



*Castle House
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Monday, 28 September 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, 6 October 2020 at 2.00 pm

**VENUE: Broadcast from 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.

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 8 September 2020 5 - 16

Part 1 - Items for Decision

5. Bulcote Farm, Old Main Road, Bulcote (15/00784/FULM) and (17/02325/FULM) 17 - 248
6. Bulcote Farm, Old Main Road, Bulcote (15/00785/LBC) 249 - 263
7. Land at New Lane, Blidworth (20/00475/FULM) 264 - 335
8. Field at Great North Road, Fernwood (20/01177/FULM) 336 - 384
9. Land Rear of 49 The Ropewalk, Southwell (20/01433/FUL) 385 - 400
10. Land Rear of 49 The Ropewalk, Southwell (20/01418/FUL) 401 - 419
11. Land Rear of 49 The Ropewalk, Southwell (20/01421/FUL) 420 - 437
12. Land at Fernwood South, Nottinghamshire (16/00506/OUTM) 438 - 601

Part 2 - Items for Information

13. Appeals Lodged 602 - 604
14. Appeals Determined 605 - 628

Part 3 - Exempt and Confidential Items

15. Exclusion of the Press and Public

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

NEWARK AND SHERWOOD DISTRICT COUNCIL

Minutes of the Meeting of the **Planning Committee** Broadcast from Castle House, Great North Road, Newark, Notts, NG24 1BY on Tuesday, 8 September 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 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 and
Councillor Mrs Y Woodhead

232 DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS

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

Councillor Blaney declared a personal interest in Agenda Item No.9 – Garage Off Bull Yard, Southwell (20/00886/FUL), as the objector as referred to in the Schedule of Communication, was a fellow trustee of a local charity.

Councillor Mrs Dobson declared a personal interest in Agenda Item 5 - P.A.Freight Services Ltd., International Logistics Centre, Park House, Farndon Road, Newark (11/01300/FULM), she was known to the occupier of property to the rear of the site.

Councillor J Lee declared personal interests in Agenda Items 5 – P.A.Freight Services Ltd., International Logistics Centre, Park House, Farndon Road, Newark (11/01300/FULM), the applicant was a personal friend. Agenda Item 6 – Chapel Farm, Newark Road, Wellow (20/00593/FUL) the applicant was an old personal friend.

233 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.

234 MINUTES OF THE MEETING HELD ON 4 AUGUST 2020

AGREED that the minutes of the meeting held on 4 August 2020 were approved as a correct record of the meeting, to be signed by the Chairman.

235 P.A. FREIGHT SERVICES LTD., INTERNATIONAL LOGISTICS CENTRE, PARK HOUSE, FARNDON ROAD, NEWARK ON TRENT (11/01300/FULM)

The Committee considered the report of the Business Manager – Planning Development, which sought full planning permission for the re-configuration of access arrangements to the existing freight yard and provision of new parking and turning area for commercial vehicles. The issue of a lorry park at this location has been a very long and complex issue, primarily as a result of the existing PA Freight access onto the

B6166 being made unsafe by the construction of the new A46 Farndon Roundabout which had taken a number of years to resolve. 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 following: Planning Case Officer; Neighbours; the Agent; Highways England; the Applicant's Agent; Nottinghamshire Wildlife Trust; Independent Facilitator Direct DLCC Ltd; and the Applicant.

The Business Manager – Planning Development informed Members that if they were minded to approve the application, condition 3 should be removed as Highways England had advised that they would be undertaking this work. Condition 10 to be amended as below. Consultations had taken place yesterday with the neighbouring properties with a deadline for any material issues to be submitted by the 29 September 2020, if there were any material issues the application would be reported back to the Planning Committee.

Condition 10 (landscape implementation) be amended to be more explicit in relation to the 'existing paved area to be broken out and returned to a field' as follows:

The approved landscaping (required by the condition above) shall be completed as follows:

1. The existing paved area shown on Drawing No 021D shall be broken out and removed from site (in accordance with the details required by the condition above) prior to the first use of the 'proposed new PA Freight Lorry Park'.
2. All other landscape works (required by the condition above) shall be completed during the first planting season following the commencement of the development, or such longer period as may be agreed in writing by the Local Planning Authority. Any trees/shrubs which, within a period of five years of being planted die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Councillor K Girling – Local Ward Member (Castle) spoke against the application on the grounds that it was difficult to understand that nine haulage vehicles would not have a visual impact and felt that this should not be allowed. There was a lorry park within one mile which had all amenities, the lorry park element to this application should be refused.

