**NCC Flood Team** – Nottinghamshire County Council as the Lead Local Flood Authority (LLFA) has reviewed the application which was received on the 17 Oct 2019. 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 JOC Consultants Flood Risk Assessment (FRA) 18/035.01 Rev 02 dated 23 September 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 5 l/s rates for the developable area.
- 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

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.

### Informative

We ask to be re-consulted with any changes to the submitted and approved details of any FRA or Drainage Strategy which has been provided. Any deviation from the principles agreed in the approved documents may lead to us objecting to the discharge of conditions. We will provide you with bespoke comments within 21 days of receiving a formal consultation.

**Ramblers** – I wish to lodge an OBJECTION to this proposal.

Although the site is bounded to the north by Bilsthorpe Footpath 1, the development should not encroach upon this.

This land, however, is clearly well used by the local community and is criss-crossed by "unofficial" paths.

One of Ramblers charitable objectives is to promote walking and we regard this loss of civic amenity and green space as undesirable.

#### **NHS Newark and Sherwood CCG –**

Impact of new development on GP practice	The development is proposing 120 (A) dwellings which based on the average household size (in the Newark & Sherwood Council area) of 2.3 per dwelling, primary care health provision would result in an increased patient population of approx 276(B) (2.3 x A).
GP practice most likely to be affected by growth and therefore directly related to the housing development	It is unlikely that NHS England or Mid Notts CCG would support a single handed GP development as the solution to sustainably meet the needs of the housing development and that the health contribution would ideally be invested in enhancing capacity/infrastructure with existing local practices. The practice that it is expected this development to be closest too is: <a href="#">Bilsthorpe Surgery</a> <a href="#">Farnsfield Surgery</a> <a href="#">Hill View Surgery</a>
Necessary to make the development acceptable in planning terms	All practices in the area are working at capacity and therefore in order to make this development acceptable from a health perspective the infrastructure will need to be developed to accommodate the increased population. Infrastructure financing in the form of S106 will therefore be required to ensure that there is adequate primary care health facilities in the area
Plans to address capacity issues	The practices are currently reviewing their options as to how they may accommodate the increased number of patients due to this housing development. It is likely that the plans will include either reconfiguration or extension of existing premises or a new build that this S106 contribution will contribute towards
Fairly and reasonably related in scale and kind to the development.	As a consequence we would ask for £920 per dwelling for costs of health provision as set out in the Newark and Sherwood Developer Contributions and Planning Obligations. Details of this could be provided to the developer upon planning consent being granted and the development starting and any uncommitted funding could be returned within an agreed expiry period
Financial contribution requested	£110,400 (120 x £920 per dwelling)

**Representations have been received from 5 local residents/interested parties which can be summarised as follows:**

#### *Principle of Development*

- Until the village has a neighbourhood plan, larger applications should be put on hold;
- There are already numerous housing schemes coming forward in Bilsthorpe;
- The existing planning applications exceed the needs of the plan;

#### *Impact on Highways*

- The A617 and A614 junctions are wholly inappropriate;

#### *Impact on Wildlife*



- As many as possible of the existing trees should be retained;
- The trees are vital for nesting birds and other wildlife;

#### *Impact on Infrastructure*

- Schools, Doctors and shops cannot cope with the demand;

#### *Other Matters*

- The boundary is incomplete to neighbouring properties;
- New applications keep being submitted to keep the plan open – the council should insist they start or make them drop the plan;

#### Comments of the Business Manager

#### Planning History

As is referenced by the planning history section above, the site has an extant planning permission (through an outline and subsequent reserved matters approval) for the residential development of 113 units. This remains extant until December 2020 and must therefore be considered as a reasonable fallback position for development on the site.

The main differences between the current submission and the extant scheme are as follows:

- Delivery of an additional 7 no. units;
- Change to housing mix insofar as the extant scheme is broken down as follows:

<b>No. of beds</b>	<b>No. of units</b>	<b>% of total (113 units)</b>
1	6	5
2	46	41
3	49	43
4	12	11

- Changes to the proposed affordable housing provision to no longer deliver affordable rent or intermediate / shared ownership but instead rely solely on low cost homes.
- Changes to the proposed layout to accommodate the additional units / differing house types.

The fallback position will be referenced where appropriate in the following appraisal but for the avoidance of doubt, the current application has been submitted as a standalone application for full planning permission and therefore all material planning considerations require assessment against the Development Plan.

#### Principle of Development

Irrespective of the above position, the starting point for development management decision making is S.38(6) of the Planning and Compulsory Purchase Act 2004, which states that

determination of planning applications must be made in accordance with the development plan unless material considerations indicate otherwise.

The adopted Core Strategy details the settlement hierarchy which will help deliver sustainable growth and development in the District. The intentions of this hierarchy are to direct new residential development to the Sub-regional Centre, Service Centres and Principal Villages, which are well served in terms of infrastructure and services.

The village of Bilsthorpe is classed as a Principle Village within the settlement hierarchy with a defined village envelope. However, the application site borders but falls outside of this envelope and therefore is within the open countryside. Development within the open countryside is considered against Policy DM8 which aims to strictly control development and limit it to certain development types.

Policy DM8 states that, *“planning permission will only be granted for new dwellings where they are of exceptional quality or innovative nature of design, reflect the highest standards of architecture, significantly enhance their immediate setting and be sensitive to the defining characteristics of the local area.”*

Whilst there is an extant permission which has accepted the residential delivery of 113 units, the current proposal seeks for an additional 7 no. units. The scheme as a whole does not meet the requirements of Policy DM8 and therefore the principle of development is not accepted.

Clearly this is a different stance to the one which was taken in April 2017 when the original outline permission for 113 was granted. This is reflective of a change in material circumstances in regards to the Council’s ability to demonstrate a five year housing land supply. At the time of the original April 2017 permission, the LPA were not confident in robustly demonstrating a sufficient five year land supply and therefore were taking a pragmatic approach to housing delivery (albeit conditioning reduced timescales for implementation in an attempt to boost housing supply in the short term).

The Council has a detailed strategy to deliver the development needed to meet its objectively assessed housing need (a residual 6,248 dwellings at 1<sup>st</sup> April 2019). The Council has published a Five Year Land Supply Statement (April 2019) which shows that the residual requirement is more than satisfied by the dwellings forecast to come forward within the Plan Period from land which currently benefits from extant consent (some 6,343 dwellings), with this representing 101.52% of the requirement. In addition to this there is a further 3,146 dwellings forecast to come forward within the Plan Period from allocated land which is yet to be subject to extant consent (50.35% of the residual requirement). This reflects a level of planned provision of 151.87% when considered against the residual requirement, exceeding it by some 3,241 dwellings. On this basis, the Statement concludes that the Council has a 6 year housing land supply as of 1<sup>st</sup> April 2019. In this context, to allow further residential development in the open countryside would be contrary to the intentions of the Development Plan.

#### Housing Mix and Type

Core Strategy Core Policy 3 indicates that housing developments should be no lower than an average 30 dwellings per hectare and that sites should provide an appropriate mix of housing types to reflect local housing need. The housing mix, type and density will be influenced by the

Council's relevant development plan policies at the time and the housing market at the time of delivery.

The red line site location plan demonstrates a site area of approximately 7.9 hectares. A development of 120 dwellings would deliver a site density of just 15 dwellings per hectare. This is significantly below the aspirations of Core Policy 3. However, in the site circumstances (notably its open countryside location) it would be wholly inappropriate to seek a higher density scheme. The design of the current application follows the principles of the extant permission in that it includes swathes of open space which would allow the development to be interpreted as a transitional development between the open countryside and the village envelope.

The District Council have commissioned a Housing Market and Needs Assessment (HMNA) in 2014 dividing the District into survey areas. Bilsthorpe is within the Sherwood sub-area where the greatest need in the market sector is for three bed dwellings. The following table outlines a comparison of the market sector demand by bed size against the proposed development as currently presented (and subsequently excluding the affordable housing units):

<b>No. of bed</b>	<b>% preference of market demand according to HMNA 2014</b>	<b>% of beds of total proposal as submitted</b>	<b>% of beds in market delivery of proposal as submitted (as a % of 84 units)</b>
1 bedroom	0	0	0
2 bedrooms	36.1	21	2.4
3 bedrooms	50.5	62	72.6
4 bedrooms	13.4	17	25

Given that the majority of the two bed units are intended to form part of the affordable provision, the market provision would be significantly deficient in two bed provision and subsequently over-reliant on three and four bed units. However, the greatest demand in the social sector is for two bed units and therefore this element at least is supported.

It is difficult to be overly prescriptive to the 2014 survey given that this is now almost 6 years old and due to be updated imminently. However, of more relevance to the current assessment is the type of product that would be delivered. Gleeson are a national housebuilder who rely on specific product delivery (which continues to be successful in the market). One of the key characteristics of their product is house types which are modest in size (as discussed further below). There is therefore a case to be made that a Gleeson 3 bed dwelling would still be suited (and affordable) to someone in the market for an average 2 bed dwelling. In this respect, an apparent over-reliance on 3 bed units as identified above is not considered fatal to the scheme to a degree that it would justify refusal.

#### Impact of Layout on Character including Landscaping and Trees

Given the extant approval for residential development, it has already been accepted in principal that the character of the site will fundamentally change. However, there have been some marginal layout changes since the previous application submission owing to the increased no. of units. The landscape impacts of the proposal therefore warrant a full and thorough assessment in their own right.

The site is bounded on three sides by residential development, the school, public footpath and associated trees, recreational area and to the south by an arable field currently occupied by free range pigs. The southern field boundary is an established hedge with some gaps. The boundaries on the other three sides are varied and include; garden boundaries with varying degrees of tree cover allowing views across the site from neighbouring housing, un-vegetated wooden fencing around the recreation ground, a substantial retaining wall, and amenity tree planting.

The Southwell Trail recreational route terminates immediately to the west of the site at Forest Link and a public footpath, Bilsthorpe FP1, borders the site, affording views across the site to the southern boundary. The established amenity tree planting associated with part of the public footpath, gives views across the site filtered through tree trunks. Further along the route the views across the site are more open.

The site is not crossed by existing rights of way but the site is intensively used informally by local residents for dog walking and to access the playing field and Southwell Trail. The recreation ground, which effectively juts into the development site, will become bounded on nearly all sides by built development rather than looking out into open countryside.

The District Council has undertaken a Landscape Character Assessment (LCA) to assist decision makers in understanding the potential impact of the proposed development on the character of the landscape. The LCA provides an objective methodology for assessing the varied landscape within the District and contains information about the character, condition and sensitivity of the landscape. The LCA has recognised a series of Policy Zones across the 5 Landscape Character types represented across the District.

The application site is within Policy Zone 7 Oxton Village Farmlands. The zone has been assessed as having a moderate condition and moderate sensitivity resulting in a 'Conserve and Create' recommendation. Identified key characteristics of this landscape zone include a gently undulating topography, intensive arable farming and small patches of deciduous and coniferous woodland.

Previous applications on the site were subject to a landscape and visual impact assessment (LVIA) which was subsequently reviewed by an independent landscape consultant. It is notable that the same has not been done through the current submission. However, in terms of landscape impacts in the context of the LCA undertaken by the District Council, it is not considered that the development now proposed (despite the increase in units) would be perceptively different in comparison to the extant permission.



*Approved Layout by application reference 18/01971/RMAM*



*Proposed Layout by current submission reference 19/01858/FULM*

The current application has been accompanied by detailed landscaping plans which follow the principles of the reserved matters submission (albeit actually demonstrate additional landscaping particularly on the southern boundary). The plans include the retention of a tree specimen on the eastern boundary of the site which was raised as a cause for concern in the previous determination. The comments of a neighbouring party are noted which state that the boundary is

incomplete to neighbouring properties. This is inferred to mean an area of landscaping on the eastern boundary where there is some hedgerow demonstrated but not across the entire length of the boundary. The level of proposed planting at this part of the site is actually additional to what has been agreed through the reserved matters approval. It is not considered reasonable to insist on hedging against the entire boundary. It is not considered that the gap in the hedgerow would create an increased security risk to neighbouring parties given that the layout includes specific footpath networks but would allow the legibility of the site to be away from the boundaries.

Noting the fall back position, it is not considered reasonable to insist upon the submission of an LVIA for the current application nor to resist the application purely on the basis of landscape impacts.

### Impact of Dwelling Design

Policy DM5 confirms an expectation for new development to reflect the rich local distinctiveness of the Districts landscape and character through its scale; form; mass; layout; design; materials; and detailing.

Despite the significant size of the site at approximately 7.9 hectares the proposal details that the majority of the site would remain undeveloped. As is referenced above, this has been deliberately incorporated into the design of the scheme in order to address matters of landscape character owing to the positioning of the site outside of the defined village envelope (and indeed is a continuation of the principles of the extant permission).

The detailed design intends to deliver the 120 properties through two discrete pockets of development separated from one another by open space. At the north western corner of the site, it is intended for there to be 23 plots. The remainder of the plots would be delivered towards the north eastern boundary of the site. This is notably different from the extant permission where there was a gap between development in this section amounting to three separate parcels (as shown in the layout extracts above).

The properties represent 13 different house types ranging from 2 bed to 4 beds. It is fully appreciated that the large expanses of proposed open space have been designed as a deliberate attempt to reduce the overall build footprint. However, in taking this approach, the result in respect of dwelling design is that a number of the properties are extremely modest in their overall footprint size.

The national Government has published 'Technical housing standards – nationally described space standard' in March 2015. This document deals with internal space within new dwellings and is suitable for application across all tenures. However the National Planning Policy Guidance (online tool) is clear in stating that if an LPA "*wishes to require an internal space standard, they should only do so by reference in their Local Plan to the Nationally Described Space Standard.*" Provision in a local plan can also be predicated on evidence, as the NPPG goes on to describe. In the case of NSDC we have not adopted the national space standards and thus the guidance is that one should not *require* (emphasis added) them for decision making. The standards however do exist and must be material in some way.

