



**NEWARK &  
SHERWOOD**  
DISTRICT COUNCIL

*Castle House  
Great North Road  
Newark  
NG24 1BY*

*Tel: 01636 650000*

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

**Monday, 23 March 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, 31 March 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

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12. Exclusion of the Press and Public	

To consider resolving that, under section 100A (4) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act.

# Agenda Item 4

## NEWARK AND SHERWOOD DISTRICT COUNCIL

Minutes of the Meeting of **Planning Committee** held in the Civic Suite, Castle House, Great North Road, Newark, Notts, NG24 1BY on Tuesday, 3 March 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 Mrs M Dobson, Councillor L Goff,  
Councillor J Lee, Councillor Mrs P Rainbow, Councillor M Skinner,  
Councillor K Walker and Councillor Mrs Y Woodhead

APOLOGIES FOR ABSENCE: Councillor R Holloway (Committee Member) and Councillor T Smith (Committee Member)

### 167 DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS

There were no declarations of interest.

### 168 DECLARATION OF ANY INTENTIONS TO RECORD THE MEETING

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

### 169 MINUTES OF THE MEETING HELD ON 4 FEBRUARY 2020

AGREED that the minutes of the meeting held on 4 February 2020 be approved as a correct record and signed by the Chairman

### 170 2 JUBLIEE STREET, NEWARK 19/01947/FULM (MAJOR)

The Committee considered the report of the Business Manager- Growth & Regeneration, following a site inspection, which sought demolition of existing buildings and erection of 4 bungalows, 10 apartments, access road, parking courtyard and associated infrastructure.

A schedule of communication was tabled at the meeting which detailed correspondence which was received after the agenda was published from the agent, Health Improvement and Community Relations Manager, Newark Town Council, and NCC Highways Officer.

Councillor Tracey Mathias spoke on behalf of Newark Town Council against application, in accordance with the views of Newark Town Council.

Members considered the extant planning permission in place, comparing parking space provision and affordable housing elements and noting concerns about traffic in the area. Some Members felt that there should not be any development on the site, however, the proposed application provided more parking spaces per property and affordable housing so was therefore preferable to the extant permission. Members

were concerned that no social landlord had been identified for the proposed development, and felt that a Registered Social Landlord should be identified to ensure that the affordable element of the development could be delivered.

AGREED (7 for, 3 Against, and 3 Abstentions) That planning permission is approved subject to:-

- (a) the conditions and reasons within the report with amendment to condition 8 to read:  
No trees, shrubs or hedges within the site which are shown as being retained on the Tree Impact Plan contained in Appendix 6 of the Arboricultural Report (Dated Feb 2020) shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed without the prior consent in writing of the local planning authority. Any trees, shrubs or hedges which die, are removed, or become seriously damaged or diseased within seven years of being planted, shall be replaced with trees, shrubs or hedge plants in the next planting season with others of similar size and species unless otherwise agreed in writing by the local planning authority; and
- (b) a S106 legal agreement to secure the future maintenance or adoption of the private access road serving the development and the contributions set out in Table 1 above.
- (c) a S106 legal agreement which secures confirmation of a Registered Social Landlord for the assisted living bungalows or in the inability to secure assisted living - a different type of affordable tenure for the 4 bungalows. In addition, to provide confirmation of which 'scheme' they are going to implement i.e. whether it is to be the 100% affordable or 30% affordable.

171 7 SYCAMORE ROAD, OLLERTON 19/02146/FUL

The Committee considered the report of Business Manager- Growth & Regeneration, following a site inspection, which sought construction of a new two storey dwelling at 7 Sycamore Road, Ollerton. The application had been called in by the Local Ward Member.

Members considered that the site was large enough for the proposed single dwelling, however the position of the development would be overbearing to the garden of number 7 and would not be in keeping with the existing street scene. The impact on 1 Birch Road, notwithstanding the Officer's report, was not considered to be detrimental. Moving the dwelling closer to this boundary would be unlikely to have harm on occupier's amenity.

AGREED (Unanimously) that the application be deferred to enable negotiation on the siting of the dwelling and to enable the garden of 7 Sycamore Road to be made larger.

172 ADOPTION OF PLANNING ENFORCEMENT PLAN (PEP)

The Committee considered the report of the Director- Growth & Regeneration, which sought adoption of the Planning Enforcement Plan (PEP). The Plan was recognised by

the National Planning Policy Framework (NFFP) and being an important document to ensure effective enforcement, providing confidence for the community and showing clear guidelines and timescales for investigating cases.

The PEP had been written to reflect the Council's commitment to focus on the needs of residents of the District, and the objectives within the Community Plan. The Plan sought to provide information on how enforcement services would operate, including prioritisation of investigations, performance management and proactive enforcement.

Late items were reported following receipt of comments after the agenda was published relating to the Empty Homes Officer and Data Protection. In addition, the Community Plan targets required updating to reflect recent changes.

AGREED that

- (a) the attached Planning Enforcement Plan (Appendix 1) is noted and Members consider ratifying the Plan and recommend the plan is presented to Economic Development Committee prior to a minimum 6-week consultation subject to the amendments reported as late items, ; and
- (b) the consultation will be with all Members of the District Council, Parish Councils, Agents, consultees, members of the public engaged with the planning process and via the Council's website. The responses and updates to the Plan will be reported back to Economic Development Committee, following notification to the Planning Committee in due course.

173 APPEALS LODGED

AGREED that the report be noted.

174 APPEALS DETERMINED

AGREED that the report be noted.

Meeting closed at 5.16 pm.

Chairman

## PLANNING COMMITTEE – 31 MARCH 2020

<b>Application No:</b>	<b>20/00275/FULM</b>		
<b>Proposal:</b>	<b>Residential development for 87 dwellings and associated works (resubmission of 19/01790/FULM)</b>		
<b>Location:</b>	<b>Land At Lord Hawke Way And Bowbridge Road, Newark</b>		
<b>Applicant:</b>	<b>Mr Andrew Dewberry - Arkwood Developments Ltd.</b>		
<b>Agent:</b>	<b>Mr Darren Turner - Jackson Design Associates</b>		
<b>Registered:</b>	<b>17.02.2020</b>	<b>Target Date:</b>	<b>18.05.2020</b>
<b>Website Link:</b>	<a href="https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=Q5PBIQLBFYF00">https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=Q5PBIQLBFYF00</a>		

**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

**19/01790/FULM** - Residential development for 87 dwellings and associated works.

This application was presented to Members with an Officer recommendation of approval but this recommendation was overturned and the application was refused for the following reason:

*The proposal will result in on-street parking to the detriment of other users of the highway due to insufficient off-street parking spaces being provided. In addition, the layout of the development will require soakaways under the carriageway as shown on drawing DR-C-0001-P1 which is not an acceptable system of drainage. The proposal is therefore contrary to Policy DM5 of the Allocations & Development Management Development Plan 2013.*

## The Proposal

The current application is a re-submission of the previously refused scheme in an attempt to overcome the reason for refusal.

The quantum and mix of development remains the same as previously considered:

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 key differences between the previously refused application and the current submission is the provision of 3 extra car parking spaces; other areas of configuration (i.e. clear distinction of



surfacing showing access from car parking spaces to properties); and further works to drainage proposals. The applicant has submitted a covering letter detailing the justification for the proposal which will be referenced in the appraisal below where relevant.

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

- Letter from Arkwood – ‘Bowbridge Road Development – “The Avenues”’;
- Design and Access Statement – 19 / 2216 / DAS Rev. C dated September 2019 (received 14<sup>th</sup> February 2020);
- 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;
- Supplementary Exploratory Investigation for Arkwood Developments by GeoDyne dated 21<sup>st</sup> January 2020.
- 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. I (received 14<sup>th</sup> February 2020);
- Proposed Site Layout: Landscaping - 19 / 2216 / SITE002 Rev. I received (received 14<sup>th</sup> February 2020);
- Proposed Site Layout: House Typology Key - 19 / 2216 / SITE003 Rev. G (received 14<sup>th</sup> February 2020);
- Proposed Site Layout: Boundaries - 19 / 2216 / SITE004 Rev. G (received 14<sup>th</sup> February 2020);
- Proposed Site Layout: Materials – 19 / 2216 / SITE0005 Rev. E (received 14<sup>th</sup> February 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 (A) dated September 2019;
- Garages – 19 / 2216 / GEN002 dated September 2019;

- Car Ports – 19 / 2216 / GEN003 dated September 2019;
- Topographical and Utility Survey – 3109 Drawing No. 0001 dated 21.06.2019;
- 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;
- Drainage and Levels Feasibility – BRNK-BSP-ZZ-XX-DR-C-0001-P03.

### Departure/Public Advertisement Procedure

Occupiers of 107 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** - It was decided to sustain the Committee's original **Objections**, together with a requirement for a Traffic Impact Assessment as follows:

- i) Over intensification of the site
- ii) Type H housing falling short of Government guidelines regarding size of property
- iii) Loss of privacy for Thoresby Avenue residents
- iv) Loss of another green space
- v) Newark Town Council remains extremely concerned about this planning application; since the original application was considered it has become clear that the funding to complete the Southern Link Road (East to West) is not in place, whilst a full TIA was carried out to support the Middlebeck development, this cannot now be relied on to support this, or any other significant new housing development on Bowbridge Road or adjoining streets.

The Town Council urges the District Council, in the strongest possible terms, to commission a new TIA to model the impact of the SLR not being completed on the Town. Without this assessment, applications for significant new house building in this area should be subject to a moratorium. There can be no justification for allowing new housing development to take place without the knowledge of what the traffic impact will be on the Town, in the event that this important road is not completed as planned. If the District Council are minded to approve this application, then the Town Council would suggest that any such permission is accompanied by a condition that no development may commence until such time as the funding for the full SLR is guaranteed & in place and the road is physically completed.

**NCC Highways Authority** – This application is a resubmission of 19/01790/FULM, which NCC objected to on the grounds of parking and drainage issues.

The new application has made some changes to the parking arrangements and provided further justification for the number of spaces and layout. In addition, an offer has been made to formalise the no waiting restrictions that currently exist on Lord Hawke Way that should protect against undesirable on-street parking. In respect of the parking, it is therefore concluded that this issue is resolved.

In respect of the drainage issue, the proposal now includes highway soakaway under areas of verge landscaping. In principle, this is acceptable. However, details and calculations have not been provided sufficiently to demonstrate that this means and scale of soakaway arrangement can be provided in an acceptable manner. Either more details are required prior to granting permission, or a pre-start condition applied to any decision notice (see below). Either way, it will be necessary for the Highway Authority to be granted easement to maintain the soakaways including an appropriate area around the soakaways for access. A commuted sum will also be required to cover maintenance costs and this will be included in any Section 38 road adoption agreement with this Authority.

In a related matter, I note that the position of the highway drainage soakaways sometimes coincides with proposed tree planting. This will not be possible/acceptable, and will have implications on the landscape proposals. Areas of verge will not be adopted and therefore a

maintenance arrangement should be agreed and protected by condition and/or Section 106 agreement.

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.

No part of the development hereby approved shall commence until details and calculations in support of the highway drainage soakaway proposals shall be first submitted to and approved in writing by the LPA. Any proposed soakaway shall be located outside of the public highway boundary and suitable easement provided for maintenance access.

Reason: To ensure the highway drainage proposals can be accommodated and acceptably achieved within the extents shown on drainage drawing 0001/P03, and to protect the structural integrity of the highway and 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.

No part of the development hereby approved shall commence until an application has been made to the Highway Authority for enforceable waiting restrictions on both sides of the full length of Lord Hawke Way (within the extent of the prospective public highway), and the length of new access road immediately outside plots 47,48, 61 & 62.

Reason: To prevent on-street parking that would be detrimental to the access and safety of other 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.

**NCC Rights of Way Officer** – I've checked the Definitive Map of recorded Public Rights of Way and can confirm that there are no recorded Public Rights of Way crossing the site edge in red on the site location plan. This does not preclude unrecorded public rights being proven to exist at a later date. I attach a plan showing an extract of the Definitive Map of Public Rights of Way for the vicinity of the site. As the applicant has acknowledged that there is a tarmacked surfaced walking and cycling route which passes through the site. We are unaware who owns or has maintenance responsibility for the path.

The Rights of Way Team has no objection to the proposal.

**NCC Strategic Planning** - Thank you for your email dated 17th February 2020 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 a 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.

### *Planning Obligations*

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

### *Transport and Travel Services*

The County Council request a planning obligation of £5,000 for Sustainable Travel Contribution. This would be used to provide new occupants with a 1-month smartcard bus pass, or equivalent pass, for use on the local bus network to encourage use of sustainable modes of travel, or to support other sustainable transport measures to serve the site.

### *Education*

Based on current projections, there is currently sufficient capacity in both the primary and secondary planning areas to accommodate the additional pupils generated by this development. Therefore, the County Council will not be seeking any planning obligations for primary or secondary education. As developer contributions are being sought in relation to the County Council's responsibilities it is considered essential that the County Council be a signatory to any legal agreement arising as a result of the determination of this application.

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. 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 response re: education received 17<sup>th</sup> March 2020:*

### Potential Developer Contribution in respect of the proposed development on land at Lord Hawke Way and Bowbridge Road (20/00275/FULM)

#### 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

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

#### 2. Potential 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.

We would not seek any costs towards increasing the size of the library to accommodate this population but for this development a contribution will be sought for additional library stock. An increase in population of 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 on page 2) and so a developer contribution would be sought to ensure current stock levels are not put under further pressure as a result of the new development.

We would seek a developer contribution for the additional stock that would be required to meet the needs of the 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** – We wish to OBJECT to this development.

The site is crossed by a path running parallel to Thoresby Avenue. Although this path is not registered as a public right of way it is nevertheless used extensively by local residents as a pleasant pedestrian route from Bowbridge Road to the sports area at the end of Elm Avenue and thence to the SusTrans track. Building on either side of this path would result in a significant loss of green space and a less enjoyable walking environment.

**NSDC Environmental Health (contaminated land)** – With reference to the above development, I have previously reviewed the Supplementary Exploratory Investigation Report submitted Geodyne (dated 21.01.20) in support of the previous planning application (19/01790/FULM).

This document builds on the previous investigations and provides additional sampling across the proposed development to allow a greater density of testing and increased confidence in the data.

The results of the sampling confirm the findings of the earlier works in respect of the PAH contamination in the location of TP6 and goes on to propose appropriate remedial measures to deal with this hotspot.

The Supplementary Exploratory Investigation Report also includes sampling of a parcel of land to the South West which was not included in the previous investigative works. Following the sampling of this area, the report concludes that the made ground in this locality is contaminated.



Potential remedial options for this area are considered, either for excavation and removal of the material or for remedial capping with certified clean material. Environmental Health considers either to be appropriate, however all Nottinghamshire Local Authorities require the top metre to be free from contamination, the 600mm cap proposed in the report is not sufficient.

I shall look forward to receiving an appropriate validation report in due course.

Due to the above outstanding issues, I would recommend that the application is conditioned as follows:

*'The development hereby permitted shall not begin until a scheme to deal with the contamination that has been previously identified in the Geodyne Supplementary Exploratory Investigation report dated 21<sup>st</sup> January 2020 has been submitted to and approved in writing by the local planning authority.*

*The scheme shall take account of Environmental Health's requirement for the top metre being free from contamination and shall propose appropriate methodology for validation of all remedial measures.*

*Following acceptance of the proposed remediation scheme by the local planning authority, the developer shall implement the scheme and carry out validation as agreed. A validation report shall then be produced and submitted to the LPA for approval.'*

**NSDC Environmental Health (noise and lighting)** - I refer to the above application and have reviewed the resubmitted application and previous application. As previously requested I would strongly recommend that a lighting survey is undertaken to establish the impact the flood lighting of the YMCA sports facilities.

I have noted previous comments received from the Senior Architect for the development which state:

*"I've spoken to the applicant on the issue of the YMCA lighting. As we understand it the complaints have come from the Elm Avenue direction where there has been a change from the previous recreation ground / open space to the new flood-lit sports facilities. The proposed residential development will be built within the context of these lights as existing, so any new residents will be aware of the situation: it will not be a change from the darker skys that existing residents may have enjoyed prior to the YMCA development. On that basis the applicant does not foresee any nuisance complaints arising from the new development and would not wish to undertake lighting surveys."*

One could be flippant and say that the applicant would say that wouldn't they. I cannot agree with the applicant that they do not foresee any nuisance complaints arising without undertaking such a lighting survey. Lighting complaints regarding the YMCA have been received from multiple directions and it is not the point that the sky will not appear dark, it is that residents of some of the properties may find the lighting intrusive. Should complaints be received the Council must investigate and cannot negate someone's concerns with a statement that the lights were already there.

Should the planning Authority feel it is not necessary to require a lighting survey and the application is granted I would be obliged if the following conditions are applied:

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

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

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

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

**NSDC Tree Officer** – No comments received.

**NSDC Conservation** – No comments received.

**NSDC Archeological Advisor** – The site is located in a potentially archaeologically sensitive area to the south-east of the historic medieval core of Newark. Numerous archaeological sites are noted within 1km of the site including two enclosures to the south of the site (HER: MNT3611 and 3610) of unknown, but possible Roman date and the parliamentary second line of circumvallation dating to 1645-1646, constructed during the Civil War. To the east of the proposed site, an isolated find spot records the location of a gold solidus of the Merovingian king, Clothar II, minted in Marseilles in approximately 625 AD. To the south-west of the site, recent work associated with the Newark South development has identified extensive, previously unknown, Roman and Iron Age settlement activity. Dense prehistoric and Roman archaeology has also been encountered to the north-west of Hawton House on the west side of Bowbridge Lane.

Recent archaeological monitoring work immediately to the south and east of the site did not record any features during construction work. However the absence of archaeology noted here does not preclude the potential for archaeology to be present on the current site.

If permission is granted, I recommend there be an archaeological condition to assess the archaeological potential for the site and to inform a further mitigation strategy. This would include, but may not be limited to, a trial trench evaluation of the site to provide information on the presence/absence/ location, depth, survival and significance of any archaeological remains

The specifications for the work should be approved by this department prior to commencement and this office will require ten days' notice before commencement of the archaeological work.

The following condition wording is based on current guidance from the Association of Local Government Archaeological Officers and the Lincolnshire Handbook (2019):

- **Part 1**

*No development shall take place until a written scheme of archaeological investigation has been submitted to and approved by the Local Planning Authority. This scheme should include the following:*

- 1. An assessment of significance and proposed mitigation strategy (i.e. preservation by record, preservation in situ or a mix of these elements).*
- 2. A methodology and timetable of site investigation and recording*
- 3. Provision for site analysis*
- 4. Provision for publication and dissemination of analysis and records*
- 5. Provision for archive deposition*
- 6. Nomination of a competent person/organisation to undertake the work*

*The scheme of archaeological investigation must only be undertaken in accordance with the approved details.*

*Reason: To ensure the preparation and implementation of an appropriate scheme of archaeological mitigation in accordance with the National Planning Policy Framework.*

- **Part 2**

*The archaeological site work must be undertaken only in full accordance with the approved written scheme referred to in the above Condition. The applicant will notify the Local Planning Authority of the intention to commence at least fourteen days before the start of archaeological work in order to facilitate adequate monitoring arrangements. No variation shall take place without prior consent of the Local Planning Authority.*

*Reason: To ensure satisfactory arrangements are made for the recording of possible archaeological remains in accordance with the National Planning Policy Framework.*

- **Part 3**

*A report of the archaeologist's findings shall be submitted to the Local Planning Authority and the Historic Environment Record Officer at Nottinghamshire County Council within 3 months of the works hereby given consent being commenced unless otherwise agreed in writing by the Local Planning Authority.*

*Reason: In order to ensure that satisfactory arrangements are made for the investigation, retrieval and recording of any possible archaeological remains on the site. This Condition is imposed in accordance with the National Planning Policy Framework.*

NPPF states that 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) publicly accessible' (para 199).

If planning permission is granted with an archaeological condition, please ask the developer to contact this office and we will prepare the usual briefs for the works.

**NCC Flood** – Nottinghamshire County Council as the Lead Local Flood Authority (LLFA) has reviewed the application which was received on the 17 Feb 2020. 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 Cleveland Green playing field and Sconce & Devon Park in Newark and Coronation Street Park in Balderton. 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 serious consideration should be given to creating an area of children's playing space 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  $76 \times 18 = 1,368 \text{m}^2$ . 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. 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** – No comments received.