Members considered the application and it was commented that a meeting with the applicant had taken place some years ago with the former Chief Executive and Leader of the Council at that time. The meeting resolved that the operation taking place at this site would be better located on an industrial estate, temporary planning consent was approved in 2015 to allow the applicant time to find a suitable location. The application before the Committee today was in two parts, the re-configuration of access arrangements to the existing freight yard and provision of new parking and turning area for commercial vehicles. The access arrangements had taken eight years

to resolve with Highways England. Members commented that due to the close proximity of an overnight lorry park with all amenities no overnight parking should be permitted on this site and the previous condition to prevent this should remain in place. This land was part of the open break between Newark and Farndon and the advice taken from the Local Development Framework Task Group was that area of land should remain an open break. Members proposed an amendment that no parking should take place in the parking area from 18:30 until 08:00hours.

(Councillor Mrs L Dales entered the meeting during the Officers presentation and took no part in the debate or vote).

AGREED (with 8 votes For, 4 votes Against and 1 Abstention) that full planning permission be approved subject to the following:

- (i) the conditions contained within the report with the deletion of Condition 3;
- (ii) amendment of Condition 10 in accordance with the Schedule of Communication;
- (iii) no new material issues, if so the application be reported back before the Planning Committee; and
- (iv) a condition to be included to prevent overnight lorry parking in the replacement parking area during the hours of 18:30 until 08:00 hours for the reason of protecting the visual appearance/impact of the open break and overnight parking can be accommodated elsewhere.

236 CHAPEL FARM, NEWARK ROAD, WELLOW (20/00593/FUL)

The Committee considered the report of the Business Manager – Planning Development, which sought planning permission for 8no. holiday lets and ancillary swimming pool to the north east of the 13no. holiday lets (currently under construction) which were allowed on appeal under application 16/01638/FULM. The proposed development would be an expansion of this development. Members considered the presentation from the Business Manager - Planning, 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 following: the Planning Case Officer; Severn Trent Water; the Agent; Wellow Residents; Local Resident; and Environmental Health.

The Planning Case Officer recommended an additional condition that the swimming pool was only to be used incidentally for the benefit of the occupiers of the holiday accommodation on site and not separately; in order to control the intensity of use and ensure it remains sustainable and appropriate for its context/location as per the schedule of communication.

Members considered the application and it was commented that Wellow Parish Council were against this development. The Local Ward Member commented that Wellow was a very unique village with lots of heritage and tradition. Residents were

concerned that this development would have a detrimental effect on that heritage/tradition and would create noise nuisance. Concern was also raised regarding the track accessing the proposed site which was not suitable for vehicles. The proposed swimming pool may also cause damage to the water infrastructure and overwhelm the water pipes in that area which were reported of poor quality. Members commented on the poor road infrastructure around and through Wellow village, especially when an accident had occurred on the A1, which diverted traffic through the village. Other Members commented that the festivals that took place at this site included up to three hundred movements, six times a day on that track, eight further movements would not make any difference.

A vote was taken and lost to approve planning permission with 3 votes For and 11 votes Against.

AGREED (with 11 votes For and 3 votes Against) that contrary to Officer recommendation full planning permission be refused on the grounds of cumulative impact due to scale of the development that would ensue on the village including upon the highway network and amenity. Authority to be delegated to the Business Manager – Planning Development in consultation with the Planning Committee Chairman, Vice-Chairman and local member to finalise the precise wording of the decision before issue.

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

Councillor	Vote
R. Blaney	Against
L. Brazier	For
M. Brock	For
M. Brown	For
L. Dales	For
M. Dobson	For
L. Goff	For
R. Holloway	For
J. Lee	Against
P. Rainbow	For
M. Skinner	Not Present
T. Smith	For
I. Walker	Against
K. Walker	For
Y. Woodhead	For

237 BRICKFIELD FARM, HOCKERTON ROAD, KIRKLINGTON (20/01159/FULM)

The Committee considered the report of the Business Manager – Planning Development, which sought planning permission for a new farm shop and tearoom, including ancillary accommodation and additional car parking facility. 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 the Agent.