The following table is lifted from the March 2015 document:



**Table 1 - Minimum gross internal floor areas and storage (m<sup>2</sup>)**

Number of bedrooms(b)	Number of bed spaces (persons)	1 storey dwellings	2 storey dwellings	3 storey dwellings	Built-in storage
1b	1p	39 (37) *			1.0
	2p	50	58		1.5
2b	3p	61	70		2.0
	4p	70	79		
3b	4p	74	84	90	2.5
	5p	86	93	99	
	6p	95	102	108	
4b	5p	90	97	103	3.0
	6p	99	106	112	
	7p	108	115	121	
	8p	117	124	130	
5b	6p	103	110	116	3.5
	7p	112	119	125	
	8p	121	128	134	
6b	7p	116	123	129	4.0
	8p	125	132	138	

**Table 2 – Assessment of submitted development**

House Type	No. of beds	Floor space (m <sup>2</sup> )	Space standard requirement (m <sup>2</sup> )	Compliance against (m)
<b>201</b>	2	60.48	70	(-9.52)
<b>212</b>	2	62.37	70	(-7.63)
<b>301</b>	3	70.56	84	(-13.44)
<b>303</b>	3	71.71	84	(-12.29)
<b>304</b>	3	75.00	93	(-18)
<b>309</b>	3	73.24	93	(-19.76)
<b>311</b>	3	70.56	84	(-13.44)
<b>313</b>	3	75.31	84	(-8.69)
<b>314</b>	3	75.31	84	(-8.69)
<b>315</b>	3	75.85	84	(-8.15)
<b>401</b>	4	99.00	106	(-7.00)
<b>403</b>	4	97.36	106	(-8.64)
<b>405</b>	4	108.89	115	(-6.11)

Every single one of the house types would fall short of the national space standards (again for clarity which have not been adopted by NSDC), some by as much as nearly 20m<sup>2</sup>.

However, the houses are specific product types of a national housebuilder who have built in our District previously. Officers are mindful that these are product types which are known to sell and that there is an argument to say that the smaller units present the opportunity for being more affordable even at the market rate which may be appealing to first time buyers and smaller families. Without evidence outlining a specific required space standard for the District or indeed any evidence to the contrary in respect to national housebuilder product sales, it would be extremely difficult to resist the applications solely on this basis. The applicant would have a case to make that any proposed occupiers would be well aware of the size of the units prior to purchase and this must be weighted in the overall planning balance. This is a position which was also

accepted through the reserved matters approval (the majority based on the same house types previously approved).

The overall aspirational character of the site appears to be modern in nature with a varied use of materials. The use of 13 different house types adds visual interest both in individual plots and for the site as a whole. The varying house types are dispersed around the site. The application has been accompanied by a materials schedule which details facing brickwork with dark grey concrete tiles. There is some variation in colour and contrast within individual plots such that there is no objection to the materials schedule presented in principle.

I am satisfied that the parking provision is the most convenient off-street parking available to the occupiers of most plots and will be legible to the occupiers and thus it will be used rather than vehicles being parked on the street. Whilst there are some plots where occupiers would have to walk a short distance to the front door (e.g. some of the Plots addressing corners in the internal road network), this is not the norm in terms of the overall parking delivery. On a development of this nature in terms of scale, Officers consider that there is scope for small areas of compromise in the overall balance and thus this in itself is not considered fatal to the design of the overall scheme. It is noted that the Highways Officer raised this issue as a cause for concern but I am conscious that this arrangement of parking has already been accepted through the reserved matters submission and it would therefore be difficult to resist the current application on this basis.

The reserved matters approval conditioned details of boundary treatments to be agreed at a later date. To the contrary in this application, the original submission included details of boundaries around plots and on the edge of the development. The original plan demonstrated post and rail fences between plots and timber fencing along the southern edge of the built form. The agent suggested that the former could be considered acceptable as it is being used elsewhere in the District on the Gleeson scheme in Ollerton. However, clearly this site represents entirely different circumstances (the Ollerton site was allocated for one) and post and rail fences would not be accepted to discharge the boundary condition on the reserved matters scheme. Revised plans have been submitted which now demonstrate 1.2m timber fences between plots and a 1.8m fence with trellising above along the southern boundary which would help in softening the landscape impact of the built form.

#### Impact on Amenity

A consideration of amenity impacts relates both to the relationship with existing neighbouring dwellings as well as the amenity provision for the prospective occupiers. Policy DM5 states that the layout of development within sites and separation distances from neighbouring development should be sufficient to ensure that neither suffers an unacceptable reduction in amenity including overbearing impacts, loss of light and privacy.

Given that the site extends beyond the established existing village envelope, the number of existing neighbouring properties adjacent to, and thereby directly affected by the development would be limited. Nevertheless, there are amenity relationships which require careful consideration, notably the existing dwellings along Forest Link to the east of the site; Armstrong Gardens to the north of the site; Chewton Close to the north east; and The Crescent and Allendale to the north.



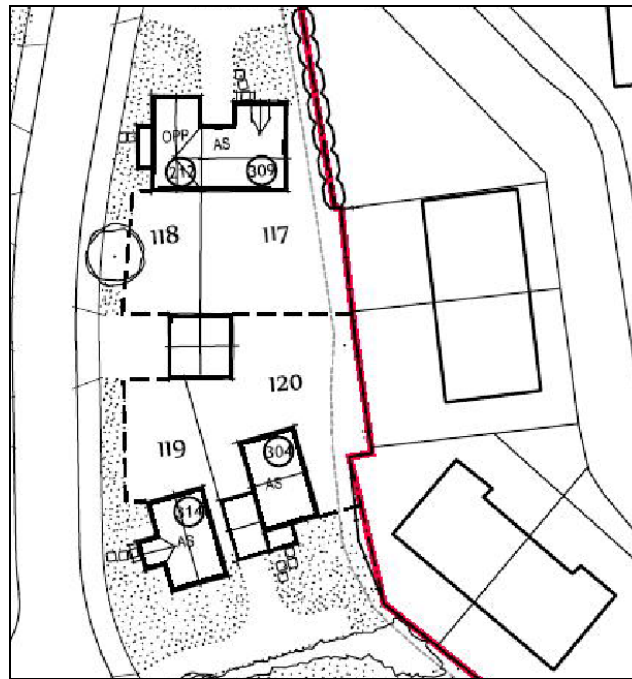
Beginning with the relationship with the existing properties along Forest Link the proposed dwellings would be at least 11m away from the site boundary. The back to back distances between the proposed dwellings to the rear of the properties on Forest Link would be 33m at a minimum. This would be a two storey to two storey relationship but given the aforementioned distance Officers do not consider that the properties along Forest Link would suffer detrimental amenity impacts in terms of overlooking or overbearing. This position was notably accepted through the extant permission.

There is notably a plot of land outside of the application site and the curtilages of the Forest Link properties which sits between the two. At the moment this area acts as a further buffer to the development proposed. However, there is an extant planning permission on this land (07/00595/FULM) which includes the provision of housing in this area. Given that this is a live application which could be implemented at any time (notwithstanding that there is a recently approved application to make some changes to the dwelling designs – 19/00491/FUL) the dwellings as approved must be afforded weight in the overall amenity balance.

The dwellings as approved would be between 10 and 11m away from their rear boundaries (i.e. the boundary of the application site). They would extend southwards from Oldbridge Way by approximately 36m and thereby solely be adjacent to the curtilage of Plot 1. The plan submitted shows that Plot 1 would be around 8m from the site boundary with a side gable facing the shared boundary. The side gable would feature a small secondary window at ground floor serving the porch but also notably would be adjacent to a large attractive tree which is shown on the landscaping plans for retention. On this basis, the amenity relationship with the extant scheme is considered to be acceptable.

Plot 49 would have a shared neighbouring boundary with no.1 Armstrong Gardens which is a single storey semi-detached bungalow. Plot 49 is a two storey dwelling but at a perpendicular orientation to the neighbouring plot such that it would be a blank two storey gable facing the neighbouring site. The rear elevation of Plot 49 is roughly in line with the side eastern gable of no.1 Armstrong Gardens some 12m away. Whilst there would potentially be some opportunity for the first floor rear windows of Plot 49 to overlook the rear garden of no. 1 Armstrong Gardens (and indeed to a lesser extent the attached no.2) this would be at an oblique line of sight with the primary outlook westwards towards the areas of open space within the site. On this basis it is not considered that this relationship would be sufficiently harmful to warrant resisting the proposal.

As with the properties on Armstrong Gardens, the properties on the western side of Chewton Close are single storey semi-detached bungalows with modest rear amenity gardens. The scheme differs at this point of the site in comparison to the extant approval in that the proposed plots would now not be immediately to the rear of the Chewton Close bungalows (i.e. the built form would be in the separation gaps between the semi-detached neighbouring units). There would still be a single storey to two storey side gable relationship albeit any outlook from the neighbouring plots would be at an oblique line of sight as demonstrated by the extract of the proposed layout plan below:



Plot 116 would be set to the south of no.5 The Crescent. The rear elevation would be set broadly in line with the rear elevation of the neighbouring plot. Although the orientation would differ slightly, the arrangement is considered acceptable in ensuring that any overlooking would be limited to an oblique angle.

Plot 104 would be positioned to the south of no.39 Allendale with the principle elevation broadly in line with the rear elevation of the neighbouring plot. There is therefore a consideration as to whether the rear windows of no. 39 Allendale would suffer an overbearing impact on account of the two storey neighbouring gable proposed. However, I am mindful that there is a separation distance of around 16m between the respective gables and that the plot orientations are broadly aligned such that the majority of the rear outlook from no. 39 Allendale will be unaffected.

Moving then to assess the amenity provision for the proposed occupiers, it is notable that the overall size of the site allows for significant flexibility such that distances between proposed dwellings are appropriate. This is partially aided by the separation of built form into distinct areas of the site which increased the number of Plots which would have their rear outlook towards the areas of proposed open space within the site and the open countryside beyond.

The overall layout follows the principles of the extant reserved matters application such that Officers are satisfied that the scheme delivers appropriate amenity provision for both proposed occupiers and adjacent existing neighbouring properties. The proposal would therefore comply with the relevant elements of Policy DM5.

#### Impact on Highways

SP7 seeks to provide that developments should provide safe and convenient accesses for all, be appropriate for the highway network in terms of volume and nature of traffic generated, to ensure highway safety, convenience and free flow of traffic using the highway are not adversely affected, provide appropriate and effective parking and servicing provision and to ensure that new traffic generated does not create new or exacerbate existing traffic problems.

The proposed access for the development has already been agreed by the previous applications which exist on the site. The Section 106 relating to the outline approval did however include works to the access from Oldbridge Way in terms of ensuring that the road was built to base course level to an adoptable standard in accordance with the details of a 2008 Section 38 agreement. It is notable that since the time of the outline approval, there has been further development on the adjacent Pevril site. The latest set of revised plans includes a revised red line site location plan including the length of extended Oldbridge Way as requested by the Highways Authority.

NCC as the Highways Authority have assessed the application in the context of the proposed internal road network. Their comments are listed in full above which, whilst not objecting to the highways impacts of the proposal in principle, do raise issues in respect to finer details such as footpaths (discussed below) and parking provision (already discussed in brief above in the 'Impact of Dwelling Design' section).

Whilst the latest plans are subject to an outstanding consultation with the Highways Authority, it is presumed that a number of their concerns will remain seen as the internal parking arrangements remain unchanged. In terms of the number of spaces, there are instances where four bed dwellings would only have two spaces (where NCC advise they should have 3). From an Officer perspective the parking provision shown is deemed acceptable and indeed largely mirrors that accepted through the fallback position of the reserved matters application. On this basis, it is not considered that it would be reasonable to resist the current application purely on the basis of the proposed parking arrangements which on the whole show spaces to the side of dwellings.

Given that at the time of agenda print, NCC Highways have not commented on the latest plans, Officers have adapted similar conditions to those which were suggested by the highways authority for the extant reserved matters submission. On the basis of these conditions, it is not considered that there are justifiable grounds to resist the application on matters of highways safety.

#### Impact on Footpath Network

Comments were received from NCC Rights of Way Team as listed in full above. The reference to claims for public rights of way is noted albeit equally is the confirmation that there are no public rights of way which cross the site. This matter also forms the basis of an objection from the Ramblers Association.

The submitted layout plan (and indeed corresponding landscaping plans) demonstrates linkages throughout the whole site which would formalize the public ability to cross the site. This would meet the expectations through the Parish Council comments as detailed above.

The linkages throughout the site have also been referenced by the latest comments of the Highways Authority with the suggestion that the LPA should consider trigger points for their delivery. The landscaping plans show that the footpaths will be mown to grass which in my view mirrors the existing situation on site with the informal footpaths. There is a balance to be struck and in my view the weighting should be towards the softer landscaped finish of the footpaths. In terms of securing the exact delivery timeframe for the footpaths, I also do not consider this reasonably necessary to the development. The level of open space within the site would mean that even during times of construction, the centre of the site would be void of built form and thus there would presumably remain the ability to cross the site on an informal basis as existing. Given that the paths are not formal rights of way I consider it would be unreasonable to control trigger points for delivery. It should be noted that this was the approach taken in the extant reserved

matters approval and therefore to insist on additional details through this application would be overly onerous.

The comments of the Rights of Way Officer can largely be included as an informative to any forthcoming decision. It is however considered relevant to make explicit reference to the retention of the intended linkages in the landscaping implementation condition if permission is forthcoming.

#### Impact on Ecology

Core Policy 12 of the Core Strategy seeks to secure development that maximises the opportunities to conserve, enhance and restore biodiversity. Policy DM5 of the DPD states that natural features of importance within or adjacent to development sites should, wherever possible, be protected and enhanced. Policy DM7 states that new development should protect, promote and enhance green infrastructure to deliver multi-functional benefits and contribute to the ecological network.

The NPPF incorporates measures to conserve and enhance the natural and local environment and requires outlines a number of principles towards the contribution and enhancements of the natural and local environment within Chapter 15.