**Cadent** – Considerations in relation to gas pipeline/s identified on site:

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

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

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

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

Email: [plantprotection@cadentgas.com](mailto:plantprotection@cadentgas.com) Tel: 0800 688 588

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

- Low or Medium pressure (below 2 bar) gas pipes and associated equipment. (As a result it is highly likely that there are gas services and associated apparatus in the vicinity)

### Requirements

BEFORE carrying out any work you must:

- Carefully read these requirements including the attached guidance documents and maps showing the location of apparatus.
- Contact the landowner and ensure any proposed works in private land do not infringe Cadent and/or National Grid's legal rights (i.e. easements or wayleaves). If the works are in the road or footpath the relevant local authority should be contacted.
- Ensure that all persons, including direct labour and contractors, working for you on or near Cadent and/or National Grid's apparatus follow the requirements of the HSE Guidance

Notes HSG47 - 'Avoiding Danger from Underground Services' and GS6 – 'Avoidance of danger from overhead electric power lines'. This guidance can be downloaded free of charge at <http://www.hse.gov.uk>

- In line with the above guidance, verify and establish the actual position of mains, pipes, cables, services and other apparatus on site before any activities are undertaken.

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

- The issues remain the same in terms of lack of privacy and overshadowing to neighbouring dwellings;
- Taking up yet another green space with disruption to bird population due to removal of hedges;
- The site is enjoyed by dog walkers and used by children as a play area;
- Where will the cemetery be extended;
- Overdevelopment of the area with properties being built on Middlebeck and The Bearings causing increased traffic on Bowbridge Road;
- It seems the council is intent on giving themselves permission to develop on every piece of green land with little regard for the wishes of residents;
- An extra 87 houses plus construction traffic will make the road virtually unusable due to volume of traffic;
- The care home regularly has emergency ambulances called and works traffic will hinder this;
- School children regularly walk across the site which will not be safe during building works;
- The houses will overlook the flats in Gladstone House;
- The area is clearly a zone of health and leisure and the green space should be protected;
- Not everyone can afford to pay for leisure facilities;
- The Councils community plan says it protect, promote and enhance the districts natural environment;
- The planning allocation is totally inappropriate;
- The development would lead to congestion and associated air pollution;

### Comments of the Business Manager

Whilst a significant level of the following assessment will be the same as that previously presented to Members on February 4<sup>th</sup> 2020, the current application has been submitted afresh with additional information which requires consideration. Moreover, the decision of Members to refuse the last scheme is material to the current determination and therefore will be referenced where relevant below. It is also material that Members refused the last application on a single reason (albeit relating to both parking and drainage issues). It would therefore be unreasonable to introduce new reasons to resist the current scheme unless they have directly arisen through the changes between the applications.

### 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 aide 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.

As part of the previous application, the agent 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 built 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:

No. of Beds	Total existing and concealed demand from the 2014 survey (%)	Split of proposal for consideration (%)
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 and an updated survey is currently being undertaken. 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 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 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.

The applicant’s covering letter with the current submission has explicitly addressed how the proposals have evolved specifically to satisfy local housing needs. It is stated that:

*‘Arkwood wants to stand aside from other developers by building homes that people want to live in for the longer term thereby creating sustainable and diverse communities.’*

Furthermore the letter contains evidence to suggest that, *‘in general, the size of the homes are significantly larger than those that the market within Newark offers.’*

**Larger** – **Comparable** – **Smaller**

Unit Type (Nat. Space Std)	Arkwood	Developer A Newark	Developer B Newark	Developer C Newark	Developer D Edwinstowe	Developer E Worksop
2 Bed apartment (70m <sup>2</sup> )	65 - 72m <sup>2</sup>	N/A	N/A	N/A	N/A	67.5 - 72m <sup>2</sup>
2 bed bungalow (61m <sup>2</sup> )	65m <sup>2</sup>	N/A	N/A	N/A	63.5m <sup>2</sup>	54 – 58.5m <sup>2</sup>
2 bed house (70-79m <sup>2</sup> )	68.5m <sup>2</sup>	60.5 – 62.5m <sup>2</sup>	N/A	59.5m <sup>2</sup>	N/A	65m <sup>2</sup>
3 bed house (93m <sup>2</sup> )	91 - 97m <sup>2</sup>	70.5 – 75.5m <sup>2</sup>	92.5m <sup>2</sup>	71 – 98m <sup>2</sup>	103.5m <sup>2</sup>	86 - 95m <sup>2</sup>
4 bed house (106-115m <sup>2</sup> )	124.5m <sup>2</sup>	97.5 – 109m <sup>2</sup>	112.5 – 125m <sup>2</sup>	99 – 118m <sup>2</sup>	156m <sup>2</sup>	135m <sup>2</sup>

Officers concur that a range of house types (including a notable 13% proportion of bungalows) 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 referred to (33-40) were increased than the subsequent rear garden sizes would be decreased (without a significant re-design), the slightly reduced floor area for some house types is not considered sufficient to warrant refusal in its own right. This judgement is particularly reached when taken in the context of the above table which clearly demonstrates a number of the house types would over provide in floor space in comparison to a number of other schemes on the market.

### 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.

The applicant has also directed Members towards specific design features such as open plan living areas served by natural light and flexible internal room layouts. The apartments all have internal cycle stores and garages are generally larger than other house builders.

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) 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.

Members may recall that in the consideration of the previous scheme Officers advised that further archeological works would not be required 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. However, as detailed by the consultee section above, the current scheme has been assessed by the Council's appointed Historic Environment Officer. The comments acknowledge that the site is located in a potentially archaeologically sensitive area to the south east of the historic medieval core of Newark. Ultimately the conclusion is contrary to Officers previous assessment and contends that the absence of archeological evidence on the adjacent site does not preclude the potential for archeological remains to be discovered on the application site. Clearly matters of archeology are material to the decision (and indeed are referenced in the site allocation) and in the context of these comments Officers are minded to take a different standpoint and recommend the imposition of the suggested conditions to protect any archeological potential of the site.

#### 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 of these (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.

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 agent responded to the previous concern by identifying 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 was 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.

As is detailed above, part of the reason that Members refused the last application was that the plans demonstrated soakaways under the carriageway which was deemed an inappropriate means of drainage. The covering letter with the current application states that drainage consultants have been commissioned to complete a new design to provide an on-site solution to surface water drainage. No further details of this design were submitted with the application submission. Given that this directly relates to part of the reason for Members refusing the last application, Officers have sought a more comprehensive update on this point. To address the point a drainage plan has been submitted during the life of the application. The Highways Authority have accepted the use of highways soakaways under areas of verge landscaping in principle. However, further detailed calculations are required prior to being formally agreed. The agent has confirmed that the intention is for the exact design of the soakaways and landscaping to be coordinated together, which will be developed with the contractor. These details could reasonably be secured by condition (which is an accepted approach by the Highways Authority) and therefore subject to appropriate conditions, there would be no reason to resist the current application on means of drainage.



### 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 application has been accompanied by a Tree Survey.

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.

Some of the retained trees would be close to plots (for example T5 and T6 to Plot 01) so I have carefully considered whether it may be desirable for the occupiers to fell these specimens despite the intention for their retention. 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 protection measures as 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 in 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.

The comments of the Town Council above suggest that the District Council should commission a new traffic model to take account of the potential implications of the southern link road not coming forward as anticipated. Whilst these concerns are noted, it would be wholly unreasonable to hold the decision of the current application on that basis (or condition that work cannot be commenced until funding is in place). As Members are aware it does not fall for individual applications to fix current issues in the highways network. The proposed development would not add sufficient traffic to severely impact upon the existing traffic conditions. The application has been accompanied by a Transport Assessment which considers the impact of the proposed scheme and allows the current application to be assessed irrespective of the Town Council's concerns in relation to the southern link road.

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 crux of the previous refusal was in relation to the insufficient parking provision to serve the proposed development which in turn would have led to on street parking to the detriment of the safe operation of the highways network.

Since the refusal, the applicant has met with Officers and NCC as the Highways Authority to advance this re-submission in an attempt to address the previous concerns. This is referenced in detail by the applicant's covering letter:

*"The development adopts the NCC Highways guidance and exceeds the overall minimum provision of 161 spaces by 16 additional parking spaces = 177 Spaces – The development achieves an impressive 203% parking provision across the site."*

The specific changes in comparison to the previously refused scheme include the provision of 3 extra parking spaces to the east of the site (2 more in the visitor parking for plots 33-40 and 1 more adjacent to the apartment blocks of plots 29-32). It is also intended that there would be double yellow lines marked along Lord Hawke Way to discourage inappropriate parking. Again the applicant has taken the opportunity to compare their proposals against other developments in the District (and one in Bassetlaw) in terms of parking provision:

Key : Parking provision when comparing similar recent developments with Arkwood design –

More – Comparable – Less

	Arkwood Bowbridge Rd	Site A Southwell	Site B Newark	Site C Worksop
Units Types	2,3 & 4 Bed	1,2 & 3 Bed	1,2,3 & 4 Bed	1,2,3 & 4 Bed
Unit Number	87 units	38 units	62 units	80 units
Parking Provision (no.)	177 spaces	67 spaces	117 spaces	155 spaces
Parking Provision (%)	203%	176%	188%	193%

The case remains, as with the previous proposals, that there would be areas of parking provision which could be considered compromised in terms of their usability. 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 (indeed pathways have now been indicated on the plans to show these linkages). 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. 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.

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 as well as being allocated within the Plan for housing. 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.

The revised scheme has been assessed by NCC as the Highways Authority with their comments listed in full above. The comments acknowledge the further justification and changes made in the current scheme. The encouragement of further waiting restrictions on Lord Hawke Way has also been referenced in the comments which ultimately conclude the previous parking issues have been resolved. Clearly this is a material change from the previously refused proposal.

The Highways Authority has suggested a number of condition should Members be minded to approve the application. One of these (number 24 in the recommendation list below) relates

directly to the applicant making an application for enforceable waiting restrictions on both sides of the full length of Lord Hawke Way. Officers have queried the wording of this condition given that it would not necessarily secure this coming into place. However, given the process (which is open to public consultation and could in an unlikely scenario be refused) the Highways Authority do not consider that it would be reasonable to condition the implementation of the waiting restrictions. The Highways Authority is satisfied that their suggested wording of the condition ensures best endeavors will be made to secure the restrictions. The condition meets the tests and therefore there is no issue with imposing it as suggested.

The proposal as revised would subject to the suggested conditions comply with the requirements of Spatial Policy 7 and the relevant elements of Policy DM5. The applicant has demonstrated that the revised proposal would not have an adverse impact on the highways network and the Highways Authority have confirmed that they would no longer object to the development of the site as proposed.

### Impact on Land Contamination

The application submission included a Supplementary Exploratory Investigation undertaken by GeoDyne and dated 21<sup>st</sup> January 2020.

Colleagues in Environmental Health have reviewed the report and accepted that the document builds on the previous investigations of the site since the time of the Leisure Centre application. It is considered that the remedial options presented are acceptable subject to an increase from 600mm to 1m cap to be kept free from confirmation. A bespoke condition has been suggested which could be attached to any forthcoming permission.

### 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.

### *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 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.

### *Transport*

Contrary to the previous application, NCC Strategic Policy have requested a contribution of £5,000 for Sustainable Travel Contribution. It is stated that this would be used to provide new occupants with a 1-month smartcard bus pass, or equivalent pass, for use on the local bus network to encourage use of sustainable modes of travel, or to support other sustainable transport measures to serve the site. Officers have queried the change in position (noting that the number of proposed dwellings has not changed) and a response has been received stating that the request is justified partly given that the previous scheme was refused on the basis of parking provision. Clearly, as is outlined above, Officers are of the view that this matter has now been resolved and therefore this is not considered to form an adequate or relevant justification. It is also stated that the contribution would help achieve modal shift and reference is made to the submitted Travel Plan which includes an intention to provide a welcome pack including information of bus timetables etc. Officers consider that in this instance it would be more reasonable to condition compliance with the Travel Plan rather than seek an additional financial cost for bus tickets. The size of the scheme is below the usual threshold for a Sustainable Travel Contribution and in this case the justification provided is not considered sufficient to deviate from the norm.

### 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 applicant has submitted the current application as a direct attempt to overcome the previous refusal on the basis of parking and drainage issues. As is detailed above, the additional justification and revised design measures have led to the Highways Authority removing their previous objection. The scheme as revised would be, subject to conditions, compliant with Spatial Policy 7 and the relevant elements of Policy DM5.

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:

- Proposed Site Layout: General Arrangement - 19 / 2216 / SITE001 Rev. I (received 14<sup>th</sup> February 2020);
- Proposed Site Layout: Landscaping - 19 / 2216 / SITE002 Rev. I received (received 14<sup>th</sup> February 2020);
- Proposed Site Layout: House Typology Key - 19 / 2216 / SITE003 Rev. G (received 14<sup>th</sup> February 2020);
- Proposed Site Layout: Boundaries - 19 / 2216 / SITE004 Rev. G (received 14<sup>th</sup> February 2020);
- Proposed Site Layout: Materials – 19 / 2216 / SITE005 Rev. E (received 14<sup>th</sup> February 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 (A) 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 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 have been submitted to and approved in writing by 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.

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. G received 14<sup>th</sup> February 2020 and Boundary Treatments – 19 / 2216 / GEN001 (A) dated September 2019 shall be implemented in full prior to the occupation of each relevant plot. The approved boundary treatments shall be retained thereafter for the lifetime of the development.

Reason: In the interests of residential amenity.

11

The development hereby permitted shall not begin until a scheme to deal with the contamination that has been previously identified in the Geodyne Supplementary Exploratory Investigation report dated 21<sup>st</sup> January 2020 has been submitted to and approved in writing by the Local Planning Authority.

The scheme shall take account of Environmental Health's requirement for the top metre being free from contamination and shall propose appropriate methodology for validation of all remedial measures.

Following acceptance of the proposed remediation scheme by the local planning authority, the developer shall implement the scheme and carry out validation as agreed. A validation report shall then be produced and submitted to the LPA for approval prior to the occupation of any dwelling hereby approved.

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 - 19 / 2216 / SITE001 Rev. I received 14<sup>th</sup> February 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.

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.

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.

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

No part of the development hereby approved shall commence until details and calculations in support of the highway drainage soakaway proposals have been first submitted to and approved in writing by the Local Planning Authority. Any proposed soakaway shall be located outside of the public highway boundary and suitable easement provided for maintenance access. The drainage soakaways shall be constructed in accordance with the approved details.

Reason: To ensure the highway drainage proposals can be accommodated and acceptably achieved within the extents shown on drainage drawing 0001/P03, and to protect the structural integrity of the highway and 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.

24

No part of the development hereby approved shall until an application has been made to the Highway Authority for enforceable waiting restrictions on both sides of the full length of Lord Hawke Way (within the extent of the prospective public highway), and the length of new access road immediately outside plots 47, 48, 61 & 62.

Reason: To prevent on-street parking that would be detrimental to the access and safety of other road users.

25

No development shall take place until a written scheme of archaeological investigation has been submitted to and approved by the Local Planning Authority. This scheme should include the following:

1. An assessment of significance and proposed mitigation strategy (i.e. preservation by record, preservation in situ or a mix of these elements).
2. A methodology and timetable of site investigation and recording
3. Provision for site analysis
4. Provision for publication and dissemination of analysis and records
5. Provision for archive deposition
6. Nomination of a competent person/organisation to undertake the work

The scheme of archaeological investigation must only be undertaken in accordance with the approved details.

Reason: To ensure the preparation and implementation of an appropriate scheme of archaeological mitigation in accordance with the National Planning Policy Framework.

26

The archaeological site work must be undertaken only in full accordance with the approved written scheme referred to in the above Condition. The applicant will notify the Local Planning Authority of the intention to commence at least fourteen days before the start of archaeological work in order to facilitate adequate monitoring arrangements. No variation shall take place without prior consent of the Local Planning Authority.

Reason: To ensure satisfactory arrangements are made for the recording of possible archaeological remains in accordance with the National Planning Policy Framework.

27

A report of the archaeologist's findings shall be submitted to the Local Planning Authority and the Historic Environment Record Officer at Nottinghamshire County Council within 3 months of the works hereby given consent being commenced unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to ensure that satisfactory arrangements are made for the investigation, retrieval and recording of any possible archaeological remains on the site. This Condition is imposed in accordance with the National Planning Policy Framework.

#### 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.

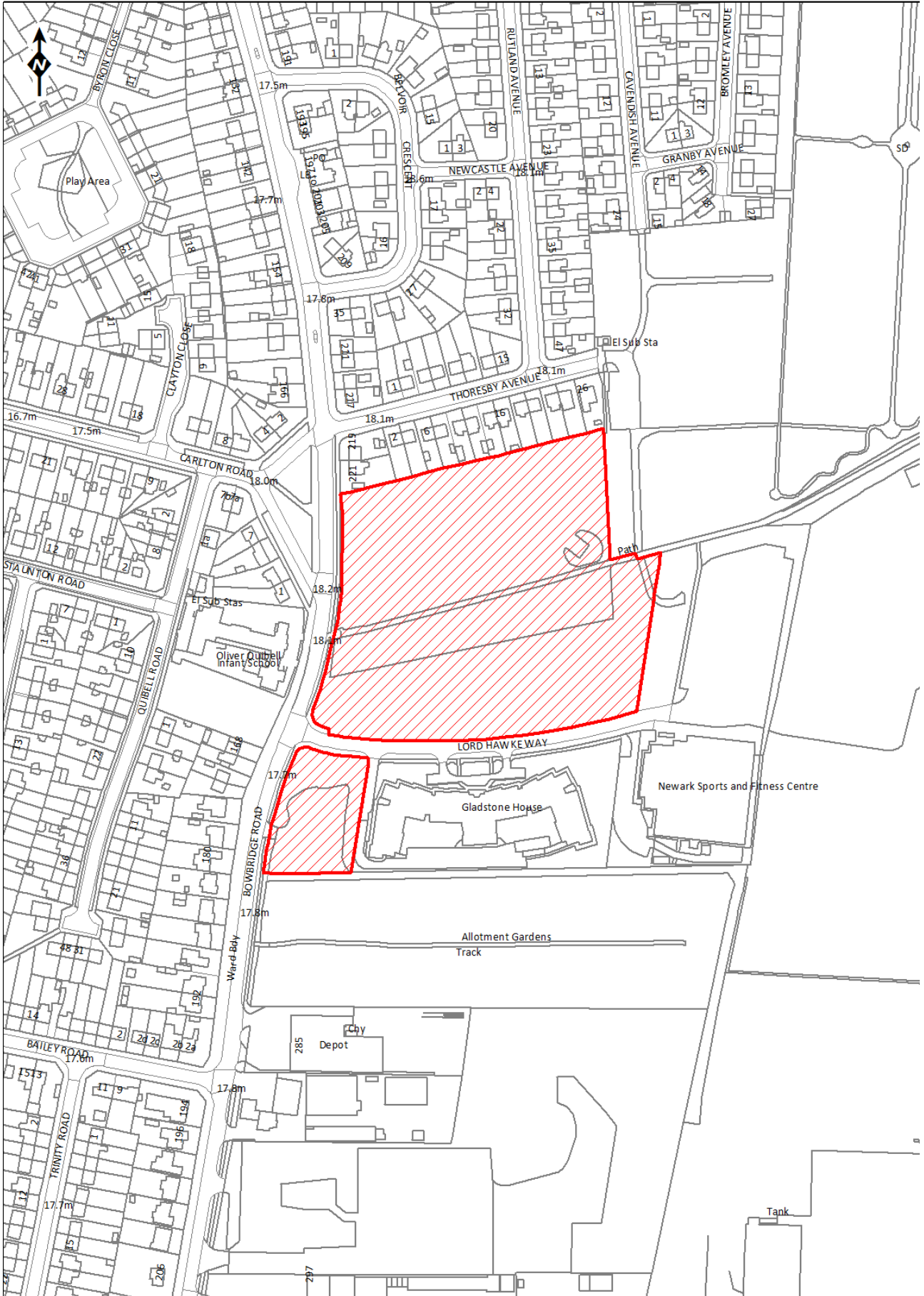
For further information, please contact Laura Gardner on extension 5907.

