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**Monday, 27 July 2020**

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

**Members of the Committee:**

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

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

**MEETING: Planning Committee**

**DATE: Tuesday, 4 August 2020 at 2.00 pm**

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

**You are hereby requested to attend the above Meeting for the purpose of transacting the  
business on the Agenda as overleaf.**

Attendance at this meeting and public access will be by remote means due to the Covid-19 Pandemic. Further details to enable remote access will be forwarded to all parties prior to commencement of the meeting. If you have any queries please contact Catharine Saxton on [catharine.saxton@newark-sherwooddc.gov.uk](mailto:catharine.saxton@newark-sherwooddc.gov.uk).



## AGENDA

Page Nos.

1. Apologies for Absence

### **Remote Meeting Details**

This meeting will be held in a remote manner in accordance with the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020.

The meeting will be live streamed on the Council's social media platforms to enable access for the Press and Public.

2. Declarations of Interest by Members and Officers
3. Declaration of any Intentions to Record the Meeting
4. Minutes of the meeting held on 30 June 2020 5 - 11

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

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6. Grove Bungalow, Barnby Road, Newark-on-Trent 19/02158/OUTM (MAJOR) 121 - 149
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11. Land at Ollerton Road, Edwinstowe 20/00999/FUL 239 - 250
12. Dukeries Leisure Centre, Dukeries Complex, Main Road, Boughton 20/01069/FUL 251 - 261

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

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15. Amendments To The Town And Country Planning (General Permitted Development) (England) Order 2015 And Town And Country Planning (Use Classes) Order 1987 267 - 275

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

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

#### 16. 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.

## NEWARK AND SHERWOOD DISTRICT COUNCIL

Minutes of the Meeting of **Planning Committee** broadcast from the Civic Suite, Castle House, Great North Road, Newark, Notts, NG24 1BY on Tuesday, 30 June 2020 at 2.00 pm.

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

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

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

### 208 DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS

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

Councillor R Holloway declared a personal interest as she was a Member of Bilsthope Parish Council, but took no part in the decision making at parish level.

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

The Chairman informed the Committee that the Council was undertaking an audio recording of the meeting which was to be webcast.

### 210 MINUTES OF THE MEETING HELD ON 2 JUNE 2020

AGREED that the minutes of the meeting held on 2 June 2020 were approved as a correct record of the meeting, to be signed by the Chairman.

### 211 LAND OFF OLDBRIDGE WAY, BILSTHORPE 20/00642/FULM

The Committee considered the report of the Business Manager – Planning Development, which sought full planning permission for the residential development of the site for 120 two storey dwellings, including 2, 3 and 4 bed dwellings and ancillary works. This application was a re-submission of application 19/01858/FULM. Members considered the presentation from the Business Manager – Planning Development, which included photographs and plans of the proposed development.

A schedule of communication was tabled at the meeting which detailed correspondence received after the Agenda was published from Nottinghamshire County Council Libraries; the Planning Case Officer; and additional drawings of the proposed housing.

Members considered the application and it was commented that the application was contrary to Policy DM8 – principle of development in the open countryside. The

houses were considered undersized offering a dingy atmosphere with inadequate car parking, therefore not a good example of what could be built. Condition 19 - integral garages should be kept available for parking at all times was questioned regarding how that could be monitored and enforced. Other Members welcomed the 30% affordable houses and commented that if the houses were considered not large enough then they would not be sold. Clarification was sought regarding the existing footpath network that ran through the proposed site. It was confirmed that the existing footpath would remain and would be kept accessible. A Member sought clarification regarding the loss of the one bedroom unit, the Business Manager – Planning Development confirmed that the needs survey had indicated that one bed units were not required, larger units were required for the community within this area.

AGREED (with 8 votes For and 5 votes Against) that planning permission be approved, subject to the following:

- (i) the conditions and reasons contained within the report, with delegated powers granted to Officers to amend the implementation condition (no1) in line with any new legislation arising from the planning bill currently going through Parliament;
- (ii) subject to amendment to library contribution as outlined on the schedule of communication; and
- (iii) the applicant entering in to a legal agreement to secure the contributions outlined in Appendix 1 to the report (subject to (ii) above).

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

212 GROVE BUNGALOW, BARNBY ROAD, NEWARK-ON-TRENT 19/02158/OUTM

The application was withdrawn from the agenda.

213 FORMER STABLES, ROLLESTON MILL, ROLLESTON, NEWARK 19/01022/FUL

The Committee considered the report of the Business Manager – Planning Development, which sought planning permission to undertake work to the historic stable building in order to convert it to a residential dwelling. The proposal included the removal of the existing modern timber stable block and reconstruction of an extension in its place that would be linked to the historic stable building with a glazed link. Access would be provided to the site across the unmanned level crossing to the south of the site. Members considered the presentation from the Business Manager – Planning Development, which included photographs and plans of the proposed development.

Members considered the application and the Chairman commented that he welcomed the report, the application had been deferred from the September 2019 Planning Committee to enable the applicant to undertake a viability appraisal of the previously approved application and discuss this application with the Case Officer in consultation with the Conservation Officer to come to a satisfactory conclusion in terms of conservation of a historic building. Members confirmed that they approved the new layout which was sympathetic to the building.

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

<b>Councillor</b>	<b>Vote</b>
R. Blaney	For
L. Brazier	For
M. Brock	For
M. Brown	For
L. Dales	For
M. Dobson	Apology for absence
L. Goff	For
R. Holloway	For
J. Lee	Apology for absence
P. Rainbow	For
M. Skinner	For
T. Smith	For
I. Walker	For
K. Walker	For
Y. Woodhead	For

214 FRIARY FIELDS RESIDENTIAL NURSING HOME, 21 FRIARY ROAD, NEWARK ON TRENT 20/00579/FUL

The Committee considered the report of the Business Manager – Planning Development, which sought permission for the change of use of the building from a Residential Institution (Use Class C2) to Large House in Multiple Occupation (Use Class Sui-Generis) (HMO). Members considered the presentation from the Senior Planning Officer, which included photographs and plans of the proposed development.

A schedule of communication was tabled at the meeting which detailed correspondence received after the Agenda was published from Neighbours/Interested parties; Councillor Mrs G Dawn – Local Ward Member; and the Planning Case Officer. The Senior Planning Officer read out the Local Ward Members comments.

Councillor L Geary on behalf of Newark Town Council spoke against the application in accordance with the views of Newark Town Council, as contained within the report.

Members considered the application and it was commented that the car parking provision was wholly inadequate, with thirteen car parking places for thirty-three proposed bedrooms. The inadequate car parking could displace parking to areas already suffering from congestion as a result of the over-intensification of the site. The loss of trees which are beneficial to the street-scene was also commented upon and the impact arising from overlooking from the windows along northern boundary causing a loss of privacy. Concerns were also raised regarding the sharing of bathroom facilities and it was felt that en-suite facilities should have been included.

The Senior Planning Officer confirmed that the privacy to windows to the North of the site could be conditioned requiring obscure glazing. Members felt that any condition to obscure glaze any windows would be detrimental as they would be bedroom windows and not bathroom windows

A vote was taken to approve planning permission, which was unanimously lost.

AGREED (unanimously) that contrary to Officer recommendation planning permission be refused on the grounds of wholly inadequate car parking provision which could displace parking to areas already suffering from congestion as a result of the over-intensification of the site, loss of trees which are beneficial to the street-scene and impact arising from overlooking from windows along northern boundary causing a loss of privacy.

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

<b>Councillor</b>	<b>Vote</b>
R. Blaney	For
L. Brazier	For
M. Brock	For
M. Brown	For
L. Dales	For
M. Dobson	Apology for absence
L. Goff	For
R. Holloway	For
J. Lee	Apology for absence
P. Rainbow	For
M. Skinner	For
T. Smith	For
I. Walker	For



K. Walker	For
Y. Woodhead	For

215 STONEWOLD, GRAVELLY LANE, FISKERTON 20/00253/FUL

The Committee considered the report of the Business Manager – Planning Development, which sought planning permission for the replacement of the existing bungalow with a two storey 5 bedroom dwelling, with a connected annex and attached triple bay garage. Members considered the presentation from the Business Manager – Planning Development, which included photographs and plans of the proposed development.

A schedule of communication was tabled at the meeting which detailed correspondence received after the Agenda was published from the Planning Case Officer recommending an additional condition. Condition 9 to read:

The attached annexe hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the attached host dwelling.

Reason: To prevent the creation of a separate dwelling in a location where new residential development would not normally be permitted.

Councillor A Price on behalf of Fiskerton Parish Council spoke against the application in accordance with the views of Fiskerton Parish Council, as contained within the report.

Members considered the application and it was commented that the proposed dwelling would have an adverse impact upon the character and appearance of the area, including its landscaping setting which together with adjacent development would compound and cumulatively would have a demonstrable harmful impact contrary to policies SP3, DM5 and FCM5(g) of the adopted neighbourhood plan.

Councillor M Skinner informed the Committee that he had not been present for the entire Officer presentation and took no part in the vote.

A vote was taken to approve planning permission, which was unanimously lost.

AGREED (unanimously) that contrary to Officer recommendation planning permission be refused on the following grounds:

- (i) the replacement dwelling by virtue of its height, scale, form and massing would have an adverse impact upon the character and appearance of the area, including its landscaping setting which together with adjacent development would compound and cumulatively would have a demonstrable harmful impact contrary to policies SP3, DM5 and FCM5(g) of the adopted neighbourhood plan.
- (ii) the proposed replacement 1.5 storey dwelling would, by

virtue of its significant increase in scale, mass, form and layout compared to the existing single storey bungalow, represent an incongruous development that would fail to reflect the established character and setting of the streetscene and edge of countryside area in which it is located. The development would be highly prominent when travelling towards Fiskerton from the south along Main Street representing an inappropriate transition between the countryside and the village. The development at the adjoining site is not considered to represent an appropriate material consideration that supports this proposal. Overall the proposal is considered to be contrary to the National Planning Policy Framework, policies SP3 (Rural Areas) of the Newark and Sherwood Amended Core Strategy 2019, DM5 (Design) and DM8 (Development in the Countryside) of the Allocations and Development Management Development Plan Document 2013 and FCM5 of the Fiskerton Cum Morton Neighbourhood Plan 2019 which together form the up-to-date and adopted Development Plan.

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

<b>Councillor</b>	<b>Vote</b>
R. Blaney	For
L. Brazier	For
M. Brock	For
M. Brown	For
L. Dales	For
M. Dobson	Apology for absence
L. Goff	For
R. Holloway	For
J. Lee	Apology for absence
P. Rainbow	For
M. Skinner	Took no part in the vote
T. Smith	For
I. Walker	For
K. Walker	For
Y. Woodhead	For

216 APPEALS LODGED

AGREED that the report be noted.

217 APPEALS DETERMINED

AGREED that the report be noted.

Meeting closed at 4.17 pm.

Chairman

## PLANNING COMMITTEE – 4 AUGUST 2020

<b>Application No:</b>	<b>19/00854/OUTM (MAJOR)</b>	
<b>Proposal:</b>	<b>Outline application with all matters reserved except access for a proposed 322-unit residential development on land at Flowserve premises, Hawton Lane, Balderton, Newark</b>	
<b>Location:</b>	<b>Flowserve Pump Division, Hawton Lane, Balderton, NG24 3BU</b>	
<b>Applicant:</b>	<b>C B Collier NK Limited</b>	
<b>Agent:</b>	<b>Harris Lamb Limited</b>	
<b>Link to Application Documents:</b>	<a href="https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=PR2RT8LBJBH00">https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=PR2RT8LBJBH00</a>	
<b>Registered:</b>	<b>14.05.2019</b>	<b>Target Date: 13.08.2019</b> <b>Extension agreed to: 07.08.2020</b>

**The application is being referred to Planning Committee at the request of the Director due to the scale of the development and not being in accordance with the development plan, due to the schemes inability to fully contribute to Policy compliant planning obligations.**

### The Application Site

The application site is situated on the southern side of Hawton Lane, within the defined urban boundary of Newark Urban Area (NAP1) and within the built-up area of Balderton. The application site lies to the SE side of Newark and is approximately 2.2 km from the defined town centre (of Newark).

The site is approximately 12.6 hectares and is largely rectangular in shape comprising previously developed land that is currently part occupied by Flowserve Pumps Limited. Flowserve manufacture and assemble pumps used in many industries. The industrial use on-site is long-standing dating back to the nineteenth century.

The existing operational part of the site, comprising component stores, assembly and testing areas, associated offices and welfare facilities are set back from Hawton Lane and provide employment for approximately 100 people. The majority of the site was previously occupied by Flowserve; however the company have scaled back their operation in recent years and now retain an area of land and buildings situated centrally within the site, these factory building do not fall within the application site boundary.

To the south of the operational area is a redundant foundry, pattern stores and offices. Permission was granted under 18/01235/FULM for the demolition of these buildings and this permission has been implemented. To the north of the operational factory building is the Sports and Social facility, including its sports ground and pitches and club house, all of which also lie outside of the application site boundary. A public footpath crosses the site in this area, running east to west.

Access to the site is from a lengthy tree lined drive off Hawton Lane (c.400m). This access runs

through attractive landscaped grounds and alongside a watercourse. To the western side of the access to the site is a Local Wildlife Site 'Balderton Scrubby Grassland Local Wildlife Site (LWS 5/332)' which has been retained as part of the 18/01235/FULM application. The south-west portion of the site lies within Flood Zone 2 (at medium risk of flooding) as defined by the Environment Agency Flood Map with parts within Flood Zone 3 (at high risk of flooding) that follows the Middle Beck channel that is partially culverted and passes through the site from north-east to south-west and the Lowfield Drain that runs south of the site. However as part of the 18/01235/FULM application, permission was granted for the remediation of the site, formation of a drainage pond in the south-west corner, de-culverting and re-formation of the watercourse and raising of the ground levels to take the land out of the flood zone so that the land would be in Flood Zone 1 when the development is complete.

To the north and east of the site is suburban residential development. Elsewhere, the site borders the countryside, with the exception of an isolated pocket of residential development at the south-eastern corner which formerly provided workers' accommodation. The Sustrans cycleway, following the line of the former railway, passes to the west. Lowfield Lane also runs along the southern boundary.

Directly to the west of the application site is the land allocated for Land South of Newark (NAP 2A) which has been identified as a strategic site for housing to be constructed in the plan period to 2026 c. 3,100 dwellings. Planning permission was granted under 10/01586/OUTM and subsequently 17/00518/RMA for Parcel 1A which is directly adjacent to this application site and has since been implemented with dwellings currently under construction. The Newark Southern Link Road (NAP 4) abuts the SW corner of the application site.

### Relevant Planning History

**06/01639/OUTM** - Demolition of existing factory, erection of new factory, relocation of sports facilities and erection of up to 210 new dwellings together with associated works – Refused 2007

1. The proposal fails to make adequate provision for amenity open space; children's play areas and sports facilities and therefore would exacerbate the existing deficiency of outdoor sports facilities in the Newark Area and be contrary to Policies R4 and R5 of the Newark and Sherwood Local Plan.
2. The proximity of the proposed factory to the proposed residential development and the lack of intervening landscaping would not allow for the creation of a satisfactory standard of residential amenity and would therefore be contrary to Policies H21 and E25 of the Newark and Sherwood Local Plan.
3. The proposal fails to make adequate provision for access to the site or address the traffic impact of the development in the locality, including that on sustainable transport, and therefore if approved would be detrimental to highway safety, be unsustainable and contrary to Policies H21 and E15 of the Newark and Sherwood Local Plan.
4. The proposal fails to make adequate provision for affordable housing within the site and would therefore be contrary to the Councils corporate aim of providing good quality housing for all and the Interim Policy Note: Planning Provision for Affordable Housing.

**07/01840/OUTM** – Demolition of existing factory, erection of new factory, relocation of sports facilities and erection of up to 210 new dwellings together with associated works – Permitted 2009 – permission not implemented

**18/01235/FULM** - Demolition of existing buildings, remediation of site, formation of drainage pond, de-culverting and formation of new watercourse and raising of ground levels to create a development site – Permitted 05.03.2019

Discharge of conditions applications:

19/00836/DISCON, 19/00760/DISCON, 19/00726/DISCON, 19/00652/DISCON and 19/00502/DISCON - conditions discharged and permission implemented.

**19/SCR/00007** - Screening request for residential development – Environmental Impact Assessment not required 14.05.2019

The Proposal

Outline consent is sought for a residential scheme of up to 322 dwellings with associated areas of public open space; green and drainage infrastructure. The proposal is for 100% market dwellings and the application has been submitted on the basis of all matters except access being reserved.

Access to the site would be taken via the existing access drive off Hawton Lane and emergency access would be taken off Lowfield Lane to the south-east corner of the site. In order to ensure that access to the Flowserve premises and the Sports and Social Club is maintained, the application also includes the initial length of access road which will jointly serve these uses.

Despite the outline nature of the proposals, the indicative proposed site plan has allowed for the following mix of land uses:

<b>Land Use</b>	<b>Land Area (ha)</b>
Developable Housing Area (up to 322 units)	9.02 <i>(minus infrastructure such as roads)</i>  Indicative mix: <i>2 bed apartments – 48</i> <i>2 bed terrace – 132</i> <i>2 bed semi-detached – 18</i> <i>3 bed semi-detached – 100</i> <i>4 bed detached - 24</i>
Public Open Space	3.58  Including: <i>Drainage Pond - 0.87</i> <i>Local Wildlife Site - 0.71</i> <i>LEAP – 0.19</i>
<b>Total Area</b>	<b>12.6</b>

The application has been accompanied by the following documents:

A suite of plans including:

- Location Plan - (7630-100)
- Topographical Survey – 12/01/18
- Existing Site Plan - (7630-110B)
- Existing Building heights - (7630\_111B)

- Existing Building Usages – (7630-112B)
- Proposed Site Plan Part 1 – (7630-150D)
- Proposed Site Plan Part 2 – (7630-151C)
- Proposed Site Plan Part 3 – (7630-152B)
- Proposed Combined Site Plan - (7630-153G) revised 18.11.19
- Proposed House Type Plan – (7630-160D) revised 18.11.19
- Key Buildings Plan – (7630-161C)
- Focal Points Plan – (7630-162C)
- Proposed Road Network Plan - (7630-163C)
- Building Heights Plan – (7630-164C)
- Open Space Calculation – (7630-166A)
- 3D Models - (7630-170A, 171B, 172B, 173B, 174B, 175B, 176A, 177B, 178B, 179B, 180A, 181A, 182A, 183B)
- Proposed Street Scene – (7630-450A)
- Proposed Site Sections – (7630-451)
- Proposed Site Sections – (7630-452)
- Proposed Site Sections – (7630-453)
- Proposed access – (B17326-224-P0)
- Planning Statement –April 2019
- Design and Access Statement - April 2019
- Drainage Strategy and SuDs Assessment – Feb 2018
- Flowserve Flood Risk Sequential Test and Exceptions Test Report – April 2019
- Air Quality Assessment – April 2019
- Noise Impact Assessment – December 2018 and July 2019 (P18-035-R01-V3)
- Phase 2 Geotechnical Investigation –March 2019
- Phase 1 Environmental Risk Assessment – March 2019
- Phase 2 Site Assessment and Remediation Strategy - April 2019
- Flood Risk Statement - March 2019 and June 2019
- Preliminary Ecological Appraisal –March 2019
- Transport Assessment - April 2019, November 2019 and May 2020 (V.7)
- Traffic Modelling Results
- Junction Scenario Reports
- Travel Plan - April 2019 and August 2019 (A18361C)
- Arboriculture Survey and Method Statement – March 2019
- Marketability Report - 20 February 2018
- Statement of Community Involvement – April 2019
- Viability Assessment – 9th April 2019
- ECUS Archaeology and Heritage Planning Response Note – dated 28 June 2019
- Newark Flowserve Sports & Social Club Noise Assessment – September 2019
- Retained building Plan – (R160318)
- EFM Education Contribution Review – dated 2<sup>nd</sup> August 2019
- Supporting Letter dated 16<sup>th</sup> August 2019
- Supporting Letter dated 12<sup>th</sup> September 2019
- Supporting Letter dated 27<sup>th</sup> November 2019
- Supporting Letter dated 6<sup>th</sup> December 2019
- Supporting Letter dated 19<sup>th</sup> May 2020
- Flowserve Generator Noise Assessment (Report No: P18-035-R02v1) July 2020
- Supporting Letter from Agent dated 18<sup>th</sup> June 2020
- Supplementary Transport Note V.2.0 Parking Requirements for Flowserve Sports Club –dated 15<sup>th</sup> June 2020

- Proposed Sports and Social Club Parking Plan (7630-151G)
- Supporting Letter dated 17<sup>th</sup> July 2020
- Combined Site Plan (incorporating additional parking) (7630-157)

Documents also considered:

- Independent Valuation Analysis of Financial Viability Assessment in relation to the Proposed Development at: Former Flowserve Site dated 15 July 2019 (Ref. NBMDW)

#### Departure/Public Advertisement Procedure

Occupiers of 120 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 5 Delivering Strategic Sites
- Spatial Policy 6 Infrastructure for Growth
- Spatial Policy 7 Sustainable Transport
- Spatial Policy 8 Protecting and Promoting Leisure and Community Facilities
- Core Policy 1 Affordable Housing Provision
- Core Policy 3 Housing Mix, Type, and Density
- Core Policy 6 Shaping our Employment Profile
- Core Policy 9 Sustainable Design
- Core Policy 10 Climate Change
- Core Policy 12 Biodiversity and Green Infrastructure
- Core Policy 13 Landscape Character
- Area Policy NAP 1 Newark Urban Area
- Area Policy NAP 2 Land South of Newark

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

- Policy DM1 Development within Settlements Central to Delivering the Spatial Strategy
- Policy DM3 Developer Contributions
- Policy DM4 Renewable and Low Carbon Energy Generation
- Policy DM5 Design
- Policy DM7 Biodiversity and Green Infrastructure
- Policy DM10 Pollution and Hazardous Materials
- Policy DM12 Presumption in Favour of Sustainable Development

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

- Newark and Sherwood Affordable Housing SPD (June 2013)
- Newark and Sherwood Developer Contributions SPD (December 2013)
- Newark and Sherwood Landscape Character Assessment SPD (December 2013)
- National Planning Policy Framework 2019 and its Technical Guidance.
- National Planning Policy Guidance



- National Design Guide, October 2019.

### Consultations

Given the volume of consultation comments that have been received throughout the course of this application all can be found in full in Appendix A.

Comments received from Balderton Parish Council are in support of the proposal.

**Representations have been received from 15 local residents/interested parties which can be summarised as follows:**

### Character

- The development is not complementary to the local area
- The development does not enhance the local area
- Loss of significant green space on the site
- The site plan shows open boundaries between the gardens and open countryside which will deteriorate the character and nature conservation status of the area
- Boundaries of the development with the open countryside should be gardens rather than roads to protect the dark sky environment currently experienced. Lighting should project beyond the site or upwards to protect this.

### Highways

- Insufficient vehicle parking on the site
- One road to exit and enter the site raises highways safety and traffic concerns
- The designation of Lowfield Lane as emergency access to the south of the site is unacceptable due to its width and character
- The new link between the Southern Link Road and the Lowfield lane has bollards to prevent vehicles cutting through and using the lane to fly tip – these bollards should remain to protect residents of Lowfield Lane
- Lowfield lane is used by joggers, dog walkers and children that would be at risk if the lane was used as a rat run or for emergency vehicles.
- Lorries that use the lane frequently block it therefore it is unsuitable for emergency use
- Applications for new dwellings on Lowfield Lane has been resisted on highways grounds and this application would result in the intensification of the use of Lowfield Lane
- No highways risk assessment has been completed and fatalities will be inevitable if Lowfield Lane is used by the development
- Boundaries should be better treated around the public footpath and highway
- Could the developer consider providing another access road to link the new Southern Link Road to alleviate extra traffic on Hawton Lane.
- Concerns over the safety impact of right turning out onto Hawton Lane and additional vehicles exacerbating the current shaking impact traffic has on existing houses
- Hawton Lane need traffic calming measures like speed bumps, cameras and for residential use only rather than HGV
- The Amended Transport Assessment submitted to accompany this application is insufficient to determine the transport and highways impact of the development and is reliant upon the completion of the Southern Link Road. The report concludes that with infrastructure improvements in place such as the SLR the impact of the development will be minimal and thus no mitigation measures are required however this is reliant upon the completion of the SLR. Consideration should be given to the impact based on the highway network at present

rather than reliance upon future infrastructure. Should there be current network capacity then this should facilitate the planned delivery of dwellings at Newark South rather than an 'opportunity site' as delivery at Newark South is constrained by completion of the SLR. In addition, given Newark South developers are delivering the SLR, if this development is to benefit from the infrastructure then it should contribute towards its delivery.

### Amenity

- Insufficient green space
- Small gardens shown which doesn't take account of residents' health and wellbeing
- The Leylandi hedge on the southern boundary should remain to protect Lowfield Lane residents' amenity
- Street lighting close to Lowfield Lane would impact amenity and ruin the countryside rural feel to the area
- Concerns that residents will be impacted by surrounding noises
- Residents are currently unable to open their windows due to highways noise and this development would make this worse.
- The indicative layout plan shows two storey dwelling close to existing properties which would impact their amenity.
- Richmond Close consists of bungalows therefore plots 316 - 324 should also be bungalows in order to complement the character of the existing area
- Concerns that additional traffic will impact the amenity of existing properties
- The site is partially used by dog walkers to access the cycle track and this will remove the area for local people

### Ecology

- The Leylandi hedge on the southern boundary is known for nesting owls which have not been taken into account. The loss of the habitat will denude the biodiversity of the site.
- Request for retaining trees to protect wildlife
- Concerns on the impact of surrounding wildlife sites and habitats

### Infrastructure Provision

- Because of the CIL Levy in this area contributions will be through a S106 agreement for education, health and open space – the viability appraisal states that there will be no affordable housing or other S106 contributions. Concerns are raised regarding the implications this will have on local infrastructure, including the impact on facilities and services provided as part of the Newark South development including the primary school and open space. The development should not rely on the infrastructure delivered in Newark South but should address its own impacts on local infrastructure.
- Development at Newark South is constrained by the delivery of the Southern Link Road in Phases. The application should have to contribute to local infrastructure in the same way.
- The offer of £275,000 towards 'community facilities' has been made but this equates to just £849 per dwelling whereas the Newark South contributions are significantly greater than this when considering the delivery of the SLR.
- There will not be surplus capacity at the primary school being delivered by Newark South development.

### Other

- Comments have been received from an interested party that has been identified as an adjacent landowner that owns a strip of land running part of the length of the eastern site boundary c. 1 m wide by 100 m in length and they dispute the consultation procedure

undertaken for this application as they were not directly notified of the planning application until they contacted the Council independently. The comments received state the Council has been negligent in identifying all adjacent landowners and disputes the ownership certificates submitted by the applicant to accompany this application. They state that works have allegedly been carried out to their land without consent as part of the remediation permission and that Heras fencing has been erected without their expressed consent on their land following collapse of previous timber fencing. Comments also state they object to the application on the grounds that the site in question purports to include their land.

#### Positive Comments

- The layout shows an appropriate density and fulfills the need for more housing
- 

#### **Comments of the Business Manager**

##### The Principle of Development

The National Planning Policy Framework promotes the principle of a presumption in favour of sustainable development and recognises that it is a duty under the Planning Acts for planning applications to be determined in accordance with the development plan. Where proposals accord with the Development Plan they will be approved without delay unless material considerations indicate otherwise. The NPPF also refers to the presumption in favour of sustainable development being at the heart of decision taking. This is confirmed at the development plan level under Policy DM12 of the Allocations and Development Management DPD.

Newark Area Policy NAP 1 of the Core Strategy refers to promoting Newark Urban Area as the main focus for residential, commercial and leisure activity within the District. Newark Area Policy NAP 2A is specific to Land South of Newark which bounds the site to the south and west, this identifies the surrounding area as being a strategic site for housing, employment land uses, two local centres and associated green, transport and other infrastructure, permission for which, in part, has already been granted and commenced. In addition, within the Amended Core Strategy it is explained that, in addition to site allocations, a number of sites which were allocated or had planning permission previously, which are still considered developable but are subject to uncertainty over timescales for delivery, will be identified as 'Opportunity Sites'. This is not the same as the site being 'allocated', but it would be a site that NSDC would consider to be suitable for development in principle, subject to them being brought forward in a policy compliant manner.

The application site is currently shown on the proposals map as a Housing Site with Planning Permission (HoPP), although as outlined by the planning history above, this permission is no longer extant. Nevertheless, the fact that the site has previously obtained planning permission for residential development; is outlined on the Proposals Map as a Housing Site; and moreover is located within the Newark Urban Boundary where development is acceptable in principle, means that overall the principle for residential development is acceptable - subject to relevant policies being satisfied and detailed consideration regarding the various impacts of the development which are discussed in turn below in applying an overall planning balance.

##### *Brownfield Regeneration*

The application site comprises former industrial land which contains redundant buildings and cleared industrial land which are surplus to the retained Flowserve business' requirements following their consolidation into the retained Flowserve factory that lies outside of the

application site. The site is identified on the Council's Brownfield Land Register (ref. BF0001) and the proposal therefore represents brownfield regeneration. Paragraph 8c of the NPPF refers to making effective use of land - this theme is picked up in more detail in section 11 of the NPPF which discusses how planning decisions should promote an effective use of land in meeting the need for homes and other uses, whilst safeguarding and improving the environment and ensuring safe and healthy living conditions. This chapter also highlights the importance of 'making as much use as possible of previously-developed or 'brownfield' land' except where this would conflict with other policies in the Framework, including causing harm to designated sites of importance for biodiversity.

Para. 118 of the NPPF states that planning decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land. Planning permission granted under 18/01235/FULM secured (amongst other things) the demolition of the redundant factory buildings and full remediation of the site, therefore securing the opportunity to remediate this existing contaminated previously developed site for future use. The application at hand would utilise this site for housing, according with the objectives of section 11 of the NPPF by making effective use of previously developed land. The NPPF advises that *substantial weight* should be given to the value of using brownfields sites for homes within settlements as well as the opportunity to remediate contaminated land – it is considered that this has been achieved in part through the 2018 permission, with the value of re-using this previously developed site for housing as something that will weigh positively in the overall planning balance.

#### *Loss of Employment Land*

Despite the principle of residential development being acceptable, it must be acknowledged that this application would result in the loss of land associated with the existing Flowserve business in part. The applicant has submitted a Marketability Report which explains how the Flowserve business has retrenched considerably over the recent years and, as the business sector has evolved, the relevance of the location has reduced. The application at hand does not see the entire loss of employment land given that the retained operational part of the Flowserve site is outside of the application site however it would see c. 12 Ha loss of employment land.

Spatial Policy 2 in the Amended Core Strategy which covers the new plan period (2013-2033) indicates that quantitatively the District has a balance of employment land, which could absorb the 12ha loss proposed given it has an approximate overall employment land supply of 158.46ha. Notwithstanding this however, it is also important that loss of employment land is also considered from a qualitative perspective, i.e. will the type, balance and location of remaining employment land to enable the District to meet its employment development objectives. Quantitative and qualitative considerations are both relevant to how we should consider the potential impact of any loss of employment land on the strategic role and function of the remaining employment land, in meeting the future needs of the District – as part of applying Core Policy 6. Amended CP6 seeks to retain employment land and sites where there is a 'reasonable prospect' of them being required for that purpose. The Marketability Report submitted details how the relevance of the site's location has reduced as the employment sector has grown and that the site no longer has the ability to meet modern requirements preferentially over existing employment sites in the District.

It remains pertinent that there will not be a total loss in the existing employment use of the site as operations would continue from the retained portion of the site, however I do not agree with the

inference that the proposal at hand would necessarily result directly in improvements to the retained Flowserve business (and therefore employment benefits) as this lies outside of the red line of the application site. Nevertheless, it is not considered that the release of this land would inhibit meeting the District’s employment needs. CP6 requires developments that would result in the loss of employment land to have regard to the extent to which the proposal would respond to local needs for such development; the availability of alternative sites being able to meet the existing demand; the need to safeguard existing employment uses to safeguard their continued use, the need to protect the vitality and viability of town centres and the potential impact on the strategic role and function of the remaining employment land, in meeting the future needs of the District. It is considered that the national demand for housing meets the first requirement in that the proposal would respond to local needs, there are also suitable alternative sites within the district that would meet any employment demand – the proposal would not detrimentally impact the vitality and viability of the town centre, nor would it impact the strategic role and function of remaining employment land in meeting the future needs of the district. Consideration will be had in subsequent sections of this report as to safeguarding the integrity of neighbouring uses, including ensuring the continued use of the retained employment land, however overall it is considered that the development, including the loss of existing employment land, would accord with the objectives of CP6.

Housing Density/ Design & Impact on Character of the Area

*Housing Type and Density*

Paragraph 50 of the Framework states that local authorities should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community. Core Strategy Core Policy 3 indicates that housing developments should be no lower than an average 30 dwellings per hectare and that sites should provide an appropriate mix of housing types to reflect local housing need. The housing mix, type and density will be influenced by the Council's relevant development plan policies and the housing market at the time of delivery.

Open space within the development site (including the land reserved for the flood attenuation pond and LEAP) amounts to c.3.58 Ha leaving 9.02 Ha of land for the residential development. Therefore on a basis of a net developable area of 9.02 Ha, the delivery of 322 dwellings would equate to a residential density of 35.9 dwellings per hectare in compliance with Core Policy 3.

I note the currently intended housing mix demonstrates a focus of 2 bed (39.2%) and 3 bed (31.5%) dwellings with a mix of 2-4 bedroom properties with 14.2% of these to be apartments. The submitted details outline a proposed housing mix as follows:

Type	No.	%
2 Bed Apartment	48	14.9
2 Bed Terraced	132	40.9
2 Bed Semi-Detached	18	5.5
3 Bed Semi-Detached	100	31.1
4 Bed Detached	24	7.5

<b>Total</b>	322	
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The NSDC Housing Needs Survey Sub Area Report 2014 by DCA shows that in this market sector, (Newark Sub Area) demand is for mainly 3 bedroom dwellings (40.2%) followed by 2 bedroom homes (33.7%) then followed by 4 bedroom homes (14.4%). Overall I am satisfied that the mix is weighted towards 2 and 3 bedroom dwellings in line with CP3 which requires a varied mix of dwellings which does not include a higher volume of one particular type of dwelling and seeks to address the housing need of the district, namely: family housing of 3 bedrooms or more and smaller houses of 2 bedrooms or less. However the comments of the Strategic Housing Officer do note that this scheme could do more to help meet demands for people requiring one bedroom households. Officers are also mindful that the Council has undertaken a review of local housing need this year (2020), whilst the new housing need report is currently in draft form any forthcoming scheme would need to take account of local need at the time.

Notwithstanding the above, the design solution which is developed for submission as part of a future reserved matters application may well comprise a significantly different mix, type and density of dwellings on site to that outlined at this stage. As such no firm conclusions can be reached at this outline stage regarding these matters which would be assessed at reserved matters stage where due consideration would be provided to the relevant planning policies and guidance to deliver a high quality housing scheme.

#### *Impact on the Character of the Area*

Core Policy 13 of the Core Strategy addresses issues of landscape character. It states that development proposals should positively address the implications of the Landscape Policy Zones in which the proposals lie and demonstrate that such development would contribute towards meeting the Landscape Conservation and Enhancement Aims for the area.

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

The application site falls within the East Nottinghamshire Sandlands Policy Zone 6 (ES PZ 6): Bowbridge Lane Village Farmlands. The zone is recognized as being predominantly flat, resulting in long distance views towards the surrounding industrial and residential developments. Land use is predominantly arable with boundaries generally being hawthorn hedges. It is recognised that further urban development (both residential and industrial) is one of the drivers for change in the area. Overall the landscape condition is considered to be good with low landscape sensitivity. In respect of built feature, one of the landscape actions is to reinforce the existing rural character by enforcing the local built vernacular in any new developments. The policy also states that new developments should reinforce the ecological diversity of designated Sites of Importance for Nature Conservation (SINC) (now known nationally as Local Wildlife Sites) where appropriate and enhance visual unity and soften surrounding built development through landscape planting.

In this respect, the incorporation on the indicative site plan of the landscape buffer along the western edge of the site, starting from the LWS travelling south along the watercourse leading to

the attenuation pond in the SW corner of the site is considered beneficial in terms of reinforcing the ecological diversity of the site (a point which will be explored further in a separate section below). In addition the incorporation of what appears to be a relatively strong landscape buffer along the western boundary of the site is considered beneficial in terms of assimilating the built form of the development into the surrounding area and buffering the sustrans network that runs N-S along the western boundary of the site. This landscape strip also incorporates the re-development of the LWS that exists within the NW corner of the site. The landscape strip would also join with the flood attenuation pond in the SW corner of the development site. Collectively, this landscaping and habitat enhancement will aide in meeting the above objective of reinforcing the ecological diversity of the site as well as the policy objectives of Core Policy 9 which seeks to achieve sustainable design that both protects and enhances the natural environment and contributes to and sustains the rich local distinctiveness of the District. Impact on ecology will be discussed further in a separate section within this report.

To the north and east of the site is existing residential development off Hawton Lane and to the west is land which forms part of the Land South of Newark strategic housing site. At present the land surrounding the site is predominately residential in nature, this will only increase further with the forthcoming development of the residential allocation at Land South of Newark. I am satisfied that the indicative layout plan respects the urban grain of the surrounding area and equally the areas of open space demonstrated would aide in fragmenting any character impacts of built form from within the site. The landscaping along the eastern boundary of the site is also considered beneficial in terms of buffering the built form of the development from the open countryside.

There is no doubt that a scheme for residential development as proposed would alter the existing character of the site. The development would necessitate not only the built form of the dwellings, but also internal infrastructure such as the road network and boundary treatments between the dwellings and on the boundaries of the site itself. It is noted however that the scheme would also include features of a more rural characteristic such as areas of open space, the watercourse and flood attenuation pond. Moreover, the application must be considered in the context that it is a brownfield site which has historically accommodated the built form of the now partly-demolished factories. Overall, in landscape terms, the comprehensive redevelopment of the site for a residential would not be materially worse than the historic uses of the site. The proposal is therefore considered compliant with Core Policy 13 of the Core Strategy.

### Housing Design and Layout

The NPPF states that good design is a key aspect of sustainable development and new development should be visually attractive as a result of good architecture and appropriate landscaping with the effect of an application on the significance of a non-designated heritage asset taken into account in determining an application. Core Policy 9 of the Core Strategy requires new development proposals to demonstrate a high standard of sustainable design that both protects and enhances the natural environment. Policy DM5 of the Allocations and Development Management DPD requires the local distinctiveness of the District's landscape and character of built form to be reflected in the scale, form, mass, layout, design, materials and detailing of proposals for new development. The government has also published a National Design Guide (October 2019) which is a material planning consideration that illustrates how well-designed, successful places can be achieved in practice.

A minimum level of information is required in order to fully consider the implications of the proposals when outline applications are considered. In this particular case, the applicant has

submitted a Design and Access Statement along with a suite of indicative street scenes and 3D models to present the potential design solutions for the site. In addition to this an Indicative Masterplan has been presented to provide indicative details of how the site may be delivered. Although the scheme is in outline with matters of access sought at this stage, it is relevant to consider the parameters of the development together with the Indicative Masterplan to gain a level of certainty that the quantum of development proposed can reasonably be accommodated on the site.

The overall acceptability of the layout will however depend upon the design solution proposed at a future reserved matters stage. The applicant will be expected to address detailed design issues in accordance with relevant development plan policies and the NPPF to ensure that a high quality scheme is achieved, which respects the characteristics of the surrounding area. However, with regards to layout of dwellings, I note the variety of footprints and sizes on the indicative plan including buildings shaped to address prominent corner locations and attached properties with delineation to front elevations. Such features are likely to add visual interest and enhance the design of the proposal. I note that the layout plan is somewhat responsive to the site context with properties facing the attenuation pond and surrounding open landscape where appropriate, albeit plots 93-103 and 226-236 which are shown indicatively as apartments do not necessarily accord with this and neither do the properties surrounding the LEAP.

I also note the use of active corner buildings which will aid legibility and reinforce active street frontages. The indicative layout and mix detail implies that the majority of the units will be two-storey with two apartment blocks in the NW corner of the site, one in the SW corner, one broadly centrally along the eastern boundary and one to the NE. Generally, to assist in meeting the policy requirement of creating a transition between the countryside and built form of the settlement building heights should be low at the boundaries with the countryside and existing residential development and within the site, where the built form can accommodate it, higher storey buildings will be acceptable. In this instance the apartment block proposed to the NW would be close to the access and set back from the highway, indicatively it is also shown to be screened by trees which I consider could be acceptable, however I do have reservations about the block in the SW corner and the block centrally along the eastern boundary which would both bound the site with the open countryside.

Similarly I have some concerns over the layout of parking provision which appears to be dominated by courtyard parking areas which are not generally encouraged as there is a potential that residents would seek alternative parking locations on the highway and also given the impact on the surrounding street scene. The publication of the National Design Guide (2019) emphasises the importance of well-considered parking infrastructure for new developments, I have particular concerns with the parking courts surrounding the Local Equipped Area for Play (LEAP) area and those that back onto each other throughout the site, stacked in between the dwellings. Revising the design to incorporate driveways alongside dwellings would allow for greater delivery of landscape mitigation along the key street scenes, allow for more natural surveillance over parking areas and result in an overall better designed development and this could be incorporated into the future design. Officers are mindful that these details are indicative only and can be negotiated at reserved matter stage, however given the description of the development is worded for "up to 322-unit residential development" if planning permission is granted, the LPA would be obliged to allow 322 units on the site, as the description is central to what may come forward at reserved matters stage (a point confirmed by appeal ref: APP/Z2505/W/18/3217623). The development therefore has to be capable of achieving this quantum. As currently presented the layout would not result in a well-designed development and the indicative site layout requires improvement.



However, officers are satisfied that a policy compliant scheme can be achieved in this respect through Reserved Matters.

### Impact on Highways Network

Policy DM5 is explicit in stating that provision should be made for safe and inclusive access to new development whilst Spatial Policy 7 encourages proposals which place an emphasis on non-car modes as a means of access to services and facilities, the NPPF also addresses the issue of sustainable transport. The NPPF requires all major planning applications to be supported by an appropriate Transport Assessment (TA) and concludes that new development proposals should only be refused on transport grounds where the residual cumulative impacts would be severe, or where there would be an unacceptable impact on highway safety (para. 109). Spatial Policy 7 also seeks to ensure that vehicular traffic generated does not create parking or traffic problems and policy DM5 of the Allocations and Development Management DPD requires the provision of safe access to new development and appropriate parking provision.

The application seeks to agree matters of access - access to the site would be taken via the existing access drive off Hawton Lane and emergency access would be taken off Lowfield Lane to the south-east corner of the site. In order to ensure that access to the Flowserve premises and the Sports and Social Club is maintained, the application also includes the initial length of access road which will jointly serve these uses. The principle of using Lowfield Lane as an emergency access has not been contested throughout discussions with NCC Highways and in the absence of any comments stating otherwise it is therefore considered acceptable that Lowfield Lane be used for Emergency Access only. Comments from local residents regarding the suitability of this access are acknowledged however so those of NCC Highways are as the Highways Authority who I note have made no specific objection in this regard.

I note that comments have been received from the Ramblers Association and NCC Rights of Way which relate to Balderton Footpaths 11 and 13. Balderton Footpath 13 runs along the eastern border and Balderton Footpath 11 bisects the northern part of the development and runs east-west. Notwithstanding that the layout submitted is indicative only it is shown that the two Footpaths would remain intact following the development to maintain connectivity into the surrounding areas. Nevertheless this matter could be negotiated at reserved matters stage.

Turning now to the wider implications of the proposed development, as can be seen in Appendix A discussions have been ongoing with the Highways Authority regarding the potential impact of the development upon the capacity of the local highway network. The most recent Transport Assessment (V.7) (TA) has been reviewed and forms the basis of this assessment. To more accurately model surrounding junction capacity this latest TA utilises the Newark Traffic Model software which more accurately accounts for driver re-routing patterns and decisions (for example when motorists take alternative routes which save time/distance when they encounter traffic or delays) to redistribute flows. These new flows are then used to model individual junctions using industry-standard software.

Calculations of the number of vehicular trips the proposed site is expected to generate show that the residential development would generate an increased number of trips than those associated with the existing factory, however, detailed junction capacity assessments of the Bowbridge Lane/Hawton Lane, Flowserve access/Hawton Lane and London Road/Hawton Lane junctions using specialist software show that all junctions would remain within capacity, with the exception of the Hawton Lane junction with London Road. However this junction, when compared with the

future 2029 scenario modelling (which includes surrounding consented developments) reduces from 90% capacity to 86% capacity due to the redistribution of traffic after proposed development flows are added into the modelling (which is because of driver patterns adjusting to differences in local traffic). The modelling also shows that with committed infrastructure improvements the wider highway network impact would be minimal as a result of this development. NCC Highways have concluded that the results of the traffic modelling in V.7 of the TA show that whilst a small loss in capacity results from the development generated flows, this is insignificant overall and would not justify junction improvement works. The Highways Authority have confirmed that this latest TA has positively responded to previous concerns raised and as such they no longer raise any objection to the proposed development.

Comments have been received from an interested party challenging the conclusions of the TA and modelling which have been reviewed by NCC Highways, their full response can be read in Appendix A to this report however in summary the Highways Authority maintains that the modelling undertaken in the TA is reasonable and has been correctly assessed. With regard to the comments made by this interested party that state that the completion of the Southern Link Road should not be relied upon in this Transport Assessment NCC Highways have advised that the trip distribution and strategy used for the Transport Assessment have been carried in agreement with the Highway Authority and NSDC, there has been a consistent approach to applying committed development, including the Southern Link Road where appropriate. For example the 3,000+ homes approved for Fernwood are based on the assumption that the Southern Link Road (SLR) will proceed [noting no more than 600 dwellings can be constructed as part of this development until the SLR is complete] and as such it is considered reasonable to appraise this application on the basis of the same.

With regard to other comments made regarding the suitability of Lowfield Lane and potential links to the SLR, NCC Highways have suggested that the emergency access link proposed be subject to a condition requiring further details. As long as NCC Highways and the LPA are content that connection can be made to Lowfield Lane then this is sufficient for determining this outline application. Links to the SLR are not part of this consideration. Given the outline nature of this application the internal road layout and other matters have not been considered in depth. However, the primary access as shown on drawing A18361-209-P1 is considered by the Highways Authority to be acceptable. A right turn lane facility has previously been discussed at this junction however the traffic modelling undertaken have proven it is not required in terms of capacity and land is also not available to provide it. In addition, the access is sufficiently far from the brow of the hill to the west to not affect forward visibility for eastbound drivers towards any vehicles waiting to turn right into the site access. However, the applicant has offered to fund a speed limit reduction to 30mph along this stretch of Hawton Lane as a safety enhancement which considered to be appropriate and would help satisfy any concerns about the lack of a right turn lane.

Concerns have been raised by the Highways Authority with the submitted travel plan (full comments detailing these concerns can be found in Appendix A). Whilst the Travel Plan has been revised in response to previous comments, there remain matters outstanding that would require further consideration. However the Highway Authority have advised that a condition could be applied in the event that a resolution is passed to grant permission seeking the submission and approval of a revised Travel Plan which I considered to be reasonable and appropriate in this instance. NCC Highways have also suggested conditions in relation to visibility splays, a construction traffic management plan, parking and turning facilities, access widths, road layout, surfacing, street lighting and drainage in addition to development of the layout in relation to the Lowfield Lane emergency link and the extension of the 30mph speed restriction on Hawton Lane

(see their additional comments received 20.05.2020). Following discussions it has been agreed with NCC Highways that condition 01 [of their response] would form part of the reserved matters application and that 02 could be 'pre-occupation' rather than 'pre-commencement' given the existing access into the site. I consider all of the conditions requested, with the aforementioned amendments, to be reasonable to ensure the development would not unduly impact the highways network and to ensure the sustainable transport aims of SP7 and the NPPF are met.

Overall as a result of the proposed development highway safety and capacity would not be significantly compromised. The Highway Authority has concluded that the proposal, whilst resulting in a small loss in capacity from the development generated flows, would have an insignificant effect on the highway network and would not justify the requirement for junction improvement works. Subject to conditions the Highways Authority raise no objection to the proposal based on the updated Transport Assessment and Traffic Modelling and the proposal is considered to accord with the aims of SP7. Para. 109 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe – this conclusion has not been drawn from the Highways Authority who are our technical experts and as such, subject to the conditions requested by NCC Highways the application is considered to be acceptable in this regard.

#### Impacts on Flood Risk and Drainage

Policy DM10 of the Allocations and Development Management DPD, although not directly addressing sewer capacity matters, sets out that ground and surface water issues which have the potential for pollution should be taken account of, and their potential impacts addressed. The Policy goes on to state that proposals should include '*necessary mitigation as part of the development or through off site measures where necessary.*' Core Policy 9 of the Core Strategy requires new development proposals to pro-actively manage surface water.

The 2018 approval at the site approved the construction of an attenuation pond in the SW corner of the site along with the regrading of the land to bring the land out of the flood zone, effectively challenging the EA flood mapping. The works also included the decommissioning of approximately 465m of culvert, up to the access road running along the southern site boundary (Lowfield Lane) and re-alignment of the Middle Beck (with 1 in 3 side slopes); retention of the 1.04m diameter culvert crossing Lowfield Lane; construction of a c.10,300m<sup>2</sup> off-side pond (SW, along the line of the Middle Beck, which caters for additional flood water during heavy storm events); and raising of the remaining part of the development site above the 1,000-year flood levels.

Given the complexity of these works the Environment Agency (EA) were involved in working particularly on the Flood Model submitted with the application which simulated how the proposed works would impact the flood risk on site. After extensive discussions and amendments made to the flood simulation model the EA agreed the model was adequate for its purpose and met the required standards, resulting in the site being remediated to FZ1.

As agreed by the EA, the approved attenuation pond will be drained by gravity and will be lined to ensure ground water doesn't enter it, ensuring that the pond performs effectively for rainwater attenuation capacity. Overall the EA have concluded that they have no objection to the proposed development subject to conditions regarding the reporting of contamination and remediation of contaminants, infiltration systems and the removal of suspended solids from surface water run-off, conditions which have been part-discharged through separate discharge of condition

applications and discussions with the EA. The application at hand re-advances the approved drainage/flood attenuation scheme in the indicative site layout which the EA have confirmed remains acceptable. It is therefore considered that subject to a condition that the works are carried out as approved under the 2018 prior to the commencement of any residential development that the application is acceptable in flood risk terms. This is because the Sequential Test does not apply to residential development within flood zone 1, therefore the location of the proposed development is considered appropriate in terms of flood risk provided the previously approved works are completed, an approach that has also been confirmed by the Environment Agency.

It is also worth noting that the agent has commented in letters submitted in support of this application that the drainage works secured through the 18/01235/FULM application are a significant benefit of the application at hand that should be weighed into the overall planning balance. Officers are mindful that the flood alleviation works secured through the 18/01235/FULM were to facilitate the site as a development plateau remediated to FZ1 and that some downstream betterment only arises through the alleviation works undertaken to the site itself. Given the groundworks and flood alleviation proposed have been secured through the previous permission at the site, in order to facilitate the residential development, Officers do not consider it appropriate to afford the benefit of these works full weight in the planning balance given they have been partially taken into account in a previous scheme.

In terms of drainage for the future development a Drainage Statement has been submitted as part of the application. In terms of foul sewerage generated by the development, this is to be discharged into the existing public sewer network. In terms of surface water drainage the Drainage Statement advises that following testing at the site the presence of deep made ground is likely to limit the use of soakaways – below the made ground there is a relatively impermeable sequence of mudstone formation strata which would also impede this drainage system. Currently existing surface water is draining unrestricted into the Middle Beck and this would be continued for the access road network as agreed by the internal drainage board. The remaining surface water drainage for the site will be through cellular underground storage and oversized pipes in the adopted highway and permeable paving networks. The drainage strategy confirms that sustainable urban drainage systems have been considered and can be incorporated within the design. The application has been subject to consultation with NCC Flood Team as the Lead Local Flood Risk Authority and no objections have been raised to the proposed approach, however precise drainage details will be required to be submitted at reserved matters stage and will be controlled via condition.

Overall, subject to appropriate conditions (particularly relating to the completion of the approved flood modelling works under 18/01235/FULM), it is not considered that the proposed development would result in any unacceptable impact with respect to flood risk and foul sewage in accordance with the requirements of Core Policy 9.

#### Impact on Ecology

Core Policy 12 of the Core Strategy seeks to secure development that maximises the opportunities to conserve, enhance and restore biodiversity. Policy DM5 of the DPD states that natural features of importance within or adjacent to development sites should, wherever possible, be protected and enhanced. Policy DM7 supports the requirements of CP12 and states that new development should protect, promote and enhance green infrastructure to deliver multi-functional benefits and

contribute to the ecological network. DM7 also states that development proposals affecting sites of ecological importance should be supported by an up to date ecological assessment.

It is acknowledged that there are numerous potential detrimental impacts to the ecological value of the site which could arise during construction and operational phases. These include, but are not limited to, the direct loss of habitats and their associated flora; degradation of retained habitats through soil compaction or changes to drainage etc.; pollution through either airborne or waterborne means; directly killing of species during site clearance; disturbance through increased artificial light; increased visitor pressure and degradation of retained or created habitats through mismanagement. However, this must be taken in the context of the overall benefits which the development, once constructed, has the potential to deliver.

Under the permission 18/01235/FULM extensive ecological investigations were carried out on the site in relation to the demolition of the existing buildings and ground clearance and remediation – as a result of this the ecological impacts of the site clearance have been appraised and agreed as part of this permission. The application at hand advances the same details which are considered up to date for the purposes of this application given the short passage of time between the previous approval and this application. In light of this it is not the intention of this report to rehearse these previously approved details, instead the context of this application will be discussed in relation to the updates this application advances.

The previous permission has secured a habitat and landscape creation and management plan that was agreed with Nottinghamshire Wildlife Trust (NWT) to include the retention of the LWS, replacement and enhancement of the LWS down the western boundary of the site creation of an attenuation pond which would also provide an aquatic habitat to maximize the sites ecological value in addition to drainage benefits which overall will provide ecological benefits such as creating a high quality community, foraging and nesting habitats. The application at hand advances these previously approved details and incorporates the habitat management plan within the indicative site layout plan.

### *Local Wildlife Site*

To the west of the access and traversing the western boundary is the ‘Balderton Scrubby Grassland Local Wildlife Site (LWS 5/332)’ (LWS) which is described as a mosaic of scrub and species-rich grassland. Under 18/01235/FULM permission was granted to remediate the entire site save for this LWS which was to remain undisturbed to protect the habitat pending consideration of the planned Phase 2 Site Investigation results for this area. The justification for retention of the LWS in preference to site clearance and reinstatement is that it reflects the well-established ecological mitigation hierarchy (see BSI 42020:2013 and NPPF) – i.e. firstly, avoid negative ecological impacts where possible. If this is not possible, the next best approach is to mitigate for impacts and as a last resort, compensate. Complete site clearance, where the habitat would be initially lost, before compensatory habitat could be re-created would be a compensatory approach to development on this site. The disadvantage of this approach is that like-for-like re-creation may not be possible due to changing site characteristics and potential loss of specialist plant species. A condition was placed on this permission to temporarily protect the LWS during development and a further condition to secure the development of a Habitat Management Plan including full details of ongoing management and maintenance of the whole site and demonstration of soil contamination levels prior to land clearance within the LWS area.

The subsequent discharge of conditions applications evidenced that there was elevated metals and some asbestos in the soils at the LWS however this could not be remediated in the normal

way which would likely include the removal of the contaminated soils and replacement with clean as this would remove the ecological significance of the land. The submitted contamination and ecological report with this discharge of condition application subsequently concluded that the LWS did not need to be disturbed and instead made ecological recommendations for retention and enhancement rather than disturbance and replacement of habitats. It was recommended that in order to manage the potential risk to health at the site the site would be planted to keep bare areas to a minimum and the land would be regularly inspected. NWT have agreed to this approach given the retention of the LWS, however the Council's Environmental Officer raised concerns regarding how this would be ensured throughout the lifetime of the development and how future residents would be safeguarded. Discussions have been ongoing with the agent as to whether the land could be fenced off with clear signage advising residents of the ecological importance of the site – the land in question is shown as green space on the indicative site plan and devoid of built form such that it is considered feasible that this land could be separated as amenity green space rather than usable green space without impacting the indicative layout.

In respect to the areas of LWS immediately adjacent to the stream and proposed attenuation pond, it was previously agreed that significant ground (and habitat) disturbance would be unavoidable given the requirement for existing slab and culvert breakout and removal, pond excavation, and eventual bankside re-profiling works proposed as part of the overall site redevelopment scheme. Given this NWT agreed that a Habitat Management Plan was to be conditioned and agreed prior to the commencement of any site clearance works which incorporated a fully detailed methodology for reinstatement and ongoing management of the grass/scrub habitat mosaic for which the LWS is currently designated as well as detailed plans for habitat creation and maintenance across the wider site. This condition was agreed and discharged through a further discharge of condition application. Subject to the re-imposition of conditions requiring the implementation and completion of the approved Habitat Creation and Landscape Management Plans and future consideration of the NW portion of the LWS it is considered that this proposal would not unduly impact the biodiversity of the LWS's and include opportunities to conserve and enhance biodiversity on the wider site.

In conclusion, the long term management of this site and the LWS's discussed above is important and can be secured through a habitat management plan to ensure their suitable management, replacement and enhancement.

### *Trees*

The 18/01235/FULM permission approved the clearance of all vegetation from the site and re-profiling to form a levelled construction platform. Whilst the site was dominated by bare ground which was becoming increasingly overgrown there were areas on the site which had some immature and semi-mature native trees in addition to some non-native tree planting associated with former landscaping including a line of Leyland Cypress and Lombardy Polar. Two areas of trees on the site were proposed to be retained, along the NE boundary with the sport club and along the northern boundary with Hawton Lane where there is a TPO designation. The trees that were proposed to be removed were classified as Category B and C trees with one area of Category U.

Whilst it was regrettable that the trees on site would be lost as a result of the approved permission, given the previous land use it was necessary to remediate the land to remove any potential contaminants. This previous approval proposed the removal of most trees on site however the long term arboricultural plan was to replace and enhance the ecology on site. The

Tree Officer reviewed the submitted details and advised that mitigation planting around the proposed pond should be implemented immediately and any further proposed soft landscaping proposals should seek to further mitigate and enhance for the loss of habitat and biodiversity that will occur during this phase of demolition/remediation. The Tree Officer requested a number of conditions which were attached to the permission and subsequently discharged with agreement from the NWT. The details submitted with this outline application replicate the approved details and it is considered that provided the same conditions securing the mitigation landscaping and planting are attached to any forthcoming approval this would be acceptable.

The Tree Officer consulted on this application has reiterated their previous comments therefore I am satisfied that subject to conditions in respect to further landscaping details and the protection of trees indicated for retention, the development is not considered to amount to a harmful impact in respect of trees.

### *Protected Species Impacts*

The application at hand assumes a baseline ecological value of the site following the commencement of the ground works in respect of the 18/01235/FULM permission – the site is undergoing extensive remediation and therefore current habitats are primarily bare ground with the exception of the retained LWS and wildlife mitigation areas as approved through the 2018 application.

An extended Phase 1 Ecological Survey was undertaken in addition to Phase 2 surveys; great-crested newt, reptile survey, breeding bird survey, badger survey, otter and water vole survey, aquatic plant survey, white-clawed crayfish survey, bat survey (trees and buildings). Full details can be found with the ecological report which accompanied the 2018 application. In summary the appraisal identified the presence of common pipistrelle bats in buildings due to be demolished and other protected species on the land. No evidence of aquatic species were identified. As the baseline of the site is now predominately cleared with the buildings partially demolished it is stated in the Ecological Survey that the appraisal remains as previously approved. As the attenuation pond has not yet been constructed at the time of writing this report it is also considered that the existing baseline survey of the aquatic habitats on the site has not changed from the previous permission.

The preliminary Ecology Survey submitted with the application at hand states that the only identified change to the approved ecological details is the enhancement of Balderton Scrubby Grassland LWS. The groundworks consent (18/01235/FULM) included the retention of part of the LWS and replacement of the southern part within the Wildlife Mitigation Area as agreed with NWT. Under this consent the LWS was approved to be partially retained, enhanced and extended over the long term and is anticipated to remain of importance to nature conservation at a local level. Given the integrated nature of the groundworks consent and the outline application the conditions imposed on the 18/01235/FULM and subsequently agreed details through the discharge of conditions applications could be re-imposed on any future permission to ensure the ecological mitigation and enhancements previously secured are delivered through any future scheme on the site.

The indicative site layout plan and Ecology Report advance the same ecological strategy and habitat creation opportunities as previously approved and I note that NWT have raised no objection to this outline application provided the same protection, mitigation and enhancement measures as previously approved are carried through to any future approval on the site. I am

therefore satisfied that the proposals will not unduly impact on the biodiversity of the area and opportunities to conserve and enhance biodiversity can be secured through conditions. The proposals therefore comply with the aims of Core Policy 12, Policy DM7 and the guidance in the NPPF. Similarly to the flood alleviation benefits, the ecological benefits of enhancing the site and creation of habitats along the wildlife corridor and attenuation pond have been secured through the 18/01235/FULM application such that it is not considered these elements can be afforded full weight in the overall planning balance given they have been partially taken into account in a previous scheme.

### Impact on Archaeology

Core Policy 14 of the Core Strategy requires the continued preservation and enhancement of the District's heritage assets including archaeological sites. Policy DM9 of the Allocations and Development Management DPD states that where proposals are likely to affect sites of significant archaeological potential, the applicant is required to submit an appropriate desk based assessment.

Through the 18/01235/FULM permission, consent was given for extensive ground works which included the remediation and regrading of the site. As part of this application a consultation was undertaken within the Council's external Archaeological advisor who recommended the developer undertake historic building recording on the historic buildings on site to be demolished in addition to a scheme of archeological works. At the time of determining this application it was not considered that there would be significant archaeological value at the site however following further assessments undertaken to the west at the Land South of Newark strategic site the Archaeological consultant revised their comments requesting extensive investigative works following the uncovering of extensive Romano-British remains close to the application site boundary. At this time the groundworks permission had commenced and extensive groundworks had taken place – the Archaeological Advisor visited the site to review the works that had taken place and submitted revised comments which advised that it would have been unproductive to request trial excavation across the main site given the majority of the site had been disturbed by the previous industrial use. The Archaeological advisor commented that there were a couple of areas that could contain undisturbed archaeological remains which could benefit from some limited trial excavation to see if in situ remains survive (in the foundry waste piles in phase 1 and on the eastern side of the Sports and social club) however the remediation of this entire site without a requirement for any trial excavation has been secured through the 2018 permission and as such the ability to control this has been lost. However the agent has advised that since the development of the site will necessitate the whole of the site being disturbed they would agree to a watching brief being conditioned during the implementation of any subsequent reserved matters consent, albeit most of the ground in this area is to be raised rather than excavated to alter the flood risk of the land.

In the context of the previous approval at the site, subject to the above condition, the proposal is considered to raise no issues in relation to Core Policy 14 and Policy DM9 of the Allocations and Development Management DPD.

### Impact on Residential Amenity

The NPPF seeks to secure a high quality of design and a good standard of amenity for all existing and future occupants of land and buildings. Policy DM5 of the Allocations and Development Management DPD states that development proposals should ensure no unacceptable reduction in



amenity including overbearing impacts and loss of privacy upon neighbouring development. Given the outline nature of the proposal it is not possible to assess all amenity impacts such as overbearing or loss of privacy through overlooking. These factors will be fully assessed at reserved matters stage.

The indicative layout submitted does indicate that the proposed houses could be sited a sufficient distance from one another as well as from the existing dwellinghouses, so as not to have a detrimental effect on one another. This issue would need to be considered in greater detail when the reserved matters of appearance, layout and scale are applied for, however, I am satisfied that the illustrative layout provides sufficient certainty that the objectives of Policy DM5 can be achieved in this regard.