Members considered the application and it was commented that this was a thriving business and had merits for expansion. The development however would encroach onto the countryside and farming land and may cause increased traffic on the A617. It was commented that the proposed building would not be visible from the road as it would be built behind the current farm shop. The materials had been chosen sympathetically. The nature of a farm shop was to be in a rural setting. The shopping habits of the consumer were changing due to the global pandemic and Members needed to support independent businesses. It was commented that during the global pandemic local people could not get fresh fruit and vegetables, Maxey’s Farm shop however offered a delivery service during the pandemic. The proposed expansion would create fifteen local jobs. Members considered how they might control the use from being an inappropriate open retail use not linked to the farm business and hours of opening if they were minded to approve.

A vote was taken to Refuse planning permission and lost with 4 votes For and 10 votes Against

AGREED (with 11 votes For and 3 votes Against) that contrary to Officer recommendation full planning permission be approved subject to reasonable conditions delegated to the Business Manager – Planning Development in consultation with the Planning Committee Chairman, Vice-Chairman and two Local Ward Members before issue taking account of those proposed by consultees, standard conditions and conditions that limit use to farm shop under new class E, hours of operation from 8am until 8pm.

The reason for approval was on the grounds of expansion of an existing business and contribution to the local economy and employment.

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

Councillor	Vote
R. Blaney	For
L. Brazier	For
M. Brock	Against
M. Brown	For
L. Dales	Against
M. Dobson	For
L. Goff	For
R. Holloway	For
J. Lee	Against
P. Rainbow	For
M. Skinner	Not Present
T. Smith	For
I. Walker	For

K. Walker	For
Y. Woodhead	For

238 LAND NORTH OF ESTHER VARNEY PLACE, NEWARK ON TRENT (19/02214/FULM)

The Committee considered the report of the Business Manager – Planning Development, which sought planning permission for ten dwellings. Members considered the presentation from the Business Manager - Planning Development, which included photographs and plans of the proposed development.

Members considered the application and whilst Members would like to see this neglected piece of land developed and were in support of affordable housing, the proposed development was considered too close to the railway line and industrial park which would have noise implications and the houses were too small.

AGREED (with 13 votes For and 1 vote Against) that full planning permission be refused for the reason contained within the report.

239 GARAGE OFF BULL YARD, SOUTHWELL (20/00886/FUL)

The Committee considered the report of the Business Manager – Planning Development, which sought planning permission to demolish the existing garage and construct a replacement building to comprise a small holiday let with one parking space. Members considered the presentation from the Senior Planning Officer, which included photographs and plans of the proposed development.

Members considered the application and whilst Members recognised the benefits to the district through attracting tourism which this proposal would bring, they noted that Southwell Town Council and the Civic Society both opposed the development. This part of Southwell was considered to be very active with a mix of both pedestrians and vehicles and was very congested. It was commented that as there was no turning head vehicles would have to reverse onto Queen Street which would be very dangerous. It was considered that the proposed development would only exasperate the traffic problem in this location.

A vote was taken to approve planning permission and lost with 2 votes For and 12 votes Against.

AGREED (with 12 votes For and 2 votes Against) that contrary to Officer recommendation full planning permission be refused for the following reasons:

- (i) over intensive development and Highway Safety; and
- (ii) the precise wording for refusal be delegated to the Business Manager-Planning Development in consultation with the Planning Committee Chairman, Vice-Chairman and Local Ward Members.

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

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

In accordance with Rule No. 30.1, the Chairman indicated that the time limit of three hours had expired and a motion was proposed and seconded to continue the meeting.

AGREED (unanimously) that the meeting continue.

(Councillor M Skinner entered the meeting at this point).

240 LAND OFF NORTH GATE, NEWARK ON TRENT (20/00711/S73M)

The Committee considered the report of the Business Manager – Planning Development, which sought planning permission to vary Condition 19, to allow unrestricted servicing/delivery times to Retail Units A, B and C, imposed on planning permission 19/01352/S73M. Members considered the presentation from the 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 the Agent.

Members considered the changes acceptable.