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**



Committee Plan - 20/00275/FULM



## PLANNING COMMITTEE – 31 MARCH 2020

<b>Application No:</b>	<b>20/00339/S73M (MAJOR)</b>	
<b>Proposal:</b>	<b>Application to vary condition 3 attached to 17/01693/FULM to allow changes to building, minor changes to elevations and other substitute information to accommodate additional wellbeing facilities and associated offices, and revised landscape design</b>	
<b>Location:</b>	<b>Community And Activity Village, Lord Hawke Way; Newark On Trent, NG24 4FH</b>	
<b>Applicant:</b>	<b>Mr Craig Berens - Nottinghamshire YMCA</b>	
<b>Agent:</b>	<b>Mr Chris Goodwin - Rayner Davies Architects</b>	
<b>Registered:</b>	<b>03.03.2020</b>	<b>Target Date: 02.06.2020</b>
<b>Website Link:</b>	<a href="https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=Q6B2NLLBG4000">https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=Q6B2NLLBG4000</a>	

**This application is being referred to the Planning Committee as part of the application site forms land under the control of the District Council.**

### The Site

The application site forms a large plot of land approximately 9.8 hectares immediately to the east of the Newark Leisure Centre. The site is within the urban area of Newark and defined as a public open space protected by SP8 policy. A rectangular portion to the east of the site is recognized as a site of interest in nature conservation being identified as a notable grassland with neutral and acid areas as defined by the Newark South Proposals Map in the Allocations and Development Management DPD.

The site has been subject to development in recent years in connection with the extant planning permission to which this application relates. At the time of the Officer site visit the site featured the approved car park immediately adjacent to (but separated from) the Leisure Centre car park as well as some of the approved sporting facilities including the Athletics track and football pitches. The south of the site was cordoned off by construction hoardings.

Land uses in the immediate vicinity include the aforementioned Leisure Centre as well as Gladstone House. Land to the west of the Leisure Centre car park is allocated for residential development which is being promoted by Arkwood. The eastern boundary of the site is defined by the Sustrans National Cycle Network which is set at a lower level to the site itself. There is a public bridleway dissecting the site which links Elm Avenue to Balderton Lakes. The rear gardens of residential properties along Bancroft Road abut the northern boundary of the site. Also abutting part of the northern boundary of the site is the designated conservation area but the site itself is outside of the CA. This element of the conservation area features Newark Cemetery.

## Relevant Planning History

**17/01693/FULM** - Existing playing fields and sports facilities to be altered, and supplemented by new sports playing pitches, cycle track, skate park, tennis courts, multi purpose pitches and provision of alternative route for existing bridleway.

Extension of playing pitch areas into vacant land to the East of current facilities.

Proposed building including crèche and pre-school facility, training, offices, music, dance and art studios, sports facilities, changing areas to serve both the internal and external sports, function rooms, cafe and kitchen.

*Application approved by Planning Committee in December 2017 and as referenced above has been implemented on site.*

**16/00947/FULM** - Use of former Tarmac land and part of existing sports ground for construction of a closed road cycle circuit. Erection of lighting columns, fencing, extension of existing car-park, and associated works including construction of a temporary haul road. *Application withdrawn.*

## The Proposal

The application has been submitted as a Section 73 application to vary the plan condition on the original approval in order to allow a number of changes to be made to the extant permission. These largely relate to the facilities within the approved building towards the western boundary of the site in response to the demand for an increased level of facility offer within the building. This would involve physical changes to the proposed building as summarized below:

- Increase in building footprint by around 250m<sup>2</sup> (from approximately 2,440m<sup>2</sup> to approximately 2,690m<sup>2</sup>);
- Increase in building floor space by around 834m<sup>2</sup> (including addition of mezzanine floor) to facilitate an increase in the area of the multi-purpose activity space and an increase in well-being and fitness and office administration space;
- Minor changes to fenestration details including use of two 'blind' windows to the second floor of the east elevation;
- Increased use of cladding to the south elevation;
- Increase in overall maximum pitch height by approximately 3.6m (from approximately 13.4m to approximately 17m);

There are also minor changes to the overall site arrangement including an increase in secure cycle provision and the relocation of cycle parking closer to the entrance. An additional area of car parking is also proposed to the east of the existing car park.

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

- Raynor Davies Architects covering letter dated 28<sup>th</sup> February and reference 2242/2.0/CJG;
- Planning Conditions Tracker (Rev. H 28/02/2020) RDA Ref: 2242;
- Travel Plan – BRNW-BSP-ZZ-XX-RP-D-0001-P04\_Travel\_Plan by bsp Consulting – 17-0391 dated March 2020;
- Transport Assessment - BRNW-BSP-ZZ-XX-RP-D-0001-P04\_Transport\_Assessmnet by bsp Consulting – 17-0391 dated March 2020;

- Design and Access Statement Rev. D;
- Location Plan – 2242(08)001 Rev. A dated 20/02/20;
- Site Plan – 2242(08)S01 Rev. C dated 17/03/20;
- Block Plan – 2242(08)002 Rev. B dated 25/02/20;
- Ground Floor Plan & Landscape – 2242(08)005 Rev. D dated 25/02/20;
- First Floor Plan – 2242(08)006 Rev. B dated 25/02/20;
- Roof Plan – 2242(08)007 Rev. B dated 24/02/20;
- Sections – 2242(08)008 Rev. B dated 24/02/20;
- Proposed Elevations – 2242(08)009 Rev. C dated 25/02/20;
- Second Floor Plan – 2242(08)012 dated 24/02/20;
- First Floor Mezzanine Plan – 2242(08)013 dated 25/02/20;
- Covering Letter 10<sup>th</sup> March 2020 – 2242/2.0/CJG;
- Coach Parking Phase 1 – 2242(15)006 Rev. A dated 17/03/2020;
- Car Park Layout & Details – 10976-WMS-ZZ-XX-DR-C-39503-D2-P03;
- Bsp Consulting letter dated 11<sup>th</sup> March 2020 – TB / 17-0391 – 08539497.

### Departure/Public Advertisement Procedure

Occupiers of 56 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 7 - Sustainable Transport

Spatial Policy 8 – Protecting and Promoting Leisure and Community Facilities

Core Policy 6 – Shaping our Employment Profile

Core Policy 9 -Sustainable Design

Core Policy 12 – Biodiversity and Green Infrastructure

Core Policy 13 – Landscape Character

Core Policy 14 – Historic Environment

NAP1 - Newark Urban Area

NAP3 – Newark Urban Area Sports and Leisure Facilities

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

DM1 – Development within Settlements Central to Delivering the Spatial Strategy

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)
- National Design Guide – Planning practice guidance for beautiful, enduring and successful places September 2019

## **Consultations**

**Newark Town Council** – No comments received to date (comments due 26<sup>th</sup> March 2020 so will be reported to Members as a late item).

**NCC Highways Authority** – *Additional comments received 18<sup>th</sup> March 2020:*

Concerns over the levels of parking provision and coach parking have been addressed by drawing 2242(08)S01 Rev C, and; drawing 2242(15)006 Rev A which refers to Phase 1 only.

A request has been made to revise the junction capacity calculations in light of recent developments. This is expected to confirm that the Lord Hawke Way/Bowbridge Road junction will operate satisfactorily. These calculations are awaited and it is intended that confirmation be provided prior to the Committee meeting.

In terms of varying condition 3 of 17/01693/FULM, no objections are raised subject to confirmation of the junction capacity issue, and; compliance with the above drawings.

*Original comments received 12<sup>th</sup> March 2020:*

There are three queries that I wish to raise.

### 1. Car parking.

In view of the increased floor area of the leisure facilities from 3938 sqm to 5548 sqm, I would expect an increase in parking of about 46 spaces (1 space per 35sqm). It is noted that the original leisure centre provided 172 spaces, with the later approval 17/01693/FULM Sports and Community Village offering another 108 spaces. At the time of the latter application, concerns were raised about the proposed level of car parking and its adequacy to meet demand (see condition 15). Subsequent to these permissions two things have occurred which suggest to me that these concerns were justified.

- a) Car parking on site has been increased by 58 spaces (on land not included in the above proposals), and;
- b) Double yellow lines have been applied to both sides of Lord Hawke Way. Although these would appear to be unenforceable (they are not on public highway, as yet)

These suggest that the existing facilities have experienced higher than estimated parking demand.

In conclusion, whilst it is understood that additional parking is now proposed over and above the levels previously permitted (albeit condition 15 does allow for review) it is my view that 46

additional spaces should be proposed in addition to all of the above figures; to offer a total of circa 384 public spaces.

## 2. Coach parking

In view of the perceived car parking demand outlined above, the proposal to cordon off car spaces to cater for coaches would appear to risk car parking occurring on the surrounding highways. Submitted drawings show 12 car spaces cordoned off, although more may be required if more than two coaches need to be accommodated.

## 3. Junction capacity

The revised Transport Assessment is an update of 2017 figures using estimated traffic growth rates. I would like to refer the consulting agent to the Transport Assessment produced for neighbouring application 20/00275/FULM which has more up-to-date traffic flow figures and incorporates further committed development.

So, as a sensitivity test I would ask that the agents use the base figures found in the TA for the 20/00275/FULM application; add their own generation figures and re-run the capacity calculations for the Bowbridge Road junction. It is recognised that the design year base flows for the housing development are for 2024 whereas 2026 is used for the YMCA application, but I am happy that the difference will be insignificant and can be ignored in this case.

I await a response to these points before submitting further comments.

**NSDC Environmental Health (contaminated land)** - I have recently received a copy of the Solmek Ground Gas Risk Assessment report dated 10<sup>th</sup> July 2018.

This report includes details of the gas monitoring carried out during 2018 and concludes that the risk to the site from ground gas is low and that no protection measures are required. I can concur with the findings of this report.

Furthermore I have received a copy of an email from the architect Chris Goodwin (dated 10<sup>th</sup> March 2020) which clarifies that the former Tarmac land (to the South East) remains outside of the development area and is not in the ownership of the applicant. Given this information I can confirm that the contamination condition and investigation is not applicable to this piece of land for this application as it currently stands.

Matters that remain outstanding are as follows:

- The remediation of soil pH in some acidic areas of the site.
- Provision of validation information for landscaping areas around the proposed building.

I would expect the submission of an appropriate validation report in order to confirm that the above matters have been addressed. As such I would recommend the use of the following condition:

*A validation report detailing the proposed remediation works and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology shall be submitted prior to Phase 2 of the development being brought into use.*

**No letters of representation have been received to date.**

### Comments of the Business Manager

#### Principle of Development

An application under Section 73 is in effect a fresh planning application but should be determined in full acknowledgement that a permission exists on the site. This Section provides a different procedure for such applications for planning permission, and requires the decision maker to consider only the question of the conditions subject to which planning permission was granted. As such, the principle of the approved development cannot be revisited as part of this application.

An application can be made under section 73 of the Town and Country Planning Act 1990 to vary or remove conditions associated with a planning permission. In determining such an application the local planning authority is only able to consider the question of the conditions subject to which planning permission should be granted, and—

- (a) if the authority decides that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, the authority shall grant planning permission accordingly, and
- (b) if the authority decides that planning permission should not be granted subject to the same conditions as those subject to which the previous permission was granted, the authority shall refuse the application.

The National Planning Policy Framework (NPPF) is clear that any new permission should set out all conditions related to it unless they have been discharged and that it cannot be used to vary the time limit for implementation which must remain unchanged from the original permission. Whilst the application has defined which conditions are sought to be varied, the local authority has the power to vary or remove other conditions if minded to grant a new planning consent.

#### Impact on Character

As a comprehensive development, there are large elements of the scheme which will have a minimal impact on the character of the area due to their low lying nature (i.e. the sports pitches). However, as with the assessment of the extant application, it remains the case that the greatest potential impact on the character of the area will be the proposed building along the western boundary of the site. As is detailed above, the premise for the current application is to seek changes to the approved size and scale of this building and therefore implicitly there is a likelihood of an increased character impact.

Whilst the increase in footprint is notable (approximately 250m<sup>2</sup>) as a proportion of the whole building this would be relatively unperceivable. The bulk of the increased floor space would be to the northern elevation of the building but would still not extend further northwards than the most northerly outshot of the approved building due to the plan form. The building is positioned

broadly centrally along the western boundary such that there would still be a significant distance of around 120m between the northern element of the building to be increased in size and the northern boundary of the site.

Notwithstanding the above, the revised plans also show a significant increase in the overall pitch height of around 3.6m taking the maximum building height to approximately 17m. It is worthy of note that this would not affect the whole building and would be to serve the function of the climbing wall and general purpose activity space. Clearly, such a significant building height in a dense urban context requires careful considerations even in the acknowledgement of the extant permission for a building of 13.4m. To give some context to the surroundings, the Leisure Centre is approximately 12m and Gladstone House approximately 11m. There is therefore no doubt that the proposed building would be a prominent addition to the surrounding area.

Although the site is within the Newark Urban area and therefore the surroundings are densely populated, the site itself is of a significant size such that the building would still be a significant distance from the majority of visual receptors who were not at the site (or perhaps the adjacent Leisure Centre) to utilize the facilities. The site is set back from Bowbridge Road by approximately 250m. The increase in building height, whilst significant, would not in my view amount to character harm above and beyond that already accepted by the extant scheme. The building would still very much be read in the context of the commercial Leisure Centre adjacent and the overall sporting and leisure offer within the site.

As is referenced by the description of the site above, the site is close to, but outside of the designated Conservation Area. 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. Policy DM9 reminds us that proposals should be compatible with the fabric of historic buildings. Key issues to consider in proposals for additions to heritage assets, including new development which has the potential to affect the setting of designated conservation areas, are proportion, height, massing, bulk, use of materials, land-use, relationship with adjacent assets, alignment and treatment of setting.

Clearly the increased height and scale of the proposed building has the potential to affect the setting of the Conservation Area and must be considered in the current determination. However, in the context of the distance to the Conservation Area and indeed the spaciousness of the area surrounding the building it is not considered that the increased scale proposed here would have a discernible impact on the heritage designation when compared to the already accepted extant scheme. This assessment has been confirmed by verbal discussions with the Council's Conservation Officer.

It is noted that the additional car parking proposed (as discussed further below) would partly occupy an area which was originally envisaged to be landscaped. Whilst this is not an ideal situation, there would still remain a small area for landscaping within the spaces as well as other areas within the wider site.

Overall, the revised plans would maintain an acceptable impact on the character of the area such that it would not be reasonable to resist the changes in this respect.



## Impact on Highways including Parking Provision

Spatial Policy 7 indicates that development proposals should be appropriate for the highway network in terms the volume and nature of traffic generated and ensure the safety, convenience and free flow of traffic using the highway are not adversely affected; and that appropriate parking provision is provided.

The current application has come about due to an increased interest in end occupiers for the building. To facilitate this, the overall floor space of the building is proposed to be increased. Logically speaking, an increase in occupation has the potential to have a knock on effect on the highways network through an increase in vehicular movements. The application has been accompanied by an updated Transport Assessment and Travel Plan to address this.

The updated Transport Assessment demonstrates an increased demand for car parking spaces (199 spaces) but contends that the 178 spaces originally proposed to be provided (representing 89% of the maximum) would be sufficient given that spaces would be shared between the uses and that the various uses within the site would have varying times of the year for optimum demand (i.e. tennis would be more in use in summer and football more in the winter). A total of 58 cycle spaces are also proposed.

It is only appropriate at this stage to assess the increased demand that may arise from the increased building size. The access from Bowbridge Road has already been established by the extant permission. The increase in traffic movements accountable by the revised plans now proposed has been assessed by NCC as the Highways Authority. As is detailed in the consultation section above, the original comments of the Highways Authority raised three potential issues with the submitted application namely, car parking; coach parking; and junction capacity.

In respect to car parking, it was suggested that an additional 46 additional spaces should be provided. These spaces have been demonstrated on a revised plan received 17<sup>th</sup> March 2020 shown adjacent to the existing car park taking up part of the space originally envisaged to be a skate park and a small area of landscaping (and therefore the skate park would be marginally reduced in area). NCC Highways have confirmed that they are happy with this arrangement and therefore there is no objection to the revisions on the basis of parking capacity.

Moving then to the issue of coach parking, the original permission included a condition seeking details of coach parking for the whole development. However, given the phased approach to delivery Officers consider it to be reasonable that there could be a phased approach to coach parking. This has been demonstrated on a revised plan following NCC Highways original comments and they have since confirmed that they are satisfied with this approach. A suitably worded condition could secure that the spaces shown would be available for coach parking.

The final outstanding matter is in relation to junction capacity with the Highways comments requesting consideration of the pending housing scheme from Bowbridge Road (reference 20/00275/FULM). A sensitivity test has been requested using the base figures within the housing application albeit NCC Highways have confirmed that it is not anticipated the results of the testing will be significant. The revised Transport Assessment and Travel Plan have been received and a consult instructed to NCC Highways. The comments will be reported to Members through the schedule of communication received after agenda print.

Overall the impacts to the highways network would not be significant as a consequence of the revised plans and in the context of the additional car parking demonstrated the increased use of the building would be fully catered for without leading to parking issues elsewhere. The scheme is therefore compliant with Spatial Policy 7 and the relevant elements of Policy DM5.

### Other Matters

The revised plans, despite their increased height and scale, are not considered to have a perceivable impact to neighbouring residential receptors in comparison to the extant scheme. The building is some 180m away from the nearest existing residential curtilage which would be a sufficient distance to alleviate overbearing impacts even with the substantial building height of 17m. It is noted that there is a currently pending application for housing development to the west of the site. However, the part of the building to be increased in height compared to the extant permission would still be over 100m away from these dwellings and therefore again there are no concerns in terms of an unacceptable overbearing impact.

The proposed mixed end use has already been established by the extant permission and would not change through the current submission. Whilst it is not necessary as part of the Section 73 determination to enter into a forensic assessment of the sporting facilities and pitch provision etc. it should nevertheless be identified that the very premise of the current application is to allow an increase in health and wellbeing facilities offer within the site. This would be a benefit to the local community and should be afforded positive weight in line with the aim of NAP 3 and the Council's Community Plan objectives.

### Conclusion

Notwithstanding that this application seeks to introduce plans which demonstrate a significantly scaled building, this has to be considered in the context of the extant permission which exists on the site. As is detailed by the assessment above, the additional character and highways impacts would not amount to harm which would warrant refusal of the revisions sought. In addition, positive weight should be added to the additional offer of community facilities which the increased building size would allow.

For ease of reference the conditions as originally imposed are listed in full below (in the recommendation section) with ~~striketrough~~ text used to represent parts of the condition no longer required and **bolded text** used to indicate new wording. A clean version of the condition (i.e. as they would appear on the decision notice) has also been included at Appendix 1.

### RECOMMENDATION

**That planning permission is approved subject to the conditions and reasons shown below subject to no additional material planning considerations arising through the remainder of the consultation process which expires on 2<sup>nd</sup> April 2020:**

#### 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~~

**01**

The development shall be implemented in accordance with the phasing scheme shown on drawing no. Revised Site Phase 3 - 2242 (03) 052 Rev. A received 10th November 2017 unless otherwise agreed in writing through a non-material amendment. Prior to the commencement of each Phase **beyond Phase 1**, a full detailed programme including anticipated timeframes should be submitted to and approved in writing by the Local Planning Authority. The agreed programme shall thereafter be implemented in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority. **To confirm, the approved details for Phase 1 were demonstrated by plan reference 2242(08)11 Rev. A as agreed through the discharge of condition letter dated 4<sup>th</sup> July 2018.** For the avoidance of doubt the car parking provision hereby approved within Phase 1 should be completed and available for use prior to the commencement of Phase 2.

Reason: In order for the development to be delivered in a satisfactory manner in the interests of ensuring that there is adequate parking provision available for the intended end uses and that the sporting offer is delivered in a way which addresses any potential losses of alternative provision.

~~03~~

**02**

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

- Revised Landscape Masterplan - NO455 08 001 Rev. B
- ~~Revised Site Layout Plan - 10976 (SK) 2041 Rev F~~
- Proposed Fencing- 10976 (SK) 2045 Rev. D
- Revised Site Phase 1 - 2242 (03) 050 Rev. A
- Revised Site Phase 2 - 2242 (03) 051 Rev. A
- Revised Site Phase 3 - 2242 (03) 052 Rev. A
- ~~Revised Ground Floor Plan - 2242 (08) 009 Rev. C~~
- ~~First Floor Plan - 2242 (08) 006 Rev. A~~
- ~~Roof Plan - 2242 (08) 007 Rev. A~~
- ~~Revised Elevations - 2242 (08) 009 Rev. B~~
- Horizontal Illuminance Levels - UKS11521 - 8A
- **Site Plan – 2242(08)S01 Rev. C dated 17/03/20;**
- **Block Plan – 2242(08)002 Rev. B dated 25/02/20;**
- **Ground Floor Plan & Landscape – 2242(08)005 Rev. D dated 25/02/20;**
- **First Floor Plan – 2242(08)006 Rev. B dated 25/02/20;**
- **Roof Plan – 2242(08)007 Rev. B dated 24/02/20;**
- **Sections – 2242(08)008 Rev. B dated 24/02/20;**
- **Proposed Elevations – 2242(08)009 Rev. C dated 25/02/20;**
- **Second Floor Plan – 2242(08)012 dated 24/02/20;**

- **First Floor Mezzanine Plan – 2242(08)013 dated 25/02/20**

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.