### *Noise*

An important consideration for this site is the interrelationship between the existing commercial premises, sports and social club and the proposed residential units. Given this a suite of Noise Assessments have been submitted to assess the potential future impacts. In this context the 'Agent of Change' principle which has been introduced at paragraph 182 of the 2019 NPPF is particularly relevant. This paragraph states:

*"Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed."*

The NPPF is also clear in identifying matters of noise as a material consideration in the planning process. Specifically paragraph 180 states that decisions should aim to avoid noise giving rise to significant adverse impacts on health and quality of life. The Council's Environmental Health Officer (EHO) has commented on this application and reviewed the submitted noise reports – they have advised that a number of recommendations are made within the report in relation to future proofing residential properties through various noise mitigation measures particularly to the south and west of the retained Flowserve factory and the northernmost and southernmost parts of the site to mitigate against traffic noise. The noise report states that recommendations have been made to protect the amenity of future residents as well as to safeguard the business interests of the Flowserve factory which is compliant with para. 182 of the NPPF.

A second noise survey has also been submitted to assess the implications of the Sports and Social Club (SSC) operation and the relationship with the proposed residential properties. In order to protect the residents from noise and to allow the SSC to operate without unreasonable restrictions a number of noise mitigation measures have been proposed including glazing and ventilation and acoustic fencing which the survey concludes will adequately protect the amenity of neighbouring residents. The EHO has confirmed that this approach is acceptable and having reviewed all of the submitted information confirms that no objections are raised subject to relevant conditions being attached to any grant of consent.

In terms of the interrelationship between the retained Flowserve Factory and future residential occupiers the first noise survey concluded there was likely to be a 'significantly adverse effect' on

residents when a generator within the factory was in operation (recorded noise levels of 70dB). For outdoor amenity spaces such as private gardens and patios, BS8233 (which provides guidance for the control of noise in and around buildings) states that ‘it is desirable that the external noise level does not exceed 50 dB  $L_{Aeq,T}$  with an upper guideline value of 55 dB  $L_{Aeq,T}$  which would be acceptable in noisier environments’. The initial report recommended that in addition to acoustic fencing, sound insulated windows with acoustic vents to habitable rooms to properties to the east of the factory would be required. However the EHO noted that the noise survey only accounted for indoor noise impact rather than considering external noise impacts and implications internally when windows are open.

Whilst the noise surveys explained that the generator is used in the daytime only and on an infrequent basis, officers consider limited weight can be given to the past infrequency of use as it is not possible for us to control or restrict how often Flowserve operate this machinery. As such the EHO suggested that sound insulation would be required to further mitigate and prevent any adverse effects on the amenity of future occupiers. As a result of ongoing discussions, a third noise survey (Report No: P18-035-R02v1) was submitted which looked at more comprehensively testing the noise impacts from the generator when it was in operation and considered what steps could be taken to reduce the noise.

A series of noise measurements were taken at key locations on the application site with the generator operating, with the access door on the main building both closed (as would be the case for the majority of the periods of generator operation) and with the door open (which would occur for short periods at the start and end of the generator operation). A summary of the results can be seen below:

**Table 2: Summary of generator noise levels measured on development land (dB)**

Location	Measured Noise Level in dB $L_{Aeq}$	
	Access door closed	Access door open
A. Plot 273	51	57
B. Plot 269	48	56
C. Plot 270	47	57
D. Site boundary (previous Location 4)	58	68

*Taken from Page 8 of Flowserve Generator Noise Assessment Report No: P18-035-R02v1*

The noise report concludes that whilst the main access door to the generator enclosure is not visible from the application site, noise levels are significantly higher when it is open due to reflections off the main building and noise egress from the gap between the enclosure and the adjacent building. The measured noise levels at Location D indicate that the generator noise measurements taken previously in the earlier acoustic assessments reviewed by the EHO (report P18-035-R01-V3) were with the access door open. With the access door closed (which is understood to be the scenario during the majority of generator operating periods), noise levels are significantly lower and no more than 58 dB  $L_{Aeq}$ . At locations representative of the nearest proposed dwellings (as indicatively shown on the proposed site plan), generator noise levels are lower still and in the range 47 – 51 dB  $L_{Aeq}$ . These measurements are at least 19 dB below those assumed in the previous assessments which is a significant reduction and equivalent to approximately two halvings of loudness (i.e. four times quieter) in addition to being within the upper guideline value of 55 dB for outdoor amenity spaces.

Provided the access doors to the generator are kept closed at all times during operation the generator is unlikely to result in any unacceptable noise impact to proposed residential occupiers on the application site. The acoustic survey recommends additional mitigation measures comprising the installation of an acoustic lobby on the access door so at least one door can remain closed at all times (provided the lobby would provide the same standard of sound insulation as the rest of the generator enclosure) or relocating the generator control panel to within the main factory building so the generator can be operated remotely in addition to the fuel tank filling door being inspected and properly sealed to minimise noise emissions from this section of the enclosure. All measures would ensure the enclosure remains efficient during operation in addition to the installation of acoustic fencing and sound insulated windows with acoustic vents to habitable rooms as indicated within the acoustic report.

The EHO has advised that these mitigation measures to the generator enclosure, as outlined in points 4.5 and 4.7 of the report, in addition to the sound insulation and noise control measures for the proposed dwellings outlined at section 4 of the report should be implemented to ensure there is no adverse impact through noise disturbance on future occupiers. The EHO has advised that the recommendations to the generator enclosure are especially beneficial to secure at this stage in order to prevent any future implications on the Flowserve factory in the future should noise complaints be received (in the absence of undertaking these mitigation works) and subject to securing a suitable noise attenuation scheme they raise no objections to the proposal.

Exact details of noise mitigation would be agreed at the reserved matters stage but given the positive conclusion of the EHO it is considered that the applicant has done enough to satisfy mitigation to the dwellings and generator enclosure. The latter would need to be controlled through a Grampian condition as agreed by the agent due to the Flowserve factory being outside of the application site (i.e. the works would need to be completed prior to commencement of this development, if approved). The applicant has indicated that Flowserve Factory owners are happy with this approach and a letter confirming this is expected imminently, this will be confirmed to Members as a late item upon receipt. It is therefore considered, subject to these conditions, that the impact on the amenity of future residents surrounding the factory would be acceptable such that the proposal would accord with the relevant elements of the NPPF and DM5 of the ADMDPD in this regard.

### *Lighting*

I note that permission has been granted under 18/00235/FUL for the erection of floodlights around the football pitch which lies to the north-east of the sports and social club site (adjacent to the eastern part of the application site). The site plans submitted with this 2018 application shows the lights orientated inwards onto the pitch and at the time of determining the application, conditions were imposed in relation to the times in which these lights could be used and how frequently as a result of comments from the EHO. Impacts upon existing properties on Kew Gardens and Richmond Close were considered that lie to the north of the site, and I note that the application at hand would not introduce residential properties any closer to the approved floodlighting than appraised during this previous application.

The floodlights are restricted to be used only between 14:00 and 18:00 and no more than 12 occasions per year during 18:00 and 22:00 which prevents the floodlights being on unnecessarily when the pitch is not in use and also to prevent them being on late into the night. I am satisfied that this is acceptable in the context of the application at hand and that residential properties

proposed on the indicative site layout would not be unduly impacted as a result of the existing floodlighting.

Comments have been raised by interested parties about the potential impact of future street lighting on the amenity of existing properties and the impact it would have on the dark skyline that currently exists given the rural surroundings. The NPPF states at para. 180 that planning decisions and developments should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation. Given the outline nature of the application this level of detail has not been submitted, however I am satisfied that issues surrounding light pollution could be adequately addressed at reserved matters stage (where this is within the LPAs control) to ensure no detrimental effect on surrounding residents and the overall landscape. I am also mindful of the development being carried out to the west of the application site on Land South of Newark which will inevitably alter the surrounding character by virtue of the scale of this strategic housing and employment delivery such that any scheme forthcoming at the application site at hand would not result in significantly detrimental effects in accordance with the NPPF and DM5.

#### Impact on Contaminated Land

Paragraph 170 of the NPPF confirms that planning decisions should contribute to and enhance the natural and local environment including in the context of remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

The approved application under 18/01235/FULM secured full site remediation and works are currently underway on site, implementing this permission. Nevertheless this application has been accompanied by a Phase 1 Environmental Risk Assessment which has been assessed by colleagues in Environmental Health. The Contaminated Land Officer has commented that the previous approval at the site agreed that following completion of the demolition and remediation a clean cap of 300mm is proposed leaving a building platform for the developer. The developer then has to complete the remediation by making up this clean cap to 1000mm in gardens including sourcing clean material and validating that it has been carried out to an appropriate depth and standard. The full phased contaminated land condition was imposed on the previous approval and the Contaminated Land Officer has confirmed that parts B, C and D of the condition are required to be re-imposed on any future approval to ensure the above measures are achieved and appropriate validation reports are submitted. Overall no objection has been raised to the residential development subject to conditions should permission be forthcoming.

I am satisfied that the applicant has appropriately considered the previous land uses of the site and subject to the ongoing works under 18/01235/FULM and the proposed mitigation measures secured through conditions, the site could be considered appropriate for residential use. Similarly to the flood alleviation and ecological benefits, the benefit of remediating this contaminated brownfield site (which although carries substantial weight through the provisions of the NPPF) is not considered to carry full weight in the overall planning balance of this application given it has been taken into account and secured through the 18/01235/FULM permission.

#### Impact on Community Facilities

The existing Flowserve Sports and Social Club (SSC) facilities to the north of the retained Flowserve building that lie outside of the application site are protected community facilities covered by Spatial Policy 8 and I note that this is proposed to remain unaffected within the proposed plans.

Accordingly there would be no physical loss of the community facility to consider against SP8. However it is equally important to ensure that this important community facility can continue to operate as it currently does with no unacceptable detrimental impact from development occurring (noting that Sport England have made comment in this regard).

Sport England initially commented in their Statutory Role that their main concerns regard how the proposed housing development relates firstly to the introduction of residential properties adjacent to the playing field and the potential for impacts on residential amenity (this has been covered in the above Amenity section) and secondly issues around access and car parking for the SSC.

In relation to parking, during the 18/01235/FULM application Sport England commented regarding the potential implications of the development on the ability of the SSC to continue to operate both during the remediation phase and in the future, with particular concern regarding retaining access to the site and its parking provision. At the time of determining this application it was therefore considered essential that adequate replacement parking provision for the SSC was secured so as not to unduly impact the operation of the community facility. Replacement parking was secured via condition as indicated on the plan ref. Sports Facility Car Parking Plan 7630\_107D which shows 88 car parking spaces to the south of the retained Flowserve factory adjacent to one of the northern boundaries of this application site (noting that the approved car parking spaces are also shown on the indicative site layout). The previous parking provision for the facility lies to the western side of the site and has been part of the Phase 1 remediation works as approved under 18/01235/FULM. Concurrently with the determination of this previous application, permission was granted at the retained Flowserve premises for the erection of security fencing to separate the factory and the parking area to ensure both security for the factory and accessibility to the parking area for users of the SSC. Given the importance of maintaining the operation of the community facility a condition was imposed on the 18/01235/FULM consent that the car parking area as outlined on the aforementioned plan be made accessible and retained for users of the club at all times for the lifetime of the development. Given this car parking area was outside of the red line of the submitted site location plan, but within the blue line (as it was land within the applicant's ownership at the time) this was secured with a Grampian condition (Condition 04 of 18/01235/FULM).

For the avoidance of doubt Condition 04 of 18/01235/FULM reads:

*“Notwithstanding the approved details, prior to the commencement of any works on site the car parking area denoted on the Sports Facility Car Parking Plan ref. 7630\_107D (which is on land within the blue line boundary of the site on Site Location Plan - Ref. 110) shall be provided and made accessible for use by the Sports and Social Club. The car parking area shall thereafter be accessible and retained for the lifetime of the development for use by users of the Sports and Social Club unless otherwise agreed in writing by the Local Planning Authority.*

*Reason: To ensure the future operation of the community facility is not compromised by the approved development. ”*

The Council's intention with imposing this condition was that the parking area would be provided and made accessible for users of the SSC prior to the commencement of the development and for its lifetime (noting the description of development for this permission was “[...] to create a development site”) so as not to affect the ability of the SSC to continue to operate as a community facility. However, throughout the course of this application Officers have considered the effect of

Condition 4 and the meaning of its wording – particularly the use of the phrase “*for the lifetime of the development*”. Officers were concerned that an argument could be advanced that once the 18/01235/FULM permission is complete (in that all the buildings on site have been demolished, the land remediated and the water works fully carried out) the condition would no longer remain enforceable as the ‘lifetime of that development’ would have ceased, thus the condition would no longer bite, albeit this was not their original intention.

In light of this, and the implications it could have on the determination of this application, the LPA has sought Counsel advice regarding Condition 04 and its enforceability. Counsel has confirmed that given the wording of the condition, it is ‘time limited’ to the works to be undertaken as part of the 18/01235/FULM application, and thus once the works have been completed the condition would no longer be enforceable. Whilst the LPA has received no indication that Flowserve has any intention of withdrawing the car parking area from use, an inability to enforce the Condition would result in an unsatisfactory position as the SSC would be left without any parking provision for its users. The Council is therefore concerned that, in those circumstances, the condition cannot now be taken into account as a way of ensuring the continued provision of car parking in deciding the current application.

Prior to the submission of this current application, land ownership has changed. The current application has been submitted with a new site location plan which only includes a red line for the application site and takes the SSC and the Flowserve factory (and thus the car parking area) out of either the red or blue lines. As a result of this it is no longer possible to re-secure the 88 parking spaces in the same way (via condition) in this current application. Accordingly, Officers have enquired whether the applicant would be willing to enter into a section 106 agreement with the owners of the parking area (Flowserve Factory) and the Council to ensure the parking area is retained. The agent has confirmed that the applicant cannot facilitate a S106 agreement in respect of this parking area with the owners of the Flowserve Factory site and in any event contends that the parking area is already secured through Condition 04 and thus a S106 agreement is not required. However, given the conclusion of our Counsel advice, Officers have significant concerns regarding the future availability of these parking spaces for the SSC as once the remediation permission is completed there would be no assurance that the parking spaces would be retained for use. The absence of an ability to guarantee the security of sufficient parking for the SSC through this application and the possible consequential impact on the operation of the community facility through the removal of any parking provision is therefore a material planning consideration for the Council to judge.

Given this conclusion Sport England were reconsulted on this application, their comments can be read in full in Appendix A, however in summary they have concluded that they would raise objection to the proposed development in the absence of any security over parking provision for the SSC as this could prejudice the use or indeed lead to the loss of the sports facility. In the absence of adequate car parking, Sport England have concerns that future visitors to the SSC could create significant disturbance to the residential amenity of future occupiers leading to potential future restrictions on parking and highway safety issues such as emergency vehicle access. In addition they have confirmed that in the absence of any security over parking provision they would support the Council’s conclusion that the absence of an ability to guarantee the security of sufficient parking for the SSC should carry significant negative weight in the planning balance as the potential removal of parking provision for the Club would impact its ability to operate as an identified Community Facility which is protected by SP8.

In an attempt to address this point the applicant has advanced several arguments:

1. That the SSC is unconnected to the application site, it comprises a separate land use on a site that is in separate ownership and there is no reason in planning terms why the applicant should provide parking for its benefit;
2. That in any event a site has been retained which is operated by Flowserve to provide 88 spaces which are available for the use of the SSC (which the applicant maintains is secured via Condition 04 attached to 18/01235/FULM, a permission that exists in perpetuity. Therefore, condition 4, relating to the provision and control of car parking must also exist and endure in perpetuity);
3. That insofar as the car parking needs of the SSC are material to the determination of the current planning application, which the applicant argues they are not, it is evident that such provision has already been made; and
4. In any event, the SSC can provide car parking on land which it currently occupies, and this is a matter for the SSC to resolve.

Having already explored point 2, to take the applicants first point, whilst the SSC is in separate ownership and lies outside of the application site the application site is directly adjacent to this site and includes land which the SSC have had the benefit of using for their parking provision for many years. The removal of this provision, through the development of this land, would directly impact this identified Community Facility's ability to operate which would conflict with the provisions of policy SP8 which seeks to protect community facilities. Throughout the course of the 18/01235/FULM application the applicant raised no objection to the requirement to make alternative parking provisions for the SSC and indeed agreed to (and has since made no challenge to) the imposition of condition 04 (irrespective of the recent conclusions regarding its future enforceability). Officers therefore consider it reasonable to conclude that the applicant was in agreement that condition 04 (and thus securing parking provision for the SSC) was necessary, relevant to the development to be permitted, precise and reasonable in all other respects (in accordance with para. 55 of the NPPF). It therefore appears that the applicant's position has changed with point 3 in that they no longer consider the car parking needs of the SSC to be material to the determination of the applications at this site.

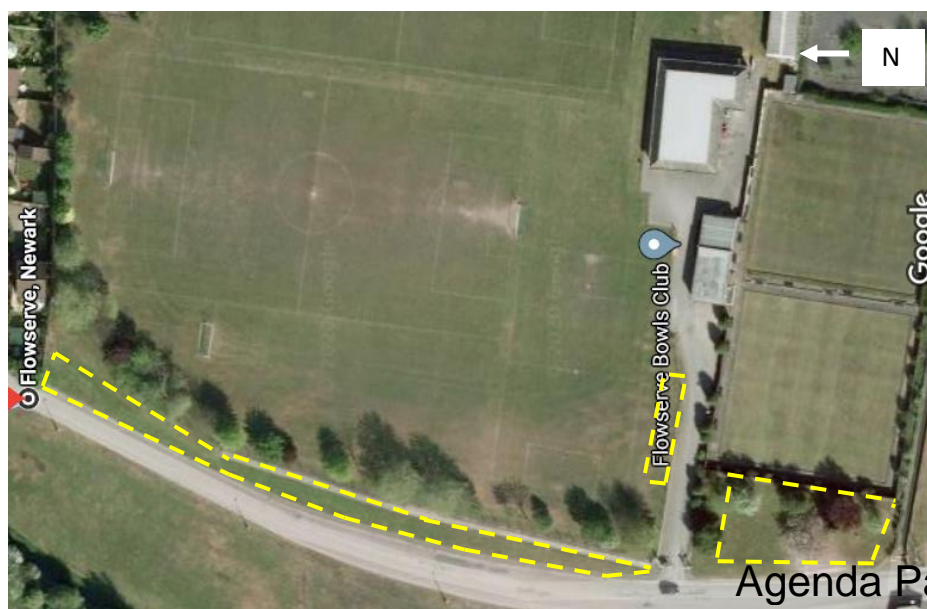
Further to this argument the applicant has submitted a statement (dated 18 June 2020) that seeks to clarify the previous (pre-commencement of the 18/01235/FULM application) and current parking positions of the SSC. Their statement asserts that historically, the SSC had a lease from the Flowserve factory which extended only around the sports uses which they currently occupy. It did not encompass any car parking areas in the control of Flowserve (i.e. the land that the SSC has historically used to the west of its entrance) and the lease did not require Flowserve to make any parking available. The users of the SSC simply parked on Flowserve owned and controlled car park (outside of the secured area) on an informal basis in an arrangement that could be described as use by unwritten licence. Such a licence is terminable at will by the licensor. The applicant argues that the current situation would see 88 spaces made available (again outside of the secured area) to the south of the Flowserve factory for use by the SSC on the same basis of an unwritten license and thus in the context of parking for the SSC, the situation would remain unchanged. The applicant therefore concludes that the SSC will not be affected by the current application as the scheme would not affect their parking position and there would be a nil effect.

However, the previous long term parking arrangements (irrespective of whether this was on the basis of an unwritten license) reflected that the SSC was the sports and social club of the Flowserve company. There are many factors that have '*changed*' when considering the current vs future parking situation, one fundamentally being the severance of the link between Flowserve and the SSC and that the two parcels of land are now in separate ownership. These changes are

therefore material in considering the status of the parking provision (even on the basis of an unwritten license) in addition to the fact that the previously approved and current planning applications on the surrounding land also change the circumstances in which to consider the previous and current parking arrangements, including the imposition of condition 04 described above. The Council therefore does not accept the applicant's argument. Officers have explained that their stance is that the SSC will be directly impacted by the application at hand and in the absence of any mechanism to secure sufficient parking provision for its use in perpetuity, Officers cannot reasonably conclude that the development would not impact the ability of the SSC to continue to operate as an important community facility which would be contrary to SP8 of the Core Strategy.

In light of this conclusion the applicant submitted a plan and a supplementary transport statement (version 2.0 – 15th June 2020) which put forward a proposal for parking to be provided within the SSC site itself (point 4 above). In the interest of coming to a satisfactory conclusion Officers explored this option with Sport England (whose comments on this can be read in Appendix A - 15.07.2020). In summary, there were concerns from Sport England about the assumptions made in the Transport Statement but more fundamentally they objected to the proposal to convert some of the land within the SSC to parking area stating that both the overflow parking and part of the suggested main car park on the submitted parking plan would use up any spare land which allows for site flexibility of pitch arrangements, maintenance, warm up and training without using the main pitch areas which would in turn impact the Club's ability to operate. Sport England would object to any proposal which results in the loss of usable playing field and have concluded that they do not consider the provision of parking within the SSC site itself (as shown on the plans submitted) to be an appropriate option to address this issue.

Whilst the agent disputes a number of points raised by Sport England (as highlighted in their letter of 17 July 2020), given Sport England's conclusion, the applicant has looked at alternative options to provide parking for the SSC. The indicative plan 'Combined Site Plan (incorporating additional parking) (7630-157)' has been submitted which shows a total of 96 car parking spaces. 44 spaces are shown within the red line of the application site to the east of the Flowserve factory adjacent to the boundary with the factory site, access to which could be obtained from the SSC down the public footpath that runs to the north of the factory building. 52 spaces are shown to the west of the SSC (outside of the red line of the application), 17 along the land to the north of the SSC access, 25 to the south (both of which are on the existing grass verge areas outside of the SSC boundary fencing) and 10 within the SSC site to one side of the existing access (three areas shown below).





In terms of quantum of spaces, throughout their comments Sport England have raised concerns that insufficient parking would result in consequential impacts on the residential development through displacement of vehicles onto residential streets which could pressure the future operation of the SSC and safety of the highway network. However, in terms of considering the optimum quantum of parking spaces, Officers are mindful that the 88 spaces that were intended to be secured through condition 04 of 18/01235/FULM would have secured a level of car parking that was previously accepted by Sport England in the 2018 application to be adequate as illustrated by the withdrawal of their objection and acceptance of the conditioned plan. As such, whilst there might be concerns regarding 'overspill' car parking issues it would not appear reasonable to reopen this issue for debate again given their previous position. This would also appear to be implied by Sport England's comments of 15.07.20 that state "there appears to be logic in considering at least the same level [of parking] as that agreed on the retained Flowserve site for any assessment". As such, Officers consider the applicant's indicative arrangement showing 96 spaces to be sufficient.

Ten spaces are shown within the grassed area of the SSC. Given their previous comments Officers have sought a view from Sport England on this final parking plan however at the time of writing this report their comments have not been received. Officers are mindful that the area shown is adjacent to a marked out football pitch and may not be suitable from Sport England's perspective, however the plan is indicative only at this stage and should these 10 parking spaces be lost this would leave 86 parking spaces which is only 2 less than was secured through the 18/01235/FULM permission. Whilst it is less than ideal to reduce the number of spaces, when looking at the overall scheme, Officers do not consider a reason for refusal could be sustained on the difference of 2 spaces.

The Highways Authority have also been consulted on this final parking plan. They have advised that the 17 spaces shown to the north of the SSC access are less than ideal. The indicative plan shows a footway running to the rear of the spaces which infers these would be adopted as part of the public highway, however the Highways Authority usually expect all car parking to be off-highway. Comments from NCC Highways (20.7.20) highlight that these spaces are unlikely to be refusable on highways safety grounds but in the event that they are accepted a commuted sum payment would be expected for maintaining the spaces if they were to remain in the public highway. On the basis that these spaces would not present a highways safety risk Officers are comfortable that these spaces could be acceptable, subject to a detailed design at reserved matters stage and the satisfaction of the Highways Authority.

Having explored multiple options with the applicant, this indicative parking plan showing how a sufficient number of parking spaces could be accommodated on the site and on land that is within the same ownership as the SSC is considered to address Officers' previous concerns relating to a lack of parking provision and any consequential impact on the SSC. A scheme for parking provision for the SSC, based upon the indicative plan submitted, would need to be submitted as part of the reserved matters submission (first phase) and given it would in part relate to land outside of the application site boundary would need to be secured through a S106 agreement. However subject to this, Officers consider the proposed residential development would now be acceptable in relation to any potential impacts on the operation of the community facility.

I note Sport England have also commented on the application raising concerns regarding the potential for the Flowserve business to relocate in the future resulting in this land being offered up for development and further pressure on the facility. Whilst Officers agree that any loss of or restrictions on access and/or parking for the Club has the potential to have significant impacts on

the future use of the sports field site, it would be unreasonable to assess the application at hand based on an assumption that further development might come forward in the future. Given the applicant is now willing to enter into an agreement for the submission of parking scheme to secure parking spaces for use by the SSC in perpetuity, Officers consider that this proposed residential development would no longer result in any significant detrimental impact on the designated Community Facility. The proposal is therefore considered to be in accordance with policy SP8.

### Viability of Development and Developer Contributions

Spatial Policy 6 'Infrastructure for Growth' and Policy DM3 'Developer Contributions and Planning Obligations' set out the approach for delivering the infrastructure necessary to support growth. The Developer Contributions and Planning Obligations Supplementary Planning Document provides additional detail on the Council's policy for securing planning obligations from new developments and how this operates alongside the Community Infrastructure Levy (CIL). The SPD is a useful starting point for the applicant in setting out the approach to resolving negotiable elements not dealt with by the CIL and of the site specific impacts to make a future development proposal acceptable in planning terms.

Clearly the starting point for any application is that the proposed development would deliver the full suite of contributions considered necessarily attributed to the development. In the case of outline applications, some contributions cannot be fixed until overall numbers are known. The S106 would therefore need to set out, where relevant, a series of formulas to be applied to each separate obligation dependent on details submitted in the reserved matters stage.

However in this case the applicant has submitted a viability case which identifies that the scheme would be unable to support any planning obligation requirements due to the level of abnormal costs associated with the remediation of this brownfield site in addition to abnormal foundation solutions required, works to alleviate flooding issues and the undevelopable nature of part of the land where wayleaves exist which have been counted in the assessment from the 18/01235/FULM permission (estimated cost of £4,205,061). Given this site is a brownfield site, which requires substantial contamination remediation there are significant challenges and site constraints that would be associated with the delivery of any re-development of the site. The conclusion, in the viability report in this case, is that there is insufficient headroom to support any S106 contributions. The viability appraisal has been determined based upon a developer profit level of 2.64% on revenue (amounting to £1,542,032.00) which is considerably lower the industry norm of 20% and the viability report concludes that should the development include policy compliant contributions then the scheme would generate a negative developer margin of -£8,244,539.00 (-15.29% on revenue) which would be well below market expectations of a scheme of this nature.

As with previous instances where we have been presented with a viability case, Officers have negotiated an independent review of the appraisal at the cost of the applicant. The response received from Lambert Smith Hampton dated 15th July 2019 confirms the agent's viability appraisal to be acceptable in that it is based on reasonable development costs and robust assumptions in line with current market requirements. The independent review therefore corroborates that the scheme is not viable on a policy compliant basis as there is insufficient headroom based on the substantial abnormal development costs associated with re-developing this brownfield site.

Nevertheless, the following discussion provides the requirements of the SPD and consultee responses for a scheme of up to 322 dwellings. For each potential contribution the policy position

will be stated along with the developer's offer and Officer's position/commentary on each. The implications of the viability position are then considered at the end of this section.

### *Affordable Housing*

The Council's Core Strategy, Affordable Housing SPD and Developer Contributions and Planning Obligations SPD seek to secure the provision of 30% on site affordable housing where the relevant thresholds are met. Based upon the maximum number of units as detailed on the Indicative Masterplan, this would deliver **97 affordable units**.

Notwithstanding any comments made by the agent that members may recall from their briefing meeting in 2019 the proposal would involve no provision of affordable housing on site and it is recognised that this would represent a significant shortfall in the policy requirement to the detriment of local affordable housing needs.

CP1 states that in seeking to secure 30% affordable housing in doing so will consider the nature of the housing need in the local housing market; the cost of developing the site; and the impact of this on the viability of any proposed scheme. In circumstances where the viability of the scheme is in question, the developer will be required to demonstrate, to the satisfaction of the District Council, that this is the case – this is reiterated by para. 57 of the NPPF. However, both the NPPF and the NPPG makes clear that where the viability of a development is in question, the weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case. Notwithstanding this, Officers are conscious that paragraph 64 of the NPPF states that:

*Where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups. Exemptions to this 10% requirement should also be made where the site or proposed development:*

- a) provides solely for Build to Rent homes;*
- b) provides specialist accommodation for a group of people with specific needs (such as purpose-built accommodation for the elderly or students);*
- c) is proposed to be developed by people who wish to build or commission their own homes;*  
*or*
- d) is exclusively for affordable housing, an entry-level exception site or a rural exception site.*

The 10% figure has also been reinforced by the latest national CIL consultation and this has been presented to the applicant as an absolute minimum requirement for the proposal.

As set out above a viability case has been presented with this application which includes a high level of costs associated with the redevelopment of brownfield or previously developed land. As discussed in the *Principle of Development* the NPPF asserts the importance of utilising brownfield land, particularly within settlements for the delivery of homes and where proposals support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land (para. 118).

As a result, to incentivise brownfield development para. 63 of the NPPF states that where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount equivalent to the existing gross floor space of the existing

buildings, this is known as 'Vacant Building Credit'. However, this does not apply to vacant buildings that have been abandoned. The Council has accepted that the former Flowserve buildings which were vacant were not considered to have been abandoned and as such could be counted against the Affordable Housing requirements of the site. However discussions have been ongoing with the agent regarding whether the proposal at hand is able to 'claim' this credit because the Council considers that in order to claim the floor space of any vacant building, these buildings should be present on site and included as part of the proposal at the time of determining the application where the credit is to be applied. The agent has disputed this point and has submitted their own Counsel advice which the Council's own Legal Advisor has reviewed. For the avoidance of doubt, the demolition of all of the redundant factory buildings was approved under the 18/01235/FULM and following commencement of this permission it has been confirmed that all buildings proposed and consented to be demolished have been demolished at the time of determining this application.

Whether it is necessary for existing buildings to be present on site at the point of the determination of the application in order to include the floor space of the buildings within Vacant Building Credit calculations has not been definitively settled in case law. The National Planning Policy Guidance (NPPG) advises that *"where a vacant building is brought back into any lawful use, or is demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floor space of relevant vacant buildings when the local planning authority calculates any affordable housing contribution which will be sought"*.

Paragraph 27 of the NPPG goes on to say *"A 'credit' should then be applied which is the equivalent of the gross floor space of any relevant vacant buildings being brought back into use or demolished as part of the scheme and deducted from the overall affordable housing contribution calculation"* [emphasis added]. The LPA's opinion is that the ordinary and natural meaning of these words is that the vacant building must be present on site at the time of the planning decision and the demolition has to be part of the scheme coming forward for decision, not as part of some earlier operation. The NPPG is a material consideration and therefore the Council considers it reasonable to require any buildings to be used in claiming Vacant Building Credit to be present at the time of the decision. Given all of the buildings on site have been demolished, Vacant Building Credit cannot be used to offset any of the affordable housing contribution required by the development. The minimum expectation would be for the development to provide at least 10% affordable housing, based upon the maximum quantum sought this would amount to **32 units** being provided as affordable units which in monetary terms would equate to: **£1,472,000** (32 x £46,000/unit). The LPA would be seeking to secure this contribution through a S106 agreement.

Throughout the course of this application the applicant and their agent have continuously expressed their intention is for in excess of 30% of the units on site to be delivered as affordable housing through a Registered Provider (RP). The applicant has sought to secure a partnership with a RP in order to apply for grant funding from Homes England (HE) to provide affordable housing on this site (a figure of 113 units has been cited consistently within correspondence from the agent). However, as part of their grant funding stipulations HE will not support any affordable housing delivered through a planning obligation (S106 or condition). Therefore, whilst the applicant has advanced their intention to deliver affordable housing on the site (with HE grant funding), and Officers clearly see the merits of this, we have explained that in order to give this any weight in the planning balance there must be a mechanism by which to ensure its delivery.

Notwithstanding HE's position, the applicant has put forward a number of proposals to the LPA as a way to 'work around' this restriction so that the intended provision of affordable housing on the

site can be afforded weight in the planning balance. The options put forward include making Nottinghamshire Community Housing Association (NCHA) a joint applicant within this planning application or the applicant entering into a contract with NCHA and the Council to achieve a simultaneous “exchange” whereby NCHA sign and complete an agreement to purchase land sufficient to accommodate 113 units for affordable housing and that at the point of this signing the Council releases the planning permission for the development upon the understanding that the land has already been transferred to NCHA. Officers have sought Counsel advice on these options.

**NCHA as a Joint Applicant** – the Council’s view is that this option is unlikely to significantly alter the previous position. There would remain no condition or S106 agreement that would bind the applicant and NCHA to providing affordable housing on the site unless the permission was adapted to be a ‘personal permission’. However, NCHA has not indicated that they are agreeable to this approach in any event.

**Entering into a Contractual Agreement** - There is, so far as we are aware, no reported case law suggesting that mechanisms along the lines of those promoted on behalf of the applicant in this option are either (a) lawful; or (b) appropriate. One of the reasons contributions are secured using S106 is the enforcement machinery contained within that provision. Any agreement outside S106 would not benefit from the same machinery, Officers have expressed concerns that should there be any breakdown in the mechanisms between the applicant and NCHA or if HE did not provide grant funding then the enforceability of this agreement is unclear. As far as we are aware HE has not indicated that the proposals suggested by the applicant would attract such funding on a basis that they consider is proper. Nor have they indicated informally or otherwise that this is in general terms an approach they are familiar with or have used before.

The applicant/agent has not articulated with any sufficient precision either the statutory powers that would be used for the purposes of both entering into such an agreement and/or the later enforcement of it, in circumstances where it might later be argued that the precise reason s.106 was not used was to secure public funding that would not be available had it been used. As set out above, the Council is not aware of any support for this approach whether from HE, Planning Inspectorate or the courts. It is therefore considered, by definition, an unconventional approach which has not been tested and Counsel has advised that this carries significant risk.

In addition, the applicant has not in any event produced a sufficiently detailed draft contract so that the Council could meaningfully assess fully potential areas of difficulty. The applicant has been advised that should they wish to continue to pursue this course that this is a matter for them to undertake. Counsel has raised legitimate questions such as: What would the contract say, for example, about the allocation of risk? What would it say about enforcement mechanisms in the case of a failure to deliver affordable housing, or about the prospects of further planning applications being made to release the affordable housing provision? Who would the mechanisms be enforceable against, and how? These questions remain unanswered and therefore Officers consider this is not a reasonable or reliable option to pursue. NCHA have also, as far as we are aware, not indicated that they would be amenable to this kind of approach, or that they have used it successfully before and HE have advised that they would prefer no agreement between the developer and a registered provider for affordable housing that forms part of the planning submission.

In conclusion, it is accepted that the NPPF places substantial weight on re-using brownfield land, particularly to meet the demand for housing, and presents a mechanism which incentivises this

through reducing required affordable housing contributions. However the application at hand is not capable of fully utilising the mechanism that would have been available to off-set some or all of the required contributions towards affordable housing and as such Officers consider that in order to comply with the NPPF a minimum of 10% affordable housing should be provided by this scheme at least (which would amount to 32 dwellings) or the equivalent commuted sum payment in lieu of on-site delivery (which would amount to **£1,472,000**), neither of which are forthcoming with this application.

Whilst Officers do not dispute the applicant's intention may be to secure grant funding for this purpose with a RP in the future, in the absence of any mechanism to secure a policy compliant 30% or at least the NPPF minimum of 10% contribution, no weight can be afforded to this in the planning balance.

### *Community Facilities*

As defined by the Developer Contributions and Planning Obligations SPD, community facilities include (but are not limited to), Community Halls; Village Halls and Indoor areas for sport. In the interest of comprehensive development, the District Council will seek the collective provision of new infrastructure (where necessary). Based on 2016 indexing, for a development of 322 dwellings this would equate to a financial contribution of **£445,670.54**.

As stated above the scheme would not be able to support a community facilities contribution and would therefore fail to meet the SPD requirement in this regard.

### *Education*

The Council's SPD on 'Developer Contributions and Planning Obligations' provides that contributions towards primary school education can be sought from planning applications for 10 or more dwellings.

The comments of Local Education Authority (LEA) suggest that the development would yield an additional 68 primary school places and 52 secondary school places (albeit the delivery of secondary education places would be secured through the District Council's Community Infrastructure Levy). A contribution of **£1,148,656** (68 x £16,892) has therefore been sought for Primary education which the LEA state would be used towards the delivery of the extension of the existing Chuter Ede Primary School (Fernwood Annexe). It is noted that this amount actually exceeds the latest figures from the Developer Contributions SPD but it is equally noted that no 2016 indexing figures have been formally provided and thus presumably this amount has taken the latest indexing into account.

Throughout the course of the application the agent has disputed the methodology used by the LEA in calculating education contributions based upon relevant 'school planning areas', arguing that there is capacity in surrounding schools (based upon a different catchment area approach) that would negate the requested contribution. The LEA asserts that the contribution requested has been determined based upon the County Council's Planning Obligations Strategy and that the report submitted by the agent disputing the requested contribution is not based upon the County Council's adopted approach as it should be based solely on the capacity of schools within the respective 'Primary Planning Area', which in this case is Balderton, rather than one individual school. The LEA have advised that the methodology used has been agreed by the Department of Education and maintain that based on current projections there is insufficient capacity within the

Balderton Primary Planning Area to accommodate the development and as such the contribution requested is valid and justified.

The applicant remains of the view that the LEA have failed to justify its request for a contribution to be made for education on the basis that their analysis of adjoining schools closest to this development demonstrates that they still have surplus capacity. The applicant has also advanced the argument that the School Capacity (SCAP) projections have changed – they argue that where the LEA had previously forecasted that the rolls in the Balderton and Newark Town 1 Primary Planning Area were going to grow (by 13 and 197 places respectively), the most recent SCAP projections suggests that both planning areas are going to have a fall in rolls by 2023/24 (by 55 and 19 places respectively). In this context the applicant argues that there is sufficient capacity for the proposed development. NCC have been asked for additional comments on this point, however they have not been received at the time of writing this report.

However, in any event, as explored above the scheme would not be able to support any education contribution and would therefore fail to meet the SPD requirement in this regard.

#### *Health*

For developments over 65 dwellings (or where a development places an extra demand upon local health care) a contribution of £982.62 per dwelling (figure includes indexation to 2016) towards health can also be sought through the planning application as set out in our SPD. This amounts to **£316,403.64** for the entire 322 units.

Given the pressure on existing infrastructure that is already stretched it is considered that this contribution would be required, however the scheme would not be able to support a healthcare contribution and would therefore fail to meet the SPD requirement in this regard.

#### *Libraries*

The Council's SPD allows for contributions towards library stock at a cost of £47.54 (based on 2016 indexation) per dwelling. This amounts to a contribution of **£15,307.88** in respect of Library stock.

However, as explored above the scheme would not be able to support this contribution and would therefore fail to meet the SPD requirement in this regard.

#### *Public Open Space*

A development of up to 322 dwellings is required to make a contribution towards public open space in the form of provision for children and young people (18m<sup>2</sup>/dwelling), amenity green spaces (14.4m<sup>2</sup>/dwelling), outdoor sports facilities (52.8m<sup>2</sup> per dwelling), allotments and community gardens (12m<sup>2</sup> per dwelling) and natural and semi-natural green space. The indicative site layout incorporates on site provision in the form of 5 separate areas totaling 35,889m<sup>2</sup>. The open space provision includes:

- A 1,956m<sup>2</sup> Local Equipped Area for Play (LEAP) which is situated on the southern portion of the site.
- A 24,092m<sup>2</sup> amenity area running along the western site boundary and including the attenuation pond.

- A 7,148m<sup>2</sup> landscaped amenity area is proposed at the northern site boundary, where the access road adjoins Hawton Lane and the Local Wildlife Site
- A 2,243m<sup>2</sup> landscaped amenity area at the entrance to the site.
- A 450m<sup>2</sup> landscaped area adjacent to the west of the Flowserve premises.

Despite the total of 35,889m<sup>2</sup> over half of this constitutes the sustainable drainage scheme (SUDS) (with 10,600m<sup>2</sup> comprising the attenuation pond). The NSDC Parks and Amenities officer has commented that it may be appropriate to consider all or some of this as Public Open Space, the purely engineered drainage solution element may not be appropriate to include, such as the flood attenuation pond. It is noted that the actual figures may differ slightly given the changes made to the indicative layout throughout the life of the application but there is the opportunity to secure these figures as minimum quantum through any associated legal agreement.

Based on the required provision levels the scheme should include 5,796m<sup>2</sup> of children and young people's playing space (322x18) however the only area included on the indicative plan is the LEAP at 1,956m<sup>2</sup>. None of the remaining areas shown on the layout are appropriate as playing space and therefore there is a shortfall of 3,840m<sup>2</sup> (equating to **£192,691.20** based on £50.18 per m<sup>2</sup>).

The NSDC Parks and Amenities officer also states in their comments that a scheme of this size should include the provision of allotments (3,888m<sup>2</sup>) and if on-site provision is not considered to be possible then an off-site contribution (of **£39,890.88**) towards allotment provision in Balderton should be provided. In addition, given the size of the development it is considered appropriate that the site should include provision for older children and teenagers in the form of a Neighborhood Equipped Area for Play.

It is appreciated that it is unlikely that outdoor sports facilities would be provided on site and Officers do not accept that the existing facilities on the Flowserve Sports and Social Club can be counted as on-site provision, therefore an off-site contribution would be more appropriate in this respect. This would amount to **£237,545.84** based on 2016 indexing of the SPD figures.

#### *Maintenance of Public Open Space*

The District Council has confirmed that it would not take on the maintenance of the Public Open Space which amounts to a total of approximately 3.58 hectares including a LEAP, biodiversity habitats, SUDS and an attenuation pond which would require an able and sophisticated maintenance regime.

It is acknowledged that the applicant has a duty of care to new customers which extends far beyond the initial point of sale. Managing the delivery of communal facilities for a large development requires careful programming and constitutes highly specialized, resource intensive work, particularly given the site specific circumstances relating to the LWS and SUDS scheme. Equally it is acknowledged that the use of Management Companies (ManCos) is common practice across the UK.

A ManCo is a company set up to specifically maintain and manage communal areas and services within a development which do not belong to nor are the responsibility of a specific person (for instance an individual leaseholder or home owner). The specific details relating to the future management of the Public Open Space would be agreed through a S106 agreement with the developer, albeit it falls to the LPA to agree a precise schedule of maintenance/management prior to development commencing. Maintenance would be paid for by the developer through either by



them front loading the ManCo with subsidies and/or applying service charges to the dwellings they sell - overall this approach is considered acceptable.

### *Transport*

Nottinghamshire County Council (NCC) have made a specific request that the current development would warrant a contribution of **£225,000.00** to support the provision of a bus service to serve the development (albeit the final level of contribution would need to be confirmed upon submission of the road layout as part of a planning application and following discussions with the local bus operators).

NCC have also requested a contribution of **£50,000** for indicative bus stop infrastructure to serve the site (again, subject to the final layout to determine the number of stops required within the site). A Bus Taster Tickets Contribution of **£9,000** has also been requested to provide new occupants with a 2-week smartcard bus pass for use on the local bus network, to encourage use of sustainable modes of travel. However, no evidence has been provided to justify these three sums.

### *CIL*

The Council's adopted Community Infrastructure Levy confirms that for residential development in this location is rated zero.

### *Summary of Developer Contributions and Conclusions on Viability*

In summary the viability case submitted identifies that the scheme would be unable to support any planning obligation requirements due to the level of cost associated with re-using a brownfield site and in particular given the works approved through the 18/01235/FULM permission (c. £4,205,061). The viability assessment has been based upon a 2.64% profit level on revenue (2.71% on cost) which is well below the general industry norm of 20%. The Council's consultant has confirmed that the viability assessment is robust and based upon reasonable development costs and assumptions in line with current market requirements and therefore it is accepted that the scheme is unviable on a policy compliant basis.

The proposed on-site contributions are limited to the provision of open space for children and young people (in the form of a LEAP, albeit significantly smaller than required for a development of this size) and amenity green space. Whilst Officers do not challenge the viability conclusions, the proposal falls significantly short of the policy requirements to secure the required level of contributions towards affordable housing, community facilities, education, health, libraries, public open space and transport.

The agent has argued throughout the course of the application that the absence of S106 contributions does not automatically make a development inherently unsustainable, a point which Officers do not necessarily agree with having drawn the agent's attention to an appeal decision at Highfields School, London Road, Balderton, NG24 3AL (APP/B3030/W/17/3188864 & APP/B3030/W/17/3188871) which considered this very point. Paragraph 10 of the NPPF confirms that at the heart of the Framework lies a presumption in favour of sustainable development. Paragraph 8 confirms that there are three dimensions to sustainable development: economic, social, and environmental. To support strong, vibrant and healthy communities the NPPF asserts that a sufficient number and range of homes must be provided to meet the needs of present and future generations. Whilst the development at hand would provide housing, it is not lost on Officers that if the occupants of these new dwellings would not have access to adequate education or healthcare facilities or sustainable means of transport then the sustainability of the

development is questionable. Equally if the houses provided are unaffordable or fail to meet the housing needs of the community it is intended to serve or if the development fails to provide sufficient public open space and community facilities to, amongst other things, support the health and social wellbeing of its future occupants then the development would not be completely sustainable.

Officers concerns surrounding the inherent sustainability of the development have been discussed with the agent, and whilst they have reiterated the accepted viability position that the development is unable to meet the policy requirements the applicant has offered a financial contribution of **£275,000** to be paid on the implementation of development (principally offered as a Public Open Space contribution but ultimately to be used at the discretion of the Council). It is not clear how this figure has been determined by the agent as it would still fall short of the overall required contribution towards Public Open Space in addition to all other contributions (overall total **£4,151,165.98**) however it is accepted that this contribution would go a small way in mitigating the impacts of the development on existing facilities. The agent has confirmed that this contribution would be taken from the total developer profit which would reduce the profit level to 2.17% on GDV (equating to £1,267,032.00). The Council's independent assessor has confirmed that the sum would have an insignificant impact upon the viability of the development given the level of abnormal development costs.

Given the significant shortfall and the viability case at this site, the Council has attempted to facilitate discussions with external parties to explore grant funding opportunities to address the apparent 'funding gap'. Having discussed with Homes England, at this time there appear to be no grant funding programmes available for the developer to access. Homes England have explained a new Strategic Housing Infrastructure Fund (SHIF) is anticipated to be released later in the year which could address some of the shortfall associated with remediation costs, however the eligibility of this site would be dependent upon the costs/benefit ratio of the scheme and in any event would be allocated through a competitive bidding process. Homes England have indicated that having a secured planning permission would assist them in assessing any future application for grant funding, however there are no assurances that this development would be successful in any future funding application.

Officers have also considered whether it might be possible to build a review mechanism into any future S106 agreement to ensure that a proportion of any additional profit that is generated from the scheme that has not been factored into the viability appraisal could be clawed back (in accordance with para. 57 of the NPPF) however, given the viability figures it is unlikely that this would amount to such a sum that it would have any significant impact on the current shortfall in contributions. Notwithstanding this, it is recommended in the event of planning approval that such a mechanism falls part of the planning obligation.

It is accepted that in facilitating the delivery of new development it is necessary to ensure that new development is not made unviable because of infrastructure and planning obligation requirements. However, even with the £275,000 Public Open Space contribution and the provision of the LEAP and amenity open space on site; there would still be a significant shortfall in overall contributions for a development of this scale. This shortfall is not to be taken lightly when the impact in real terms is considered. The development would undoubtedly put pressure on the existing services within the town including the education and health system with no financial mitigation secured. This will clearly hold *significant* negative weight in the overall planning balance.

## Other matters

### *Argued Benefits of the Proposal*

The agent has commented in letters submitted in support of this application that the proposal will provide a *'significant benefit to the local economy through the creation of [1,400] construction jobs'* (based upon the HBF calculator). Whilst it is accepted that the development of housing results in the creation of construction jobs which benefits the local economy it is not accepted that this is a significant economic benefit of the proposal as the benefit of these jobs would be finite during the period of construction only. Therefore whilst this can be given some weight in the overall planning balance the weight would not be *significant*.

The agent has also advanced that the application at hand would provide social and economic benefits through protecting the employment provision on the retained Flowserve site. Whilst it is accepted that the Flowserve factory is to be retained, it is also noted that the factory lies entirely outside of the red line of this application site and has been severed from the application at hand. The jobs provided at the Flowserve factory are also not dependent upon this application as this is an existing employment provision. On this basis Officers do not consider it reasonable to count any jobs or employment at the Flowserve factory as economic or social benefits in the planning balance of the application at hand.

Similarly, the agent has advanced that given this application would renew the existing access and access road into the site which serves the Sports and Social Club and formalise parking arrangements that this should be counted as a benefit of the application as it maintains accessibility to the Club. Clearly this is not considered by Officers to be a benefit of this future residential scheme as the Sports and Social Club are already served by the existing access which is only proposed to be altered as a result of the substantial groundworks and utilities renewal as part of the 18/01235/FULM application and the application at hand. The Club also had access to parking on the wider Flowserve site prior to the commencement of groundworks, which irrespective of whether this was formal or informal, was available nonetheless. As such Officers do not consider that the formalisation of parking for the Sports and Social Club can be counted as a *benefit* either.

### *Splitting of the Remediation Consent and the current Application*

Throughout the course of this application the applicant has expressed that they feel the Council has misled them, explaining that they have already invested a significant sum of money in this site through the remediation works that are currently underway on the basis of a favourable pre-application for the future residential development of the site and grant of permission for the 18/01235/FULM remediation application. However, Officers would like to clarify that the Council has always exercised caution in promoting the approach that the applicant has taken with splitting the remediation and residential applications and commencing works on site in advance of any residential permission. From early on the applicant and their agent expressed the desire to commence demolition, remediation, drainage and levelling works prior to obtaining consent. Officers understand the reason for this was so works to remediate the site could commence earlier, meaning that from the point of any residential planning permission house sales could be achieved sooner, helping overall cash flow. Officers have previously advised the agent that this approach was not without risk to the applicant in the absence of a planning permission for residential development (notably in email correspondence dated 16.06.2018 and verbally in meetings with the applicant's agent), however the Council also accepted that it was the applicant's

right to structure delivery however they chose. Officers have also continued to work proactively with the applicant and their agent to find ways to address any outstanding issues that have been identified throughout the course of this application.

### *Comments from Interested Parties*

Comments have been received from an interested party that has been identified as an adjacent landowner who has explicitly requested that her letter be published on the Council's website as a comment on this planning application. The comments received state that this party owns a strip of land running part of the length of the eastern site boundary c. 1 m wide by 100 m in length and they dispute the consultation procedure undertaken for this application as they were not directly notified of the planning application until they contacted the Council independently. The comments received state the Council has been negligent in identifying all adjacent landowners and disputes the ownership certificates submitted by the applicant to accompany this application. In accordance with Article 15 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) this 'major' planning application must be publicised:

*"by giving requisite notice —*

- (a) (i) by site display in at least one place on or near the land to which the application relates for not less than 21 days; or*
- (ii) by serving the notice on any adjoining owner or occupier; and*
- (b) by publication of the notice in a newspaper circulating in the locality in which the land to which the application relates is situated."*

In this case, both the current planning application and application 18/01235/FULM were advertised within the Newark Advertiser and site notices were erected at the access to the Flowserve Site on Hawton Lane, in addition to occupiers of adjoining properties being notified by letter. In cases where the immediately adjoining land to a development site is devoid of any residential/commercial property to notify, the Council places a site notice near to the site to advertise the application. In this instance the interested party did not receive a neighbour notification letter for either planning application, however both a site notice and an advertisement in the local newspaper were posted. There is no legal requirement to undertake Land Registry searches in instances where there is no occupier of the adjoining land with the aforementioned notification procedures meeting legislative requirements for advertising applications. Nevertheless, as this party has identified themselves as an adjacent landowner I have issued them with a neighbour notification letter to give them additional time to consider and comment on this current application. Given the application site boundary as submitted with both planning applications at this site do not include the strip of land cited by this interested party I am satisfied that there is no requirement for the applicant to serve notice on this party as part of the planning process. With regards to comments raised in relation to the applicant allegedly carrying out remediation and site clearance works to and from this ransom strip of land that is not in their ownership I have advised that it is the applicant/developer's responsibility to make contact with the adjacent landowner should they wish to carry out work from their land and advised the interested party that landownership is a civil matter that they would need to pursue separately.

### Overall Planning Balance and Conclusions

Given the complexity of this application there are a number of factors that require balancing

The Council considers that it can demonstrate a five-year housing land supply which has been consolidated in the recent adoption of the amended Core Strategy. The application site lies within a sustainable location and is identified as a site with planning permission in the allocations plan, albeit this consent has since lapsed. In addition, the site is a sustainably located brownfield site that lies within the Newark Urban Area. In accordance with the NPPF this development would promote an effective use of land in meeting the need for homes and would make use of a previously developed site that has required substantial contamination remediation works to be undertaken. In accordance with para. 118 of the NPPF *substantial* positive weight should be given to the value of using suitable brownfield land within settlements for homes in addition to opportunities to remediate contaminated land. Whilst it is considered that this has been achieved in part through the 2018 permission, the value of re-using this previously developed site for housing is something that should weigh significantly in favor in the overall planning balance.

That said it is equally necessary to ensure that an acceptable form of development takes place, including required mitigation. A development of this scale will inevitably have impacts and will undoubtedly significantly change the existing character of the location. However, it does not follow that a significant change must equate to unacceptable harm. The outline nature of the proposal does not allow the ability to appraise the specific detail of the scheme at this stage, however it is relevant at this stage to assess the principles of the development put before us that would advance to Reserved Matters stage. As currently submitted the site layout presents a less than ideal parking arrangement, reliant upon courtyard parking with limited natural surveillance which Officers consider could compromise the overall quality of the development. Nevertheless layout is a matter to be reserved and in principle Officers are comfortable that the maximum quantum of 322 units could be accommodated on this site in a more suitable layout in order to create a well-designed, high quality development which is sufficient at this stage.

In addition to the re-use of previously developed land for housing, the scheme would provide some benefits in remediating a contaminated brownfield site, which although carries *substantial* weight through the provisions of the NPPF is not considered to carry *full* weight in the overall planning balance of this application given it has been taken into account and secured through the 18/01235/FULM application. Similarly the development would provide drainage and flood alleviation infrastructure which again has been secured through the 2018 permission – in this regard it is important to reiterate that the site is not a true allocated site that the Council is reliant upon for delivering a sufficient supply of housing, the Council is also able to demonstrate a five-year supply therefore it is not considered that that the on-site drainage/flood alleviation works required to effectively create a development plateau can be counted as a significant benefit of the development at hand as they are purely enabling development to make the site acceptable for housing. Officers are conscious that these works would provide some offsite betterment downstream, however do not consider this to carry *significant* weight.

The development would result in the loss in part of an area of the designated Local Wildlife Site, however as secured through the 18/01235/FULM application ecological mitigation and enhancement through the creation of a wildlife corridor, enhancement of the retained LWS and the creation of an attenuation pond would be delivered. This benefit has previously been taken into account in the previous permission, however it is considered that the harm of losing part of a designated wildlife site balanced with the benefits of the ecological enhancements would result in only moderate benefits which would carry *some* positive weight.

The application is not considered to result in any significant impact on the highways network following further traffic modelling (subject to conditions and further expansion of the submitted

Travel Plan), nor would there be any unacceptable residential amenity implications for future occupiers subject to securing the mitigation measures outlined relating to the Flowserve factory generator. The application is not considered to result in any adverse impact in terms of archaeology and would provide short term employment benefits through the construction period. Following extensive negotiations and agreement from the applicant to provide long term parking provision in part within the development site, the proposal is no longer considered to result in an unacceptable impact upon the Flowserve Sports and Social Club as a protected Community Facility (subject to condition for a detailed parking scheme to be submitted). In addition, it is acknowledged that the scheme would provide some on-site Public Open Space in addition to a financial contribution of £275,000 which carries some weight overall.

However, the above benefits of the scheme must be weighed against the negative impacts. The outline nature of the proposal does not allow the ability to appraise the detail of the scheme at this stage. However, it is relevant at outline stage to agree the legalities of the associated contributions which would be secured for any development which would progress to reserved matters stage. The applicant has presented a viability case which states that the development can afford no policy required contributions whatsoever as a result of the high level of abnormal development costs associated with re-developing a brownfield site. This has equally been agreed by the Council's Independent Viability Advisor. Clearly this causes a significant concern in the determination of the application and carries negative weight in the overall balance.

As stated above, the applicant has put forward a contribution of £275,000 (principally towards Open Space, but to be spent at the discretion of the Council) throughout the life of the application. However, it is not lost on Officers that this would still amount to a significant shortfall in comparison to the overall contribution package which would be expected for a development of this size. Nonetheless, the difficulty in refusing an application purely on this basis (noting that all other material considerations are now found to be acceptable subject to conditions) is that Independent Viability Advice confirms that the scheme cannot afford any contributions and in the context of this site, Officers are mindful that if a development for housing results in such a negative viability case, any other form of development on this site is likely to result in a greater negative balance. There is therefore a real risk that this contaminated brownfield site could be left vacant and undeveloped which would undoubtedly have consequences for the vitality and quality of the local area and conflict with the aims of the NPPF which places significant weight on the redevelopment of previously developed land.

Whilst noting the heavy compromises in respect to contributions as evidenced by the viability case, Officers are minded to attach significant positive weight to redevelopment opportunity and potential housing delivery which this site presents in addition to the aforementioned benefits this development would bring about. On this basis, the recommendation before Members is a very finely balanced approval subject to the conditions and the securing of a legal agreement for the matters outlined below.

## **RECOMMENDATION**

**That outline planning permission is granted subject to the conditions outlined below and the signing of an associated Section 106 agreement requiring the following:**

- **\$106 Review mechanism**
- **£275,000 financial contribution**
- **On-site open space provision**
- **Suitable parking arrangements for the Flowseve Sports and Social Club**

## Conditions

### **01**

Applications for approval of reserved matters shall be made to the Local Planning Authority not later than three years from the date of this permission.

The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.

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

### **02**

The first reserved matters application should be accompanied by a Phasing Plan detailing the development to come forward in each phase or sub phase of the development. This plan should be re-submitted and updated where necessary through subsequent reserved matters applications. Details of the appearance, landscaping, layout (including parking and turning facilities, access widths, road layout, surfacing, street lighting and drainage in accordance with the County Council's current Highway Design Guide at the time) and scale ('the reserved matters') for each phase or sub phase of the development demonstrated by the agreed Phasing Plan shall be submitted to and approved in writing by the Local Planning Authority before development begins and the development shall be carried out as approved.

Reason: This is a planning permission in outline only and the information required is necessary for the consideration of the ultimate detailed proposal to comply with the requirements of Section 92 of Town and Country Planning Act 1990, as amended by Section 51 of the Planning & Compulsory Purchase Act 2004.

### **03**

The development hereby permitted authorises the erection of no more than 322 dwellings.

Reason: To define the planning permission as the amended details submitted as part of the application assume a maximum number of 322 dwellings.

### **04**

No development shall be commenced within any phase or sub phase pursuant to Condition 2 until details of the existing and proposed ground levels and finished floor levels of the site and approved buildings (respectively) for that phase or sub phase have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out thereafter in accordance with the approved details.

Reason: In the interests of residential and visual amenity in accordance with the aims of Policy DM5 of the Newark and Sherwood Allocations and Development Management DPD (July 2013).

### **05**

No development shall be commenced within any phase or sub phase pursuant to Condition 2 until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

### Highways

#### **06**

No part of the development hereby permitted shall be brought into use unless or until a suitable access has been provided at Hawton Lane as shown for indicative purposes on drawing A18361-209-P1 (page 61 of the Transport Assessment V.7 reference A18361C dated May 2020), to the satisfaction of the Local Planning Authority.

Reason: In the interests of highway safety

#### **07**

No part of the development hereby permitted shall be commenced until the visibility splays of 2.4m x 120m at the new junction with Hawton Lane are provided in accordance with drawing A18361-209-P1 (page 61 of the Transport Assessment V.7 reference A18361C dated May 2020). The area within the visibility splays referred to in this condition shall thereafter be kept free of all obstructions, structures or erections exceeding 0.6m in height (with the exception of the existing culvert wall parapet to the east of the access).

Reason: To maintain the visibility splays throughout the life of the development and in the interests of highway safety.

#### **08**

No part of the development hereby permitted shall be occupied 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 timetable set out in that plan.

Reason: To promote sustainable travel.

#### **09**

No development shall commence on any part of the application site unless or until a suitable construction traffic management plan, including access arrangements and lorry routing, has first been submitted to and approved in writing by the LPA in full, and thereafter implemented in accordance with that plan.

Reason: In the interests of highway safety & to protect the town centre from extraneous traffic.

#### **10**

Notwithstanding previous submissions, details of the development layout submitted with any reserved matters application shall include a foot/cycle/emergency link with Lowfield Lane. Details of this link should be submitted and approved in writing by the LPA in full and thereafter implemented in accordance with the approved details.

Reason: To provide connectivity, permeability and the promotion of sustainable travel.



**11**

No part of the development hereby approved shall commence until an application has been made to the Highway Authority for the proposed extension of the 30mph speed restriction on Hawton Lane. The extension of the speed restriction must be carried out prior to the occupation of any unit on site.

Reason: In the interests of highway safety.

**Ecology****12**

Any subsequent reserved matters application shall be accompanied by an updated ecological survey carried out by a qualified ecologist within the relevant appropriate timeframes outlining the ecological potential of the site at that time. The development approved as part of that Reserved Matters shall thereafter be carried out in accordance with any recommended mitigation measures incorporated within the results of such survey.

Reason: To ensure the protection of the ecological value of the site.

**13**

Notwithstanding the requirements of condition 12 above, no development shall take place within any phase or sub phase pursuant to Condition 2 until a scheme for ecological mitigation ('the Ecological Mitigation Scheme') for that phase or sub phase has been submitted to and approved in writing by the Local Planning Authority. The Ecological Management Scheme shall include recommendations relating to amphibians, reptiles, aquatic habitats, birds, badgers, bats and invasive species, as set out in the Mitigation Measures outlined at Section 4 of the Preliminary Ecological Appraisal at: Lowfield Works, Hawton Lane, Balderton. Reference: PE00022 prepared by Dr Holly Smith, Harris Lamb dated 13th May 2019. The agreed scheme shall be implemented in full in accordance with an approved phasing timetable and prior to the occupation of any dwellings within that phase.

Reason: To ensure that wildlife and habitats are retained are protected, in the interests of nature conservation.

**14**

No works shall take place within a 10 metre buffer around the Local Wildlife Site to the north-west of the site until a scheme for the protection of the Local Wildlife Site has been submitted to and 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 of working methods to be employed for any groundwork within or adjacent to the Local Wildlife Site.
- d. Details of any scaffolding erection and associated ground protection within the Local Wildlife Site
- e. Details of timing for the various phases of works or development in the context of the Local Wildlife Site protection measures.

All works/development shall be carried out in full accordance with the approved Local Wildlife Site  
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protection scheme. The protection measures shall be retained during the development of the site.

Reason: To ensure that the existing Local Wildlife Site to be retained is protected in the interests of visual amenity and nature conservation.

## **15**

Prior to the clearance of any land within the Local Wildlife Site, an investigation and risk assessment must be completed in accordance with a scheme to assess the nature and extent of contamination within the Local Wildlife Site (whether or not it originates on the site). The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The report of the findings must include:

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

The report must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and shall be submitted to and approved in writing by the Local Planning Authority. All works/development must be carried out in full accordance with the approved report.

Reason: To ensure the preservation of the Local Wildlife Site where possible, in the interests of nature conservation.

## **16**

No development shall be commenced within any phase or sub phase pursuant to Condition 2 until an Ecological Management Plan and timetable has been submitted to and approved in writing by the Local Planning Authority.

The plan shall include:

- a) description and evaluation of the features species to be managed;
- b) ecological trends and constraints on site that may influence management;
- c) aims and objectives of management;
- d) appropriate management options for achieving aims and objectives;
- e) prescriptions for management actions;
- f) preparation of a work schedule (including a 5 year project register, an annual work plan and the means by which the plan will be rolled forward annually);
- g) personnel responsible for the implementation of the plan;
- h) monitoring and remedial/contingency measures triggered by monitoring.

All works shall be carried out in accordance with the approved details and timetable.