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

(Councillor T Smith left the meeting).

241 5 CHAUCER ROAD, BALDERTON (20/01312/FUL)

The Committee considered the report of the Business Manager – Planning Development, which sought planning permission for the demolition of an existing garage and erection of a single storey dwelling. Members considered the presentation from the Senior Planning Officer, which included photographs and plans of the

proposed development.

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

Members considered the application and raised concern regarding the busy road surrounding this site. The local school was in short proximity of the site and a popular butcher's shop which made car parking very busy, pedestrian safety was therefore raised. The effect from the proposal on neighbouring properties was also taken into consideration, some Members felt that the bungalow would be overbearing, whilst other Members considered that given the fallback position of a detached games room that didn't need planning permission as established in 2012, the bungalow, which is smaller in footprint, was acceptable. The need for housing was also taken into consideration. It was therefore suggested that if the Committee were minded to approve planning permission Permitted Development rights should be removed preventing additional floors being inserted and an additional condition to prevent construction deliveries between 8am and 9am, or between 2.45pm and 3.30pm, due to the close proximity of the school.

AGREED (with 10 votes For and 4 votes Against) that full planning permission be approved subject to the conditions contained within the report and subject to amendment to condition 7 in respect of Permitted Development rights to ensure the new additional floors cannot be inserted plus an additional condition to prevent construction deliveries between 8am and 9am, or between 2.45pm and 3.30pm due to close proximity of school.

(Councillor M Brown left the meeting).

242 HENDRE COTTAGE, MAIN STREET, EPPERSTONE (20/00565/FUL)

The Committee considered the report of the Business Manager – Planning Development, which sought planning permission for the demolition of existing outbuildings and construction of a two storey rear extension. Members considered the presentation from the Planning Officer, which included photographs and plans of the proposed development.

Councillor R Jackson – Local Ward Member (Dover Beck) spoke in support of the application on the grounds that the footprint for this rear extension does not extend further than what is presently in situ. There are medical reasons which should be taken into consideration regarding this application to allow a family to continue to live in this property. The property is in the middle of the village and the Parish Council are in support of the proposal.

Members considered the application and it was noted that the Conservation Officer had removed objection. On balance due to the need for this extension Members considered the application acceptable.

A vote was taken to refuse planning permission which was unanimously lost.

AGREED (unanimously) that contrary to Officer recommendation full planning permission be approved subject to reasonable conditions and a condition including the single window on the western elevation to be obscure glazed and non-opening up to height of 1.7m. The precise wording of the conditions to be delegated to the Business Manager – Planning Development in consultation with the Planning Committee Chairman, Vice-Chairman and Local Ward Member .

The reason for approval was the proposed development, would fail to comply with Green Belt Policy by virtue of the extent of the extension when taken cumulatively with the previous extension in numerical terms. However, the extension by virtue of being located to the rear of the dwelling and between adjoining built form within Epperstone is not visible within the wider domain and does not detract from the character or setting of the Conservation Area. The proposal is therefore considered acceptable.

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

Councillor	Vote
R. Blaney	For
L. Brazier	For
M. Brock	For
M. Brown	Not Present
L. Dales	For
M. Dobson	For
L. Goff	For
R. Holloway	For
J. Lee	For
P. Rainbow	For
M. Skinner	For
T. Smith	Not Present
I. Walker	For
K. Walker	For
Y. Woodhead	For

(Councillor Mrs M Dobson left the meeting).

243 ADOPTION OF PLANNING ENFORCEMENT PLAN (PEP)

The Committee considered the report of the Director – Planning & Regeneration, which provided an update regarding adoption of the Council’s Planning Enforcement Plan (PEP) which was presented to the Planning Committee prior to being presented to Economic Development Committee on 3 March 2020. In accordance with the recommendation, the PEP was consulted on between 22 June and 31 July. The report responds to the responses received and recommends the Planning Committee support the adoption of the PEP, as amended, by the Economic Development Committee.

It was reported that National Planning Policy Framework (NPPF) stated that effective enforcement was important to maintain public confidence in the planning system. It also made clear that enforcement action was discretionary and local planning authorities should act proportionately in responding to suspected breaches of planning control.