The application has been accompanied by an Ecological Impact Assessment dated October 2019. This report acknowledges the presence of the site within the buffer zone for the possible Sherwood Forests potential Special Protection Area (pSPA). The report also acknowledges that the site has been recently designated a local site of nature conservation as Bilsthorpe Grassland on account of the assemblage of butterflies it is reported to supported.

Local Wildlife Sites are afforded protection due to their substantive nature conservation value. Their selection takes into consideration the most important, distinctive and threatened species and habitats within a national, regional and local context, making them some of our most valuable urban and rural wildlife areas.

Ordinarily this would potentially amount to a factor to resist the development of the site in principle. However, as is rehearsed through the reserved matters submission application which remains extant, it appears that the LWS was designated just after the original outline application was approved. On that basis, Officers at the time did not consider it reasonable to resist the reserved matters application on ecological grounds subject to consideration of the potentially present species in the landscaping proposed. Given the extant permission for development, it follows for this application that the designation of the LWS should not result in a refusal of the application in its own right. The large areas of open landscaped space allow for measures to enhance the wildlife value of the undeveloped areas of the site where possible. These measures could be secured by suitably worded condition if permission were to be otherwise forthcoming. The ecological position is not considered to have materially changed since the time of the reserved matters approval and therefore there is no justification to resist the application against Core Policy 12 of Policy DM7.

#### Impact on Flood Risk and Drainage

The site is within Flood Zone 1 in its entirety according to the Environment Agency maps. There is an area within Flood Zone 3 to the south of the site but this is outside of the application boundary.

NCC Flood have required the application and raised no objection subject to the exact surface water drainage details being agreed through condition which has been agreed by the agent.

### Developer Contributions

It is referenced throughout the report that the extant approvals on the site arose purely from a time where the LPA were taking a pragmatic approach to development outside of settlement boundaries. This approach was only adopted where the development was otherwise policy compliant (i.e. could deliver the full suite of developer contributions envisaged / required by the Developer Contributions Supplementary Planning Document).

The current submission includes a draft heads of terms which details the contributions which the developer is now promoting. It is notable that the figures referred to in most aspects (i.e. library; outdoor sports; health; children and young people) are the exact same figures that were secured for 113 dwellings. Clearly this application now seeks for an additional 7 no. dwellings and therefore the figures would need to be uplifted to reflect this. The agent is agreeable to this in principle. Despite the original comments of NCC Education which suggested they would be seeking a contribution, it has since been confirmed that in the context of the extant permission which did not require a contribution it would not be required for the current scheme to make a contribution either (albeit this is following clarification with NCC that this scheme would be delivered on the same timeframe).

What is more fundamental to the current application is that the affordable housing secured by the extant approvals is now intended to be entirely different.

The extant legal agreement secured 30% on site affordable housing as follows:

<b>Tenure Mix</b>	<b>No. of units</b>
1 bed affordable rent	6
2 bed affordable rent	10
3 bed affordable rent	4
2 bed intermediate / shared ownership	8
3 bed intermediate / shared ownership	6
<b>Total</b>	<b>34</b>

The heads of terms for the current submission seeks the application to be determined on the basis of the provision of 36 no. 'low cost homes' as defined in sub section d) of the affordable housing definition in the NPPF (Annex 2: Glossary):

*d) Other affordable routes to home ownership: is housing provided for sale that provides a route to ownership for those who could not achieve home ownership through the market. It includes shared ownership, relevant equity loans, other low cost homes for sale (at a price equivalent to at least 20% below local market value) and rent to buy (which includes a period of intermediate rent). Where public grant funding is provided, there should be provisions for the homes to remain at an affordable price for future eligible households, or for any receipts to be recycled for alternative affordable housing provision, or refunded to Government or the relevant authority specified in the funding agreement.*

This approach does not reflect the split of affordable housing provision sought by Core Policy 1 of Core Strategy which seeks 60% Affordable Rent and 40% Affordable Home Ownership. The proposal is therefore very clearly contrary to the Development Plan in this respect.

This has been subject to careful consideration and indeed discussion with colleagues in both the Planning Policy team and Strategic Housing team. The difficulty in assessment arises from a number of factors which are explored below.

On the face of it, the proposal is contrary to Core Policy 1 and should be refused on this basis. However, taking this through to an appeal process (which is highly likely in Officers view given previous discussions with the applicant), the LPA would be required to defend the refusal with appropriate evidence. The concern of Officers is that Core Policy 1, even though it was adopted in 2019, does not refer to *all* of the definitions of Affordable Housing within the NPPF (i.e. including criteria d) on which the current application relies). The policy is based on an evidence base from 2014 which is due to be updated in June 2020. Thus the applicant would have a case to make that our current evidence base is out of date and ultimately the LPA have no evidence to demonstrate that low cost homes as defined by the NPPF are not needed. In Officers view this leaves a position where there is doubt to the specific affordable housing type that is required. This in turn leads to doubt in the context of defending an appeal on this basis. Clearly the type of the low cost affordable housing proposed would still need to be carefully controlled by a Section 106 agreement to ensure that it truly meets the definition of the NPPF (and does not simply become a help to buy product).

It is unfortunate that the proposal does not represent a mix of affordable housing products but this again does not in Officers submission represent justifiable grounds for refusal in the absence of the appropriate and up to date evidence to defend such a reason.

To clarify, any approval would be accompanied by a Section 106 which secures the contributions as outlined in Appendix 1. As with the extant approval, following review of the Playing Pitches Strategy, the Western area of the District has spare capacity for playing pitches even in the context of future demand with the expectation of youth pitches 11v11 where there is currently spare capacity but future demand would leave a shortfall of 0.5 pitches. Based on Sports England costs the contribution for 0.5 of a youth pitch would be £35,000. The remainder of the pitch could be built out with contributions from other allocated sites which are coming forward. Given that this cost is based on actual costs rather than projected costs per person, there is no requirement to uplift from the existing S106.

### Other Matters

The application submission includes an Economic Benefits Report dated September 2019. This document includes a number of figures stated as being accountable to the development including £10.2 million spent on labour and services in construction; £193,534 additional annual Council Tax; and 126 sustained or created direct jobs. These figures have not been explicitly verified but there is no dispute that residential development makes a significant contribution to all tiers of the economy. To clarify the benefits of the scheme as detailed are considered to weight positively in the overall planning balance undertaken below.

The previous applications on the site have been subjected to conditions requiring the completion of archeological works. The current submission has submitted the same report (by pre-construct geophysics dated July 2017) which was submitted to discharge the condition in October 2017.

Nevertheless, at time of the discharge of condition application, further details were negotiated in respect to the archeological methodology. Notwithstanding this, comments received from NCC on the current application have suggested further archeological works are necessary. The agent has agreed that they would be amenable to a condition to submit these works at a later date.

The consultation section above details the request for numerous conditions by Environmental Health Officers namely in relation to construction works. Some of these, such as the production of a construction management plan are considered reasonable. However, it is not considered reasonable to separately condition dust measures as this could fall within the management plan. Equally, the request for noise surveys on the basis of the operations of the Strawsons site which is over 200m away from the site boundary is not considered reasonably necessary (and has never been requested for applications on this site in the past).

NCC Comments include a request for a contribution to be made towards the upgrade of four bus stops in the vicinity of the site. In the previous applications this was dealt with by condition which Officers consider to be a more reasonable approach as it would be more accurate to the costings of the improvements. A similar condition to that imposed on the original outline application could therefore be imposed.

The latest set of plans include a star annotation within each plot to show a potential positioning for bin storage either to the rear or the side of the plots. This would clearly be a preference to bins being placed forward of principle elevations albeit in a number of instances occupiers would have to walk the bins through their garages. In reality therefore, the indicated bin storage locations (which are not intended to be actual covered areas) may not be the most practical solutions. Nevertheless, they do at least demonstrate a capability for bins to be hidden from view in the most part which would also be desirable for occupiers. Given that it is not expected for the bins to be within formal structures, it is not considered necessary to seek further details of bin storages by condition.

### Overall Balance and Conclusion

The proposal for 120 dwellings in the open countryside represents a departure from the Development Plan. However, as is detailed above, there are material considerations which must be taken into account in this determination. Specifically, until December 2020, there is an extant reserved matters application which would allow the erection of 113 dwellings. Whilst the current proposal would give an additional 7 units, the actual perceivable impact of these additional units would be limited in the context of the overall site. In order to realise the intentions of the original approval, which was given at a time when the LPA could not confidently demonstrate a five year housing land supply, any subsequent approval would have to be conditioned to allow commencement no later than December 2020.

The above appraisal details other compromises with the scheme in comparison to the extant approval, notably the housing mix which now presents only one type of affordable housing (albeit meeting the definition of affordable housing in the NPPF). As is detailed above, the LPA do not hold sufficient evidence at this time to demonstrate that low cost affordable housing is not needed in the District and therefore it is not considered defensible to resist the application on this basis. All other matters remain broadly the same as the extant approval on the site. Taking all matters into account, and attaching significant weight to the meaningful contribution towards the Districts housing supply in the short term, the balance is tipped towards approval. As with the extant approval, this rests on the basis of a Section 106 to secure appropriate contributions as

outlined at Appendix 1.

## **RECOMMENDATION**

**That planning permission is approved subject to the conditions and reasons shown below and subject to the applicant entering in to a legal agreement to secure the contributions outlined in Appendix 1.**

### **Conditions**

01

The development hereby approved shall be commenced no later than 7<sup>th</sup> December 2020.

Reason: In acknowledgement of the fall-back position which exists and to expedite the contribution towards the Districts housing supply.

02

The development hereby approved shall be carried out in accordance with the following plans unless otherwise agreed through a non material amendment:

- Site Location Plan – 1047-2/6- received 21<sup>st</sup> January 2020;
- 201 Dwelling Type – 201/1G dated July.10;
- 212 Dwelling Type – 212/1- dated Feb 16;
- Detailed Landscaping Proposals – 1 of 4 – 2971/1 Rev. K received 21<sup>st</sup> January 2020;
- Detailed Landscaping Proposals – 2 of 4 – 2971/2 Rev. K received 21<sup>st</sup> January 2020;
- Detailed Landscaping Proposals – 3 of 4 – 2971/3 Rev. K received 21<sup>st</sup> January 2020;
- Detailed Landscaping Proposals – 4 of 4 – 2971/4 Rev. K received 22<sup>nd</sup> January 2020;
- Landscape Management Specification – Rosetta Landscape Design dated 2019;
- 301 Dwelling Type – 301/1H dated July.10;
- 303 Dwelling Type – 303/1E dated July.10;
- 304 Dwelling Type – 304/1E dated July.10;
- 309 Dwelling Type – 309/1E dated Jun.11;
- 311 Dwelling Type – 311/1B dated Dec.13;
- 313 Dwelling Type – 313/1- dated Feb 2016;
- 314 Dwelling Type – 314/1- dated Feb 2016;
- 315 Dwelling Type – 315/1A dated May.18;
- 410 Dwelling Type – 401/1G dated July.10;
- 403 Dwelling Type – 403/1J dated July.10;
- 405 Dwelling Type – 405/1E dated July.10;
- 1800mm High Close Boarded Timber Fence – 0282 SD-100 Rev. F dated 13.04.11;
- 1800mm High Timber Fence with 300mm Trellis – 0282 NSD104 Rev C dated 16.05.19;
- 1200mm High Timber Fence – 0282 Rec. C NSD105 dated 16.05.19;
- Detached Single Garage Details – 0282 SD 700 Rev. C dated 22.08.12;
- Detached Double Garage Details – 0282 SD 701 rev. D dated 22.08.12;
- Planning Layout – Sheet 1 of 2 – 1047-2/3H received 21<sup>st</sup> January 2020;
- Planning Layout – Sheet 2 of 2 – 1047-2/4H received 21<sup>st</sup> January 2020;



Reason: To define the permission.

03

The development hereby permitted shall be carried out with the Materials Schedule received 15<sup>th</sup> October 2019 unless otherwise agreed in writing through a non-material amendment or subsequent Section 73 application.

Reason: In the interests of visual amenity.

04

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 JOC Consultants Flood Risk Assessment (FRA) 18/035.01 Rev 02 dated 23 September 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 5 l/s rates for the developable area.
- 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

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.

05

The development hereby permitted shall not commence until drainage plans for the disposal of 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.

06

No development shall commence on site (including any site clearance/preparation works), until a Construction Method Statement has been submitted to the Local Planning Authority for approval in writing. Details shall provide the following, which shall be adhered to throughout the construction period:

- The parking of vehicles of site operatives and visitors
- Loading and unloading of plant and materials
- Storage of oils, fuels, chemicals, plant and materials used in constructing the development
- The erection and maintenance of security hoarding, including any decorative displays and facilities for public viewing
- Wheel-wash washing facilities and road-cleaning arrangements
- Measures to control the emission of dust and dirt during construction
- A scheme for recycling/disposing of waste resulting from site preparation and construction works
- Measures for the protection of the natural environment
- Hours of work on site, including deliveries and removal of materials
- Full details of any piling technique to be employed, if relevant
- Location of temporary buildings and associated generators, compounds, structures and enclosures, and
- Routeing of construction traffic.
- Measures to limit noise emissions from the site and from plant machinery

For the avoidance of doubt, the CEMP details should demonstrate that:

- The hours of operation on site will 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.
- 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.
- 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.

Reason: To protect the amenity of the locality, especially for people living and/or working.

07

No development shall be commenced until a scheme for archaeological investigation, mitigation and recording has been submitted to and agreed in writing by the Local Planning Authority. Thereafter works shall take place in accordance with the agreed scheme.

Reason: In order to adequately address and safeguard any archaeological interest that the site may have.

08

To avoid negative impacts to nesting birds, any clearance works of vegetation on site should be conducted between October to February inclusive, outside the bird breeding season. If works are conducted within the breeding season, between March to September inclusive, a nesting bird survey must be carried out by a qualified ecologist prior to clearance. Any located nests must then be identified and left undisturbed until the young have left the nest.