Reason: In the interests of maintain and enhancing biodiversity.

## **17**

No development shall be commenced within any phase or sub phase pursuant to Condition 2 until a Habitat Creation and Landscape Management Plan has been submitted to and approved in writing by the Local Planning Authority to provide mitigation measures for the partial loss of the Local Wildlife Site (LWS) and scrub habitat. The plan shall include:

- a) purpose, aims and objectives of the scheme;
- b) a review of the site's ecological potential and any constraints;
- c) description of target habitats and range of species appropriate for the site;
- d) selection of appropriate strategies for creating/restoring target habitats and introducing target species either on site or elsewhere to adequately compensate for loss of onsite habitats ensuring there is a net gain in habitat provision;
- e) selection of specific techniques and practices for establishing vegetation;
- f) sources of habitat materials (e.g. plant stock) or species individuals;
- g) method statement for site preparation and establishment of target features;
- h) extent and location of proposed works;
- i) aftercare and long term management;
- j) the personnel responsible for the work;
- k) timing of the works;
- l) monitoring;
- m) disposal of wastes arising from the works.

All works shall be carried out in accordance with the approved details and timetable.

Reason: In the interests of maintain and enhancing biodiversity.

## **18**

Any details submitted in relation to reserved matters for landscaping within any phase or sub phase pursuant to Condition 2 shall include a schedule (including planting plans and written specifications, cultivation and other operations associated with plant and grass establishment) of trees, shrubs and other plants, noting species, plant sizes, proposed numbers and densities. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species and shall include details of a management plan (including long term objectives, management responsibilities and maintenance schedule for all landscape areas, other than privately owned, domestic gardens). All of which should integrate with the Habitat Creation and Landscape Management Plan and Ecological Management Plans required by conditions 16 and 17. The landscaping details shall thereafter be carried out in accordance with the approved details.

Reason: In order to ensure the landscaping of the site promotes biodiversity on the site in accordance with the aims of Core Policy 12 of the Newark and Sherwood Core Strategy (2011).

### Trees

## **19**

Any full/reserved matters application should be accompanied by a detailed site specific Arboricultural impact assessment as recommended within BS5837-2012 section 5.4.

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.

## **20**

No works or development shall be commenced within any phase or sub phase pursuant to Condition 2 until the Local Planning Authority has approved in writing the full details of trees to be retained on or adjacent to the site (by reference to an Arboricultural impact Assessment submitted as recommended in BS5837-2012 Trees in Relation to Design ,Demolition and Construction recommendations.)

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.

## **21**

No works or development shall be commenced within any phase or sub phase pursuant to Condition 2 until the 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/soakways and working methods employed should these runs be within the designated root protection area of any retained tree/hedgerow on or adjacent to the application site.
- d) Details of any special engineering required to accommodate the protection of retained trees/hedgerows (e.g. in connection with foundations, bridging, water features, hard surfacing).
- e) Details of construction and working methods to be employed for the installation of drives and paths within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- f) Details of working methods to be employed with the demolition of buildings, structures and surfacing within or adjacent to the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- g) Details of any scaffolding erection and associated ground protection within the root protection areas
- h) Details of timing for the various phases of works or development in the context of the tree/hedgerow protection measures.

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

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.

## **22**

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

- a) No fires to be lit on site within 10 metres of the nearest point of the canopy of any retained tree/hedgerow on or adjacent to the proposal site.
- b) No equipment, signage, fencing etc shall be attached to or be supported by any retained tree on or adjacent to the application site,
- c) No temporary access within designated root protection areas without the prior written approval of the District Planning Authority.
- d) No mixing of cement, dispensing of fuels or chemicals within 10 metres of any retained tree/hedgerow on or adjacent to the application site.

- e) No soak- aways to be routed within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- f) No stripping of top soils, excavations or changing of levels to occur within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- g) No topsoil, building materials or other to be stored within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.

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.

### **23**

No works or development shall be commenced within any phase or sub phase pursuant to Condition 2 until the Local Planning Authority has approved in writing the full details of every tree, shrub, hedge to be planted (including its proposed location, species, size and approximate date of planting) and details of tree planting pits including associated irrigation measures, tree staking and guards, and structural cells.

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.

### **24**

Prior to the implementation of the landscaping details hereby approved, within each phase or sub phase pursuant to Condition 2, details of tree planting pits including associated irrigation measures, tree staking and guards, and structural cells (as appropriate) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the landscaping proposals within each phase of development shall proceed in accordance with the approved details.

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.

### **25**

Within each phase or sub phase pursuant to Condition 2 the approved landscaping scheme shall be carried out upon completion of development within that phase. 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.

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.

### Flood Risk

### **26**

The development shall be carried out in accordance with the submitted flood risk assessment (FRA for Land at Hawton Lane, Newark, March 2019, JBA Consulting, C.B.Collier, V7) and the following mitigation measures it details:

- The finished floor levels shall be set no lower than the greatest height of the following;
  - 1 in 100 year fluvial flood event (0.1% annual exceedance event) with 30% climate change from the Middle Beck plus 600mm freeboard.

- 1 in 100 year fluvial flood event (0.1% annual exceedance event) with 50% climate change from the Middle Beck.
- 1 in 100 year fluvial flood event (0.1% annual exceedance event) with 30% climate change from the Middle Beck plus 75% blockage at the Lowfield Lane Culvert (Found within section 5.1 of the FRA).
- No development may commence on site until the proposed realignment and de-culverting of the Middle Beck has been completed. The Environment Agency will need to be re-consulted if any alterations are made to the proposed realignment of the Middle Beck.
- No development may commence on site until the construction of the 10,408.50m<sup>3</sup> flood storage pond which contains a 60m lateral spill/inlet with a crest set at 13.2mAOD. This will have a finished bed level of 12m AoD or 12m AoD permanent water level. The Environment Agency will need to be re-consulted if any alterations are made to the proposed flood storage pond.
- The culvert diameter must be maintained to a size of 1.04m at the Lowfield Lane crossing.
- No development may commence on site until the applicant has demonstrated that no development other than that of water compactible development will be within Flood Zone 3b.

These mitigation measures shall be fully implemented in accordance with the above stated timescales relevant to each phase or sub phase pursuant to Condition 2. All mitigation measures must be fully implemented prior to occupation and shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: The requested finished floor levels are required to reduce the risk of flooding to the proposed development and future occupants. The works to the culvert and construction of the attenuation pond are required to change the flood zone classification of the site and to reduce the risk of flooding to the proposed development.

## **27**

No development shall be commenced within any phase or sub phase pursuant to Condition 2 until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified:
  - a. all previous uses
  - b. potential contaminants associated with those uses
  - c. a conceptual model of the site indicating sources, pathways and receptors
  - d. potentially unacceptable risks arising from contamination at the site
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and

identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The scheme shall be implemented as approved.

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 170 of the National Planning Policy Framework (NPPF).

**28**

No occupation of the dwellings pursuant to each relevant phase or sub phase pursuant to Condition 2 shall occur until a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation has been submitted to, and approved in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reasons: To prevent pollution of controlled waters and comply with the NPPF.

**29**

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved prior to the relevant phase of the development being occupied.

Reasons: To prevent pollution of controlled waters and comply with the NPPF.

**30**

No drainage systems for the infiltration of surface water to the ground are permitted. Any proposals for such systems must be supported by an assessment of the risks to controlled waters and shall be submitted to the Local Planning Authority for approval in writing. The development shall only be carried out in accordance with the approved details and prior to the commencement of development within that relevant phase or sub phase of the development pursuant to Condition 2.

Reasons: To prevent pollution of controlled waters and comply with the NPPF. Infiltration of surface water into land impacted by contamination (via soakaways or permeable pathing etc.) may cause groundwater pollution.

Amenity/Environmental Health

**31**

No development shall take place within any phase or sub phase pursuant to Condition 2 until a scheme for noise mitigation ('the Noise Mitigation Scheme') for that phase or sub phase has been submitted to and approved in writing by the Local Planning Authority. The Noise Mitigation Scheme shall include the recommended noise mitigation measures set out within the Noise Impact Assessments ('Assessment of Noise Impact on a Proposed Residential Development' Report No: P18-035-R01-V3 dated July 2019, 'Sports and Social Club Noise Assessment' Report No: P18-035-R02v2 dated September 2019 and 'Further Assessment of Potential Impact from Flowserve Generator Noise on a Proposed Residential Development' Report No: P18-035-R02v1

dated July 2020) submitted to accompany this application. The agreed scheme shall be implemented in full prior to occupation of any of the dwellings approved in that phase.

Reason: In the interests of residential amenity in accordance with the aims of Policy DM5 of the Newark and Sherwood Allocations and Development Management DPD (July 2013).

### **32**

Prior to the commencement of development a scheme for noise mitigation of the Flowserve Factory Generator (as identified in the 'Further Assessment of Potential Impact from Flowserve Generator Noise on a Proposed Residential Development' noise assessment, Report No: P18-035-R02v1 dated July 2020) ('the Generator Noise Mitigation Scheme') shall be submitted to and approved in writing by the Local Planning Authority. The Generator Noise Mitigation Scheme shall incorporate the recommended noise mitigation measures set out at points 4.5 and 4.7 of the aforementioned noise assessment submitted to accompany this application. The agreed scheme shall be implemented in full prior to the commencement of development and retained in perpetuity.

Reason: In the interests of residential amenity in accordance with the aims of Policy DM5 of the Newark and Sherwood Allocations and Development Management DPD (July 2013).

### **33**

The development hereby approved shall be undertaken in strict accordance with the Mitigation Measures detailed within Section 8 and the Construction Mitigation Measures contained within Appendix D (pages 40-42) of the Air Quality Assessment produced by Kairus Ltd. (project ref. AQ051639, dated 01.04.19) submitted to accompany this application.

Reason: In the interests of residential amenity in accordance with the aims of Policy DM5 of the Newark and Sherwood Allocations and Development Management DPD (July 2013).

### **34**

No development shall take place within any phase or sub phase pursuant to Condition 2 until a Construction Method Statement for that phase or sub phase has been submitted to, and approved in writing by, the Local Planning Authority. The Statement shall provide for;

- i. access and parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. the erection and maintenance of security hoarding including decorative displays and facilities
- ii. for public viewing, where appropriate,
  - i. wheel washing facilities,
  - ii. measures to control the emission of noise, dust and dirt during construction
  - iii. a scheme for recycling/disposing of waste resulting from construction works
  - iv. hours of operation
  - v. a scheme to treat and remove suspended solids from surface water run-off during
- iii. construction

The approved Statement shall be adhered to throughout the construction period.

Reason: To ensure amenity of neighbouring residential properties is maintained throughout construction.



## 35

Development other than that required to be carried out as part of an approved scheme of remediation must not commence within any phase or sub phase pursuant to Condition 2 until Parts B 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 B: Submission of Remediation Scheme**

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

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

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

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

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

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

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

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

## 36

No development shall take place within any phase or sub phase pursuant to Condition 2 until a

parking scheme for the Flowserve Sports and Social Club ('the SSC Parking Scheme') has been submitted to and approved in writing by the Local Planning Authority. The SSC Parking Scheme shall provide for a minimum of 88 parking spaces. The agreed SSC Parking Scheme shall be implemented in full and made accessible to the users of the SSC prior to the commencement of development. The agreed scheme shall thereafter be accessible and retained for users of the Sports and Social Club in perpetuity.

Reason: To ensure the future operation of the community facility is not compromised by the approved development in accordance with Policy SP8 of the Newark and Sherwood Amended Core Strategy (2019).

## **Informatives**

### **01**

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

### **02**

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

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

### **03**

#### Notes from The Highways Authority – Nottinghamshire County Council Highways

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.

In order to carry out the new junction works at Hawton Lane you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act. Please contact david.albans@nottscc.gov.uk for details.

This consent requires an application for a Traffic Regulation Order before the development commences to reduce a speed limit. The developer should note that the Order can be made on behalf of the developer by Nottinghamshire County Council at the expense of the developer. This is a separate legal process and the Applicant should contact helen.r.north@viaem.co.uk . Please note this process can take 6-12 months.

The applicant should make every effort to accommodate the footpaths in their existing location.

- Where the right of way runs across the site, there are currently open fields on either side with no adjacent boundary. This open aspect should be retained as far as is practicable as part of any development, with good practice design principles applied to either ensure that the route does not become enclosed and/or is incorporated it as part of a greenspace corridor.
- If the design of any proposed development requires the legally recorded route of the RoW to be diverted because it cannot be accommodated on the legal line within the scheme, then this should be addressed under the relevant provisions within the Town and Country Planning Act 1990 for the diverting/stopping up of public rights of way affected by development. An application way under this act should be made to the Planning authority and is a separate application to the planning permission
- For path which required a TCPA diversion Under Section 12 of the Growth and Infrastructure Act 2013, it is now possible for the planning authority to carry out preliminary consultations, draft and make the Order under the appropriate Regulations (Town & Country Planning Public Path Orders Regulations 1993) if an application has been made under Part 3, and before planning permission has been granted, if on granting it, it is necessary to alter a public path. The order can be confirmed if planning permission is then granted. This can avoid the previous delays caused by developers having to wait for planning permission to be granted before applying for a diversion.
- The development cannot be started until such time as a confirmed diversion order is in place and the new route is constructed, open and available on the ground (see note above re TCPA orders)
- If a public footpath is proposed to be upgraded to a cycle path, consideration needs to be given to its future maintenance and its legal status. This will required further a detailed discussion
- The existing boundary hedge/tree line directly bordering the development/boundary etc is the responsibility of the current owner/occupier of the land. On the assumption that this boundary is to be retained it should be made clear to all new property owners that they are responsible for the maintenance of that boundary, including the hedge/tree line ensuing that it is cut back so as not to interfere with right of way.
- The footpath should remain open, unobstructed and be kept on its legal alignment at all times.
- There should be no disturbance to the surface of the footpath without prior authorization the Rights of Way team.
- The safety of the public using the path should be observed at all times. A Temporary Closure of the Footpath may be granted to facilitate public safety during the construction phase subject to certain conditions. Further information and costs may be obtained by contacting the Rights of Way section. The applicant should be made aware that at least 5 weeks' notice is required to process the closure and an alternative route on should be provided if possible.
- If the route is to be fenced, ensure that the appropriate width is given to the path and that the fence is low level and open aspect to meet good design principles.
- If a structure is to be built adjacent to the public footpath, the width of the right of way is not to be encroached upon.
- Structures cannot be constructed on the line of the right of way with the prior authorisation of the Rights of way team. It should be noted that structures can only be authorised under certain criteria and such permission is not guaranteed.

## 05

### Notes from The Environment Agency

The proposed realignment of the Middle Beck and the creation of a proposed compensatory floodplain storage pond as approved by 18/01235/FULM must be completed before any development commences on site. The applicant must demonstrate the proposed more vulnerable development (Drawing: Combined Site Plan, Ref: 153G, Ritchie and Ritchie Architects LLP, Nov 2019) is no longer within flood zone 3b (otherwise this will not comply with the NPPF). To remove the site from Flood Zone 3b the applicant must first realign the Middle Beck and produce the flood storage pond as proposed. The applicant will then need to undertake a data evidence request which should include topographic data and a model highlighting the proposed realigned Middle Beck and flood storage pond. This should then be submitted to the Environment Agency.

The proposed flood plain compensatory storage pond approved by 18/01235/FULM must be completed before any development commences to ensure flood risk to others is not increased.

The diameter of the culvert at Lowfield crossing must be maintained to ensure the discharge is maintained at the same amount as existing. This is to ensure flood risk to others downstream of the site will not be increased.

#### **Advice to Applicant**

The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culvert (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission.

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03708 506 506. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

The 8 meter access zone from the top of the Middle Becks bank is required to ensure the EA has access to the Middle Beck and allows the potential for flood defence improvements in the future.

It should be noted on site it was mentioned there would be the introduction of a culvert underneath a substation. If this is to be added then the modelling will need to be altered to show the impacts this may have on the site."

#### **General Advice for Infiltration Drainage Systems**

The following points should be noted wherever infiltration drainage (such as soakaways) is proposed at a site:

- Appropriate pollution prevention methods (such as trapped gullies or interceptors) should be used to prevent hydrocarbons draining to ground from roads, hardstandings and car

parks. Clean uncontaminated roof water should drain directly to the system entering after any pollution prevention methods.

- No infiltration system should be sited in or allowed to discharge into made ground, land impacted by contamination or land previously identified as being contaminated.
- There must be no direct discharge to groundwater, a controlled water. An unsaturated zone must be maintained throughout the year between the base of the system and the water table.

A series of shallow systems are preferable to systems such as deep bored soakaways, as deep bored soakaways can act as conduits for rapid transport of contaminants to groundwater.

**Waste on Site:** The CLAIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste.

Under the Code of Practice:

- excavated materials that are recovered via a treatment operation can be re-used on-site providing they are treated to a standard such that they fit for purpose and unlikely to cause pollution
- treated materials can be transferred between sites as part of a hub and cluster project
- some naturally occurring clean material can be transferred directly between sites.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

The Environment Agency recommends that developers should refer to:

- the Position statement on the Definition of Waste: Development Industry Code of Practice and;
- The Environmental regulations page on GOV.UK

## 06

### Notes from CADENT Gas

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

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

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

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

## **07**

### **Notes from Newark & Sherwood District Council's Environmental Health Department**

#### **Construction Phase Mitigation**

##### **General Communication**

- A stakeholder communications plan that includes community engagement before work commences on site should be developed and implemented.
- The name and contact details of person(s) accountable for air quality and dust issues should be displayed on the site boundary. This may be the environment manager/engineer or the site manager. The head or regional office contact information should also be displayed.

##### **General Dust Management**

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

##### **Site Management**

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

##### **Monitoring**

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

##### **Preparing and Maintaining the Site**

- Plan the site layout so that machinery and dust causing activities are located away from receptors, as far as is practicable.
- Where practicable, erect solid screens or barriers around dusty activities or the site boundary that are at least as high as any stockpiles on site.
- Where practicable, fully enclose site or specific operations where there is a high potential for dust production and the Site is active for an extensive period.
- Avoid Site runoff of water or mud.

- Keep Site fencing, barriers and scaffolding clean using wet methods.
- Remove materials that have a potential to produce dust from Site as soon as possible, unless being re-used on Site. If they are being re-used on-Site cover appropriately.
- Where practicable, cover, seed or fence stockpiles to prevent wind whipping.

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

- Ensure all vehicle operators switch off engines when stationary - no idling vehicles.
- Avoid the use of diesel or petrol-powered generators and use mains electricity or battery powered equipment where practicable.
- A Construction Logistics Plan should be produced to manage the sustainable delivery of goods and materials.

#### **Operations**

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

#### **Waste Management**

- Avoid bonfires and burning of waste materials.

#### **Measures Specific to Earthworks**

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

#### **Measures Specific to Construction**

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

- All construction plant and equipment should be maintained in good working order and not left running when not in use.

### **Operational Phase Mitigation.**

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

### **08**

#### Comments from the Trent Valley Internal Drainage Board

The site is partly within the Trent Valley Internal Drainage Board district.

The Board maintained Lowfield Lane Drain (West), an open watercourse, exists to the east of the site and to which BYELAWS and the LAND DRAINAGE ACT 1991 applies.

Under the provisions of the Flood and Water Management Act 2010, and the Land Drainage Act 1991, the prior written consent of the Lead Local Flood Authority, Nottinghamshire County Council, is required for any proposed works or structures in any watercourse outside those designated main rivers and Board Drainage Districts. The design, operation and future maintenance of site drainage systems must be agreed with the Lead Local Flood Authority and Local Planning Authority.

All drainage routes through the site should be maintained both during the works on site and after completion of the works. Provisions should be made to ensure that upstream and downstream riparian owners and those areas that are presently served by any drainage routes passing through or adjacent to the site are not adversely affected by the development. Drainage routes shall include all methods by which water may be transferred through the site and shall include such systems as “ridge and furrow” and “overland flows”. The effect of raising site levels on adjacent property must be carefully considered and measures taken to negate influences must be approved by the Local Planning Authority.

#### Background Papers

Application case file.

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

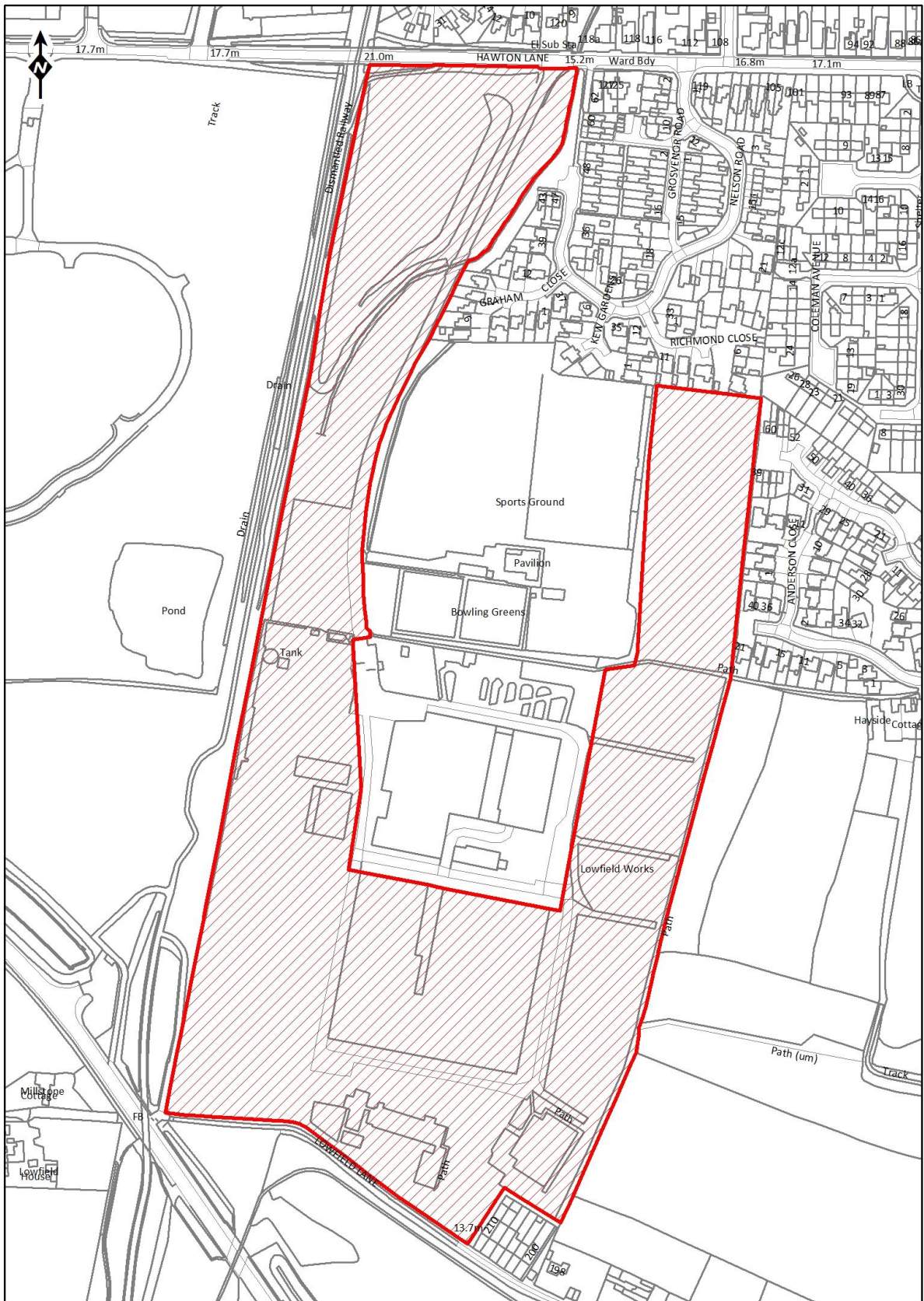
All submission documents relating to this planning application can be found on the following website [www.newark-sherwooddc.gov.uk](http://www.newark-sherwooddc.gov.uk).

**Lisa Hughes**

**Business Manager – Planning Development**



Committee Plan - 19/00854/OUTM



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## **PLANNING COMMITTEE – 4 AUGUST 2020**

19/00854/OUTM - Flowserve Pump Division, Hawton Lane, Balderton, NG24 3BU  
Appendix A

### **Consultation Comments**

**Balderton Parish Council** – Support the proposal: “Members were concerned that there is only one access/exit to the site – could an additional routes be considered? Hawton Lane is already busy with traffic often queuing to get out onto London Road. The impact on Balderton sewerage system is also a concern – have the necessary extension works been undertaken at the plant on Lowfield Lane? D/C Planning committee members are urged to carry out a site visit before determining the application”.

*Additional comments received:* “With reference to the invitation to comment on the Updated Transport Assessment. Though not objecting in principle to the application, members were disappointed to note that the survey was undertaken on a Tuesday outside of peak times which would not give a true reflection of the traffic volume and existing issues along Hawton Lane; this ultimately affects London Road and Bowbridge Road junctions, both of which are already extremely busy.”

**Newark Town Council (neighbouring parish)** – “19/00854/OUTM – Flowserve Pump Division, Hawton Lane, Balderton, Newark: Please see comments below from Newark Town Council’s Planning Committee meeting held on 26th June 2019 regarding the above application:

Members Agreed to submit the following comments on the application to Newark & Sherwood

District Council:

- (i) Members were concerned at the traffic impact this development could have, with the increase in traffic using Hawton Lane to access/egress the proposed development site.

*Additional Comments 14.8.19:* It is noted that Notts. CC Highways remain concerned about the application as set out in its comments of 29 July regarding the Travel Plan and comments of 8 July regarding the Transport assessment. Both of these documents support the concerns raised by the Town Council and therefore the Town Council will sustain its objection in this regard until an acceptable Transport solution can be agreed with the County Council

- (ii) Further that a full Traffic Impact Assessment should be undertaken taking into account the implications for the new Southern Link Road, prior to this application being considered.

*Additional Comments 14.8.19:* The Town Council’s concerns about the wider traffic impact of this development appear to be shared by the County Council in its comments dated 8 July as mentioned above. The Town Council will sustain its

objection in this regard until an acceptable Transport solution can be agreed with the County Council.

- (iii) Members were also concerned about the impact that this would have on the provision of schooling in the area, secondary schools in particular. The impact of this development on the future proposals for schools being planned for the adjacent Land South of Newark developments, needs to be considered as a whole and this development should be required to contribute appropriate CIL/S106 monies to ensure that there is adequate provision of school places in the future
- (iv) In addition the design of new school provision and expansion of existing schools should take into account this development.
- (v) Any approval of this application should be accompanied with conditions to fit in with the timing of the adjacent land South of Newark development to ensure that the supply of new housing is sustainable.

*Additional Comments 14.8.19:* It is not agreed that this is not a material planning consideration, the cumulative impact of a number of developments within close proximity to one another should be factors that the Planning Authority can take into account when assessing an application. The Town Council will therefore sustain its objection for this matter. It was Agreed that this application be referred back to the Committee when responses to the above comments have been received.”

*No additional comments received.*

**NSDC Contaminated Land** – “As part of the current site investigation, demolition and remedial works it has been agreed that a 1000mm clean cap will be placed in garden areas in order to provide sufficient protection from the contamination present on site. The remediation company (LEE Remediation) are proposing to compete demolition and remediation of the site and cap the site with 300mm which will be validated leaving a ‘building platform’ for the developer.

The developer will then have to complete the remediation of the site by making up the level to 1000mm in gardens including sourcing clean material to do this and validating that it has been completed as proposed to the appropriate depth and is clean.

I would therefore expect that they will have to produce their own remedial strategy to provide detail on how they will achieve this and then provide the appropriate validation reports. Given this I think that parts B and C (and possibly D) of the standard condition (attached) are appropriate.”

**NSDC Environmental Health** – *Initial Comments 6.6.19* “I understand it this site wraps around part of an industrial site that will remain in place. That being the case there is potential for noise disturbance both from that unit and from the road to the south east of

the site. I would therefore ask that a detailed noise and emission assessment is undertaken to identify all potential noise and emission sources affecting the site.”

*Additional Comments 10.6.19* “The report assesses noise exposure on the site and makes a number of recommendations in section 5 and I would ask that these are attached to any approval given.

Whilst a stated aim of future proofing is mentioned in the report, I do note that the “bypass” to the south of the site is frequently used at present as it is only a local route. Once it does join the A1 to the A46 traffic volumes can be expected to be much higher. I would ask whether the report takes account of this increase in traffic and noise exposure?”

*Additional Comments 30.10.19* “I refer to the above application and have had time to digest the two noise reports provided to support the application.

Should the development be approved I would strongly suggest that the recommended outline noise mitigation measures detailed in both of the noise reports are required and implemented including the upgraded double glazing specification of 28 dB Rw + Ctr for habitable rooms of the nearest properties to the bypass road.

The noise report also shows that there could be a significant adverse impact from the generator at the factory which is used intermittently. Therefore, I would advise that appropriate sound insulation measures are undertaken so as to safeguard residential amenity to the nearest houses and protect the business interests of the commercial premises.

I trust this email is satisfactory for your purposes.”

*Additional Comments 01.11.19* “Further to my email below, I have a further comment to make prior to determination. Having undertaken a site survey, I understand the application has been made by a developer not connected with the Flowserve Business. As detailed in the noise report the generator at the Flowserve site is likely to have a significant adverse impact on dwellings when in operation. Therefore I would suggest the applicant or developer will have to come to some sort of agreement with Flowserve to mitigate the noise from the generator by means of a suitable and sufficient enclosure.”

*Additional Comments 07.01.20* “Thank you for your email, the comments of which have been noted. My comments were made on the information provided by the noise report. It states that there is likely to be a significant adverse effect, however taking into account their modification of the report due to noise mitigation measures will reduce the noise from significant inside the properties. It does not state whether this means there will be an adverse effect and is likely to be present and intrusive and likely to result in complaints. The report only looks at indoor noise impact and people do like to spend time outside, especially in warm weather.

I do take the point that the generator is stated to run for approximately 35 minutes at a time. I calculate if it ran each weekday it would account for approximately 145 hours a year. My understanding is it is used to test pumps that operate on different currents to the UK and no one would be able to know if contacts were won the generator would be used more frequently.

If possible, as a work around, would it be possible to condition the generator's use to a specific time period during the daytime and prohibit its use before 9am and after 5pm and all day Saturday, Sunday and Bank Holidays? For example, the generator should run for no more than 1 hr per day/145 hours a year rather than unrestricted between 9am-5pm.

My understanding is the land owner is nothing to do with the business so I'm not sure if the business would be happy to comply with such a condition."

*Additional Comments 27.05.20* – "I have looked at the noise report and noted that from location 4 the noise recorded was 70dB. It [a distance buffer required around the factory to prevent the unacceptable amenity impact] could be easy enough to work out if you knew how far location 4 from the point source was. For every doubling of distance, the sound level reduces by 6 decibels (dB), (e.g. moving from 10 to 20 metres away from a sound source). But the next 6dB reduction means moving from 20 to 40 metres, then from 40 to 80 metres for a further 6dB reduction.

For outdoor amenity spaces such as private gardens and patios, BS8233 states that 'it is desirable that the external noise level does not exceed 50 dB LAeq,T with an upper guideline value of 55 dB LAeq,T which would be acceptable in noisier environments'. So for a reduction from 70dB to the upper limit (55dB) would require a 15dB reduction which would be approximately 3 times doubling of the distance of location 4 from the source. It says in the report that the location of 4 Location 4: E of factory, halfway down E elevation, 2m from roadway but I'm not sure where this is in relation to the source of the noise. Assuming it was 2M away from the source I estimate that no dwelling or outside space should be within 16m however it may be more than this if the distance of the meter was further way. I also assume that the generator is not used at night."

*Additional Comments 15.07.2020* – "Thank you for your email and noise report ... I have the following comments. I would request the developer proceed to investigate 4.5 and 4.7 of the report:

*4.5 For this reason, we consider that it would be useful to investigate the feasibility of:*

*a) Installing an acoustic lobby on the access door such that at least one door can remain closed at all times (it would be necessary to ensure that the lobby would provide the same standard of sound insulation as the rest of the generator enclosure); or*

*b) Relocating the generator control panel to within the main factory building such that the generator can be operated remotely*

*4.7 We would also recommend that the fuel tank filling door is inspected and properly sealed to minimise noise emissions from this section of the enclosure.*

In addition the recommendation for the properties detailed in section 4 should also be implemented."

*Additional Environmental Services Comments 10.6.19* "Residential Development - Accept Findings

An Air Quality Assessment has been conducted by Kairus Ltd commissioned by C B Collier Ltd (ref: AQ05163 ) dated 1/04/2019 in support of this planning application.

This document provides a comprehensive assessment of the air quality issues surrounding the proposed development, identifies the potential impacts from both the construction phase and operational phase at sensitive receptors identified as part of the report (1-23).

In summary, providing that the proposed mitigation measures are incorporated during construction and operational phases of the development, I can concur with the findings of the AQ assessment for Nitrogen Dioxide and Particulates at the sensitive receptor locations.

The risk of dust deposition (nuisance dust) is considered greater. The application site for the above development lies in an area where there are several active industrial sites. Therefore I agree with the highly recommended measures outlined in Appendix D to the report should be implemented in full.

## **Construction Phase Mitigation**

### **General Communication**

- A stakeholder communications plan that includes community engagement before work commences on site should be developed and implemented.
- The name and contact details of person(s) accountable for air quality and dust issues should be displayed on the site boundary. This may be the environment manager/engineer or the site manager. The head or regional office contact information should also be displayed.

### **General Dust Management**

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

### **Site Management**

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

### **Monitoring**

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

### **Preparing and Maintaining the Site**

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

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

- Ensure all vehicle operators switch off engines when stationary - no idling vehicles.
- Avoid the use of diesel or petrol-powered generators and use mains electricity or battery powered equipment where practicable.
- A Construction Logistics Plan should be produced to manage the sustainable delivery of goods and materials.

### **Operations**

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

### **Waste Management**

- Avoid bonfires and burning of waste materials.

### **Measures Specific to Earthworks**

- Stockpile surface areas should be minimised (subject to health and safety and visual constraints regarding slope gradients and visual intrusion) to reduce area of surfaces exposed to wind pickup.
- Where practicable, windbreak netting/screening should be positioned around material stockpiles and vehicle loading/unloading areas, as well as exposed

excavation and material handling operations, to provide a physical barrier between the Site and the surroundings.

- Where practicable, stockpiles of soils and materials should be located as far as possible from sensitive properties, taking account of the prevailing wind direction.
- During dry or windy weather, material stockpiles and exposed surfaces should be dampened down using a water spray to minimise the potential for wind pick-up.

#### **Measures Specific to Construction**

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

#### **Operational Phase Mitigation**

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

#### **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."

**Landscape (Tree) Specialist** – "The submitted tree survey does not appraise any individual trees so it is difficult to fully assess the impact of the indicative layout on existing trees.

However, it is likely that A1 A7 G1 G8 G9 and G10 will all have some adverse impact resulting in tree loss/potential tree damage. Any full/reserved matters application should be accompanied by a detailed site specific Arboricultural impact assessment as recommended within BS5837-2012 section 5.4.

This should identify potential tree constraints and direct/indirect effects of the proposed design and proposed tree protection and mitigation. Trees retained/removed should be clearly identified.

A full site specific arboricultural impact assessment and tree protection should be provided detailing all protection measures to be incorporated during construction activities.

A full soft landscaping scheme should be considered at an early stage of the design process incorporating defined green infrastructure of species and type that will have ample room for full development and of a wide range of species that will increase site biodiversity and be tolerant of anticipated climate change and invasive pests and diseases.

Recommend any approval has attached conditions:

1. No Works or development shall be carried out until the Local Planning authority has approved in writing the full details of trees to be retained on or adjacent to the site (by reference to an Arboricultural impact Assessment submitted as recommended in BS5837-2012 Trees in Relation to Design ,Demolition and Construction recommendations.)
2. No works or development shall take place until the scheme for protection of the retained trees/hedgerows has been agreed in writing with the District Planning Authority. This scheme shall include:
  - a) A plan showing details and positions of the ground protection areas.
  - b) Details and position of protection barriers.
  - c) Details and position of underground service/drainage runs/soakways and working methods employed should these runs be within the designated root protection area of any retained tree/hedgerow on or adjacent to the application site.
  - d) Details of any special engineering required to accommodate the protection of retained trees/hedgerows (e.g. in connection with foundations, bridging, water features, hard surfacing).
  - e) Details of construction and working methods to be employed for the installation of drives and paths within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.

- f) Details of working methods to be employed with the demolition of buildings, structures and surfacing within or adjacent to the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
  - g) Details of any scaffolding erection and associated ground protection within the root protection areas
  - h) Details of timing for the various phases of works or development in the context of the tree/hedgerow protection measures.
3. All works/development shall be carried out in full accordance with the approved tree/hedgerow protection scheme.
4. Prohibited activities: The following activities must not be carried out under any circumstances.
- a) No fires to be lit on site within 10 metres of the nearest point of the canopy of any retained tree/hedgerow on or adjacent to the proposal site.
  - b) No equipment, signage, fencing etc shall be attached to or be supported by any retained tree on or adjacent to the application site,
  - c) No temporary access within designated root protection areas without the prior written approval of the District Planning Authority.
  - d) No mixing of cement, dispensing of fuels or chemicals within 10 metres of any retained tree/hedgerow on or adjacent to the application site.
  - e) No soak- aways to be routed within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
  - f) No stripping of top soils, excavations or changing of levels to occur within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
  - g) No topsoil, building materials or other to be stored within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
  - h) No alterations or variations of the approved works or protection schemes shall be carried out without the prior written approval of the District Planning Authority.
5. No works or development shall take place until the District Planning Authority has approved in writing the full details of every tree, shrub, hedge to be planted (including its proposed location, species, size and approximate date of planting) and details of tree planting pits including associated irrigation measures, tree staking and guards, and structural cells.
6. Prior to the implementation of the landscaping details hereby approved, within each phase of development, details of tree planting pits including associated irrigation measures, tree staking and guards, and structural cells (as appropriate) shall be submitted to and approved in writing by the District Planning Authority. Thereafter, the landscaping proposals within each phase of development shall proceed in accordance with the approved details.
7. The approved landscaping scheme shall be carried out within 6 months of the first occupation of any building or completion of the development, whichever is soonest,

unless otherwise agreed in writing with the District Planning Authority. If within a period of 7 years from the date of planting any tree, shrub, hedgerow or replacement is removed, uprooted, destroyed or dies then another of the same species and size of the original shall be planted at the same place. Variations may only be planted on written consent of the District Planning Authority.

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.”

### **Sport England – “Sport England – Statutory Role and Policy**

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

Sport England has considered the application in light of the National Planning Policy Framework (particularly Para 97) and Sport England’s Playing Fields Policy, which is presented within its ‘Playing Fields Policy and Guidance Document’: [www.sportengland.org/playingfieldspolicy](http://www.sportengland.org/playingfieldspolicy)

Sport England’s policy is to oppose the granting of planning permission for any development which would lead to the loss of, or prejudice the use of, all/part of a playing field, unless one or more of the five exceptions stated in its policy apply.

### **The Proposal and Impact on Playing Field**

The proposed development if approved would result in the construction of new dwellings adjacent to an existing sports facility.

Our main concerns with respect to the proposed housing development relates firstly to the introduction of residential properties adjacent to the playing field and the potential for impacts on residential amenity and secondly issues around access and car parking.

#### Residential Amenity

On the southern side of the playing field site the design of the main access (to the development and the retained industrial area) and existing layout of the playing field creates a reasonable separation between the usable playing field area and the proposed residential properties. The development beyond on the northern boundary of the playing field may create issues of residential amenity however this could be seen as no worse than the existing relationship on the western boundary. It is noted that your Environmental Health team commented on the proposals for flood lighting for the football pitch and restrictions were put in place on the approval. Some objections were received from residents on Kew Gardens, Graham Close and Richmond Close. It is assumed that the restrictions are appropriate for the new development but this should be fully considered. It is noted that the submitted noise impact assessment does not include an assessment of the

impacts on residential amenity as a result of sport being played at the site at weekends and under floodlights in the evenings

#### Access and car parking

You may recall that Sport England raised concerns previously regarding access to the playing field site and with regard to the level of parking. The access question appears to have been resolved. Car parking is to be provided on site but we remain concerned that overspill car parking may take place on the new residential streets and this should be carefully considered to ensure that sports activity at the site is not affected.

We have, as agreed, consulted the Football foundation who advise;

The Football Foundation (FF) considers that with improved access and increased parking on site (costs to be met by the development) the club could continue to function effectively from this site.

However, the FF would also look at any other football ground improvements that could be provided via the Section 106 process. Which would support/sustain and develop sport (in this case Football) at the site.

#### **Statutory Conclusion**

Whilst Sport England is generally supportive of the application, we remain concerned that the residential development could create pressure on and prejudice the continued use of the site for sport. This pressure could increase if at some point the retained flow swerve business relocates and this area is also approved for development.

However given the points raised regarding residential amenity above that an objection could be sustained.

#### **Sport England – Non Statutory Role and Policy**

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

This application falls within the scope of the above guidance as it relates to a major development over 300 dwellings.

It is understood Newark and Sherwood District Council is a Community Infrastructure Levy (CIL) charging authority and as such, the proposed development is required to provide CIL contribution in accordance with the Councils adopted CIL Charging Schedule. However sports facilities are not covered by the CIL S123 list and as such could be covered via an agreement under S106.

Sport England assesses this type of application in light of the National Planning Policy Framework (NPPF) and against its own planning objectives, which are Protect - To protect

the right opportunities in the right places; Enhance - To enhance opportunities through better use of existing provision; Provide - To provide new opportunities to meet the needs of current and future generations. Further information on the objectives and Sport England's wider planning guidance can be found on its website:

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

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

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

The population of the proposed development is estimated to be round 700 new residents. This additional population will generate additional demand for sports facilities. If this demand is not adequately met then it may place additional pressure on existing sports facilities, thereby creating deficiencies in facility provision. In accordance with the NPPF, Sport England seeks to ensure that the development meets any new sports facility needs arising as a result of the development.

#### Indoor Sports Facilities

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

You may be aware that Sport England's Sports Facilities Calculator (SFC) can help to provide an indication of the likely demand that will be generated by a development for certain facility types. The SFC indicates that a population of an additional 700 new residents in this local authority area will generate a demand for an additional 44 visits per week to swimming pools and 42 visits per week to sports halls - when converted to a capital cost this equates to £245,000. A copy of the SFC report is attached. This demand may be able to be accommodated within existing facilities or by improving existing facilities, your council has the evidence available to understand the supply, demand, quality and capacity of existing facilities in the locality which would address the above, but this should be clarified.

#### Formal Outdoor sports facilities

The need for the proposals to take account of the demand generated by the growth has been raised above. Your authority has an up to date PPS and has access to the Population Growth Demand Calculator. The use of the two document should be used to establish the additional demand generated by the increase in population in the area. No doubt that your Community, Sports & Arts Development and Parks & Amenities teams will comment on this aspect of the proposals. The comments from the Football Foundation

You may be aware that, Sport England, in conjunction with Public Health England, has produced 'Active Design' (October 2015), a guide to planning new developments that create the right environment to help people get more active, more often in the interests of health and wellbeing. The guidance sets out ten key principles for ensuring new developments incorporate opportunities for people to take part in sport and physical activity. The Active Design principles are aimed at contributing towards the Government's desire for the planning system to promote healthy communities through good urban design.

We would encourage you to embrace the concept of 'Active design': Sport England believes that being active should be an intrinsic part of everyone's life pattern. The master planning of major new housing and mixed use development schemes has a vital role in providing easy access to a choice of opportunities for sport and physical activity, making new communities more active and healthy. Active Design is aimed at urban designers, master planners and the architects of our new communities. The guidance promotes sport and activity through three key Active Design principles of - improving accessibility, enhancing amenity and increasing awareness (see link below for more information)

The document can be downloaded via the following link:

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

#### **Non-Statutory Conclusion.**

Sport England is not currently able to support the proposal as there are a number of unanswered questions regarding offsite contributions to formal offsite sports facilities. We would be pleased to comment further once further information is provided in this regard.

Sport England would be happy to discuss any of the issues raised above."

*Additional comments received 19.5.20* – "Thank you for reconsulting Sport England with additional information regarding impacts on the car parking proposals for Flowserve SSC agreed under application 18/01235/FULM (and secured under the later security fencing application). I can confirm that the lack of ability to control the provision/retention of car parking would be a concern for Sport England.

As previously advised; **Statutory Conclusion**

Whilst Sport England is generally supportive of the application, we remain concerned that the residential development could create pressure on and prejudice the continued use of the site for sport.

We considered that the points raised regarding residential amenity could not be sustained as an objection, because the car parking issues appeared to be resolved. But even with the car parking proposed we remained concerned that overspill car parking may take place on the new residential streets and this should be carefully considered to ensure that sports activity at the site is not affected.

If the proposed car parking solution is not now certain (noting that Flowserve feel that the condition is valid and there is no reason for a legal agreement), sport England supports your conclusion that;

*.....the absence of an ability to guarantee the security of sufficient parking for the SSC and the possible consequential impact on the operation of the community facility will be a material planning consideration for the Council to judge, one that will carry significant negative weight in the planning balance.*

Without the security of sufficient car parking Sport England would objection to the development as it could prejudice the use or indeed lead to the loss of the sports facility. Without car parking visitors to the site could create significant disturbance to residential amenity leading to parking issues restrictions on parking and objections and issues with regard to highway safety (including emergency vehicle access). It is noted that the submitted/ revised TIA has not addressed vehicular movement to and from the SSC facility it is assumed that this is because the SSC operates when the factory is closed and there is therefore no reason to test both (not used am or pm peak). It is also noted that the loss of parking/parking issues are not considered in the TIA as I assumed it is currently considered as resolved.

One potential option would be that Flowserve SSC secures a lease/rental arrangement directly with Flowserve for use of the car park (again this would not be linked to the current application but could remove some uncertainty) . However, we are not clear if this is possible as we understand that Flowserve SSC do not own the site.

#### **Non-Statutory Conclusion.**

Sport England remains unable to support the proposal as there are a number of unanswered questions regarding offsite contributions to formal offsite sports facilities, covered in our response dated 28-05-2019 (attached). We would be pleased to comment further once further information is provided in this respect.”

*Additional Comments received 15.07.2020 – “I refer to your email below and attachments and my previous email dated 19/05/2020. In that email Sport England concluded;*

Without the security of sufficient car parking Sport England would object to the development as it could prejudice the use or indeed lead to the loss of the sports facility. Without car parking visitors to the site could create significant disturbance to residential amenity leading to parking issues restrictions on parking and objections and issues with regard to highway safety (including emergency vehicle access). It is noted that the submitted/ revised TIA has not addressed vehicular movement to and from the SSC facility it is assumed that this is because the SSC operates when the factory is closed and there is therefore no reason to test both (not used am or pm peak). It is also noted that the loss of parking/parking issues are not considered in the TIA as I assumed it is currently considered as resolved.

The applicants agent has submitted additional information which seeks to address the concerns raised with regard to the provision of parking and the effects on the future use/operation of the SSC playing field site, Sport England comments as follows;

1. Supplementary Transport note:-

Sport England does not to seek to advise on car parking levels, given, particularly, to local circumstances and differences in local parking requirements/policy. However,

there appears to be logic in considering at least the same level as that agreed on the retained Flowserve site for any assessment. We would make some observations on the assumptions made.

- Spectator levels will fluctuate depending primarily on the success or otherwise of the team and the local nature of the two teams involved, it is difficult to plan for a worst case scenario but planning for the most frequent occasions seems sensible.
- Sport England would not wish to push for a higher level of parking than is necessary as we would clearly prefer to see the use of other forms of access to the site other than the private car. We would encourage active travel to sites such as walking and cycling and shared transport. However, there are issues around car sharing and child safeguarding for clubs, such that the ratio of parents and children is not simple. We would want to ensure that appropriate off-site parking is retained/provided.
- The 2017 Newark and Sherwood DC Playing Pitch strategy review advises that on site there are - *Two adult pitches, one 9v9 pitch, three 7v7 and three 5v5 pitches, all of good quality. Several mini pitches are over marked onto adult pitches. Logistical problems and a need to fit more pitches onsite but no room to do so.* The uses listed at the SSC site are not therefore correct, the former tennis courts area has been converted to a 7v7 pitch, adult pitches are overmarked for junior football so multiple games can take place. It is understood that a total of 17 football teams use the site.
- Football Tournaments and other such all day events take place which on occasion would see an increase in cars, which unless the majority of cars can be appropriately located, will lead to either on street parking or the events not taking place which would be a financial impact on the sustainability of the club.

## 2. Onsite parking plan.

- The submission makes reference to the redundant onsite tennis courts, the tennis courts have been converted to a 7v7 pitch created in 2016/17 (confirmed in PPS review)
- Both the overflow parking and part of the suggested main car park use up any spare land which allows for site flexibility of pitch arrangements, maintenance, warm up and training without using the main pitch areas.
- Sport England would object to any proposal which results in the loss of usable playing field.
- The suggestion of on site parking is not an option - SSC have enjoyed that benefit of off-site parking for a number of years, the applicant should recognise that without proper provision of parking the SSC site which he also owns will be affected and the scheme which is being developed will also be affected.

## 3. Letter ref P1470/PD/clw



- The letter raises the obvious point that the users of the SSC - have parked on a Flowserve owned and controlled car park for some considerable time but that this is was **outside** of the secured area. The proposed car park is within the secured area therefore without any specific requirements to make this car park available, it is actually in many ways less secure than the informal arrangement.. Notwithstanding any previous informal arrangement parking within the secure area is at greater risk of loss. The previous long term arrangements reflected that SSC was the sports and social club of the Flowserve company, this link has now to all intents and purposes gone. The position of SSC has therefore changed the two parcels are in separate ownership any feeling of obligation that Flowserve may have had in the past to support the Social side is no longer a factor. Indeed it is understood that Flowserve support the original condition, but will not enter into any other formal arrangement which secures the use of the car park, if it concluded that the condition is not valid.
- Without the construction of houses as planned and if the informal car park is unavailable for some reason parking on the access road outside working hours would not create an issue. This is not picked up in the letter, Sport England reiterates our concern that uncontrolled parking on the new residential streets would impact up on residential amenity and lead to highway safety issues, including access for emergency vehicles. This will lead to even greater negative pressure on the operation of the SSC playing fields. There is a clear material impact on both the SCC and the future occupiers of the proposed residential properties.
- The letter also advises that Sport England seeks to ensure that the operation of the SSC remains unaffected and it concludes that there is nil effect – this is clearly not the case, as we already understand that the junior football club are already seeking alternative an venue(s) The PPS review in 2017 advised that There were 266 teams playing in the district. This was an increase of 51 teams from the 2014 audit. This places additional pressure on pitch provision and the quality of the playing surface. The local football facilities plan (LFFP 2019) indicated that in 2018 around 230 teams had affiliated to the county FA the pressure on pitch provision therefore remains and issue.
- Sport England would not support the loss of the playing field site unless an alternative new replacement site was available or that the evidence indicates a surplus in the catchment in order to meet the requirements of our policy and NPPF para 97.
- It is understood that the owner of the SSC site is seeking re-negotiate a lease. If it is expected that SSC becomes more financially sustainable and commercially focused (greater use of facilities throughout the year) there will be a greater need to attract more visitors more often which will add to the identified parking issues.

## Statutory Conclusion

Without the security of sufficient car parking Sport England would object to the development as it could prejudice the use or indeed lead to the loss of the sports facility. Without car parking visitors to the SSC site could create significant disturbance to residential amenity leading to parking issues, restrictions on parking, objections from residents and issues with regard to highway safety (including emergency vehicle access).

As Sport England has consistently advised whilst we are generally supportive of the application, we remain concerned that the residential development could create pressure on and prejudice the continued use of the SSC site for sport.

#### **Non-Statutory Conclusion.**

Sport England remains unable to support the proposal as there are a number of unanswered questions regarding offsite contributions to formal offsite sports facilities, covered in our response dated 28-05-2019. We would be pleased to comment further once further information is provided in this respect. Could one option be rather than an off-site contribution, could land be allocated within the residential area and a car park created for SSC adjacent to the playing field entrance?

I can confirm that Sport England will support an appeal if the council considers that the above is a reason for refusal.”

#### **LCC Archaeology – “I would like to revise my comments.**

Extensive excavations have taken place on the adjacent site which have not yet been published so unfortunately I was not aware of the significance of the site when I initially appraised it. The final report is still being written up so I have not had sight of the results of the excavations but I have spoken at length with the county archaeologist who has been a lead on that scheme.

The adjacent site contained extensive Romano-British remains, of which industrial areas have been located close to the boundary of the Flowserve site. It entirely possible that these remains would continue onto this site. In addition to this site is also likely to have contained civil war remains as well as evidence of its more recent industrial past.

The concrete hardstanding which covers this site is likely to have damaged some potential archaeology on this site but also may have preserved more deeply buried archaeology and because of this there is a potential that important archaeology may survive here and that this potential should be explored. Ideally the developer should supply further information to support this application ideally through an initial desk based assessment which will lead to intrusive trial excavation.

I did pass the site yesterday and can see that there are machines already working to break up the concrete slab and I am mindful that if more clearance works continue (beyond clearing the hardstanding) that they may compromise the archaeology before we have time to properly investigate.”

Revised Comments: “My mind has been greatly eased by the fact that the majority of the site has been substantially disturbed by previous development on the site, as per my

original thoughts. It is clear that had we requested trial excavation across the main site that it would have been totally unproductive. The exposed culvert is a wonderful example of Victorian engineering that is a rare treat to see exposed. There were a couple of areas that could contain undisturbed archaeological remains and could benefit from some limited trial excavation to see if in situ remains survive. I was unable to find a phase plan, but the areas of interest are by the foundry waste piles (phase 1?) and on the northern side of the Sports and social club.”

*Confirmation that given the works permitted under 18/01235/FULM on the basis of Archeological advice throughout that permission that no further Archeological works are required.*

**NCC Highways – Initial Comments 5.6.19** “The scale and nature of this proposal means that additional time is required to appraise the Transport Assessment. However it is already clear that the proposal will have detrimental impact on the junctions at Hawton Lane/Bowbridge Road and Hawton Lane/London Road with no mitigation measures being proposed. Therefore please accept this as a ‘holding objection’ pending the results of this Authority’s appraisal.”

*Secondary Comments 8.7.19* “Looking at the Transport Assessment, the main comparison is between scenarios 3 (2029base+committed) and 4 (2029base+committed+development). Also between scenario (S5) for 2029 base +development (no committed) and comparing this against the 2029 base only scenario (S2) to show that their development on its own won’t be a problem. This latter comparison is a bit meaningless as it avoids the future potential reality i.e. with committed development.

**J1 Bowbridge Road/ Hawton Lane:**

- I disagree with the statement that the proportional increase in degree of saturation is minimal. All saturation values increase and, in the case of Bowbridge Road south this is very close to 100%. The practical maximum target is 90% (100% saturation is not an acceptable limit) so we are well into the unpredictable zone where a little extra traffic has a disproportionate effect on queues and delays.
- The applicant should consider what mitigation measures might be offered, but it is worth noting that MOVA and Toucan style facilities are already present.

**J2 Hawton lane/ Site Access:**

- I have a concern regarding the approach from the left coming from the railway bridge and the narrowness of Hawton Lane at the junction. The right turn in is predicted to increase in the PM peak from 7 to 78 meaning there will be a high chance that a right turning vehicle will be waiting in the centre of the junction to make its turn. This will increase the chances of shunt type accidents with a following vehicle running into the back of one waiting to turn. The applicant should investigate the provision of ghost island right turn facility. A central right-turn lane might help that as well since a left-turning HGV would more easily be able to make the turn without encroaching on the eastbound lane.

**J3 London Road/ Hawton Lane:**

- This junction already carries a large number of vehicles turning right from Hawton Lane

onto London Road to access the A1. This may change when the SLR link to the A1 is complete but, for the moment, Hawton Lane is the main route.

- The predicted RFC values for Scenario 3 show a junction performing poorly; well over its capacity. The Flowserve development flows added into Scenario 4 worsen this further by a significant amount. Taking out the committed development and comparing scenario 5 (2029 devt, no committed) with scenario 2 (2029 base, no committed) demonstrates Flowserve taking the junction from busy but within capacity to well over capacity. The combined Mean Max Queue (as there is only a single lane) goes up from 5.47 in the PM peak to 21.58, this is a significant increase and does not 'remain relatively low'.
- This junction is currently under pressure and the increased flow may affect safety as vehicles at the give way line come under more pressure from the increased flows behind to make their turns out onto London Road.
- London Road / Hawton Lane has a poor accident record and clearly more traffic is likely to lead to additional accidents unless mitigation works are carried out. The Transport Assessment includes 'Crashmap' accident data which may be incomplete and not fully up-to-date. I would hold more confidence in data supplied by this Authority and, in any case, it should cover a 5 year period; not a 3 year period.
- Mitigation measure need to be considered to make this proposal acceptable.

The conclusions that 'the proposed development can be accommodated without detriment to vehicular flows and road safety on the surrounding highway network' appears to be lacking veracity. The applicant may wish to address the above matters, but as it stands this Authority would recommend refusal on the grounds that highway safety and capacity are significantly compromised. The proposal will increase the risk of accidents and resulting queues and delays at junctions are severe and unacceptable.

I am awaiting comments regarding the Travel Plan submission and will respond regarding this aspect in due course."

*Additional comments 24.7.19:* "Please find our comments for the Flowserve site travel plan, below:

- Figure 3.1 is not overly clear. The Google satellite image used is blurry and it does not identify the full site (i.e the extent of the site boundary, or the access junction).
- Paragraph 4.8 discusses the access from Lowfield Lane which will be developed to provide emergency service access only. It is not clear how this link will be managed (i.e. how will it be controlled so that only emergency services use this access)?
- Paragraph 4.12 should discuss the number of parking spaces proposed. The Residential parking Standards for New Developments document is referred to on page 10 and should be applied to the number and type of proposed residential dwellings.
- Paragraph 5.1 refers only to one pedestrian access point to the site (from Hawthorn Road). The site abuts residential dwellings to the east and north east, and as such the developer should explore pedestrian access points to these existing dwellings to increase permeability and encourage walking.
- It is not clear whether any buses (accessible from the site) serve the rail facilities.
- Distances to bus facilities have been calculated from the site access point. It is likely that once distances from the centre of the site are taken into account, the site will lie

outside the preferred maximum distance to public transport facilities. How is this proposed to be mitigated?

- No targets have been set, which is unacceptable. The TA will have provided an estimate of trips associated with the site, and therefore this is the basis on which targets should be set. The primary target should be based on the trip generation values in the accompanying Transport Assessment (i.e. include one table showing the values used in the TA, and a further table showing the target trip generation with the Travel Plan in place (i.e. lower than the TA)). Mode share can be used as a secondary target, and we would recommend using Census journey to work data as the initial baseline prior to collecting site specific data.
- Targets should then be updated using results from the baseline travel surveys conducted within 3 months of occupation, however any changes to targets must be approved by NCC.
- An interim Travel Plan Coordinator should be identified now (including their name and contact details). Once the permanent TPC has been identified, NCC should be updated of their details and the TP updated accordingly.
  - The TP does not state the length of the monitoring period, nor the length of period in post of the TPC. The monitoring period should run from first occupation until a point 5 years following 50% occupation, with targets matching the monitoring period. The TPC should be in position prior to first occupation (not 'upon first occupation as stated in Table 9.1) to match the monitoring period unless the Travel Plan fails to meet its targets, in which case the monitoring period and TPC's period in post should be extended accordingly and remedial actions proposed.
  - It is now commonplace for a development of its size to offer free taster bus tickets to new residents. These can be offered on a redemption basis as part of the welcome pack. Section 8 is really weak - simply stating that 'walking/cycling will be encouraged as much as possible' is not sufficient. It should include all initiatives the developer / TPC will implement to reach the TP's targets. Examples include:
    - Co-operation in and promotion of national events;
    - Provision of adequate residential cycle storage;
    - Provision of notice boards in publicly available areas, such as the sales office for all perspective buyers to view. The green credentials of the site could be used as a selling point;
    - Issuing of a periodic newsletter to update residents on the Travel Plan's progress;
    - Any proposed improvements to local bus services(?); and
    - Provision of a resident welcome pack containing:
      - walking, cycling and public transport maps
      - Public transport timetables
      - The name and contact details of the TPC
      - Information on how to access personalised journey planning services
      - Information on how to redeem the taster bus ticket
      - Information on Nottinghamshire's own car sharing scheme: NottinghamShare.

- Paragraph 8.5 mentions cycle parking facilities. These have not been discussed previously? Nor have the provision of footways/cycleways through the site (referenced in Table 9.1).
- The 'final' Travel Plan must be in place before any units are occupied, this is not particularly clear within Table 9.1.
- Baseline travel surveys should be conducted within 3 months of initial occupation, and repeated annually thereafter (preferably in the same month to avoid discrepancies caused by seasonal variations). Surveys must be approved by NCC prior to issue.
- In addition to being disseminated to NCC and the local district council (via an annual report), survey findings should also be disseminated to residents to keep them up to date with the progress of the Travel plan.
- Paragraph 10.3 refers to employees?
- The TP should commit to a 3 year review and evaluation with NCC.
- The TP must commit to remedial measures should the Travel Plan fail to meet its targets at the end of the initial monitoring period – at minimum this should involve the extension of the monitoring period and period in post of the TPC as discussed above”

*Additional comments 19.11.19* – “Further to comments dated 8th July 2019, revised Transport Assessments have been received and analysed (the latest being dated 19th November 2019).

In summary, when compared to the existing site use, the highway impact is such:

- The proposal will generate 109 additional trips in the AM peak, and; 122 in the PM peak.
- Between 7am and 7pm, 1011 additional trips will be generated.
- In the AM peak 55% of trips run to the west; 45% to east.
- In the PM peak 38% of trips run to the west; 62% to east.

The impact on individual junctions has been modelled, bearing in mind the ‘design year’ traffic flows includes those associated with the committed development at ‘Land South of Newark’:

#### **Bowbridge Lane / Hawton Lane junction**

In the ‘design year’ of 2029, without the proposed development the junction is over-capacity i.e. long delays/queues occur. With the proposed development maximum queues would increase by 2 or 3 vehicles (pcus).

Notwithstanding the above, it is difficult to see what mitigation might be sought that is reasonable and proportionate to the proposal and its level of impact.

#### **Hawton lane / Site Access junction**

Whilst, previously, a right turn lane has been sought, the modelling has demonstrated that

queuing to enter the site is small with a maximum queue of 3 vehicles (pcus). The Applicant's Agent has submitted that land to offer a right turn lane is not available and in answer to road safety concerns suggests that the current 40mph speed restriction could be reduced to 30mph. This would seem to be a reasonable suggestion since it would reduce the forward visibility/braking distances over the ex-railway bridge when approaching the junction from the west.

### **London Road / Hawton Lane junction**

In the 'design year' of 2029, without the proposed development, the junction is over-capacity i.e. long delays/queues occur.

The modelling shows that maximum queues extend as a result of the proposal:

- From 60.5 vehicles/pcus in the AM peak to 100.9, and;
- From 370.8 vehicle/pcus in the PM peak to 430

Assuming a PCU length of 5.5m these queues may extend beyond 500m in the AM peak and 2.3km in the PM peak, with the development flows.

This is based on 49 pcus being added in the AM peak as a consequence of the development (45% of 109) and 76 pcus in the PM peak (62% of 122).

With and without development, the junction will operate beyond its capacity in the design year and the Applicant's Agent argues the case that the proposal adds a comparatively small proportion of traffic to this junction over and above natural traffic growth and flows associated with committed development.

4.4% of the two-way flow on Hawton Lane will be attributable to the proposal at this junction in the AM peak, and; 5.4% in the PM peak.

This is considered significant and whilst the developer has indicated that they would be willing to contribute a proportional amount to the cost of a mitigation scheme e.g. traffic signals, a formal scheme has not been provided and other funding is not identified to secure a scheme in the future. Furthermore, such a scheme would have to be subject to a road safety audit and it has already been identified that issues would arise with regard to vehicle movements from private drives located between stop lines.

### **Other Matters / Comment**

Whilst the Travel Plan has been revised in response to previous comments this matter is still outstanding at the time writing, pending further assessment being carried out by colleagues. Further comments will be forwarded as soon as possible but, failing this, should a resolution be passed to grant permission, then it is recommended that a condition be applied seeking the submission and approval of a revised Travel Plan.

It has come to light that traffic flows associated with committed development at Fernwood, affecting London Road, have not been included and these would exacerbate the capacity issues noted above.