The purpose of the proposed local planning enforcement plan was to provide information on how the Council would respond to suspected breaches of planning control, tackle unauthorised developments and monitor the implementation of planning permissions.

The planning enforcement function played a key role in helping the Council to deliver an effective Development Management service. The team formed part of the development management activity to deliver good community outcomes in line with the Community Plan (2019 – 2023) and Local Plan.

It was proposed to continue with the quarterly reports to Planning Committee setting out a snap shot on the general volumes of planning enforcement cases received and dealt with, along with details of the following:

- An outline of the enforcement activity during the previous quarter which captures the overall split to show the number of cases investigated, how many are found to be a breach of planning or otherwise.
- A summary of formal action taken for that quarter.
- Examples of cases where breaches of planning control have been resolved without formal action having been taken.
- Notices complied with.

The PEP had been written to reflect the Council’s commitment to focus on the needs of the Newark and Sherwood community and to reflect the objectives contained within the Community Plan, towards which the planning enforcement service would be at the forefront. The PEP sought to not only provide information as to how the enforcement service would operate and how recorded cases would be prioritised, but also set targets for standards of service that customers could expect to receive from the service.

AGREED (unanimously) that:

- (a) the Planning Enforcement Plan (Appendix 1) and summary document (Appendix 2) to the report, be noted; and
- (b) the plan be presented to Economic Development Committee with a recommendation for adoption and its use in the investigation of planning enforcement investigations.

244 APPEALS LODGED

AGREED that the report be noted.

245 APPEALS DETERMINED

AGREED that the report be noted.

246 SPRINGFIELD BUNGALOW, NOTTINGHAM ROAD, SOUTHWELL - APPEAL COSTS

The Committee considered the report of the Director – Planning & Regeneration, which provided updated Members in respect of the costs applications made in relation to the two planning appeals made following refusal of applications seeking to vary planning conditions at the Planning Committee held on 23 July 2019. The planning applications were 19/00689/FUL and 19/00779/FULM, reasons for refusal were contained within the report.

AGREED (unanimously) that:

- (a) the contents of the report be noted; and
- (b) Members consider the likelihood of a costs award being made when determining applications.

247 Q1 AND Q2 ENFORCEMENT ACTIVITY UPDATE REPORT

The Committee considered the report of the Business Manager – Planning Development, which updated Members regarding the first quarter from 1 January 2020 to 31 March 2020, as well as the second quarter 1 April to 30 June 2020. The report provided an update on cases where formal action had been taken and also included case studies which showed how the breaches of planning control had been resolved through negotiation.

The report presented a snap shot on the general volumes of cases received and dealt with as follows:

- Schedule A outlined the enforcement activity during the quarter which captured the overall split to show of the cases investigated, how many were found to be a breach of planning or otherwise.
- Schedule B detailed a summary of formal action taken since the last report was compiled which in this case was for the quarter(s).
- Schedule C – provided examples of cases where breaches of planning control had been resolved without formal action having been taken.
- Schedule D – Notices complied with.

AGREED (unanimously) that the report be noted.

248 DEVELOPMENT MANAGEMENT PERFORMANCE REPORT

The Committee considered the report of the Business Manager – Planning Development, which updated Members regarding the performance of the Planning Development Business Unit over the three months period April to June 2020. In order for the latest quarter's performance to be understood in context, in some areas data going back to January 2019 was provided. Members have been made aware of the performance of the Planning Enforcement team but have not been provided details on the performance of the rest of the department in terms of numbers and types of

applications received, nor performance in relation to planning appeals.

The data contained within the report demonstrated that the planning department was positively dealing with its customers and aiming to determine applications in a timely manner or subject to time extensions to enable negotiations to take place, leading to grants of permission where appropriate. Over the previous quarter, there has been two vacancies within the team which have successfully been recruited to as well as change in personnel across teams

AGREED (unanimously) that the content of the report be noted.

Meeting closed at 6.15 pm.

Chairman

commented upon. The problems with the railway junction were discussed and the need for an emergency evacuation plan. Building in the green belt was also discussed. It was commented that the terrace block did not add any value to the development. Some Members were not in support of the proposals, feeling that levels of return and overall scale were too far. It was suggested that the application be deferred to enable officers to discuss with the applicant a reduction in amount of enabling development”.