Reason: In order to protect biodiversity on the site in accordance with the aims of Core Policy 12 of the Newark and Sherwood Core Strategy (2019).

09

No part of the development hereby permitted shall be brought into use unless or until a scheme to upgrade the four bus stops in the vicinity of the site (NS0032, NS0595, NS0596 and NS0599) has been submitted to an approved in writing by the LPA. The approved scheme shall be fully implemented prior to occupation of any dwelling or in accordance with a phasing plan which shall be first agreed in writing by the LPA. For the avoidance of doubt the submitted scheme shall include real time bus stop poles & displays including associated electrical connections, solar lighting, raised boarding kerbs and enforceable bus stop clearways.

Reason: To promote sustainable travel.

10

Any access taken from Allandale and/or The Crescent shall serve no more than 12 dwellings in each case, unless otherwise agreed in writing with the LPA.

Reason: To restrict further development being served from a standard of existing access that would not support a significant increase in traffic; in the interests of safety.

11

Prior to the occupation of any plot hereby approved, the boundary treatments for that plot, as shown on plan references Planning Layout – Sheet 1 of 2 – 1047-2/3H received 21<sup>st</sup> January 2020 and Planning Layout – Sheet 2 of 2 – 1047-2/4H received 21<sup>st</sup> January 2020 (with associated details on plan references 1800mm High Close Boarded Timber Fence – 0282 SD-100 Rev. F dated 13.04.11; 1800mm High Timber Fence with 300mm Trellis – 0282 NSD104 Rev C dated 16.05.19; and 1200mm High Timber Fence – 0282 Rec. C NSD105 dated 16.05.19) shall be implemented on site in full. The approved boundary treatments to the southern boundaries (i.e. the 1.8m fences with trellis on top) shall thereafter be retained for a minimum period of 10 years unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of residential and visual amenity, particularly in respect to softening the landscape impacts of the built form from the open countryside to the south.

12

The landscaping details shown on the following plan references:

- Detailed Landscaping Proposals – 1 of 4 – 2971/1 Rev. K received 21<sup>st</sup> January 2020;
- Detailed Landscaping Proposals – 2 of 4 – 2971/2 Rev. K received 21<sup>st</sup> January 2020;
- Detailed Landscaping Proposals – 3 of 4 – 2971/3 Rev. K received 21<sup>st</sup> January 2020;
- Detailed Landscaping Proposals – 4 of 4 – 2971/4 Rev. K received 22<sup>nd</sup> January 2020;

shall be carried out in full within 12 months of the first occupation or a period agreed subsequently in writing by the Local Planning Authority. The landscaping shall be maintained in accordance of the details within the 'Landscape Management Specification – Rosetta Landscape Design dated 2019'. For the avoidance of doubt, the mown paths shall be retained for the lifetime of the development unless otherwise agreed in writing by the local planning authority. Any trees shown to be retained shall for a minimum of five years unless they become otherwise diseased or damaged and their removal is agreed in writing by the local planning authority.

Reason: To enhance and protect the landscape value and biodiversity of the site.

13

The development hereby approved shall not be occupied until a draft information leaflet to be distributed to all occupiers within the development regarding the ecological value of the local area and the sensitivities of woodlark and nightjar, requesting that dog walking after dusk, during the breeding season within the key areas for nightjar, is avoided. Once approved by the local planning authority in consultation with the Nottinghamshire Wildlife Trust, the information leaflet shall form part of the 'welcome pack' to be distributed by the developer of the site to each new and / or returning occupier.

Reason: In order to protect biodiversity in the District in accordance with the aims of Core Policy 12 of the Newark and Sherwood Core Strategy (2019).

14

Prior to any development above damp proof course level, details of bat boxes and bird nest boxes to be placed on either retained trees or new housing on the perimeters near to hedge/tree lines and a timetable of implementation shall be submitted to and approved in writing by the District Council. Once approved the bat boxes and bird nest boxes shall be erected in accordance with the approved details.

Reason: In order to enhance habitats on the site in accordance with the aims of Paragraph 118 of the National Planning Policy Framework (2012).

15

The area in front (highway side) of the access visibility splays related to plot 92, shown on drawing Planning Layout – Sheet 1 of 2 – 1047-2/3H received 21<sup>st</sup> January 2020, must be kept clear of any obstruction, structure, erection or planting exceeding 0.6m.

Reason: In the interests of highway safety.

16

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.).

17

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. Details of the garage doors shall be first submitted to and agreed in writing with the LPA.

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.

18

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

01

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

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

02

The Rights of Way team would like the applicant to be advised as follows:

- The footpath should remain open, unobstructed and be kept on its legal alignment at all times. Vehicles should not be parked on the RoW or materials unloaded or stored on the RoW so as to obstruct the path.
- There should be no disturbance to the surface of the footpath without prior authorisation the Rights of Way team.
- The safety of the public using the path should be observed at all times. A Temporary Closure of the Footpath may be granted to facilitate public safety during the construction phase subject to certain conditions. Further information and costs may be obtained by contacting the Rights of Way section. The applicant should be made aware that at least 5 weeks' notice is required to process the closure and an alternative route on should be provided if possible.
- The existing boundary hedge/tree line directly bordering the development and the right of way is the responsibility of the current owner/occupier of the land. On the assumption that this boundary is to be retained it should be made clear to all new property owners that they are responsible for the maintenance of that boundary, including the hedge/tree line ensuing that it is cut back so as not to interfere with right of way.

These comments have been provided by Via East Midlands Limited on behalf of Nottinghamshire County Council, in its capacity as Highway Authority, through Via's continuing role of providing operational services on behalf of the County Council'

03

You are advised to consider whether there are opportunities to incorporate innovative boundary measures to restrict public access and cat access to the areas important for woodlark and nightjar when submitting details relating to the reserved matters.

04

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. They may obtain copies of our current guidance notes and application forms for diversions from either our website ([www.stwater.co.uk](http://www.stwater.co.uk)).

05

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. Please contact david.albans@nottsc.gov.uk for further details.

06

This application has been the subject of discussions during the application process to ensure that

the proposal is acceptable. The District Planning Authority has accordingly worked positively and pro-actively, seeking solutions to problems arising in coming to its decision. This is fully in accordance with Town and Country Planning (Development Management Procedure) Order 2015 (as amended).

#### **BACKGROUND PAPERS**

Application case file.

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

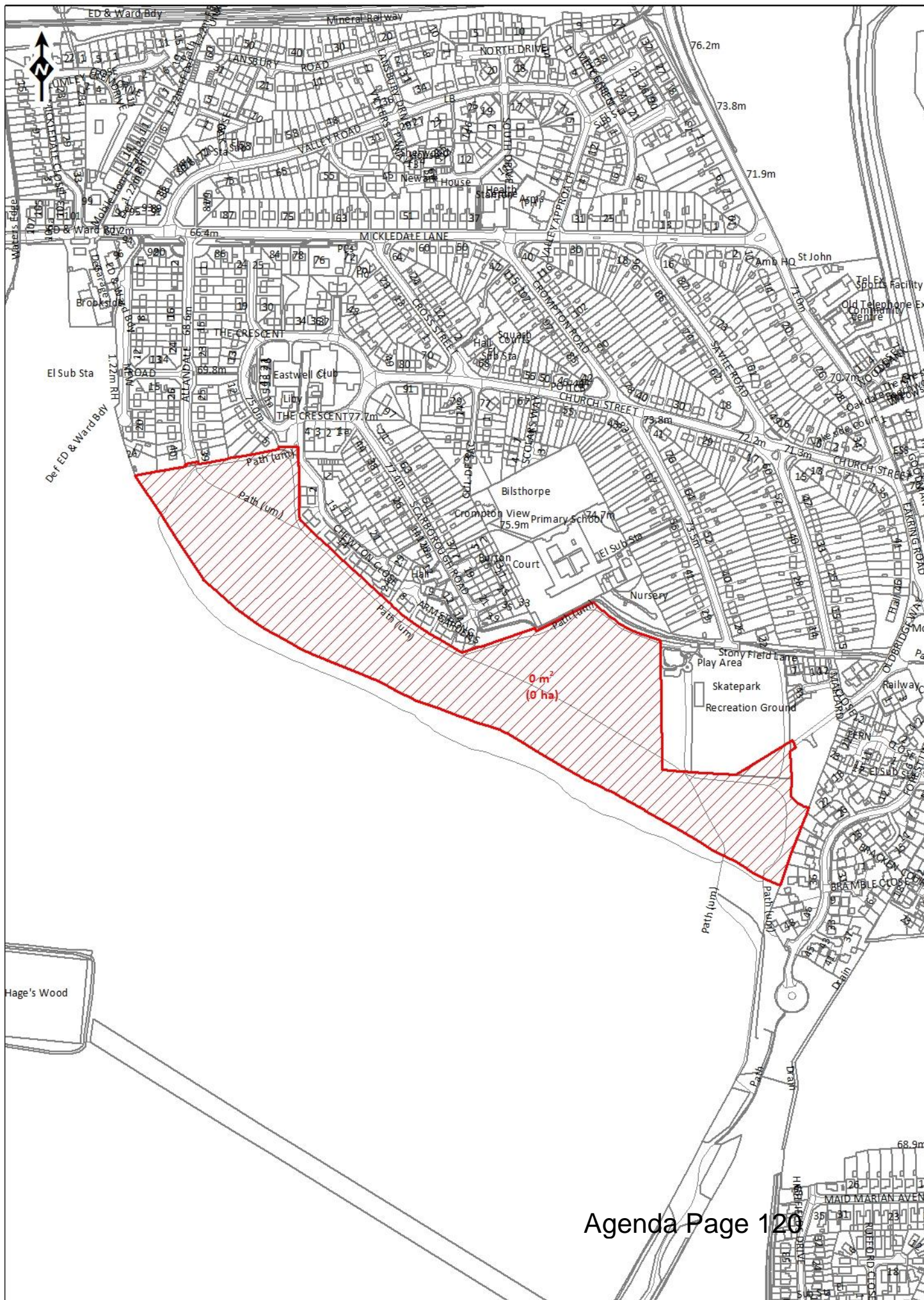
All submission documents relating to this planning application can be found on the following website [www.newark-sherwooddc.gov.uk](http://www.newark-sherwooddc.gov.uk).

**Lisa Hughes**

**Business Manager – Growth and Regeneration**



# Committee Plan - 19/01858/FULM







Contribution	Formula	Anticipated contribution	Monitoring Contribution	Trigger Points
<i>Affordable housing</i>	30%	30% on site	Physical Obligation (based on 6 site visits) - <b>£396</b>	<p>No occupation of more than 50% of the individual completed properties constructed on the site until at least 45% of the affordable housing has been completed.</p> <p>No occupation of more than 80% of the individual completed properties constructed on the site until at least 55% of the affordable housing has been completed.</p>
<i>Health</i>	£982.62 per dwelling + indexation	<p><b>£117,914.40</b> based on 120 dwellings</p> <p>Off-site contributions towards Bilsthorpe Doctors Surgery</p>	Financial Obligation - <b>£240</b>	Full payment due before occupation of more than 80% of the individual competed properties.
<i>Libraries</i>	£47.54 (for stock) per dwelling + indexation	<p><b>£5,704.80</b> based on 120 dwellings</p> <p>Off-site contribution</p>	Financial Obligation - <b>£240</b>	Full payment due before occupation of more than 80% of the individual competed properties.

		towards stock for Bilsthorpe Library		
<i>Open Space</i>	<p>IF all physically on site:</p> <ul style="list-style-type: none"> <li>• Amenity green space - 14.4<sup>2</sup> per dwelling (1728m<sup>2</sup> for 120 dwellings)</li> <li>• Provision for children and young people – 18m<sup>2</sup> per dwelling (2160m<sup>2</sup> for 120 dwellings)</li> <li>• Outdoor Sports Facilities – 52.8<sup>2</sup> per dwelling (6336m<sup>2</sup> for 120 dwellings)</li> </ul> <p>Total: <b>10,224m<sup>2</sup></b></p> <p>IF off site contributions:</p> <ul style="list-style-type: none"> <li>• Amenity green space - £282.94 per dwelling (£33,952.80 for 120</li> </ul>	<p>Amenity green space to be provided on site with associated management company</p> <p>Provision for children and young people to be an off-site contribution towards existing Bilsthorpe facilities <b>£111,271.20</b> based on 120 dwellings</p> <p>Outdoor Sports Facilities to be an off-site contribution towards existing Bilsthorpe Facilities</p>	<p>Physical Obligation (based on 6 site visits) - <b>£396</b></p> <p>Financial Obligation - <b>£240</b></p>	No occupation of more than 40% of the individual competed properties.

	dwellings) <ul style="list-style-type: none"> <li>• Provision for children and young people £927.26 per dwelling (£111,271.20 for 120 dwellings)</li> <li>• Outdoor Sports Facilities £737.72 per dwelling (£88,526.40 for 120 dwellings).</li> </ul>	<b>£35,000.00</b> (bespoke figure based on Playing Pitch Strategy requirements)		
<b>TOTAL:</b>		<b>£269,890.40</b>	<b>£1,512</b>	
				<b><u>£271,402.40</u></b>

## PLANNING COMMITTEE – 4 FEBRUARY 2020

Application No:	19/01946/FUL		
Proposal:	1 No. one bed bungalow and associated tree works; removal of T1 and T2 and remedial pruning of crown up to 1.5 metres to T3.		
Location:	Land Off California Road, Farndon, Nottinghamshire		
Applicant:	Newark & Sherwood District Council		
Agent:	Rg+p Ltd.		
Registered:	06.11.2019	Target Date:	02.01.2020
		Extension agreed to 06.02.2020	
Website Link:	<a href="https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=Q08MT0LBM0G00">https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=Q08MT0LBM0G00</a>		

**The application is being referred to Committee due the professional officer recommendation differing to the view of the Parish Council and the scheme being submitted by NASH/NSDC.**

### The Site

The application site is located within the built-up area of Farndon. The land is a former Council garage site. The garages are believed to have been demolished at least 15 years ago. The vacant site now effectively forms a cul-de-sac to the rear of existing properties on the northern side of California Road. Anecdotal evidence from NASH/NSDC indicates that the land is currently used informally by a local resident for parking vehicles. When visiting the site this assertion was supported by observing seven parked vehicles, including one on the back of a flat-bed truck.