The very long queues identified on Hawton Lane above are, of course, estimated and theoretical. If they were to occur in practice, all other junctions on Hawton lane would be affected. It is possible, perhaps likely, that once queues and delays become acceptable to the average motorist, alternative routes would be sought, but the impact of this on other local junctions has not been assessed and would require the use of the Newark Traffic Model held by the Planning Authority to do so.

It has previously been recognised that the London Road / Hawton Lane junction is currently under pressure and the increased flows may affect safety as vehicles at the give way line come under more pressure from the increased flows behind to make their turns out onto London Road. Also, given the poor accident record, more traffic is likely to lead to additional accidents unless mitigation works are carried out.

## **Conclusion**

As it stands, this Authority would recommend refusal on the grounds that highway safety and capacity are significantly compromised. The proposal will increase the risk of accidents and resulting queues and delays at junctions are severe and unacceptable; contrary to Spatial Policy 7 and the National Planning Policy Framework.”

*Additional comments received 20.05.2020* – “Further to comments dated 19th November 2019, a revised Transport Assessment (revision 7 dated May 2020) has been received and analysed.

Previous versions of the Transport Assessment were based on manually adding and distributing traffic flows and committed development flows to localised junction models. Previously, the impact on the London Road junction with Hawton Lane was shown to be significant and raised serious concerns. However, this type of modelling lacks sensitivity and suggests, for example, that a driver would regularly be part of a queue of over 100 vehicles in the morning peak and 400 vehicles in the evening peak, in this case.

Consequently, it was suggested to the applicant/consultant that the Newark Traffic Model be used to determine trip distribution, which would include all the committed development sites, including the approved Fernwood sites, and; take account of nearby highway improvement schemes.

In practice, where motorists regularly encounter heavy congestion / queuing / delays, decisions are made to choose alternative routes which save time and/or distance. Consequently, some traffic re-routes, until an equilibrium is reached. The Newark Traffic Model takes account of this to redistribute flows and more accurately reflect driver patterns. These new flows are then used to model individual junctions using industry-standard software.

The latest Transport Assessment has used the Newark Traffic Model and carried out appropriate junction capacity modelling in line with parameters agreed with the Highway



Authority. The results show that whilst a small loss in capacity results from the development generated flows, this is insignificant and will not justify junction improvement works.

This is an outline planning application with access being determined. As such the internal road layout and other matters have not been considered in depth. However, the primary access as shown on drawing A18361-209-P1 is acceptable. Whilst a right turn lane facility has previously been discussed, it is neither required in terms of capacity and land is not available to provide it. In addition, the access is sufficiently far from the brow of the hill to the west to not affect forward visibility for eastbound drivers towards any vehicles waiting to turn right into the site access. Furthermore, an offer has been made to fund a speed limit reduction to 30mph along this stretch of Hawton Lane as a safety enhancement. This is considered to be appropriate and would help satisfy any concerns about the lack of a right turn lane.

Further revision to the Travel Plan is necessary but it is considered that this matter could be dealt with by a suitable planning condition. It is concluded that the application may be permitted subject to the following conditions:

1. The formal written approval of the LPA is required prior to commencement of any development with regard to parking and turning facilities, access widths, road layout, surfacing, street lighting and drainage (hereinafter referred to as reserved matters). All details submitted to the LPA for approval shall comply with the County Council's current Highway Design Guide and shall be implemented as approved.

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

2. No development shall commence on any part of the application site unless or until a suitable access has been provided at Hawton Lane as shown for indicative purposes on drawing A18361-209-P1, to the satisfaction of the Local Planning Authority.

Reason: In the interests of highway safety

3. No part of the development hereby permitted shall be brought into use until the visibility splays of 2.4m x 120m at the new junction with Hawton Lane are provided in accordance with drawing A18361-209-P1. The area within the visibility splays referred to in this condition shall thereafter be kept free of all obstructions, structures or erections exceeding 0.6m in height (with the exception of the existing culvert wall parapet to the east of the access).

Reason: To maintain the visibility splays throughout the life of the development and in the interests of highway safety.

4. No part of the development hereby permitted shall be occupied 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 timetable set out in that plan unless otherwise agreed in writing by the local planning authority.

Reason: To promote sustainable travel.

5. No development shall commence on any part of the application site unless or until a suitable construction traffic management plan, including access arrangements and lorry routing, has first been submitted to and agreed in writing by the LPA, and thereafter implemented in accordance with that plan.

Reason: In the interests of highway safety & to protect the town centre from extraneous traffic.

6. Notwithstanding previous submissions, details of the development layout submitted with any reserved matters application shall include a foot/cycle/emergency link with Lowfield Lane. Details of this link should be submitted and approved in writing by the LPA.

Reason: To provide connectivity, permeability and the promotion of sustainable travel.

7. No part of the development hereby approved shall commence until application has been made to the Highway Authority for the proposed extension of the 30mph speed restriction on Hawton Lane.

Reason: In the interests of highway safety.

#### Notes to Applicant:

The applicant should note that notwithstanding any planning permission that if any highway forming part of the development is to be adopted by the Highways Authority, the new roads and any highway drainage will be required to comply with the Nottinghamshire County Council's current highway design guidance and specification for roadworks.

In order to carry out the new junction works at Hawton Lane you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act. Please contact [david.albans@nottscc.gov.uk](mailto:david.albans@nottscc.gov.uk) for details.

This consent requires an application for a Traffic Regulation Order before the development commences to reduce a speed limit. The developer should note that the Order can be made on behalf of the developer by Nottinghamshire County Council at the expense of the developer. This is a separate legal process and the Applicant should contact [helen.r.north@viaem.co.uk](mailto:helen.r.north@viaem.co.uk) . Please note this process can take 6-12 months."

*Confirmation from NCC Highways that condition 01 would form part of the reserved matters application and that 02 could be 'pre-occupation' rather than 'pre-commencement' given the existing access into the site.*

*Additional Comments received 02.06.2020 – “We are content that our response dated 19 May 2020 is justified and reasonable.*

We have reviewed our comments in light of the objection made by SLR/Urban & Civic, and these are some broad conclusions:

1. This is an outline planning application where internal road details have not been assessed. However, the junction at Hawton Lane is already in use by the industrial site-generated traffic and no recent record of injury accidents exist. Improvements to the junction have been proposed, and the details have been assessed on the basis of whether or not they are suitable to accommodate residential-generated traffic.
2. This Authority has suggested that the emergency access link be subject to a condition requiring further details. As long as we are content that connection can be made to Lowfield Lane, that is sufficient for the time-being. Links to the Southern Link Road are not part of this consideration for the Highway Authority.
3. It would be unreasonable to expect a bus service to enter the site, but the less-than-ideal walking distances to a bus stop is not sufficient in itself to justify refusal of the application when walking and cycling links are good, and promote sustainable travel.
4. Regarding trip generation, NCC is in the practice of carrying out its own estimate of trip using the industry-standard TRICS database tool. Whilst the filters applied and site examples may differ to those in the submitted Transport Assessment, where the resulting estimate of trip rates is not significantly different, they are not challenged.
5. The trip distribution and strategy used for the Transport Assessment have been carried in agreement with the Highway Authority and NSDC. There has been a consistent approach to applying committed development, including the Southern Link Road where appropriate. Indeed the 3,000+ homes approved for Fernwood are based on the assumption that the Southern Link Road will proceed.

Notwithstanding the above, I am awaiting a further response from a colleague regarding SLR's comments regarding the modelling of the traffic signals to confirm that we have not missed anything of significance. I shall have to get back to you on this next Monday.”

*Additional Comments received 02.06.2020 – “Further to my email below, I have now received the comments from our Traffic Systems Network Manager (see below). You will find that the conclusion is that NCC is satisfied with how the traffic/junction modelling has been carried out, but should it be considered prudent to allay fears, the applicant/agent could be asked to re-run the models under more stringent conditions. The applicant / agent may have a view on this and you may need to consider whether it is necessary in light of the weight being given to any objections. However, it is my opinion that the modelling already done is reasonable and has been correctly assessed by the Highway Authority.*

Looking at the SLR comments in section 6.2 I have the following responses:

- Pedestrian modelling: the junction has been modelled with pedestrians running every second cycle which is normally a legitimate approach outside of town centres where pedestrian usage can fluctuate considerably. I take the point that the proposed school may well lead to the pedestrians running in consecutive cycles in the height of the AM peak when the traffic peak coincides with the peak school ingress time. I would say though that this would not be for the whole hour so I still think that the approach taken by Patrick Parsons is not unreasonable. However, if you wish to see the worst case then the model should be run with the pedestrians in every cycle. I must say that, looking at the PP modelling, there will be enough headroom within the junction in the AM performance for it to still give a positive result. In the PM the school and commuter peak won't coincide so this does not need to be looked at. The Flowserve flows on Hawton Lane add in 52 vehicles in the AM and 37 in the PM. Looking at the comparison of base versus development scenarios, both should be run with pedestrians in every cycle to judge the Flowserve performance on a level playing field, but, as I've said, I think that there will still be sufficient headroom in the junction for it to perform okay and there is no practicable, proportionate mitigation proposal available.
- The Patrick Parsons Linsig model has used traffic signal configuration data provided by Via/ NCC so the minimum green timings reflect what are on street. The intergreen times used are a reasonable estimate of a mean value intergreen for modelling purposes. As such, they are subjective but not unreasonable. If PP are to rerun the Linsig model with pedestrians every cycle then they could also increase the clearance periods at the same time – it would be up to PP to argue whether this would be reasonable. However, these values would need to apply across all scenarios and I think that the difference in performance between the base and development cases will still be low – too low to be able to justify asking for significant intervention at a junction which already has MOVA and Puffin style facilities.
- The final comment regarding the peak hour RFC values appears to be incorrect. The PP TA reports that the worst degree of saturation in the morning is 73.2% (equivalent to an RFC of 0.73) and 78.4% in the PM (equivalent to an RFC of 0.78) – I don't know where SLR are getting their figures from. These are both comfortably below the value of 90% saturation (or an RFC of 0.9 NOT 0.85 as stated)."

*Additional Comments received 13.07.2020* – In response to the agent's review of the Sports and Social Club Parking requirements: "They are right that TRICS offers little help. I have read the notes and consider that the level of parking being offered does look reasonable to me."

*Additional Comments received 20.07.20* – "The spaces I am not keen on are those 17 spaces in lay-by arrangement on the first length of spine road. Because the footway is shown running to the rear of these spaces it looks like we would be expected to adopt them as public highway. We would normally expect all car parking to be off-highway. I would have thought this 17 could be provided alongside the private access to the club perhaps?"

If push came to shove, though, I am not sure the arrangement shown could be refused on highway safety grounds, although we would need a commuted sum payment for

maintaining those lay-by spaces if they were to remain in the public highway.”

**NCC Rights of Way:** “I have checked the Definitive Map for the Balderton area and can confirm that Balderon Footpath No 11 crosses the site and Balderton Footpath no 13 runs either adjacent or just inside the site . I attach a plan showing the definitive route of the footpaths and would be grateful if you could make the applicant aware of the legal line. We would encourage the developer to have early discussion with this team in relation to how the footpaths are to be accommodated or affected in the development.

The Rights of Way section has no objection to the proposal in general. Although the applicant acknowledges the existence of the footpath there are no details as to how they will be accommodated. The Rights of Way team would like the applicant to be advised as follows:

The applicant should make every effort to accommodate the footpaths in their existing location.

- Where the right of way runs across the site, there are currently open fields on either side with no adjacent boundary. This open aspect should be retained as far as is practicable as part of any development, with good practice design principles applied to either ensure that the route does not become enclosed and/or is incorporated it as part of a greenspace corridor.
- If the design of any proposed development requires the legally recorded route of the RoW to be diverted because it cannot be accommodated on the legal line within the scheme, then this should be addressed under the relevant provisions within the Town and Country Planning Act 1990 for the diverting/stopping up of public rights of way affected by development. An application way under this act should be made to the Planning authority and is a separate application to the planning permission
- For path which required a TCPA diversion Under Section 12 of the Growth and Infrastructure Act 2013, it is now possible for the planning authority to carry out preliminary consultations, draft and make the Order under the appropriate Regulations (Town & Country Planning Public Path Orders Regulations 1993) if an application has been made under Part 3, and before planning permission has been granted, if on granting it, it is necessary to alter a public path. The order can be confirmed if planning permission is then granted. This can avoid the previous delays caused by developers having to wait for planning permission to be granted before applying for a diversion.
- The development cannot be started until such time as a confirmed diversion order is in place and the new route is constructed, open and available on the ground (see note above re TCPA orders)
- If a public footpath is proposed to be upgraded to a cycle path, consideration needs to be given to its future maintenance and its legal status. This will required further a detailed discussion
- The existing boundary hedge/tree line directly bordering the development/boundary etc is the responsibility of the current owner/occupier of the land. On the assumption that this boundary is to be retained it should be made clear to all new property owners that they are responsible for the maintenance of that boundary,

including the hedge/tree line ensuing that it is cut back so as not to interfere with right of way.

- The footpath should remain open, unobstructed and be kept on its legal alignment at all times.
- There should be no disturbance to the surface of the footpath without prior authorization the Rights of Way team.
- The safety of the public using the path should be observed at all times. A Temporary Closure of the Footpath may be granted to facilitate public safety during the construction phase subject to certain conditions. Further information and costs may be obtained by contacting the Rights of Way section. The applicant should be made aware that at least 5 weeks' notice is required to process the closure and an alternative route on should be provided if possible.
- If the route is to be fenced, ensure that the appropriate width is given to the path and that the fence is low level and open aspect to meet good design principles.
- If a structure is to be built adjacent to the public footpath, the width of the right of way is not to be encroached upon.
- Structures cannot be constructed on the line of the right of way with the prior authorisation of the Rights of way team. It should be noted that structures can only be authorised under certain criteria and such permission is not guaranteed.”

**Ramblers Association** – “We have no intrinsic objection to this scheme. It needs to be remembered, however, that public footpaths are involved: Balderton Footpath 13 runs along the eastern border and its integrity needs to be preserved. Balderton Footpath 11 bisects the northern part of the development and runs east-west. Again, pedestrian access in this area of the site needs to be maintained.”

**Nottinghamshire Wildlife Trust** – “Thank you for consulting Nottinghamshire Wildlife Trust on the planning application highlighted above. I have discussed this planning application with my colleague Claire Sambridge who has previously commented on planning applications for this site. We are pleased to have been able to work cooperatively with the ecological consultants on a number of revisions of the Ecological Management Plan (dated 22.05.19) and the Habitat Creation and Landscape Management Plan (dated 22.05.19). These documents were produced in support of planning application 18/01235/FULM in the interests of protecting and enhancing habitats and species on site. The versions referred to have incorporated our previous comments and we are satisfied that sufficient detail has now been provided to allow the plans to be implemented appropriately.

We note that a Landscape Management Plan was to be produced in fulfilment of Condition 18 but we do not appear to be able to find that document. This document will form a key part of site plans and we look forward to seeing this document and how it is integrated with the EMP and HCMP as intended.

Condition 8 of planning application 18/01235/FULM required the production of a mitigation scheme to ensure the protection of the remaining area of the Local Wildlife Site. We are satisfied with the proposals in the scheme which should serve to protect the retained LWS area as well as future wildlife-focussed areas. It is of the utmost importance that the

recommendations in the report and in the EMP and HCMP are followed as set out throughout the entire development process.”

**Natural England** – “Natural England has no comments to make on this application...”

**NCC Flood Management Team** – “Thank you for inviting the Lead Local Flood Authority (LLFA) to comment on the above application. Based on the information provided within the Flood Risk Assessment, the LLFA have No Objections to the proposals.”

**Trent Valley Internal Drainage Board** – “The site is partly within the Trent Valley Internal Drainage Board district.

The Board maintained Lowfield Lane Drain (West), an open watercourse, exists to the east of the site and to which BYELAWS and the LAND DRAINAGE ACT 1991 applies.

Under the provisions of the Flood and Water Management Act 2010, and the Land Drainage Act 1991, the prior written consent of the Lead Local Flood Authority, Nottinghamshire County Council, is required for any proposed works or structures in any watercourse outside those designated main rivers and Board Drainage Districts. The design, operation and future maintenance of site drainage systems must be agreed with the Lead Local Flood Authority and Local Planning Authority.

All drainage routes through the site should be maintained both during the works on site and after completion of the works. Provisions should be made to ensure that upstream and downstream riparian owners and those areas that are presently served by any drainage routes passing through or adjacent to the site are not adversely affected by the development. Drainage routes shall include all methods by which water may be transferred through the site and shall include such systems as “ridge and furrow” and “overland flows”. The effect of raising site levels on adjacent property must be carefully considered and measures taken to negate influences must be approved by the Local Planning Authority.”

**The Environment Agency** – 14.6.19: The Environment Agency has previously been consulted on a planning application located at this site under ref: 18/01235/FULM. The proposal was described as “Demolition of existing buildings, remediation of site, formation of drainage pond, de-culverting and formation of new watercourse and raising of ground levels to create a development site”.

Following a review of information submitted in support of that application (e.g. contamination assessments), we provided comments and recommended conditions if permission were granted. These are reflected in conditions 05 and 024 of permission 18/01235/FULM. We have no knowledge as to whether these conditions have been fully discharged.

The following reports have been submitted in support of the application:

1. Interpretative Report on Site Investigation (Soil Mechanics, November 2006)
2. Phase 1 Environmental Risk Assessment (Lee Remediation, June 2018)

We have previously reviewed these reports under 18/01235/FULM, and therefore we reiterate some of our previous comments below. As we are not aware that risks to controlled waters from potential sources of contamination have been addressed under 18/01235/FULM, we recommend similar conditions which are also outlined below.

The Phase 1 Desk Study Report has identified numerous sources of contamination on site and the report recommends that a Phase 2 Site Investigation is undertaken. We agree with this approach and would recommend that the following planning conditions are included on the decision notice if planning permission is granted.

Historic uses of the proposed development site present a potential risk of contamination that could be mobilised during construction to pollute controlled waters. The site is located upon Secondary (A) aquifer of the Balderton Sand and Gravel and Alluvium. The superficial deposits are in turn underlain by the Branscombe Mudstone.

Any intrusive site investigation should include provision for an adequate assessment of the risk the site poses to controlled waters. This site is also located within Source Protection Zones 1, 2 and 3 for a deregulated groundwater abstraction at the site. We understand that this abstraction is associated with the former industrial processes at the site, and is no longer in use. We would appreciate confirmation that the well will be decommissioned appropriately.

#### **Condition**

Prior to each phase of development approved by this planning permission no development shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified:
  - a. all previous uses
  - b. potential contaminants associated with those uses
  - c. a conceptual model of the site indicating sources, pathways and receptors
  - d. potentially unacceptable risks arising from contamination at the site
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.



Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

**Reasons:** To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 170 of the National Planning Policy Framework (NPPF).

**NOTE: Part 1 of this condition has been satisfied by the submitted reports.**

**Condition**

Prior to each phase of development being occupied, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

**Reasons:** To prevent pollution of controlled waters and comply with the NPPF.

**Condition**

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

**Reasons:** To prevent pollution of controlled waters and comply with the NPPF.

**Condition**

No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

**Reasons:** To prevent pollution of controlled waters and comply with the NPPF. Infiltration of surface water into land impacted by contamination (via soakaways or permeable pathing etc.) may cause groundwater pollution.

**Informative**

**General Advice for Infiltration Drainage Systems**

The following points should be noted wherever infiltration drainage (such as soakaways) is proposed at a site:

- Appropriate pollution prevention methods (such as trapped gullies or interceptors) should be used to prevent hydrocarbons draining to ground from roads,

hardstandings and car parks. Clean uncontaminated roof water should drain directly to the system entering after any pollution prevention methods.

- No infiltration system should be sited in or allowed to discharge into made ground, land impacted by contamination or land previously identified as being contaminated.
- There must be no direct discharge to groundwater, a controlled water. An unsaturated zone must be maintained throughout the year between the base of the system and the water table.

A series of shallow systems are preferable to systems such as deep bored soakaways, as deep bored soakaways can act as conduits for rapid transport of contaminants to groundwater.

**Waste on Site:** The CLAIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste.

Under the Code of Practice:

- excavated materials that are recovered via a treatment operation can be re-used on-site providing they are treated to a standard such that they fit for purpose and unlikely to cause pollution
- treated materials can be transferred between sites as part of a hub and cluster project
- some naturally occurring clean material can be transferred directly between sites.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

The Environment Agency recommends that developers should refer to:

- the Position statement on the Definition of Waste: Development Industry Code of Practice and;
- The Environmental regulations page on GOV.UK

Please provide a copy of the subsequent decision notice.”

27.6.19: “Environment Agency position

The proposed development will only meet the National Planning Policy Framework’s requirements if the following planning conditions are included.

Condition

The development shall be carried out in accordance with the submitted flood risk assessment (FRA for Land at Hawton Lane, Newark, March 2019, JBA Consulting, C.B.Collier, V7) and the following mitigation measures it details:

- The finished floor levels shall be set no lower than the greatest height of the following;
  - 1 in 100 year fluvial flood event (0.1% annual exceedance event) with 30% climate change from the Middle Beck plus 600mm freeboard.
  - 1 in 100 year fluvial flood event (0.1% annual exceedance event) with 50% climate change from the Middle Beck.
  - 1 in 100 year fluvial flood event (0.1% annual exceedance event) with 30% climate change from the Middle Beck plus 75% blockage at the Lowfield Lane Culvert (Found within section 5.1 of the FRA).
- No development may commence on site until the proposed realignment and de-culverting of the Middle Beck has been completed. The Environment Agency will need to be re-consulted if any alterations are made to the proposed realignment of the Middle Beck.
- No development may commence on site until the construction of the 10,408.50m<sup>3</sup> flood storage pond which contains a 60m lateral spill/inlet with a crest set at 13.2mAOD. This will have a finished bed level of 12m AoD or 12m AoD permanent water level. The Environment Agency will need to be re-consulted if any alterations are made to the proposed flood storage pond.
- The culvert diameter must be maintained to a size of 1.04m at the Lowfield Lane crossing.
- The applicant must demonstrate no development other than that of water compactible development will be within Flood Zone 3b before any development may commence on site.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

**Reason(s): The requested finished floor levels are required to reduce the risk of flooding to the proposed development and future occupants.**

#### **Advice to LPA and applicant**

The proposed realignment of the Middle Beck and the creation of a proposed compensatory floodplain storage pond must be completed before any development commences on site. The applicant must demonstrate the proposed more vulnerable development (Drawing: Combined Site Plan, Ref: 153D, Ritchie and Ritchie Architects LLP, Nov 2018) is no longer within flood zone 3b (Otherwise this will not comply with the NPPF). To remove the site from Flood Zone 3b the applicant must first realign the Middle Beck and produce the flood storage pond as proposed. The applicant will then need to undertake a data evidence request which should include topographic data and a model highlighting the proposed

realigned Middle Beck and flood storage pond. This should then be submitted to the Environment Agency.

The proposed flood plain compensatory storage pond must be completed before any development commences to ensure flood risk to others is not increased.

The diameter of the culvert at Lowfield crossing must be maintained to ensure the discharge is maintained at the same amount as existing. This is to ensure flood risk to others downstream of the site will not be increased.

### **Advice to Applicant**

The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culvert (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission.

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03708 506 506. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

The 8 meter access zone from the top of the Middle Becks bank is required to ensure the EA has access to the Middle Beck and allows the potential for flood defence improvements in the future.

It should be noted on site it was mentioned there would be the introduction of a culvert underneath a substation. If this is to be added then the modelling will need to be altered to show the impacts this may have on the site."

19.12.2019: "I refer to the above application which was received on the 20 November 2019.

The capacity of the flood storage pond will remain the same as previously agreed within the modelling. This is because within the email correspondence the applicant states the following "the updated layout does change the capacity on the pond and".

Please can you confirm if the capacity of the flood storage pond has altered from previously agreed.

It should be noted that the culvert in the middle section of the realigned Middle Beck has been included which is different from previous drawings.

After consultation with Asset performance we have no issues with the proposed alterations. However, it is worth reminding the applicant that they will need to maintain an 8m easement access from the top of bank along the Middle Beck (Main River). The applicant will also require an environmental permit for flood risk activities, if they are to undertake any activity within 8m from the top of a main river bank.”

**NCC Planning Policy** – “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 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 have been identified in Nottinghamshire and in accordance with Policy SP8 of the emerging draft Minerals Local Plan (July 2018) these should be taken into account where proposals for non-minerals development fall within them.

#### *Minerals*

The proposed site at Flowserve Hawton Lane lies within the Minerals Safeguarding and Consultation Area for gypsum. As per National Planning Policy (para. 204), the draft Minerals Local Plan (Draft Plan Consultation, July 2018) contains a policy (SP8) concerning the safeguarding and areas. Although the plan is not yet adopted, its provisions should be given some weight as a material consideration. In the draft Plan policy SP8 requires developments within the minerals safeguarding area to demonstrate it will not needlessly sterilise minerals and where this cannot be demonstrated, and there is a clear need for non-mineral development prior extraction will be sought where practical.

Considering the proximity of the proposed site to the active quarry and its processing site, the applicant should address policy SP8, and National Policy, and consider prior extraction of

gypsum as this will prevent sterilisation of the mineral and may also benefit the developer in terms of land preparation, if applicable. It is noted that to the West and North of the site boundary there is residential development therefore the potential of extraction of gypsum may be limited to the ground preparation work. The applicant would be required to demonstrate that the feasibility of extracting gypsum prior to development has been considered and demonstrate, if found to be not practical nor viable, why this is the case.

The proposed site also lies within close proximity, at its nearest extent 800m, to the active Bantycok quarry permitted area which is to the South-east of the proposed site. As the proposed development will not bring residential development closer to the mineral site, it is not anticipated that residential development at this site will cause sterilisation of this active mineral site.

### *Waste*

In terms of the Waste Core Strategy, the site is, at its closest extent, approximately 400m to the West of a sewage pumping station. Whilst there is residential development closer than the proposed site to the sewage site, it may be likely that potential environmental impacts may be detectable at the proposed development site. It is recommended that the developer contacts the site operator to discuss this further. This would help to ensure, as per policy WS10, that this permitted sewage site is safeguarded, and sterilisation of the site is prevented.

The site also, at its closest extent, is approximately 700m to the East of the active quarry farm recycling site. Due to the distance, it is unlikely that housing in this location would present a significantly additional sterilisation risk to the recycling centre in terms of Nottinghamshire and Nottingham Waste Core Strategy 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.

### *Built Heritage*

The County Council from the built heritage perspective have no comment to make.

### *Archaeology*

The site has the potential to contain archaeological remains of a range of periods. Immediately to the west of the site extensive archaeological investigations undertaken as part of the Newark South development uncovered extensive Romano-British settlement complete with specialised industrial areas around the area of the watercourse on the edge

of the Flowserve site. It may be expected that this settlement activity continued on the other side of the watercourse, in the Flowserve site.

The County's Historic Environment Record locates the Civil War sites of Rossiter's Sconce and the line of Circumvallation on the area of the Newark South development mentioned above. This was based on the work of the Royal Commission on Historic Monuments back in the 1960's and their attempt to trace where various parts of the siegeworks might be located. Over the years, we have been refining these locations through development funded archaeology. There was absolutely no sign of any Civil War material in the Phase 1 works of Newark South, which would suggest Rossiter's sconce lies either to the west, possibly around the site of Hawton House, or to the east, adjacent to the watercourse and potentially within the Flowserve site. The latter has been the preferred location, given the way in which Rossiter's appears to be located by an unidentified watercourse on the 17th C. Clampe plan, although both this stream and Middlebeck have been frequently rerouted over the centuries, so the location of their 17th C. confluence is difficult to pinpoint with certainty.

Finally, the site has the potential to contain industrial archaeological remains. The Lowfield foundry is not on Sanderson's map of 1835, but does appear on the 1st Edition 6" map and subsequent mapping shows the industrial complex growing rapidly and changing fairly frequently.

So, the site has undoubted archaeological potential, and the applicants should be requested to provide more information on this potential. A useful first stage would be a thorough desk-based archaeological assessment. This work should consider the geotechnical work which has been undertaken, and if further geotechnical work is planned it would be useful to ensure there is archaeological oversight of such work.

The nature of previous development on site may have damaged archaeological remains, but it is unlikely to have completely destroyed them. Were Rossiter's sconce to be located here, it would almost certainly consist of a deeply ditched enclosure, as we found with the King's Sconce to the north of Newark, which had survived successive maltkilns and other industrial development. The Flowserve site clearly has some contamination issues; the impact of remediation on the potential archaeological resource also needs to be considered and mitigated.

A desk-based archaeological assessment is a necessary first step and may well need to be followed by trial trenching. If the development is to proceed an appropriate programme of archaeological mitigation is likely to be required, which may feasibly be secured through suitable conditions.

#### *Strategic Highways*

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

#### *Public Health*

The local health report in appendix one identifies that many of the health indicators are similar to and not better than the England average.

The Nottinghamshire Joint Strategic Needs Assessment (JSNA) provides a picture of the current and future health needs of the local population: <http://jsna.nottinghamcity.gov.uk/insight/Strategic-Framework/Nottinghamshire-JSNA.aspx>  
This states the importance that the natural and build environment has on health.

The Nottinghamshire Health and Wellbeing Strategy sets out the ambitions and priorities for the Health and Wellbeing Board with the overall vision to improve the health and wellbeing of people in Nottinghamshire: <http://www.nottinghamshire.gov.uk/caring/yourhealth/developing-health-services/health-and-wellbeing-board/strategy/>

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

It is recommended that this checklist is completed to enable the potential positive and negative impacts of the outline application on health and wellbeing to be considered in a consistent, systematic and objective way, identifying opportunities for maximising potential health gains and minimizing harm and addressing inequalities taking account of the wider determinants of health.

Obesity is a major public health challenge for Nottinghamshire. Obesity in 10-11-year olds in this area is similar not better than the England average Obesity levels for this It is recommended that the six themes recommended by the TCPA document 'Planning Health Weight Environments' – <https://www.tcpa.org.uk/Handlers/Download.ashx?IDMF=7166d749-288a-4306-bb74-10b6c4ffd460> are considered to promote a healthy lifestyle as part of this application. The six themes are:

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

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



### *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.

The County Council would be seeking contributions to mitigate the impact from the proposed development. These are detailed in appendix two and summarised below.

### *Transport and Travel Services*

An indicative bus service contribution of £225,000 would support the provision of a bus service to serve the development. The level of contribution would need to be confirmed upon submission of the road layout as part of a planning application and following discussions with the local bus operators.

Nottinghamshire County Council would request an indicative bus stop infrastructure contribution via a Section 106 agreement of £50,000 for bus stop installations to serve the site. The contribution value can be verified upon receipt of final plans to determine the number of stops required within the site. This will be used towards installations of bus stops within the site to promote sustainable travel.

A Bus Taster Tickets Contribution of £9,000 is requested that will provide new occupants with a 2-week smartcard bus pass for use on the local bus network, to encourage use of sustainable modes of travel.

### *Education*

Comments regarding the contributions which may be sort for education is currently awaited and will be provided as soon as possible.

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 outline 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/planning-and-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@nottsc.gov.uk](mailto:andrew.norton@nottsc.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. “

2) I am contacting you as a follow up to the Strategic Planning response that was sent on the 6th June by my colleague, Emma Brook, in respect of the above planning application. I would be grateful if the comments below, regarding the education planning obligations which would be sought by the County Council could be considered as an appendix to Emma’s response.

### Primary

The development is located in the Balderton Planning Area and would generate an additional 68 primary school places. As can be seen in the table below there is insufficient capacity to accommodate the additional places generated. As a result the County Council would seek a contribution of £1,148,656 (68 places x £16,892 per place). This would be used towards the delivery of the extension of the existing Chuter Ede Primary School (Fernwood Annexe).

DFE No:	School	Planning Area	Net Capacity	Average 5 Year Projection	Housing	Local Plan Housing 5 yrs	Local Plan Housing 6-10 years	Local Plan Housing 10+ years	Surplus or Insufficient Places
3539	All Saints Primary School, Elston	Balderton	105	91	4	0	0	0	10
2674	Chuter Ede Primary School	Balderton	600	609	47	27	0	193	-83
3081	Coddington CofE Primary and Nursery School	Balderton	420	393	38	0	0	42	-11
2678	John Hunt Primary School	Balderton	397	372	0	9	16	50	-1
3097	St Peter’s Crosskeys CE Academy	Balderton	210	176	2	0	0	0	32
	<b>Total:</b>		<b>1732</b>	<b>1641</b>	<b>91</b>	<b>37</b>	<b>16</b>	<b>285</b>	<b>-53</b>

### Secondary

The development is located in the catchment of Newark Academy and would yield an additional 52 primary school places. Delivery of secondary education places would be secured through the District Council’s Community Infrastructure Levy.”

*Additional Comments 16.8.19:* “I am contacting you further to my email below regarding the education contributions being sought by the County Council in respect of the above application; in particular the education report submitted by the applicants education consultants EFM. I have discussed the content of this report with my colleague and as a result of this, the County Council have the following comments and points of clarification.

The County Councils approach to requesting Planning Obligations is set out in its Planning Obligations Strategy The approach for education is set out in appendix 5 which commences on page 20. In terms of the number of pupil places generated by a development; a scheme of 100 dwellings can be expected to generate 21 children of primary school age and 16 children of secondary school age (Calculated on the numbers of children of primary and secondary school ages which developments can be expected to generate). This is based on information provided by the Office of National Statistics). Therefore, as set out in the Councils response to the District Council on 28th June, a development of 322 dwellings

would generate 68 primary (324 x 0.21) and 58 secondary (324 x 0.16) school places;

On page 2 of the report, under the education heading, it states that consideration has been given to all primary schools within a 2 mile walking distance and a 3 mile walking distance for secondary education. The County Council consider school capacity based on Primary School Planning Areas and the methodology for assessing this is approved and agreed by the DfE as part of the SCAP process. It is therefore considered that the approach used for considering school capacity in the report is not based on the County Councils adopted approach and that it should look solely at the capacity of schools within the respective Primary Planning Area, which in this case is Balderton;

On page 12, a commentary is given regarding the content of Table 6, which was provided by the County Council following a previous request for this information from Ben Hunter at EFM on 12th July. The report notes that there is no development in the system which directly impacts on the school local to this development which is John Hunt Primary School. As set out above, the assessment of impact and on capacity should be based on the whole planning area and not one individual school. By using this approach it can be seen for example that there are 58 places expected to be generated as a result of commitments between 2018-23. The County Council have used the information contained within table 6 to inform its assessment of school capacity which is set out in table 7 of the report. As a result it can be seen that, based on current projections there is insufficient capacity within the Balderton Primary Planning Area. It is therefore considered that the County Councils request for a primary school contribution of £1,148,656 (68 places x £16,892 per place) remains valid and justified.”

#### Additional Comments

XXXXXXXXXX

#### **NSDC Planning Policy – “Flowserve Comments (19/00854/OUTM)**

Please accept the following as my comments on the proposed redevelopment of the Flowserve site. The site is located within the Urban Boundary and the existing business would continue to operate from a reduced footprint. I’m therefore comfortable with the principle of development and loss of employment land - when considered against DM1 and Core Policy 6 respectively. The contribution towards housing land supply and the retention of an important local business would be significant benefits in support of the granting of consent. Accordingly my observations are restricted to those elements of the proposal which I retain some concern over.

Whilst all matters bar access are reserved for subsequent determination we are nevertheless being asked to grant consent for a maximum scale of development. Therefore you will need to be satisfied that an appropriate standard of design and layout could be likely achieved, and that the range of uses can be successfully integrated with one another.

#### Flood Risk

It is acknowledged that the preparatory works approved through 18/01235/OUTM would have the effect of removing the site from Flood Zones 2 and 3, and that these have been

separately deemed acceptable from a flood risk perspective (i.e. that risk is not increased elsewhere etc.). However the works will need to have been satisfactorily implemented in order for the land to be removed from flood risk, without doing so there would be the need for the sequential test (both in its broadest sense and at site level )to be passed. Whilst I accept there is an argument (as outlined in my pre-app response) in favour of accepting the wider test as satisfied I'm not sure whether the Flood Risk Assessment necessarily deals with this at site-level (I'm happy to be corrected on this).

Should the consented works remain incomplete and you conclude that you wish to recommend approval for this proposal, then I would suggest that consideration be given to the agreement of appropriate controls (via condition) to ensure that the necessary preparatory works have been implemented prior to the commencement of development. Or alternatively that appropriate phasing arrangements are put in place. I note that the Environment Agency is yet to respond to the proposal, so I would reserve the right to revisit this in light of their comments.

Beyond the above it will still be necessary for appropriate surface water management arrangements to be capable of being put in place in order to manage the scale of development proposed –I would defer to relevant stakeholders for advice on this.

#### Affordable Housing / Housing Mix

Inclusion of an appropriate mix of housing which reflects local need (in line with Core Policy 3) and the securing of affordable housing (Core Policy 1) contribute significantly to the creation of mixed and balanced communities, and so therefore sustainable development. Whilst the precise mix will be a matter reserved for subsequent determination that which has been indicatively proposed is weighted towards 2 and 3 bed units, with a smaller proportion of 4 bed dwelling types indicated. This broadly reflects the findings over market sector demand in the Newark Area, as set out in the Sub Area Report to the Housing Market & Needs Assessment (2014). As outlined at the pre-application stage I still consider that this could be improved further through inclusion of some 1 bed units – but appreciate this will be dependent upon its viability. Subject to detailed assessment of the viability case it would seem to me that the proposal would be capable of supporting an appropriate mix within the market element of the scheme.

As submitted the proposal is advanced on the basis that no affordable housing contribution would occur, due to viability concerns. Whilst I would not dispute that the site will have significant remediation costs associated with its development the lack of affordable housing is still of significant concern, particularly given my understanding that the previous consent supported a 10% contribution. Accordingly we would need to be satisfied, in line with CP1, that a robust viability case has been presented.

#### Developer Contributions

The case presented is one where the making of developer contributions would be unable to be withstood by the development. As with affordable housing the securing of such contributions is integral to the promotion of sustainable development, and in line with DM3

applications are expected to include appropriate infrastructure provision. Given the scale of development I would raise the absence of education and health contributions as being of particular potential concern, though would defer to input from relevant stakeholders for guidance over this.

#### Delivery of Land South of Newark

Given the proximity to Land South of Newark it is essential that the proposal is unlikely to affect delivery of the strategic site, bearing in mind its importance to the spatial strategy and that construction is underway. In this respect the objection from Urban and Civic, particularly in respect of highways matters is noted. We will therefore need to be content that the proposal is acceptable both in terms of its highways arrangements and impact on delivery of Land South of Newark.

#### Community Facilities / Open Space

The Sports and Social Club facilities would be covered by Spatial Policy 8 and I note that the Marketing Report suggests that these will remain unaffected. This appears confirmed by the indicative layout, which seems to indicate that no reduction in the scale of provision would occur. Accordingly there would be no physical loss to consider against SP8, although we will still need to be content that the facility can continue to operate as it had previously with no unacceptable detrimental impact from development occurring (I note the comments from stakeholders in this regard).

Whilst the scale of development may prove to be acceptable in terms of its likely physical impact, the proposed arrangements for the future management of the facility, post-development, also have the potential to form part of our application of SP8 - particularly if these arrangements would potentially contribute towards a reduced level of access for users. I would therefore suggest that additional detail be sought over this matter. In addition has consideration been given to the gifting of the facility to the sports and social club? This is something which in my opinion should be seriously explored.

As I understand matters the extent of open space provision within the site is likely to fall below requirements, and there is a suggested inability to financially support off-site provision. The applicant has argued that a former spoil tip subject to Local Wildlife Site status should contribute towards the level of contribution that could be secured. Whilst the area would not be accessible to residents, given the danger from asbestos, the Developer Contributions SPD does highlight that areas of 'biodiversity value' can potentially contribute towards the types of open space we would accept as contributions. I would however suggest that some input be sought from internal colleagues on the specifics. Beyond this any under provision would need to be weighed in the balance (including how this affects the likely standard of design and layout).

#### **Conclusion**

Whilst the principle of development is acceptable and there are a range of notable benefits in support of the granting of consent I have nevertheless raised a number of concerns. I

would highlight the proposed approach to affordable housing, developer contributions and impact on delivery of Land South of Newark in particular. Without their satisfactory addressing I am currently unable to provide support for the positive determination of the application proposal.”

**NSDC Parks and Amenities** – “As a development of over 100 properties this scheme will need to make provision for public open space in the form of provision for children and young people (18m<sup>2</sup>/dwelling), amenity green spaces (14.4m<sup>2</sup>/dwelling), outdoor sports facilities (52.8m<sup>2</sup> per dwelling), allotments and community gardens (12m<sup>2</sup> per dwelling) and natural and semi-natural green space. I note that the site plan includes 5 separate areas of public open space totalling 35,889m<sup>2</sup>, however over half of this constitutes a sustainable drainage scheme (SUDS). Depending upon how the SUDS is laid out then it may be appropriate to consider all or some of it as POS however if it is a purely engineered drainage solution then this may not be appropriate.

Based on the required provision levels the scheme should include 5,184m<sup>2</sup> of children and young people’s playing space (324x18) however area 5 (which constitutes the LEAP) is only 1,956m<sup>2</sup> in area. None of the other 4 areas of open space are obviously suitable as playing space. Given the size of the development I feel that a Neighbourhood Equipped Area for Play is appropriate and this should include provision for older children and teenagers (further details of NEAPs can be found in the Fields in Trust publication ‘Planning and Design for Outdoor Sports and Play’).

I note that the Design and Access Statement includes a section on biodiversity which stresses that existing habitats will be protected and new ones introduced. Assuming that this is delivered on the ground, and ideally the SUDS will be made up of open water and swales with suitable aquatic planting, then this should deliver the required natural and semi-natural green spaces.

Whilst the existing Flowserve sports facilities are within the development site I agree with Sport England that the development will create additional sporting demand and that this should be met either by the provision of additional facilities on-site or by a financial contribution towards the provision/improvement and maintenance of off-site sporting facilities. Also in relation to the sports provision I would reiterate Sports England’s concerns over the proximity of new housing to the existing sports pitches (particularly along their eastern boundary) and the potential for disturbance associated with this.

Finally it can be argued that a scheme of this size should include the provision of allotments and I believe this should be seriously considered. If on-site provision is not considered to be possible then an off-site contribution towards allotment provision in Balderton should be provided”

**NSDC Community Sports and Arts** – “If this application is approved I would expect a full community facilities contribution in accordance with the current SPD Developer Contributions. Such contribution would be used to improve community infrastructure in the local area as may be deemed appropriate by the Local Authority.”

**NCC Strategic Housing** – “Please accept the following as my comments on the proposed redevelopment of the Flowserve site (19/00854/OUTM). I responded on the 26<sup>th</sup> November, 2018 to the pre-application consultation which currently stands in terms of type and tenure.

Affordable Housing Contribution

My understanding is that the 30% affordable housing provision sought on site at pre-application stage will not now be offered as the Council has accepted a ‘robust’ case for viability. I also acknowledge that there will also be no contribution in the form of a commuted sum payment in lieu of on-site delivery due to viability.

Notwithstanding the above provision the absence of S106 affordable housing should be of particular concern given the size, location and evidence of housing need of the proposal. To satisfy Core Policy 1, the Council should be seeking 97 affordable units on site out of the proposed 324. The type and tenure for affordable housing provision are detailed below:-

Affordable Housing	Rent (Affordable or Social)	Intermediate	Total
1 bed	16	-	16
2 bed	34	24	58
3 bed	8	15	23
4 bed	-	-	
	58	39	97

The Council’s evidence of need (DCA Housing Needs Sub-area Report 2014) identifies a demand for smaller units in the form of 234 x 1 bedroom, 458 x 2 bedroom and 150 x 3 bedroom homes. Newark is a desired location with 80% of concealed households forming and 61% of existing households moving intend to remain in the Newark Area. Given the scale of the development the absence of any affordable housing should be of particular concern to Committee.

Market Housing Proposal

The scheme, as presented, represents 100% market housing. The DCA survey identifies a demand for over 2,000 market dwellings (over a 5 year period) as detailed below:-

Property Size	Nos
1 Bedroom	79
2 Bedroom	722

3 Bedroom	863
4 Bedrooms	309
5 Bedrooms or more	171
Total	2144

The type proposed for the scheme can be considered as an appropriate mix that accords acceptably with evidence housing need, with the exception of one bedroom units. I see no reason why a small amount (6 units) could not be included to meet demand for people on lower incomes.

Type	No.	%
2 Bed Apartment	46	
2 Bed Terraced	127	
2 Bed Semi-Detached	18	
3 Bed Semi-Detached	102	
4 Bed Detached	31	
<b>Total</b>	<b>324</b>	

The lack of on-site delivery of affordable housing is of particular concern given the scale of development proposed. We need to be content that the absence of S106 affordable housing is acceptable, however I am currently unable to support the proposal for a scheme that does not address the affordable housing needs of the residents of the district.”



## PLANNING COMMITTEE – 4 AUGUST 2020

<b>Application No:</b>	<b>19/02158/OUTM (MAJOR)</b>	
<b>Proposal:</b>	<b>Residential development of up to 19 no. new dwellings (following removal of Grove Bungalow and existing outbuildings)</b>	
<b>Location:</b>	<b>Grove Bungalow, Barnby Road, Newark-on-Trent, NG24 2NE</b>	
<b>Applicant:</b>	<b>Richmond and Pritchett</b>	<b>Agent: Grace Machin Planning &amp; Property</b>
<b>Registered:</b>	<b>19 December 2019</b>	<b>Target Date: 19 March 2020</b>
	<b>Extension of Time Agreed until 11<sup>th</sup> September 2020</b>	
<b>Link to Website:</b>	<a href="https://publicaccess.newark-sherwooddc.gov.uk/online-applications/simpleSearchResults.do?action=firstPage">https://publicaccess.newark-sherwooddc.gov.uk/online-applications/simpleSearchResults.do?action=firstPage</a>	

**This application was withdrawn from the 2<sup>nd</sup> June 2020 committee agenda (without having been presented) due to an objection received from the Lead Local Flood Authority on the grounds of surface water disposal, which is addressed in the relevant section of this report below.**

**This application is being presented to the Planning Committee in line with the Council's Scheme of Delegation as Newark Town Council has objected to the application which differs to the professional officer recommendation.**

### The Site

Located on the southern side of Barnby Road, the site comprises a well-proportioned attractive brick built bungalow set centrally within its long plot. Vehicular access to the site is from the eastern side of the frontage via a gravel/brick track. There are mature attractive trees that front the remainder of the highway. Mature vegetation and hedgerows bound the large front garden area.

To the rear of the bungalow is a lawn area with a number of mature trees which take on the appearance of an orchard. There are a number of low lying outbuildings to the east of the bungalow within its curtilage.

The remainder of the site to the east of the bungalow (outside of its curtilage) and to the rear of the dwellings fronting Barnby Road, is overgrown, vacant and accommodates a number of trees and vegetation.

Compared to surrounding dwellings, the host bungalow is set back within its plot. A detached modern dormer bungalow lies to the north-west whilst to the north-east is a row of historic two storey cottages (Grove Cottages) which sit gable end on with the highway and have windows facing the site. On the other side of the highway (north) are a number of large modern dwellings and beyond that is the east coast railway line.

A Biological SINC (Ballast Pit) lies circa 200m to the west across fields which is recognised as ‘a long disused ballast pit supporting open water and carr communities’.

The site lies within the defined built up part of Newark Urban Area.

### Relevant Planning History

- 20/000006/TPO – A group Tree Preservation Order has been made June 2020.
- PREAPP/00239/19 – Pre-application advice was sought for a scheme of around 20 dwellings. The advice was positive albeit a lower density was suggested.

There have been 3 notable applications located on land immediately to the south; known as land at Highfields School. In brief these were for:

- 17/00357/FULM – Residential development comprising 95 houses and associated infrastructure including removal of 26 TPO trees, Refused 15.09.2017. Issues related to impacts (visual and crime/disorder) from MUGA and viability having regard to disproportionate development costs and that the development couldn’t mitigate the impact it would have upon infrastructure. Appeal Dismissed.
- 16/01134/FULM - Residential development comprising 89 dwellings and associated infrastructure, including the relocation of the school access, car parking area and sports pitches, the provision of a Multi-Use Games Areas (MUGA) and the removal of 8 TPO trees. (Resubmission of 14/01964/FULM). Refused 15/09/2019. Issues related to ecological impacts and viability having regard to dis-proportionate development costs and that the development couldn’t mitigate the impact it would have upon infrastructure. Appeal Dismissed.
- 14/01964/FULM - Residential development comprising 91 units and associated infrastructure, including the relocation of the existing school car park and sports pitches, the provision of a MUGA and the removal of 8 TPO trees. Refused 14.07.2015 on grounds that the number of compromises (such as noise from MUGA, privacy, failure to maximise community use, lack of infrastructure including affordable housing) meant it was unsustainable development. Appeal Dismissed.

*Land immediately to the east (of the southern part of the site)*

- 19/01331/FUL - Proposed development consisting of 3 no. detached dwellings together with associated outbuildings and landscaping. (Resubmission of application 18/01609/FUL). This was approved under delegated powers on 1<sup>st</sup> April 2020.

### The Proposal

Outline planning permission with all matters reserved, except for the means of access, is sought for residential development. The quantum of development was originally for up to 20 dwellings but during the application process has been reduced to a maximum of 19 dwellings.

An indicative block plan has been submitted to demonstrate how this quantum of dwellings might be achieved on site together with limited (4) indicative elevations.

## The Submission

- Site Location Plan – drawing no. 1506G/004
- Indicative Block Plan – drawing no. 1506G/003A
- Typical Dwelling Elevations – drawing no. 1506/002
- Site Block Plan – 1506G-001
- Topographical Survey – Job No. 3394
- Proposed Preliminary Access Design Sheet 1 of 1 – drawing no. 100334-01-0100-01
- Amended Arboricultural Report & Impact Assessment, by AWA Tree Consultants dated November 2019 (received 06.01.2020)
- Combined Planning and Design & Access Statement, December 2019
- Ecological Appraisal Report by JJH Consulting, November 2019
- Flood Risk Assessment, Rev A by Dice Consulting Engineers Ltd, received 12 June 2020
- Preliminary Access Design – 100334-01-0100-01c, received 05.02.2020
- Extent Plan (24 Dice, Grove Bungalow, Barnby Road) received 05.02.2020
- Supplementary Bat Report, JJH Consulting Ltd received 18.05.2020
- Amphibian Mitigation Strategy, JJH Consulting Ltd, received 18.05.2020
- Foul Drainage Assessment Form, received 17.04.2020
- Sewer Record Plan, received 17.04.2020
- Proposed Drainage Strategy, Sheet 1 of 1, drawing no. 100334-01-0500-01, received 12.06.2020

## Departure/Public Advertisement Procedure

Occupiers of ten 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. A re-consultation process on the additional ecological information has also taken place.

## 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  
NAP1 - Newark Urban Area

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

DM1 – Development within Settlements Central to Delivering the Spatial Strategy  
DM3 – Developer Contributions and Planning Obligations  
DM5 – Design

DM7 – Biodiversity and Green Infrastructure

DM12 – Presumption in Favour of Sustainable Development

### **Other Material Planning Considerations**

- National Planning Policy Framework 2019
- Planning Practice Guidance
- Affordable Housing SPD 2013
- Developer Contributions and Planning Obligations SPD 2013

### **Consultations**

**Newark Town Parish Council** – (03.06.2020) Object as follows:

1. This development is over-intensive for the site.
2. The development will have a significant negative Impact on Amphibian Migration Route. This application does include an Amphibian Migration Strategy with some suggestions on how to improve the environment for amphibians such as hedgerows instead of fences to allow access, shelter and foraging. However these suggestions would have to be conditions in order to be assured when built and there is a concern that such measures can't guaranteed in the future if they are undone by alterations to the site by future occupants of the properties.

The intensive nature of the development is also of concern with regard to Amphibians. The present development, which is less intensive, has had a negative impact on the numbers of amphibians. Frog Life, who have monitored the migration route since 1988 have reported that between 2000 and 2020 numbers of toads have dropped from 800 to 143. Housing development was identified one contributing factor in ecologist Simon Thomas' 2008 report Barnby Road Pond Amphibian and Reptile Study. This report also points out how the route is connected to the ecology of the nearby pond which is enjoyed by many local people and visitors including for fishing. Also that the migration route is unusual in that the amphibians have colonised habitats in an urban area created by the railway rather than being destroyed by it. This is "an interesting facet of Newark's Natural Heritage" one which will be greatly damaged if not destroyed if the area is intensified.

3. Privacy; several neighbouring properties will be over looked from the new buildings.
4. Transport; there is insufficient parking proposed for the amount of housing on the site.
5. There is insufficient public transport serving the site. There is one bus stop within walking distance of which a small limited amount of buses attend infrequently.
6. This site represents the last open break between Newark and Balderton; the loss of this break is unacceptable.

Previous comments (10.01.20) - Strongly object for the following reasons:

- the principle of any development on this site is challenged as it represents the last open break between Newark & Balderton;

- over intensification of the site;
- no Ecology Assessment available - it is an important site for toad migration and bat roost;
- not suitable public transport route, is on a bus route but not a regular service available.

**NCC Highways Authority – (11.02.2020)**

“Since the issuing of initial highways observations last month, a revised access plan has been submitted which confirms that sufficient visibility splays can be achieved from the improved access point, within the extent of adopted highway. Therefore, there are no objections to the granting of outline permission (with means of access) subject to conditions and informatives.

The applicant is reminded that whilst the application form on this occasion has indicated that the development is to remain private, the scale of development is such that the Highway Authority would advocate the design of an adoptable internal road layout. If this were to be pursued in the future, then it will be necessary to have a minimum of 0.5m service strip along the eastern edge of the internal road; this will not be permitted to have trees planted within it.

**Condition: -**

- 1) No part of the development hereby permitted shall be brought into use until the access to the site has been completed and surfaced in a bound material for a minimum distance of 5 metres behind the highway boundary in accordance with approved plan reference Dice Proposed Preliminary Access Design on drawing number 100334\_01\_0100\_01 revision C dated 4 February 2020.

Reason - To enable vehicles to enter and leave the public highway in a slow and controlled manner and in the interests of general Highway safety

**Informative: -**

- In order to carry out the off-site works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works, you will need to enter into an agreement under Section 278 of the Act. Please contact HDC North at Nottinghamshire County Council [hdc.north@nottscc.gov.uk](mailto:hdc.north@nottscc.gov.uk) in the first instance.”

(23.01.20)

“The Highway Authority (HA) understand this to be an outline (with access) application for up to 20 dwellings on the site of Grove Bungalow off Barnby Road in Newark. The site currently houses one dwelling, with outbuildings all of which are proposed to be demolished. The site has a point of extant vehicular access on to Barnby Road which is proposed to be improved to serve the scale of development.

The HA previously provided pre application comments for development on this site in late 2019, identifying the scale of development is such that the design of an adoptable road layout is warranted. Notwithstanding the fact that the application form suggests the development will remain private, the access design comprises of a 4.8m wide carriageway together with a 2m footway along the western edge as per Part 3 of the Nottinghamshire Highway Design Guide (NHDG)1.

An uncontrolled crossing point has also been proposed immediately to the west of the site access, to connect with the existing footway on Barnby Road which would allow pedestrians to walk towards Newark town centre. It is assumed that a service strip is proposed along the eastern edge of the access; there appears to be either proposed, or existing trees which appear very close to the back of the carriageway. Vehicular visibility splays have also been demonstrated; please could the plan be updated to demonstrate that the required vehicular visibility splays do fall all within existing highway, and or land within the control of the applicant. Highway boundary information can be readily obtained by emailing [highwaysearches@viaem.co.uk](mailto:highwaysearches@viaem.co.uk); a small charge will be levied.

Whilst appreciating only means of access is being determined, for the eventual road layout to be adopted it would need to be designed in accordance with Part 3 of the NHDG in terms of forward visibility, bend widening, speed control along with adequate turning head provision for a refuse wagon operated by Newark and Sherwood. Please note that bin wagon dimensions do differ amongst authorities, and it is the applicant's responsibility to ensure that the layout can accommodate the correct sized wagon."

### **NCC Lead Local Flood Authority –**

(23.07.2020) - Nottinghamshire County Council as the Lead Local Flood Authority (LLFA) has reviewed the application which was received on the 20 May 2020. Based on the submitted information we have no objection in principle to the proposals however we cannot recommend approval of planning at present due to the surface water drainage strategy relying on the crossing of third-party land outside of the red line boundary.

We recommend that the LPA withhold planning approval until a legally enforceable agreement, the nature of which is to be determined by the LPA, is reached between the applicant and third-party land owner that allows the drainage strategy to be implemented in perpetuity.

We also recommend that the following Condition is included once Outline Permission is granted:

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 Dice Flood Risk Assessment (FRA) ref 100334/LD/November-19/01 Rev A and Drainage Strategy dwg. Ref 100334\_01\_0500\_01, 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. (note at present the proposals do not demonstrate this requirement)
- 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.
- 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.
- 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.

(21.07.2020) – ‘I cannot remove my objection to the proposals as there is currently no viable solution to draining surface water from the site. The primary reason for this is that the applicant’s proposal is to cross third party land to reach a point to discharge surface water and at present there is no agreement from the third party land owner to allow this to happen. Once this issue is resolved please re-consult and I will reconsider our position.’

(27.12.20) Object until adequate FRA submitted.

#### **Environment Agency –**

(30.06.2020) – ‘I refer to your email dated 12 June 2020, including 3 attachments, regarding the above proposals.

Having reviewed the further information provided by the applicant which states that the foul drainage will be connected to a Severn Trent Water sewer, we are able to withdraw our objection to the proposals.

We have no further comments to make on the application as submitted.’

(21.05.2020) No comments to make

(24.04.2020) – ‘Thank you for consulting the Environment Agency on the above proposal.

From the information submitted the only environmental issue which falls within our remit and which we will be commenting on is regarding foul drainage. However, we are currently unable to provide you with a formal response as there are discrepancies/contradictions in the information provided by the applicant. It is currently unclear how foul drainage is to be disposed of and we therefore require clarity, as detailed below, in order to assess the submission.

### *Foul Drainage Assessment*

This states that the applicant intends to utilise an existing non-mains foul drainage system and discharge to a watercourse.

The quantity of discharge stated would require a permit and any existing system installed for the existing bungalow is unlikely to be sufficient for the needs of the whole development. There is no watercourse in the immediate vicinity so it is unclear where the effluent is to be discharged to. We note that there are some historic private treatment systems in the vicinity but these soak away to ground rather than discharging to watercourses.

The form also states that the applicant have provided a written explanation of why connection to the mains sewer is not feasible; however we are unable to locate this document.

### *Flood Risk Assessment*

This document indicates that the applicant intends to connect the foul drainage to the public sewer via a PDaS sewer, but that existence of the PDaS sewer on Barnby Road is only 'assumed'. These are former private sewers that were transferred over to Severn Trent as a public sewer in October 2011 as part of the Private Drains and Sewers (PDaS) 2011. The fact that they are not shown on the Severn Trent Sewer Record Plan does not mean they do not exist, but the developer would need to investigate this further (6.27 of the Design and Access Statement says 'we therefore anticipate the LLFA will request that a below ground CCTV survey is undertaken before the development commences').

We would be grateful to receive clarity from the applicant on the above issues.'

### **NCC Policy/Developer Contributions (13.01.20)**

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 will request a Bus Stop Infrastructure contribution of £13,000 is paid to provide new bus stops facilities on Barnby Road:

- Newark bound new stop - Install standard bus stop pole with hardstand waiting area and raised boarding kerb
- Lincoln bound new stop - Install standard bus stop pole and raised boarding kerb

### *Education*

A development of 20 dwellings would yield 4 additional primary and 3 additional secondary school places.



### *Primary*

Based on current data there is projected to be sufficient capacity to accommodate the additional primary aged pupils projected to arise from the proposed development. As a result, the County Council will not be seeking any planning obligations towards primary education.

### *Secondary*

Based on current data there is projected to be sufficient places to accommodate the additional secondary aged pupils projected to arise from the proposed development. The delivery of secondary education in the District is via the CIL. Due to there being sufficient capacity, the County Council would not seek a CIL contribution from this development.

(14.01.2020) - The site has a high archaeological potential. The RCHME identified the Line of Circumvallation as running through the site in their volume on the Civil War siegeworks of Newark. We have had only limited opportunities of identifying this earthwork, which would probably be of national significance once firmly located. The County Council would strongly recommend that if planning permission is granted this should be conditional upon a scheme of archaeological mitigation, which might probably best focus on a strip, map and record exercise.

**Cadent (Gas)** – (23.12.19) Advice that an assessment has been made:

#### “Affected Apparatus

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)”

Details of what should be undertaken prior to any work taking place then follow.

**Network Rail** – (01.06.2020) No objection in principle but there are requirements that must be met. They go on to request that an informative is added to any approval which is repeated verbatim in the ‘note to applicant’ section of this report.

**Tree Consultant** – (21.05.2020) – No further comments

Previous comments: ‘There appears to be some discrepancies between the indicative block plan and the AMS with regard to retained/removed trees.

T212/13 are shown removed on AMS plan but retained on block plan.

G41 and G51 are shown partially retained on the AMS plan but removed on block plan

G44-retention/removal is unclear.

If the above can be clarified any approval will require compensatory soft landscaping and retained tree/hedge protection measures.’

Recommend conditions:

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

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

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

3. Prohibited activities

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

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

4. No works or development shall take place until the District Planning Authority has approved in writing the full details of every tree, shrub, hedge to be planted (including its proposed location,

species, size and approximate date of planting) and details of tree planting pits including associated irrigation measures, tree staking and guards, and structural cells.

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

**Natural England** – No comments to make. Refer LPA to Standing Advice.

**Nottinghamshire Wildlife Trust** – (04.06.2020) –

“We have reviewed all the necessary documents, including but not limited to the ‘Supplementary bat report’ and the ‘Amphibian mitigation strategy’.

We are generally pleased with the information provided in each report; however, we would like to draw your attention to the following:

#### **The Amphibian Mitigation Strategy**

Detailed on page 7 paragraph 4.0, the ecologist recommends various mitigation strategies which we fully support, including habitat creation and enhancement on site which will post-development foraging habitat and movement corridors for common toad and other amphibian species where present. We would like to reiterate the importance of the recommended habitat creation and we would expect to see these suggestions being implicated on site. Furthermore, the ecologist also recommends precautions for site clearance and preventing fragmentation to ensure the protection of amphibian species present on site. Again, we would expect these suggestions to be followed and implemented by the developer to ensure no amphibian species are harmed. As you will be aware, common toads are protected in the UK under the Wildlife and Countryside Act, 1981, and are also a Priority Species under the UK Post-2010 Biodiversity Framework. Therefore, legislation required that planning authorities need to ensure that common toads are protected from adverse effects of development.

#### **Supplementary Bat Report**

Detailed on page 6, paragraph 4.0, the ecologist recommends that demolition should proceed with caution due to the possibility of bat use in the building. We would like to reiterate that if bats or bat droppings are found during demolition, then all work should stop immediately, and a licenced ecologist should be contacted immediately. Furthermore, as the building was considered to offer some potential for use by bats, it is recommended that surveys be repeated if there are any delays to works of more than 12 months. We would also like to highlight the habitat creation and improvements recommended in paragraph 4.4 which should be implemented during and after the development works. In Britain, all bat species and their roosts are legally protected, by both domestic and international legislation.

This means you may be committing a criminal offence if you:

1. Deliberately take, injure or kill a wild bat

2. Intentionally or recklessly disturb a bat in its roost or deliberately disturb a group of bats.
3. Damage or destroy a place used by bats for breeding or resting (roosts) (even if bats are not occupying the roost at the time)
4. Possess or advertise/sell/exchange a bat of a species found in the wild in the EU (dead or alive) or any part of a bat.
5. Intentionally or recklessly obstruct access to a bat roost.

Therefore, planning authorities need to ensure that all bat species are protected from any adverse effects of this development.”

(07.01.2020) - “We wish to comment on the above application.

We have reviewed the supporting information available on the planning page and note that your email dated 03/01/2020 to George Machin outlines the requirement for further bat surveys and the need to address and provide an appropriate mitigation strategy for the amphibian interest including the toad crossing in the area.

We fully support this approach and would expect all issues relating to protected species (both European Protected Specs and Section 41 NERC Act 2006 Species of Principal Importance) to have been considered and addressed at this stage of the application, as per the requirements of the National Planning Policy Framework (2019).

Once these issues have been addressed we will be happy to review and provide comments relating to any further information, including any proposed mitigation and results of further bat surveys in relation to this application.”