It was unanimously agreed that the application be deferred to enable officers to discuss with the applicant viability, provision of developer contributions and reduction in the amount of enabling development.

These applications are referred to Planning Committee by the Business Manager – Planning Development given their departure from the local plan, complexity and scale.

There are two separate applications which form a comprehensive residential development on Old Farm Road. For ease of reference both applications are assessed within this report. There is also a listed building consent application which Members resolved to grant consent for at Planning Committee in February 2019. However the decision has not been issued and whilst the policy position and considerations have not changed in the intervening time, it forms part of this agenda as there is a requirement to tie the listed building application in to the two applications under consideration within this report, via a Section 106 Planning Obligation.

Since the report was previously presented there have been a number of changes to the scheme itself as well as amended guidance from Historic England regarding enabling development. This report has therefore been written afresh without the usual bold and underline text to assist with clarity.

The Sites

A. 15/00784/FULM

The application relates to circa 2.7 hectares of land on the south eastern edge of Bulcote Village comprising the site of Bulcote Steading, a model farm building constructed in 1904 which is Grade II Listed and the site of associated former outbuildings (demolished in the 1960s) used for housing animals and storage purposes. There remain some associated barns/outbuildings in situ. Although predominantly redundant there are still some small areas being rented out for stabling and storage.

The site is adjoined by arable land to the east (including 2 large agricultural barns) south and west. On the eastern side of Old Main Road is a grass verge separated from the highway by a drainage ditch. North of the site, beyond the adjoining field, there is a ribbon of development comprising Corporation Cottages, a terrace of Grade II Listed residential properties. Beyond these is a further Grade II Listed Building, Bulcote Crossing Cottage.

The site lies within the Conservation Area.

B. 17/02325/FULM

This application relates to land on opposite sides of Old Main Road of circa 2.3 hectares to the south eastern edge of Bulcote Village as well as the access road (Old Main Road) up to the junction adjacent to Kings Barn and Holly Nook.

The main parcel of land and where the development is proposed is on the opposite side of the road directly opposite the Bulcote Farm complex and is currently occupied by two substantial barns with associated hardstanding and structures and is surrounded to the north east and west by arable land. This land falls outside of the Conservation Area.

The other parcel of land lies immediately to the south of Corporation Cottages, a terrace of Grade II listed dwellings and north of the Bulcote Farm complex. This land falls within the Conservation Area.

Both sites are accessed from Old Main Road which runs through the village from the A612. On the eastern side of Old Main Road is a grass verge, separated from the highway by a drainage ditch. Both sites are separated from the main village by the railway line which has a level crossing (Bulcote Crossing). Field House a Grade II Listed Building lies to the south of application 15/00784/FULM.

Both sites also fall within the Nottinghamshire Derbyshire Green Belt and within Flood Zones 1 and 2 as identified within the Environment Agency Flood Zone map.

Relevant Planning History

15/00785/LBC – Listed Building Consent for the conversion of a Grade II Listed Farm Complex "Bulcote Steading" into 24 residential units (Use Class C3) and community building (Use Class D1). Members resolved to grant consent subject to the conditions detailed within the report. The decision has not yet been issued, awaiting the outcome of the two application under consideration as part of this agenda item.

14/SCR/00059 – Screening Opinion - Demolish existing agricultural buildings, convert existing buildings to provide 25 dwellings and erect 24 dwellings – Environmental Impact Assessment not required

The Proposal

Full planning permission is sought for the following:-

A. 15/00784/FULM

The restoration of the Grade II Listed Model Farm Building and conversion to provide 24 dwellings comprising:-

- 1 no 1 bed
- 8 no. 2 beds;
- 14 no. 3 beds;
- 1 no. 4 bed; and

- The provision of a new community unit of circa 95 sqm within the retained dairy on the south eastern side of the building.

Circa. 1168 sq. m of shared amenity space is proposed within the courtyard and circa 1934 sq. m of public open space is proposed to the north east of the farm buildings

In order to part fund the proposed restoration works to convert the building this application also

proposes 'enabling' development to bridge a reported conservation deficit. This comprises the erection of 32, two storey dwellings comprising:-

- 27 no. 3 beds; and
- 5 no. 4 beds.