The surrounding area is distinctly residential in character. With the exception of the Grade II Listed Chestnut Farmhouse located to the southwest, despite being within the village conservation area, surrounding properties comprise mostly mid to late-twentieth century semi-detached dwellings of limited architectural interest, including a terraced row of bungalows and some sheltered-accommodation flats.

### Relevant Planning History

No relevant planning history.

### The Proposal

The development proposal is for the construction of a single, southwest facing one-bedroom dwelling. The house would be a bungalow with a bay window to the front, serving a bedroom, and the main living area to the rear with a garden area of approximately 200m<sup>2</sup>. The rear elevation would be 12.6m away from the respective elevation of the neighbouring property, with 1.5m

taken from the rear gardens of nos.1, 3 and 5 California Road (also in the applicant's ownership) in a bid to achieve an appropriate separation distance.

The proposal includes four parking spaces immediately to the front of the property for the proposed dwelling. Two of these would be reserved for the new dwelling occupiers while the other two, in conjunction with three other spaces located across the road to the southwest, would serve the existing sheltered accommodation.

The dimensions of the proposed garage measure:

- 7.8m wide
- 8.5m deep
- 2.5m high at the eaves /5.1m high to the ridge

The following documents have been submitted with the application:

- Site location plan (Drawing no.100-416/ID189/001B) (04/11/2019)
- Proposed site layout – (Drawing no.100-416\_ID189\_005D) (22/01/2020)
- Proposed plans and elevations (Drawing no.100-416/ID189/009)
- Boundary treatment plan (Drawing no.100-416/ID189/006A) (22/01/2020)
- Land contamination assessment
- Statement of Housing Need
- Heritage Impact Assessment

#### Departure/Public Advertisement Procedure

Occupiers of 11 neighbouring properties have been notified by letter.

#### Planning Policy Framework

##### The Development Plan

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

Spatial Policy 1: Settlement hierarchy

Spatial Policy 2: Spatial distribution of growth

Spatial Policy 3: Rural Areas

Spatial Policy 7: Sustainable Transport

Core Policy 2: Rural Affordable Housing

Core Policy 3: Housing Mix, Type and Density

Core Policy 9: Sustainable Design

Core Policy 10: Climate Change

Core Policy 12: Biodiversity and Green Infrastructure

Core Policy 14: Historic Environment

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

Policy DM1: Development within settlements central to delivering the spatial strategy

Policy DM5: Design

Policy DM7: Biodiversity and Green Infrastructure

Policy DM9: Protecting and Enhancing the Historic Environment

Policy DM12: Presumption in Favour of Sustainable Development

## **Other Material Planning Considerations**

National Planning Policy Framework  
Planning Practice Guidance

### **Consultations**

**Farndon Parish Council:** Objection was raised on the grounds that this would have a significant detrimental effect on neighbouring properties. The applicant should give more consideration to existing residents and the impact the development would have, as the area had already suffered significantly with the removal of car parking areas for development. California Road was on the village bus route and on street parking already had an impact.

### **NCC Highways:**

12/12/2019

This proposal is for the construction of one bungalow and 2 associated parking spaces with an additional 5 spaces for local residents parking. The access to the site from California Road is public adopted highway.

The site layout plan 100-416/ID189/005C shows 3 vehicle parking bays at the front of the proposed dwelling and 2 to the south west of the turning head partly within the orange shaded public highway. These should not be included within the highway and the plan requires alteration to address this. The footpath adjacent the plot also extends to and includes works within the existing highway. Any works within the highway are required to be tarmac surfaced and not as shown on the plan. It is noted that vehicular access is to be maintained for two adjacent plots to the north west.

Could the applicant amend the layout plan to address the above issues and resubmit for consultation.

22/01/2020

Amended site layout plan:

The position of the vehicle parking and the footway adjacent the plot referred to in my previous comments has now been amended to be within the site curtilage and not within the public highway, as demonstrated on Plan 100-416/ID189/005D. This is now acceptable, and there are no highway objections subject to the following:

No part of the development hereby permitted shall be brought into use until the works within the highway to provide adequate parking facilities are carried out and constructed in accordance with the Highway Authority's specification.

Reason: In the interests of highway safety.

Note to applicant:

Should any works be carried out within the public highway they shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact VIA, in partnership with NCC, tel: 0300 500 8080 to arrange for these works to be carried out.

**NSDC Conservation:** The proposal site is within Farndon Conservation Area (CA). Chestnut Farm to the west is Grade II listed.

We provided advice at pre-application stage, although did not have the benefit of seeing elevation plans (PREAPP/00189/19).

#### Legal and policy considerations

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') requires the Local Planning Authority (LPA) to pay special regard to the desirability of preserving listed buildings, their setting and any architectural features that they possess. In addition, section 72 of the Act requires the LPA to pay special attention to the desirability of preserving or enhancing the character and appearance of the CA. In this context, the objective of preservation is to cause no harm, and is a matter of paramount concern in the planning process.

Policies CP14 and DM9 of the Council's LDF DPDs, amongst other things, seek to protect the historic environment and ensure that heritage assets are managed in a way that best sustains their significance. Key issues to consider in proposals for additions to heritage assets, including new development in conservation areas, are proportion, height, massing, bulk, use of materials, land-use, relationship with adjacent assets, alignment and treatment of setting.

The importance of considering the impact of new development on the significance of designated heritage assets, furthermore, is expressed in section 16 of the National Planning Policy Framework (NPPF – revised Feb 2019). When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, for example. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. In determining applications, local planning authorities should take account of: a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) the desirability of new development making a positive contribution to local character and distinctiveness. LPAs should also look for opportunities to better reveal the significance of conservation areas when considering new development (paragraph 200).

The setting of heritage assets is defined in the Glossary of the NPPF which advises that setting is the surroundings in which an asset is experienced. Paragraph 13 of the Conservation section within the Planning Practice Guidance (PPG) advises that when assessing any application which may affect the setting of a heritage asset, local planning authorities may need to consider the implications of cumulative change.

Additional advice on considering development within the historic environment is contained within the Historic England Good Practice Advice Notes (notably GPA2 and GPA3).

#### Significance of heritage asset(s)

Farndon Conservation Area (CA) covers the historic core of the settlement, focussed around the Church of St Peter and a network of lanes between the River Trent and the Roman Fosse Way. There are a number of historic buildings within the CA, ranging from polite Georgian and Victorian



houses to rustic post medieval cottages and vernacular farmsteads. The field enclosures to the south of the settlement reflect historic boundaries and contribute to the significance of the CA. The CA was designated in 1992.

Chestnut Farmhouse is a late 18th century house with early 19th century alterations. It is red brick with a pantile roof, comprising an L plan with a service wing orientated eastwards towards the development site.

This part of the CA appears to have been included in the original designation as it follows the historic orchard layouts behind Main Street. However, this area has been extensively redeveloped and is now difficult to interpret.

#### Assessment of proposals

The proposal seeks approval for a new bungalow on an area of hardstanding to the rear of Trent House.

The historic significance of this land appears to have been in its function as orchards and small holdings (see extracts from late 19th /early 20th-century OS maps attached), but this character is now difficult to read and understand. Loss of any further openness of the land could be seen as being negative but given the proliferation of modern houses between Marsh Lane and California Road behind Main Street, a further small-scale bungalow is considered to have a limited impact upon the character and appearance of the CA. The addition of landscaping is welcomed and is a moderate improvement to the hardstanding character at present.

#### Summary of opinion

No objection provided that materials and detailing used in the construction of the dwelling is similar to the existing bungalow stock adjacent. In this context, the proposed development preserves the setting of Chestnut Farmhouse, and causes no harm to the character and appearance of the CA. The proposal therefore accords with the objective of preservation required under sections 66 and 72 of the Act. The proposal also complies with heritage advice contained within the Council's LDF DPDs and section 16 of the NPPF.

**NSDC Environmental Services:** With reference to the above development, I have received a Phase I Desktop Study report submitted by Collins Hall Green acting on behalf of the developer.

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

The report identifies potential onsite sources of contamination as oils, asbestos and made ground and as a result goes on to recommend a phase 2 intrusive investigation.

I generally concur with the recommendations made and therefore would recommend the use of our full phased contamination condition.

**NSDC Tree Consultant:** No objection in principle — I would recommend conditioning of soft landscaping to mitigate against tree loss.

Conditions:

1. 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 (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.
2. 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.

**Trent Valley Internal Drainage Board:** The site is within the Trent Valley Internal Drainage Board district. There are no Board maintained watercourses in close proximity to the site.

The Board's consent is required for any works to increase the flow or volume of water to any watercourse or culvert within the Board's district (other than directly to a main river for which the consent of the Environment Agency will be required).

Surface water runoff 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 the Local Planning Authority.

**Cadent Gas:** 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.

**Representations have been received from 3 local residents/interested parties which can be summarised as follows:**

- The application is incorrect in fact that the proposed house will be taking away over 15 car parking spaces. The new proposals only show 7. It is believed all of the occupants of the 4x

two-bed flats in Trent house have one or more car, with all of the existing bungalows also having cars. These numbers don't include any visitors.

- If permission is alternative parking provision should be provided to the frontage of Trent house.
- There is a bus stop outside Trent house, this causes parking problems without taking away existing parking spaces.
- The land could be better used by pulling down Trent House and nos. 1a and 3a and building more properties there.
- Trent House has a well used community room that attracts at times 10 cars. Again, where will these park?
- Objection to taking part of current occupiers gardens, without consultation.
- Concern at overbearing and overshadowing impacts, along with perceived loss of privacy.
- Concerns about the impact on the conservation area

### Comments of the Business Manager

#### *Principle of Development*

The LDF Core Strategy settlement hierarchy (Policy SP1) identifies the settlements which are central to helping deliver sustainable growth and development in the District. Fardon is identified as an 'Other Village', therefore development proposals are to be assessed in accordance with the criteria set out in Policy SP3 – namely location, scale, need, impact and character.

**Location:** Policy SP3's locational criteria supports the development of sites in sustainable accessible villages. Farndon's own range of services and facilities and convenient access (less than 0.5km) to the Newark Urban Area mean that it is regarded as a sustainable location for development, with the proposed development site critically being within the core of the village's built-up area. There is a bus stop close to the site on California Road, while the location, adjacent to sheltered accommodation, gives further indication of the site's accessibility to those who would be regarded as 'less mobile'.

In addition, LDF Policy CP9 supports effective and efficient re-use of previously developed land in a manner that is consistent with local character. The NPPF (Section 11) supports this, encouraging planning decisions to give substantial weight to the value of using suitable brownfield land within settlements for the provision of homes.

**Scale:** The proposed development of a single dwelling is considered appropriate to this location. While I am mindful that the NPPF (para.122) promotes efficient use of land, this should not be at the expense of the evident desirability (in the context of the conservation area) of maintaining the area's prevailing character and achieving well-designed places. More intensive development on this site would give rise to unacceptable occupier and neighbour amenity impacts, while the nature of a modestly proportioned single-storey dwelling that means that it would not be incongruent with the surrounding area, which is characterized largely by the low-rise neighbouring properties and the sheltered housing complex to the west. While a larger dwelling would risk causing adverse impacts to the setting of the nearby listed building, it is helpful to consider the height of the proposed bungalow in the context of being merely 1.1m higher than an ancillary structure that could be constructed under permitted development rights.

The comments from the Conservation Officer underline my assessment (above), making clear that in the context of the extensive modern development between Marsh Lane and California Road behind Main Street, a further small-scale bungalow is considered to have a limited impact upon the character and appearance of the CA

**Need:** In terms of housing need, the Council is in a position where it can currently demonstrate a five year housing land supply (6.0 years). Nonetheless, there is a demonstrable need for up to 11 affordable homes within the immediate area. The housing need statement accompanying the application was prepared by the District Council's Strategic Housing Team, therefore the level of stated need is not disputed. On the basis of this unmet need it is considered that the proposed development can make a positive contribution and, notably, complies with the identified housing needs specified in Core Policy 3. Additionally, it is considered that any amount of residential development can make a positive contribution towards sustaining local services and facilities.

**Impact:** As a single bedroomed dwelling, capable of accommodating only two occupants, it is anticipated that the proposed development would have a negligible impact upon the surrounding area in terms of infrastructure, sewerage and the transport network. It is noted in this regard that the Parish Council and local residents have raised concerns about the potential impact of the development as a result of removal of car parking spaces. However, the Highways Authority has not expressed any concerns about this and I will discuss this issue in more detail in later sections of this report.

**Character:** The site is located within the Farndon Conservation Area, in the historic core of the settlement, close to the Church of St Peter. While there are a number of landscape features and historic buildings within the CA which contribute to its significance, including nearby Chestnut Farmhouse (late 18th century), this part of the CA has been extensively redeveloped and is now difficult to interpret. Nonetheless, the historic significance of this land appears to have been its function as orchards and small holdings. Although the Conservation Officer alluded to the consideration that loss of any further openness of the land could be seen as being negative, this is weighed against the spread of modern houses on land behind Main Street and the site having accommodated a number of garage units (believed to have been demolished around 15 years ago), therefore has not always been open.

A further small-scale bungalow is therefore considered likely to have a limited impact upon the character and appearance of the CA and the proposed addition of landscaping features is a welcome improvement to the harsh hardstanding character at present. In accordance with the Conservation advice the proposed materials are reflective of the palette used on surrounding properties, comprising the Cadeby Red Multi brick and grey roof tiles.