#### **Trent Valley Internal Drainage Board – (21.01.20)**

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

The Board maintained Sodbridge Drain, an open watercourse, exists in a south easterly direction from the site and to which BYELAWS and the LAND DRAINAGE ACT 1991 applies.

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

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

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

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

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

**NSDC Strategic Housing** – Recommends the following affordable dwelling mix:

	Affordable Rent	Shared Ownership	Totals
2 bed	3		3
3 bed		2	2
	3	2	5

**NSDC – Parks and Amenities** – ‘As a proposed development of more than 10 houses this scheme will need to make provision for public open space in the form of children’s playing space (18m<sup>2</sup> per dwelling) and I note that the amended indicative site plan does not appear to show any such provision. The scheme will thus need to be amended either to provide on-site children’s playing space (360m<sup>2</sup> based on 20 dwellings) or a commuted sum towards off-site provision/improvement and maintenance will need to be provided. The nearest appropriate site for such provision is Barnby Road Community Park however this site is c500m away along a fairly busy road.’

**Representations have been received from 8 local residents/interested parties which can be summarised as follows:**

- Concern regarding vagueness of application;
- Concern a scale of development; is it 20 or 50 (the D&A Statement suggests the highway can accommodate up to 50)
- Layout and density is inappropriate and have harmful impact on wildlife;
- D&A Statement refers to regular and frequent bus services; this is not correct – bus stop is 6 minute walk away and are only 3 per day, distance to town is also inaccurate;
- Concerns regarding highway safety and poorly maintained footways;
- Discrepancies in tree survey - Trees T42 and T43 are not within the ownership of the developer
- Queries over hedgerows and what will happen to it, loss of habitat for wildlife if lost; Concerned that hedgerows might not be preserved, important for habitat and privacy.
- Ecological issues not been properly addressed such as bats;
- Toad migration route is not mentioned;
- Flood risk assessment inadequate;
- No public sewers (all have septic tanks) and rainwater could run from this higher land elsewhere;
- Persistent gas leak in the area involving years of exploratory digging which is so far unresolved;
- Neighbour has badgers in their garden each year, bats and owls in the trees;
- Concerned about impact on privacy and overlooking;
- Concern from traffic pollution;

- Barnby road itself is narrow, in a state of disrepair with speeding cars so is already dangerous;
- Concern at impact on local infrastructure such as schools.

### Comments of the Business Manager

#### The Principle

The Council is able to robustly demonstrate a 5 year housing land supply and the Development Plan is up to date for decision making. In accordance with DM12 and the NPPF, the starting point for decision making is with the statutory Development Plan.

Spatial Policies 1, 2 and NAP1 of the adopted Amended Core Strategy, identify Newark as a Sub Regional Centre where the focus, as a sustainable settlement, is for housing and employment growth.

The site is located within the defined main built up area of Newark as identified on Map 2 of the Allocations and Development Management DPD. In principle therefore, housing development could be appropriate subject to other considerations which I shall discuss below.

The proposal also seeks to demolish the existing bungalow. This was present on site in 1965 according to historic maps and is an attractive bungalow. However I do not consider this to be of such architectural or historical merit that its loss could reasonably be resisted. The principle of its demolition is therefore accepted.

#### Appropriateness of the Development, including Character, Density and Housing Need & Mix

As all matters are reserved for subsequent approval, consideration is confined to whether in your view the scheme at this quantum is capable of being developed without detrimental impacts. To aide with this assessment the applicant has provided an indicative layout plan to demonstrate how 19 units could successfully be accommodated on the site.



The site is located on Barnby Road with part of the site fronting the highway and the remainder falling behind existing ribbon development that is a main characteristic of the area/suburb. Development in the vicinity is generally low density interspersed with areas of open green space giving it a semi-rural feel and visual appearance.

I am aware that planning permission has been granted (our reference 19/01331/FUL) on land to the east for residential development comprising 3 detached dwellings. I am also aware that 3 applications have been submitted relating to land immediately to the south (land rear of Highfields School) which have been refused and subsequently dismissed on appeal. More detail is contained within the site history section of this report. None of the reasons for refusal related to an 'in principle' concern or one relating to the character and/or appearance of the backland type of development.

As indicatively shown, Plot 1 is would be aligned with the neighbouring dwellings fronting Barnby Road which I consider would help retain the ribbon development character and grain, with the other units tucked back into the site. Whilst developing the site would introduce a new type of development character, this need not be fatal and I am of the view that a carefully designed scheme could be successfully assimilated into the area. The retention of the mature frontage trees helps to retain this rural open feel to the street-scene.

The quantum of development would be a maximum of 19 dwellings - reduced from 20 due to concerns that the indicative layout was over intensive. Core Policy 3 provides that development densities should normally be no lower than 30 dwellings per hectare net. It goes on to say that development densities below this will need to be justified, taking into account individual site circumstances. At c0.65 hectares in area, the density proposed is lower than the 30 dph advocated by the Development Plan. However given the low density of development in the area and its suburban area and character I consider that this level is acceptable for the context.

The latest drainage strategy now indicates the need for a foul pumping station to the site frontage, behind the trees which are to be retained. No details as to what this would look like have been

provided, however I am satisfied that a scheme could be designed to be sensitive to its prominent position within the site which could include additional landscaping to soften its impact. This would be a matter to resolve at reserved matters stage.

In terms the housing need in Newark, the requirement is for mainly 3 bedroom dwellings (40.2%) followed by 2 bedrooms (33.7%) followed by 4 bedroom dwellings (14.4%) then 5 bedroom dwellings (8%) with 3.7% of the need being for 1 bedroom units. This outline application is not considering the mix per se, but it is important that an appropriate layout and mix to meet local need could be accommodated. I note the revised plan for 19 units indicates a mix to comprise 2 beds x 6 (32%), 3 beds x 7 (37%), 4 beds x 4 (21%) and 5 beds x 2 (10%). I am satisfied a layout such as this is capable of achieving a mix that closely aligns with the housing need.

Taking all of this into account, I am satisfied that development could be undertaken sensitively with an appropriate mix to meet the housing need in such a way that the character and appearance of the area is not unacceptably affected in line with the requirements of CP3, CP9 and DM5.

### Residential Amenity

Safeguarding the residential amenity for both existing and any new dwellings will be paramount in order to comply with policies CP9 and DM5 of the Development Plan. Given that the layout and appearance are reserved, this is a matter best considered in detail at reserved matters stage.

Grove Cottages to the east have windows facing the application site at first floor level and are located relatively close to the boundary. Any development to the west of these would need to be carefully designed in order to safeguard against loss of privacy and overlooking issues. The indicative layout does however suggest that a scheme is capable of being achieved that would avoid unacceptable impacts on these dwellings. Given the distance between the remainder of the site and the existing dwellings on Barnby Road, which have generous sized gardens, I am satisfied that a scheme could be achieved that adequately respects the living conditions and privacy of existing dwellings.

Given the proximity of the railway line, consideration would need to be given to managing noise levels. As such I would expect a reserved matters application to be accompanied by a noise assessment and mitigation scheme. I would expect this would likely comprise any identified mitigation by way of the types of glazing to be used in windows for plots nearest to the railway line. This can be controlled by condition.

### Highway Impacts

Policy DM5 requires that provision should be made for safe and inclusive access to new development whilst Spatial Policy 7 encourages proposals which place an emphasis on non-car modes as a means of access to services and facilities.

Part of Barnby Road has an 'advisory' 20mph limit due to its proximity of Barnby Road Primary School, however, these are not legally enforceable. This section of Barnby Road is restricted to 30mph. The proposal seeks to take access from the eastern side of the frontage and would provide access and egress for all 19 units. Appropriate visibility splays at the access point have now been demonstrated such that vehicles emerging could do so safely. I note local residents have raised concerns that the Transport Assessment denotes that the access is designed to accommodate up



to 50 units. This is not an unusual expression in such a document. However the description of development clearly defines the maximum number of dwellings sought, which is 19.

Parking is a matter best considered at reserved matters stage but it is anticipated that the off-street parking quantum is capable of being met on site without risk of leading to on-street parking elsewhere.

The comments by residents of the proximity to bus stops and indeed the requirement of SP7 to minimise the need to travel and to enhance local services and facilities are noted. In order to serve the development hereby proposed (and indeed better the provision for the wider community) NCC have requested a developer contribution towards bus stop infrastructure on Barnby Road. The requested £13,000 would go towards provision of new bus stops for both Newark and Lincoln bound routes. I consider this request to be reasonable and it would assist with compliance with SP7 in terms of mitigation and in terms of sustainability.

NCC Highways Authority raise no objection on highway grounds to the scheme. There are no reasons to resist the application on highway grounds.

### Flooding and Drainage

Core Policy 9 requires developments to be pro-actively manage surface water and Policy DM5 builds upon this requiring developments to include, where possible, appropriate surface water treatments in highway designs and Sustainable Drainage Systems.

The site lies within Flood Zone 1 (at lowest risk of flooding) according to the EA Flood Maps albeit is in an area identified as being prone to surface water flooding.

The application has been accompanied by Flood Risk Assessment and Drainage Strategy which has been amended during the lifetime of the application in order to provide certainty on how both surface water would be managed and foul sewage would be disposed of given the lack of public sewers along Barnby Road and the failure of infiltration testing to sufficiently drain surface water away.

The strategy now proposes a foul pumping station to the site frontage (indicatively located behind the existing frontage trees (which are to be retained and are now protected) which would pump waste south to a public sewer on London Road in Balderton via the Highfields School site referred to in the site history section of this report.

The surface water drainage strategy comprises a system of surface water sewers (tanks are indicatively shown under the gardens of two plots to the west of the site) that will collect run off from the developable area, drain into an existing pond to the west as well as permeable paving below parking areas and some of the un-adopted private driveways. The scheme has been designed so as not to increase flood risk elsewhere.

Members will note that NCC LLFA have raised concern that there is currently no viable means of draining surface water from the site. This is because the drainage strategy relies on land not within the application site nor within land currently within their control. Officers have been advised by the LLFR that if this were resolved there would be no reason to object to the strategy otherwise.

The applicant is currently in negotiations with the relevant third party land owners to secure this drainage route and there appears to be an informal agreement in principle/progress on this matter. This is a matter that can be dealt with through an appropriate legal agreement which the third party land owners would need to enter into requiring the drainage strategy to be undertaken before any development takes place on site. This would need to be in place before any planning permission is granted.

If the relevant land owners/parties do not join in to the agreement within a reasonable timeframe (I would suggest a long stop date of four months from the date of committee is generous) the application should be refused on the grounds that the scheme is unable to provide satisfactory surface water drainage scheme. This is included within the recommendation to you.

It is worthwhile noting that the drainage route across the third party land would require an easement over which no built development could take place. However no planning permission currently exists on this land (see the site history section of this report - planning permission has been refused and dismissed on appeal for major housing schemes on land at Highfields School) and the land owners are aware of this so as not to blight any future plans for the site.

The drainage strategy would require its ongoing maintenance to be put into the control of an appropriate management company which can be secured by a s106 agreement. Subject to a reserved matters approval being developed in accordance with the strategy, which can be secured by the s106 agreement, I am satisfied that the proposal would accord with the policy requirements. It should also be noted that the Environment Agency have now removed their initial objection to the proposal.

#### Impacts on Trees and Landscaping

The starting point for development is that trees and features such as hedgerows should be retained where possible as set out in CP12 and DM5.

There are a number of trees within the site. As such an Arboricultural Report and Impact Assessment has been submitted in support of the application. This identifies 40 trees and 8 groups of trees and hedges as being present on site. The majority of these trees are graded as C quality (low to average), 2 are U graded (poor trees) and 9 are B graded (good quality and life expectancy). The most significant trees are two early mature Cherry trees (T4 and T5) located at the site frontage which are B graded. These are shown to be retained on the indicative layout plan which is welcomed albeit I consider that slightly more space around these trees for growing room would be appropriate given their age. The other good quality trees are all located around the periphery of the site and are indicated as being retained.

A number of trees (C and U graded) mainly to the rear of the existing outbuildings would likely need to be removed to facilitate the development shown. It is possible that a less intense development could see more of the trees retained albeit some of the C graded trees will ultimately not be worthy of on-going protection. For now, a blanket Tree Preservation Order has been made covering all trees on site to give protection in the first instance until the Council's tree consultant is able to make a detailed assessment on site (once covid-19 safe) regarding which specific trees are worthy of protection such that the order can be amended to the best quality specimens.

The Council's tree consultant has raised no objection (a query was originally raised regarding a discrepancy between the plans but as the layout is not for consideration this is not considered to be pertinent and in any event the reduction of 1 unit has assisted with this) subject to conditions.

Having considered the outline nature of the scheme and the indicative layout, notwithstanding that some of the retained B graded trees would benefit from additional space to grow, I consider that a layout similar to that presented would be acceptable in terms of the impact on trees. It would be necessary to require mitigation and compensation for lost trees with replacement planting which could be secured via a condition at reserved matters stage.

### Ecological Impacts

The site itself has the potential to provide habitat for wildlife and as such the application was supported by an Ecological Appraisal and further surveys and strategies have been provided upon request.

CP12 (Biodiversity and Green Infrastructure) seeks to conserve and enhance biodiversity whilst Policy DM7 specifies that: "On sites of regional or local importance, including previously developed land of biodiversity value, sites supporting priority habitats or contributing to ecological networks, or sites supporting priority species, planning permission will only be granted where it can be demonstrated that the need for the development outweighs the need to safeguard the nature conservation value of the site. All development proposals affecting the above sites should be supported by an up-to date ecological assessment, involving a habitat survey and a survey for protected species and priority species listed in the UKBAP."

The scheme has been assessed against Natural England's Standing Advice.

### *Amphibians*

Common toads are recognised as being of principal importance for consideration and biodiversity under the relevant legislation and are listed as a priority species in the UK Biodiversity Action Plan, which is material for planning decisions.

A common toad migratory route and toad patrol access is located c400m to the north-west of the site. A further migratory route to Balderton Lake is located 900m to the south-west. Therefore upon request, an amphibian mitigation strategy has been submitted which seeks to mitigate any impacts upon local populations of amphibians.

The submitted mitigation strategy sets out that ground clearance would need to be undertaken at a suitable time of the year (either early spring/late autumn or during winter) to decrease the likelihood of amphibians being present on site. If clearance is undertaken in active season, this would be undertaken east to west to direct toads towards suitable habitat. A number of precautions are also recommended. The mitigation strategy is acceptable (NWT have raised no objection to this) and provided the development proceeded in accordance with it, I am satisfied that adequate mitigation would have been employed. This can be subject of a condition.

## *Bats*

The ecological appraisal undertaken in 2019 identified potential for bats to utilise the site and a need for further surveys during the bat season. This has resulted in a delay to the consideration of this application in order that the appropriate surveys be carried out.

Nocturnal bat surveys have been undertaken in May 2020 and no bats were observed entering or leaving the existing building on site and bat activity within the vicinity of the site was low, with two bats observed foraging in an adjacent garden during the emergence survey and only one bat noted as being in the vicinity during the dawn survey. The findings therefore suggest that bats should not be a constraint to the development. However demolition would need to proceed with caution and any delays of longer than 12 months would require a repeat survey given the transient nature of bats. I am satisfied that this could be controlled and suitably mitigated with an appropriately worded condition. Other mitigation in the form of retaining trees along the periphery of the site is recommended and low level lighting should be employed to prevent any unnecessary light spill on adjacent habitats.

## *Badgers and Reptiles*

No evidence of badgers or reptiles on the site was found and there is a lack of suitable areas and habitat for badger sett creation or habitat suitable for reptiles in the area. No mitigation is therefore necessary.

## *Breeding Birds*

Existing hedgerows, trees and scrub on site offer resources for breeding birds which would have a minor negative impact but mitigation in the form of avoiding clearance during breeding season would afford some protection.

## *Great Crested Newts*

Some habitat suitable for GCN was noted within the site albeit no breeding ponds are present and its isolation from potential breeding sites by roads were considered a barrier to movement. The ballast pit 200m from the site is unlikely to be suitable for GCN and no mitigation is considered necessary.

## *Ecological Enhancements*

In line with the requirements of the Development Plan and the NPPF, consideration of how the scheme would contribute towards habitat creation and improvement has been considered.

The ecologist recommends that grassland areas within the development should be seeded using a species rich meadow or neutral grassland seed mix in preference to a species poor amenity grassland seed.

Existing unmanaged hedgerows could be managed and enhanced by being gapped up using native species that provide fruit and nectar sources for birds, small mammals and insects. Suggested species include holly, hazel *Corylus avellana*, field maple *Acer campestre* and elder. This planting will improve the diversity and structure of the hedgerow. In addition, the hedgerow could be extended along the rest of the southern site boundary and along the western boundary both of

which are currently delineated by a wire fence. This would improve the wildlife corridor across the site and buffer the site from the grassland to the south and west. Other recommendations were also suggested are best considered at reserved matters stage.

It is noted that NWT raise no objection to the scheme now that the additional mitigation strategy for amphibians has been received. Subject to a number of conditions to safeguard the ecological interest of the site and to secure enhancements, I consider that the scheme is acceptable and complies with the Development Plan.

### Developer Contributions

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

Contributions required by this development are set below. For the avoidance of doubt the applicant has agreed to these being secured through a section 106 agreement.

### *Affordable Housing*

Core Policy 1 provides that for schemes of 11 or more dwellings, on-site affordable housing should be provided with a tenure mix of 60% social rented and 40% intermediate housing. This is reaffirmed within the Council's SPD on Developer Contributions. A scheme for 19 dwellings would require 5 affordable houses on-site to meet the 30%. The mix recommended by the council's strategic housing officer is for 3 x 2 bed affordable rent (very popular) and 2 x 3 bed units for shared ownership which would fit with the indicative mix. This mix would be secured via the s106 agreement.

### *Public Open Space (Provision for children and young people)*

This application would need to make provision for public open space at 18m<sup>2</sup> per dwelling as set out in the Developer Contributions SPD. I would not expect this to be provided on site given its relative modest size and instead would expect that a financial contribution should be provided in lieu of this which would be spent to upgrade the existing parks in the area. This is based on £927.26 per dwelling based on 2016 indexation (which would need to be uplifted).

### *Community Facilities*

Community facilities are defined as including Community Halls, Village Halls, Indoor areas for sport, physical activity, leisure and cultural activity and Halls related to places of worship. The Council's SPD provides where existing infrastructure exists or where small scale developments do not warrant new infrastructure, a contribution may be appropriate to support the existing infrastructure such as a village or community hall or other community asset. It goes on to say that 'it is further recognised that some community facilities are not fulfilling their potential to meet the needs of residents and thus may appear to be underused. In such circumstances qualitative improvements to such facilities would increase their ability to make a positive contribution to

meeting the needs of the community.'

The site itself is too small to provide community facilities on it and therefore any additional pressure upon community facilities that this scheme would place upon the community should be met off-site by way of a financial contribution. A financial contribution toward community facilities which is based on £1,384.07 (figure from SPD but indexed at 2016) per dwelling is therefore sought.

#### *Primary 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 number of primary places required is based on a formula of no. of dwellings x 0.21 to establish the number of child places required. However the Local Education Authority have indicated as there is existing capacity available to accommodate occupiers of the dwellings no education contribution will be sought. In terms of secondary education, the development would be covered under CIL regulations.

#### Planning Balance and Conclusions

The site lies within the defined built up part of Newark, where the principle of residential development is acceptable in accordance with the spatial strategy.

I have concluded that the quantum of up to 19 dwellings could be accommodated on site without unacceptable harm to the character, appearance or density of the area and that this could be achieved whilst retaining the best quality trees. The ecological value of the site, with appropriate mitigation strategies in place secured by conditions, would be safeguarded and enhanced overall.

The applicant has demonstrated there is a safe means of vehicular access from Barnby Road with appropriate visibility splays and it is expected that the relevant consultees will agree that an acceptable means of draining the site for both surface water and foul sewage can be achieved.

I am also satisfied that an appropriate housing mix could be secured including 30% on site provision for affordable housing and that the pressure on infrastructure (such as bus services, community facilities etc) from the development could be mitigated by developer contributions to enhance existing local facilities. The living conditions of existing residents could be safeguarded with a carefully designed scheme advanced at reserved matters stage.

#### **RECOMMENDATION**

**That planning permission is approved subject to**

- a) the conditions and reasons shown below; and**
- b) the signing and sealing of a section 106 agreement to secure the following within 4 months of the date of planning committee (failure to do so would result in a refusal on the grounds that the scheme fails to secure an appropriate drainage scheme and developer contributions) unless otherwise agreed with the Chair, Vice Chair and Business Manager for Planning Development:**

<b>Summary of Matters to be secured via a s.106 Agreement</b>	
Affordable Housing	30% on site (5 units in total; 3 x 2 bed affordable rent and 2 x 3 bed shared ownership)
Bus Stop Infrastructure	£13,000 for 2 new bus stops on Barnby Road
Community Facilities	£1,384.07 per dwelling (£26,297.33)
Children's Play Space	£927.26 per dwelling (£17,617.94)
SUDS/drainage features	To be maintained for the lifetime of the development and that drainage strategy be implemented on third party land (with relevant land owners joining in) prior to any other development being carried out on the site
Monitoring contributions for all contributions will also be sought along with appropriate standard triggers for all	As per SPD

### Conditions

01

Application for approval of reserved matters shall be made to the local planning authority not later than three years from the date of this permission.

The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.

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

02

Details of the appearance, landscaping, layout and scale (hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason: This is a planning permission in outline only and the information required is necessary for the consideration of the ultimate detailed proposal.

03

No development shall be commenced until a scheme for a scheme for archaeological mitigation has been submitted to and approved in writing by the local planning authority. The approved scheme shall be carried out by a qualified archaeologist or archaeological body approved by the local planning authority. Unless otherwise agreed in writing by the local planning authority, within 3 months of completion of the excavation works, a summary report shall be submitted to the local planning authority and the results of the 'Watching Brief' shall also be made available for inclusion in the archive of information of Nottinghamshire County Council's 'Sites and Monuments Record'.

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

04

Any reserved matters application pursuant to this outline consent shall either be accompanied by a new Arboricultural Impact Assessment or be made in accordance with the Arboricultural Impact Assessment by AWA Tree Consultants (dated November 2019) and in either case shall be accompanied by an Arboricultural Method Statement (AMS) which shall include:

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

All works/development shall be thereafter be carried out in full accordance with the approved AMS.

Reason: To ensure that existing trees and hedges to be retained are protected, in the interests of visual amenity and nature conservation.

05

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

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



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

Reason: To ensure that existing trees and hedges to be retained are protected, in the interests of visual amenity and nature conservation.

06

No site clearance, 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.

07

The development shall proceed in full accordance with the Amphibian Mitigation Strategy dated May 2020 by JJH Consulting Ltd unless otherwise agreed by the Local Planning Authority.

Reason: In order to afford adequate protection to amphibians.

08

Unless the bungalow is demolished before 18<sup>th</sup> May 2021, no demolition shall take place until repeat bat surveys are undertaken by a suitably qualified ecologist or organization and details of the findings and any required mitigation strategy have been submitted to and approved in writing by the Local Planning Authority. The demolition shall thereafter be undertaken in line with the agreed mitigation scheme.

Reason: In line with the recommendations of the Supplementary Bat Report undertaken by JJH Consulting Ltd in the interests of protecting bats that could be present on site.

09

Prior to first occupation of any dwelling hereby approved, a Habitat Creation and Enhancement Scheme (HCES) shall be submitted to and approved in writing by the Local Planning Authority. This scheme should build upon the ecological and arboricultural reports submitted with the outline permission and shall contain details of long term management plus a timetable for implementation. The approved HCES shall be implemented on site in accordance with an agreed timetable and retained for the lifetime of the development.

Reason: In the interests of maintaining and enhancing biodiversity.

010

Prior to first occupation of any dwelling hereby approved, details of any external lighting 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 for nocturnal wildlife and amenity such as low level lighting. The

approved external 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 unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual and residential amenity and nocturnal wildlife such as bats.

011

No part of the development hereby permitted shall be brought into use until the access to the site has been completed and surfaced in a bound material for a minimum distance of 5 metres behind the highway boundary in accordance with approved plan reference Dice Proposed Preliminary Access Design on drawing number 100334\_01\_0100\_01 revision C dated 4 February 2020.

Reason: To enable vehicles to enter and leave the public highway in a slow and controlled manner and in the interests of general Highway safety

012

Notwithstanding the submitted information, 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 Dice Flood Risk Assessment (FRA) ref 100334/LD/November-19/01 Rev A and Drainage Strategy dwg. Ref 100334\_01\_0500\_01, 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. (note at present the proposals do not demonstrate this requirement)
- 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.
- 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.
- 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.

013

The submission of any reserved matters application pursuant to this outline consent shall be accompanied by an up to date Noise Assessment to be undertaken by a suitably qualified person or company. This shall include background noise modelling data where appropriate and where necessary, a Noise Mitigation Scheme shall be submitted to and approved in writing by the Local Planning Authority which considers noise arising from the railway in close proximity to the site and how this can be mitigated for the proposed occupiers of the dwellings hereby approved. The approved scheme shall be implemented on site prior to first occupation of any dwelling subject of the reserved matters application.

Reason: To ensure that noise levels, specifically from the railway line and level crossing are appropriately mitigated and that the mitigation measures are implemented in a timely manner in the interests of residential amenity.

#### Notes to Applicant

01

In order to carry out the off-site works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works, you will need to enter into an agreement under Section 278 of the Act. Please contact HDC North at Nottinghamshire County Council [hdc.north@nottscc.gov.uk](mailto:hdc.north@nottscc.gov.uk) in the first instance.

02

Network Rail advice of the following:

#### *Barnby Level Crossing*

The site entrance will be in proximity to Barnby Level Crossing which has in excess of 250 trains a day crossing through, many at high speed (125mph). The Signaller at the location from where the crossing is controlled has an obligation to initiate the Barrier Lowering Sequence in sufficient time (at least three minutes) ahead of the arrival of a train at the crossing without compromising its punctuality at maximum operating line speed.

The safety of railway level crossings and of all crossing users is of paramount importance to us. We would ask that level crossing safety leaflets are included in information/welcome packs provided to the new homeowners at the site. These can be provided by ourselves upon request from the developer. Alternatively, information is available online at <http://lxresource.co.uk/campaigns/distraction-campaign>.

#### *Access to Railway*

All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development. In particular, during construction work, the crossing must remain clear and unobstructed at all times to ensure crossing users can enter and leave the crossing area safely. Vehicles associated with works must not be parked in a way that obstructs the crossing approaches or warning signage/lights at any time.

03

The applicant is reminded that bats are protected species and this means a criminal offence would be committed if anyone:

- Deliberately takes, injure or kill a wild bat
- Intentionally or recklessly disturbs a bat in its roost or deliberately disturb a group of bats.
- Damages or destroys a place used by bats for breeding or resting (roosts) (even if bats are not occupying the roost at the time)
- Possesses or advertises/sells/exchanges a bat of a species found in the wild in the EU (dead or alive) or any part of a bat.
- Intentionally or recklessly obstructs access to a bat roost.

04

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

05

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. The actual amount of CIL payable will be calculated when a decision is made on the subsequent reserved matters application.

#### BACKGROUND PAPERS

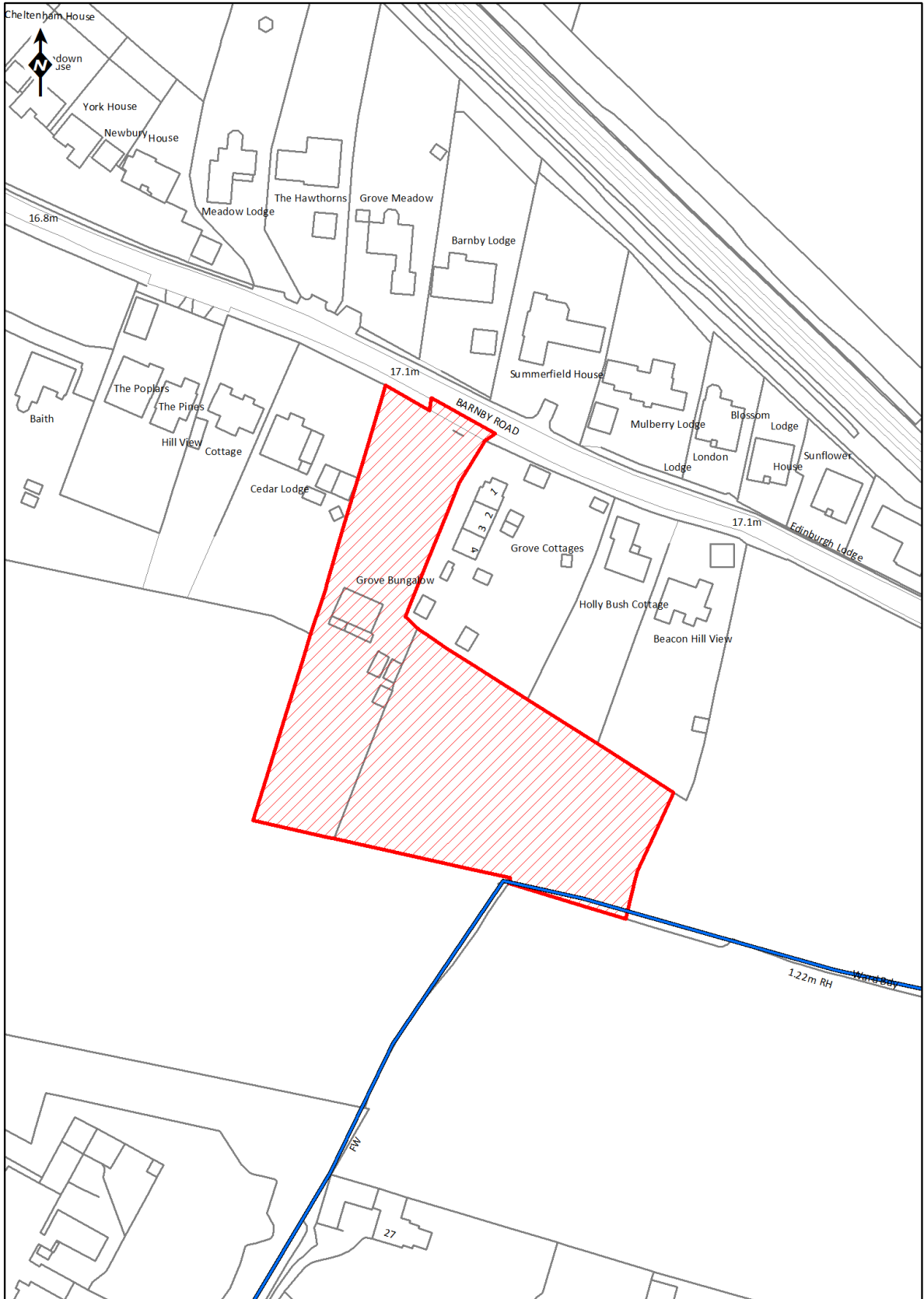
Application case file.

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 - 19/02158/OUTM



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## PLANNING COMMITTEE – 4 AUGUST 2020

<b>Application No:</b>	<b>19/02279/OUTM</b>
<b>Proposal:</b>	<b>Outline application for the change of use of an existing building from office use (Class B1(a)) to 17 Apartments (Class C3) (Phase 1) and erection of an apartment block for up to a maximum of 26 Apartments (Phase 2) (with all matters reserved)</b>
<b>Location:</b>	<b>Land At Latimer Way, Ollerton, Nottinghamshire</b>
<b>Applicant:</b>	<b>Mr Lawrence &amp; McLaughlin</b>
<b>Agent:</b>	<b>Jackson Design Associates - Mr Jason Wright</b>
<b>Registered:</b>	<b>20.01.2020</b> <b>Target Date: 20.04.2020</b>
	<b>Extension of Time Agreed Until 07.08.2020</b>
<b>Link to Planning Application File:</b>	<a href="https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=Q2Z62HLBMW400">https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=Q2Z62HLBMW400</a>

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

### The Site

The application site relates to a broadly rectangular plot to the west of Latimer Way/Edison Rise approximately 0.64 hectares in extent situated on the Sherwood Energy Village in Ollerton. The site as existing contains ‘Prospect House’ which is a two-storey office building with associated car parking. The building curves around the corner of Edison Rise and Latimer Way and has c. 90 car parking spaces located to the SW of the building. The U shape of the building encloses an external courtyard area. Immediately west of the site lies a cemetery, beyond which are residential properties. The remaining immediate vicinity is the Sherwood Energy Village made up of commercial & office buildings interspersed with residential properties.

Save for Prospect House the remainder of the site is characterized by a mixture of hard standing and grass and vegetation. The frontage to Latimer Way is marked with tall green metal fencing with a gated access to the south-west of the side of Prospect House and the boundary with the cemetery to the west is formed by large trees and dense vegetation.

The application site is within the Urban Boundary of Ollerton and Boughton as defined by the Proposals Map with the Allocations and Development Management DPD. The nature and size of the settlement means that there are a variety of land uses surrounding the site. Ollerton offers a range of existing services, facilities, amenities, employment provision and public modes of transport, which are easily accessible from the application site. The site is within Flood Zone 1 according to the Environment Agency and within the risk zone for the potential Special Protection Area for woodlark and nightjar as well as the impact risk zone for Wellow Park SSSI.

## Relevant Planning History

01/00875/OUT – Sherwood Energy Village (mix of industry, commerce, housing, recreation, education and associated works) – Application Permitted 1st April 2003

01/00942/FUL – Proposed new access and associated infrastructure to serve proposed development – Application permitted 30th July 2001

19/02276/CPRIOR – Change of use of a building from office use (Class B1 (a)) to 17 apartments (Class C3) – Application permitted 30 January 2020

19/02268/FUL – Alterations to external facades and small rear extension – Application Permitted 28<sup>th</sup> February 2020

## The Proposal

The proposal seeks outline planning permission for the change of use of the Prospect House building from office use (Class B1(a)) to 17 Apartments (Class C3) (Phase 1) and the erection of an apartment block for up to a maximum of 26 Apartments (Phase 2) (with all matters reserved).

The application has been amended during its lifetime to link the change of use of Prospect House to residential with the application for new residential units on the existing car park area to overcome an objection from NCC Highways and owing to officer concerns regarding the initial indicative layout submitted.

An indicative layout has been provided with the application which details the retention of Prospect House in the NE corner of the site and the conversion of this building to 17 no. apartments and the construction of a further apartment block in the SW corner of the site. The new apartment block has indicatively been shown in an L shaped part 3 storey part 2 storey arrangement and consent is sought for this to accommodate up to 26 apartments. Amenity space is shown within the axes of both buildings in addition to the SW of the new block. Vehicular access is demonstrated on the indicative layout as being gained via the existing site entrance off Latimer Way into the car parking area which accommodates 43 unallocated spaces, 3 of which are disabled parking bays. Nevertheless for the avoidance of doubt, all matters are for reserved matters consideration.

The application submission has been accompanied by the following supporting plans and documents (superseded documents not included):

- Indicative Proposed Site Plan - 19/2242/(00)A/003 Rev. B
- Acoustic Report 'Background Noise Assessment' – Report No: 4352-R1 - Prospect House, Latimer Way, Ollerton undertaken by Clover Acoustics dated 28/05/2020
- Amended drainage Strategy 'Drainage Strategy' – Ref: 5237/DS01 Rev. A – undertaken by Keith Simpson Associates Ltd dated 28/05/2020
  - Including Drainage layout drawing 5237-DR-01 (at Appendix A).
- Amended Existing Ground Floor Layout –19 / 2242 / A / 001 Rev. A
- Amended Site Location Plan – 19 / 2242 / (00)/A/001/A
- Amended Existing First Floor Layout - 19 / 2242 / A / 002 Rev. A
- Existing Site Plan – 19 / 2242 /(00)-A-002 Rev. A

- Amended Existing Elevations 1 of 2 - 19 / 2242 / A / 003 Rev. A
- Amended Existing Elevations 2 of 2 – 19 / 2242 / A / 004 Rev. A
- Amended Proposed Phasing Plan - 19 / 2242 /(00)A/004 Rev. A
- Amended Proposed Ground Floor Layout – 19 / 2242 /(00)-A-104 Rev. A
- Amended Proposed First Floor Layout – 19 / 2242 /(00)-A-105 Rev. A
- Amended Proposed Elevations 1 of 2 – 19 / 2242 / (00)-A-106 Rev. A
- Amended Proposed Elevations 2 of 2 - 19 / 2242 / (00)-A-107 Rev. A
- Amended Design and Access Statement - Document Reference: 19/2242/DA-Apt dated April 2020
- Parking Standards Justification Supporting Statement (deposited 17.04.20)

### Departure/Public Advertisement Procedure

Occupiers of ten 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.

Earliest Decision Date: 24.06.2020

### 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 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  
 ShAP2 – Role of Ollerton and Boughton

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

Policy DM1 – Development within Settlements Central to Delivering the Spatial Strategy  
 Policy DM3 – Development Contributions and Planning Obligations  
 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 (2019)
- National Planning Practice Guidance (Last updated 2019)
- Developer Contribution and Planning Obligations SPD (2013)
- Affordable Housing SPD (2013)



## Consultations

### **Ollerton and Boughton Town Council – Initial Comments 28.01.20 – Support the proposal**

**Additional Comments 03.06.2020** – “Having considered the application the members of Ollerton & Boughton Town council wish to object to this application for the following reasons:

- Highways – insufficient parking spaces for the residential development
- No provision for disabled parking
- Insufficient amenity space for leisure and gardening, particularly in light of the recent pandemic where outdoor space has been a lifeline for residents confined to their own homes.

**NCC Highways Authority – Initial Comments 3.02.20** – “The indicative plans have demonstrated that a residential scheme with suitable access and parking provision is possible. Whilst the amenity of residents may be an issue - living on a road immediately serving industrial and commercial units, this is not considered to be a highway matter, but one the Planning Authority may wish to consider. Residential traffic patterns (i.e. leaving the estate in the morning peak and entering in the evening peak) are the reverse of traffic patterns associated with the industrial, commercial and office uses elsewhere at the Sherwood Energy Village. So, the traffic generated by the proposal is not a concern in terms of local junction capacity. Furthermore, the proposal replaces an existing office-related car park. So, the existing and proposed vehicle flows will cancel one another; at least in part.

No objections are raised subject to the following condition:

The formal written approval of the LPA is required prior to commencement of any development with regard to parking and turning facilities, access widths, gradients, surfacing, and drainage (hereinafter referred to as reserved matters.)

Any details affecting the public highway shall comply with the County Council’s current Highway Design Guide and shall be implemented as approved.”

**Additional Comments 21.02.20** – “Apologies for missing this point. I had mistakenly assumed that the ‘Office to Residential’ change of use and the Outline application were related and linked. Without this link, then the loss of office car parking is a matter of concern should the 19/02276/CPRIOR proposal not be pursued.

So, as a stand alone application, I would now recommend refusal to 19/02279/OUTM on the grounds that the proposal would result in loss of parking provision for the existing/remaining use of the site resulting in an increase in likelihood of vehicles being parked on the public highway to the detriment of other users of the highway.”

**Additional Comments 20.04.20** – “If the whole proposal is for a mix of 1- & 2-bed flats; 43 in total, then if they had a car park with NO allocated spaces and a total provision of 43 spaces, I am prepared to accept that. Since they have already shown a plan that provided 41 spaces, I don’t think that another 2 should offer a problem (perhaps as indicated on the attached plan extract).”

**Additional Comments 10.06.20** – “Further to comments dated 3 February 2020, the proposal has been amended to offer 43 apartments. According to drawing 19/2243/(00)A/003/Rev. A, 43 unallocated car spaces are to be provided. This level of provision is considered appropriate. However, it is recommended that 3 of these spaces (7%) should be modified into disabled parking spaces and located near to building entrances as practicable as possible.

It is important that the spaces remain ‘unallocated’ since this allows some flexibility between those residents who may have two cars being balanced against those with no cars, and; on the reasonable assumption that some cars will be absent in the daytime for work or shopping trips, parking spaces for visitors will naturally become available.

Since this is an outline application, no objections are raised subject to the following condition:

The formal written approval of the LPA is required prior to commencement of any development with regard to parking and turning facilities, access widths, surfacing, and drainage (hereinafter referred to as reserved matters.) Any details affecting the public highway shall comply with the County Council’s current Highway Design Guide and shall be implemented as approved”

**Additional Comments 15.06.2020** – Confirmation that the amended plan showing the inclusion of 3 no. disabled parking bays is acceptable.

**Nottinghamshire County Council Flood Risk** – “Nottinghamshire County Council as the Lead Local Flood Authority (LLFA) has reviewed the application which was received on the 29 May 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 Drainage Strategy ref 5237/DS01 Keith Simpson Associates Ltd. dated November 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 Environmental Health Officer – Initial Comments 24.1.20** – "I refer to the above application. Considering the location of the site and surrounding local commercial activities I would request that a noise report in accordance with BS4142 is undertaken."

**Additional Comments 16.06.20** – "Documents seen: Acoustic report, plans or proposed development. I refer to the above application and respond to the acoustic report provided by the applicant. The report is not to BS4142 as requested, however after reading the report and a site visit the noise levels monitored do not suggest and adverse effect if the development was approved.

One thing to note is that there are several commercial units adjacent and I am uncertain what hours they operate. It may be there could be some disturbance from late night operations and deliveries which the report does not take account of. It may be worth checking what permission has been granted for operating hours of the units opposite."

**Additional Comments 17.06.20** – Confirmation that given surrounding commercial units are unrestricted with regard to hours of operation acoustic treatment could be considered at reserved matters stage to mitigate any potential disturbance.

**Additional Comments 19.06.20** - "I have no issues other than the building should be constructed taking in recommendations detailed in the Conclusions section of the background noise assessment report."

**NSDC Environmental Services Contamination** – "This application is for the construction of residential dwellings on a former colliery site. There is clearly the potential for contamination to be present from this former use. Whilst some limited remediation is believed to have been carried out in the past, the introduction of high sensitivity residential properties with gardens will require

further assessment. I would therefore recommend the use of the full phased contamination condition.”

**NSDC Planning Policy – Initial Comments 30.01.20** – “The proposal seeks outline planning permission with all matters reserved for 16 dwellings on the car park adjacent to Prospect House. Prospect House is also subject to a separate prior approval for conversion of the office building to apartments and a full application for external alterations (both pending).

The site comprises a car park used in conjunction with the adjacent Prospect House office building. The site lies within the defined built up area of Ollerton, a ‘Service Centre’ in the district’s hierarchy in line with SP1 and SP2. Therefore the site offers a sustainable location within the service centre of Ollerton in line with SP1, SP2 and DM1 which identifies this area as to provide 30% of service area growth. Planning permission for Sherwood Energy Village was granted in 2003 and comprises the former colliery.

Prior approval is being sought for the conversion of the office block into residential flats under a separate application in addition to the proposed residential development on the car park. My principal concern is that there is currently no guarantee that the change of use of the office block will occur. It is entirely possible that the residential development on the car park could be delivered and then the owners decide to retain Prospect House for office use. The car park is fundamental to the functioning of the office block (particularly in this location) and without it would exacerbate existing on-street parking problems in this area and have implications on the wider functioning of the Business Park. This is contrary to SP7. As such, it would be premature to come to a view on the impact of the development when the future of Prospect House is at yet unknown.

In addition, the car park serves an existing employment site which under CP6 serves to maintain the employment base in Ollerton. Loss of the car park would be contrary to CP6.

On this basis, I am currently unable to provide support for the positive determination of the application.”

**Additional Comments 06.05.20** – “My original concern was that there was no guarantee that the change of use of the office block would occur and that it was entirely possible that the residential development on the car park could be delivered ahead of the office block at the prejudice of the functioning of the office block. In this respect I am satisfied that the amendments and phased approach as outlined above would address my original concerns.

The proposal of a new apartment block meets more broadly supports the criteria in CP3 in respect of providing smaller units of 2 bedrooms or less and also has the potential to provide housing for the elderly. These two elements have particular emphasis placed on them under CP3.

**NSDC Community, Sports and Arts Development** – “If approved I would expect a community facilities contribution in accordance with the Developer Contributions SPD, such contribution would be allocated to a suitable scheme in the area of benefit that would serve the wider community. ”

**NSDC Strategic Housing** – “The proposal now provides additional dwellings (43 apartments). Therefore the applicant is above the qualifying threshold for on-site affordable housing provision

as per Council Policy (CP1). This would mean that there will be a requirement for 8 dwellings to be designated as affordable (NPPF compliant). I note the applicant is offering 30% affordable housing subject to a future viability report. Should the report find that a level of affordable housing is required, the Council would be seeking 8 x 1 bed apartments (2 bed apartments are in low demand in this area due to the spare room subsidy and Registered Provider interest. As this is an outline application, specific plots have not been identified. If there is no Registered Provider interest then the Council could consider the purchase of the affordables or a commuted sum may be required but only in the absence of interest from Registered Providers.”

**NSDC Parks and Amenities** – “As an application involving more than 29 units of accommodation this scheme should make provision for public open space in the form of both amenity green space and provision for children and young people. The amenity green space requirement appears to be fulfilled by the on-site provision shown on the proposed site layout plan however there is no obvious on-site open space provision for children and young people. An off-site play space contribution may thus be considered to be appropriate and if this is the case then the obvious site for provision/improvement is the Ollerton Central Park facility which is located close to the application site. The proposed 20no 1 bedroom apartments will not generate a requirement for children’s playing space.”

**Additional comments 10.06.20** – “Yes – the amenity green space is being provided on site so no contribution is required. And yes, only the 2 bed properties will count towards the PCYP contribution. We don’t normally seek off-site N&SNGS contributions – rather we should ask them to incorporate wildlife and biodiversity measures into the on-site landscaping.”

**Nottinghamshire County Council Planning Policy Team – Initial comments 16.03.20** – “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, there are no Minerals Safeguarding and Consultation Areas covering or in close proximity to the site. There are no current or permitted minerals sites close to View our privacy notice at [www.nottinghamshire.gov.uk/privacy](http://www.nottinghamshire.gov.uk/privacy) Nottinghamshire County Council, County Hall, West Bridgford, Nottingham NG2 7QP the application site. Therefore, the County Council does not wish to raise any objections to the proposal from a mineral’s 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 £6,000 for bus stop infrastructure. This will be used to provide improvements to the two bus stops on Forest Road and shall include installation of raised boarding kerbs.

### Education

There is currently sufficient capacity in both the primary and secondary planning area to accommodate the additional primary aged and secondary aged pupils that would be generated by this development. Therefore, the County Council would not seek a planning obligation 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/planningobligations-strategy>

### **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.

Should you require any further assistance in relation to any of these matters please do not hesitate to contact me.”

**Additional Comments 12.05.20 – “Transport and Travel”**

Transport and Travel services comments remain the same and the County Council would still seek a planning obligation of £6,000 for bus stop infrastructure as detailed within the original NCC planning policy response (March 2020).

**Education**

As per the County Council’s Planning Obligation Strategy, only the 23x 2 bedroom units have been considered. A development of 23 units would expect to generate an additional 5 primary aged pupils and 4 secondary aged pupils. Based on current data, there is projected to be sufficient capacity to accommodate both the additional primary and secondary aged pupils and therefore the County Council would not seek a contribution at this time”

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

**Comments of the Business Manager**

*Principle of Development*

The proposal seeks outline consent for the conversion of an existing office building (Prospect House) to residential and the erection of a new apartment block. Prospect House has been subject to a separate prior approval application that was approved for the conversion of the office building to apartments under Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and a full application for external alterations. The conversion of Prospect House was considered to comply with the qualifying criteria contained within Class O and having received no objections from Nottinghamshire County Council - the Highway Authority or the District Council’s Environmental Health Service in respect of potential transport, highways and contamination risks it was concluded that the proposal would not result in any detrimental risks to such considerations and was therefore acceptable without the prior approval of the Local Planning Authority. The conversion of this building to residential under permitted development is therefore a fall-back position in the determination of this application.

The remainder of the site comprises a car park used in conjunction with the adjacent Prospect House office building. The entire site lies within the defined built up area of Ollerton, a ‘Service Centre’ in the district’s hierarchy in line with SP1 and SP2. The Core Strategy outlines the Spatial Strategy for the District setting a hierarchy for the preferential areas for further development. This essentially focuses the intention for further development within the Newark Urban Area (as a Sub-Regional Centre) in the first instance before cascading to Service Centres of which Ollerton and Boughton is classified as. The purpose of Service Centres are to act as a focus for service provision for a large local population and rural hinterland. The site is within the Urban Boundary for Ollerton and Boughton and therefore the principle of residential development within the site is acceptable.

Initially this application was for the car park re-development only (with the conversion of Prospect House already secured through the foregoing Prior Approval) however concerns were raised by the Highways Authority and Officers that there would be no guarantee that the change of use of the Prospect House would occur. Thus it was considered entirely possible that the residential re-development of the car park could be delivered with Prospect Housing never being converted to

residential, thus leaving a functioning Office Block without any car parking provision which would result in an unacceptable highways impact. As such the applicant has chosen to revise this application to include the conversion of Prospect House as Phase 1 and the re-development of the car park as Phase 2.

I am mindful that Prospect House and its car park serve as an existing employment site which under CP6 serves to maintain the employment base in Ollerton. Loss of the car park in isolation would have been contrary to CP6 as it would impact the ability of Prospect House to serve this function, however I am mindful that the two phases have now been linked. I am equally mindful of the national focus surrounding boosting the supply of housing that has resulted in such Permitted Development reforms that allow the conversion of office blocks to residential use in order to make the best use of available land to meet housing need. I therefore consider the approval under Permitted Development to convert this building to residential use is a fall-back position that is material to the application at hand and given that in principle residential development in this location is supported by SP1 and 2 I consider the principle of this development overall to be acceptable.

In addition, paragraph 68 of the NPPF is clear that small and medium sized sites can make an important contribution to meeting the housing requirement of an area and that LPA's should support the development of windfall sites through their decisions, giving *'great weight to the benefits of using suitable sites within existing settlements for homes.'*

#### *Housing Type and Density*

Core Strategy Core Policy 3 indicates that housing developments should be no lower than an average 30 dwellings per hectare and that sites should provide an appropriate mix of housing types to reflect local housing need. The housing mix, type and density will be influenced by the council's relevant development plan policies at the time and the housing market at the time of delivery. Paragraph 127 of the NPPF states that planning decisions should ensure that developments optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space).

The site area is approximately 0.64 hectares and therefore the proposal for up to 43 apartments would deliver a housing density of 67 dwellings per hectare. Officers initially raised concerns with the original proposal (for 16 no. 2 and 3 bed semi-detached properties on the existing car park) on the basis that the indicative layout for this type of housing was considered to represent a cramped arrangement with unacceptably small units which corresponded to overdevelopment of the site for this house type. A number of options were explored for semi-detached units however for a number of reasons all layouts demonstrating the applicants desired quantum and mix for semi-detached dwellings were unacceptable. Given the conversion of Prospect House to apartments the applicant explored the possibility of re-developing the car park part of the site with an apartment block which was considered to result in a more satisfactory indicative layout.

It is noted that whilst Core Policy 3 refers to a minimum density (i.e. no lower than 30), other than in the context of the Strategic Sites which details an aspiration for average densities of between 30 to 50 dwellings, there is no identification within the Policy in terms of a maximum density. The site is not allocated for development and therefore there is no set density aspiration. Noting the density of the existing and extant housing developments surrounding the site and within the Sherwood Energy Village which are a mix of detached/semi-detached/terraced properties and apartment blocks, it is considered that the scheme is not wholly inappropriate but could be



considered as being at the upper cusp of an appropriate density. Whilst it is not appropriate to attach weight to the indicative layout given the outline nature of the proposal, the plan does at least demonstrate that a maximum of 17 units would be accommodated within the conversion of Prospect House in a suitable arrangement and that the remaining (up to) 26 units could be delivered in an appropriately designed and scaled apartment block without resulting in the cramped appearance of the site or compromising on an appropriate level of external amenity and parking space.

Core Policy 3 also affirms that the District Council will expect good quality housing in line with the provisions of Core Policy 9 and that an appropriate mix of housing types will be sought. As is confirmed above, the application has been submitted on the basis that all matters are to be agreed at reserved matters stage and thus it is not possible, nor indeed appropriate to assess the exact housing mix proposed. However, certain judgements can be taken in respect of the quantum of development proposed and indeed the applicant has provided an indicative site layout and mix which demonstrates how the site *might* be developed. The indicative details shows that Prospect House would accommodate 17 apartments and the new apartment block would accommodate up to 26 apartments both with a mix of 1 and 2 bedroom units.

Ollerton falls within the Sherwood Sub-Area of the Council's 2014 Housing Market Needs Report. In the market sector 50% of existing households require three bedrooms. All of concealed households need two bedrooms. In the social sector the main size of property required by existing households is two bedrooms. The indicative layout demonstrates that there is potential for the reserved matters submission to sufficiently address local housing needs. The new apartment block more broadly meets the criteria in CP3 in respect of providing smaller units of 2 bedrooms or less and also has the potential to provide housing for the elderly. These two elements have particular emphasis placed on them under CP3. Therefore overall the proposal as revised is compliant with Core Policy 3.

#### *Impact on the Character of the Area*

The NPPF states that good design is a key aspect of sustainable development and new development should be visually attractive. Core Policy 9 states that new development should achieve a high standard of sustainable design that is of an appropriate form and scale to its context complementing the existing built and landscape environments. Policy DM5 of the DPD states that local distinctiveness should be reflected in the scale, form, mass, layout, design and materials in new development (noting that a number of these factors would not be able to be considered until reserved matters stage).

As is referenced above, the site lies at the entrance to the wider Sherwood Energy Village, to the west, beyond the cemetery, lies a residential area within Ollerton but to the north, east and south adjacent land uses include the commercial uses of the Energy Village which are interspersed with residential development. On Latimer Way surrounding buildings are a mix of larger commercial buildings and two storey office blocks and the site is very much read within this context rather than the lower density residential area to the west. The conversion of Prospect house would include a number of minor external alterations, albeit reserved for a future reserved matters approval. Previously approved under 19/02268/FUL included changes such as alterations to the fenestration arrangement, addition of timber cladding and the erection of a small linking extension at ground floor level which were considered to be acceptable without resulting in a detrimental impact on the character of the area.

Turning now to the new apartment block proposed, the plans submitted (which are indicative only) show an L shaped apartment block positioned in the southern corner of the site. The part of the building facing Latimer Way is shown a 3 storeys and the out-shot that projects west 2 storeys. Given the surrounding site context I do not consider this relatively high density residential development would have a significant impact on the character of the area. Whilst the mix of commercial and residential would result in a contrast in land use I attach weight to the existing mixed use character that already exists in the wider Energy Village. There are other recent residential developments of a similar style in close proximity to the site and therefore I do not consider there would be character harm in developing the site in principle.

#### *Impact on Highways Safety*

Policy DM5 is explicit in stating that provision should be made for safe and inclusive access to new development whilst Spatial Policy 7 encourages proposals which place an emphasis on non-car modes as a means of access to services and facilities.

Matters of access and parking are not for consideration at this stage. Nevertheless the site plan demonstrates 43 no. unallocated parking spaces (including 3 no. disabled parking bays) can be accommodated within the site. The Highways Authority has been consulted on the principle of the development which overall would be for up to 43 apartments and their comments are listed in full above, including their initial comments regarding linking the conversion of Prospect House to the re-development of the car park. In summary, no objections are raised subject to condition in relation to any reserved matters submission demonstrating appropriate details including parking and turning facilities, access widths, surfacing, and drainage. I have no reason to disagree with this advice and consider the suggested condition to be reasonable and appropriate. On the basis of this condition the proposal is considered compliant with Spatial Policy 7 and Policy DM5. Exact details of access and parking provision would be secured through the reserved matters submission.

#### *Impact on Ecology*

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

The site is located within the 5km buffer zone identified in Natural England's Indicative Core Area (ICA) and proposed Important Bird Area (IBA) boundary for those parts of Sherwood Forest which meet the primary criterion for designation as an SPA, by virtue of the population of nightjar and woodlark exceeding 1% of the national total and that the Council must pay due attention to potential adverse effects on birds protected under Annex 1 of the Birds' Directive and undertake a "risk-based" assessment of any development, as advised by NE in their guidance note dated March 2014. There is a 5km buffer zone around the combined ICA and proposed IBA, as agreed by Natural England, within which possible adverse effects of any development should be properly considered. It remains for the Council, as Competent Authority, to satisfy ourselves that the planning application contains sufficient objective information to ensure that all potential impacts on the breeding Nightjar and Woodlark populations have been adequately avoided or minimised as far as is possible using appropriate measures and safeguards.

Given the developed nature of the site and that no demolition or removal of any trees would be proposed as part of this proposal no ecology surveys have been submitted with this application. The Design & Access Statement does however address the SSSI Impact Risk. The Natural England Open Data publication has been consulted to determine if the site is likely to pose a risk the Wellow Park SSSI – the scheme falls under ‘Residential’ use but is below the threshold (50 or more units) contained within the SSSI Risk Impact Zone guidance where developments are considered to have the potential to pose a risk to SSSI’s. The nature and scale of the proposed development is therefore unlikely to pose a risk to the Wellow Park SSSI in accordance with the IRZ guidance. Following this guidance it has not been considered necessary to consult Natural England to seek their advice on this proposal.

With regard to the pSPA, given the developed nature of the site and the nature of the proposal there would be no demolition or removal of surrounding trees as a result of the development, nor would the development be located such that it would result in a direct impact on the pSPA. Any potential impact is likely to be indirect from recreational pressure, however if the application were to be approved then a clause within the S106 agreement could be added to require the submission of an advisory leaflet such that any proposed occupiers would be aware of the ecological constraints of the site.

Overall I consider the proposal is compliant with Core Policy 12 and Policy DM7.

#### *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.

#### *Affordable Housing*

The qualifying thresholds for affordable housing provision requires some careful consideration. Paragraph 63 of the NPPF confirms that “*provision of affordable housing should not be sought for residential developments that are not major developments.*” For housing, major development is defined as being where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more. The proposed application thereby falls into the major category. Core Policy 1 sets out how the Council usually expects the provision of Affordable Housing to be on site and this provision is set at 30%, which for this development equates to 13 units. I note the comments from NSDC’s Strategic Housing Officer cite 8 units being required however this is based on the minimum NPPF requirement of 10%. No viability case has been advanced with this application and as such compliance with CP1 is expected. As this is an outline application specific units have not been identified however the Council is likely to seek 13 x 1 bed apartments as a contribution to Affordable Housing as in the social sector 2 bed apartments are in low demand in this area due to the spare room subsidy and Registered Provider interest.

#### *Community Facilities*

The Council would seek a Community Facility contribution as per the LDF Developer contributions and Planning Obligations Supplementary Planning Document. The SPD sets out a formula which equates to a contribution of £1,384.07 per dwelling plus indexation. A development of 43 dwellings would therefore equate to a contribution of £59,515.01 plus indexation.

### *Education*

The Developer Contributions and Planning Obligations SPD indicates that development which generates a need for additional primary school places will be secured via a legal agreement. Nottinghamshire County Council has reviewed the proposals and indicate that the proposed development of 43 units (which indicatively shows 23 no. of these to be 2 bed units) would yield 5 additional primary school places and 4 secondary school places. The comments received from the Developer Contributions Team at the County Council confirm that there is sufficient capacity in the current primary and secondary schools to accommodate the development and therefore no education contribution would be required.

### *Open Space*

As an application involving more than 29 units of accommodation this application would need to make provision for public open space in the form of both amenity green space and provision for children and young people. Based on the indicative layout the amenity green space requirement would be fulfilled by the on-site provision however there is no obvious on-site open space provision for children and young people. The SPD states that the scheme would need to contribute to the provision for children and young people at a cost of £927.26 per dwelling plus indexation which charged on only the 2 bed units within the scheme. Based on the indicative mixed submitted (23 no. 2 bed apartments) this would equate to a contribution of £21,326.98 plus indexation. The NSDC Parks and Amenities Officer has indicated that in this case the obvious site for provision/improvement is the Ollerton Central Park facility which is located close to the application site.

The exact contributions sought from the Section 106 cannot be finalized until the exact numbers which come forward at reserved matters stage are known. If approved, any associated Section 106 would therefore be set out, where relevant, as a series of formulas to be applied to each separate obligation dependent on details submitted in the reserved matters stage. .

### *Transport and Travel*

The Developer Contributions Team at the County Council have commented that they would request a planning obligation of £6,000 for bus stop infrastructure which would be used to provide improvements to the two bus stops on Forest Road and would include the installation of raised boarding kerbs.

### *CIL*

The site is situated within the Ollerton Community Infrastructure Levy Zone and the development type is zero rated in this area meaning a CIL charge does not apply to the proposals.

### *Other Matters*

Policy DM5 requires a consideration of amenity impacts both in respect to amenity provision for occupiers and amenity impacts to neighbouring properties. A minimum level of information is required in order to fully consider the implications of the proposals when outline applications are considered. If reserved matters permission were to be forthcoming then the specific details of the scheme in terms of amenity impacts would need to fully considered including in the context with the potential relationships with surrounding land uses. Nevertheless a Background Noise

Assessment has been submitted to and reviewed by the Council's Environmental Health team who has raised no objection subject to the reserved matters application incorporating the recommendations detailed in the Conclusions section of the background noise assessment report such as acoustic glazing treatments.

Other consultation comments worthy of note (all listed in full above) include the comments of the Council's Environmental Health team in respect to contaminated land issues. These comments acknowledge that the previous use of the site is potentially contaminative. As such, it is recommended that a suitable condition is attached to any forthcoming permission.

In addition to above, I have considered the original comments of NCC Flood which outlined an objection to the scheme on the basis that the application did not include information as to how surface water would be dealt with. When taken in the context of the thresholds outlined in the NPPG, the proposal would not require the submission of a Flood Risk Assessment being within Flood Zone 1 and less than a hectare in extent. However, the site is considered as being at risk from surface water flooding according to the Environment Agency maps.

Drainage details have been submitted during the life of the application and subject to review from colleagues at NCC Flood Authority. The applicant has now demonstrated that the proposal is capable of adequate drainage provision subject to the exact details which could be secured by the suggested condition of NCC Flood team.

Comments have been received from the Town Council which have been duly taken on board throughout this assessment. With regards to their comments on the highways impact I note that matters relating to access and parking are reserved for future approval but nevertheless the indicative details submitted have been found to be appropriate by the Highways Authority. Disabled parking spaces have also been indicatively shown on the proposed site layout plan. Comments also refer to there being insufficient amenity space for leisure and gardening, particularly in light of the recent pandemic where outdoor space has proven to be valuable. Notwithstanding that precise matters relating to external amenity space are reserved for future consideration I have no concerns with the indicative plan submitted which in my view shows a reasonable amount of communal amenity space for both apartment blocks.

#### *Overall Planning Balance and Conclusion*

The application relates to the conversion of Prospect House to residential and the re-development of the car park for residential development which overall would be for up to 43 dwellings. Whilst the site is submitted in outline form with all matters to be reserved, the nature of any type of this development in this quantum can be inferred from the site constraints in respect of area alone. The site is approximately 0.64 hectares in extent and as such the delivery of 43 apartments would amount to a site density of 67 dwellings per hectare however I am mindful that 17 no. apartments would be accommodated within the existing building, Prospect House, which has permission for conversion to residential use under Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Given the context of the area it is considered that the proposal represents an appropriate density that would assimilate well with the character of the surrounding area.

The benefits of the scheme in terms of the delivery of 43 no. smaller residential units in a sustainable settlement are afforded positive weight. It is also notable that no harm has been identified in respect of a number of other material planning considerations including ecology or

contamination. The reserved matters submission would present the opportunity for the LPA to secure an appropriately design and mixed housing scheme and as such I recommend that this application is approved subject to the conditions below and the signing of a Section 106 legal agreement to secure the contributions as referenced above.

### **RECOMMENDATION**

**Approve, subject to the following conditions and the completion of a S106 Agreement as set out above in this Report.**

01

Applications for approval of reserved matters shall be made to the local planning authority not later than three years from the date of this permission.

The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.

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

02

Details of the access, appearance, landscaping, layout and scale ('the reserved matters') shall be submitted to and approved in writing by the local planning authority before development begins and the development shall be carried out as approved.

Reason: This is a planning permission in outline only and the information required is necessary for the consideration of the ultimate detailed proposal.

03

Any details submitted in relation to reserved matters for landscaping shall include a schedule (including planting plans and written specifications, cultivation and other operations associated with plant and grass establishment) of trees, shrubs and other plants, noting species, plant sizes, proposed numbers and densities. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species and shall include details of a management plan.