~~04~~

**03**

No development shall take place in respect to Phase 2 until details and samples of the materials identified below have been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Facing Materials

Bricks

Roofing Tiles

Reason: In the interests of visual amenity

~~05~~

**04**

~~Within three months of the commencement of the development hereby permitted, details of the boundary treatments shown on the approved plans (Proposed Fencing – 10976 (SK) 2045 Rev. D shall be submitted to and approved in writing by the LPA. The agreed details shall be implemented on site within 6 months of the commencement of the development and~~ **The boundary details shown on plan reference SS2409 05 Rev. 00 and Site Fencing Layout – 10976 – WMS – ZZ – XX – DR – C – 39002 –S8 –P01 (as agreed through the discharge of condition letter dated 16<sup>th</sup> April 2018) shall then be retained in full for the operational lifetime of the development. unless otherwise agreed in writing by the local planning authority.**

Reason: In the interests of residential and visual amenity.

~~06~~

**05**

~~No development (pursuant to Condition 2) shall take place within each phase until full details of hard landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include:~~

- ~~• detailed design (including scaled drawings at a scale not less than 1:50) of fences and gates surrounding the pitches and built form hereby approved;~~
- ~~• details of hard surfacing materials including the finish of the associated pitches;~~
- ~~• 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;~~
- ~~car parking layouts and materials;~~
- ~~other vehicle and pedestrian access and circulation areas;~~
- ~~proposed and existing functional services above and below ground (for example, drainage power, communications cables, pipelines etc. indicating lines, manholes, supports etc.)~~
- ~~details of storage equipment for each sporting element;~~
- ~~details of a scheme for CCTV coverage of public spaces~~

**Notwithstanding the additional area of car parking shown on plan reference Site Plan – 2242(08)S01 Rev. C dated 17/03/20 development shall thereafter be carried out in accordance with the approved hard landscape work details agreed by discharge of condition letter dated 4<sup>th</sup> July 2018 and retained for the operational lifetime of the development unless otherwise agreed in writing by the local planning authority. For the avoidance of doubt the approved details are shown on the following plan and document references:**

**Tree protection measures:**

- N0481 (96)001 Rev. D. ‘Northern ‘Wedge’ Soft Landscape Proposal’;
- 6737-A-05 Rev C Tree Retention & Protection Plan – South;
- 6737 Technical Note – Tree Removal & Mitigation, with Eco Management Plan Rev D;
- Technical Note (FPCR 15<sup>th</sup> May 2018)

**Hard surfacing materials including the finish of the associated pitches:**

- 2242(08)011 RevA Site Plan Phase 1
- 10976-WMS-ZZ-XX-DR-C-39504-D2-P05-SURFACING-18.03.28

**Proposed finished ground levels or contours:**

- 6 - 10976-WMS-ZZ-XX-DR-C-39004-S8-P01-LEVEL\_STRATEGY-18.04.10

**Car parking layouts and materials:**

- 10976-WMS-ZZ-XX-DR-C-39503-D2-P03-CAR\_PARK-18.03.07

**Proposed and existing functional services above and below ground:**

- Utilities Survey (5 Parts)
- AX1718-E-1001 B Proposed underground services and ductwork distribution schematic
- AX1718-E-1002 B Proposed underground duct services
- AX1718-E-7001 B DNO underground network power cable diversion
- AX1718-E-8001 B New LV incoming electricity underground services
- 10976-WMS-ZZ-XX-DR-C-39201-D2-P05-PHASE\_1\_DRAINAGE-18.03.28

**Details of storage equipment for each sporting element:**

- **10976(SK)2041\_K-Proposed Site Layout 18.09.05**

**Details of a scheme for CCTV coverage of public spaces**

- **AX1718-E-4001 B Proposed external CCTV & Tannoy coverage**
- **AX1718-E-4002 B Proposed external CCTV & Tannoy control**

Reason: In the interests of visual amenity; residential amenity; efficiency of sporting use and biodiversity.

~~07~~

**06**

The approved soft landscaping and associated mitigation works within each Phase pursuant to Condition-2 1 as demonstrated on the Landscape Masterplan reference NO455 (08) 001 Rev. B and the Grassland / Hedgerow Retention, Creation, Protection and Management Plan - 6737-E-07b shall be completed during the first planting season following the commencement of the development to each Phase, or such longer period as may be agreed in writing by the Local Planning Authority. For the avoidance of doubt these includes mitigation measures demonstrated such as the incorporation of log piles. Any trees/shrubs which, within a period of five years of being planted die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless otherwise agreed in writing by the Local Planning Authority. For the avoidance of doubt the hedgerows should be maintained to a minimum width of 2m and include a 1m margin of rough grassland.

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

~~08~~

**07**

The development shall be carried out in complete accordance with the mitigation recommendations contained in Section 4.37; 4.42; and 5.4 of the Ecological Appraisal undertaken by fpcr dated September 2017 unless otherwise agreed through approval of a non-material amendment to the permission. For the avoidance of doubt 4.27 requires that all lighting be turned off at 22:00 (all year round), to clarify there should be no illumination of the lighting hereby approved between the hours of 22:00 and 07:00. 4.42 relates to the need to safeguard grass snake and outlines a suitable method statement which must be complied with. 5.4 requires that the tree to be lost for arboriculture reasons should be subject to an endoscope inspection by a licenced bat worker immediately prior to removal.

Reason: In order to afford protection to protected species and to achieve ecological enhancements in line with the Core Strategy and the NPPF as submitted by the applicant.

~~09~~

08

~~No works shall commence until an Archeological written scheme of investigation (WSI) has been submitted to and approved by the LPA in writing. For land that is included within the WSI, no development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and~~

- ~~• The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works;~~
- ~~• The programme for post investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.~~

The development shall be carried out in accordance with the requirements and recommendations of the Written Scheme of Investigation dated 27<sup>th</sup> January 2018 and the 'Archaeological Watching Brief' dated February 2018 and 'Geophysical Survey' dated February 2018 as agreed through the discharge of condition letter dated 16<sup>th</sup> April 2018.

**Reason: To ensure that features of archaeological interest are properly examined and recorded.**

~~010~~

09

~~Unless otherwise agreed by the Local Planning Authority, development in each Phase pursuant to Condition 2, 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:~~
  - ~~o human health;~~
  - ~~o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;~~
  - ~~o adjoining land;~~
  - ~~o ground waters and surface waters;~~
  - ~~o ecological systems;~~

- ~~o archaeological sites and ancient monuments;~~
- ~~(iii) an appraisal of remedial options, and proposal of the preferred option(s).~~

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

#### ~~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.~~

**Prior to Phase 2 of the development being brought into use, a validation report detailing the proposed remediation works and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology agreed by the discharge of condition letter dated 4<sup>th</sup> July 2018 shall be submitted to the Local Planning Authority.**

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.



~~011~~

**010**

~~No development (pursuant to Condition 2) shall take place until details of a sustainable surface water drainage scheme for that phase based on the Flood Risk Assessment (report No 10976/12 dated September 2017) has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details and timetable. The scheme to be submitted shall:~~

- ~~i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;~~
- ~~ii) include a timetable for implementation of the scheme in relation to each phase of the development; and,~~
- ~~iii) provide a management and maintenance plan for the scheme, for the lifetime of the development, which shall include the arrangements for adoption of the scheme by any public authority or statutory undertaker, and any other arrangements to secure the operation of the scheme throughout its lifetime.~~

**The development shall be carried out in accordance with the following drainage details as agreed by discharge of condition letter dated 4<sup>th</sup> July 2018:**

- **Micro Drainage Calculations – 11189 dated 22/06/2018**
- **NCAV Phase 1 – Drainage Strategy – Rev. A**
- **SUDs Maintenance Schedules**
- **Maintenance 2006 Guide**
- **Pitch Drainage Layout – 11189(9)01**
- **Car Park Drainage Layout – 11189(9)02A**
- **Athletics Track layout – 11189(9)03**

Reason: To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures.

~~012~~

**011**

The development shall be carried out in complete accordance with the mitigation recommendations contained in Section 4.19 of the Noise Impact Assessment undertaken by Hepworth Acoustics dated September 2017 unless otherwise agreed through approval of a non-material amendment to the permission. For the avoidance of doubt this requires that the combined rating level of noise from any plant is controlled to be at least 3 dB below the existing background level at the nearest dwellings during the times of operation. As functions may run until 00:00 the combined rating level for all plant outside the nearest dwellings should be controlled to 32 dB, which is 3 dB below the lowest background level (LA90) measured until 00:00.

Reason: In the interests of residential amenity.

~~013~~

**012**

No hedge or tree that is to be removed as part of the development hereby permitted shall be lopped, topped, felled or otherwise removed during the bird nesting period (beginning of March to end of August inclusive) unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that adequate provision is made for the protection of nesting birds on site.

~~014~~

**013**

~~No development hereby approved shall be brought into use until details of how the staff car park served off Elm Avenue will be controlled and, if appropriate, enforced. Development shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.~~

**The staff car park served off Elm Avenue shall be controlled in accordance with the details enclosed within the letter dated 10<sup>th</sup> March 2020 – 2242/2.0/CJG. For the avoidance of doubt the car park should be controlled by a security gate during the daytime to which staff members have a key.**

Reason: To prevent uncontrolled use that may lead to on-street parking to the detriment of the safety and amenity of local residents.

~~015~~

~~Unless additional car parking is provided in accordance with a scheme which shall first be submitted to and approved in writing by the LPA (which can be via a future planning application) there shall, within 12 months of the development hereby approved being brought into use, be a parking review submitted to and agreed in writing by the LPA. The review shall detail the peak time usage of parking spaces demonstrated on plan reference Revised Site Layout Plan – 10976 (SK) 2041 Rev F and identify the need for any additional / overspill parking not already shown on the approved drawings. In the case that the review shows that there is a need for any additional / overspill parking then a separate planning application to agree the details of such parking provision shall be submitted and subsequently validated within 18 months of the development hereby approved being brought into use.~~

~~Reason: To ensure that adequate off street parking provision is made to reduce the possibilities of the proposed development leading to on street parking in the area.~~

~~016~~

**014**

~~No development hereby approved shall be brought into use until details of coach parking facilities have been submitted to and agreed in writing by the LPA. Development shall thereafter be carried~~

~~out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.~~

**For the duration of Phase 1, in accordance with the phasing scheme shown on drawing no. Revised Site Phase 3 - 2242 (03) 052 Rev. A received 10th November 2017, the coach parking as shown on plan reference Coach Parking Phase 1 – 2242(15)006 Rev. A dated 17/03/2020 shall be available for the parking of coaches and for no other purpose. Prior to the development within Phase 2 being brought into use, the coach parking as shown on plan reference Site Plan – 2242(08)S01 Rev. C dated 17/03/20 shall be available for the parking of coaches and for no other purpose. The coach spaces shall thereafter be retained for the operational lifetime of the development.**

Reason: To ensure that adequate off-street provision is made to reduce the possibilities of the proposed development leading to coaches parking on-street.

~~017~~

**015**

~~The development will require the diversion of public bridleway BW49 and no part of the development hereby permitted or any temporary works or structures shall obstruct the public bridleway until approval has been secured and the diversion of the bridleway has been constructed in accordance with a detailed design and specification first submitted to and approved in writing by the Local Planning Authority. The diverted footpath **shown on plan reference Bridleway Layout - 10976-WMS-ZZ-XX-DR-C-39501-D2-P05** shall remain available for public use during the operational life of the development.~~

Reason: To retain a safe and sustainable public right of way.

~~018~~

**016**

~~Notwithstanding the Travel Plan submitted, no part of the development hereby permitted shall be brought into use until a revised Travel Plan has been submitted to and approved in writing by the local planning authority. The Travel Plan shall set out proposals (including targets, a timetable and enforcement mechanism) to promote travel by sustainable modes which are acceptable to the local planning authority and shall include arrangements for monitoring of progress of the proposals. The Travel Plan shall be implemented in accordance with the details set out in that plan unless otherwise agreed in writing by the local planning authority.~~

**The development shall be carried out in accordance with the Travel Plan – BRNW-BSP-ZZ-XX-RP-D-0001-P04\_Travel\_Plan by bsp Consulting – 17-0391 dated March 2020; specifically the action plan at Appendix B with the exception that the monitoring and review of the Travel Plan should be submitted to and approved in writing by the Local Planning Authority in consultation with Nottinghamshire County Council as the Highways Authority.**

Reason: To promote sustainable travel.

~~019~~

017

~~Before the 3G Football Pitch and Community Sports Pitch as demonstrated on plan reference Revised Site Layout Plan 10976 (SK) 2041 Rev F are brought into use, a Management and Maintenance Scheme for the facility including management responsibilities, a maintenance schedule and a mechanism for review shall be submitted to and approved in writing by the Local Planning Authority [after consultation with Sport England]. The scheme should add measures to ensure the replacement of the Artificial Grass Pitch within a specified period. The measures set out in the approved scheme shall be complied with in full, with effect from commencement of use of the 3G Football Pitch and Community Sports Pitch.~~

**The Management and Maintenance of the 3G Football Pitch and Community Sports Pitch shall be carried out in accordance with the details received 26<sup>th</sup> September in line with the discharge of condition letter dated 18<sup>th</sup> January 2019.**

Reason: To ensure that the new facilities are capable of being managed and maintained to deliver facilities which are fit for purpose, sustainable and to ensure sufficient benefit of the development to sport and to accord with Development Plan Policy SP8 and the NPPF.

020

018

~~Notwithstanding the details submitted on plan reference Horizontal Illuminance Levels UKS11521-8A no development (pursuant to Condition 2) shall take place within each phase until full details of any external lighting within that phase have been submitted to and approved in writing by the local planning authority. The details shall include:~~

- ~~● Details of the survey of the surrounding night environment~~
- ~~● Identification of critical view points~~
- ~~● Establishment and calculation of existing lighting conditions~~
- ~~● Summary of baseline measurements and/or calculations~~
- ~~● Analysis of task lighting level recommendations~~
- ~~● Establishment of environmental light control limits~~
- ~~● Statement of new lighting design quality objectives~~
- ~~● Calculated measurement of task working areas~~
- ~~● Calculated measurement of overspill areas~~
- ~~● Obtrusive light calculation of property intrusion~~
- ~~● Viewed source intensities including nominal glare assessment~~
- ~~● Direct upward light ratio~~
- ~~● Comparison of design achievement with baseline values~~
- ~~● Designers critique of final design constraints~~
- ~~● View point visualisation~~
- ~~● Virtual walkthrough of illuminated site~~
- ~~● Schedule of model reflection factors~~
- ~~● Schedule of luminaire mounting heights and aiming angles~~
- ~~● Layout plan with beam orientation indication.~~

The lighting scheme as shown through the following approved details as agreed by discharge of condition letter dated 4<sup>th</sup> July 2018:

- **Details of survey of surrounding night sky contained within the ecological report forming part of the main application 17/01693/FULM**
- **AX1718-E-3001 B General amenity lighting scheme**
- **AX1718-E-3002 B Athletics track lighting**
- **USK11521-9 Site wide horizontal illuminance levels**
- **USK11521-11A 3G pitch horizontal illuminance levels**

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 unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual and residential amenity.

#### Notes to Applicant

01

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

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

02

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

#### BACKGROUND PAPERS

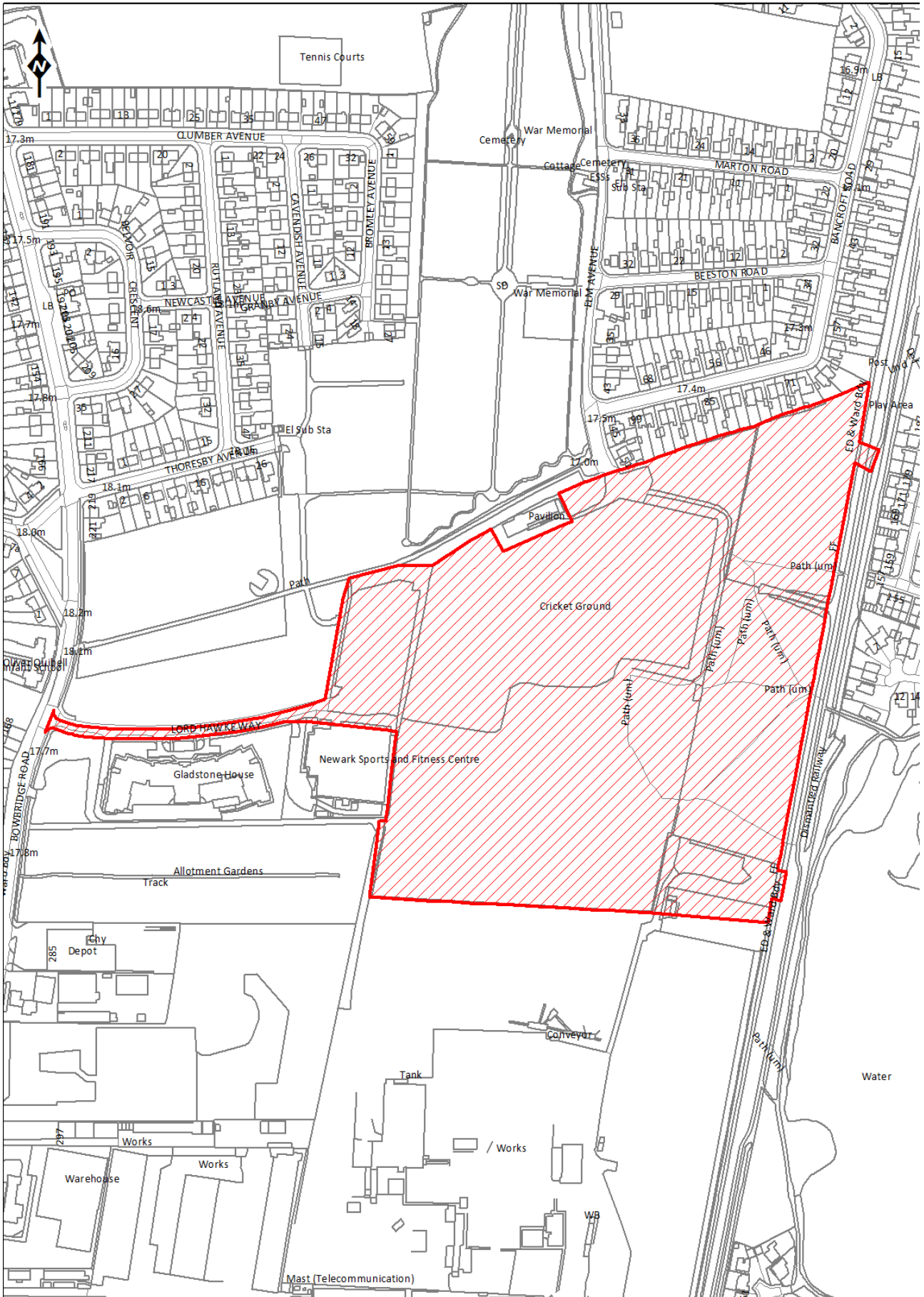
Application case file.

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 - 20/00339/S73M



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## 20/00339/S73M – Appendix 1 – Conditions

01

The development shall be implemented in accordance with the phasing scheme shown on drawing no. Revised Site Phase 3 - 2242 (03) 052 Rev. A received 10th November 2017 unless otherwise agreed in writing through a non-material amendment. Prior to the commencement of each Phase beyond Phase 1, a full detailed programme including anticipated timeframes should be submitted to and approved in writing by the Local Planning Authority. The agreed programme shall thereafter be implemented in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority. To confirm, the approved details for Phase 1 were demonstrated by plan reference 2242(08)11 Rev. A as agreed through the discharge of condition letter dated 4<sup>th</sup> July 2018. For the avoidance of doubt the car parking provision hereby approved within Phase 1 should be completed and available for use prior to the commencement of Phase 2.

Reason: In order for the development to be delivered in a satisfactory manner in the interests of ensuring that there is adequate parking provision available for the intended end uses and that the sporting offer is delivered in a way which addresses any potential losses of alternative provision.