#### *Residential Amenity*

LDF Policy DM5 makes clear that development proposals should have regard to their impact on the amenity or operation of surrounding land uses and where necessary mitigate for any detrimental impact. The relationship of the proposed dwelling with surrounding properties is therefore amongst the key considerations for determining this application. Although the NPPF gives great weight to development proposals making use of brownfield sites and making efficient use of land it nevertheless emphasizes the importance of securing well-designed, attractive and healthy spaces.

Although the submitted plans suggest that the side elevations of the proposed dwelling are approximately 11m and 10.5m from the respective front and rear elevations of adjacent properties, in reality a projecting gable to the front and a conservatory to the rear of these properties mean that the separation distances are only 8.2m and 7.4m respectively. This is less than the 12m separation distance which is commonly given as a notional minimum standard. However, this is not to say that the development would have an unacceptable impact.

While this matter is not to be overlooked, there are in this instance factors to consider that mitigate the potential severity of any potential amenity impacts. Firstly, on a flat site, adjacent to single storey dwellings and surrounded by a 1.8m high boundary fence, I would not envisage any potential risk of habitable rooms or private amenity space being overlooked and therefore experiencing a loss of privacy. Specifically, the proposed side facing window closest to the southeast boundary serves the proposed bathroom, therefore would be obscured glazing, while the 2.1m high patio doors on the opposite side would be adequately screened by vegetation planted on the boundary. Any perceived sense of this could be further reduced by planting along the boundaries of the existing and proposed dwellings.



In addition to the above considerations, the overall height of the proposed bungalow would be 5.1m to the ridge and 2.5m high at the eaves. At the aforementioned distances of 8.2m and 7.4m the potential overbearing impact of a single storey dwelling would be considered marginal, sitting only 1.1m above what would be permissible under permitted development rights for an ancillary residential structure, along with a relatively shallow pitched roof (30 degrees) and appearing only 0.7m above the boundary fence height at the eaves. Similarly, at this height, the orientation of the proposed dwelling relative to existing dwellings means significant overshadowing that would cause an unacceptable impact is unlikely.

Noting that the proposal involves taking 1.5m from the rear gardens of nos 1, 3 and 5 California Road in order to achieve the above separation distances there is potential grounds for concern about the impact on the private amenity space of each of these dwellings and, subsequently, the

wellbeing of the occupants. However, a cursory assessment of the remaining garden space suggests that each property would have comfortably more than the 30m<sup>2</sup> notional minimum standard. Given that these houses principally serve as sheltered accommodation for the elderly, compared to family housing the need for significant amounts of amenity space is reduced. The impact is therefore considered acceptable.

Being mindful of the requirements of Policy DM5, while the proposed development could appear cramped in relation to neighbouring properties, it retains a substantial amount of private amenity space for future occupiers, with c.200m<sup>2</sup> of garden space to the side and rear. Although this is substantial for a property of this size it is reflective of the constraints affecting the site's capacity. With added vegetation along the site boundary it is considered that the proposed dwelling has potential to soften the current hard appearance of the surrounding area.

### *Highways Impacts*

Core Strategy Spatial Policy 7 gives support to development proposals which promote non-car modes of access to services and facilities and emphasises the need for safe, convenient access for all, including the elderly and disabled. Similarly, Policy DM5 states that parking provision for vehicles and cycles should be based on the scale and specific location of the development. Development resulting in the loss of parking provision will require justification. As noted above, the Highways Authority has not objected to the dwelling and the parking spaces proposed, in accordance with Policy SP7, I am of the opinion that it would provide safe and convenient access for future occupiers. However, it is also important to consider the perceptions both the Parish Council and local residents of the existing site and the impacts of the proposed development.

Comments received on the application state that the site is currently utilised as a car park for up to 12 vehicles. On the two occasions that I have visited the site this use is evident, even during the daytime when it would be expected that numbers would be less than evenings and weekends, however, this may be reflective of the demographics of local residents. Much of the concern arising relates to California Road being located on a local bus route and displaced vehicles leading to an increase in on-street parking as having potential to create more challenging driving conditions. Critically, the Highways Authority have not objected to the development on this basis.

Although it is acknowledged that DM5 requires development resulting in the loss of parking provision give justification I am nonetheless mindful that the current parking arrangement is only accepted on an informal basis. Had the garages still been standing the capacity of the site would be limited, whilst as private land the owner would be within their rights to restrict access at any time. As such, although this use is well-established, it should only be treated as an informal arrangement. The provision of five, formal dedicated parking spaces in addition to the two spaces associated with the dwelling itself is therefore considered appropriate.

### *Trees*

The development proposal includes the removal of two trees and pruning of a third. While the existing trees on site offer some contribution to the visual amenity of the surrounding area the Tree Officer has raised no objection to this aspect of the proposal, subject to an appropriate planting scheme to mitigate the above losses. This will therefore be conditioned in accordance with the advice given, thereby ensuring the provision complies with the requirements of Policies CP12 and DM7.

### *Community Infrastructure Levy*

It is anticipated that with the proposed 56m<sup>2</sup> dwelling will be made available as Social Housing provided by local housing authority, registered social landlord or registered provider of social housing and is therefore exempt from CIL liability.

### *Conclusion*

The proposed development satisfactorily addresses the locational criteria of Spatial Policy 3, achieving provision of a new affordable dwelling within an area of identified need. In the context of the Farndon Conservation Area and the setting of a nearby listed building, the proposed design is considered acceptable. While it is acknowledged that the proposal will have some measure of amenity impact upon neighbouring properties, these impacts are considered marginal and would not give rise to unacceptable living conditions for existing or future occupiers. Furthermore, in arriving at this decision I am mindful that Policy CP9 supports effective re-use of previously developed land, underpinned by the NPPF requiring planning decisions to give substantial weight to the value of using suitable brownfield land within settlements for homes.

### **RECOMMENDATION**

**Planning permission is approved subject to the conditions and reasons show 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 accordance with the following approved plans, reference

Site location plan (Drawing no.100-416/ID189/001B) (04/11/2019)

Proposed site layout (Drawing no.100-416\_ID189\_005D) (22/01/2020)

Proposed plans and elevations (Drawing no.100-416/ID189/009)

Boundary treatment plan (Drawing no.100-416/ID189/006A) (22/01/2020)

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

Reason: So as to define this permission.

03

The materials to be used in the construction of the external surfaces of the dwelling hereby permitted shall be as stated in the application unless otherwise agreed in writing by the local planning authority through an application seeking a non material amendment.

Reason: In the interests of visual amenity

04

Prior to first occupation/use 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:

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. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species;

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

proposed finished ground levels or contours;

means of enclosure;

car parking layouts and materials;

other vehicle and pedestrian access and circulation areas;

hard surfacing materials;

minor artefacts and structures for example, furniture, play equipment, refuse or other storage units, signs, lighting etc.

proposed and existing functional services above and below ground (for example, drainage power, communications cables, pipelines etc. indicating lines, manholes, supports etc.);

retained historic landscape features and proposals for restoration, where relevant.

Reason: In the interests of visual amenity and biodiversity.

05

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.

Reason: In the interests of visual amenity

06

No part of the development hereby permitted shall be brought into use until the works within the highway to provide adequate parking facilities are carried out and constructed in accordance with the Highway Authority's specification.

Reason: In the interests of highway safety.

07

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

#### Part A: Site Characterisation

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

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

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

## Part B: Submission of Remediation Scheme

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

## Part C: Implementation of Approved Remediation Scheme

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

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

## Part D: Reporting of Unexpected Contamination

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

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

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

## Notes to Applicant

01

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

The proposed development has been assessed and it is the Council's understanding that CIL may not payable on the development hereby approved as the development is made up entirely of

Social Housing provided by local housing authority, registered social landlord or registered provider of social housing and shared ownership housing. It is necessary to apply for a formal exemption to confirm this view, which must be made to the Council prior to the commencement of development on CIL 4 form which is also available on the Councils website.

02

This application has been the subject of discussions during the application process to ensure that the proposal is acceptable. The District Planning Authority has accordingly worked positively and proactively, seeking solutions to problems arising in coming to its decision. This is fully in accordance with Town and Country Planning (Development Management Procedure) Order 2010 (as amended).

03

Should any works be carried out within the public highway they shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact VIA, in partnership with NCC, tel: 0300 500 8080 to arrange for these works to be carried out.

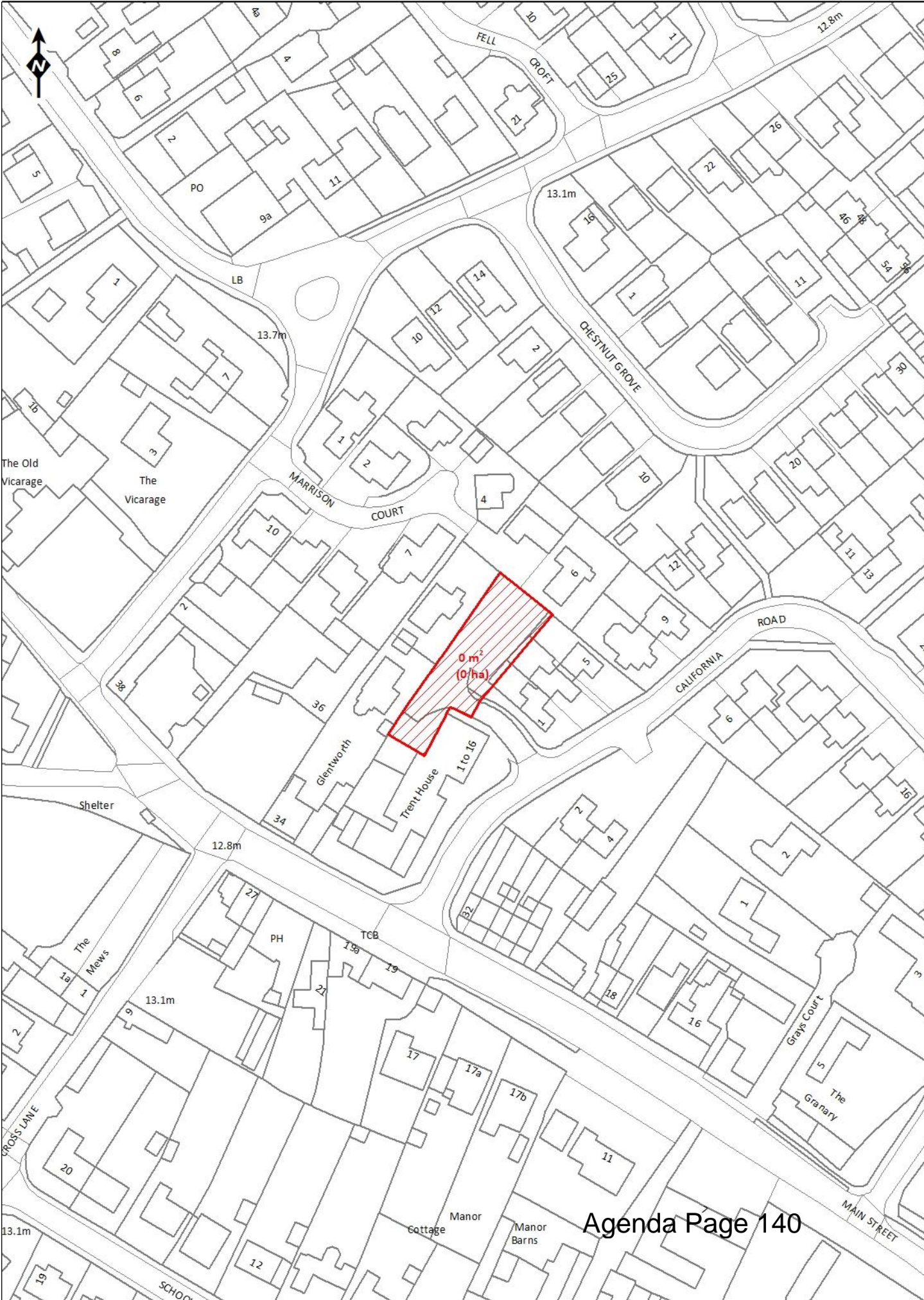
#### BACKGROUND PAPERS

Application case file.

For further information, please contact Tim Dawson on Ext 5769

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

**Lisa Hughes**  
**Business Manager - Planning Development**





## PLANNING COMMITTEE – 4 FEBRUARY 2020

**Application No:** 19/01771/FULM

**Proposal:** Proposed Residential Development for 80 dwellings (resubmission)

**Location:** Land off Lower Kirklington Road, Southwell

**Applicant:** Christopher Richardson, Capla Developments Ltd

**Agent:** Marrons Planning

**Link to website:** <https://publicaccess.newark-sherwooddc.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

**Status:** Currently at appeal (APP/B3030B/W/20/3244627)

### PURPOSE OF REPORT

To ascertain the views of the Planning Committee to inform an appeal.

### INTRODUCTION

Members will recall that a revised scheme relating to residential development of 80 dwellings on part of an allocated site at Lower Kirklington Road in Southwell was presented to the Planning Committee (held at Newark Town Council) in December 2019 for consideration. This followed a previous refusal by the Committee in June 2019 for a similar scheme. Details of the two schemes are set out below.

### BACKGROUND

**18/01363/FULM** - Recently refused application is currently at appeal (**APP/B3030/W/19/3234051**) which will be considered by an informal Hearing in March 2020 (date to be confirmed). It relates to a residential development for 80 dwellings. This scheme was submitted with a 4 arm mini roundabout as the traffic solution to the site access but was amended to a traffic light control signal solution at the request of NCC Highways Authority in order to overcome their highway objections. **The scheme was determined on the basis of traffic lights signals.** The scheme was refused for 4 reasons (1<sup>st</sup> reason set out in full whilst the 2<sup>nd</sup> to 4<sup>th</sup> reasons are summarized) as follows:

- 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. Complete lack of bungalows as required by Policy HE1 (Housing Type and Density) of the adopted Southwell Neighbourhood Plan.
3. Concentration of affordable housing in one area of the site harmful to social cohesion and failure to promote social interaction.
4. Poor design and layout including, over concentration of housing, inconvenience triple length parking arrangements on some plots, inappropriate location of children's play space.