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

04

The development hereby permitted authorises the conversion of Prospect House as identified on the Proposed Site Plan (19 / 2242 /(00)A/003 Rev. B) to accommodate no more than 17 residential units and the erection of no more than 26 residential units within Phase 2 of the site as demarcated on the Amended Proposed Phasing Plan (19 / 2242 /(00)A/004 Rev. A).

Reason: To define the planning permission.

05

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 Drainage Strategy ref 5237/DS01 Keith Simpson Associates Ltd. dated November 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 per cent (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.

06

Any reserved matters submission in relation to securing details of the access to the development hereby approved shall be accompanied by details to show parking and turning facilities, access widths, surfacing, and drainage. All details submitted to the Local Planning Authority for approval shall comply with the current Highway Design Guide and shall be implemented as approved.

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

#### **Informatives**

01

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

02

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

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

03

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

04

NCC Flood Team wish for the following comments to be included as an 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.

05

You are advised to incorporate the conclusions of the 'Background Noise Assessment' – Report No: 4352-R1 - Prospect House, Latimer Way, Ollerton undertaken by Clover Acoustics dated 28/05/2020 submitted in support of this application when submitting details relating to the reserved matters.

#### BACKGROUND PAPERS

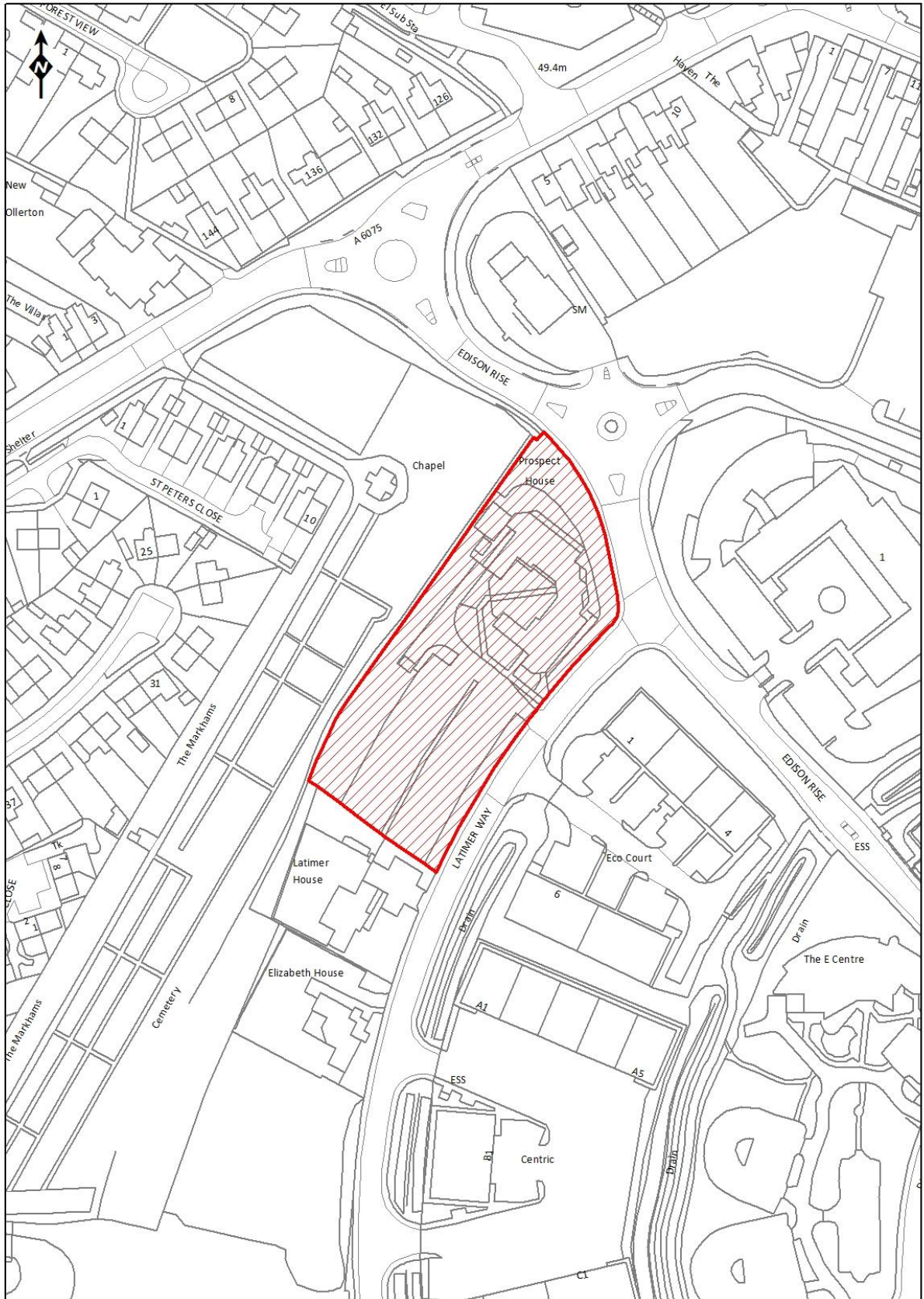
Application case file.

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

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

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

Committee Plan - 19/02279/OUTM



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Contribution	Formula	Anticipated contribution	Monitoring Contribution	Trigger Points
<i>Affordable housing</i>	30%	30% on site  60% affordable rent  40% intermediate	Physical Obligation (based on 1 site visit) - <b>£396</b>	No occupation of more than 50% of the completed properties constructed on the site until at least 45% of the affordable housing has been completed.  No occupation of more than 80% of the individual completed properties constructed on the site until at least 55% of the affordable housing has been completed.
<i>Community Facilities</i>	Off site contribution: £1,384.07 per dwelling (£59,515.01 for 43 dwellings) plus indexation from 18 <sup>th</sup> August 2016	Off-site contribution towards existing facilities <b>£59,515.01</b> based on 43 dwellings plus indexation from 18 <sup>th</sup> August 2016	Financial Obligation - <b>£240</b>	No occupation of more than 60% of the individual completed properties.
<i>Open Space</i>	IF all physically on site:	Amenity green space to be provided on site with associated	Physical Obligation (based on 1 site visit) - <b>£396</b>	No occupation of more than 40% of the individual completed

<ul style="list-style-type: none"> <li>• Amenity green space - 14.4<sup>2</sup> per dwelling (619.2m<sup>2</sup> for 43 dwellings)</li> <li>• Provision for children and young people – 18m<sup>2</sup> per dwelling (774m<sup>2</sup> for 43 dwellings)</li> </ul> <p>Total: <b>1,393.2m<sup>2</sup></b></p> <p>IF off site contributions:</p> <ul style="list-style-type: none"> <li>• Amenity green space - £282.94 per dwelling (£12,166.42 for 43 dwellings) plus indexation from 18<sup>th</sup></li> </ul>	<p>management company</p> <p>Provision for children and young people to be an off-site contribution towards existing Ollerton facilities <b>£39,872.18</b></p> <p>worst case scenario based on 43 dwellings plus indexation from 18<sup>th</sup> August 2016</p> <p><i>Or £21,326.98 based on 23 no. 2 bed dwellings plus indexation from 18<sup>th</sup> August 2016</i></p>	<p>Financial Obligation (x2 based on 2 contributions)- <b>£480</b></p>	<p>properties.</p>
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	<p>August 2016</p> <ul style="list-style-type: none"> <li>Provision for children and young people £927.26 per dwelling (£39,872.18 for 43 dwellings) plus indexation from 18<sup>th</sup> August 2016</li> </ul>			
<i>Ecology</i>	Site specific request	Provision of a welcome pack for all occupiers including an information leaflet regarding the ecological value of the local area and the sensitivities of woodlark and nightjar, requesting that dog walking after dusk, during the breeding season within the key areas for nightjar, is avoided.		Prior to first occupation.

<i>Highways</i>	Site specific request	Bus Stop Infrastructure contribution of <b>£6,000</b> is paid to provide two bus stops on Forest Road and would include the installation of raised boarding kerbs	Financial Obligation - <b>£240</b>	Prior to first occupation.
<b>TOTAL:</b>		<b>£105,387.19</b>	<b>£1,751</b>	
				<b><u>£107,138.19</u></b>

## PLANNING COMMITTEE – 4 AUGUST 2020

<b>Application No:</b>	<b>20/00550/FUL</b>
<b>Proposal:</b>	<b>Change of use of land to site up to six wigwam pods, one manager's office with storage, biodisc tank, landscape bund and associated infrastructure.</b>
<b>Location:</b>	<b>Orchard Stables, Cottage Lane, Collingham, NG23 7QL</b>
<b>Applicant:</b>	<b>Mr Ian Taylor</b>
<b>Registered:</b>	<b>09 April 2020      Target Date: 04 June 2020</b>
	<b>Extension of time agreed until : 06 August 2020</b>

**This application is being presented to the Planning Committee due to a call in from Councillor Mrs Dobson which has been agreed by the Review Panel.**

### The Site

The site comprises of 0.6hectares used as two paddocks associated with the existing livery business at Orchards Stables and is located within the open countryside, 110m to the south, but outside the defined village settlement of Collingham. The site is located to the west, but outside of the defined boundary of the Conservation Area as defined within the Allocations and Development Management DPD.

There is an existing vehicular access to the east of the site from Cottage Lane which is in effect a single track lane. The site comprises of a mixture of DIY livery stables and grass liveries.

The nearest residential properties are located approximately 110m north of the site fronting Cottage Lane. The Collingham tennis, cricket and bowls clubs are located to the east of the site.

The site is located within Flood Zone 1 as defined by the Environment Agency data maps and within land at risk from surface water flooding.

### Relevant Planning History

14/01901/FUL - Change of use of 6 existing stables to livery use and creation of 9 stables in existing barn – Approved 11.12.2014

14/00747/FUL - Change of use of 6 existing stables to livery use, creation of 9 stables in existing barn and siting of temporary equestrian workers dwelling for a 3 year period – Refused 27.06.2014 (Appeal dismissed)

10/00063/FUL - Change of use of five of the existing 11 stables to livery use – Approved 15.03.2010

08/01859/FUL - Proposed additional stable, re-siting of stables previously approved, rebuilding of existing stables and proposed menage – Approved 31.10.2008



### The Proposal

The application comprises of the erection of 6 wigwam style holiday lodges within the existing horse paddocks to the north of Orchard Stables. Access to the site would utilise the existing vehicular access from Cottage Lane to the east of the site which serves the livery business, and a new vehicular track would be constructed to join up to this access point.

The wigwams would be located in a horseshoe arrangement with onsite natural play equipment for users of the holiday lodges only. A managers cabin comprising of a storage container, is proposed within the site and would house a small reception office, W.C and cleaners/laundry store.

The proposal is sought to expand on the existing Collingham Horse Adventure Park (CHAPS) which operates on the site providing some camping provision and equestrian trekking utilising nearby equestrian routes.

Two of the proposed holiday lodges are proposed for disabled occupiers, which have their own parking space near to the lodge, whilst the other four are for able bodied users whose vehicles would be sited within the central parking area near to the reception building. Each lodge would be timber clad and contain a shower room, kitchenette and main living/bedroom space.

Whilst details of Wigwam holidays have been provided the site is not managed by them but is merely a franchise and therefore only named as such. The owner/applicant would retain management of the site but has purchased the Wigwam franchise to enable the use of bookings/website creation/recognised brand attraction etc.

### List of plans/documents considered

DRWG no. G (--)001A Block plan as proposed;  
DRWG no. G (--)002A Long section 1-1 and east elevation as proposed;  
DRWG no. G (--)003A North and south elevations as proposed;  
DRWG no. G (--)004 Sight lines and entrance upgrade details as proposed;  
DRWG no. G (--)101 Wigwam deluxe cabin as proposed;  
DRWG no. G (--)102 Wigwam deluxe cabin as proposed;  
DRWG no. G (--)201 Accessible cabin as proposed;  
DRWG no. G (--)202 Accessible cabin as proposed;  
DRWG no. G (--)301 Timber clad container as proposed;  
DRWG no. S (--)001 Location plan as existing;  
DRWG no. SK (--)001 Masterplan sketch as proposed;  
DRWG no. SK (--)002 North east entrance corner sketch as proposed;  
DRWG no. SK (--)003 North west corner sketch as proposed;  
DRWG no. SK (--)004 South west corner sketch as proposed;  
DRWG no. SK (--)005 South corner sketch as proposed;  
DRWG no. SK (--)006 Reception and storage container sketch as proposed;  
Design, Access, Business & Heritage statement

## Departure/Public Advertisement Procedure

Occupiers of 1 neighbouring site has been individually notified by letter, a notice was displayed at the site and in the local press.

## Planning Policy Framework

### **Development Plan**

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

Spatial Policy 1 Settlement Hierarchy  
Spatial Policy 2 Spatial Distribution of Growth  
Spatial Policy 3 Rural Areas  
Spatial Policy 7 Sustainable Transport  
Core Policy 7 Tourism Development  
Core Policy 9 Sustainable Design  
Core Policy 12 Biodiversity and Green Infrastructure  
Core Policy 13 Landscape Character  
Core Policy 14 Historic Environment

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

DM5 Design  
DM7 Biodiversity and Green Infrastructure  
DM8 Development in the Open Countryside  
DM9 Protecting and Enhancing the Historic Environment  
DM12 Presumption in Favour of Sustainable Development

### **Other Material Considerations**

National Planning Policy Framework (NPPF) 2019  
Planning Practice Guidance (PPG) 2014  
Landscape Character Assessment SPD 2013

## Consultations

### **Collingham Parish Council – 18.05.2020 Support proposal**

The Parish Council considered this application at the meeting of 14th May 2020

The Parish Council resolved by majority to support this proposal, this is as a result of some remaining unanswered questions due to the following material planning considerations:

#### ➤ Traffic

The traffic data arrived yesterday in time for the Parish Council meeting, but there is no response from NCC Highways on this report and their opinion on this. The recent opening of the Trent Vale Trail north of Collingham is anticipated to increase the pedestrian and cycle movements along Cottage Lane (National Cycle Network 64) – no mention of this has been made in the traffic data.

The Parish Council has previously requested NCC Highways to review the position of the current 30mph signs and requested that they be relocated further out of the village to cover the Tennis Club entrance, this would also include the stables entrance and provide improved safety as a result at the entrance. Is it possible for this to be made a condition, should the application be granted?

➤ Noise

It has been noted that a noise survey has been requested, but this is not yet available. As a result, it is very difficult for the Parish Council to assess if all the neighbour's objections due to noise are valid or not.

Whilst the Parish Council is aware of the objections posted on the Planning Portal in relation to this application, only the concerns mentioned above are of concern to the Councillors.

Due to the nature of the meeting last night some of the positive aspects of discussions with residents have been lost, particularly around the local employment opportunity which such a proposal will offer to ensure that this is a vibrant, sustainable community in the future.

25.06.2020 The Parish Council do not wish to hold an extra ordinary meeting to discuss this application again. The vote and decision made previously stands They did note that the highways comments had addressed the concerns that they had when the application was discussed.

**Trent Valley Internal Drainage Board** - The site is within the Trent Valley Internal Drainage Board district.

The Board maintained Collingham Fleet, an open watercourse, exists in close proximity of the site and to which BYELAWS and the LAND DRAINAGE ACT 1991 applies.

The Board's consent is required for any works that increase the flow or volume of water to any watercourse or culvert within the Board's district (other than directly to a main river for which the consent of the Environment Agency will be required).

The Board's written consent will be required prior to construction of any discharge point from any biotechnical unit / package treatment plant / septic tank into any watercourse or culvert within the Board's district (other than directly to a main river for which the consent of the Environment Agency will be required).

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

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

**Nottinghamshire CC Highways** – 16.04.2020 The Highway Authority understand that this is an application to change the use of land at Orchard Stables, off Cottage Lane in Collingham to house 6 wigwam pods and associated infrastructure. The Highway Authority has historically advised that Cottage Lane is a narrow country lane that generally has a single track width. Any increase in traffic along its length would raise concern, particularly since it serves a number of dwellings.

Therefore, for the Highway Authority to be able to properly assess this application, more detail needs to be provided as to how much traffic is associated with the current use, and indeed uses the site access onto Cottage Lane. The same exercise then needs to be repeated for the proposal, on the basis that all the wigwam pods were let out. In both cases, the data should be provided for a 12-hour period i.e. 7am-7pm. Details of the usual types of vehicles visiting the site at present are also required, and what differences there will be as a result of the proposal.

The submitted masterplan suggests that improvements are planned to the site access and these appear to be detailed in the accompanying Design and Access Statement; please could the plan showing these be submitted as a standalone document with the scale marked on, with associated geometric measurements for the width, gradient as well as pedestrian and vehicular visibility splays shown for their entire extents. In addition, the photographs in the Design and Access Statement of the site access are courtesy of Google Maps, circa 2009. Considering the current

situation, please could the applicant provide some more up-to-date photographs of the site access to illustrate its current condition, given the Google images are 11 years old.

01.05.2020 The Highway Authority initially commented on this application last month requesting the submission of additional information in order for an assessment to be made of the potential traffic impact this proposed change of use would have. In response to this, the applicant has submitted a revised Sight lines and entrance upgrade details as proposed drawing with information pertaining to traffic generation.

It is understood that the land which the wigwams are proposed upon is currently used as paddocks; therefore, they are considered not to generate any traffic movements in their own right. However, the site access onto Cottage Lane which is proposed to be used to serve the wigwams is understood to be shared with the rest of the Orchard Stables site which are to remain as extant in some capacity. Having reviewed the planning history of the site, there is understood to be 6 liveries, and 9 stables.

The submitted documentation has advised that in order to compensate for the wigwam business, the number of liveries will be reduced by 4 horses so, that in the future the site access would serve 6 wigwams, 2 liveries and 9 stables. Whilst the documentation has suggested how many vehicle trips are borne per livery per day, 4 ( 2 x return trip); no information has been supplied in the support of the extant stable operation which is larger in size than the livery operation, and which it is understood to be remaining in its current capacity. Page No. 2

As for the wigwam operation, it is accepted that one wigwam has the ability to generate on average 3 trips per day; this is on the understanding that none of the wigwams will have an occupancy rate of more than 4 persons, as any higher then this would necessitate the need for 2 vehicles per wigwam. Please confirm that this is indeed the scale of wigwams proposed. Therefore, please could information pertaining to the current traffic generation associated with the stable function be submitted to establish an overall daily traffic generation for the current site's overall operation, to enable a comparison to the future proposed scenario. This would be best set out in a tabulated format.

24.06.2020 Following submission of further information in relation to the extant, permitted operations at Orchard Stables, the Highway Authority are now in a position to offer substantive observations on this full application to change the use of land to 6 wigwam pods, a manager's office, biodisc tank plus landscaping bund and associated infrastructure at Orchard Stables on Cottage Lane in Collingham.

Orchard Stables has extant planning permission for 20 stables which are split as 11 for livery use and 9 for personal/business use. However, since the granting of their last permission in December 2014, only 4 out of 9 stables have been constructed. There are also 7 grass liveries in operation, which the Local Planning Authority have confirmed do not require planning permission. There are currently 18 stabled (11) and grass (7) liveries operated on a DIY basis meaning that horse owners usually visit the site twice a day every day, to care for their horse/s. The horse owners rent a stable or paddock, but care for the horse themselves.

At the request of the Highway Authority, a 'typical day' traffic count was undertaken at Orchard Stables which reveals that the extant operation is generating in the region of 100 vehicle trips over the course of a 16-hour period (0500-2200 hours). The trips were predominantly the horse owners visiting the site to care for their horses, along with the business owners who do not live on site as

well as associated visitors e.g. farrier, hay deliveries.

The proposal seeks to introduce 6 wigwam pods to the site; these would have a maximum occupancy of 4 people per wigwam and would be available to hire for a minimum of a 2-night stay. The offering is expected to be very much a seasonal one with the exception of school holidays, and mainly weekend bookings. It is accepted that one wigwam has the ability to generate on average 3 trips per day.

In order to accommodate the wigwams however, it will be necessary to reduce the number of liveries on site by a minimum of 4 paddocks currently used as grass liveries immediately with the intention of reducing to just 11 DIY stable liveries in the future. On that basis, it is clear that the reduced livery offering at Orchard Stables will reduce daily traffic generation when compared to extant levels. Even with the addition of the 6 wigwams especially given that these are unlikely to be in operation every day unlike the livery business which is a 365 day all year round operation, the Highway Authority do not consider the proposal would result in a level of traffic above what is lawfully permitted at present.

The Highway Authority have checked the reported collision history for Cottage Lane over the past 5 years; there have been no collisions involving the site access, and whilst there have been two on Cottage Lane itself, it is not possible to attribute them to Orchard Stables.

Therefore, in conclusion, the Highway Authority are unable to substantiate a reason for refusal which could be defended at appeal if required, and therefore if minded to grant approval would request the following conditions are attached to any forthcoming planning permission: -

1) Prior to the first occupation of the 6 wigwams, the number of liveries operating shall reduce and not exceed 11 DIY liveries on a daily basis thereafter.

Reason: - In the interests of highway safety.

2) Notwithstanding the submitted drawings, no part of the development hereby permitted shall be brought into use until the access to the site has been completed and surfaced in a bound material for a minimum distance of 8m, along with the installation of a suitable means of surface water disposal behind the highway boundary in accordance with a plan first submitted and approved in writing by the LPA. Thereafter the access shall be constructed in accordance with the approved plan and 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, and to enable vehicles to enter and leave the public highway in a slow and controlled manner all in the interests of general Highway safety.

3) No part of the development hereby permitted shall be brought into use until the parking and turning areas are provided in accordance with the approved plan, Block Plan as Proposed. The parking and turning areas shall not be used for any purpose other than parking and turning of vehicles.

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.

**Environmental Health** – 21.04.2020 I have looked at the design and access statement and it appears in terms of noise mitigation, they are relying on screening from vegetation. The land in the vicinity is very flat and I would imagine guests are likely to sit out in the semicircle communal area in the evening.

Looking at the plans it looks like the pods are nearest to nearby residences and there is an obstacle course (which is likely to generate noise during the day time. I have concern that when in

use noise will be generated from guests and could be an issue to nearby residents. I have noted there are other centres (Wigwam Holidays) and it may be best to ask for a background noise report and noise modelling.

12.05.2020 I accept what the applicant has said regarding the cricket club, however events don't usually go on into the night which potentially could be the case with visitors to the site. I have noted that the prevailing wind direction, but this doesn't stop people complaining when wind direction changes and I have never even dared suggest to any one they should put up with noise because the wind is not blowing to their liking.

The email below suggests the site may not be manned by staff all night but can be contacted by telephone.

I would prefer to see an acoustic screen along the boundary of the site closest to the residential properties, this could be wooden acoustic fencing or a suitable earth bund.

Environmental Health have had an increase of noise complaints from changes to recreational use whether this is from campsites to Airbnb.

**Conservation** - The application site sits outside but relatively near to Collingham Conservation Area, which could potentially be affected by this proposal by impact to setting and thereby significance. Similarly the setting, and thereby significance, of nearby Listed Buildings within Collingham could also be impacted by the proposal.

Other than a Neolithic spot find a couple of fields away the Nottinghamshire HER does not show any entries for or around this site.

#### *Impact on Listed Buildings*

The nearest Listed Buildings are within the Conservation Area on South End, shown in the blue triangles on the map below, which includes the Grade I listed South Collingham medieval church. Development here has the ability to affect the setting, and thereby the significance, of these listed buildings. The setting of Listed Buildings is a statutory consideration under Section 66 of The Act, where the LPA should, in deciding the application, have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

The listed building in this part of the Conservation Area are, with the exception of the Church, relatively modest properties (including former farm houses and historic cottages) which relate mostly to the street scape of the village here. The nature of the Conservation Area on South End is quite inward looking and I do not think, especially considering the single storey scale of the proposed development, there will be any intervisibility between this development the listed buildings and I do not think there will be any impact on their setting or significance.

The Grade I listed church is a high status church designed to be a local landmark civic building. The church does have a tower with finials but is not so tall or so visible in longer views that I think there will be any obvious intervisibility or key vistas that would be affected with this development.

I do not thin the proposal will impact on the significance of any listed buildings.

#### *Conservation Area*

The application site is located outside, but relatively close to Collingham Conservation Area, see below (development approximately shown in yellow)

While the setting of a Conservation Area is not part of the statutory requirements of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, developments outside a Conservation Area can affect the setting of a CA and thereby its significance, and so it is best practice to consider this impact and is part of the local plan policies generally as well as national guidance on heritage assets (NPPF and PPG).

While the views shown in the CA Appraisal for Collingham are not exhaustive and are indicative of a range of views, there are no obvious views out from South End, or the CA generally, towards the

development site or across the proposal site towards a focal point in the CA.

Given the single storey nature of the wigwams and office, the intervening distance and the intervening distance I do not think there will be any impact on the setting of the CA from South End.

The cricket pitch at Cottage Lane is closer to the proposal site, but at this point views west towards the proposal site will be blocked and softened by existing hedgerow and the proposed landscape bund. I appreciate the office sits on the east side of the bund, but given its limited scale, naturalistic cladding, hedgerow screening and intervening distance I do not think this will be an imposing or negative feature in any views west from the cricket pitch or Cottage Lane over the proposal site.

Generally speaking the modest height and intervening distances and structures will prevent this proposal having any obvious impact on the setting of the Conservation Area. Any chance views are likely to have a limited impact and not necessarily be harmful. As such I believe this proposal will preserve the setting and significance of nearby designated heritage assets.

**Sustrans** (*sent by Newark volunteer co-ordinator*) - My comments on the proposal concern the narrowness of Cottage Lane. I am the coordinator for Sustrans volunteers in Newark. Cottage Lane is part of NCN 64 and the Trent Vale Trail which links the villages to the east of the River Trent. It is well used by cyclists and walkers. Cottage Lane is narrow and does not permit a vehicle to pass a cyclist or walker without one party having to stop and pull into the side. I am concerned that the plans don't appear to take into account the potential for an increased number of vehicles. At a time when the focus is on more space for walkers and cyclists I am concerned that the plans do not appear to take this into account.

**Natural England – No comments**

**Nottinghamshire Wildlife Trust – No comments**

*18 letters of representation (some from the same individuals) have been received in total from local residents/interested parties stating the following comments:*

- *2 letters of support;*
- *Support the proposal as nothing in the area;*
- *Contrary to DM8 of the ADMDPD;*

Highways

- *Cottage lane is narrow, single carriageway with no dedicated passing places;*
- *There are no footpaths and no segregated provision for cyclists, walkers, wheelchair users;*
- *Lane is used as part of the Trent Vale Trail and Sustrans route;*
- *Access to Cottage Lane (village end) is restricted due to position of buildings and trees;*
- *Will result in increase in traffic movements and increase highway safety risk;*
- *Any assessment needs to include servicing and delivery vehicles;*
- *Conflict with NPPF;*
- *No lighting on Cottage Lane;*
- *Overall increase in traffic at busiest times, whereby at the moment it is spread throughout the day;*
- *Provision for recycling collection adds to the track usage by heavy goods vehicles;*

### Environmental Impacts

- *No assessment on how the proposal will impact the character of this rural greenfield environment;*
- *No mention of noise mitigation;*
- *Earth bund is out of character;*
- *Existing hedge would not provide sufficient noise barrier;*
- *Generator would be used in the event of a power cut, noise issues;*
- *Noise from visitors returning from Collingham after pubs close etc;*
- *Would attract groups of people i.e. stag parties, hen dos, causing noise, not a peaceful retreat;*
- *The Collingham Conservation Area Appraisal extended the boundary southwards to include former arable land;*
- *Landscape Character Assessment states the overall condition of the area is very good; the earth bund would be an uncharacteristic feature in the landscape and adversely affect the landscape characteristics;*
- *Increased pollution from fires & cooking;*
- *Light pollution from lighting within the site;*
- *Applicant does not live on site so is unable to monitor noise and disruption from the site;*
- *Applicant would have no knowledge of who would be coming on to the site, nor how many would be in the party;*

### Tourism

- *It is a new business not a rural diversification;*
- *No evidence Collingham needs a glamping site;*
- *Inappropriate commercial use;*
- *Out of character and scale in this edge of village rural location;*
- *No benefit to the area as people will bring their own food and drink thus reducing their spend locally;*

### Comments of the Business Manager

#### Principle of Development

The starting point for development management decision making is S.38(6) of the Planning and Compulsory Purchase Act 2004, which states that determination of planning applications must be made in accordance with the development plan unless material considerations indicate otherwise.

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

The NPPF also refers to the presumption in favour of sustainable development being at the heart of the NPPF and is confirmed at the development plan level under Policy DM12 of the Allocations and Development Management DPD.

The amended Core Strategy (ACS) details the settlement hierarchy which will help deliver sustainable growth and development in the District. The intentions of this hierarchy is to direct new development to the Sub-regional Centre, Service Centres and Principal Villages, which are



well served in terms of infrastructure and services. Spatial Policy 1 (Settlement Hierarchy) of the Council's ACS sets out the settlements where the Council will focus growth throughout the District. Collingham is defined within the ACS as a Principal Village where it has a good range of day to day facilities and their function is to act as a secondary focus for service provision and assist rural accessibility.

The site is located outside of the main built up area of Collingham and the defined village envelope as depicted within the Council's Allocations and Development Management DPD (ADMDDP). As such the site is considered to be open countryside whereby Policy DM8 applies. This provides that *'Tourist accommodation will be supported where it is necessary to meet identified tourism needs, it constitutes appropriate rural diversification, including the conversion of existing buildings, and can support local employment, community services and infrastructure. Accommodation that is related and proportionate to existing tourist attractions will also be supported. All proposals will need to satisfy other relevant Development Management Policies, take account of any potential visual impact they create and in particular address the requirements of Landscape Character, in accordance with Core Policy 13.'*

Although the site is located within the open countryside it is located close to the defined Principal Village of Collingham and within an established equestrian business with surrounding paddocks. The site is currently operating as Collingham Horse Adventure Park (CHAP) and already operates some camping facilities for existing riders. Camping provision on the site is permitted under the Town and Country Planning (General Permitted Development) Order 2015 (England) (as amended) Schedule 2 Part 5 providing the site is licensed with the Caravan and Camping Club and will permit up to 5 caravans and 10 tents.

The 6 'pods' are proposed as an expansion of the current operation to provide more formal tourist accommodation and is located within land currently used as paddocks for horses. Planning policy is largely supportive of aiding the development of the rural economy providing the resulting impact does not negatively impact upon the surrounding area.

Core Policy 7 (Tourism Development) of the Amended Core Strategy (2019) recognises the *'economic benefits of sustainable tourism and visitor based development (including tourism accommodation), and will view positively proposals which help to realise the tourism potential of the District, support the meeting of identified tourism needs, complement and enhance existing attractions or that address shortfalls in existing provision.'* This however is subject to a number of factors on the siting, design and nature of the development proposed, relative to the location. As the siting is proposed in the open countryside the proposal must represent sustainable tourism which meets one or more of the following criteria:

- Forms part of a rural diversification scheme;
- Supports an existing countryside attraction;
- Has a functional need to be located in the countryside;
- Constitutes the appropriate expansion of an existing tourism or visitor facility;
- Supports local employment;
- Meets an identified need not provided for through existing facilities within the main built up areas of settlements central to the delivery of the spatial strategy, or villages covered by Spatial Policy 3 'Rural Areas'; or that;
- Supports rural regeneration through the appropriate re-use and conversion of existing buildings.

It is considered that the proposal would provide a rural diversification and would support local employment, these matters will be explored in later sections. Therefore it is considered that the proposal would support the aims of Core Policy 7 and provide a form of rural diversification. Its location on the edge of a defined sustainable settlement whereby users of the site would be able to benefit from the facilities within Collingham and have access to wider settlements, whilst also contributing to the local economy is also a benefit as the use of a car for journeys would not always be required.

Policy DM8 of the ADMDPD is also supportive of such development in the open countryside where it constitutes appropriate rural diversification, can support local employment, community services and infrastructure.

It is considered that the principle of the development in this location would be acceptable and in principle, complies with the intentions of both local and national planning policy. Nonetheless there are other material factors in decision making and these are considered further within this report.

### Tourism development and impact on the economy

Paragraph 83 of the NPPF (2019) states policies and decisions should **enable** sustainable rural tourism and leisure developments which respect the character of the countryside.

The D2N2 Accommodation Strategy report (2017) which was carried out across Nottinghamshire and Derbyshire states 'there is very little glamping provision currently, especially in Nottinghamshire'. This report then seeks to service the Council's own Destination Management Plan (2018) with one of its aims is to increase the overnight accommodation provision within the District to widen the visitor experience.

Newark Town has a Destination Management Plan (2018) whereby one of the aims is to increase the 'dwell' time people spend in the Town and to improve the depth and breadth of the tourism offer and in so doing encourage visitors to stay longer. In 2016 it is reported that the economic impact of tourism on Newark was a benefit of £25.32m. Newark has a lack of self-catering accommodation to encourage longer stays to the area and it is considered that an increase in the amount of self-catering holiday lets on offer and the general ability for people to 'dwell' in and around Newark, the economic benefit could then increase to £30m. With the site located close to existing services in Collingham i.e. transport links and existing retail and hospitality services, it is considered that the proposal would provide a suitable and sustainable location to enhance the offer available to tourists to the area.

The UK holiday market accounts for approximately £16bn per year with a total of 85 million trips taken each year, of which the UK self-catering rented accommodation accounts for c21.25 million trips (25%) (*source Mintel leisure report 2014*). The provider, Wigwam holidays suggests that each visitor to the area would contribute a minimum of £10 per day spend in the local economy due to the purchase of local provisions etc. This figure would increase should they contribute to eating out or visit local attractions. It is therefore seen as an economical benefit to both the UK and the local economy to see these facilities within the right locations in the countryside and to improve the tourism offer within Newark and Sherwood thus contributing to the Destination Management plan and D2N2 Accommodation Strategy report. The west side of the District is already heavily weighted with holiday accommodation due to Center Parcs and Forest Holidays provision.

However during the eastern half of the District there is a distinct lack of provision of such facilities within close proximity of the Newark Urban Area.

The UK is currently within the global pandemic of Covid-19 which as Members will know includes a rise in national unemployment. The District Council should be at the forefront in advocating and supporting the local economy. This application is expected to generate 3 new jobs for the area, once the site is operational, which is much needed given the local economy.

The Council's Economic Growth Business Unit has received a report on the 'analysis of local employment, output and business risk exposure due to lockdown'. This report was published following the D2N2 Covid-19 Analysis Group, to show the analysis of local employment risk and projected output losses, due to lockdown within the D2N2 area and its local authorities. The report concludes that within the NSDC authority area in December 2019 the local authority unemployment rate was 4.0%. Due to the pandemic it is expected that this would treble to be around 12%. The employment sector most affected by the pandemic would be wholesale and retail, with expected 15,000 job losses closely followed by the accommodation and food industry with just over 14,000.

Core policy 7 of the ACS states *within the open countryside the proposal representing sustainable rural tourism development which.....supports local employment, will be viewed positively by the District Council.* Whilst the proposal is sought to provide 3 new jobs the benefits this proposal will also bring to the local economy will also be felt in other sectors such as retail, tourism and hospitality within the wider area as people will travel. This can only be viewed as a positive benefit to the local area and one which should be weighed positively in the overall planning balance.

In conclusion, the site is located within the open countryside, however it is located on the site of an existing rural business known as CHAP which is related to equestrianism. A small amount of camping is already provided on the site and the provision of 6 units is sought to improve the offer on site. The NPPF is supportive of rural developments especially tourism development in the countryside. Core Policy 7 of the ACS also encourages such development where it forms part of a rural diversification scheme. As this existing business is located within the open countryside and is already providing such a facility, albeit on an informal basis, it is considered that the proposal would be considered to comply with the provisions of Core Policy 7. The proposal would also comply with the D2N2 Accommodation Strategy and the Council's Destination Management Plan. It would also contribute to the local economy and seek to provide 3 additional employees once set up.

#### Highway impact

Spatial Policy 7 (Sustainable Transport) of the ACS states development proposals should provide safe, convenient and attractive accesses for all, be appropriate for the highway network in terms of the volume and nature of traffic generated, and ensure that the safety, convenience and free flow of traffic using the highway are not adversely affected. In addition it states to provide appropriate and effective parking provision, avoid highway improvements which harm the area.

Policy DM5 of the ADMDPD states provision should be made for safe and inclusive access and parking provision for vehicles and cycles should be based on the scale and specific location of the development.

The matter of transport and the number of vehicle movements to and from the site is a matter which has been at the forefront of comments made by local residents. It is also a matter which colleagues in Nottinghamshire County Council have taken a considerable degree of consideration over in weighing up the existing use of the site against the proposed use as put forward.

The site is currently operating as a livery business with 11 DIY stabled liveries, and 7 grass liveries. Horse owners generally visit the site twice a day to care for the horses. At the request of Highways the agent carried out a traffic count and in a general week the existing use generates in the region of 100 vehicle trips over the course of a 16 hour period (0500-2200 hours) with people attending to their horses, owners returning to the site, and associated visitors such as hay deliveries and farriers. With the introduction of the 6 wigwam units the number of liveries would be reduced to 11 DIY liveries due to the loss of 4 paddocks. The proposed use is a seasonal one and is likely to generate 3 trips per day, however with the reduced number of liveries expected (7), the existing use has to be balanced out against number of movements generated with the proposed.

The livery is a 365 day use and the reduced number of liveries will reduce the number of vehicle movements in general. The addition of the 6 wigwams (with a minimum of 2 night stay), given that these are unlikely to be in use every day of the year, is not considered to result in a level of traffic above what is permitted at present. The level of traffic at present is spread out throughout the day ranging from 0500 hrs to 2200hrs and therefore this is a gradual trickle of traffic using Cottage Lane. It is accepted that there could be peak times i.e. at arrival and departure, where traffic may appear increased, however this would be for a finite period of the day and it would not involve queueing or parking along Cottage Lane as there is ample parking within the site where it could be managed.

It is therefore not considered that the proposal would generate excess vehicle movements above what is currently operating on the site, and the change in the nature of the movements is not likely to impact detrimentally on the surrounding highway network. Highways colleagues have confirmed that the reported incidents to them through the collision history for Cottage Lane in the past 5 years, has resulted in no collisions involving the site access. There have been two on Cottage Lane itself but it is not possible to attribute them to Orchard Stables directly.

Some residents have stated that along Cottage Lane it is not possible to pass other vehicles travelling in the opposite direction. Highways colleagues have not stated that the amount of vehicle movements means it is necessary to impose passing places along Cottage Lane, nor indeed to widen the width of the carriageway to facilitate the development as it has been assessed that the level of vehicle movements would not be so different in number as the existing use. Therefore no alterations are required to Cottage Lane other than those stipulated by condition or on the submitted drawings which involve the access point.

Residents have stated that Cottage Lane is unsuitable for additional traffic due to the historic street layout. However as it has been discussed, the proposal is not likely to result in an increase in vehicle movements over and above what is already in operation at the site. Therefore the historic street pattern would cause no further risk to road users than the existing users.

#### *Sustrans/Trent Trail*

Cottage Lane is part of the Sustrans National Cycle Network 64 and Trent Trail which links villages to the east of the River Trent. The Sustrans volunteer coordinator for Newark has commented on the application stating that the route is well used by cyclists and walkers and already proves

narrow in places where cyclists/walkers have to pull to one side to permit a vehicle. Whilst this is not an unusual situation, it has already been stated above that the proposal would not generate increased vehicle movements over the existing situation. The addition of the wigwam units would not result in any greater harm to the existing situation as is already faced by the users of the Trent Trail and NCN64 Sustrans route.

Conversely due to the siting of the Sustrans and Trent Trail, users of the site would have easy access to existing cycle and walking routes in which to explore the surrounding area without using their vehicles to do so. This would be seen as a positive benefit for the area and something which the NPPF encourages in the ability for new development to enable easy access to walking and cycle routes.

Therefore having taken the above matters in to consideration, it is considered that the proposal would not result in harm to highway safety over and above the existing situation and provides appropriate parking levels within the site. It is therefore in accordance with the Development Plan.

Members will note within the Consultee section that Highways have requested a condition to be imposed reducing the number of liveries to 11 DIY liveries only. Upon review of this condition it is considered that it is not reasonable to impose such a condition as the siting of the wigwams would naturally reduce the number of paddocks available in any case. Therefore should Members resolve to approve the application, this condition has not been recommended.

#### Impact on design and landscape character

Policy DM5 refers to the rich local distinctiveness of the District's character of built form requiring new development proposals to reflect their local surroundings. Chapter 12 of the NPPF provides guidance in respect of achieving well-designed places confirming at paragraph 124 that, '*the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.*'

The design of the site and the use of natural materials for their construction is considered acceptable and responds well to local character which would be in accordance with policy DM5 of the ADMDPD.

The site is located within the East Nottinghamshire Sandlands Policy Zone (ES PZ 04): Winthorpe Village Farmlands as stated within the Council Landscape Character Assessment SPD. This states that the area is generally flat and gently undulating arable landscape with numerous woodland blocks. The landscape condition is assessed within the SPD as being of moderate condition with a moderate sensitivity resulting in an outcome to conserve and create the landscape. This means that proposals should seek opportunities to improve the landscape condition by planting native hedgerow and conserve existing, conserve and enhance existing tree cover and create an enhancement to ecological diversity and biodiversity where possible.

Informative sketches of the proposal have been submitted within the Design statement and submitted plans showing details of how the proposal would appear from certain vantage points around the site. The ground level from Cottage Lane is already raised in comparison to the highway, with built development in the form of the single storey reception/storage building proposed to be located approximately 50m west of Cottage Lane with the first cabin located approximately 65m from Cottage Lane. These cabins are approximately 3.2m to the highest point.

An earth bund was originally proposed to approximately 2.5m high between the first cabin and the reception/storage building to screen the development from the highway and to aid noise levels from Cottage Lane. However it is considered that such a feature to this extent would be out of character and has thus been reduced to 1.5m which is more acceptable. Nonetheless the agent has stated that this could be removed completely if Members were opposed and would be acceptable to this by condition.

When considering the site from the north where the existing residential properties are located, the site would be screened by the addition and reinforcement of the hedgerow. The lodges themselves are 3.2m high and sited approximately 130m away from the nearest residential property. It is therefore considered that the impact of the development from the north would be minimal due to the natural screening from the hedgerow.

The siting of the cabins within the site, due to their scale and the reinforcing of the hedgerows with native species, along with the additional planting around the site would seek to improve the quality of the landscape. The revised height of the earth bund coupled with the distance from Cottage Lane at approximately 65m would reduce its prominence. Whilst the Council accepts the points made by residents on the impact of the development within the landscape, it is considered that there would be no harm caused to the quality of the landscape, when in fact the additional landscaping would only seek to improve the quality of the landscape and thus the ecological biodiversity in line with the principles of the SPD. The proposal is therefore considered to accord with Core Policy 13 of the ACS and policy DM5 of the ADMDPD and the proposal accords with the landscape and character of the area. As well as according to the Supplementary Planning Document the proposal would be sympathetic to the local character and history, including the surrounding built environment and landscape setting.

### Neighbour amenity

Policy DM5 of the ADMDPD states *“the layout of development within sites and separation distances from neighbouring development should be sufficient to ensure that neither suffers from an unacceptable reduction in amenity including overbearing impacts, loss of light and privacy.”* In addition to having regard to the operation of neighbouring land uses and mitigating where necessary.

This application has generated a high volume of neighbour concern which is acknowledged given the nature of the development and the siting. Nonetheless for this reason alone it is not justifiable for Members to refuse consent and each Planning matter must be considered on their own merits. Much of the matters of concern have already been addressed within the preceding sections of this report and this section will respond to the matters of direct neighbour amenity.

The main concern of neighbours is the impact of the development upon noise and disturbance from the users of the site.

Comments have been received from the Council’s Environmental Health officer whom has stated that the imposition of a noise attenuation fence along the northern boundary would be acceptable and would be secured by condition. This has not met with favour within the community as it is felt that this would not be sufficient to control additional noise by the occupants during the day, and evening. The site is approximately 130m south from the nearest residential property and whilst there is natural outdoor play equipment proposed within the grounds, this is only for the use of

existing residents on the site and it is not expected that this would generate such excessive noise, that would be out of character to the locale.

Concern has been expressed with regards to the use of the site for parties (hen and stag dos), which is advertised on the Wigwam Holidays website, and how the managers would control the number of people entering the site after hours. The owners do not live on site but are resident in the local area. The site would be managed daily in line with the other livery business, and check in and check out would be restricted to normal business hours, with emergency contact details made available within all cabins. The management of the site after hours would not be overseen on site and it would be the responsibility of the owners to ensure processes are put in place to seek the safe and appropriate management of the site. No owner's accommodation is proposed on site to oversee the comings and goings of those users resident on the site. Nonetheless the agent has stated that the arrangements would be that someone would be on call as is typical for the stables at present, and should any issues arise during the night that person would respond. The site is also monitored already by sensors and cameras which would be deployed to the wigwams as well.

Within the submitted report, details have been submitted on the use of a biodisc sewerage plant whereby should there be a power cut a generator would start. Residents are concerned that the noise from the generator would be excessive, however given the location it is not considered that this could be substantiated as causing direct harm to residents.

Whilst the LPA recognises that there is a change in the use of the land from the sedate use by horses to the use by 6 wigwam holiday units, this change, given the siting and the intensity, would not be to the detriment of neighbour amenity through noise, subject to appropriate conditions.

The site does not contain any high level lighting such as flood lighting which would be evident and unsympathetic within the wider area. Instead the applicant proposes a dark skies policy whereby low level lighting on passive infrared sensor (PIR) solar sensors and timers would be utilised. Such measures would need to be submitted to the LPA for clarity and confirmation.

Overall it is considered that the use of the site is acceptable within the open countryside whilst being located close to a sustainable settlement. The measures put in place for limiting the noise would be acceptable and although the use is more intensive than the existing use by horses, the noise generated would be seasonal. In addition given the distance from the site to nearby residential properties, it is not considered that the noise or disturbance would be worthy or justifiable as a reason for refusal. Therefore the proposal is considered to accord with policy DM5 of the ADMDPD.

#### Impact on heritage

The site is located outside of the defined Collingham Conservation Area designation, however due to the distance from the defined boundary there would still need to be a consideration over the impact of the development on the setting of the heritage asset.

Core Policy 14 states the Council will secure the continued conservation and enhancement of the character, appearance and setting of the District's heritage assets and historic environment, in line with their identified significance. Policy DM9 of the ADMDPD states that developments should take account of the distinctive character and setting of individual conservation areas.

The nearest listed building are located within the conservation area on South End, which includes the Grade I listed South Collingham medieval church. Section 66 of The Planning (Listed Buildings and Conservation Areas) Act 1990, states proposals should have a special regard to the desirability of preserving the building or its setting or any feature of special architectural or historic interest which it possesses. There are other listed buildings within the vicinity however these are relatively modest properties which relate mostly to the streetscape of the village. Given the single storey scale of the proposal it is not considered that the proposal would have any impact on the setting of the nearby listed buildings or their significance. The views to and from the church would not be impacted upon by the siting of the buildings and it would still be visible from longer distance views.

When turning to the impact upon the setting of the conservation area, it is considered that given the single storey nature of the wigwams and office building and the intervening distance, it is not considered that there would be any impact on the setting of the conservation area.

When viewing the site from Cottage Lane, the softening of the site within the hedgerow planting, the proposed landscape bund and the naturalistic cladding as well as the intervening distance, would not result in a site which would be imposing or feature negatively in any views west from the cricket pitch or Cottage Lane. Any chance views of the site are likely to be limited and not necessarily harmful. As such it is considered that the proposal will preserve the setting and significance of nearby designated heritage assets and thus accord with Core Policy 14 of the ACS, policy DM9 of the ADMDPD, the NPPF and PPG.

#### Impact on ecology

Core Policy 12 states that the Council will seek to conserve and enhance the biodiversity of the District and that proposals will be expected to take into account the need for the continued protection of the District's ecological and biological assets. Policy DM5 seeks to avoid adverse impacts upon ecological interest and protected species.

The NPPF (2019) states when determining planning applications LPAs should apply the following principles as stated within paragraph 175 of the NPPF. This states that if *“significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. Development whose primary objective is to enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.”*

The site is located on the grounds of existing open grassed paddocks with no natural features such as hedgerows or trees within. There are hedgerows to the north and eastern boundaries but these would be unaffected by this development proposal. Within the submitted Design statement the applicant has stated that bird boxes and native planting would be introduced around the site to encourage natural biodiversity. Whilst this is welcomed matters of implementation would need to be managed and therefore such enhancements should be submitted to the District Council for approval. These enhancements along with hedgehog houses and other ecological benefits would bring about a net gain in biodiversity which would be an improvement over the existing paddock use. These measures could be secured by condition if Members resolve to approve the application.



### Impact on flooding and surface water

The site is located within flood zone 1 and therefore at the lowest risk from flooding and does not constitute major development classification of development as stated within the NPPF. It is not necessary for the applicant to submit a flood risk assessment for this particular reason nor is it necessary to apply the sequential test approach in this case as set out in the NPPF.

Therefore on the basis of the information submitted the proposal is not considered to result in unacceptable harm to local drainage issues, subject to the imposition of conditions.

### Conclusion

All material planning considerations have been taken in to account as set out above and appropriate weight has been given to each issue and it is concluded that the application satisfies matters relating to design, landscape, ecology, highway safety and neighbour amenity. Whilst the concerns of residents have been noted and given due consideration, the improvement to the quality of the landscape, the benefits to the local economy and employment prospects all weigh positively in the planning balance.

It has been assessed that the proposal would not result in harm to the landscape character or historic environment or highway safety and therefore it is considered that the proposal should not be realistically refused for these reasons.

Therefore, in balancing all the material considerations of this case, a recommendation of approval to Members is proposed and the application is considered to accord with the Council's DPD and the NPPF, and there are no other material planning considerations that would outweigh this policy stance in this case.

### **RECOMMENDATION**

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

#### 01 - Time

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 - Plans

The development hereby permitted shall not be carried out except in complete accordance with approved proposed plans reference;

DRWG no. G (--)001A Block plan as proposed;

DRWG no. G (--)002A Long section 1-1 and east elevation as proposed;

DRWG no. G (--)003A North and south elevations as proposed;

DRWG no. G (--)004 Sight lines and entrance upgrade details as proposed;

DRWG no. G (--)101 Wigwam deluxe cabin as proposed;

DRWG no. G (--)102 Wigwam deluxe cabin as proposed;

DRWG no. G (--)201 Accessible cabin as proposed;  
DRWG no. G (--)202 Accessible cabin as proposed;  
DRWG no. G (--)301 Timber clad container as proposed;  
DRWG no. S (--)001 Location plan as existing;  
DRWG no. SK (--)001 Masterplan sketch as proposed;  
DRWG no. SK (--)002 North east entrance corner sketch as proposed;  
DRWG no. SK (--)003 North west corner sketch as proposed;  
DRWG no. SK (--)004 South west corner sketch as proposed;  
DRWG no. SK (--)005 South corner sketch as proposed;  
DRWG no. SK (--)006 Reception and storage container sketch as proposed;

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 - Materials

The materials to be used in the construction of the external surfaces of the units and storage building hereby approved shall accord with the details submitted within the application form and on the approved drawings unless otherwise agreed in writing with the local planning authority.

Reason: In the interests of visual amenity.

### 04 - Highways

Notwithstanding the submitted drawings, no part of the development hereby permitted shall be brought into use until the access to the site has been completed and surfaced in a bound material for a minimum distance of 8m, along with the installation of a suitable means of surface water disposal behind the highway boundary in accordance with a plan first submitted and approved in writing by the LPA. Thereafter the access shall be constructed in accordance with the approved plan and 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, and to enable vehicles to enter and leave the public highway in a slow and controlled manner all in the interests of general Highway safety.

### 05 – Highways

No part of the development hereby permitted shall be brought into use until the parking and turning areas are provided in accordance with the approved plan, Block Plan as Proposed. The parking and turning areas shall not be used for any purpose other than parking and turning of vehicles.

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.

### 06 – Lighting

Prior to first use of the site, 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 and levels of brightness. The lighting scheme shall thereafter be carried out in accordance with the approved details and 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.

#### 07 - Landscape

Prior to first use of the development hereby approved full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include:

full details of every tree, shrub, hedge to be planted (including its proposed location, species, size and approximate date of planting) and details of tree planting pits including associated irrigation measures, tree staking and guards, and structural cells. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species;

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

design and location of the acoustic fence;

car parking layouts and materials;

any other hard surfacing materials;

Reason: In the interests of visual amenity and biodiversity.

#### 08 - Landscape

The approved landscaping scheme shall be carried out within 6 months of the first use 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 Local Planning Authority.

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

#### 09 – Acoustic fence

Notwithstanding the requirements under condition 08, the acoustic fence shall be installed prior to first use of the site and retained for the lifetime of the development.

Reason: In the interests of neighbour amenity.

## 10 - Ecology

No building on site shall be first occupied until details including location of a hedgehog house and a bird nest boxes and any other ecological enhancement, have been submitted to and approved in writing by the local planning authority. The hedgehog houses/nest boxes shall then be installed prior to first use, in accordance with the approved details and retained thereafter for the lifetime of the development unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of maintain and enhancing biodiversity.

## 11 – Holiday let

Notwithstanding the provisions of Part C, Class C3 “Dwelling Houses” of the Schedule of the Town and Country Planning (Use Classes) Order 1987 (as amended), (or any order revoking or re-enacting that Order), the premises shall be used for the purpose of holiday accommodation only and for no other purpose, including any other purpose within Class C3 of the Order, without the prior consent in writing of the local planning authority.

Reason: The development is located within the countryside where new residential development would not normally be permitted.

## 12 – Holiday let

The site hereby permitted for use as holiday accommodation shall not be occupied by the same person or persons for a total period exceeding 28 days in any calendar year unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that the accommodation is not occupied for residential purposes in a location where new residential development would not normally be permitted.

## 13 – Holiday let

The owner shall maintain a register of occupiers for each calendar year, which shall be made available for inspection by the local planning authority, at any time.

Reason: To ensure that the accommodation is not occupied for residential purposes in a location where new residential development would not normally be permitted.

## Notes to Applicant

01

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

02

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

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

## **BACKGROUND PAPERS**

### **Application case file.**

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

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

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

Committee Plan - 20/00550/FUL



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## PLANNING COMMITTEE – 4 AUGUST 2020

<b>Application No:</b>	<b>20/00556/FUL</b>
<b>Proposal:</b>	<b>Erection of 1 no. shed and 1 no. greenhouse</b>
<b>Location:</b>	<b>Field Reference 0683 Off Low Street, Collingham, Nottinghamshire</b>
<b>Applicant:</b>	<b>Miss Zoe Davies</b>
<b>Registered:</b>	<b>21.05.2020</b> <b>Target Date: 16.07.2020</b>
	<b>Extension of Time Agreed Until 07.08.2020</b>
<b>Link to Planning File:</b>	<a href="https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=Q8AWPPLBGPE00">https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=Q8AWPPLBGPE00</a>

**This application is being referred to the Planning Committee for determination by the local ward member Cllr Linda Dales on the grounds that the application will result in an unacceptable impact on the Conservation Area and setting of the Grade I Listed Church, presents a flood risk, will attract crime and disorder and has not been designed in keeping with the intended use.**

### The Site

The application site comprises a c.0.23 Ha parcel of land on the western side of Low Street in the village of Collingham. The land is a corner plot at the junction of Low Street with Carlton Ferry Lane. All Saints Church (Grade I) and its boundary wall (Grade II) lie to the NE of the application site across the highway set on higher ground. The application site is currently over grown and unkempt. The Boundary to the west has been identified as an important group of trees and hedgerow and there is a TPO tree at the NE corner of this boundary. To the west lies The Fleet, an open watercourse, and beyond this boundary the land to west has been identified as important open space contributing to the setting of the village. The site to the south has also been identified as an important open space.

The application site has been previously used as a market garden and allotments however in the recent past has been subject to ongoing planning enforcement action and there is currently a burnt out caravan sited adjacent to the eastern boundary. Access to the site is taken from the eastern boundary through large timber gates. There is no planning history relating to these access gates however Planning Enforcement colleagues have investigated these in the past, concluding that given the passage of time they have been in situ, they are now immune from enforcement action. The site sits on 2 levels as it slopes down towards the Fleet. The lower level is planted as an orchard and the upper level comprises more flat land, albeit the entire site is very overgrown, particularly the eastern boundary which prevents views into the site.

The site lies within the Collingham Conservation Area and is in Flood Zone 3 as defined by the Environment Agencies Flood Mapping.

## Relevant Planning History

EXP/00066/20 – Cut back and fill in gaps in hedges. Clearance of former allotment and market garden site and introduction of vegetable plot, sheds, grazing for alpaca and poultry. Clearance of orchard and replanting. Erection of temporary fencing. – Split Decision 23.03.2020

- *Trimming of Hedges and replanting hedge - does not require permission/consent as this is not 'development' and does not require conservation area consent*
- *Removal of Caravan and any structures currently on the land – planning permission is not required for this.*
- *To keep an alpaca for purposes other than simply grazing it on the land (i.e. if you are bring feed onto the land and you would take the alpaca walking etc.) would require a planning application for a change of use of the land. To use part of the land as a vegetable garden (with no associated structures) would also not require a change of use as both would fall under the above definition of 'agriculture'.*
- *If the Alpaca would be brought hay and feed (thus not solely living off grazing the land) then planning permission is required for a change of use from agriculture to paddock/alpaca grazing land. Similarly for Chickens, if they are for domestic purposes this will require planning permission. Any chicken coop will require planning permission.*
- *Erection of any sheds/structures on the land for any purpose will need planning permission as the land does not have any permitted development associated with it for the erection of structures.*
- *Removal of any trees - will require an application for conservation area consent*
- *Planting of trees will not require any permission/consent*
- *Any gate, fence, wall or means of enclosure erected or constructed adjacent to a highway will need planning permission if it exceeds 1 m in height, irrespective of whether it is temporary or permanent.*

## The Proposal

*For the avoidance of doubt amended plans have been submitted throughout the course of this application.*

Planning permission is sought for the erection of one greenhouse and one shed adjacent to the eastern boundary of the site. The sheds are intended to serve the agricultural use of the site as a market garden.

Greenhouse: 5.5 m long x 2.4 m deep, 1.7 m to eaves, 2.4 m to ridge – timber framed with glass panels to be used as a greenhouse for growing tropical fruits.

Shed 2: 6.03 m long x 1.9 m deep, 1.8 m to eaves, 2.2 m to ridge - traditional timber shed design to house equipment required to maintain the land.

The structures are to be positioned on the upper level of the site on an Eco base Fast fit honey cone base made from recycled plastic – this membrane will be set into the ground and filled with pea gravel to allow water to pass in potential flood events. On top of this base would be a Billyoh Eze Base made from timber the same size as the shed bases.

*Details included within the applicants submission that do not require planning permission:*



The supporting statement details that as part of the proposal the existing lower level of the site will be retained as an orchard and half of the upper level will be used to plant vegetables, the remained will be grassed/landscaped. The applicant intends to remove the burnt out caravan on the site, clear rubbish, cut back the hedgerows, tidy the orchard and brambles so they can be harvested, plant more fruit trees and in-fill the hedgerow where there are gaps.

Documents submitted with this application:

- Site Location Plan (22.5.20)
- Proposed Greenhouse Elevations (22.07.20)
- Proposed Sheds 2 Elevations
- Revised Block Plan (22.7.20)
- Greenhouse Floor Plan
- Shed 2 Floor Plan
- Shed Base Specification
- Flood Risk Assessment
- Heritage Impact Statement (includes a statement describing the proposal)

#### Departure/Public Advertisement Procedure

Occupiers of one property 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.

Earliest Decision Date: 25.06.2020

#### Planning Policy Framework

##### The Development Plan

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

Core Policy 9 -Sustainable Design

Core Policy 10 – Climate Change

Core Policy 14 – Historic Environment

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

DM5 – Design

DM8 – Development in the Open Countryside

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

**Collingham Parish Council** – “The Parish Council considered this application at the meeting of 28 May 2020. The Parish Council resolved unanimously to **object** to this proposal due to the following material planning considerations:

➤ Design and Visual impact

This site lies within the heart of the conservation area and has over recent years become a waste land and far from its agricultural past. The boundary planting is overgrown and poorly maintained with branches regularly falling onto the adjacent verges and highway as a result. Whilst the trees and hedges need urgently to be maintained to be in keeping with other hedges on this west side of Low Street, which would make the site more visible to passing motorist and pedestrians but which would then result in these proposed buildings having a significant visual impact on the area. The proposed design of shed 2 is traditional for such a building as to house tools and equipment on an allotment site, although the proposed size appears to be far beyond that required for housing tools to maintain the plot. The proposed design of shed 1 is described as a “summer house” on the elevations, this is not in keeping with the agricultural designation of the land, nor a market garden. The proposal includes a lawn area on the upper level, this is not in keeping with the agricultural designation of the land, nor market garden. There is no evidence of any shed of this size currently on Low Street.

➤ Crime (and fear of)

The site has in the past been subject to much antisocial behaviour. The installation of the large wooden gates by the previous owner to secure the site has done little to achieve this as was evidenced by the arson attack on the caravan parked on the site (without planning permission and subject to enforcement action). Whilst the caravan was of more substantial construction than a timber shed, this clearly was still subject to vandals. Whilst the current owner has placed significant obstructions around the gate in an attempt to make the site more secure, it is clear that they have had issues with crime on the site and the obstructions being used are not in keeping with the nature of the conservation area in this location. Shed 1 with so many large windows will enable all the contents to be clearly visible and therefore potentially subject to break ins.

➤ Planning History

Whilst the applicant states that the site is not “within an area at risk of flooding”, the site sits within flood zone 3 and the applicant has submitted some information about the site with regard to this, unfortunately the more recent flood events of 2012 and 2019/20 have not been included. In 2012 the site was completely underwater, whilst the recent flood only affected the lower level of the site. It would appear that the applicant has little or no experience of flood events as the application states that “all can be removed should flooding happen”. For a more traditional size shed, this may be feasible, however for the size of sheds proposed this would appear to be unfeasible, without a small fleet of vehicles to facilitate this as those affected by flooding know only too well that the water level can rise very quickly with little or no warning. The two sheds are proposed to be of timber to “allow water to flow should the plot flood” – evidence would suggest that the shed (and possibly its foundations) are likely to be displaced in the event of a flood as both plastic and timber float. Whilst there appears to be no previous planning applications for this site listed on the planning portal, the Parish Council is aware that many previous owners have received planning advice, to the affect that this site is not suitable for any type of development given the flood history of the site and the agricultural classification given to the land.

➤ Health and Safety

The Applicant states that “As Low street is a busy street for cars, pedestrians, cyclists and horse riders cutting back the hedgerows away from the road will also make it safer. The land owner is legally obliged to undertake this work and the County Council had asked the previous owner to undertake the necessary work to make the highway safe, which it is hoped will soon take place, although as yet no planning permission for this work has been submitted as far as the Parish Council are aware.”

**Trent Valley Internal Drainage Board** – “The site is within the Trent Valley Internal Drainage Board district. The Board maintained Collingham Fleet, an open watercourse, exists along the boundary of the site and to which BYELAWS and the LAND DRAINAGE ACT 1991 applies.

The Board’s consent is required to erect any building or structure (including walls and fences), whether temporary or permanent, or plant any tree, shrub, willow or other similar growth within 9 metres of the top edge of any Board maintained watercourse or the edge of any Board maintained culvert.

The Board’s consent is required irrespective of any permission gained under the Town and Country Planning Act 1990. The Board’s consent will only be granted where proposals are not detrimental to the flow or stability of the watercourse/culvert or the Board’s machinery access to the watercourse/culvert which is required for annual maintenance, periodic improvement and emergency works. The applicant should therefore note that the proposals described within this planning application may need to be altered to comply with the Board’s requirements if the Board’s consent is refused.”

*Additional comments 23.7.20* – “The Parish Council opinion has not changed on this application.”

**NSDC Conservation Officer** – “Site Analysis

Collingham is predominantly a residential village, with several commercial buildings along the High Street, and a developing range of retail and service sector facilities in a small shopping centre close to the centre of the village off the High Street. Like most Nottinghamshire villages Collingham is predominantly a red brick and pantile village. The conservation area was originally designated in 1973. The designation was reviewed in 1989 and 2006. The application is located on Low Street, which historically was the main street. Today Low Street is a very quiet street with a more rural character to Collingham High Street.