02

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

- Revised Landscape Masterplan - NO455 08 001 Rev. B
- Proposed Fencing- 10976 (SK) 2045 Rev. D
- Revised Site Phase 1 - 2242 (03) 050 Rev. A
- Revised Site Phase 2 - 2242 (03) 051 Rev. A
- Revised Site Phase 3 - 2242 (03) 052 Rev. A
- Horizontal Illuminance Levels - UKS11521 - 8A
- Site Plan – 2242(08)S01 Rev. C dated 17/03/20;
- Block Plan – 2242(08)002 Rev. B dated 25/02/20;
- Ground Floor Plan & Landscape – 2242(08)005 Rev. D dated 25/02/20;
- First Floor Plan – 2242(08)006 Rev. B dated 25/02/20;
- Roof Plan – 2242(08)007 Rev. B dated 24/02/20;
- Sections – 2242(08)008 Rev. B dated 24/02/20;
- Proposed Elevations – 2242(08)009 Rev. C dated 25/02/20;
- Second Floor Plan – 2242(08)012 dated 24/02/20;
- First Floor Mezzanine Plan – 2242(08)013 dated 25/02/20

unless otherwise agreed in writing by the Local Planning Authority through the approval of a non-material amendment to the permission.

Reason: So as to define this permission.

03

No development shall take place in respect to Phase 2 until details and samples of the materials identified below have been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Facing Materials

Bricks

Roofing Tiles

Reason: In the interests of visual amenity

04

The boundary details shown on plan reference SS2409 05 Rev. 00 and Site Fencing Layout – 10976 – WMS – ZZ – XX –DR – C – 39002 –S8 –P01 (as agreed through the discharge of condition letter dated 16<sup>th</sup> April 2018) shall be retained in full for the operational lifetime of the development.

Reason: In the interests of residential and visual amenity.

05

Notwithstanding the additional area of car parking shown on plan reference Site Plan – 2242(08)S01 Rev. C dated 17/03/20 development shall be carried out in accordance with the approved hard landscape work details agreed by discharge of condition letter dated 4<sup>th</sup> July 2018 and retained for the operational lifetime of the development. For the avoidance of doubt the approved details are shown on the following plan and document references:

Tree protection measures:

- N0481 (96)001 Rev. D. 'Northern 'Wedge' Soft Landscape Proposal';
- 6737-A-05 Rev C Tree Retention & Protection Plan – South;
- 6737 Technical Note – Tree Removal & Mitigation, with Eco Management Plan Rev D;
- Technical Note (FPCR 15<sup>th</sup> May 2018)

Hard surfacing materials including the finish of the associated pitches:

- 2242(08)011 RevA Site Plan Phase 1
- 10976-WMS-ZZ-XX-DR-C-39504-D2-P05-SURFACING-18.03.28

Proposed finished ground levels or contours:

- 6 - 10976-WMS-ZZ-XX-DR-C-39004-S8-P01-LEVEL\_STRATEGY-18.04.10



Car parking layouts and materials:

- 10976-WMS-ZZ-XX-DR-C-39503-D2-P03-CAR\_PARK-18.03.07

Proposed and existing functional services above and below ground:

- Utilities Survey (5 Parts)
- AX1718-E-1001 B Proposed underground services and ductwork distribution schematic
- AX1718-E-1002 B Proposed underground duct services
- AX1718-E-7001 B DNO underground network power cable diversion
- AX1718-E-8001 B New LV incoming electricity underground services
- 10976-WMS-ZZ-XX-DR-C-39201-D2-P05-PHASE\_1\_DRAINAGE-18.03.28

Details of storage equipment for each sporting element:

- 10976(SK)2041\_K-Proposed Site Layout 18.09.05

Details of a scheme for CCTV coverage of public spaces

- AX1718-E-4001 B Proposed external CCTV & Tannoy coverage
- AX1718-E-4002 B Proposed external CCTV & Tannoy control

Reason: In the interests of visual amenity; residential amenity; efficiency of sporting use and biodiversity.

06

The approved soft landscaping and associated mitigation works within each Phase pursuant to Condition 1 as demonstrated on the Landscape Masterplan reference NO455 (08) 001 Rev. B and the Grassland / Hedgerow Retention, Creation, Protection and Management Plan - 6737-E-07b shall be completed during the first planting season following the commencement of the development to each Phase, or such longer period as may be agreed in writing by the Local Planning Authority. For the avoidance of doubt these includes mitigation measures demonstrated such as the incorporation of log piles. Any trees/shrubs which, within a period of five years of being planted die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless otherwise agreed in writing by the Local Planning Authority. For the avoidance of doubt the hedgerows should be maintained to a minimum width of 2m and include a 1m margin of rough grassland.

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

07

The development shall be carried out in complete accordance with the mitigation recommendations contained in Section 4.37; 4.42; and 5.4 of the Ecological Appraisal undertaken by fpcr dated September 2017 unless otherwise agreed through approval of a non-material amendment to the permission. For the avoidance of doubt 4.27 requires that all lighting be turned off at 22:00 (all year round), to clarify there should be no illumination of the lighting hereby approved between the hours of 22:00 and 07:00. 4.42 relates to the need to safeguard grass snake and outlines a suitable method statement which must be complied with. 5.4 requires that the tree to be lost for arboriculture reasons should be subject to an endoscope inspection by a licenced bat worker immediately prior to removal.

Reason: In order to afford protection to protected species and to achieve ecological enhancements in line with the Core Strategy and the NPPF as submitted by the applicant.

08

The development shall be carried out in accordance with the requirements and recommendations of the Written Scheme of Investigation dated 27<sup>th</sup> January 2018 and the 'Archaeological Watching Brief' dated February 2018 and 'Geophysical Survey' dated February 2018 as agreed through the discharge of condition letter dated 16<sup>th</sup> April 2018.

Reason: To ensure that features of archaeological interest are properly examined and recorded.

09

Prior to Phase 2 of the development being brought into use, a validation report detailing the proposed remediation works and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology agreed by the discharge of condition letter dated 4<sup>th</sup> July 2018 shall be submitted to the Local Planning Authority.

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.

010

The development shall be carried out in accordance with the following drainage details as agreed by discharge of condition letter dated 4<sup>th</sup> July 2018:

- Micro Drainage Calculations – 11189 dated 22/06/2018
- NCAV Phase 1 – Drainage Strategy – Rev. A
- SUDs Maintenance Schedules
- Maintenance 2006 Guide
- Pitch Drainage Layout – 11189(9)01

- Car Park Drainage Layout – 11189(9)02A
- Athletics Track layout – 11189(9)03

Reason: To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures.

011

The development shall be carried out in complete accordance with the mitigation recommendations contained in Section 4.19 of the Noise Impact Assessment undertaken by Hepworth Acoustics dated September 2017 unless otherwise agreed through approval of a non-material amendment to the permission. For the avoidance of doubt this requires that the combined rating level of noise from any plant is controlled to be at least 3 dB below the existing background level at the nearest dwellings during the times of operation. As functions may run until 00:00 the combined rating level for all plant outside the nearest dwellings should be controlled to 32 dB, which is 3 dB below the lowest background level (LA90) measured until 00:00.

Reason: In the interests of residential amenity.

012

No hedge or tree that is to be removed as part of the development hereby permitted shall be lopped, topped, felled or otherwise removed during the bird nesting period (beginning of March to end of August inclusive) unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that adequate provision is made for the protection of nesting birds on site.

013

The staff car park served off Elm Avenue shall be controlled in accordance with the details enclosed within the letter dated 10<sup>th</sup> March 2020 – 2242/2.0/CJG. For the avoidance of doubt the car park should be controlled by a security gate during the daytime to which staff members have a key.

Reason: To prevent uncontrolled use that may lead to on-street parking to the detriment of the safety and amenity of local residents.

014

For the duration of Phase 1 in accordance with the phasing scheme shown on drawing no. Revised Site Phase 3 - 2242 (03) 052 Rev. A received 10th November 2017 the coach parking as demonstrated on plan reference Coach Parking Phase 1 – 2242(15)006 Rev. A dated 17/03/2020 shall be available for the parking of coaches and for no other purpose.

Prior to the development within Phase 2 being brought into use, the coach parking as demonstrated on plan reference Site Plan – 2242(08)S01 Rev. C dated 17/03/20 shall be available for the parking of coaches and for no other purpose. The coach spaces shall thereafter be retained for the operational lifetime of the development.

Reason: To ensure that adequate off-street provision is made to reduce the possibilities of the proposed development leading to coaches parking on-street.

015

The diverted footpath shown on plan reference Bridleway Layout - 10976-WMS-ZZ-XX-DR-C-39501-D2-P05 shall remain available for public use during the operational life of the development.

Reason: To retain a safe and sustainable public right of way.

016

The development shall be carried out in accordance with the Travel Plan – BRNW-BSP-ZZ-XX-RP-D-0001-P04\_Travel\_Plan by bsp Consulting – 17-0391 dated March 2020; specifically the action plan at Appendix B with the exception that the monitoring and review of the Travel Plan should be submitted to and approved in writing by the Local Planning Authority in consultation with Nottinghamshire County Council as the Highways Authority.

Reason: To promote sustainable travel.

017

The Management and Maintenance of the 3G Football Pitch and Community Sports Pitch shall be carried out in accordance with the details received 26<sup>th</sup> September in line with the discharge of condition letter dated 18<sup>th</sup> January 2019.

Reason: To ensure that the new facilities are capable of being managed and maintained to deliver facilities which are fit for purpose, sustainable and to ensure sufficient benefit of the development to sport and to accord with Development Plan Policy SP8 and the NPPF.

018

The lighting scheme as shown through the following approved details as agreed by discharge of condition letter dated 4<sup>th</sup> July 2018:

- Details of survey of surrounding night sky contained within the ecological report forming part of the main application 17/01693/FULM
- AX1718-E-3001 B General amenity lighting scheme
- AX1718-E-3002 B Athletics track lighting
- USK11521-9 Site wide horizontal illuminance levels
- USK11521-11A 3G pitch horizontal illuminance levels

shall 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 unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual and residential amenity.

#### Notes to Applicant

01

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

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

02

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

## PLANNING COMMITTEE – 31 MARCH 2020

<b>Application No:</b>	<b>19/02159/FUL</b>	
<b>Proposal:</b>	<b>Development of one temporary construction access point</b>	
<b>Location:</b>	<b>Land at Ollerton Road, Edwinstowe</b>	
<b>Applicant:</b>	<b>Harworth Group Plc</b>	<b>Agent: Pegasus Group – Mr Steve Lewis-Roberts</b>
<b>Registered:</b>	<b>23 December 2019</b>	<b>Target Date: 17 February 2020</b>
	<b>Extension of Time Agreed Until 2 April 2020</b>	

**This application is being referred to the Planning Committee for determination by all 3 of its local ward members on the grounds of highway safety.**

### The Site

The application site, as originally submitted, relates to two areas of land adjacent to the A6075 Ollerton Road in Edwinstowe.

The eastern most area of land (immediately adjacent to Phase 1 of the wider redevelopment) was an existing field access in a clearing of mature vegetation. Some construction works have already been carried out within the site area such as the laying of kerbs, hardcore etc) but falls short of connecting to the highway. This area is currently fenced off with high metal fencing along the back edge of the footway.

The western most area of land (immediately adjacent to Phase 2 of the wider site) comprises an existing agricultural access point between hedgerows.

**Extract: Google Street View (prior to enabling works beginning)**



## Relevant Planning History

The most relevant applications are, in brief, as follows:

**16/02173/OUTM** – Outline planning permission for a residential development up to 800 dwellings, a strategic employment site comprising up to 4,855 sqm class B1a, up to 13,760 sqm class B1c, and up to 13,760 sqm class B2, a new country park, a local centre, containing a mix of leisure, commercial, employment, community, retail health, and residential uses, a primary school, open space and green infrastructure together with associated access works including the details of the primary access junctions into the site from Ollerton Road. Approved March 2019 subject to 51 conditions and a S106 Planning Agreement which secured a range of developer contributions.

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

**19/01016/RMAM** - Reserved matters application for Phase 1 (Harron Homes Ltd) residential development comprising 143 dwellings with access gained from the primary, central spine road. This was approved 4<sup>th</sup> December 2019.

**19/01865/RMAM** – Phase 2; Reserved Matters submission for 219 dwellings with access gained from the primary, central spine road (permitted under 19/00674/RMAM) including open space, landscaping (soft and hard) and associated internal road infrastructure. Application lodged by Barratt Homes in October 2019 which is currently pending consideration.

## The Proposal

Full planning permission was originally sought for the erection of two construction access points to serve Phases 1 and 2 of the Thoresby Colliery redevelopment from Ollerton Road. Part of the proposed access to serve Phase 1 has already been installed albeit it currently stops short of linking to the highway and thus is not in use, as such.

However due to concerns regarding highway safety, the application has been amended to one construction access serving Phase 2. The access is to be for a temporary period during the construction period of Phase 2 only which would be removed and replaced with a permanent pedestrian link and associated landscaping.

The applicant’s agent has confirmed that no trees have been removed nor are required to be to reflect the locations of the existing agricultural access points.

It should be noted that trees have been removed elsewhere to facilitate the installation of the foul sewer crossing, in accordance with the enabling works permission.

## The Submission

The application, as amended, is accompanied by the following:

- Drawing 17109-S184-P2-1100-001 Rev A (S184 Construction Access, Phase 2, Kerbing and Drainage)
- Drawing 17109-S184-P2-1200-001 Rev A (S184 Construction Access, Phase 2 Road Markings and Signing)
- Drawing No. 17109-S184-P2-0000-001 Rev C (S184 Construction Access Phase 2 General Arrangement)
- Drawing No. 190572-CA-SK01 Rev C (Construction Access Signing and Lining)
- Drawing No. 17109-S184-P2-0200-001 Rev A (S184 Construction Access Phase 2 Site Clearance)
- Drawing No. 17109-S184-P2-0700-001 Rev A (S184 Construction Access Phase 2 Earthworks and Surface Finishes)
- Drawing No. 024/THS/MAJ/A2, Layout 1
- Stage 1 Completion of Preliminary Design - Road Safety Audit, Feb 2020 by Via

## Departure/Public Advertisement Procedure

Occupiers of 7 properties have been individually notified by letter. A site notice has also been displayed near to the site expiring 29<sup>th</sup> January 2020.

## 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 5 – Delivering Strategic Sites  
Spatial Policy 6 – Infrastructure for Growth  
Spatial Policy 7 - Sustainable Transport  
Core Policy 6 – Shaping our Employment Profile  
Core Policy 9 -Sustainable Design  
Core Policy 10 – Climate Change  
Core Policy 12 – Biodiversity and Green Infrastructure  
Core Policy 13 – Landscape Character  
Core Policy 14 – Historic Environment  
ShAP 4 - Land at Thoresby Colliery

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

DM1 – Development within Settlements Central to Delivering the Spatial Strategy  
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

### **Consultations**

**Edwinstowe Parish Council** – Updated comments awaited and will be reported to the Planning Committee upon receipt.

**30.01.2020:** “I am writing as Chair of Edwinstowe Parish Council. It is appreciated that our response to planning application 19/02159/FUL has already been sent to the Planning Department.

However, following our Full Council Meeting on 14<sup>th</sup> January I have been asked to add further comment on behalf of all Councillors at that meeting.

The application appears to be retrospective because there are well advanced works on extra entrance roads which have already taken place. The Council was also disappointed to see that a number of trees have been felled. It was the Parish Council’s understanding, when an earlier application was considered, that trees and hedgerows would as far as possible be retained.

Concerns were also expressed that what is initially a temporary road will, almost by default become, de facto, permanent. We have also recently received another application for another phase of building on the Thoresby site. This states that the original central access road is the entrance to the site. It would be appreciated that it is made clear to the Developer that extra roads are not acceptable.

Our three District Councillors have raised this issue with you I know. We feel so strongly about it, as a Parish Council, that we and the District Councillors shall all be following building progress on the Thoresby site both closely and keenly.”

**10.01.20:** “The committee feel that as there is an increase in the number of access and egress points then there should be signage to that effect. It is appreciated that this is a highways issue and they are the deciding body. As there is likely to be an increase in the amount of mud on the road then where would wheel washing equipment be placed? Ensure the developers wash the road on a regular basis to keep the road clear of mud. The members would like to know why this has only just cropped up and wasn’t on the original development plan. It is felt there is a lack of information coming forward as to why these access points are required.

Cllr Brooks and Cllr Peck are to prepared to leave this open but would like their views to be taken into consideration.”

### **NCC Highways Authority – (17.03.2020)**

“This proposal has changed from two access points to one access point; west of the main Thoresby Colliery spine road.

The scheme has been technically reviewed and safety audited and the latest revised submitted with a letter dated 28 February 2020 are acceptable to this Authority.”

NCC then go on to recommend 3 conditions and 1 informative which are repeated (and strengthened to make more robust) in the conditions section of this report.

**07.01.20:** Object: 'It is considered that the proposed accesses will unnecessarily create additional points of hazard, with turning lorries being unprotected by any right turn lane.

Access can and should be taken from the main spine road which will have right turn lane provision. Both the sites, to the west and east of the main spine road can easily be accessed off this road via other proposed internal roads, or via temporary accesses.

In addition, having a single lorry access point via the main spine road will reduce the potential for mud and debris being dragged on to Ollerton Road.

In line with the current Nottinghamshire Highway Design Guidance, the soon-to-be published revised guidance states:

*"We will look to severely restrict access to the most important high-standard routes. Elsewhere, particularly in urban locations, we will apply a more flexible approach subject to complying with this design guidance. We will not support planning applications that raise concerns about road safety.*

*We will normally consider restrictions on new accesses for vehicles from 'A' and 'B' class roads and the increased use of existing accesses on:*

- roads with a speed limit above 40 mph (that is 50mph, 60mph or 70mph) or *where measured vehicle speeds are in excess of 40mph;*
- roads with a speed limit of 40mph or less which are essentially rural in nature;
- *roads that are at or near capacity (cannot carry more traffic); and*
- roads where there is an existing problem with road safety.

*New accesses for vehicles and the increased use of existing accesses on other classified and unclassified roads will normally be restricted on:*

- *roads where there is an existing problem with road safety;*
- *other routes that are not suitable to carry the additional traffic and type of traffic from the development.*

*If access to a development can be gained off a minor or side road, you should normally consider this option as preferable (with improvements to the junction of the minor side road with the main road as necessary)."*

In conclusion it is considered that this application be refused on the grounds that, given the nature of Ollerton Road, road safety will be compromised by the unnecessary addition of access/conflict points off a principle road, which includes the lack of right turning lanes.'

**Representations from 4 local residents have been received objecting to the application. These can be summarised as follows:**

- Layout and signage purely aimed at satisfying highway concerns about merging traffic, total disregard for users of Ollerton Road as speed limit reductions and rumble strips will adversely impact on traffic flow.
- Nothing to overcome excessive soiling of Ollerton Road

- Additional construction access points are not needed and will have a detrimental effect on the area;
- No justification has been provided for these additional access points. Construction vehicles already access both sites via the development's spine road;
- Direct access from both sites onto Ollerton Road will result in excessive soiling of the highway and hinder the flow of traffic. Wheel-washing facilities could overcome this issue, however, concerned that a number sites where they were claimed to be present but, based on the amount of mud on the highway, were not actually used. Road sweepers are slow moving and would therefore restrict the flow of traffic.
- Access and egress should be via the spine road so that the vast majority of soiling will be on the spine road rather than on the public highway and road sweepers will be able to operate without obstructing traffic using Ollerton Road;
- Noted that the preparations (kerb stones concreted in place, etc.) for the Phase 1 access point that this application is for has already been done (short of actually connecting it to Ollerton Road), showing a high handed attitude in regard to the planning department and giving the impression that Haworth Estates thought it would automatically be given permission;
- The fact that accesses haven't previously been shown on plans shows developers knew from the beginning that these access points were unnecessary and problematical;
- Ask that decision makers give priority to minimising the adverse effect that this application will have on users of Ollerton Road and seriously consider the proposed alternative approach;
- All previous objections and concerns have gone unexplained;
- From the outset "Harworth" have steam rolled this application, preying on the fact that in our opinion, N&SDC have limited resource, to manage more large developments, in a rural district, already overwhelmed with ongoing sites!
- The extensive, environmentally sensitive "ex Thoresby Colliery", is presently being transformed into a "builders heaven"!
- Concern at apparent disregard for the Authority;
- To add insult to further injury, on 15th November 2019 a river was running onto the A6075 depositing the disturbed ground where it shouldn't? Therefore we're adamant that until the spine road is completed this site should be served a stop notice.
- Proposed layout and signage is purely aimed at satisfying any Highways concerns about merging traffic - total disregard for users of Ollerton Road as speed limit reductions and rumble strips will adversely impact on traffic flow.
- Nothing has been proposed to overcome excessive soiling of Ollerton Road, it is already an issue that the two accesses would make worse.