**(19/01771/FULM)** - A revised scheme for residential development for 80 dwellings (resubmission of 18/01363/FULM) was lodged. This scheme sought to address the previous concerns of Members and included a **4 arm mini roundabout**. However Members resolved that whilst all other reasons for refusal were adequately addressed, in light of NCC Highway Authority's objection the application should be **refused on the grounds of highway safety** in line with the officer recommendation and that of the statutory consultee. The decision was issued on 4<sup>th</sup> December 2019.

Since that time the applicant has put this authority on notice of their intention to appeal and this appeal has been received. At the time of print of this report, a start date is awaited. However this appeal is likely to be co-joined with the other appeal and therefore seeking a steer from Members at the earliest opportunity is key to defending this appeal.

#### **THE 2<sup>ND</sup> APPEAL (19/01771/FULM)**

Despite Members determining the application on the basis of the 4 arm mini-roundabout, the applicants have set out clearly that they intend to request that the Planning Inspectorate determine the appeal on the basis of amended plans. They intend to **substitute the layout plan to show the omission of the 4 arm mini roundabout and the reintroduction of the traffic light signals (as shown on drawing no 618-2-001 Rev O) which they have provided. This is not what Members based their decision on.**

It will be for the Planning Inspector to determine whether or not they accept the substitution of plans. Ordinarily the local planning authority (LPA) would resist this amendment as we would argue that it hadn't been properly consulted on with members of the public etc. However in this instance, the LPA couldn't reasonably say this to be the case as members of the public and statutory consultees have already commented on this during the first application and appeal. Legal advice has been taken and on the basis of the advice, the LPA will not object to the substitution of plans.

**The LPA will defend the case on the basis of the sole highway reason for refusal (what it was refused for) unless the Inspector advises beforehand that they are prepared to accept the**

amended plans. The applicant has indicated they do not intend to pursue costs against the Council as part of this new appeal, albeit my view is that the Council has not acted unreasonably in any event and could defend such a claim.

### **CONSIDERATION FOR MEMBERS**

**Assuming the Inspector accepts the change in plan** which substitutes the 4 arm mini roundabout for traffic lights, what officers are keen to clarify from Members is whether, in the planning balance, the sole issue of visual harm arising from the traffic lights would be fatal to the scheme such that Committee would have recommended refusal if opportunity had been given. This is bearing in mind the harm from the traffic lights and their associated infrastructure had previously been considered alongside 3 other reasons for refusal which have subsequently been addressed.

If your view is that the visual harm from the traffic light junction would in itself amount to unacceptable harm, the LPA will continue to defend appeal 2 on this basis.

However if Members resolve that this is not the case and that the loss of the other reasons for refusal now tips the scheme towards an approval, the LPA would no longer continue to defend this element of the appeal (in the event that the amended plans are accepted). This could mean that the appeal is allowed uncontested subject of course to the provision of a satisfactory s106 agreement to secure the developer contributions set out in the previous report.

### **RECOMMENDATION**

**In light of the above, that Member consider whether the Council should continue to object to the traffic light signal junction on the grounds of its harmful visual impact as a sole reason for objection/refusal.**

### **BACKGROUND PAPERS**

Application case file.

For further information, please contact Clare Walker on ext 5834

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

Lisa Hughes  
Business Manager – Planning Development



## PLANNING COMMITTEE – 4 FEBRUARY 2020

<b>Proposal:</b>	<b>Diversion of Southwell Footpath 69</b>
<b>Location:</b>	<b>Land between Shady Lane and Potwell Dyke, Lower Burgage, Burgage Lane, Southwell</b>
<b>Applicant:</b>	<b>Landowner, Kevin Heath</b>

This application has been determined by Nottinghamshire County Council as Rights of Way authority. The site is within the District of Newark and Sherwood and the Order has now been 'made'. The District Council has been consulted for comment.

The County Council have 'made' an order to divert part of Footpath 69 and are inviting representations and/or objections. Only through a formal objection could the District Council be a party to any process relating to the proposals. The constitution sets out that Planning Committee are responsible for this particular function; therefore this report seeks approval for the District Council to submit a formal objection.

### The Site

Southwell Footpath 69 extends from Shady Lane across a bridge over the Potwell Dyke and joins Easthorpe via Potwell Close. The area which the footpath runs through is a mixture of grassland and tree belts and it slopes down from Burgage Lane to Shady Lane and the Potwell Dyke. The site is within Southwell Conservation Area.

The site which the footpath runs through is part of the Shady Lane Main Open Area and the present route of footpath 69 appears to form the boundary of a Main Open Area. A newly-erected post-and-wire fence demarcates the public footpath from the applicant's garden land. The area is also a Local Wildlife Site (formally a Site of Importance for Nature Conservation).

### Background to the Proposal

The Council received notification of a proposed footpath diversion from Nottinghamshire County Council on the 18<sup>th</sup> June 2019 which stated that the Council:

*"have been approached by a landowner to consider the part diversion of Southwell footpath no.69. Currently footpath no.69 is a cross field path through the land at the rear of the property. The proposed diversion will instead move the footpath to the western edge of the land and utilise footpath no. 68 as a connecting path to the remains of footpath no. 69".*

As part of the process of responding to proposals from the County Council on Highways and Rights of Way consultations, the Planning Policy Business Unit consults local Ward Members. Councillor Peter Harris responded to the initial proposal (as set out in Plan A) on the 26<sup>th</sup> June 2019 with the following objection:

*"The land has recently been sold and the buyer understood the implications of having a*

*footpath through the land. I too have a path running in my garden! I suspect that the next thing that will happen is that we will get an application to close off the land where the footpath goes and make it an extended garden. This is not appropriate as this land is open space, and protected as such by the Neighbourhood Plan."*

Following consultation with District Council Ward Members and an Officer site visit, the District Council submitted an informal objection to the proposed diversion in July 2019.

Following the Amended Proposed Diversion, a further consultation was undertaken. Councillor Harris responded on the 15<sup>th</sup> August 2019:

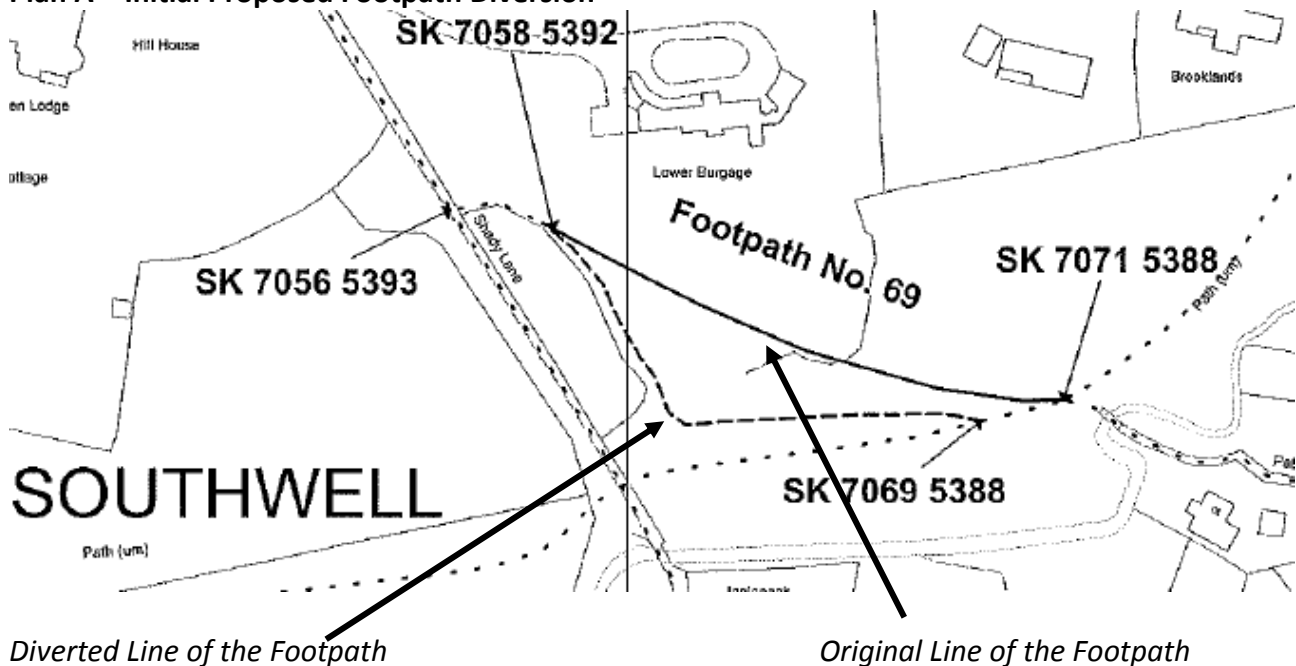
*"I am afraid that I continue to object to any alterations to the footpath. The owner clearly bought the land recently knowing the footpath's location. It is well used and should not be diverted."*

On 6<sup>th</sup> January 2020, Nottinghamshire County Council made an Order to divert part of Southwell Footpath No.69. The County Council are inviting representations or objections to be made in writing by 28<sup>th</sup> February 2020.

### The Diversion

The Diversion is shown in Plan A below:

**Plan A – Initial Proposed Footpath Diversion**



### Summary of Previous Comments from Business Manager – Planning Policy

I cannot comment on the future plans of the applicant. However, I have visited the site and there is a new post and wire fence enclosing the garden (erected under permitted development) which clearly demarcates the path and prevents accidental straying off the identified route (at least towards the house).

The land is designated as a Main Open Area in the Local Development Plan, duplicated in the Neighbourhood Plan. MOAs help define a settlement's form and structure and the Development Plan seeks to maintain their open nature. Whilst they are usually enjoyable from the public realm they may not necessarily be publicly accessible. They were reviewed in 2011 as part of the development of the current Local Plan, when this location was reduced to exclude garden land to the north and south. Any subsequent proposal to extend the residential curtilage would be subject to a planning application, where the implications regarding the MOA would be considered.

With a new fence preventing access onto garden land, there does not appear to be a compelling reason to divert the path. On this basis and for the reasons above I object to the proposed changes to the definitive map.

#### Right of Objection Process

Nottinghamshire County Council have now made an Order to divert part of Southwell Footpath No.69 and the County Council are now inviting representations or objections to be made in writing. If an objection is to be made and not withdrawn, the County Council will have to refer the Order to the Department of the Environment for determination. An Inspector from the Planning Inspectorate will then hear the objections at a Public Inquiry of Hearing, or in writing if the objector agrees. The Inspector can then confirm an Order, confirm it with modifications, or refuse to confirm it. If no objections are received or if any objections received are subsequently withdrawn, the Council will be able to confirm the Order itself, but it has no power to modify Orders.

#### Recommended Approach

In light of the above, the options are:

- (a) Do not submit an objection and order remains as 'made'; or
- (b) Maintain current objection subject to the above process.

It is recommended that the Council's objection to the diversion of footpath 69 is maintained because there is no compelling reason to divert the footpath as indicated on Plan A above.

#### **RECOMMENDATION**

**The Committee endorses maintaining an objection to the diversion of Footpath 69.**

#### Background Papers

Committee Report 10<sup>th</sup> September 2019

For further information, please contact Matthew Norton on Ext. 5852.

**Matt Lamb**  
**Director of Growth & Regeneration**

## **PLANNING COMMITTEE – 10 SEPTEMBER 2019**

<b>Proposal:</b>	<b>Diversion of Southwell Footpath 69</b>
<b>Location:</b>	<b>Land between Shady Lane and Potwell Dyke, Lower Burgage, Burgage Lane, Southwell</b>

**This application will be determined by Nottinghamshire County Council as Rights of Way authority. The site is within the District of Newark and Sherwood and the District Council has been consulted for comment.**

**Following consultation with District Council ward Members and an Officer site visit, the District Council submitted an informal objection to the proposed diversion. Only through a formal objection could the District Council be a party to any process relating to the proposals. The constitution sets out that Planning Committee are responsible for this particular function; therefore this report seeks approval for the District Council to submit a formal objection.**

### **The Site**

Southwell Footpath 69 extends from Shady Lane across a bridge over the Potwell Dyke and joins Easthorpe via Potwell Close. The area which the foot path runs through is a mixture of grassland and tree belts and it slopes down from Burgage Lane to Shady Lane and the Potwell Dyke. The site is within Southwell Conservation Area.

The site which the footpath runs through is part of the Shady Lane Main Open Area and the present route of footpath 69 appears to form the boundary of a Main Open Area. A newly-erected post-and-wire fence demarcates the public footpath from the applicant's garden land. The area is also a Local Wildlife Site (formally a Site of Importance for Nature Conservation, SINC).