The application site is currently over grown and unkempt. The Boundary to the west has been identified as an important group of trees and hedgerow. The land beyond the west boundary is identified as important open space contributing to the setting of the village. The site to the south has been identified as an important open space. Opposite the site is the Church of All Saints. The Church is Grade I listed (LEN 1156985) and the boundary wall is Grade II (LEN 1046044)

Legal and policy considerations

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

Policies CP14 and DM9 of the Council's LDF DPDs, amongst other things, seek to protect the historic environment and ensure that heritage assets are managed in a way that best sustains their significance. Key issues to consider in proposals for additions to heritage assets, including new development in conservation areas, are proportion, height, massing, bulk, use of materials, land-use, relationship with adjacent assets, alignment and treatment of setting.

The importance of considering the impact of new development on the significance of designated heritage assets, furthermore, is expressed in section 16 of the National Planning Policy Framework (NPPF). Section 16 advises that the significance of designated heritage assets can be harmed or lost through alterations or development within their setting. Such harm or loss to significance requires clear and convincing justification. The NPPF also makes it clear that protecting and enhancing the historic environment is sustainable development. LPAs should also look for opportunities to better reveal the significance of heritage assets when considering development in conservation areas.

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

Additional advice on considering development within the historic environment is contained within the Historic England Good Practice Advice Notes (notably GPA2 and GPA3). In addition, 'Historic England Advice Note 2: making changes to heritage assets' advises that the main issues to consider in proposals for additions to heritage assets, aside from NPPF requirements such as social and economic activity and sustainability, are proportion, height, massing, bulk, use of materials, durability and adaptability, use, enclosure, relationship with adjacent assets and definition of spaces and streets, alignment, active frontages, permeability and treatment of setting. Replicating a particular style may be less important, though there are circumstances when it may be appropriate.

It would not normally be good practice for new work to dominate the original asset or its setting in either scale, material or as a result of its siting (paragraph 41).

#### Assessment of proposal

The application is for the construction of two sheds on site. These sheds are sizable, however are still domestic in scale.

Supporting statement outlines that the site will be cleared and the site used for growing fruit and vegetables. The existing hedgerows will be properly managed and planted. The site is already well screened and the additional planting will further improve this. With the sheds being domestic in scale it is considered that the proposal will preserve the character and appearance of the conservation area. The proposal therefore reflects the objectives of preservation required under section 72 of the Act. In addition the proposal follows the heritage objectives contained within the Council's LDF DPDs and section 16 of the NPPF."

*The Conservation Officer has reviewed the amended design for Shed 1 to a greenhouse and has advised that they would reiterate their previous comments given the similarities. In addition as a greenhouse is more transparent in design there would be less of an impact than the originally proposed shed.*

**Historic England** – pending receipt.

**Representations have been received from 1 local residents/interested parties which can be summarised as follows:**

- Concern over proposed use and domesticated design of shed 1
- Inappropriate size/scale
- Will be imposing from the church ground
- The land is agricultural and the buildings do not fit with this designation
- Proximity to the Church
- Concern over antisocial misuse
- Glass proposed in sheds will add to the interest of criminal vandals
- Flooding concerns over the field being submerged in flood events

Comments of the Business Manager

*Principle of Development*

The National Planning Policy Framework promotes the principle of a presumption in favour of sustainable development and recognises that it is a duty under the Planning Acts for planning applications to be determined in accordance with the development plan. Where proposals accord with the Development Plan they will be approved without delay unless material considerations indicate otherwise. The NPPF also refers to the presumption in favour of sustainable development being at the heart of the NPPF. This is confirmed at the development plan level under Policy DM12 of the Allocations and Development Management DPD.

The supporting statement details that as part of the proposal the existing lower level of the site will be retained as an orchard and half of the upper level would be used to plant vegetables, the remainder would be grassed/landscaped. The applicant intends to remove the burnt out caravan on the site, clear rubbish, cut back the hedgerows, tidy the orchard and brambles so they can be harvested, plant more fruit trees and in-fill the hedgerow where there are gaps. Neither of these operations require planning permission and as such will not be discussed further within this appraisal. The only part of the application that requires planning permission is the erection of the greenhouse and shed on the land.

The site lies within Collingham which is defined as a principle village by SP1 which sets the settlement hierarchy for the district. The extent of the main built-up area of Principle Village's is defined by a village envelope. The application site falls outside of this village envelope and therefore falls to be considered under policy DM8 as development within the open countryside. DM8 states that development away from the main built up areas of villages, in the open countryside, will be strictly controlled and limited to certain types of development, one of which is agricultural and forestry development requiring planning permission. Proposals within this category needs to explain the need for the development, its siting and scale in relation to the use it is intended to serve.

The applicant has explained that they require these two structures in association with the agricultural use of the land. The land has previously been used as a market garden/agricultural use. Section 336 of the Town and Country Planning Act 1990 defines 'agriculture' as including:

- 'horticulture, fruit growing, seed growing, dairy farming;
- the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land);
- the use of land as grazing land, meadow land, osier land, market gardens or nursery

- grounds; and
- the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes.'

The applicant proposes to use the land as a market garden/allotment planting and requires the two structures in association with this use for their own personal vegetable/fruit growing. Use of the land as a market garden for growing vegetables/fruit is considered to fall within the definition of agriculture and as such consent is not required for any change of use of the land. Throughout the course of the application 'Shed 1' now 'Greenhouse' has been amended from a timber and glazed summerhouse design to a timber and glazed greenhouse and is proposed to be used as a greenhouse for growing tropical fruits. 'Shed 2' is of a traditional timber shed design to house equipment/tools required to maintain the land as the applicant does not live locally to the site.

I note concerns have been raised by the Parish Council and interested parties as to the proposed use of the land and the structures (noting that reference has been made to the initial image used by the applicant in their submission to illustrate one of the sheds depicts a 'summerhouse' that is domestically furnished). Throughout the course of the application Officers have queried the design of Shed 1 which as originally submitted did look more domesticated than normal sheds found on allotments and asked whether a greenhouse would be more appropriate for its intended purpose for growing tropical fruits. Following discussions the applicant has agreed to amend the proposal to change shed 1 to a timber framed greenhouse which still suits the intended purpose of this structure which is to grow tropical fruits but visually would be a structure more typically seen in an allotment style setting.

I am satisfied that the applicants intention is to use both the greenhouse, the shed and the land for agricultural purposes and that the application therefore does not relate to a change of use of the land. In principle the erection of two structures to serve the use of the land as a market garden/allotment is considered to be appropriate and falls within the definition of agriculture. The scale of the structures are also not considered to be excessive for the size of the land and the applicant has adequately justified why two are required. The use of these structures or the land for any other purpose other than agriculture would require planning permission for a change of use, however for clarity, in the event that planning permission is granted a condition could be attached to the consent to state that the land and structures should only be used for this purpose.

#### *Impact on the Character of the Area/Conservation Area Impact*

Core Policy 9 states that new development should achieve a high standard of sustainable design that is of an appropriate form and scale to its context complementing the existing built and landscape environments. Policy DM5 of the DPD states that local distinctiveness should be reflected in the scale, form, mass, layout, design and materials in new development. The NPPF states that good design is a key aspect of sustainable development and new development should be visually attractive.

The application site lies within the conservation area and is therefore considered with awareness of the implications the development could have on the setting of the Collingham Conservation Area. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the LPA to pay special attention to the desirability of preserving or enhancing the character and appearance of the CA. In this context, the objective of preservation is to cause no harm. The courts have said that these statutory requirements operate as a paramount consideration, 'the first consideration for a decision maker'. Policies CP14 and DM9 of the Council's LDF DPDs, amongst

other things, seek to protect the historic environment and ensure that heritage assets are managed in a way that best sustains their significance. The importance of considering the impact of new development on the significance of designated heritage assets, furthermore, is expressed in section 16 of the National Planning Policy Framework (NPPF).

Paragraph 194 of the NPPF, for example, advises that the significance of designated heritage assets can be harmed or lost through alterations or development within their setting. Such harm or loss to significance requires clear and convincing justification. The NPPF also makes it clear that protecting and enhancing the historic environment is sustainable development (paragraph 8.c).

The application is for the construction of one greenhouse and one timber shed on site. These structures are of a reasonable size, however are still small scale in terms of their height and footprint, particularly in relation to the size of the land upon which they would be sited. The structures would be positioned adjacent to the eastern boundary of the site which is well established and prevents views into the site. The supporting statement details how the site is proposed to be cleared and used formally for allotment planting and the existing hedgerow is proposed to be managed and planted. The site is already well screened and the additional planting will further improve this. Given the separation and substantial boundary screening the proposal is not considered to have an unacceptable impact on the setting of the Grade I listed church to the NE or its Grade II listed boundary wall despite the church being set on higher ground than the application site. I am mindful of comments received from interested parties that raise concerns in this regard however the Conservation Officer has raised no objection to the scheme or concerns regarding the impact of the Church's setting.

Whilst the structures will be well screened by the boundary to the site I am mindful that good design should not just exist in visible locations and indeed Conservation Areas are designated for both their character and appearance. In this respect the naturalistic timber materials proposed are considered to be appropriate, the scale of the structures are not considered to be excessive in relation to the size or use of the land and the Conservation Officer has confirmed in their comments that given the structures are relatively small scale it is considered that the proposal will preserve the character and appearance of the conservation area. The proposal therefore reflects the objectives of preservation required under section 72 of the Act. In addition the proposal follows the heritage objectives contained within the Council's LDF DPDs and section 16 of the NPPF.

#### *Impact on Amenity*

The NPPF seeks to ensure a high standard of amenity for all existing and future occupants of land and buildings. Policy DM5 of the DPD states planning permission will be granted provided it would not adversely affect the amenities of the adjoining premises in terms of overbearing impacts, loss of light and privacy.

Given the nature of the development and physical separation of the site from any neighbouring occupier the application is not considered to result in any neighbouring amenity impacts in accordance with policy DM5 and the NPPF.

#### *Impact on Flood Risk*

The site lies within FZ3 as defined by the Environment Agencies Flood Mapping. The National Planning Policy Framework (NPPF) provides guidance on dealing with development where all or

part of the application site is at high risk of flooding. Chapter 14 of the NPPF outlines that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere – themes which are reflected within policies DM5, CP9 and 10 of the Council’s development plan. The application at hand is for minor development, paragraph 164 of the NPPF advises that applications for minor development should not be subject to the sequential or exception tests but should still meet the requirements for site-specific flood risk assessments.

To accompany the application the applicant has submit a Flood Risk Assessment which considers the risk to users of the site and third parties. It is not considered that the proposal would result in an increased flood risk to third parties given the level of development, site context and less vulnerable use, in addition there would remain ample amounts of permeable surfacing on the wider site for water to permeate. It is not therefore considered that the proposed development is unlikely to result in any increased levels of flood risk for users of the site or elsewhere in accordance with Policy DM5, Core Policies 9 and 10 and the aims of the NPPF.

### *Other Matters*

Comments have been received from the Parish Council and interested parties which have been duly taken on board throughout this appraisal. Comments have been received in relation to past antisocial behavior/crime events at the site however I am mindful that past events when the land was not in the ownership of the current applicant are not material to the determination of this planning application. Whilst I appreciate that the site may have been subject to vandalism in the past this is not a reason to withhold planning permission for a proposal which seeks to utilise this agricultural land for its intended purpose.

### *Conclusion*

Overall the principle of two structures to serve this agricultural field is considered to be acceptable in accordance with point one of policy DM8. The applicant has adequately justified why these two structures of such a design and scale are required to serve the agricultural use of the land and the proposal is considered to preserve the character and appearance of the conservation area and the setting of nearby listed buildings/structures. The proposal therefore reflects the objectives of preservation required under section 72 of the Act. In addition the proposal follows the heritage objectives contained within the Council’s LDF DPDs and section 16 of the NPPF. There are no neighbouring amenity or flood risk impacts that have been identified and as such there are no material planning considerations why this application should not be approved.

### **RECOMMENDATION**

**That full 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/documents:

- Site Location Plan (22.5.20)
- Proposed Greenhouse Elevations (deposited 22.07.20)
- Proposed Sheds 2 Elevations
- Revised Block Plan (deposited 22.07.20)
- Greenhouse Floor Plan (deposited 22.07.20)
- Shed 2 Floor Plan

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

Reason: So as to define this permission.

03

The development hereby permitted shall be constructed entirely of the materials details submitted as part of the planning application unless otherwise agreed in writing by the local planning authority through an application seeking a non-material amendment.

Reason: In the interests of visual amenity.

04

The structures hereby permitted shall not be used at any time other than for the purposes of agriculture ancillary to the land upon which they are sited.

Reason: To ensure that the use of the site remains agricultural as it is located in the open countryside.

#### Notes to Applicant

01

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

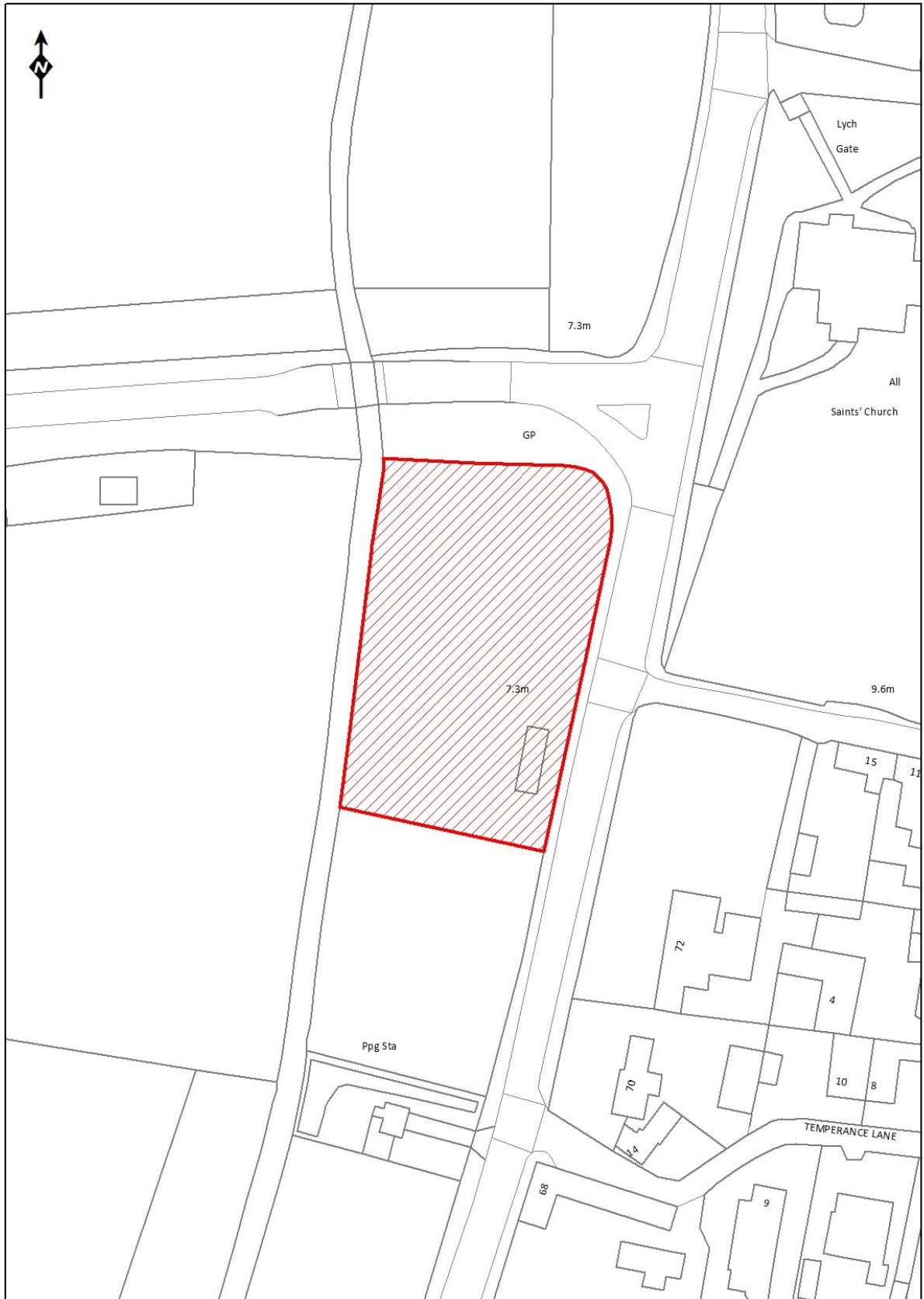
#### BACKGROUND PAPERS

Application case file.

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

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

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



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## PLANNING COMMITTEE – 4 AUGUST 2020

<b>Application No:</b>	<b>20/00659/FUL</b>	
<b>Proposal:</b>	<b>Erection of a single storey residential dwelling and associated works</b>	
<b>Location:</b>	<b>The Homestead, Main Street, Edingley, NG22 8BE</b>	
<b>Applicant:</b>	<b>Mr and Mrs Mark and Alison Saxby</b>	
<b>Registered:</b>	<b>28 April 2020</b>	<b>Target Date: 23 June 2020</b>
	<b>Extension of Time Agreed to 07 August 2020</b>	
<b>Website link:</b>	<a href="https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=Q9GFBVLBHOW00">https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=Q9GFBVLBHOW00</a>	

**CLLr Penny Rainbow has called in this Planning Application to the Planning Committee for the following reasons;**

- **concerns with the scale of the build**
- **lack of privacy to neighbouring properties**

**The request has been agreed by the Review Panel.**

### The Site

The application site is located centrally within Edingley, albeit situated to the north of Main Street. The site includes concrete hardstanding with some strips of grass and a raised border. On the northern boundary of the site is an old barn, with the land to the west open agricultural land. To the east is The Homestead, a 1 ½ storey property which was granted consent in 2000 and to the south a collection of dwellings which front onto Main Street. The site is accessed from a gravelled driveway situated between Valley Farm house and The Croft. Valley Farm house is a Grade II listed building.

Edingley is a modest settlement of approximately 160 households in accordance with the 2011 census. The village contains a pub and a church and an hourly bus service (#28) provides connection to Mansfield, Southwell and Newark.

### Relevant Planning History

17/01348/OUT – Erection of two bed single storey property. Approved 06.12.2017

06/00906/OUT – Erection of 2 residential dwellings. Refused 14.09.2006

## The Proposal

The application proposes the erection of a single storey dwelling with associated works. The proposed new dwelling would take the form of a linear bungalow with a cross wing section to the north east side. The linear section would measure approximately 15.0 metres by 7.5 metres, 2.15 metres to eaves and 4.35 metres to the ridge. The cross wing would measure approximately 7.3 metres by 10.05 metres, 3.1 metres to eaves and 5.35 metres to the ridge.

The proposed accommodation would include an open plan kitchen, dining area and lounge within the cross wing, and a master bedroom with en-suite bathroom and dressing room, two further bedrooms, a bathroom, snug, office, cloakroom and utility within the linear section.

The proposed new dwelling would be sited within the southern part of the application site, due to the presence of a pressurised rising main that crosses the site and requires a minimum 4.0 metres easement either side.

Access would be via an existing vehicular access from Main Street.

## Revised Plans

Revised plans were submitted in response to concerns raised by neighbouring residents and the Council's Senior Conservation Officer. The revised plans show a reduction in the size of the proposed new dwelling, existing hardstanding to be removed reducing the land level by approximately ½ metre and roof materials changed to slate.

For the avoidance of doubt, the assessment outlined below is based on the following plans:

21A AMENDED PROPOSED LAYOUT  
MAS 2 AMENDED SECTION  
MS THE 6A AMENDED FLOOR AND ELEVATION PLANS

## Departure/Public Advertisement Procedure

Occupiers of 12 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 Adopted March 2019*

Policies relevant to this application:

Spatial Policy 1: Settlement Hierarchy

Spatial Policy 2: Spatial Distribution of Growth

Spatial Policy 3: Rural Areas

Spatial Policy 7: Sustainable Transport

Core Policy 3: Housing Mix, Type and Density

Core Policy 9: Sustainable Design

Core Policy 12: Biodiversity and Green Infrastructure

Core Policy 14: Historic Environment

### *Allocations and Development Management DPD Adopted July 2013*

Policies relevant to this application:

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

Policy DM5: Design

Policy DM6: Householder Development

Policy DM7: Biodiversity and Green Infrastructure

Policy DM9: Protecting and Enhancing the Historic Environment

Policy DM12: Presumption in Favour of Sustainable Development

### **Other Material Considerations**

- National Planning Policy Framework 2019
- Planning Practice Guidance

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

### **Other Material Planning Considerations**

- National Planning Policy Framework 2019
- Planning Practice Guidance

### **Consultations**

#### **Edingley Parish Council 01.07.2020 – Support Proposal**

The Parish Council would like to see the Leylandi replaced with native species over time

#### **Edingley Parish Council 21.05.2020 – Support Proposal**

#### **NCC, Highways 11.05.2020 –**

### **Standing Advice for Nottinghamshire Local Planning Authorities**

#### **Valid from 1st January 2020**

The Town and Country Planning (General Development Procedure) (England) Order 2015 (the GDPO) requires local planning authorities to consult on planning applications as set out in the Table in Schedule 4 which includes the local highway authority where there are potential highway implications. The need to consult is removed by Section 18(d) if a consultee, in this case the local highway authority, has provided up to date standing advice covering the proposal.

“highway” has the same meaning as in Section 329 of the Highways Act 1980 (further provision as to interpretation) (11) and includes public rights of way (public footpaths, public bridleways, restricted byways, and byways open to all traffic) as well as all-purpose highways (roads and streets).

#### **PART 1 - Applications Covered by this ‘Standing Advice’**

The only applications covered within this document are minor and are as summarised below:

- Minor proposals that are served off an unclassified road which is subject to a 30mph speed limit or less. Minor proposals are defined as:
  - Up to 5 dwellings
  - Residential extensions/conservatories

- Changes to parking arrangements (e.g. COU of garage, extension over a car port or additional parking space etc.)
- Substitute house types (where type is similar)
- Minor change of use proposals
- Walls, fences, and gates
- Advertisements and signs

**PART 2 - The Local Highway Authority does not wish to be consulted on the following types and scale of development unless the site abuts or is crossed by a public right of way:**

- **Residential developments ≤ 5 dwellings**

Residential developments for 5 dwellings or less served by a private drive onto an unclassified road subject to a 30mph speed limit or less compliant with, or amendable to be compliant with this Advice and local parking standards – See Part 3

- **Extensions**

Any residential extension that does not include a new or alteration to any existing vehicular access to any street, does not compromise local parking standards, and does not encroach into the public highway.

- **Adverts/Signs**

Applications for advertisement consent under the Town and Country Planning (Control of Advertisement Regulations) 1992 (as amended) unless excluded by way of this Advice – See Part 4

- **Boundary Walls/Gates**

Any new or altered fence, railing, wall, gate(s) that open inwards, or any other means of enclosure requiring planning consent, that does not adversely affect visibility for and to drivers of vehicles entering or exiting an adjacent private access or public right of way and does not encroach into the public highway.

- **Listed Buildings/Conservation and TPO**

Applications for Listed Building Consent, Conservation Area Consent, and Tree Preservation Order Works.

- **Change of Use or change of House Types**

Change of use applications or change of house type which comply with local parking standards and where existing or proposed off-street servicing arrangements are adequate.

**PART 3 – Residential Access Requirements**

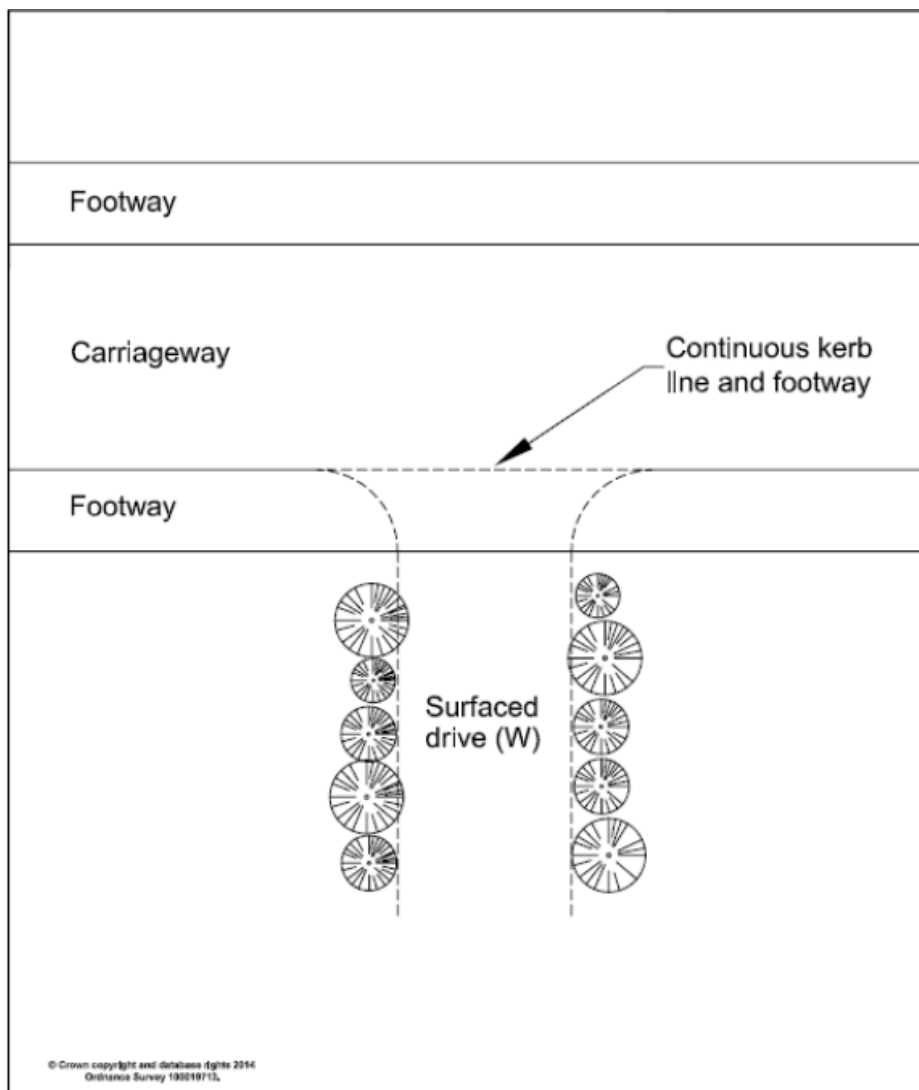
The Highway Authority would wish to be consulted on a residential development if any building is within 1.0m of the existing highway boundary, proposes access within 20m of a junction, is within 50m of a school or classified road (“A”, “B” and “C” class roads and motorways), or is considered beyond the scope of this advice. All other residential developments must be compliant with the following or be referred to the Highway Authority:

**Check list:**

- Driveway width (Figure 1)
- Driveway visibility (Figure 2)
- Driveway length (Figure 3)
- Turning area for shared driveways (Figure 4)

- Driveway gradient (Figure 5)
- Provision for bin storage/refuse collection
- Planning conditions (Figure 6)
- Compliant with local parking standards (note: this should consider the parking requirements of existing development to be retained)

**Figure 1 - Driveway Width (W)**



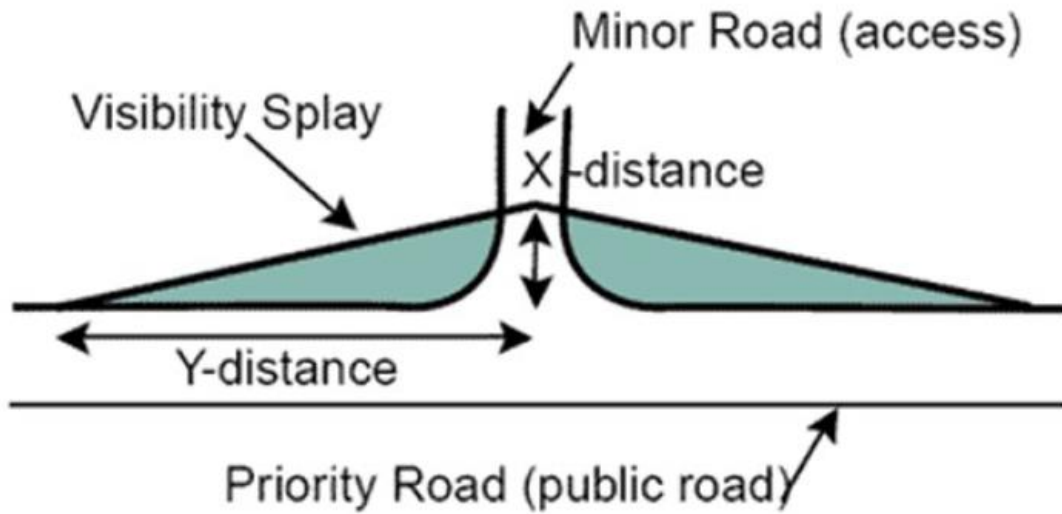
- Single private drive  $W = 3.0\text{m}$  open plan,  $3.3\text{m}$  if bound by a wall or fence on one side, or  $3.6\text{m}$  if bound on both sides
- Three to five dwellings  $W = 4.8\text{m}$  for a minimum distance of  $8\text{m}$  behind the highway boundary
- Double private drive (two parking spaces side by side)  $W = 6.0\text{m}$  open plan,  $6.3\text{m}$  if bound by a wall or fence on one side, or  $6.6\text{m}$  if bound on both sides

The Highway Authority will require driveways to be surfaced in a bound material (not loose gravel), to be drained to prevent the discharge of surface water onto the public highway, and to be served via a dropped vehicular footway/verge crossing in all instances. Appropriate planning conditions are requested accordingly. (See Figure 6)

If it appears that the driveway would have insufficient width the application should be referred to the Highway Authority.



**Figure 2 - Driveway Visibility**



$$X = 2.4\text{m}, Y = 43.0\text{m}$$

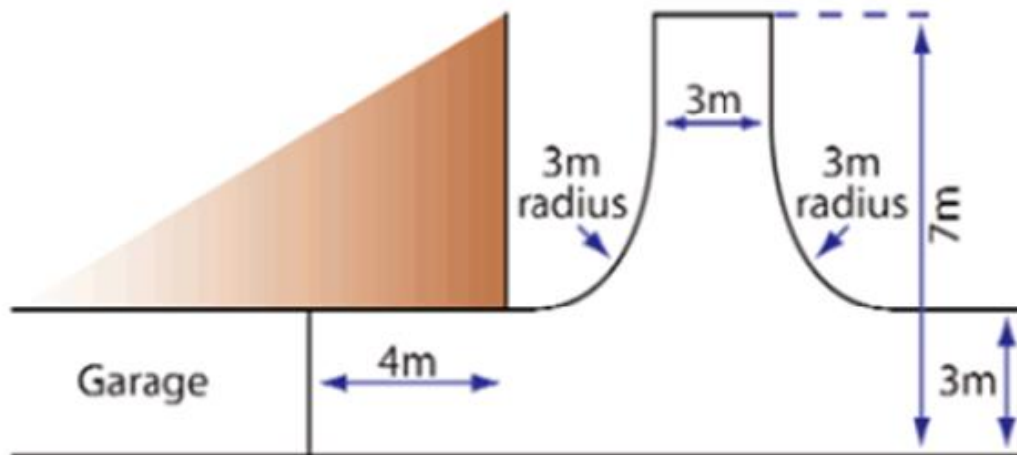
If it appears that the driveway would have insufficient visibility the application should be discussed with the Highway Authority. Shorter visibility splays may be appropriate where speeds are likely to be less than 30mph.

**Figure 3 - Minimum Driveway Length (L)**

- No garage L = 5.5m
- Fronting garage with roller-shutter, sliding or inward opening door L = 5.5m
- Fronting garage with up and over door L = 6.1m
- Fronting garage with hinged, outward opening door L = 6.5m

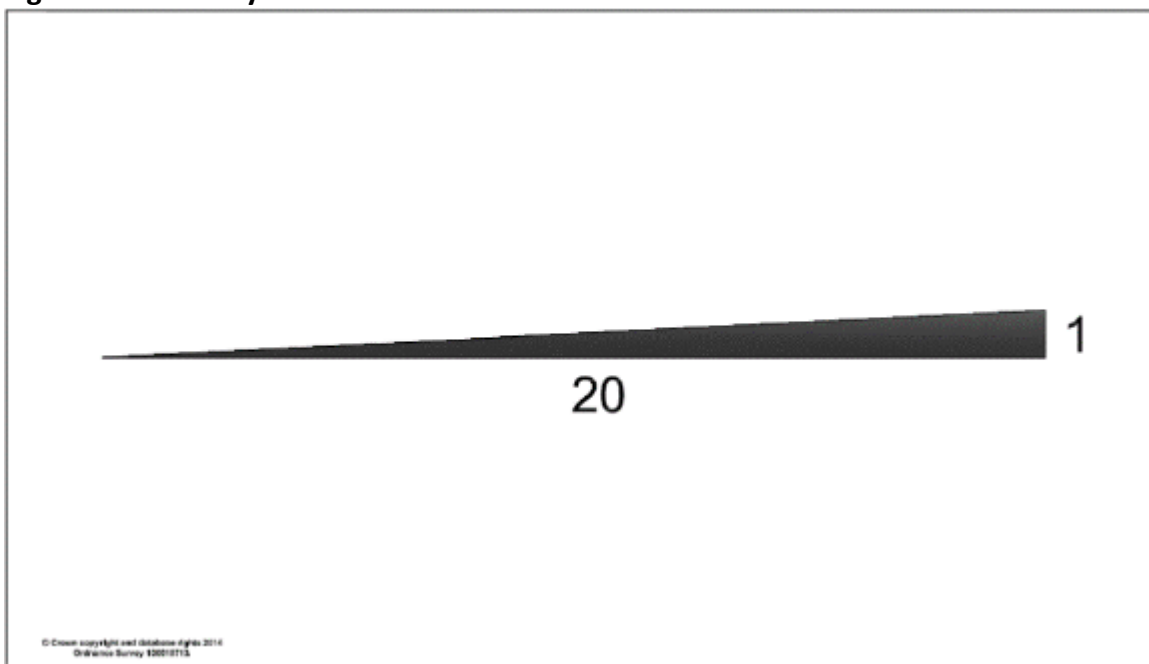
If it appears that the driveway would have insufficient length the application should be referred to the Highway Authority.

**Figure 4 - Typical Turning Area**



If it appears that there would be insufficient maneuvering space within a shared private drive when parked vehicles would be present the application should be referred to the Highway Authority for consideration.

**Figure 5 - Driveway Gradient**



Driveways should generally not exceed 1 in 20. In exceptional circumstances a gradient of up to 1 in 12 may be acceptable if a lesser gradient is not achievable. If the gradient is likely to exceed 1 in 12 (8.33%) the application should be referred to the Highway Authority for consideration.

**Figure 6 – Conditions**

In the interest of highway safety, it is likely that a number of planning conditions will be appropriate for each residential development as follows:

**Driveway Width** (See Figure 1)

- No part of the development hereby permitted shall be brought into use until the private driveway has been laid out to a width of not less than [ ... ] metres for a minimum distance of 5.0 metres back from the highway boundary to the satisfaction of the Local Planning Authority.

**Visibility** (See Figure 2)

- No part of the development hereby permitted shall be brought into use until visibility splays of 2.4m x 43m are provided. The area within the visibility splays referred to in this Condition shall thereafter be kept free of all obstructions, structures or erections exceeding 0.6 metres in height above carriageway level to the satisfaction of the Local Planning Authority.

**Driveway Length/Surfacing** (See Figure 3)

- No part of the development hereby permitted shall be brought into use until all drives and any parking or turning areas are surfaced in a hard-bound material (not loose gravel) for a minimum of [ ... ] metres behind the highway boundary. The surfaced drives and any parking or turning areas shall then be maintained in such hard-bound material for the life of the development.

**Driveway Gradient** (See Figure 5)

- No part of the development hereby permitted shall be brought into use until the access is constructed with a gradient not exceeding 1 in 20 for a distance of [ ... ] metres from the rear of the highway boundary in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.

**Drainage**

- No part of the development hereby permitted shall be brought into use until the driveway/parking area is constructed with provision to prevent the unregulated discharge of surface water onto the public highway to the satisfaction of the Local Planning Authority. The provision to prevent the unregulated discharge of surface water to the public highway shall be retained for the life of the development.

**Dropped Kerb Access**

- No part of the development hereby permitted shall be brought into use 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.
- **Note to Applicant:** The development makes it necessary to construct/alter/improve (delete as appropriate) a vehicular crossing over a footway/verge of the public highway. You are therefore required to contact the County Council's Highways Area Office tel. 0300 500 80 80 to arrange for these works to be carried out.

**PART 4 – Advertisements**

Applications to be forwarded to the Highway Authority:

- Any advertisement proposed within highway limits or projecting over the public highway
- Advertisements which obstruct or could confuse road users' view of a traffic sign or signal
- Floodlit advertisements where the means of illumination are directly visible from any part of the road, flashing illuminated advertisements on or near the line of sight which would be likely to dazzle or confuse road users, or be mistaken for traffic lights or other authorised signals
- Large animated advertisements sited where they will be likely to distract the attention of road users at potentially hazardous locations such as at junctions, close to the brow of a hill, on a bend etc.
- Advertisements which are likely to obstruct the line of sight for drivers emerging from private accesses or junctions – See Figure 3 (Note: the visibility requirement will be greater on roads subject to a speed limit above 30mph).

A Wright

Development Control

Nottinghamshire County Council

11/05/2020

**NSDC Senior Conservation Officer 10.07.2020**

We are in receipt of your request for Conservation advice for the amended plans for the above proposal.

As you will recall, we raised concerns about the scale and layout of the proposal, as well as the facing materials (in relation to the setting of the adjacent listed building and non-designated heritage assets).

The amended plans have attempted to address these concerns. The overall dimensions of the dwelling have been reduced by 7%, and the profile sheet roofing has been amended to natural slate. Greater consideration has been given to the landscaping.

These changes are an improvement to the scheme and reduce the adverse impact identified in our original comments.

No change has been made to the layout however. We appreciate that there are challenges to reorientation due to the water pipe position across the site, and the potential impact of overlooking on neighbours. We are also mindful of the precedent for development in this context when the bungalow adjacent was approved (which in our opinion has had a negative impact on the setting of the listed building).

It will otherwise be for the decision-maker to take account of these issues and reach a judgement.

If the planning authority was minded to approve, I would anticipate that conditions would be attached governing the precise details and specifications of facing materials, joinery and architectural features.

**NSDC Senior Conservation Officer 27.05.2020**

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

Outline approval was given for a 2 bed bungalow on this site in December 2017 (ref 17/01348/OUT). Conservation was not consulted on this proposal. In reaching a decision, the Local Planning Authority (LPA) felt that in principle, a single storey dwelling could be accommodated on this site without causing harm, subject to reserved matters.

Norwood Park Farmhouse (now Valley Farmhouse) to the south is Grade II listed. The Croft and Lime Tree Cottage to the south are identified on the County Historic Environment Record (HER) as Local Interest buildings (non-designated heritage assets).

Legal and policy considerations

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

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

development affecting the setting of heritage assets, are proportion, height, massing, bulk, use of materials, land-use, relationship with adjacent assets, alignment and treatment of setting.

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

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

In accordance with Annex 2 of the NPPF, Local Interest buildings are non-designated heritage assets. The impact of a proposal on the significance of a non-designated heritage asset is a material consideration, as stated under paragraph 197 of the NPPF. In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

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

### Significance of heritage asset(s)

Norwood Park Farm was designated in 1986, and comprises a substantial red brick house with pantile roof. The list entry advises: “Farmhouse. Mid C18. Red brick. Pantile roof. Single ridge and left gable rendered stacks. Gables with kneelers, coped with ashlar to the right and render to the left. Dogtooth eaves. 2 storeys, 4 bays. Doorway with C20 glazing bar door and ashlar hood supported on 2 brackets. To the right are 2 C20 glazing bar casements and to the left a single similar casement, all under segmental arches. Above are 4 C20 glazing bar casements. Attached to the left is a single storey 2 bay range with gable to road. Entrance under segmental arch with inner doorway with glazing bar C20 door. Doorway to the left with large C20 door.”

The Croft and Lime Tree Cottage are identified as having Local Interest on the County HER (ref MNT22603). The terrace of former labourer type estate cottages appears to date to the late 18<sup>th</sup>-century. Historic maps suggest that the cottage range and adjoining barn range was in the same ownership as Norwood Park Farm, suggesting that this was an estate holding of Norwood Hall. The similarity in scale and brick detailing reinforces this theory.

Historic map regression shows the established building grain of dwellings along the Main Road. Whilst there were historic barns and outbuildings to the rear, including a crew yard behind Norwood Park Farm, the scale and form of the Homestead is contrary to that established building line, and an otherwise incongruous addition to the rear of the listed building.

### Assessment of proposal

The proposal seeks approval for a 3 bed dwelling. The facing materials comprise brick and timber cladding with a profile sheet metal roof. A distinctive glazed gable forms part of the northwest elevation. The layout differs from the indicative plans of the outline approval, being both larger and set at an angle within the plot. This change in layout appears to be due to the presence of a water pipe across the site which the relevant water company appears unwilling to move.

In its current form, Conservation has concerns about the impact of the proposed dwelling on the setting of the listed building. Specifically, we have concerns about the following:

- i) The size and layout of the dwelling;
- ii) The facing materials of the dwelling.

We recognise that the outline approval has established the acceptability of a dwelling in this location. Nevertheless, the orientation of the dwelling at an angle across the site exacerbates its scale (in terms of foot print), and the lack of alignment with the linear forms along Main Street and the Homestead is moderately disruptive. The gable width of the new dwelling results in a building which appears larger in footprint than adjacent buildings. Impact on the setting of heritage assets is not wholly dependent on public access (as set out in paragraph 13 of the PPG), and I am concerned that seen in aspect with the listed farmhouse, the development will appear to dominate its setting. Combined with the Homestead, the proposal will form a pair of substantial bungalows which tip the balance from neutral impact to one of harm.

The proposal makes no positive reference to the significance or setting of the listed building in terms of its scale and appearance. The facing materials, notably the metal roof covering, contrast with the domestic architecture of Main Street which broadly comprises brick and pantile or slate.

### Recommendation/summary of opinion

In its current form, the proposal is moderately harmful to the setting of the listed farmhouse to the south. Whilst we accept that the principle of a single storey dwelling has been established on this site, the design of the dwelling and its orientation within the plot is considered to result in some moderate adverse impact on the setting of the listed farmhouse. The proposal is therefore contrary to the objective of preservation required under s66 of the Act. The harm identified is moderate and therefore less than substantial for the purposes of the NPPF. Given the group value between the listed farmhouse and the adjacent Local Interest buildings, the adverse impact resonates with their collective setting, albeit, the rear location of the development ensures that limited weight is given to this issue.

Mitigation might be sufficient to address our concerns:

- A reduction in foot print;
- An attempt to re-orientate the building to match linear properties adjacent;
- Consider changing the roof materials to slate or pantile;

- Consider increasing landscaping between the proposal and rear of the heritage assets.

The scheme would otherwise benefit from being rethought. If the scheme continues to promote linear building form, the layout needs, as far as practicably possible to do so, align with the linear dwellings nearby. The design and appearance of the structure would benefit from referencing traditional barn or cottage vernacular (including perhaps modest gable widths, traditional brick detailing and natural materials palette for the roof).

We accept that a contemporary design could still be sympathetic in this context, however. A well-designed contemporary approach might incorporate a modular approach to form and layout, but I anticipate that the scheme might need to consider incorporating green roofs or other landscaped elements (this approach may then work with timber cladding and modern profile roofing elements).

We would be happy to offer further advice on this if required.

Please reconsult us if the scheme is amended.

#### **NKDC Tree Officer 17.06.2020 –**

Although a tree survey has been now submitted it is unclear why all trees on the west boundary that formed a substantial green boundary have been removed as the majority could have been retained as part of the proposed layout.

The proposed layout apart from the building footprint is vague so apart from assessing the impact of the new dwelling on retained trees I have no other information such as removal/reinstatement of hardstanding, proposed access and new hardstanding, potential service and drainage runs to evaluate any further tree impact.

Therefore I would recommend the following conditions are attached to any approval:

1. No works or development shall take place until an arboricultural method statement and scheme for protection of the retained trees/hedgerows has been agreed in writing with the District Planning Authority. This scheme shall include:
  - a. A plan showing details and positions of the ground protection areas.
  - b. Details and position of protection barriers .
  - c. Details and position of underground service/drainage runs/soakaways and working methods employed should these runs be within the designated root protection area of any retained tree/hedgerow on or adjacent to the application site.
  - d. Details of any special engineering required to accommodate the protection of retained trees/hedgerows (e.g. in connection with foundations, bridging, water features, hard surfacing).
  - e. Details of construction and working methods to be employed for the installation of drives and paths within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
  - f. Details of working methods to be employed with the demolition of buildings, structures and surfacing within or adjacent to the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
  - g. Details of timing for the various phases of works or development in the context of the tree/hedgerow protection measures.

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

3. Prohibited activities

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

- a. No fires to be lit on site within 10 metres of the nearest point of the canopy of any retained tree/hedgerow on or adjacent to the proposal site.
  - b. No equipment, signage, fencing etc shall be attached to or be supported by any retained tree on or adjacent to the application site,
  - c. No temporary access within designated root protection areas without the prior written approval of the District Planning Authority.
  - d. No mixing of cement, dispensing of fuels or chemicals within 10 metres of any retained tree/hedgerow on or adjacent to the application site.
  - e. No soak- aways to be routed within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
  - f. No stripping of top soils, excavations or changing of levels to occur within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
  - g. No topsoil, building materials or other to be stored within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
  - h. No alterations or variations of the approved works or protection schemes shall be carried out without the prior written approval of the District Planning Authority
4. No works or development shall take place until the District Planning Authority has approved in writing the full details of every tree, shrub, hedge to be planted (including its proposed location, species, size and approximate date of planting) and details of tree planting pits including associated irrigation measures, tree staking and guards
5. The approved landscaping scheme shall be carried out within 6 months of the first occupation of any building or completion of the development, whichever is soonest, unless otherwise agreed in writing with the District Planning Authority. If within a period of 7 years from the date of planting any tree, shrub, hedgerow or replacement is removed, uprooted, destroyed or dies then another of the same species and size of the original shall be planted at the same place. Variations may only be planted on written consent of the District Planning Authority

**NKDC Tree Officer 07.05.2020 –**

Request tree survey/constraints plan in accordance with BS5837-2012 Recommendations of green infrastructure on/adjacent to site.

**NSDC Environmental Services Contaminated Land 07.05.2020 –**

The former use of the site is stated in the application as a farmyard. Agriculture is a potentially contaminative land-use and such land can possibly be used for a wide variety of potentially contaminative activities including: non-bunded fuel storage, repair and maintenance of agricultural machinery/vehicles, storage of silage and other feed, slurry tanks/lagoons, disposal of animal waste and disposal of asbestos.

There is clearly the potential for the site to have been contaminated from this former use. As it appears that no desktop study/preliminary risk assessment has been submitted prior to, or with the planning application, then I would request that our standard phased contamination conditions are attached to the planning consent.



**Severn Trent 11.06.2020 –**

With reference to the above planning application the Company's observations regarding sewerage are as follows.

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

Please note for the use or reuse of sewer connections either direct or indirect to the public sewerage system the applicant will be required to make a formal application to the Company under Section 106 of the Water Industry Act 1991. They may obtain copies of our current guidance notes and application form from either our website ([www.stwater.co.uk](http://www.stwater.co.uk)) or by contacting our Developer Services Team (Tel: 0800 707 6600).

**Suggested Informative**

Severn Trent Water advises that there is a public sewer located within the application site. Public sewers have statutory protection by virtue of the Water Industry Act 1991 as amended by the Water Act 2003 and you may not build close to, directly over or divert a public sewer without consent. You are advised to contact Severn Trent Water to discuss your proposals. Severn Trent Water will seek to assist you in obtaining a solution which protects both the public sewer and the proposed development. They may obtain copies of our current guidance notes and application form from either our website ([www.stwater.co.uk](http://www.stwater.co.uk)) or by contacting our Asset Protection Build Team (Tel: 0345 2667930 / email: [net.dev.east@severntrent.co.uk](mailto:net.dev.east@severntrent.co.uk)).

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

Yours Faithfully,

**Asset Protection Waste Water East  
Wholesale Operations  
Severn Trent Water Ltd**

**Trent Valley Internal Drainage Board 19.05.2020 –**

We refer to the above application and make the following observations:

The site is within the Trent Valley Internal Drainage Board district.

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

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

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

If you require any further information please do not hesitate to contact the Board's Operations Manager, Mat Everett.

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

## **Revised proposal**

1 interested party has commented in objection –

- Reduction in size is not enough, scale and height of the proposed new dwelling still of concern
- Topographical survey is incorrect, reduction in land level won't make a difference, the proposed new dwelling will still be overbearing
- Lack of detail on landscaping/boundary treatments of particular concern as hedges and trees have already been removed causing loss of privacy

1 interested party has commented in support with concerns –

- Still concerned over the height of the proposed new dwelling
- Further tree/hedge planting should be undertaken to screen the development from neighbouring properties
- Construction hours should be controlled to minimise disruption to neighbouring residents

2 interested parties have commented in support

## **Original proposal**

2 interested parties commented in objection:

- No prior discussion/consultation with neighbours
- No demonstrated local need for the property
- Proposed new dwelling would be positioned too close to the boundary with neighbouring properties
- Concerns regarding the height and scale of the proposed new dwelling, which would have an overbearing and overshadowing impact on neighbouring properties
- Concerns regarding potential future addition of rooms in the roof
- Concerns regarding overlooking/loss of privacy
- Overdevelopment
- Design not in keeping with the rural character of the area
- Existing access inadequate to serve proposed new dwelling
- Noise and disturbance from increased vehicle movements
- Lack of detail on landscaping/boundary treatments

5 interested parties commented in support

- Design in keeping with the area
- Support the provision of a family home

## Appraisal

### *Principle of development*

The Amended Core Strategy details the settlement hierarchy that will help deliver sustainable growth and development in the District. The intentions of this hierarchy are to direct new residential development to the Sub-regional Centre, Service Centres and Principal Villages, which are well served in terms of infrastructure and services. At the bottom of the hierarchy are 'other villages' which do not have defined built up areas in terms of village boundaries. Consequently, given its location in a rural area, the site falls to be assessed against Spatial Policy 3 (Rural Areas) of the Amended Core Strategy. This provides that local housing need will be addressed by focusing housing in sustainable, accessible villages. It states that 'Beyond Principal Villages, proposals for

new development will be considered against the following criteria' then lists location, scale, need, impact and character for consideration.

### *Location*

The first criterion of Spatial Policy 3 'Location' states 'new development should be in villages, which have sustainable access to Newark Urban Area, Service Centres or Principal Villages and have a range of local services themselves which address day to day needs'

The critical consideration in the determination of this application is whether the application site is located within the village or in the open countryside. This matter was considered in determining the previous application in 2017, with the case officer noting;

*It is clear that the site has historically been used for agricultural purposes; however any buildings which occupied the site have long since been cleared. The block plan loosely identifies that the proposed dwelling would be situated to the west of The Homestead and be constructed on approximately the same build line. The Homestead at the time of the application been approved in 2000 was considered be within the built up part of the village and represents an acceptable form of development. It is considered that the proposed dwelling could represent a 'rounding off' of the site and as such the proposal is not considered to represent any greater intrusion into the open countryside than that which previously existed from the farm yard site. In terms of local services; as detailed above residents in Edingley have access to a pub and church and approximately 100m from the site is a bus stop which provides an hourly service to Southwell. I am therefore of the opinion that the proposed development site could be said to accord with the first criterion of policy SP3.*

The proposed new dwelling would not be sited on the same build line as The Homestead due the presence of a pressurised rising main that crosses the site. Consequently, it would be positioned closer to the properties to the south that front onto Main Street. Notwithstanding this, the Amended Proposed Layout shows the residential curtilage would extend no further than the former farm yard and would represent no greater intrusion into the open countryside than previously proposed, less in fact. It is therefore considered that the proposed development accords with this criterion.

### *Need*

Spatial Policy 3 of the Amended Core Strategy is supportive of new housing where it helps to support community facilities and local services. The supporting text to SP3 confirms that for schemes of one or two dwellings it will not be possible to require a particular type or mix of dwellings. This is a change from the previous version of SP3 (contained within the Core Strategy Adopted March 2011) against which the 2017 application was assessed. This older version required any new housing within 'other villages' to meet an identified proven local need in order to be considered acceptable. Therefore, whilst there is a local housing needs survey that covers a 5 year period from 2016 to 2021, it can be given little weight in determining this application.

The proposed new dwelling would, by virtue of being located within the village and within walking distance of facilities such as the public house and church, help support community facilities and local services in accordance with this criterion.

### *Scale and impact of development*

The scale criterion of Spatial Policy 3 relates to both the amount of development and its physical characteristics, the latter of which is covered in other parts of this assessment. One additional dwelling is considered relatively small scale in relation to the overall number of dwellings in Edingley.

*Impact on character and setting of heritage assets*

The character criterion of Spatial Policy 3 states that new development should not have a detrimental impact on the character of the location or its landscaped setting. This overlaps with Policy DM5 of the DPD, which confirms the requirement for new development to reflect the rich local distinctiveness of the District's landscape and character through scale, form, mass, layout, design, materials and detailing.

Spatial Policy 3 also gives weight to schemes that secure environmental enhancements by the re-use of former farmyards, which is something that is noted in the application. Whilst the site has been cleared of buildings, the past use of the site can still be read as expressed by the extent of concrete hardstanding. Given the location of the site to the north of Main Street, limited views are possible from the public realm; however, some views are possible from vantage points from properties to the south which front onto Main Street. Consequently, it is considered that some weight can be given to the proposed development resulting in an improvement in the character of the site through the removal of the large areas of concrete hardstanding, which would also reduce the existing land level by approximately ½ metre.

The comments regarding the scheme resulting in backland development are noted. Policy DM5 of the DPD states that proposals creating 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. Whilst it is accepted that the proposal would result in the construction of a new dwelling to the rear of properties which front onto Main Street, a similar relationship already exists with the presence of The Homestead to the east. It is not considered that the proposal would set a precedent for similar forms of development, given that it represents a 'rounding off' of the site.

Turning to potential impacts on heritage assets. Norwood Park Farmhouse (now Valley Farmhouse) to the south is Grade II listed. The Croft and Lime Tree Cottage to the south have been identified on the County Historic Environment Record (HER) as Local Interest buildings (non-designated heritage assets). The Council's Senior Conservation Officer has informed negotiations on this application, as the proposal as submitted was considered harmful to the setting of the listed farmhouse to the south. The revised plans submitted during the course of the application have attempted to address Conservation concerns regarding the scale and layout of the proposal, as well as the facing materials, and it has been noted by Conservation that the changes are an improvement to the original scheme and reduce the adverse impact originally identified. It is unfortunate that the proposed new dwelling cannot be sited on the same build line as The Homestead, as this would have respected the existing pattern of development and provided greater separation between the proposed new dwelling and nearby heritage assets. That said, the proposed new dwelling would be single storey and would include materials and detailing appropriate for the rural setting.

It is accepted that the proposal may cause some harm to the setting of the listed farmhouse. In accordance with the terms of National Planning Policy Framework (NPPF), it is considered the development would lead to **less than substantial harm** to the significance of the Grade II listed

building. Paragraph 196 of the NPPF requires this harm to be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. It is considered that in this case the harm identified is outweighed by the previously described benefits associated with the redevelopment of the former farm yard to provide one new dwelling. In reaching this decision I am mindful of the extant outline permission for a single dwelling on the site.

The proposed development is therefore considered to be Spatial Policy 3 compliant subject to the below consideration of impacts on highway safety, neighbouring amenity, trees and ecology.

#### *Impact on highway safety*

Policy DM5 requires the provision of safe and inclusive access to new development whilst Spatial Policy 7 encourages proposals that place an emphasis on non-car modes as a means of access to services and facilities.

Nottinghamshire County Council Highway Authority has deferred consideration of highway impacts to the decision maker, advising that the application be assessed with reference to their Standing Advice for Nottinghamshire Local Planning Authorities.

As previously detailed, Edingley is on the number 28 bus route between Mansfield and Newark, with an hourly service to Southwell and beyond, with bus stops within walking distance of the site.

The existing access to the site also serves the neighbouring properties known as The Homestead and Valley Farm House. Under the 2017 application, Nottinghamshire County Council Highway Authority raised no objection to an additional dwelling, subject to adequate provision of parking and turning facilities. Notwithstanding this, it is noted that the access does not in fact meet the relevant requirements outlined in the abovementioned Standing Advice (i.e. Three to five dwellings  $W = 4.8m$  for a minimum distance of 8m behind the highway boundary) and will also continue to be used, in part, by farm vehicles accessing the barn and fields to the rear. It is therefore considered that the existing access can only serve a maximum of three dwellings, meaning that any future proposals for additional dwellings are unlikely to be viewed favourably. Visibility from the junction with Main Street is acceptable, given it is located on the outside of a bend. The Amended Site Layout indicates the provision of two parking spaces and a turning area to the front of the proposed new dwelling, which appear to meet the relevant requirements of the abovementioned Standing Advice.

Consequently, on the basis of the above, it is considered that the scheme accords with the identified policies with regards to highway safety, subject to conditions.

#### *Impact on residential amenity*

Policy DM5 requires new development to respect the amenities of the surrounding land uses to ensure that there is no adverse impact by virtue of overshadowing, overlooking or overbearing issues.

Due to the angled position of the proposed new dwelling, separation distances would range from approximately 4.9 metres at its closest to the rear boundary of the property known as Thorney House to approximately 21.0 metres at its farthest to the rear boundary of the property known as The Croft. Neighbouring residents at Sarabeck and Lime Tree Cottage have raised concerns regarding the scale and height of the proposed new dwelling, as well as its proximity to their

respective rear boundaries. The separation distances from the proposed new dwelling to the rear boundaries of these two properties would be approximately 11.0 metres to the rear boundary of Sarabeck and approximately 18.0 metres to the rear boundary of Lime Tree Cottage. Whilst the Amended Proposed Layout does not show the full extent of the extended garage to the rear of Lime Tree Cottage, it is considered there would be reasonable degree of separation between the existing and proposed dwellings. The separate distance from the proposed new dwelling to Sarabeck would be approximately 18.5 metres while the distance from the proposed new dwelling to Lime Tree Cottage would be approximately 32.0 metres. Furthermore, the existing and proposed boundary treatments would offer reasonable screening of the development, which would be single storey compared to the neighbouring properties which are two storey.

Turning to concerns regarding the possible addition of rooms in the roof. The applicant has provided sectional drawings indicating high ceilings within the proposed new dwelling. Notwithstanding this, it is considered appropriate to remove permitted development rights relating to roof alterations, to ensure that any potential future conversion of the roof space would therefore require planning permission. Whilst the proposed new dwelling would be larger than that indicated on the approved outline, it would be of comparable scale to the existing bungalow known as The Homestead and single storey as stipulated by the previous outline approval.

Overall, it is considered there would be no unacceptable loss of amenity in accordance with Policy DM5 of the DPD.

#### *Impact on trees and ecology*

Core Policy 12 and Policy DM7 promote the conservation and enhancement of the District's biodiversity assets. The NPPF also seeks to minimise impacts on biodiversity and provide net gains where possible.

The tree survey carried out in support of the application identified twenty individual trees within the application site. The trees form linear screens along the western and eastern boundaries and are scattered along the southern boundary. The location of the proposed new dwelling would require the removal a number of trees, although these are mostly small trees of poor or average quality. The survey recommends that remaining trees are retained and incorporated into landscaping for the new property along with additional planting along the southern boundary. All trees are identified as having negligible potential to support bat roosts.

The Council's Tree Officer has considered the submitted tree survey and recommended conditions to impose on an approved application to ensure appropriate protection of retained trees. Subject to these conditions, the proposal accords with the relevant provisions of Core Policy 12 and Policy DM7 of the DPD.

#### *Other matters*

##### *5 year housing land supply*

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

##### *Contaminated land*

Policy DM10 'Pollution and Hazardous Materials' requires that where a site is known, or highly likely to have been contaminated by a previous use, investigation of this and proposals for any necessary mitigation should form part of the proposal for re-development. Where contamination comes to light as part of the development process, the proposal will be determined in light of this.

The Council's Environmental Health Technical Officer has considered the application and identified that there is the potential for contamination to be found on site as a result of the former use as a farmyard. It is therefore considered appropriate to impose standard phased contamination conditions on an approved application to ensure appropriate investigation and mitigation in accordance with the provisions of Policy DM10 of the DPD.

#### *Planning balance and conclusion*

The above appraisal has assessed each of the five criteria identified by Spatial Policy 3 of the Amended Core Strategy. The proposal has also been assessed against other local and national policies in respect of residential amenity, highway safety, trees and ecology and is considered to be acceptable in this regard.

It has been concluded that the site is located within the main built up area of Edingley, which is well connected to the nearby villages of Southwell and Farnsfield and beyond. Consequently, the development would be considered sustainable. In addition, the proposed development would help support community facilities and local services.

In terms of the proposal's impact and scale, the addition of one dwelling is considered to be an appropriate scale for the village and unlikely to have a detrimental impact upon existing services provided for the village, nor a significant increase in vehicular traffic that would have a harmful impact upon the highway network.

The proposal would lead to less than substantial harm to the significance of the Grade II listed farmhouse to the south of the site. However, this harm is outweighed by the benefits associated with redeveloping the site to provide one new dwelling. The proposal is therefore considered to comply with the 'character' criterion of Spatial Policy 3.

Taking the above in to account, it is concluded that the proposal accords with the criteria of Spatial Policy 3, as well as other relevant local and national planning policy, which are considered on balance to outweigh the limited impact upon the heritage assets in this instance. It is therefore recommended that the application is approved, subject to appropriate conditions.

#### **RECOMMENDATION**

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

#### Conditions

##### **01**

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

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

## **02**

The development hereby permitted shall not be carried out except in complete accordance with the following approved plans, reference 21A AMENDED PROPOSED LAYOUT, MAS 2 AMENDED SECTION, MS THE 6A AMENDED FLOOR AND ELEVATION PLANS

Reason: So as to define this permission.

## **03**

Notwithstanding the submitted details, no works in relation to the following details shall be commenced until samples have been submitted to and approved in writing by the Local Planning Authority. Works shall thereafter be carried out in accordance with the approved details.

Bricks

Timber boarding

Profiled metal sheeting (veranda roof)

Reason: In the interests of visual amenity

## **04**

Before the new roof hereby approved is installed, samples or detailed specifications of the new roof slates, which shall be natural non-interlocking slates, shall be submitted to and agreed in writing by the Local Planning Authority. The works shall be carried out only in accordance with the agreed materials.

Reason: In the interests of visual amenity

## **05**

Before they are installed, details of the siting, appearance and materials to be used in the construction of all external accretions such as extractor vents, heater flues, meter boxes, airbricks, soil and vent pipes, rainwater goods or any other external accretion shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out only in accordance with the agreed details.

Soil and vent pipes

Reason: In the interests of visual amenity

## **06**

The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning



Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Reason: To ensure that the development is provided with a satisfactory means of drainage.

## **07**

No part of the development hereby permitted shall be brought into use until the driveway/parking area is constructed with provision to prevent the unregulated discharge of surface water onto the public highway to the satisfaction of the Local Planning Authority. The provision to prevent the unregulated discharge of surface water to the public highway shall be retained for the life of the development.

Reason: In the interests of highway safety

## **08**

No part of the development hereby permitted shall be brought into use until all drives and any parking or turning areas are surfaced in a hard-bound material (not loose gravel). The surfaced drives and any parking or turning areas shall then be maintained in such hard-bound material for the life of the development.

Reason: In the interests of highway safety

## **09**

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

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

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

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
  - human health;
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
  - adjoining land;

- ground waters and surface waters;
- ecological systems;
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

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

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

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

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

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

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

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

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

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

## 10

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

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

Reason: To ensure that adequate protection is afforded to the existing vegetation and trees to remain on site, in the interests of visual amenity and biodiversity.

## 11

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

Reason: To ensure that adequate protection is afforded to the existing vegetation and trees to remain on site, in the interests of visual amenity and biodiversity.

## 12

Prohibited activities

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

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

- g. No topsoil, building materials or other to be stored within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- h. No alterations or variations of the approved works or protection schemes shall be carried out without the prior written approval of the District Planning Authority

Reason: To ensure that adequate protection is afforded to the existing vegetation and trees to remain on site, in the interests of visual amenity and biodiversity.

### **13**

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

Reason: In the interests of visual amenity and biodiversity.

### **14**

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

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

### **15**

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

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

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

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

Reason: To ensure that any proposed further alterations or extensions do not adversely impact upon neighbouring amenity.