### Comments of the Business Manager

#### Principle

The site is identified in the Development Plan as a strategic site for housing and employment uses as well as other leisure and community uses. Indeed outline permission exists for this and reserved matters approvals have so far been issued for 143 dwellings as well as some enabling infrastructure work. Policy ShAP4 (Land at Thoresby Colliery) sets out a framework for the expectations of this development; one of which (point 12iii) is to 'minimise the impact of the development on the existing transport network'.

The application was originally made for two temporary access points; one to serve Phase 1 (essentially the 143 dwellings approved to Harron Homes) and the other to serve Phase 2 (which is currently being promoted for dwellings by Barratt/David Wilson Homes). Due to identified highway safety harm the scheme has been revised to now relate to just the access serving Phase 2. This is the access located closest to Edwinstowe and which is currently served by an existing agricultural access.

It may assist Members to put into context existing access arrangements for the wider strategic site. As part of the outline consent, two permanent accesses were approved; 1) the western (central) access which utilises the former main Colliery access road and 2) the eastern access which will be a new entrance in to the site serving the 20 acres of land allocated for employment use. Conditions 23 and 24 of the outline consent provides for the delivery of these accesses to be phased, prior to 1st/400th occupations respectively.

Extract from approved plan - showing approved access points



The proposal now before Members would involve utilising (and upgrading) an existing agricultural access point as a temporary construction access for use by the developers of Phase 2 only. The applicant has indicated that following Phase 2 build completion, the temporary construction access would be removed and reinstated as permanent pedestrian link with associated landscaping.

The applicant has been asked to justify the reason for the access given that the main central access was previously intended to serve both construction and pedestrian access. They have stated that:

*“The separation of the Housebuilder construction traffic will support the clear isolation of construction traffic from the residential sites to manage and mitigate dust, mud and noise for the residents. It will assist Harworth in the consortium management of the site from a Health and Safety perspective, with clearly defined entrance points for each contractor.*

*We are however mindful of the resident and consultee responses received to the recent planning application for the temporary construction accesses, in particular from the Parish Council, outlining their concerns about the number of access points. In view of this, we have reviewed the*

*construction programme and associated cash flow for the site to accelerate the installation of the eastern access.*

*The eastern access is currently programmed to be installed prior to the occupation of 400th residential unit or 50% of the employment space, anticipated 4 – 5 years. Whilst a considerable expense in accelerating the installation of this new junction, initially for use by Harron (phase 1) in lieu of providing a separate Harron (Phase 1) temp construction access, we consider it to be a pragmatic solution which considers the concerns from local stakeholders and delivers the separation Harworth require.”*

In anticipation of the questions that Members may have, the applicant has been asked what has changed since the granting of the outline permission which means this temporary access is now required, their response is below:

*“The level of detail included within an Outline planning application, whilst significant for a site of this nature, does not and cannot feasibly incorporate some of the practical delivery issues which become apparent once the site enters the delivery phase. The approved masterplan provides for an east and west access point, connected by a road network extending through the former colliery to the north of the site. Once installed and operational, this arrangement is sufficient to serve the development.*

*Whilst there is an existing haul road (comprising the former colliery entrance road: the west access) none of the access arrangements or roads are currently built to adoptable standards and all will have to be newly constructed. At present the element of the cost plan relating to new roads and sewers is approximately £8m-£9m, as such, viable delivery needs to be phased over the course of the development programme currently anticipated to be approximately 10 years.*

*Practical Issues:*

*The site has now entered the delivery phase. A site of this scale and complexity requires a consortium approach, to safely and efficiently manage all works ongoing onsite at any one time. Harworth employ a specialist consultant to lead the consortium. The consortium meet regularly on site (at present approximately every two weeks) with a representative from each contractor/sub-contractor required to attend. The meeting is a forum for Harworth/contractors to communicate practical issues which occur onsite.*

*It is evident after a relatively short time, that relationships within the consortium are under pressure due to the western access arrangements. At present Harworth have between 4 and 6 significant live works contracts plus a tenant, all of which have their own subcontractors accessing the site. In addition to this, Harron Homes have a number of live sub-contractors, deliveries and consultants using the access. Harworth want to avoid construction traffic, plant and machinery being stationary on Ollerton Road. Harworth want to avoid mud, dust and debris on Ollerton Road. Whilst Harworth can proactively manage use of the access, it is not always possible to enforce if it is not clear who is causing the issue. This situation will be exacerbated once David Wilson Homes starts development and residents start moving on to the site, later this year.*

*Acceleration of delivery:*

*Harworth are working towards a revised delivery programme which accelerates elements of the scheme in advance of what was proposed within the Outline:*

- Remediation of Colliery land – at the time of writing, the detailed design package is being finalised and is currently scheduled to commence Q4 2020.
- Acceleration of Local Centre (Refurbishment of retained workshop building) to accommodate business and infrastructure relating to the proposed 5G testbed. Harworth are a project partner and are keen to capitalise on the fantastic opportunity this presents, for the site and the local area.

Harworth, in conjunction with a consortium of stakeholders, are preparing a British Cycling funding bid to deliver a multi-use cycle hub in the workshop building (Café, shop, cycle hire, learn to ride facility and cycle paths).

- Autonomous bus route through the site – as part of the 5g Test bed, in conjunction with project partners.
- Primary School – Harworth are currently running a tender process to appoint a design team to progress the directly deliver the primary school in advance of the timescales set out in the Outline.

The technically approved solution Harworth have proposed is to have separate, clearly defined points of access for Harworth, Harron Homes and David Wilson Homes and most importantly their respective sub-contractors. This is achieved by a single new temporary construction access (at the point of the existing agricultural access) in to the David Wilson Parcel (phase 2). Harworth will install the eastern access for use by Harron, (subject to planning and detailed design).

Not only will this promote good site management, control and security, the clearly defined points of access are necessary throughout the construction period to accelerate the delivery of the development.

If the application is refused the practical issues experienced on site to date will be accentuated as the construction progresses and residents move on to the site. Harworth will endeavour to manage, the movement, security, mud and general safety through the consortium structure, however given the relatively high level of use it can be anticipated that issues will occur.

The elements of the development outlined above which Harworth will deliver in advance of when anticipated in the Outline, will be significantly hampered, for example it is simply not practical to try install a bus route (Autonomous or not) through the current single access point which is under construction and used by approximately 10 contractors plus construction deliveries all in tandem with residents.

In preparing this application, Harworth have had extensive direct dialogue with NCC highways officers to ensure Ollerton Road will be safe and impacts by the significant construction at Thoresby Vale for the next few years, minimised. Harworth have considered consultee responses, specifically from the Parish Council and amended the proposals to alleviate concerns wherever possible, however Harworth consider strongly that all things considered, approval of this application is in the best interests of the community.”

It appears therefore that the temporary access would assist by reducing conflicts between construction traffic and household traffic once the Harron Homes in Phase 1 are occupied as well as making the ability to manage construction impacts, such as mud, easier.

As set out above the applicant has indicated they are prepared to accelerate the construction of the eastern most access/junction in order to try to address concerns raised during the application process. However this is not proposed to be controlled by a variation to the planning obligation and should be viewed as a gesture of goodwill only. This is not necessary to make the development acceptable and with the proposed mitigation secured by conditions in terms of highway safety (see section below) I consider that the proposal is acceptable.

Whilst I have not been convinced that there is a clear need for the temporary access (in that without the access it would appear that the development could still progress albeit this clearly creates issues as mentioned above) there is no requirement for a need to be demonstrated per se given the site is a strategic site to be developed. There is no identified harm and therefore no reason to resist the principle of a temporary access, in my view.

### Highway safety

Policy DM5 is explicit in stating that provision should be made for safe and inclusive access to new development. Spatial Policy 7 encourages proposals to provide for safe convenient and attractive accesses for all and provide links to the network of footways etc to maximise their use, be appropriate for the highway network in terms of volume and ensure the safety, convenience and free flow of traffic are not adversely affected.

The proposal would involve the creation of a new access to allow for construction traffic to enter Phase 2 without having to enter and exit via the existing approved access. In highway safety terms this access has been through safety audits and NCC Highways Authority advise they have no objections subject to 3 conditions which seek to 1) not allow the access to be used until the speed limit is reduced to 30 mile per hour; 2) to implement measures to be agreed to prevent the deposit of debris (mud/soil etc) on the public highway and 3) to require the temporary access to be removed and reinstated as a pedestrian link once Phase 2 is complete. These conditions are in my view reasonable and necessary. Subject to the imposition of these conditions there would be no identified highway safety harm.

### Other Issues

There are no trees that need to be removed to facilitate this development; whilst some trees and hedgerows have already been felled and pruned these were approved by the enabling infrastructure phase. The visual impact will be minimal and is temporary in any event.

### Conclusion

The principle of a temporary access is acceptable in principle given that it would serve a strategic site that will see a mixed use re-development. No highway safety issues have been identified to the revised scheme of one temporary access following a safety audit, subject to mitigating conditions. No other harm has been identified and there is no reason to withhold planning permission.

### **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 accordance with the following approved plans:

17109-S184-P2-1100-001 Rev A (S184 Construction Access, Phase 2, Kerbing and Drainage),  
17109-S184-P2-1200-001 Rev A (S184 Construction Access, Phase 2 Road Markings and Signing),  
17109-S184-P2-0000-001 Rev C (S184 Construction Access Phase 2 General Arrangement),  
190572-CA-SK01 Rev C (Construction Access Signing and Lining),  
17109-S184-P2-0200-001 Rev A (S184 Construction Access Phase 2 Site Clearance), 17109-S184-P2-0700-001 Rev A (S184 Construction Access Phase 2 Earthworks and Surface Finishes),  
024/THS/MAJ/A2, Layout 1,  
Stage 1 Completion of Preliminary Design - Road Safety Audit, Feb 2020 by Vi,

unless otherwise agreed in writing by the Local Planning Authority through the approval of a non-material amendment to the permission.

Reason: So as to define this permission.

03

No development hereby permitted shall be brought into use until the extension to the 30mph speed limit on Ollerton Road has been approved and implemented in accordance with details shown on drawings to be first submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety

04

Prior to any works or development commencing on site, details of measures to prevent the deposit of debris upon the adjacent public highway shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented and maintained during the lifetime of the development in accordance with the approved scheme.

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



05

By no later than the completion of the final dwelling on the adjacent 'Phase 2' residential development, or five years from the date of this permission, whichever is the sooner, the temporary construction access will be removed and reinstated as a permanent pedestrian link with associated landscaping in accordance with details to be first agreed in writing with the Local Planning Authority.

Reason: In the interests of highway safety and to promote sustainable travel.

Note to Applicant:

01

The development makes it necessary to construct a vehicular crossing over a footway/verge of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact the County Council's Agent, Via East Midlands to arrange for these works to be carried out. Email: [licences@viaem.co.uk](mailto:licences@viaem.co.uk) Tel. 0300 500 8080 and further information at: <https://www.nottinghamshire.gov.uk/transport/licences-permits/temporary-activities>

02

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

03

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

BACKGROUND PAPERS

Application case file.

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

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

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

Committee Plan - 19/02159/FUL



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## PLANNING COMMITTEE – 31 MARCH 2020

<b>Application No:</b>	<b>20/00113/S73</b>
<b>Proposal:</b>	<b>Application to vary condition 02 to add extension to approved dwelling, attached to planning permission 17/01839/FUL; Demolition of shed and erection of 1 No. 4 bedroomed house</b>
<b>Location:</b>	<b>Land At Rear 37 Easthorpe, Southwell</b>
<b>Applicant:</b>	<b>Mr Jason Templeman</b>
<b>Agent:</b>	<b>Mr Agnieszka Rosochowicz - Guy St John Taylor Associates Architects Ltd</b>
<b>Registered:</b>	<b>24.01.2020</b> <b>Target Date: 20.03.2020</b>
<b>Website Link:</b>	<a href="https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=Q4K6SVLBFL800">https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=Q4K6SVLBFL800</a>

The Town Council have supported the proposal which differs to the Officer recommendation detailed below. Local Ward Members have been given the opportunity to call the application to Planning Committee in line with the scheme of delegation. Cllr Rainbow has referred the application to committee on the basis that the character impacts are not perceived to be harmful to the area. The referral has been agreed by the Business Manager in discussion with Chair and Vice Chair.

### The Site

The application site relates to a linear plot approximately 0.16 hectares in extent to the north of, and accessed from Easthorpe. The site is within the urban boundary of Southwell as defined by the Proposals Map in the Allocations and Development Management DPD. The access to the site is within the designated Conservation Area but the majority of the site is outside of this area albeit the western boundary abuts the Conservation Area boundary.

The site is to the rear of 37 Easthorpe; a Grade II listed building. The majority of the properties fronting Easthorpe are listed buildings. The immediate surroundings are largely residential in nature albeit there are dispersed commercial uses such as public houses.

A small proportion of the site, including the highways access, is considered as being within Flood Zone 2 and 3 as designated by the Environment Agency. The majority of the site where built form is proposed is within Flood Zone 1.

The boundaries to the access road are established by an attractive brick wall and the gable ends of the two properties (37 and 39) which front Easthorpe. The boundaries of the site itself are characterised by hedging (with the exception of the southern boundary shared with 37 Easthorpe which forms a recently constructed brick wall). The hedging to the western boundary is relatively dense in nature and incorporates a number of mature trees reaching a significant height. There is a slight change in land levels within the site with the residential development along Potwell Close set at a slightly lower level.

Building works have commenced on site in relation to the extant permission to which this application relates.

### Relevant Planning History

**18/01360/FUL** - Variation of condition 2 attached to planning permission 17/01839/FUL to amend the approved plan so to raise the internal floor level, door and window cill level and installation of external steps. *Application approved by committee October 2018 and has been implemented on site.*

**17/01839/FUL** - Demolition of shed and erection of 1 No. 4 bedroomed house. *Application approved 14<sup>th</sup> March 2018 following a committee resolution to approve (contrary to an Officer recommendation to refuse on heritage grounds).*

**16/01437/FUL** - Residential Development: 3(No.) Two Bedroom Bungalows. *Application withdrawn prior to determination.*

**09/00496/FUL** - Erection of 1 four bedroomed house. *Application withdrawn prior to determination.*

**01/00018/FUL** - Proposed three new dwellings. *Application refused.*

**97/51763/FUL** – Erect Bungalow and Garages. *Application refused.*

**96/51592/RMA** - Erect Bungalow. *Application refused.*

**93/51557/OUT** – Erect Bungalow. *Application approved.*

**92/51022/OUT** – Erect Bungalow. *Application refused.*

There have also been approvals (2013) for renovation works and a new garage at the host dwelling 37 Easthorpe.

### The Proposal

The application has been submitted as a Section 73 application to vary a condition in respect to the extant permission which exists on the site for the erection of a dwelling. Condition 2 of permission 17/01839/FUL is worded as follows:

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

*Site Plan - 10A / 3 / 2016 Rev. A: 30th October 2017*

*House Plans and Elevations - 11 / 3 / 2016*

*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.*

The rationale behind the current submission is to substitute the plan references to allow changes to the design of the dwelling. As is detailed by the planning history above, this is the second application of this nature, the first of which was approved in October 2018 and related to design changes to increase the internal floor level leading to a subsequent increase in eaves level and windows and doors. The application also involved the addition of external steps to the west and north elevations.

The current application seeks further changes namely a two storey extension to the north elevation. The extension would be approximately 5.7m in width by 4.9m in length with materials shown as vertical timber cladding and a clay pantile roof. The proposed north (rear) elevation would feature large full height glazing with a Juliette balcony. In addition the revised plans show some changes to window and door designs (including the incorporation of a catslide dormer on the west elevation) and a raised decking area is also proposed at the rear of the dwelling.

The application has been considered on the basis of plan reference 'Proposed Layouts & Elevations – 812.1016.7.7. Drawing No 01. Rev. A' as well as an updated Planning Statement Rev. A received 7<sup>th</sup> February 2020.

#### Departure/Public Advertisement Procedure

Occupiers of 35 properties have been individually notified by letter. A site notice has also been displayed near to the site and an advert has been placed in the local press.

#### Planning Policy Framework

##### The Development Plan

##### **Southwell Neighbourhood Plan**

Policy SD1 – Delivering Sustainable Development  
Policy E1 – Flood Risk Assessments and Mitigation  
Policy E2 – Flood Resilient Design  
Policy E3 – Green Infrastructure and Biodiversity  
Policy E6 – Climate Change and Carbon Emissions  
Policy DH1 – Sense of Place  
Policy DH3 – Historic Environment  
Policy TA3 – Highways Impact  
Policy HE1 – Housing Type and Density

##### **Newark and Sherwood Core Strategy DPD**

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 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  
SoAP 1: Role and Setting of Southwell

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

Policy So/HN/1 – Southwell Housing Need  
Policy DM1- Development within Settlements Central to Delivering the Spatial Strategy  
Policy DM3 – Developer Contributions and Planning Obligations  
Policy DM4 – Renewable and Low Carbon Energy Generation  
Policy DM5 – Design  
Policy DM7 – Biodiversity and Green Infrastructure  
Policy DM9 – Protecting and Enhancing the Historic Environment  
Policy DM10 – Pollutions and Hazardous Materials  
Policy DM12 – Presumption in Favour of Sustainable Development

### **Other Material Planning Considerations**

- National Planning Policy Framework 2019
- Planning Practice Guidance (on line resource)
- Southwell Conservation Area Appraisal 2005

### **Consultations**

**Southwell Town Council** –Southwell Town Council considered application 20/00113/S73 Land At Rear 37 Easthorpe and agreed unanimously to support this application.

**NSDC Conservation** - Approval was given for a substantial mock-threshing barn in 2018 to land at the rear of the Grade II listed 37 Easthorpe. I refer you to our detailed report on this scheme, in which we advised that the proposal would impact on a number of listed buildings along Easthorpe, as well as the setting of Southwell Conservation Area (CA).

Notwithstanding Conservation objections to the original approval, we recognise that the approved scheme sought to retain the linear arrangement of the historic plots in this part of Easthorpe, and the use of a mock-barn design had some basis in the rural setting of the CA.

The proposed amendments include a substantial 2 storey extension to the mock barn, a raised veranda and a dormer window.

Conservation objects to the proposed development. The scale/mass and appearance of the extension is harmful to the character and appearance of the historic environment in this part of Easthorpe. The proposal also fragments the original design, and takes a form not envisaged when approving the original scheme. The extension is fundamentally dominating, and the veranda/glazed gable and dormer window add obtrusive and overly domestic elements to the host building in what is otherwise attempting to be a mock-barn. The result is harmful to both the setting of listed buildings and Conservation Area. In reaching this view, we have paid special attention to the desirability of preserving the special interest of listed buildings, including their setting, in accordance with section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. We are also mindful of the provisions with the NPPF (section 16) and LDF DPD Policies CP14 and DM9 concerning the protection of the historic environment. Paragraph 130 of the NPPF is also relevant in this

discussion, as we consider that the quality of the design has been diminished between permission and completion (noting that the applicant has commenced the scheme and incorporated the changes prior to the determination of this current proposal).

**Southwell Civic Society** – No objection.

**NCC Flood** – No objections subject to the following

1. The development should not increase flood risk to existing properties or put the development at risk of flooding.
2. Any discharge of surface water from the site should look at infiltration – watercourse – sewer as the priority order for discharge location.
3. SUDS should be considered where feasible and consideration given to ownership and maintenance of any SUDS proposals for the lifetime of the development.
4. Any development that proposes to alter an ordinary watercourse in a manner that will have a detrimental effect on the flow of water (eg culverting / pipe crossing) must be discussed with the Flood Risk Management Team at Nottinghamshire County Council.
5. It is recommended that flood resilient construction techniques and materials are used where applicable due to the risk of flooding in the area.

**No letters of representation have been received.**

#### Comments of the Business Manager

##### *Principle of Development*

The application is submitted as a Section 73 application to vary a condition on an existing permission. The principle of development in terms of the erection of a four bedroom detached dwelling has therefore already been accepted by the Local Planning Authority and remains extant.

The focus of the following is therefore purely in respect to the changes sought through the current submission which in Officer's submission relates predominantly to character impacts (noting the heritage assets potentially affected) and impacts on neighbouring amenity.