### **Relevant Planning History**

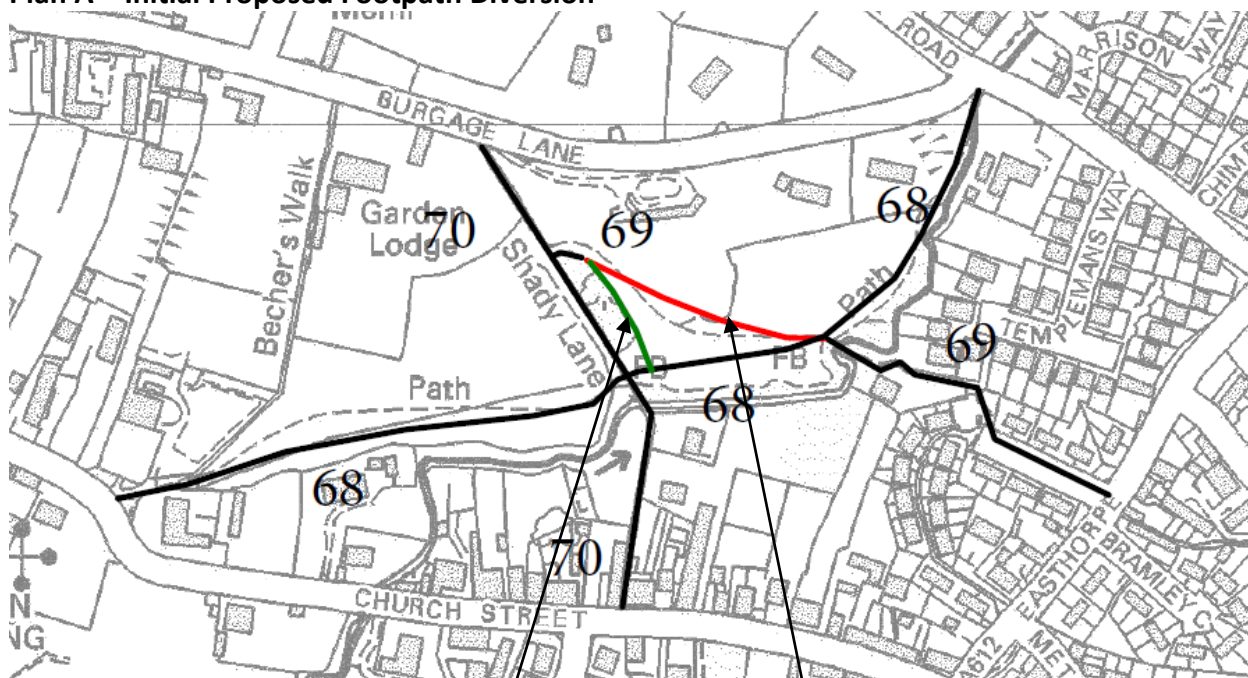
EXP/00047/18 – Requested information about erecting a post and wire fence. The exemption letter concluded that the proposal was permitted development and a fence has subsequently been erected.

19/00112/ENF – A current enforcement case is investigating the alleged use of a field in the Main Open Area / Local Wildlife Site as garden land, including the alleged erection of football goal posts.

### **The Proposal**

The Council received notification of a proposed footpath diversion from Nottinghamshire County Council on the 18<sup>th</sup> June 2019. It stated that the Council *"have been approached by a landowner to consider the part diversion of Southwell footpath no.69. Currently footpath no.69 is a cross field path through the land at the rear of the property. The proposed diversion will instead move the footpath to the western edge of the land and utilise footpath no. 68 as a connecting path to the remains of footpath no. 69"* This proposal is shown in Plan A below:

### Plan A – Initial Proposed Footpath Diversion

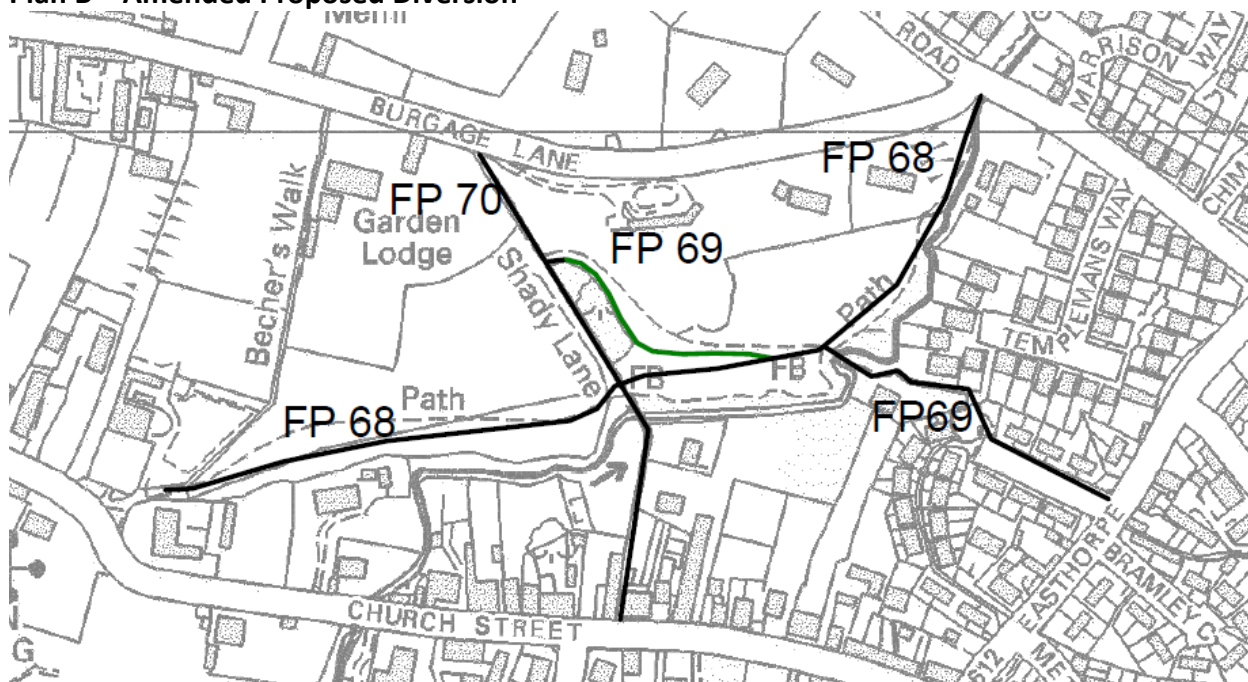


*Proposed diverted line of the footpath*

*Current Line of the Footpath*

Subsequent to this initial consultation the District Council received notification that an amendment to the proposed diversion had been made following a meeting on site between the County Council, the Town Council and the land owner to seek to address the Town Council's (and the District Council's) initial objections. Plan B shows the proposed compromise route:

### Plan B – Amended Proposed Diversion



## Consultation

As part of the process of responding to proposals from the County Council on Highways and Rights of Way, the Planning Policy Business Unit consults local Ward Members. Councillor Peter Harris responded to the initial proposal (as set out in Plan A) on the 26<sup>th</sup> June 2019 with the following objection:

*“The land has recently been sold and the buyer understood the implications of having a footpath through the land. I too have a path running in my garden! I suspect that the next thing that will happen is that we will get an application to close off the land where the footpath goes and make it an extended garden. This is not appropriate as this land is open space, and protected as such by the Neighbourhood Plan.”*

Following the Amended Proposed Diversion a further consultation was undertaken. Councillor Harris responded on the 15<sup>th</sup> August 2019:

*“I am afraid that I continue to object to any alterations to the footpath. The owner clearly bought the land recently knowing the footpath's location. It is well used and should not be diverted.”*

## Planning Policy Framework

### **The Development Plan**

#### **Southwell Neighbourhood Plan (October 2016)**

Policy E4 – Public Rights of Way and Wildlife Corridors  
Policy E5 – Green Link  
Policy CF2 – Green and Open Spaces and Burial Grounds

#### **Newark & Sherwood Amended Core Strategy (March 2019)**

Spatial Policy 7 – Sustainable Transport  
Core Policy 12 – Biodiversity and Green Infrastructure  
Southwell Area Policy 1 - Role and Setting of Southwell

#### **Newark & Sherwood Allocations & Development Management DPD (July 2013)**

Policy So/MOA - Southwell - Main Open Areas  
Policy So/PV - Southwell Protected Views

### **Other Material Planning Considerations**

- National Planning Policy Framework 2019
- Planning Practice Guidance 2014

## Comments of the Business Manager (Planning Policy)

Following consultation on the initial diversion proposal, officers objected to the County Council on the 18<sup>th</sup> July 2019 as follows:

National Planning Policy Guidance requires that planning policies and decisions protect and enhance rights of way and access. The Council has a range of policies which surround the protection and enhancement of Green Infrastructure, of which public footpaths form an important part. We support their maintenance and extension wherever possible.

Paragraph 98 of the NPPF requires decisions protect and enhance public rights of way and access. Spatial Policy 7 of the Newark and Sherwood District Council adopted Core Strategy requires development to provide safe convenient and attractive access to the existing network of footways so as to maximise opportunities for their use. Core Policy 12 requires the Council to “seek to...increase provision of and access to green infrastructure” of which the footpath network is a part.

Southwell Neighbourhood Plan policy E4 notes that “Public Rights of Way... [contribute] not only to the Green Infrastructure but also, where relevant, to open spaces...” Paragraph 6.25 of the Plan makes clear that the policy “seeks to conserve and enhance the... extent of PROWs...”

I have consulted the Southwell Ward members and Cllr Harris responded:

“The land has recently been sold and the buyer understood the implications of having a footpath through the land. I too have a path running in my garden! I suspect that the next thing that will happen is that we will get an application to close off the land where the footpath goes and make it an extended garden. This is not appropriate as this land is open space, and protected as such by the Neighbourhood Plan.”

I cannot comment on the future plans of the applicant. However, I have visited the site and there is a new post and wire fence enclosing the garden (erected under permitted development) which clearly demarcates the path and prevents accidental straying off the identified route (at least *towards* the house).

The land is designated as a Main Open Area in the Local Development Plan, duplicated in the Neighbourhood Plan. MOAs help define a settlement’s form and structure and the Development Plan seeks to maintain their open nature. Whilst they are usually enjoyable from the public realm they may not necessarily be publicly accessible. They were reviewed in 2011 as part of the development of the current Local Plan, when this location was reduced to exclude garden land to the north and south. Any subsequent proposal to extend the residential curtilage would be subject to a planning application, where the implications regarding the MOA would be considered.

### *Conclusion*

With a new fence preventing access onto garden land, there does not appear to be a compelling reason to divert the path. On this basis and for the reasons above I object to the proposed changes to the definitive map.

Subsequently the revised proposal for diverting the footpath was proposed following a site meeting between various parties (but not the District Council) and an alternative diversion has been proposed.

The Development Plan contains a number of policies which support the retention and enhancement of public rights of ways and the Footpath 69 lies within a particular important area of townscape within Southwell; Shady Lane Main Open Area. Policy So/MOA states that Main Open Areas are *“areas of predominantly open land within Southwell that play an important part in defining its form and structure.”* The plan notes that whilst not always public accessible they mostly are viewable from public land or accessible via public footpaths through them.

The proposal will move the footpath further down towards Footpath 68 than the original proposal but on visiting the site Officers could not reconcile the proposed diversion with the facts on the ground. In order for the diversion to link up with Footpath 68 it would need to punch through a line of trees which run north to south across the site, apart from the current route of the footpath. It should be noted that as the site is in the Conservation Area, officers are going to investigate the importance of the trees as a matter of urgency to see if they are worthy of protection in their own right.

The site is also in the view cone for the Southwell Protected Views (Policy So/PV). However following the site visit officers have concluded that this part of the main open area is relatively enclosed and does not have views of the principal heritage assets.

It should also be noted that in order to move the footpath a new line will need to be cut through the field to the south of the existing line resulting an environmental impact on the Local Wildlife Site 2/758 “Shady Lane Pasture” which is recorded as “a noteworthy grassland in an urban location”.

Whilst the proposal will allow footpath users the ability to continue to enjoy the upper area of the Main Open Area more effectively than the original proposed diversion, it will still result in less of the area being viewable and will require an access to be punched through the trees and require a new path being laid through protected grassland. Given that the applicant has erected a post and wire fence to ensure that footpath users do not stray into their garden I cannot see any need to divert the footpath from its current route.

### **RECOMMENDATION**

**That NSDC continue to raise an objection to the proposed diversion for the reasons set out above.**

### **Background Papers**

None

For further information, please contact Eric Smith on ext 5855.

**Matt Lamb**  
**Director of Growth & Regeneration**



## **Planning Committee – 4 February 2020**

### **Appeals Lodged**

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.

Further information regarding the relevant planning application and appeal can be viewed on our website at <https://publicaccess.newark-sherwooddc.gov.uk/online-applications/search.do?action=simple&searchType=Application> or please contact our Planning Development Business Unit on 01636 650000 or email [planning@nsdc.info](mailto:planning@nsdc.info) quoting the relevant application number.

Lisa Hughes

Business Manager – Planning Development

**Appendix A: Appeals Lodged (received between 27 December 2019 and 23 January 2020)**

<b>Appeal reference</b>	<b>Application number</b>	<b>Address</b>	<b>Proposal</b>	<b>Procedure</b>	<b>Appeal against</b>
APP/B3030/W/19/32395 25	19/00701/FUL	Sawmills Farm Rufford Lane Ollerton NG22 9DG	Replacement dwelling	Written Representation	Refusal of a planning application

## Planning Committee – 4 February 2010

### **Appendix B: Appeals Determined (between 27 December 2019 and 23 January 2020)**

App No.	Address	Proposal	Application decision by	Decision in line with recommendation	Appeal decision	Appeal decision date
18/01299/FUL	Woodside Farm Nottingham Road Thurgarton NG14 7GZ	Retention of Mobile Home in connection with Established Agricultural Operation	Planning Committee	Not Applicable	Appeal Withdrawn	8th January 2020
18/00346/ENF	29 California Road Farndon Newark On Trent Nottinghamshire NG24 3SB	Without planning permission, development consisting of the erection of a balcony and rail on an existing flat roof, as shown on photographs 1 & 2, and marked X on Plan A.	Delegated Officer	Not Applicable	Appeal Dismissed	6th January 2020
18/02341/OUT	Peasbloom Barn Crew Lane Southwell Nottinghamshire	Erect dwelling	Delegated Officer	Not Applicable	Appeal Dismissed	16th January 2020
18/01891/FUL	Land Adjacent Tu Pare Low Street Elston Nottinghamshire	Erection of one affordable dwelling	Planning Committee	Not Applicable	Appeal Dismissed	20th January 2020

### Recommendation

That the report be noted.

### Background papers

Application case files.

Further information regarding the relevant planning application and appeal can be viewed on our website at <https://publicaccess.newark-sherwooddc.gov.uk/online-applications/search.do?action=simple&searchType=Application> or please contact our Planning Development Business Unit on 01636 650000 or email [planning@nsdc.info](mailto:planning@nsdc.info) quoting the relevant application number.

Lisa Hughes  
Business Manager – Planning Development