## Informatives

### **01**

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

### **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**

Severn Trent Water advises that there is a public sewer located within the application site. Public sewers have statutory protection by virtue of the Water Industry Act 1991 as amended by the Water Act 2003 and you may not build close to, directly over or divert a public sewer without consent. You are advised to contact Severn Trent Water to discuss your proposals. Severn Trent Water will seek to assist you in obtaining a solution which protects both the public sewer and the proposed development. They may obtain copies of our current guidance notes and application form from either our website ([www.stwater.co.uk](http://www.stwater.co.uk)) or by contacting our Asset Protection Build Team (Tel: 0345 2667930 / email: [net.dev.east@severntrent.co.uk](mailto:net.dev.east@severntrent.co.uk)).

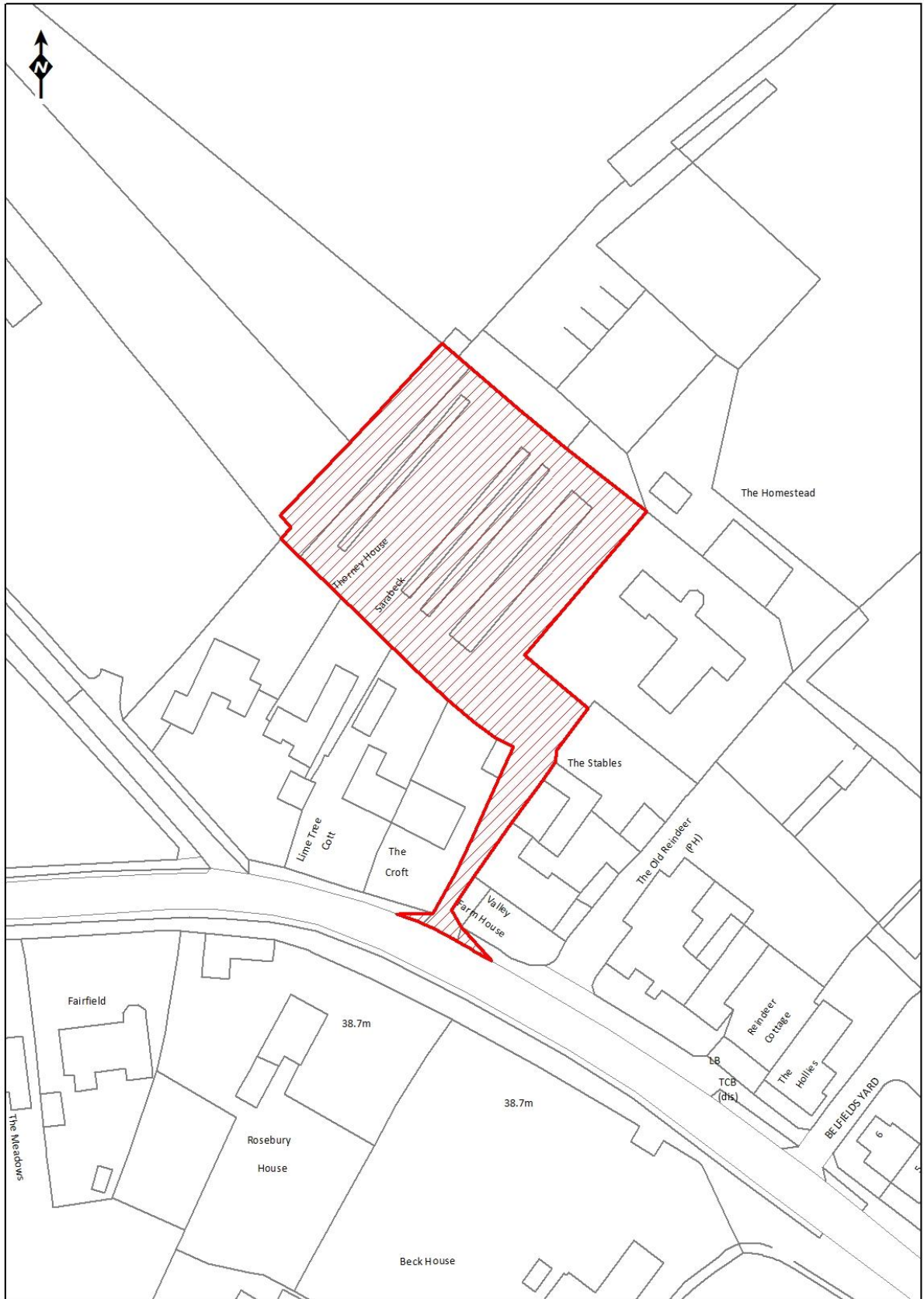
## BACKGROUND PAPERS

Application case file.

For further information, please contact Amy Davies on ext 5851.

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**



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## PLANNING COMMITTEE – 4 AUGUST 2020

<b>Application No:</b>	20/00999/FUL		
<b>Proposal:</b>	Development of one temporary construction access point (resubmission)		
<b>Location:</b>	Land at Ollerton Road, Edwinstowe		
<b>Applicant:</b>	Harworth Group Plc		
<b>Agent:</b>	Pegasus Group – Mr Steve Lewis-Roberts		
<b>Registered:</b>	12 June 2020	<b>Target Date:</b>	07 August 2020
<b>Link to application file:</b>	<a href="https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=QBQZDWLBHQ00">https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=QBQZDWLBHQ00</a>		

This application is referred to the Planning Committee given that it relates to the resubmission of a scheme that was recently refused by the Planning Committee. Ward member, Cllr M Brown, has also explicitly referred the application to committee on highway safety grounds and requested a site visit be undertaken by Members.

### The Site

The application site relates to an area of land adjacent to the A6075 Ollerton Road in Edwinstowe, immediately adjacent to Phase 2 of the wider redevelopment. It comprises an existing agricultural access point between hedgerows.

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



Officer Photo taken 22.07.2020



### Relevant Planning History

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

**19/02159/FUL** – Development of one temporary construction access point. This was **refused** contrary to officer recommendation by Committee in March 2020 for the following reason:

*In the opinion of the Local Planning Authority the proposed temporary construction access was considered likely to lead to conflicts between vehicles utilising it and other traffic using*

*the highway, particularly given the speed of traffic along Ollerton Road. When considering this likely highway conflict and the lack of robust justification regarding the need for such a temporary construction access given the width and adequacy of the existing main access already in situ, it was considered that the application was unnecessary, harmful and contrary to Policies SP7 (Sustainable Transport), ShAP4 (Land at Thoresby Colliery) of the adopted Newark and Sherwood Amended Core Strategy (2019) and Policy DM5 (Design) of the Allocation and Development Management DPD, adopted 2013 which together form the relevant parts of the Development Plan.*

**APP/B3030/W/20/3253579** - An appeal (written representations method) against this decision has been lodged and validated. By agreement with the appellant and PINS, the appeal statement is due on 12<sup>th</sup> August 2020. The appeal would be withdrawn if this resubmission were to be approved.

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. Development has commenced on site.

19/01865/RMAM –Reserved Matters for Phase 2, 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 was approved by Planning Committee in June 2020. No development has commenced on site yet.

### The Proposal

This application is an identical resubmission of the refused scheme. However this time more justification for its need from their planning Agent has been provided in their letter dated 10<sup>th</sup> June 2020 and within their email received 1<sup>st</sup> July 2020.

Full planning permission is sought for the erection of a construction access to serve Phase 2 of the Thoresby Colliery redevelopment from Ollerton Road.

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.

### The Submission

The application is accompanied by the following:

- **Letter from agent dated 10<sup>th</sup> June 2020 outlining the need for the access**
- **Email received 1<sup>st</sup> July 2020 offering reassurances over member concerns**
- 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 8 properties have been individually notified by letter.

### Planning Policy Framework

#### The Development Plan

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

Spatial Policy 1 - Settlement Hierarchy  
Spatial Policy 2 - Spatial Distribution of Growth  
Spatial Policy 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** – No response to date

**Cllr M Brown – (05.05.20)** ‘I still have major concerns due to the topography of the site now as the land of phase 2 is now 15-20 feet lower than the road personally this needs reassessment from NCC highways and as it’s so close to the bend leaving the village and the 50mph sign which still hasn’t been changed from NCC highways meaning the dangerous area were the road is wanted is too bad for the area. Can NCC reassess and can or this please be brought before the committee personally a site visit is needed for this so members can assess for themselves is they think it’s as dangerous as it looks from the road.’ *(NCC’s response to these concerns are set out below dated 06.07.20)*

**NCC Highways Authority** –

(06.07.20 in response to Cllr Brown’s email above)

‘Progress is being made to reduce the speed limit to 30mph if indeed it has not already occurred. The access arrangement has been assessed and safety audited and the Highway Authority has no objection. The issue of land levels being reduced would not appear to be a problem since this authority would be requiring road gradients to match minimum highway guidance standards. This should not affect visibility splays or safety.’

(29.06.2020) Substantive comments:

The proposal is a resubmission of a scheme previously put forward under planning application 19/02159/FUL. The highway details have been technically reviewed and safety audited and are acceptable to this Authority.

No objections are raised subject to the following conditions:

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.

**Representations from 2 local residents have been received objecting to the application. These can be summarised as follows:**

- This re-submission of application 19/02159/FUL which was rightly refused planning permission by the planning committee. The applicant has clearly stated that refusal was "the wrong decision" and is now demonstrating that they have little regard for the

planning process and earlier objectors. When an application is approved, objectors have no right to appeal yet the applicant can either appeal or simply re-submit the application.

- The reasons for objecting are the same as for application 19/02159/FUL.
- The applicant still hasn't given any sound justification for this access road and access to the site is already available via the spine road.
- Direct access from the site onto Ollerton Road will result in excessive soiling of the highway and hinder the flow of traffic. It could be argued that wheel-washing facilities will overcome this issue, however, I have seen a number of 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 and as far as possible from Ollerton Road. By taking this approach, 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.
- Ingress & egress will be difficult and dangerous to control without the provision of Traffic Lights as there will be no segregated lanes for right turners. Traffic flow will be restricted with detrimental effect to vehicles travelling east, having restricted vision, as they approach, even though they are in a 30/50 MPH area. A known fact this stretch of road has had fatalities along its boundary with this development!
- Wheel-washing has historically been un-workable, with the probability of road sweeping, with "the why should we attitude" causing expense that more than likely won't be policed. Either way will be detrimental to traffic users by actually creating more obstacles along the road, whether detritus or slow moving hazards.
- The Developer has been granted permission to access both the Western and Eastern sites from the main "Avenue"; surely with their attitude to legislation, common sense says this application for another temporary, really means permanent? Why else would they go to so much trouble and pointless expense?
- Don't that that previous objections have been read
- Concern that planning regulations are being ignored and the NCC Highways are willing to object because they don't live in the area

### 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 362 dwellings (phases 1 & 2) 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'.

This proposed access would serve Phase 2 which has recently been granted reserved matters approval for 143 dwellings and relates to the part of the site located closest to Edwinstowe 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

Nb – Phasing has since changed (Phase 3 annotated below is actually now Phase 1 whilst Phase 1 annotated is now actually Phase 2)



The applicant has sought to provide further justification for the need for the temporary construction access given that the main central access was previously intended to serve both construction and pedestrian access following the committee decision to refuse the application. This justification is included below in full:

*“The planning application seeks to utilise and upgrade the existing agricultural access point as a temporary construction access for use by the developers of Phase 2 (Barratt David Wilson Homes), for constructing that phase of development. Following completion of Phase 2, the temporary access would be removed and reinstated as a permanent pedestrian link with associated landscaping. The junction is only required for 5 years from the grant of planning permission and Harworth is content to have this restriction secured by condition.*

*The development of a separate construction access for the Phase 2 developer (Barratt David Wilson Homes) is required for safety reasons, in order to support overall management of construction traffic from the residential sites to manage and mitigate dust, mud and noise for future residents of the wider Thoresby Colliery site. This will assist Harworth in the management of the wider site from a health and safety perspective, allowing for clearly defined entrance points for each contractor. The temporary access would assist by reducing conflicts between construction traffic and household traffic once the Phase 1 dwellings are occupied.*

*Harworth currently have between 4 and 6 significant live works contracts on site, plus a tenant, all with their own subcontractors accessing the site. Additionally, Harron Homes (Phase 1) have a number of live sub-contractors, deliveries and consultants using the access. 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. The situation will be exacerbated once the Phase 2 developer starts development and when residents start moving onto the site. The development of a*

*temporary construction access for Phase 2 will promote good site management, control and security, through clearly defined points of access.*

*The enabling works are being undertaken by C R Reynolds who are acting as the Principal Contractor, and they manage and control traffic at the existing single site entrance. The installation of this temporary construction access will allow Barratt David Wilson Homes to operate under their own Construction Design and Management (CDM) Regulations, which simplifies the monitoring and management process, and any remedies required.*

*The reason for refusal expressed concerns about the speed of traffic on Ollerton Road however, in accordance with the recommendation from the Highways Authority, a proposed condition requires a 30mph speed limit to be in place along this section of Ollerton Road prior to the development being brought into use. Put simply, the temporary construction access is required to improve site safety and highway safety.*

*Representatives from Harworth met with Parish Councillors and District Councillors on site on 5th June 2020, and the need for this temporary access was explained. Members were shown around the site and the points raised at the Planning Committee meeting were discussed further. Harworth have agreed to set up regular site meetings with members, and they now have a direct contact point for any issues going forward.*

*An appeal against the refusal of this application has also been lodged, however the applicant would withdraw this, subject to receiving planning permission promptly for this 'free go' application.*

*In summary the construction access is required for a temporary period for reasons of highway safety and health and safety. It should be emphasised that the County Council as Highways Authority has no objection to the proposal, and Harworth are content to accept a condition requiring its removal and reinstatement as a pedestrian link after 5 years."*

My understanding is that the master developer intends to use the capital receipt from the sale of the land to Barratt (the prospective developer for Phase 2 already approved) to bring forward the payment of their contribution for the much needed Ollerton roundabout improvement works. However I also understand that without the temporary access the land deal with Barratt Homes would be in jeopardy. Whilst this is not for the planning system or decision makers to remedy, it is important to understand the context and how this all fits together.

The justification now provided makes clear the reasons for its need and I am satisfied that the temporary access would improve the environment 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 and dust, easier.

The applicant has previously indicated they are prepared to accelerate the construction of the eastern most access/junction in order to try to address concerns raised during the previously refused application process whereby the direct access to serve Phase 1 was omitted from the scheme due to highway safety concerns.

Members may recall that I was not previously convinced that there is a clear need for the temporary access. However with the justification now submitted I am satisfied that this access would bring about overall benefits that would improve the experience of users of the highway

through enabling better management during the construction phase, accountability for any issues and a more pleasant access for occupiers of Phase 1 which are expected towards the end of this year.

### 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.

The reduction of the speed limit along this section of Ollerton Road requires a Traffic Regulation Order (TRO) to be made by Nottinghamshire County Council as the highway authority. This is a separate process to the determination of the planning application, and I understand that Harworth are already in discussions with the County Highway Authority, who have indicated that the reduction in the speed limit will be supported. The formal application for the TRO has, I understand, now been made and the necessary consultation will be undertaken by the County Council. It is expected that the TRO will be issued in September 2020.

If planning permission were to be granted for the temporary construction access, the reduction in the speed limit would be in place approximately 5 years sooner than originally set out in the access strategy approved as part of the outline planning permission (condition 24 of the outline planning permission requires the eastern access to be open prior to the occupation of the 400<sup>th</sup> dwelling). It should also be noted that the current traffic restrictions on Ollerton Road act to reduce to traffic speed, and these are likely to be in place until September 2020.

The applicant has advised that they anticipate that the Barratt phase (proposed to be served by the temporary access) would take approximately 4 years to build out, and therefore a temporary permission of up to 5 years is required to ensure the safety measures remain in place during the construction period.

### 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 conclusions that Members drew previously related to the lack of a justified need coupled with the perceived highway harm, particularly given the speed of traffic along Ollerton Road. It is fair to say that officers were also previously unconvinced of the 'need' for the construction access albeit found no resulting harm hence the recommendation for approval. With the justification now submitted I am now satisfied that the need for the access has been demonstrated and would lead to benefits such as being better able to effectively manage construction impacts which would benefit all users of the highway network. Members need to be aware that the highway reason for refusal is not corroborated by NCC Highways Authority who are the technical experts in such matters and resistance of this ground would be difficult to defend at appeal and is likely to lead to an award of costs for unreasonable behavior if this cannot be substantiated. It should be noted that members concerns regarding the speed of traffic could be mitigated by the imposition of conditions to slow the traffic down.

In summary the principle of a temporary access is acceptable in principle, the need for it now fully and robustly demonstrated and there are no highway safety issues that can be corroborated following a safety audit, subject to mitigating conditions. No other harm has been identified.

### **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).



BACKGROUND PAPERS

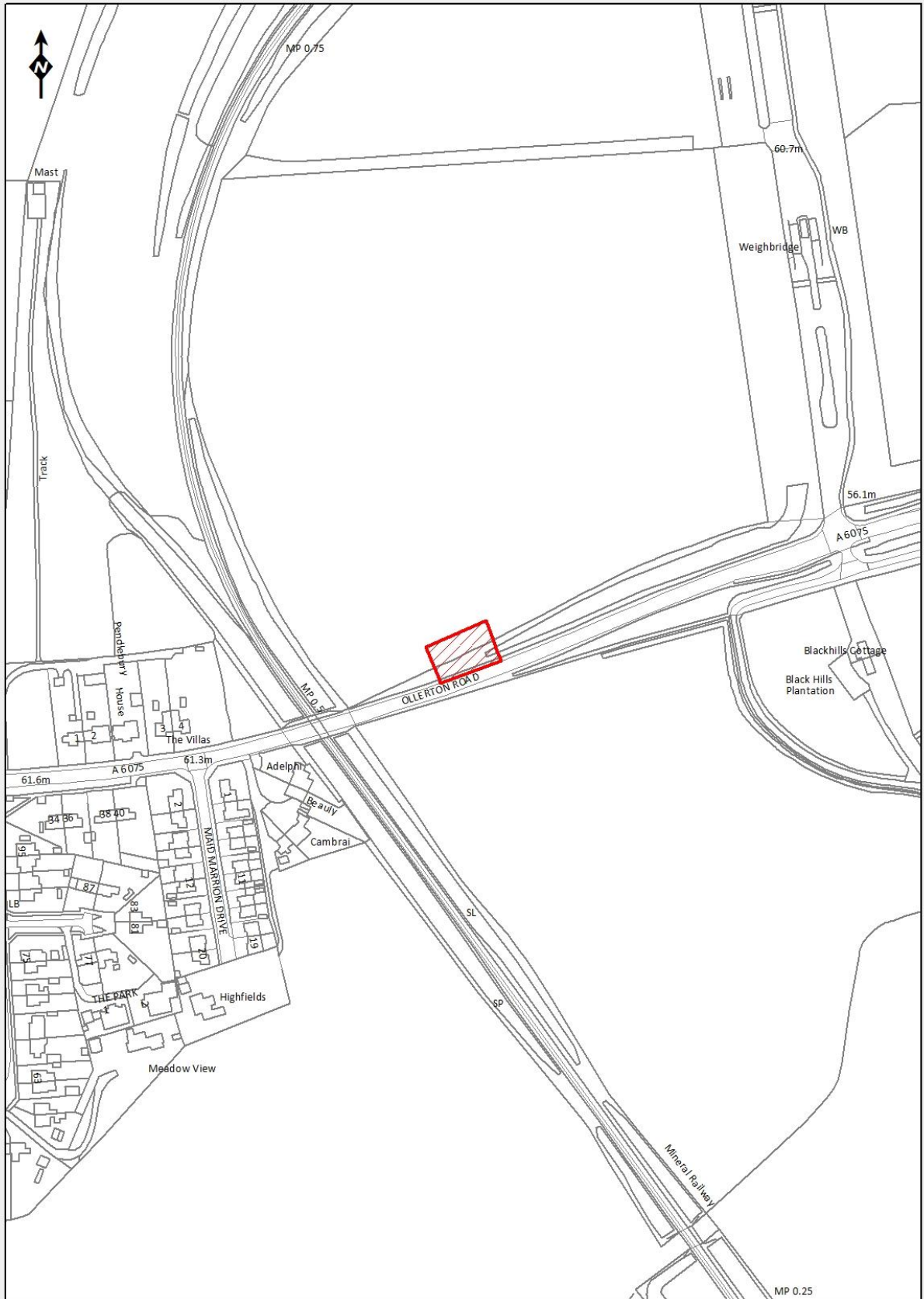
Application case file.

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 - 20/00999/FUL



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## PLANNING COMMITTEE – 4 AUGUST 2020

<b>Application No:</b>	<b>20/01069/FUL</b>		
<b>Proposal:</b>	<b>New swimming pool, link building and associated changing rooms and plant, with additional and overflow car parking on land adjacent to the Dukeries Leisure Centre</b>		
<b>Location:</b>	<b>Dukeries Leisure Centre Dukeries Complex Main Road Boughton NG22 9JJ</b>		
<b>Applicant:</b>	<b>Newark And Sherwood DC - Mr Andrew Hardy</b>		
<b>Agent:</b>	<b>Box Architects Ltd - Mr Lee Holmes</b>		
<b>Registered:</b>	<b>09.07.2020</b>	<b>Target Date:</b>	<b>03.09.2020</b>
<b>Website Link:</b>	<a href="https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=QC6KMNLBHVE00">https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=QC6KMNLBHVE00</a>		

**The application is referred to committee in line with the scheme of delegation as an Officer of Newark and Sherwood District Council is the applicant and the Council owns part of the site.**

### The Site

The application site relates to a site forming part of the existing Dukeries Leisure Centre complex car park and the associated access road from Main Road to the south east as well as land to the east of the existing Leisure Centre car park. The site is within the urban boundary for Ollerton and Boughton immediately adjacent to areas of public open space / school playing fields to the north west and east associated with the Dukeries Academy. Other adjacent land uses include the Fire Training Centre and White Water Community Centre.

The site as existing is mostly laid to hardstanding forming part of the car park serving the existing Leisure Centre. Part of the site is grassed (to the east of the Leisure Centre car park) albeit used informally for car parking. The site is within Flood Zone 1 and in an area of very low risk of surface water flooding according to the Environment Agency maps. There is a gradient change within the site such that the site itself is set at a lower level than the existing leisure centre building and the Dukeries Academy buildings.

### Relevant Planning History

20/00927/S73 - Application to vary condition 02 of planning permission 19/01835/FUL to allow a change in RAL colour of the proposed cladding materials to the new pool facility; Change to the GA Plan, Roof layout and elevations to introduce a glazed link for the purposes of security, and orientation of customers

*This application was withdrawn in June 2020 prior to determination. The application was essentially seeking the changes which are sought through the current proposal but it was determined that it could not be assessed as a Section 73 application as some of the works falls outside of the original red line site location plan – hence the need for the current full application.*

**19/01835/FUL** - New swimming pool, associated changing rooms and plant on the car park adjacent to the Dukeries Leisure Centre.

*Application approved by Planning Committee on December 3<sup>rd</sup> 2019 (decision issued 4<sup>th</sup> December 2019).*

### The Proposal

The proposal seeks full planning permission to extend the existing leisure centre through the erection of a swimming pool building and associated facilities including a unisex changing facility; plant room and an enhanced entrance and circulation area. The swimming pool itself would measure 20m x 10m and be positioned to the eastern elevation of the building within the existing car park. The total floor area would be approximately 685m<sup>2</sup> and would occupy the space taken by 42 of the existing car parking spaces.

The design of the building would be modern in nature with a shallow pitched roof reaching approximately 6.8m. The material palette would feature cladding of metallic grey and metallic orange in colour.

The application is very similar to the scheme referenced above which was approved in December last year. The principle difference is the introduction of a glazed link entrance which would connect the existing building and the proposed swimming pool as well as clarification of RAL colour changes. Ordinarily these changes could be dealt with through a Section 73 minor amendment application but this was not possible procedurally in this case as the additional works fell marginally outside of the original red line site location plan.

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

- Design and Access Statement Rev. B dated 19-06-20;
- Planning Statement Rev. A dated June 2020;
- Transport Statement (and associated appendices) Rev. A dated June 2020;
- Site Location Plan – NS-BOX-XX-XX-DR-A-(03)01 Rev. D;
- Existing General Arrangement - NS-BOX-XX-XX-DR-A-(03)02 Rev. B;
- Proposed General Arrangement - NS-BOX-XX-XX-DR-A-(03)03 Rev. D;
- Proposed Roof Plan - NS-BOX-XX-XX-DR-A-(03)04 Rev. C;
- Proposed Elevations - NS-BOX-XX-XX-DR-A-(03)05 Rev. B;
- Proposed Sections - NS-BOX-XX-XX-DR-A-(03)06 Rev. B;
- Block Plan - NS-BOX-XX-XX-DR-A-(03)07 Rev. A;
- Proposed Additional Parking - NS-BOX-XX-XX-DR-A-(03)08 Rev. C;
- Proposed Link Building – GA Plan - NS-BOX-XX-XX-DR-A-(03)09 Rev. A;
- Proposed Link Building – Roof Plan - NS-BOX-XX-XX-DR-A-(03)10 Rev. A;
- Proposed Link Building – Elevations and Views - NS-BOX-XX-XX-DR-A-(03)11 Rev. A.

## Departure/Public Advertisement Procedure

Occupiers of 61 properties have been individually notified by letter.

## **Planning Policy Framework**

### **The Development Plan**

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

Spatial Policy 1 - Settlement Hierarchy

Spatial Policy 2 - Spatial Distribution of Growth

Spatial Policy 7 - Sustainable Transport

Spatial Policy 8 - Protecting and Promoting Leisure and Community Facilities

Core Policy 6 - Shaping our Employment Profile

Core Policy 9 - Sustainable Design

Core Policy 10 - Climate Change

Core Policy 13 - Landscape Character

ShAP2 - Role of Ollerton & Boughton

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

DM1 - Development within Settlements Central to Delivering the Spatial Strategy

DM5 - Design

DM12 - Presumption in Favour of Sustainable Development

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

- National Planning Policy Framework 2019
- Planning Practice Guidance (online resource)
- National Design Guide – Planning practice guidance for beautiful, enduring and successful places 2019

## Consultations

**Ollerton and Boughton Town Council** – No comments received to date.

**NCC Highways Authority** – The Highway Authority understand that full planning permission was granted at this site under planning application reference 19/01835/FUL which the Highway Authority at the time offered no objections to subject to conditions; this new application is in effect a minor variation to change to the RAL colours for the external cladding, and the introduction of the link building and external covered walkway. On this basis, the Highway Authority offer no objections.

#### **Cadent Gas** - Affected Apparatus

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.

**Nottinghamshire Fire and Rescue Estates Manger** - I have viewed the documents on the Planning Portal in relation to the proposed new swimming pool development at the Dukeries, Ollerton Road, Edwinstowe. I would note that in previous discussions and emails between Newark and Sherwood Council and Nottinghamshire Fire and Rescue, there has always been a stated intent that 20 car parking spaces would be permanently allocated adjacent our facility within the area identified as car park 4 for the sole use of Nottinghamshire Fire and Rescue. I note that this is not mentioned in any of the documents contained within the portal and application nor is it shown on any of the plans - other than a reference to our current use in the traffic management documents. These spaces are needed, well used and will continue to be required by Nottinghamshire Fire and Rescue post completion of the swimming pool build. At that, I would request that this previously agreed allocation be recorded within any approval of this or any other revised proposal and ask that they be suitably marked for NFRS use only on completion of the works. It is concerning that there is reference to the loss of spaces and the potential for demand on car parking on busier days and times reaching 80-90% of capacity - the loss of any spaces for Notts Fire and Rescue personnel would very seriously compromise our training facility. I would thus request that this allocation be deemed a constraint of any planning approval.

I would further note that we currently experience significant issues during particularly wet weather due to inadequate capacity/arrangement of the surface water drains. Our smoke house / training tower is downhill from the car parking and access road and the proposed new development - when the rainfall is heavy which is becoming an increasingly regular occurrence with climate change, the water cannot be contained by the surface water drains and it all then flows downhill to the level of our smoke house / training tower, breaching the door threshold and making use of this facility impossible at times. On the very numerous occasions when this has happened, it has posed a significant threat to the bespoke and sophisticated mechanical and electrical systems in the tower which we use to simulate fire conditions for trainees and which we use to monitor their position and safety and welfare during what can be very stressful training sessions for new and inexperienced trainee fire fighters. This is a critical part of our infrastructure. We would ask that as a condition of the planning, the surface water drainage arrangements be reviewed and that changes be made to re-direct the surface water away from our building and thus prevent it from flooding the facility. This matter is of particular concern

given that a larger area adjacent our facility will now be surfaced with a tarmac finish which we strongly fear will exacerbate the flooding issues.

I would also remind of the need to preserve our existing right of way into and out of our facility both during the construction works and upon completion which is of concern given the proposed works now impinge more substantially on this area than we anticipated.

Finally, I enclose below a screen shot which indicates are existing right of way and the area (identified as car park 4), where we would expect 20 no. spaces to be provided for NFRS personnel.

**No letters of representation have been received to date. The formal date for consultation expires on 30<sup>th</sup> July 2020 and thus any representations will be reported to Members through the schedule of communication received after agenda print.**

### Comments of the Business Manager

#### Principle of Development

The Spatial Hierarchy within the Core Strategy recognizes Ollerton and Boughton as a Service Centre intended to act as a focus for service provision for a large area. Moreover, Spatial Policy 8 is supportive of the provision for new and enhanced community and leisure facilities, particularly where they address a deficiency in current provision.

Since July 2017 when the Dukeries Academy closed its swimming pool facilities, users of Dukeries Leisure Centre have had to rely on the temporary use of facilities in the surrounding area. These arrangements have however now ceased such that *“no public swimming can be offered by Active4Today in the “Sherwood” area of the district.”* The provision of swimming pool facilities would therefore be a welcome addition to the leisure facilities in the area and the development is acceptable in principle. The proposal is required to satisfy the remainder of the Development Plan with the main issues being the impact on parking and highways and the impact of the design of the building on the character of the area.

It is relevant to the current application that there is a fallback position for a similar form of development which was approved by Members in December 2019. The key difference with the current scheme is an additional glazed link between the existing and proposed building to orientate customers and increase on site security. Given the similarities, extracts of the previous committee report where relevant have been included and italicised below.

#### Impact on Character

The proposed extension would be a significant scale totaling around 685m<sup>2</sup> in area to a maximum pitch height of approximately 6.8m. Clearly the size of the building is dictated by the facilities in which it is intended to serve with the application submission confirming that there is a need for a 5m internal ceiling height above the pool deck.

*The proposal would form an extension to the existing leisure centre facilities and has been carefully designed to ensure that the overall height would not exceed the existing maximum height of the leisure centre. This is partially achieved through the use of an area of the site which is set at a lower land level.*

*The design of the building would be modern in nature with cladding materials of both grey and orange. The Design and Access Statement qualifies that this precedence is taken from the recent development of the Leisure Centre in Newark. This modern design is not disputed in principle albeit it is acknowledged that it would represent a contrast to the existing leisure centre buildings on the site which include both brick and horizontal cladding. Nevertheless, the immediate site surroundings feature a variety of materials such that it is not considered necessary for the proposal to explicitly conform to any particular material palette. The plans detail exact materials including the colour of the cladding by reference to the RAL colour chart and therefore it would not be necessary to seek any additional details by condition. The distinction of different colours of cladding would break up the bulk of built form adding visual interest.*

The additional glazed link not considered on the previous scheme would be discretely positioned between the two buildings and at the rear of the site but in any case would consolidate the built form within the site which overall is welcomed as a design approach. The changes to RAL colours are marginal (still shades of orange / copper) and are unlikely to be perceivable in comparison to the extant scheme.

The proposal is considered to comply with the intentions of Core Policy 9 and the relevant elements of Policy DM5.

#### Impact on Highways and Parking

The proposal would occupy an area of existing car parking and therefore implicitly will potentially have a negative impact on the parking provision for the overall leisure centre facility through the loss of 42 spaces. Spatial Policy 7 and Policy DM5 both seek to ensure that development is appropriately served in terms of parking provision to avoid issues of overspill on to the highways network.

The red line site location plan has changed since the consideration of the extant approval, partially to acknowledge additional areas of parking which were agreed through the discharge of condition process.

Prior to the submission of the previous scheme, parking surveys were undertaken at the site to determine the likely demand for additional spaces.

*The loss of parking provision is explicitly referenced by the application submission including through the preparation of a Transport Statement. The evidence collected to compile this Statement includes occupancy surveys of the existing parking provision on both a weekday and a weekend. The surveys were conducted between 6am and 10pm with spaces counted every 15 minutes. Five car parks were reviewed with Car Park 01 being the area potentially affected by the development.*





*The data collected shows peak areas of parking between 9am and 10am; 2pm and 3pm; and 6pm and 6:30pm.*

*Car park 01 (i.e. where the proposed extension would be) has a capacity of 67 spaces. The range of occupation recorded was from 3 to 39 spaces with the average use over the course of the day being 22 spaces. Clearly the loss of 42 spaces would mean that there are occasions throughout the day when car park 01 would be insufficient to meet the existing parking demands taking account in the potential increases in demand arising from the development.*

*The case made by the Transport Statement is that the other areas of car parking would have sufficient capacity to serve the development with the results showing that the other car parks empty significantly before the evening peak and other have spaces available during the lesser peaks in the morning and at lunchtime. It is stated that there is currently a significant over provision of spaces to the complex as a whole.*

The plans submitted to accompany the current application show that the area above marked as Car Park 04 would be re-developed to increase the parking provision on site. 44 spaces would be created on a tarmac surface (10 of which are existing) and an additional 25 spaces would be created as a grasscrete overflow. This would represent 59 spaces thereby creating an overall increase of 17 available spaces (the application form states that the development would lead to a loss in 1 space but this has been clarified as an error during the life of the application).

Comments have been received from the Estates Manager for Nottinghamshire Fire and Rescue who are immediate neighbor to the site. The comments make reference to a shared parking agreement requiring the use of 20 parking spaces and requesting for these to be indicated on the plans. It is understood that this arrangement operates as existing and therefore the demand for

these spaces would have been included in the parking surveys. The allocation of the parking spaces is a private agreement outside of these application and it is not considered reasonable or necessary to formally secure their allocation through this application.

The impact on parking provision is acceptable subject to securing the additional spaces through suitably worded conditions.

### Other Matters

*The site is within an area of commercial uses with the nearest residential neighbour being over 80m away and intervened by other built form. No adverse amenity impacts have therefore been identified.*

*The site is within an area at low risk of flooding or surface water drainage. The site is already laid to hardstanding such that the development of built form is unlikely to materially affect surface water run-off. The application form confirms that the swimming pool water would be treated on site most likely with Sodium Hypochlorite and Sodium Bi-Sulphate for pH correction. The Health and Safety Executive has published a document entitled 'Health and safety in swimming pools – HSG179' designed for those involved with the operation and management of swimming pools. The need to comply with the requirements of this document falls outside of the planning regime and therefore is not material to the current decision albeit would be a requirement of the operational use of the development if Members were minded to approve the application.*

The comments of Nottinghamshire Fire and Rescue make reference to drainage issues. As covered above, the extension would be on an existing area of hardstanding and the additional car parking spaces have been designed with grasscrete to assist in drainage on the site. It is therefore not considered reasonable to insist on further details regarding drainage given that the arrangements would not be materially different to the current scenario.

### Overall Balance and Conclusion

The principle of the development is acceptable and indeed welcomed as an enhanced community and leisure facility to serve the west of the District in an area lacking in provision as existing. The changes presented in the current application in comparison to the previously approved scheme are not considered fundamental and if anything would improve the leisure offer of the site through an enhanced legibility for proposed users.

### **RECOMMENDATION**

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

#### Conditions

01

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

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

02

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

- Proposed General Arrangement - NS-BOX-XX-XX-DR-A-(03)03 Rev. D;
- Proposed Roof Plan - NS-BOX-XX-XX-DR-A-(03)04 Rev. C;
- Proposed Elevations - NS-BOX-XX-XX-DR-A-(03)05 Rev. B;
- Proposed Sections - NS-BOX-XX-XX-DR-A-(03)06 Rev. B;
- Block Plan - NS-BOX-XX-XX-DR-A-(03)07 Rev. A;
- Proposed Additional Parking - NS-BOX-XX-XX-DR-A-(03)08 Rev. C;
- Proposed Link Building – GA Plan - NS-BOX-XX-XX-DR-A-(03)09 Rev. A;
- Proposed Link Building – Roof Plan - NS-BOX-XX-XX-DR-A-(03)10 Rev. A;
- Proposed Link Building – Elevations and Views - NS-BOX-XX-XX-DR-A-(03)11 Rev. A.

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

Reason: So as to define this permission.

03

The development hereby permitted shall be completed in accordance with the material details submitted through the application submission unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual amenity.

04

The parking areas shown on plan reference Proposed Additional Parking - NS-BOX-XX-XX-DR-A-(03)08 Rev. C shall be available throughout the construction period and shall not be used for any purpose other than the parking of vehicles.

Reason: To ensure adequate parking provision is available to serve existing development.

05

No part of the development hereby approved shall be brought into use until replacement parking as demonstrated by plan Proposed Additional Parking - NS-BOX-XX-XX-DR-A-(03)08 Rev. C have been provided in a bound material and clearly delineated. The parking areas shall be maintained in the bound material for the life of the development and shall not be used for any purpose other than the parking of vehicles.

Reason: To ensure adequate parking provision is available to serve existing development.

Note to Applicant

01

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

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

02

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

03

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

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

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

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

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

#### BACKGROUND PAPERS

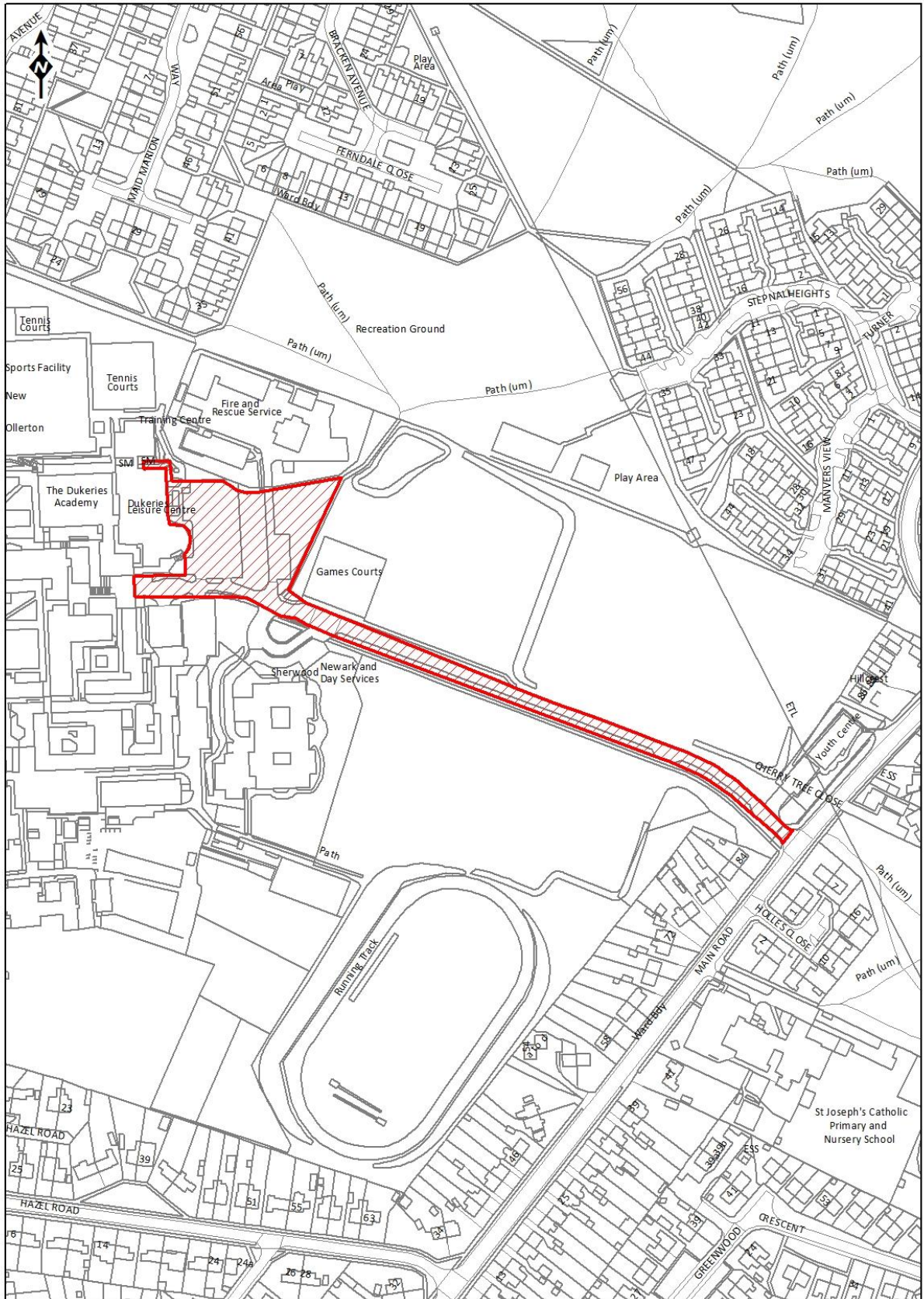
Application case file.

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

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

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

Committee Plan - 20/01069/FUL



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## **Planning Committee – 4 August 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
- 2.1 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 10 June and 22 July 2020)**

<b>Appeal reference</b>	<b>Application number</b>	<b>Address</b>	<b>Proposal</b>	<b>Procedure</b>	<b>Appeal against</b>
APP/B3030/C/20/3249587	19/00037/ENF	Southwell Shoe Warehouse 32 King Street Southwell NG25 0EN	Without planning permission, development consisting of the material change of use of a building from a hairdressers/ barbers (use class A1 Shops) to a composite use as a hairdressers/ barbers (A1) and drinking establishment Use Class (A4).	Written Representation	Service of Enforcement Notice
APP/B3030/W/20/3249591	19/01780/FUL	32 King Street Southwell NG25 0EN	Change of use from A1 Use to Mixed Use A1 and A4 (Retrospective)	Written Representation	Refusal of a planning application
APP/B3030/W/20/3252925	20/00469/FUL	The Paddocks Halloughton NG25 0QP	Erect dwelling in garden of existing property	Written Representation	Refusal of a planning application
APP/B3030/W/20/3253579	19/02159/FUL	Land At Ollerton Road Edwinstowe	Development of one temporary construction access point	Written Representation	Refusal of a planning application
APP/B3030/W/20/3253844	19/02287/FUL	9 Fisher Close Collingham Newark On Trent NG23 7SL	Proposed new single detached bungalow	Written Representation	Refusal of a planning application

<b>Appeal reference</b>	<b>Application number</b>	<b>Address</b>	<b>Proposal</b>	<b>Procedure</b>	<b>Appeal against</b>
APP/B3030/Z/20/3253860	20/00060/ADV	Pizza Express The Wharf Newark On Trent NG24 1EU	1no. internally illuminated sign with address (A), 1no. internally illuminated sign 'pizzeria' (B)	Written Representation	Refusal of a planning application
APP/B3030/W/20/3253890	20/00041/FUL	Land Adjacent Old Norse House Station Road Bleasby NG14 7GD	Change of use of land from paddock land to residential use and erection of three bay garage with store above (for use by Old Norse House)	Written Representation	Refusal of a planning application



**Planning Committee – 4 August 2020**

**Appendix B: Appeals Determined (10 June and 22 July 2020)**

App No.	Address	Proposal	Application decision by	Decision in line with recommendation	Appeal decision	Appeal decision date
19/01525/OUT	Land Adjacent Beggars Behind And Manor Cottage Main Street Morton Nottinghamshire	Residential Development of 5 units with new pedestrian/cycle link to Sports Ground via existing altered access.	Delegated Officer	Yes	Appeal Dismissed	10th July 2020
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.	Delegated Officer	Not applicable	Appeal Allowed	7th July 2020
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'as and subdivision of shared garden	Delegated Officer	Not applicable	Appeal Allowed	7th July 2020
16/00108/ENF	Caravan Park Boat Lane Bleasby Nottinghamshire	Without planning permission, development consisting of the use of land for the stationing and occupation for holiday purposes of caravans on field numbers 2819 and 2414 between 31st October and 1st April (excluding the 3 static caravans permitted to be stationed all year round on field OS2819).	Not applicable	Not applicable	Appeal Withdrawn	10th July 2020

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Recommendation

That the report be noted.

Background papers

Application case files.

Agenda Item 14

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

## **PLANNING COMMITTEE - 4 AUGUST 2020**

### **AMENDMENTS TO THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) ORDER 2015 AND TOWN AND COUNTRY PLANNING (USE CLASSES) ORDER 1987**

#### **1.0 Purpose of Report**

1.1 To provide an update to Members on recently published Statutory Instruments (SI)

- SI 2020 No. 632 - The Town and Country Planning (Permitted Development and Miscellaneous Amendments) (England) (Coronavirus) Regulations 2020 which has extended and introduced new permitted development rights.
- SI 2020 No. 755 - The Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 2) Order 2020 also introducing new permitted development rights.
- SI 2020 No. 757 - The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 which has made a number of quite significant changes to the Use Class Order.
- SI 2020 No. 756 - The Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 3) Order 2020 which has also introduced new permitted development rights.

Each of these new instruments have significant impacts in terms of planning, although like the majority of permitted development rights, there are a number of restrictions.

1.2 For awareness, other statutory instruments, relating to planning have been implemented following the Covid-19 outbreak, four are of particular interest. They are:

- SI 2020 No. 505 - The Town and Country Planning (Development Management Procedure, Listed Buildings and Environmental Impact Assessment) (England) (Coronavirus) (Amendment) Regulations 2020.
- SI 2020 No. 412 - The Town and Country Planning (General Permitted Development) (Coronavirus) (England) (Amendment) Order 2020.
- SI 2020 No. 330 - The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2020.
- SI 2020 No. 781 - The Community Infrastructure Levy (Coronavirus) (Amendment) (England) Regulations 2020.

1.3 A Bill has also been progressing through Parliament – Business and Planning Bill which gained Royal Assent on 22<sup>nd</sup> July. The Business and Planning Act introduces, inter alia, amendments in relation to construction working hours and extension of time periods for commencement of developments for certain planning permissions.

#### **2.0 Background Information**

2.1 The Government consulted in December 2018 and January 2020 on a number of matters relating to permitted development rights, many of which have previously been implemented including making previously time-limited permitted development rights permanent. This applied to larger household extensions of up to 6 or 8 metres as well as

conversion of agricultural buildings into dwellinghouses; and increasing the height threshold for electric vehicle charging points.

- 2.2 Permitted development rights, as Members will be aware, allow a developer/householder to undertake certain building works or change the use of land or building without the need for the submission of a planning application. The extent of what can be undertaken as permitted development is far ranging and includes the more commonly known extensions and buildings householders can undertake; changes of use - for example from a pub to a retail outlet; conversion of agricultural buildings or offices into residential dwellings as well as a number of rights for statutory undertakers, local authorities etc. These are set out within the Town and Country Planning (General Permitted Development) (England) Order 2015 (SI 2015 No. 596) and within further statutory instruments that have come into force since this time.
- 2.3 The majority of the changes to permitted development rights that have come into force over recent months have been as a direct result of the coronavirus pandemic and are detailed below. However, the more recent statutory instruments (SI 2020 No. 632 and SI 2020 No. 755) introduce permitted development rights for extensions above existing purpose-built, detached blocks of flats up to 2 storeys to create further flats, up to 2 storey extensions above dwellinghouses and a number of other significant changes. This formed part of a 2018/19 consultation.

### **3.0 Legislation in Force or Coming into Force**

- 3.1 The following section details legislation that has come into force or will do so following the Covid-19 pandemic relating to planning.

#### **The Town and Country Planning (Permitted Development and Miscellaneous Amendments) (England) (Coronavirus) Regulations 2020 - SI 2020 No. 632**

- 3.2 This instrument makes a number of what may be perceived as minor changes to the existing permitted development rights but should have positive effects on the quality of housing that is provided for future residents. For dwellings created as a result of a change of use from an office (Class O); light industrial use (Class PA); agricultural buildings (Class Q); retail, hot food takeaway or specified sui generis uses (Class M) and specified sui generis uses (Class N), the local authority is required to consider the provision of adequate natural light to all habitable rooms by the proposed change of use from office to dwellinghouse. The applicant is required to submit floor plans indicating dimensions and proposed use of each room, the position and dimension of windows, doors and walls, and elevations of the proposed dwellinghouses. The legislation details that the local planning authority must refuse prior approval if adequate natural light is not provided in all habitable rooms in the proposed development.
- 3.3 A definition of habitable room is provided

*“... any rooms used or intended to be used for sleeping or living which are not solely used for cooking purposes, but does not include bath or toilet facilities, service rooms, corridors, laundry rooms, hallways or utility rooms;”*

which is in line with how impacts upon amenity are considered as part of an application for planning permission. This will ensure that developments such as that receiving national coverage in Watford (industrial building conversion into residential) will not be permitted when adequate light is not provided after the 1<sup>st</sup> August when the changes come into force.

- 3.4 Flexibility has been given in relation to temporary uses of land, including the holding of a market or motor car and motorcycle racing including trials of speed, and practising for these activities. Previously, the specified uses could not take place for more than 14 days in any calendar year. Any other temporary use was for up to 28 days. Now, between 1st July 2020 and 31st December 2020 these uses can now take place for up to the same number of days, in effect doubling [if the previous maximums had been achieved in the previous 6 months of 2020] the number of days previously permitted. This limitation of days does not apply to the holding of a market by or on behalf of a local authority up until 23rd March 2021. This includes precepting authorities i.e. Town and Parish Councils. This came into effect on 25<sup>th</sup> June 2020.
- 3.5 One of the more key changes is in relation to the introduction of a new permitted development right allowing for the construction of additional dwellinghouses. The new permitted development right allows work for the construction of up to 2 storeys to create new flats on the topmost residential storey of a building which is an existing purpose-built, detached block of flats. The new permitted development right contains limitations and conditions on how it will operate.
- 3.6 There are a number of excluded development from this permitted development right including those on land or sites which are within a conservation area, site of special scientific interest, listed buildings etc. A prior approval process is required to be undertaken, similar to other permitted developments (large extensions to dwellinghouses) and enable consideration to a number of factors. This will come into effect on 1<sup>st</sup> August 2020.
- 3.7 There are also a number of other important but primarily technical changes within the Regulation.

**The Town and Country Planning (Development Management Procedure, Listed Buildings and Environmental Impact Assessment) (England) (Coronavirus) (Amendment) Regulations 2020 - SI 2020 No. 505**

- 3.8 This instrument allowed alternative ways of advertising applications for planning permission, listed building consent. Many local planning authorities, as a result of the pandemic, were unable to post neighbour notification letters, post site notices and/or advertise in a local newspaper in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. As a result, this SI enabled authorities to use alternative means such as social media to advertise. These Regulations have not applied to the Council due to the effectiveness and measures that have been put in place to enable the planning team to continue to work 'business as usual'. These are in force.

**The Town and Country Planning (General Permitted Development) (Coronavirus) (England) (Amendment) Order 2020 - SI 2020 No. 412**

- 3.9 This introduced a new permitted development right to allow local authorities and certain health service bodies to carry out development for the purposes of (a) preventing an emergency; (b) reducing, controlling or mitigating the effects of an emergency; or (c) taking other action in connection with an emergency. For these purposes, an emergency is defined as an event or situation which threatens serious damage to human welfare in a place in the United Kingdom. As the title suggests, this has been enacted to enable a swift response to matters as a result of the virus and enables new buildings to be constructed as well as plant and machinery to be sited on land. This permitted development right requires cessation of the use on or before 31<sup>st</sup> December 2020 and any building permitted by this right to be removed within 12 months of the use ceasing. This is in force.

**The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2020 - SI 2020 No. 330**

- 3.10 This is a further temporary permitted development right allowing a change of use of a building falling within the following use classes – A3 (restaurants and cafes), A4 (drinking establishments) or a mix of A3 and A4 uses from the 24<sup>th</sup> March 2020 until the 23<sup>rd</sup> March 2021 to provide hot or cold takeaway food. This is in force.

**The Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 2) Order 2020 - SI 2020 No. 755**

- 3.11 This introduces a new permitted development right which permits the enlargement of a dwellinghouse by the construction of new storeys on top of the highest existing storey of the dwelling. Two storeys may be added if the existing dwellinghouse is two or more storeys tall, or one additional storey where the dwelling consists of one storey. Excluded from this definition is space below ground level or living space within the roof. This right is subject to a number of limitations and conditions. Excluded development are dwellings within a conservation area, listed buildings, if the dwelling was constructed before 1<sup>st</sup> July 1948 or after 28<sup>th</sup> October 2018 etc. As with many of the permitted development rights, there is a requirement for prior approval from the local planning authority in relation to certain matters.

There are also ‘additions’ to the recently enacted SI 2020 No. 632, discussed above in relation to extensions above flats. A new permitted development right will allow construction of

- Class AA up to two new storeys of flats on top of detached buildings in commercial or mixed use, including where there is an element of residential use.
- Class AB permits the construction of new flats on top of terrace buildings (including semi-detached buildings) in commercial or mixed (including residential) use; two storeys may be added if the existing building is two or more storeys tall, or one additional storey where the building consists of one storey.
- Class AC permits the construction of new flats on top of terrace dwellinghouses (including semi-detached houses); two storeys may be added if the existing building is two or more storeys tall, or one additional storey where the building consists of one storey.

- Class AD permits the construction of new flats on top of detached dwellinghouses; two storeys may be added if the existing building is two or more storeys tall, or one additional storey where the building consists of one storey.

The new permitted development rights are subject to a number of limitations and conditions, including a requirement for prior approval from the local planning authority in relation to certain matters.

This right is subject to a number of limitations and conditions. Excluded development are dwellings within a conservation area and listed buildings. There is a requirement for prior approval from the local planning authority in relation to certain matters. This comes into force on the 31<sup>st</sup> August 2020.

### **The Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 3) Order 2020 - SI 2020 No. 756**

- 3.12 This amends Part 20 of Schedule 2 to the 2015 Order and introduces a new permitted development right. Class ZA allows for the demolition of a single detached building in existence on 12 March 2020 that was used for office, research and development or industrial processes, or a free-standing purpose-built block of flats, and its replacement by an individual detached block of flats or a single detached dwellinghouse within the footprint of the old building.

There are restrictions including the old building should have a footprint no larger than 1,000 square metres and be no higher than 18 metres. The old building must have been built before 1990 and have been vacant for at least six months before the date of the application for prior approval. The right provides permission for works for the construction of a new building that can be up to two storeys higher than the old building with a maximum overall height of 18 metres. This has what the legislation defines as an 'essential' prior approval process. Unlike the majority (if not all) of the prior approval processes within other parts of the General Permitted Development Order, if a decision has not been made within the statutory timescale (56 days) on an application under this Class, the developer **does not** get automatic consent by default. This comes into force on the 31<sup>st</sup> August 2020.

### **The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 - SI 2020 No. 757**

- 3.13 This takes effect on 1 September 2020 and makes a number of important and significant changes to the 2007 Use Class Order.

The existing Use Classes A1 (shops), A2 (financial and professional services), A3 (food and drink), A4 (drinking establishments) A5 (hot food takeaways), D1 (non-residential institutions) and D2 (assembly and leisure) are completely revoked. These are replaced by new Use Classes except for those listed below that have now become sui generis [without classification] uses. Class B1 (business) is also abolished as a separate Use Class and is subsumed within a new Use Class. Use Class B2 (general industry) remains in an amended form.

The new sui generis uses are:

- (p) as a public house, wine bar, or drinking establishment [formerly A4],
- (q) as a drinking establishment with expanded food provision [which fell awkwardly between A4 and A3],
- (r) as a hot food takeaway for the sale of hot food where consumption of that food is mostly undertaken off the premises [formerly A5]
- (s) as a venue for live music performance [formerly within D2, and possibly also an ancillary use in some cases within other Use Classes],
- (t) a cinema [formerly D2(a)],
- (u) a concert hall [formerly D2(b)],
- (v) a bingo hall [formerly D2(c)],
- (x) a dance hall [formerly D2(d)].

This means, for example in relation to a concert hall, cinema, bingo hall or dance hall, these uses up until the 1<sup>st</sup> September 2020 could change from one use to another without the need for planning permission. From the 1<sup>st</sup> September 2020, permission will be required.

There are many other changes, but the most salient changes relate to uses that most typically are found within a high street. Former A1, A2, A3 etc. uses that were previously in their own use class are now combined into one. Previously, for example, if a change of use was proposed from an A1 to A2 or A3 use, planning permission would have been required. This now falls under Class E (below) and is thus not considered development and can be undertaken without planning permission. The list of the uses that can switch between one another is expansive compared to the current Use Class Order.

### **Class E. Commercial, Business and Service**

Use, or part use, for all or any of the following purposes—

- (a) for the display or retail sale of goods, other than hot food, principally to visiting members of the public [*formerly A1*],
- (b) for the sale of food and drink principally to visiting members of the public where consumption of that food and drink is mostly undertaken on the premises [*formerly A3*],
- (c) for the provision of the following kinds of services principally to visiting members of the public [*all formerly within A2*] —
  - (i) financial services,
  - (ii) professional services (other than health or medical services), or
  - (iii) any other services which it is appropriate to provide in a commercial, business or service locality,
- (d) for indoor sport, recreation or fitness, not involving motorised vehicles or firearms, principally to visiting members of the public [*formerly within D2(e)*].
- (e) for the provision of medical or health services, principally to visiting members of the public, except the use of premises attached to the residence of the consultant or practitioner [*formerly D1(a)*],
- (f) for a crèche, day nursery or day centre, not including a residential use, principally to visiting members of the public [*formerly D1(b)*],



(g) for—

- (i) an office to carry out any operational or administrative functions [*formerly B1(a)*],
- (ii) the research and development of products or processes [*formerly B1 (b)*], or
- (iii) any industrial process [*formerly B1(c)*],

There are many other changes to the Use Class Order enabling more ‘community’ uses to switch between one another e.g.

- Class F.1 – Learning and non-residential institutions - museums, public halls, schools, law courts, religious establishments.
- Class F.2 – Local community – shops (with defined criteria), halls/meeting places, outdoor sport recreation (with criteria) and indoor and swimming pools or skating rinks.

This regulation comes into force on the 1<sup>st</sup> September 2020.

### **Business and Planning Act 2020**

- 3.14 The Business and Planning Act gained Royal Assent on 22<sup>nd</sup> July 2020. This extends the ‘life’ of planning permissions that have expired since the coronavirus lockdown was initiated as well as relaxing restrictions in terms of construction hours that might be limited via a condition on a planning permission.
- 3.15 The Secretary of State for Housing, Communities and Local Government previously announced that local planning authorities should be flexible in relation to construction working hours where conditions have been imposed on planning permissions restricting these. The aim was to allow a construction company to start work at earlier hours in the morning and continue until later in the evening due to the challenges (and thus slowing of construction) of workers trying to socially separate. To date, officers have been flexible, referring requests to Environmental Health to understand if there are any specific issues to the site in question to prevent such a request. Response letters have, in the main, agreed requests advising the agreement would be reviewed again after 3 months to establish if complaints have been received. It was also suggested that noisier activities took place during the ‘core’ hours and quieter activities during any extended hours. In addition, it was recommended that a notice was put outside the site to advise who people should contact if there were any concerns and prior to starting the new hours, the neighbouring dwellings notified by letter.
- 3.16 The introduction of Section 74B of the Town and Country Planning Act 1990 formalises these arrangements. This section requires the developer to advise the local planning authority of the proposed working hours, 14 days in advance of when they would like the change to come effect. The longest period the amended hours can be sought for is until the 1 April 2021. The local planning authority can agree or refuse the request or can modify the request in terms of the times of construction activities, when the changes might take effect from and/or the date when the changes cease to have effect. Any modification to the request has to be agreed with the applicant prior to determination. The guidance details that “Local planning authorities should not refuse applications to extend working hours until 9pm.” The decision must be made within 14 days (beginning the day after the application is received), otherwise permission is granted in default. A right of appeal can

be made in relation to a refusal. Applicants are advised to work collaboratively with neighbours.

- 3.17 Under section 93A of the 1990 Act, unimplemented planning permissions and listed building consents with time limits for implementation due to lapse between 23<sup>rd</sup> March 2020 and 31<sup>st</sup> December 2020 are extended until 1<sup>st</sup> May 2021 automatically. For applications subject to an environmental approval (Environmental Impact Assessment), an application will need to be submitted for approval by the local planning authority. This will have benefit for developments that have been unable to commence due to the restrictions arising from Covid-19.

### **Cultural and Tourism Venues**

- 3.18 Guidance has been issued on 14 July aimed at supporting the cultural and tourism sector. Applications to change the use of theatres, concert halls and live performance venues whose primary use has been temporarily discontinued as a result of Covid-19 should be considered in the normal way. This requires consultation with the Theatres Trust. The guidance stays in place until the 31 December 2022. The government intends to amend the Development Management Procedure Order to prevent the demolition of such buildings without prior approval.
- 3.19 In relation caravan, campsite or holiday parks which are limited by planning conditions, the guidance encourages the extension of the open season into the winter. It is encouraged owners speak to the planning authority prior to submitting an application.

### **RECOMMENDATIONS that:**

- (a) Members note the contents of this report.
- (b) Further changes to legislation will be reported to Members

### **Reason for Recommendations**

To enable Members to be up to date with recent planning changes.

### **Background Papers**

Statutory Instrument 2020 No. 330 -  
[http://www.legislation.gov.uk/uksi/2020/330/pdfs/uksi\\_20200330\\_en.pdf](http://www.legislation.gov.uk/uksi/2020/330/pdfs/uksi_20200330_en.pdf)

Statutory Instrument 2020 No. 412 –  
[https://www.legislation.gov.uk/uksi/2020/412/pdfs/uksi\\_20200412\\_en.pdf](https://www.legislation.gov.uk/uksi/2020/412/pdfs/uksi_20200412_en.pdf)

Statutory Instrument 2020 No. 505 –  
[https://www.legislation.gov.uk/uksi/2020/505/pdfs/uksi\\_20200505\\_en.pdf](https://www.legislation.gov.uk/uksi/2020/505/pdfs/uksi_20200505_en.pdf)

Statutory Instrument 2020 No. 632 -  
[https://www.legislation.gov.uk/uksi/2020/632/pdfs/uksi\\_20200632\\_en.pdf](https://www.legislation.gov.uk/uksi/2020/632/pdfs/uksi_20200632_en.pdf)

Statutory Instrument 2020 No. 755  
[https://www.legislation.gov.uk/uksi/2020/755/pdfs/uksi\\_20200755\\_en.pdf](https://www.legislation.gov.uk/uksi/2020/755/pdfs/uksi_20200755_en.pdf)

Statutory Instrument 2020 No. 756

[https://www.legislation.gov.uk/uksi/2020/756/pdfs/uksi\\_20200756\\_en.pdf](https://www.legislation.gov.uk/uksi/2020/756/pdfs/uksi_20200756_en.pdf)

Statutory Instrument 2020 No. 757

[https://www.legislation.gov.uk/uksi/2020/757/pdfs/uksi\\_20200757\\_en.pdf](https://www.legislation.gov.uk/uksi/2020/757/pdfs/uksi_20200757_en.pdf)

Statutory Instrument 2020 No. 781

[https://www.legislation.gov.uk/uksi/2020/781/pdfs/uksi\\_20200781\\_en.pdf](https://www.legislation.gov.uk/uksi/2020/781/pdfs/uksi_20200781_en.pdf)

Guidance: modification of planning conditions relating to construction working hours -

<https://www.gov.uk/government/publications/construction-working-hours-draft-guidance/draft-guidance-construction-site-hours-deemed-consent>

Extension of certain planning permissions; guidance

<https://www.gov.uk/government/publications/extension-of-certain-planning-permissions-draft-guidance/extension-of-certain-planning-permissions-draft-guidance>

Coronavirus (COVID-19): Community Infrastructure Levy guidance -

<https://www.gov.uk/guidance/coronavirus-covid-19-community-infrastructure-levy-guidance>

Coronavirus (COVID-19): planning update on cultural venues and holiday parks

<https://www.gov.uk/guidance/coronavirus-covid-19-planning-update-on-cultural-venues-and-holiday-parks--2>

For further information please contact Lisa Hughes on Ext 5565.

Matt Lamb

Director – Growth & Regeneration