##### *Impact on Character*

The application site is set to the rear of 37 Easthorpe adjacent to the designated Conservation Area (although the access to the site falls within the Conservation Area designation). Policy DM5 confirms that, where local distinctiveness derives from the presence of heritage assets, as in the case in the context of this proposal, development will also need to satisfy Policy DM9.

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. Policy DM9 reminds us that proposals should be compatible with the fabric of historic buildings.

When the original application was presented at Planning Committee in March 2018, Officers were of the view that the proposed dwelling would be harmful in heritage terms in that it would destroy the croft element of the plot and erode the character and appearance of the Conservation Area. However, Members as the decision makers disagreed and approved the application subject to conditions, the exact wording of which were delegated to Officers. It is therefore accepted by the

authority that the site can accommodate a detached dwelling without harming the heritage assets nearby to the site.

Notwithstanding the above, the heritage context (namely the adjacent listed building and the designated Conservation Area) require consideration as part of the current application given that the revised design has the potential to impose additional character impacts not previously assessed. The stance of the submitted Planning Statement is that the extension, positioned at the rear of the new dwelling, will not change the impact on the views from listed buildings and will retain an open area within the site. However, character impacts do not solely arise from visibility.

The Planning Statement also confirms that the original design of the dwelling was based upon a traditional barn as an acknowledgement of the sensitive heritage context of the site. The design changes presented now, which include a large two storey side extension and catslide roof dormer are completely alien to a threshing barn approach. The dwelling now presented is confused and cluttered with elements of a pastiche barn interspersed with modern elements such as substantial glazing and a Juliette balcony. Whilst the extension may appear subservient in height, the contrast in materials (to apparently distinguish from the original 'barn') amount to the extension displaying an unwarranted degree of prominence. This is further exasperated by the attached decking at the rear which, in its domestic nature, in no way reflects a traditional agricultural building. Moreover, the changes in window proportions, design and sizes (particularly the gable ends but also the aforementioned catslide dormer) largely erode what would have been interpreted as a nod to an agricultural building.

The scheme, as now presented, has been almost entirely watered down from its original design intentions such that the character of the dwelling is now no longer an interpretation of an agricultural pastiche building nor a truly modern development. The design of the dwelling alone is harmful in character terms but the harm is compounded by the sensitive heritage context of the site. As is detailed by the comments of the Conservation Area, the revised scheme amounts to harm to the character and appearance of the historic environment in this part of Easthorpe.

The duties in s.66 and s.72 of the Listed Buildings Act do not allow a local planning authority to treat the desirability of preserving the settings of listed buildings and the character and appearance of conservation areas as mere material considerations to which it can simply attach such weight as it sees fit. When an authority finds that a proposed development would harm the setting of a listed building or the character or appearance of a conservation area, it must give that harm considerable importance and weight.

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



(2014); and Mordue (2016).

Paragraph 196 of the NPPF (2019) states that:

*'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'*

Officers have identified no public benefits arising from the proposal.

#### *Impact on Amenity*

An assessment of amenity, as confirmed by Policy DM5, relates both to an assessment in relation to existing neighbouring residents but also to the proposed occupiers of the proposed dwelling.

The existing site boundaries are largely comprised of dense vegetation which in some respects screens the development site on an east-west transect. The boundary treatments proposed would be of both existing hedging and new vertically boarded timber fences.

It remains the case as with the previous assessment that Officers consider that the most sensitive receptors to the development will be the single storey properties to the east of the development site along Potwell Close. The properties closest to the proposed development would be no. 5 and no. 7 Potwell Close with the closest distance between the existing dwellings and the proposed dwelling of around 21m. It remains the case on the revised plans presented through the current submission that, although the principle elevation would be east towards Potwell Close, the first floor of the property would be served by roof lights and windows on the gable ends (i.e. not towards Potwell Close). In the context that the overall pitch height of the dwelling would not increase (approximately 8.4m), Officers have not identified any additional detrimental amenity impacts in comparison to the extant dwelling design both in respect to matters of overbearing or loss of privacy through overlooking. Whilst the use of the steps to access the dwelling would create a slightly elevated platform, these steps are not external on the east elevation facing Potwell Close and therefore the existing boundaries and distances previously referred to are considered adequate to preserve neighbouring amenity.

#### *Other Matters*

The increase in footprint would potentially increase the surface water run-off from the site. However, the plans demonstrate that the extension would have an undercroft which would increase the flow of water within the site. In any case the dwelling itself is within Flood Zone 1 and has already been designed with flood mitigation techniques (noting that the site access is within Flood Zone 2). The revised plans are therefore not considered to increase risk to flooding.

#### *Conclusion*

It is fully acknowledged that there is an extant permission for a single dwelling on the site. This application seeks to determine whether design changes, including a two storey rear extension, would be acceptable through a variation of condition request. The design of the dwelling now presented is entirely confused and fails to allow the dwelling to be interpreted as a pastiche version of a threshing barn as originally intended. This in itself is contrary to the design intentions of Core Policy 9 and Policy DM5 but noting the heritage context of the site, the application would

also be contrary to Core Policy 14 and Policy DM9. I have identified no public benefits which would outweigh this harm and therefore the recommendation is one of refusal as outlined below.

## RECOMMENDATION

**That planning permission is refused for the following reason:**

01

The application seeks to vary the plan condition for the approved dwelling in order to introduce design changes. The revised design of the dwelling amounts to a confused and cluttered approach which diminishes the original intentions of the dwelling to represent a threshing barn. This is further compounded by the introduction of modern elements, such as a raised decking, which fail to take account of the heritage setting of the site. The proposal causes harm to the setting and significance of the adjoining listed building and the character and appearance of the conservation area. The duties under Sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990 place a statutory presumption against granting planning permission where harm to a listed building and conservation area, respectively, has been identified. There are no public benefits which would outweigh this harm.

The development is contrary to Core Policies 9 and 14 of the Core Strategy (Sustainable Design and Historic Environment respectively); SoAP1 (Role and Setting of Southwell) of the Core Strategy; Policies DM5 and DM9 of the Allocations and Development Management DPD (Design and Protecting and Enhancing the Historic Environment); Policies DH1 and DH3 of the Southwell Neighbourhood Plan (Sense of Place and Historic Environment respectively); the NPPF which forms a material consideration; its associated guidance within the NPPG; and the Southwell Conservation Area Appraisal Supplementary Planning Document.

## Notes to Applicant

01

You are advised that as of 1st December 2011, the Newark and Sherwood Community Infrastructure Levy (CIL) Charging Schedule came into effect. Whilst the above application has been refused by the Local Planning Authority you are advised that CIL applies to all planning permissions granted on or after this date. Thus any successful appeal against this decision may therefore be subject to CIL (depending on the location and type of development proposed). Full details are available on the Council's website [www.newark-sherwooddc.gov.uk/cil/](http://www.newark-sherwooddc.gov.uk/cil/)

02

The application is clearly contrary to the Development Plan and other material planning considerations, as detailed in the above reason(s) for refusal. Working positively and proactively with the applicants would not have afforded the opportunity to overcome these problems, giving a false sense of hope and potentially incurring the applicants further unnecessary time and/or expense.

## BACKGROUND PAPERS

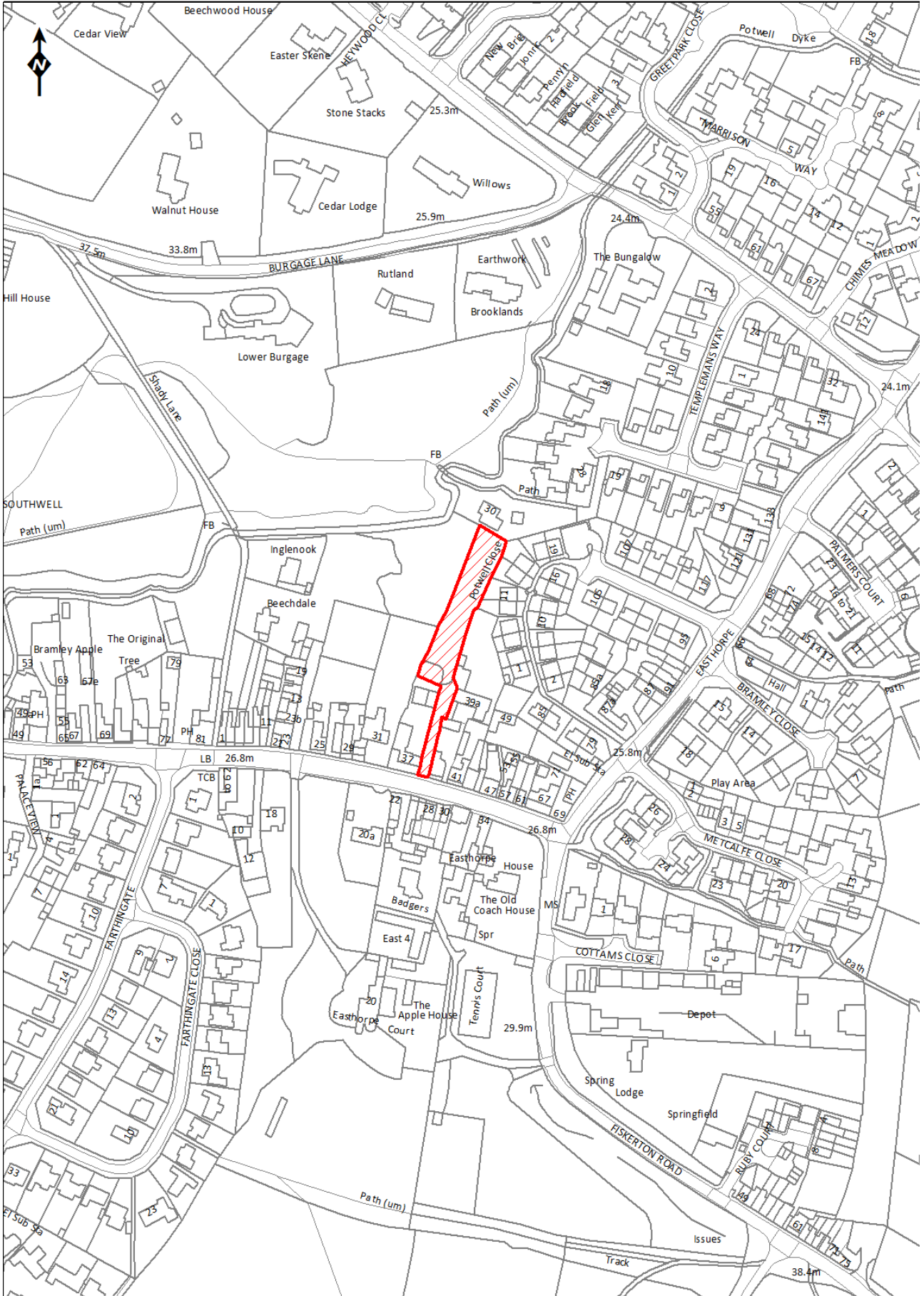
Application case file.

For further information, please contact 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 - 20/00113/S73



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## PLANNING COMMITTEE – 31 MARCH 2020

<b>Application No:</b>	<b>19/02287/FUL</b>		
<b>Proposal:</b>	<b>Proposed new single detached bungalow</b>		
<b>Location:</b>	<b>9 Fisher Close, Collingham NG23 7SL</b>		
<b>Applicant:</b>	<b>Mr N Smith</b>		
<b>Registered:</b>	<b>30.12.2019</b>	<b>Target Date:</b>	<b>24.02.2020</b>
		<b>Extension agreed to</b>	<b>03.04.2020</b>

The application is being referred to Committee due the professional officer recommendation differing to the view of the Parish Council and Ward Councillor Linda Dale subsequently calling-in the application in line with the Council's Scheme of Delegation.

### The Site

The site is located within the built-up area of Collingham, one of the district's Principal Villages. The site is part of a relatively densely developed estate with a suburban character, consisting mainly of detached houses and bungalows arranged around a main road with cul-de-sacs off either side. This site is the side garden of one of the end plots of Fisher Close and backs on to a public footpath and area of open amenity space (community orchard) that connects Crewe Road and Blackburn Close. A large hedgerow separates the land from the property curtilage to the south, with a tall close-board fence running along the eastern boundary with the footpath. A gate in the fence allows access on to the footpath and to the adjacent 'community orchard' amenity space.

No.9 Fisher Close itself is a 2-bed bungalow with an attached garage and a dilapidated looking lean-to porch/conservatory on the eastern elevation. The garden appears somewhat underused, comprising mostly a grassed lawn and containing a variety of typical domestic garden furniture.

### Relevant Planning History

**PREAPP/00151/19:** Proposed new residential dwelling (bungalow) – *pre-application advice was sought specifically with regard to this proposal and was given a broadly positive response in August 2019.*

### The Proposal

The development proposal is for a two-bed bungalow (albeit with a study/office that could serve as a third bedroom) on garden land to the side (east) of the existing dwelling, situated at the far end of Fisher Close. The new dwelling would utilise the same access point as the existing dwelling

and sit in a perpendicular position to it. The existing garden would be subdivided, with the new garden of no.9 being to the rear of the property and commensurate with its width. The garden area for the proposed new dwelling would be parallel to this, to the side (north).

Facing materials are proposed to match the existing dwelling on site, therefore comprising red brick walls with concrete tiles on a shallow pitched/hipped roof. The boundary between the two properties would be demarcated with a c1.8m high close boarded fence. At the front, a hedgerow would be planted adjacent to the fence to provide some measure of screening.

The dimensions of the proposed dwelling measure:

- 13.8m wide
- 8.75m deep
- 2.8m high at the eaves /4.9m high to the ridge

The following documents have been submitted with the application:

- Site location plan and site block plan – drawing no.050-NS-A-A101
- Proposed site plan – drawing no.050-NS-A-A1002 Rev B
- Topographical survey – drawing no.050-NS-A-A100
- Proposed floor plans and elevations – drawing no.050-NS-A-A1001 Rev B
- Design and Access Statement

### **Departure/Public Advertisement Procedure**

Occupiers of six 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 7: Sustainable Transport

Core Policy 3: Housing Mix, Type and Density

Core Policy 9: Sustainable Design

Core Policy 12: Biodiversity and Green Infrastructure

#### **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 DM12: Presumption in Favour of Sustainable Development

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

National Planning Policy Framework

Planning Practice Guidance

Householder Development SPD

The appraisal of the scheme takes into consideration the above planning policy framework and other material considerations.

## **CONSULTATIONS**

### **Collingham Parish Council:**

The Parish Council considered this application at the meeting of 23 January 2020. The Parish Council resolved unanimously to object to this proposal on the following material planning considerations:

**Planning History/related decisions:** A similar proposal was made for the adjacent property (10 Fisher Close) in 2014 (application number 14/01532/OUT). This application was refused as the application was contrary to the National Planning Policy Framework and Planning Practice Guidance. More locally the application was contrary to Core Policy 9 of the Adopted Core Strategy and Policy DM5 of the Adopted Allocations and Development Management DPD. The Core Strategy has been Amended and was adopted in 2019, but the Core Policy still remains.

**Design and Visual Impact:** The layout density would result in an awkward and uncharacteristic juxtaposition within this location, given its relationship and proximity to no 9 Fisher Close

### **Ward Councillor Linda Dale:**

Collingham Parish Council have voted unanimously for refusal of this application. I have visited the site twice now, and having reviewed the plans and CPC's comments I do now support their reasons for refusal, as follows:

DM5: Amenity, Parking

SP3: Impact.

Layout within sites and separation distance between this proposed new-build and No. 9 is such that the amenity of both will be compromised

Fisher Close has a single, linear row of evenly-spaced detached bungalows on either side and I would suggest that if there had been sufficient room for further bungalows without compromising the spacing, layout and visual impact of Fisher Close then additional bungalows would have been built there in the first place. This is over- intensification, and changes the street-scene.

This proposed bungalow will be at 90 degrees to the rest of the bungalows and will have a visually jarring effect. Given its close proximity to No.9 both will become constrained and cramped in appearance, with any cars parked on the drive of the proposed bungalow sited immediately in front of the bungalow's main living room windows and front garden at No 9 and directly affecting their privacy

It will be out of character and is not of the same uniform design as the other bungalows.

It would be at the head of a cul-de-sac with the drive entrance being directly onto the small turning area at that end of Fisher Close, and will compromise the space available for vehicles to park.

I refer back to 14/01532/OUT and I cannot see that this proposal is significantly different to the one refused at No 10 Fisher Close.

It will be an anomaly both on Fisher Close as a whole and particularly in its relationship to the two neighbouring properties (No. 9 and No. 10)

**Trent Valley Internal Drainage Board:**

The site is outside of 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 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 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.

**NCC Highways:**

The proposed dwelling will require a new vehicular access created by a dropped crossing of the footway to Highway Authority standards. The access/parking area should be constructed with a hard bound surface for at first the first 5 metres behind the highway boundary. A suitable level of off-street car parking provision is proposed.

It is considered that the proposal will not generate a highway safety or capacity issue.

In conclusion, there is no objection to this application subject to the following conditions:

The dwelling hereby permitted shall not be occupied until its driveway / parking area is surfaced in a hard bound material (not loose gravel) for a minimum of 5 metres behind the public highway boundary. The surfaced driveway /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.).



The dwelling hereby permitted shall not be occupied until a dropped vehicular footway crossing is available for use and constructed in accordance with the Highway Authority specification to the satisfaction of the Local Planning Authority.

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

## **APPRAISAL**

### *Principle of Development*

Under Core Strategy Policies SP1 and SP2 the principle of residential development on windfall sites such as this, within the built-up area of Collingham is supported, on the basis that this is a Principal Village, with a good range of day-to-day facilities, making it a sustainable location for development. Policy SP7 also offers support for development which provides safe and convenient access and does not create new or exacerbate existing on street parking problems or materially increase other traffic problems. The criteria set out in Policy DM5, which underpins Core Strategy Core Policy 9, also provides the main policy criteria for consideration when determining planning applications in relation to design and amenity impacts.

### *Housing Need & Mix*

LDF Core Policy 3 states that the Council will seek to secure new housing which adequately addresses the housing need of the District. Generally speaking, this comprises family housing with three bedrooms or more, smaller houses of two bedrooms or less and housing for the elderly and disabled population. This objective is underlined by the NPPF, which in seeking to significantly boost the supply of homes and ensure the needs of groups with specific housing requirements are addressed. Although up-to-date housing needs data for Collingham is limited, survey work to support an updated districtwide assessment of housing need is currently underway.

In this case, the proposed dwelling would appear make a positive contribution towards general districtwide housing needs highlighted in Core Policy 3, providing a two bedroom dwelling with potential for a third bedroom. Irrespective of the character of other dwellings in the surrounding area, bungalows inherently lend themselves to being appropriate accommodation for elderly residents.

### *Character and Visual Amenity*

Policy CP9 requires development proposals to demonstrate a high standard of sustainable design that protects and enhances the natural environment and contributes to and sustains the rich local distinctiveness of the District. Development is therefore required to achieve a high standard of sustainable design and layout, of an appropriate form and scale to its context. Policy DM5 expands upon this, requiring local distinctiveness to be reflected in the scale, form, mass, layout, design, materials and detailing of proposals.

Policy DM5 is explicit in stating that backland development will only be approved where they would be in-keeping with the general character and density of existing development in the area, and would not set a precedent for similar forms of development, the cumulative effect of which

would be to harm the established character and appearance of the area. Inappropriate backland and other uncharacteristic forms of development will be resisted.

In this regard the Parish Council has objected to the proposed dwelling, citing a planning decision for a similar proposal at the neighbouring property (no.10) from 2014 (P.A. 14/01532/OUT). While the officer report on this application stated that the surrounding area is characterised by a uniform design of single storey bungalows, in wide fronted plots set back from the highway creating a sense of openness and semi-rural character, I am mindful that it was only an outline application with all matters reserved. In my view, notwithstanding the fact that the plot associated with no.10 appears to be more constrained than that at no.9, the lack of detail accompanying that proposal made it difficult to form a clear opinion about its suitability. While I am willing to accept that there is a measure of uniformity to the properties on Fisher Close, these plots at the end of the cul-de-sac have far more amenity space than similarly designed surrounding properties. As a 2-bedroom bungalow the amount of garden space (almost 500m<sup>2</sup>) at the side and rear of no.9 is uncharacteristically large. Therefore, contrary to the claims made in consultee comments, in an area of what I would consider suburban character, it would not appear uncharacteristic to have at least one dwelling situated at the base of a cul-de-sac. Although the above referenced older application has some similarities I would contend that the plot of land associated with no.9 is far more capable of accommodating a new dwelling in a manner that is sympathetic to the general form, mass, layout and design exhibited in surrounding properties.

In the context of the surrounding area I do not believe that the proposed dwelling would appear out of character, being designed to be of a corresponding scale and utilising a similar palette of materials. In the context of Policy DM5, the side garden of no.9 should not be treated as backland development. Likewise, in accordance with DM5, contrary to comments raised by the Parish Council, notwithstanding the perpendicular orientation, I do not consider the relationship with no.9 would appear cramped or inconsistent with local character noting the spacing seen between other properties on the street (illustrated in the photograph below).



In addition, the proposed use of the ample garden space that is available on the site accords with LDF Policy CP9 and Section 11 of the NPPF, both of which encourage effective and efficient use of land. The NPPF emphasises supporting the development of under-utilised land which, as noted above with reference to the size of the plot and the existing dwelling, appears to be the case here.

Policy CP9 is consistent with the NPPF and adds appropriate local context, promoting development that optimises site potential at a level suitable to local character.

In balancing all of these factors I am satisfied that the proposed development would be acceptable in terms of visual amenity.

#### *Access and Parking*

In addition to the requirements of Policy SP7 set out above, Policy DM5 requires new development to make provision for safe and inclusive access to new development and parking provision appropriate to the scale of the development.

In this case, the Highways Authority has concluded that the proposed dwelling will not generate a highway safety or capacity issue, but will require (by way of condition) a new vehicular access to be created by a dropped crossing of the footway to Highway Authority standards. The site plan shows space for 2x car parking spaces side by side on the driveway to the front of the proposed dwelling, set at 90 degrees to the driveway of the existing neighbouring property. This level of provision is considered satisfactory relative to the size of the new dwelling and although the access/egress point overlaps with the existing property it not anticipated to give rise to any safety problems, subject to a condition requiring a bonded surface material.

#### *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. Mitigation is required for any impacts on surrounding land uses. Given the parameters and dimensions of this site, in accordance with Policy DM5, the layout and separation distances from surrounding properties are considered to be amongst the most critical issues, along with the impact of the proposed dwelling on the amenity or operation of surrounding land uses. In this regard the Parish Council has objected to the proposed dwelling on the basis of its relationship with no.9 and also citing a planning decision for a similar proposal at the neighbouring property (no.10) from 2014 (P.A. 14/01532/OUT). While there are undoubtedly similarities between the two application sites, I am of the opinion that the proposed position and design of the current application goes a long way to minimising the potential for adverse impacts.

Notably, the proposed layout indicates that the western elevation of the new bungalow would not protrude in front of the existing principal elevation of no.9 and would have only one obscure-glazed window (to the bathroom) on the principal elevation, with a separation distance of around 2.2m between the front/side elevations of the properties. The existing porch/conservatory on the side elevation of no.9 looks to be in a very dilapidated state, therefore it is no surprise to see that in the proposed development this would be removed. The window to Bedroom 2 of the new dwelling would be stepped back from the forward-most part of the principal elevation by 1.6m to mitigate against any potential interaction between this opening and the kitchen windows (a habitable room) on the front and side of no.9, located approximately 8.5m to the north and set at an oblique angle. Similarly, the window to the study/office located within the forward projecting element of the western elevation, faces to the southern site boundary, again minimizing potential

amenity impacts. Although the east-facing kitchen window on no.9 would have a diminished outlook, this would not result in or experience a loss of privacy.

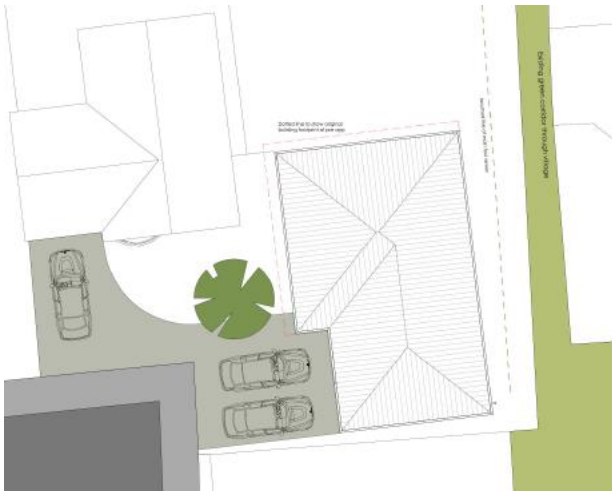
On the southern and eastern elevations it is apparent that the boundary tapers away from the walls of the proposed dwelling, resulting in a gap of between 0.6m-0.9m to the south (side) and 2.2m-3.2m to the east (rear). While this represents adequate depth for pedestrian access or, for instance, manoeuvring a typical 240 litre wheelie bin, it means the south-facing kitchen window looks directly on to the boundary, which comprises a 1m high close boarded fence with a laurel hedge c.2m behind. Although this mitigates any potential neighbour amenity issues it is important to acknowledge that it would give a very limited outlook for future occupiers. It is, however, considered that windows facing this direction would receive sufficient light.

On the eastern elevation 2x 1.8m wide hopper-style windows are set at eye level (approximately 1.8m high). Although positioned relatively close to the boundary fence, these windows would appear to provide a reasonable compromise of allowing sufficient light to the kitchen and living room, whilst also reducing the potential for overlooking or loss of privacy between the new dwelling and no.16 Blackburn Close. Notwithstanding the converted garage set at the front of the property, with no forward facing ground level windows, the principal elevation of this dwelling is set back roughly 13m from the rear wall of the proposed dwelling, thereby conforming to the notional minimum standard separation distance of 12m. I do not envisage any loss of privacy occurring as a result of the proposed development.

Considering the orientation of the new dwelling relative to the existing dwelling there is some risk of an overbearing effect occurring. However, the most directly affected window is a secondary window to the kitchen, the degree of impact is considered less substantial than might otherwise be the case if there were only a single window to the kitchen. An email from the agent has confirmed that a closeboarded 1.8m high fence and parallel planted hedgerow would demarcate the boundary between the two properties, with gated access to the rear of the new property's garden. Likewise, were this in addition to a significant impact upon the private amenity space of the existing house the impact may be considered less acceptable, however, the subdivision of the existing garden avoids any such overbearing impacts occurring. Despite the close proximity of the two properties, the overall height and shallow pitch of the roof, in addition to the position to the east mean that the extent of any overshadowing effect is limited to only a short period in the morning, with light from the south and west being unaffected.







On the northern elevation of the proposed new dwelling a glazed doorway with a full height glazed side panel, serving the living room, along with a window to Bedroom 1 would overlook the garden. With regard to the garden areas for each property Policy DM5 gives a strong steer on development proposals that result in the loss of amenity space, stating that justification will be required where this occurs. However, based on my measurements of the site, subdividing the remaining garden space between the two properties would provide adequate rear garden spaces relative to each of the properties, with of approx. 160m<sup>2</sup> for the new dwelling and leave approx. 110m<sup>2</sup> for the existing dwelling (no.9).

Overall, while it is acknowledged that the proposed dwelling would have some measure of impact upon the existing dwelling (no.9), the nature of the relationship between the two properties is considered likely to be such that it is acceptable in terms of residential amenity.

### *Green Infrastructure*

In accordance with Core Policy 12 and Policy DM7, natural features of importance within or adjacent to development sites should, wherever possible, be protected and enhanced. Wherever possible, this should be through integration and connectivity of the Green Infrastructure to deliver multi-functional benefits. Noting that the site lies immediately adjacent to the community orchard that sits between Blackburn Close and Crewe Road the proposed development would have no adverse impact upon this area of open space, although would benefit from immediate access to the site. Given the scale of development it would be unreasonable to expect this proposal to make any contribution to enhancement of this site.

### *Community Infrastructure Levy*

Collingham lies within a CIL chargeable area. The current charge for residential development in Collingham is £70/sqm which is chargeable to residential development. The proposal would create approximately 107m<sup>2</sup> of chargeable floor area in this instance. The calculation of the charge is detailed in the table below:

CIL Rate (charging area)	£70
Proposed Floorspace	107m <sup>2</sup>

Existing Floorspace	0m <sup>2</sup>
Chargeable Proposed Floorspace	107m <sup>2</sup>
TPI at Date of Planning Permission	334
TPI at Date of Charging Schedule	327
<b>CIL Charge</b>	<b>£7,650.34</b>

### *Conclusion*

While the concerns of the Parish Council are acknowledged, in this case it is felt that the proposed development is in accordance with the criteria of LDF Policies CP9 and DM5 insofar as the overall scale, form, mass, layout, design, materials and detailing of the proposed new dwelling is entirely consistent with the character and density of other dwellings in the immediate surrounding area. Furthermore, the proposal is considered to make efficient use of land and would provide accommodation consistent with the needs identified in LDF Core Policy 3.

### **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 and site block plan – drawing no.050-NS-A-A101
- Proposed site plan – drawing no.050-NS-A-A1002 Rev B
- Proposed floor plans and elevations – drawing no.050-NS-A-A1001 Rev B

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

No development above damp proof course shall take place until manufacturers details (and samples upon request) of the external facing materials (including colour/finish) detailed below

have been submitted to and approved in writing by the local planning authority. Development shall thereafter be carried out in accordance with the approved details

Facing materials

Roofing tiles

Reason: In the interests of visual amenity.

04

The dwelling hereby permitted shall not be occupied until its driveway / parking area is surfaced in a hard bound material (not loose gravel) for a minimum of 5 metres behind the public highway boundary. The surfaced driveway /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.).

05

The dwelling hereby permitted shall not be occupied until a dropped vehicular footway crossing is available for use and constructed in accordance with the Highway Authority specification to the satisfaction of the Local Planning Authority.

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

#### Notes to Applicant

01

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

02

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

The proposed development has been assessed and it is the Council's view that **CIL IS PAYABLE** on the development hereby approved.

BACKGROUND PAPERS

Application case file.

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**



Committee Plan - 19/02287/FUL



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## **Planning Committee – 31 March 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 31 February 2020 and 16 March 2020)**

Appeal reference	Application number	Address	Proposal	Procedure	Appeal against
APP/B3030/C/19/3239958	18/00034/ENF	The Workshop Cockett Lane Farnsfield Nottinghamshire NG22 8JQ	Without planning permission, development consisting of the material change of use of the Land from agricultural use to use for of the Land involving the importation, storage and distribution of (non waste) building and construction materials including but not limited to stone, rock, sand, aggregates, etc, and associated services.	Hearing	Service of Enforcement Notice
APP/B3030/C/19/3243446	18/00034/ENF	The Workshop Cockett Lane Farnsfield Nottinghamshire NG22 8JQ	Without planning permission, development consisting of the material change of use of the Land from agricultural use to use for of the Land involving the importation, storage and distribution of (non waste) building and construction materials including but not limited to stone, rock, sand, aggregates, etc, and associated services.	Hearing	Service of Enforcement Notice
APP/B3030/D/20/3244639	19/01547/FUL	3 The Riddings Southwell NG25 0BD	Householder application for proposed open bay timber frame double garage	Fast Track Appeal	Refusal of a planning application
APP/B3030/C/19/3242671	19/00277/ENF	The Old Smithy 134 Low Street Collingham Newark On Trent Nottinghamshire NG23 7NL	Without planning permission, the erection of a wooden structure (verandah) on the rear elevation of the dwellinghouse	Written Representation	Service of Enforcement Notice

APP/B3030/C/20/3245032	18/00051/ENF	Corner House Farm Hawton Lane Farndon Nottinghamshire	Without planning permission A The material change of use of the land from agricultural to a mixed use consisting of agriculture and B8 open-air storage, including, but not limited to, the siting of storage containers (and their content), building materials/waste products, and the parking of vehicles not associated with the permitted agricultural use of the Land. B The creation of earth bunds surrounding the north eastern and northwestern perimeter of the land. C The laying of a hard surface (including a terram base, limestone and ballast) to facilitate the unauthorised use	Written Representation	Service of Enforcement Notice
APP/B3030/C/20/3245037	18/00051/ENF	Corner House Farm Hawton Lane Farndon Nottinghamshire	Without planning permission A The material change of use of the land from agricultural to a mixed use consisting of agriculture and B8 open-air storage, including, but not limited to, the siting of storage containers (and their content), building materials/waste products, and the parking of vehicles not associated with the permitted agricultural use of the Land. B The creation of earth bunds surrounding the north eastern and northwestern perimeter of the land. C The laying of a hard surface (including a terram base, limestone and ballast) to facilitate the unauthorised use	Written Representation	Service of Enforcement Notice

APP/B3030/D/20/3245518	19/00003/FUL	1-3 And 5 Mill Gate Newark On Trent Nottinghamshire	Reinstatement of dwelling at No. 5 Millgate by reinsertion of dividing wall and subdivision of shared garden.	Written Representation	Refusal of a planning application
APP/B3030/Y/20/3245520	19/00107/LBC	1-3 And 5 Mill Gate Newark On Trent Nottinghamshire NG24 4TR	Reinstatement of separate, self-contained dwelling at No. 5 Millgate by blocking of opening in dividing wall with 1/3 Millgate created in the early 1990's and subdivision of shared garden	Written Representation	Refusal of a listed building consent application
APP/B3030/W/20/3245616	19/01600/FUL	Land At 137 Barnby Gate Newark On Trent Nottinghamshire	Erection of two new apartments and creation of dropped kerb.	Written Representation	Refusal of a planning application
APP/B3030/D/20/3245925	19/01971/FUL	30 Tuxford Road Boughton Nottinghamshire NG22 9HU	Householder application for two storey side extension	Fast Track Appeal	Refusal of a planning application
APP/B3030/D/20/3246488	19/01611/FUL	15 Mill Lane Edwinstowe NG21 9QY	Householder application for erection of single storey extension to front elevation	Fast Track Appeal	Refusal of a planning application

**Planning Committee – 31 March 2020**

**Appendix B: Appeals Determined (between 13 February 2020 and 16 March 2020)**

App No.	Address	Proposal	Application decision by	Decision in line with recommendation	Appeal decision	Appeal decision date
19/01512/FUL	Hall Close Main Street Hoveringham Nottinghamshire NG14 7JR	Householder application to construct a utility extension	Delegated Officer	Not Applicable	Appeal Allowed	11th March 2020
19/00848/FUL	Grange Barn Newark Road Caunton NG23 6AE	Householder Application for first-floor extension, over the existing footprint which is currently single storey height to give the elevation a balanced and symmetrical appearance	Planning Committee	Not Applicable	Appeal Dismissed	11th March 2020
19/01334/FUL	Lowbank Farm Radley Road Halam Newark On Trent Nottinghamshire NG22 8AN	Proposed extension to property to create an annexe (Resubmission)	Delegated Officer	Not Applicable	Appeal Dismissed	24th February 2020
19/01469/FUL	The Gardens 75 Gainsborough Road Winthorpe Newark On Trent Nottinghamshire NG24 2NR	Householder application for proposed loft conversion, removal of the lower part of the roof raised to match higher existing, replacement of existing porch to match existing house	Delegated Officer	Not Applicable	Appeal Not Determined (received after the Inspectorate's deadline)	9th March 2020

Comments

In the case of the appeal decision above for application 19/01334/FUL, Lowbank Farm, Radley Road, Halam, Newark on Trent, whilst the decision of the Planning Inspectorate is in the Council's favour, Officers consider that the Inspector has incorrectly misapplied the considerations in relation to the building being a building of local interest. An email has been sent to the Planning Inspectorate in this regard, notwithstanding that it would not change the outcome of the decision.

Recommendation

That the report be noted.

Background papers

Application case files.

Agenda Paper 11

Agenda Item 11

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



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## Appeal Decision

Site visit made on 28 January 2020 by Andreea Spataru BA (Hons) MA

**Decision by Susan Ashworth BA (Hons) BPL MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 11 March 2020**

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**Appeal Ref: APP/B3030/D/19/3241277**

**Hall Close, Main Street, Hoveringham NG14 7JR**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr J Burns against the decision of Newark & Sherwood District Council.
  - The application Ref 19/01512/FUL, dated 13 August 2019, was refused by notice dated 9 October 2019.
  - The development proposed is a utility extension.
- 

### Decision

1. The appeal is allowed and planning permission is granted for the erection of a utility extension at Hall Close, Main Street, Hoveringham NG14 7JR in accordance with the terms of application Ref 19/01512/FUL dated 13 August 2019 and subject to the following conditions:
  1. The development hereby permitted shall begin not later than three years from the date of this decision.

The development hereby permitted shall be carried out in accordance with the following approved plans: 19/923/01, 19/923/02, 19/923/03 Rev A, 19/923/04 Rev A, Block Plan.
  2. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

### Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

### Main Issues

3. The main issues are:
  - Whether the proposed development would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and the development plan;
  - The effect of the proposal on the openness of the Green Belt; and
  - If the development would be inappropriate, whether the harm to the Green Belt by way of inappropriateness and any other harm, would be



clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

### **Reasons for the Recommendation**

#### *Whether inappropriate development in the Green Belt*

4. Hall Close is a detached dwelling identified as a local interest building, within the Hoveringham Conservation Area and within the setting of 'Holmleigh' a Grade II listed building. The site lies within the Green Belt and the rear of the appeal property adjoins the open countryside.
5. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Paragraphs 145 and 146 of the Framework set out the forms of development that are not considered inappropriate within the Green Belt. These include the extension or alteration of a building provided that it does not result in disproportionate addition over and above the size of the original building.
6. What constitutes a disproportionate addition is not defined within the Framework nor within Policy 4B (Green Belt Development) of the Newark and Sherwood Amended Core Strategy (2019). An assessment of whether the proposed extension would be 'disproportionate' in the context of paragraph 145 is therefore a matter of planning judgement. The Council suggests that as a rule of thumb extensions of between 30-50% of the original dwelling would not be considered disproportionate.
7. The Council has stated that the proposed single storey extension, when taken cumulatively with previous additions, would increase the floor space of the original dwelling by 59% and the footprint by 58%. These percentages have not been contested by the appellant. Whilst based on these purely statistical measurements the proposed and existing extensions would lead to a sizeable increase in the footprint and floorspace of the original dwelling, it is important to consider this issue in terms of the scale, bulk, massing and built form that would result from the changes sought.
8. The proposed extension would provide a small infill to the south-eastern corner of the dwelling, which would complete the original rectangular form of the host dwelling. The extension in itself would be very modest in terms of its volume and even when combined with the volume of the existing extension, it would represent an increase of less than 50% over that of the original building. Given the modest scale and position of the development in relation to the dwelling, and its clear separation from the previous, larger T-shaped addition to the rear, the extension would not significantly alter the overall scale or shape of the original building. Thus, the effect of the development on the host dwelling would be limited and even when taken cumulatively with the previous extension would not, in visual terms, result in a disproportionate addition over and above the size of the original building.
9. Accordingly, I find that the proposal would not be inappropriate development in the Green Belt and would accord with Policy 4B of the Newark and Sherwood Amended Core Strategy (2019) and the provisions of the Framework.

10. With respect to openness and the purposes of the Green Belt, given my findings, the proposal would, by definition, not have an adverse impact on the openness of the Green Belt or the purposes of including land within it. As the proposal does not amount to inappropriate development, there is no requirement to assess if there are other considerations that amount to very special circumstances.

**Other matter**

11. The Council found that the proposal would not have a harmful impact on the Hoveringham Conservation Area or the setting of the listed building. Given the scale and siting of the proposal, I am satisfied from all I have seen and read that it would have a neutral impact on the significance of these heritage assets. Accordingly, it would meet the requirements of S66 (1) and S72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which require me to pay special attention to the desirability of preserving the character or appearance of the conservation area, and preserving the listed building and its setting.

**Conditions and Recommendation**

12. I have had regard to the Council's suggested conditions, in the event of the appeal being allowed, in the light of advice in the Planning Practice Guidance (PPG) and I have considered them against the six tests, as outlined within the Framework and the PPG. In the interest of proper planning and to provide certainty I have recommended the standard time limit condition and specified that the development should be carried out in accordance with the approved plans. In order to protect the character and appearance of the conservation area, a condition requiring that matching materials are used in the development is necessary.
13. In addition to these conditions, the Council has suggested a condition that requires agreement of further details of design, specifications, fixing and finish. Given the modest scale of the extension, its siting in relation to the host dwelling and the streetscene, and the details outlined within the submitted plans, such a condition would be unnecessary to make the development acceptable and would not meet the tests for conditions as set out in the Framework and PPG.
14. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed, subject to these conditions.

*Andreea Spataru*

APPEAL PLANNING OFFICER

**Inspector's Decision**

15. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed.

*Susan Ashworth*

INSPECTOR