These would be arranged as follows:-

- 4 terraces to the south-west of the Listed Building. Each terrace would contain 7 dwellings and would have maximum dimensions of 36m width, 12.3m depth and would have a ridge height of 7.5m. They would be sited in two rows facing one another with an access road running through the middle, parking to the front of the dwellings and at the end of the cul-de-sac. Pedestrian access is available through the central gap of each block; and
- A terrace of 4 properties to the north western boundary which would have maximum dimensions of 21m width, 11.4m depth and would have a ridge height of 8.3m .

B. 17/02325/FULM

In order to part fund a conservation heritage deficit resulting from the proposed restoration works to convert the Bulcote Farm Listed Building, this application seeks (in conjunction with the associated planning application ref. 15/00784/FULM) full planning permission for the erection of the following residential enabling development:-

- 9 detached 4 bed dwellings on the site of the barns and associated hard standing and structures on the opposite side of Old Main Road. Each dwelling would have maximum dimensions of circa 10.6m width (including a two storey side projection with garage), 10m depth (including a single storey rear projection) and would have a ridge height of circa 9m.

Both applications propose a combined total of 155 parking spaces (within the quadrangle, private driveways and parking courts).

The following supporting documents have been deposited with the applications:-

- Bulcote Conservation Deficit – received 19.09.18
- Enabling Development Executive Summary – received 31.07.18
- Revised Design and Access Statement = received 05.01.18
- Revised Ecology Assessment – received 05.01.18. Addendum Ecological Assessment – October 2019
- Revised Heritage Statement – received 05.01.18
- Transport Statement (TS) dated April 2015.
- Revised Transport Statement – received 05.01.18
- Flood Risk and Drainage Design – received 27.12.17
- Property Review – received 27.12.17
- Historic Building Record
- Bat Mitigation Strategy – received 12.05.15
- Statement of Community Involvement (and appendices) received 12.05.15.
- Road Safety Audit and Road Improvement Plan – received 19.11.18
- Road Safety Audit – November 2018
- Highway Technical Note – January 2019, October 2019 and July 2020

- Summary of Highways Position – October 2019
- Viability Assessment April 2015, Viability Assessment Addendum together with information relating to the marketing of the site; Viability Addendum Report October 2019
- Geo-Environmental Site Assessment
- Details of mothballing and alternative sites have also been deposited
- Planning Statement and Planning Statement Addendum (latter dated October 2019)
- Transport Summary Report (July 2020)
- VISSIM Vehicle and Pedestrian Video Model (July 2020)
- A raft of drawings have been deposited with both applications for the proposed conversion works and enabling development:

Existing Site Location Plan (02)001 rev D

Existing Site Layout (02)002 rev D

Proposed Site Layout (02)003 rev H

A. 15/00784/FULM

Ground Floor Plan Existing Layout (02)004 rev A

First Floor Plan Existing Layout (02)005 rev A

Existing Roof Layout (02)006 rev A

Conversion Properties Proposed Ground Floor Layout 02(009) Rev D

Conversion Properties Proposed First Floor Layout 02(010) Rev D

Site Elevations and Sections Proposed Layout (02) 016 Rev B

Site Elevations and Sections Proposed (02) 017 Rev B

Site Elevations and Sections Proposed (02) 018 Rev C

Ref K Proposed Elevations (02)042 Rev B

Ref K and J Proposed Elevations (02)043 Rev B

Ref J and Ref K Proposed Elevations (02)044 Rev B

Ref G and Ref J Proposed Elevations (02)045 Rev C

Ref A and Ref B Proposed Elevations (02)046 Rev B

Ref L Proposed Elevations (02)047 Rev B

Ref I Proposed Elevations (02)048 Rev B

Ref E and Ref F Proposed Elevations (02)049 Rev B

Ref D Proposed Elevations (02)050 Rev B

Typical Conversion Methodology (02) 055 Rev #

Proposed Drainage Strategy (02) 100 Rev C

Proposed Services Strategy (02)0101 Rev C

Proposed community building (04) 001 Rev C

House Type 2 (04)002 Rev C

Retained Stable Units (04) 003 Rev C

House Type 4 (04)004 Rev C

House Type 5 (04)005 Rev B

House Type 6 (04)006 Rev B

House Type 7 (04)007 Rev B

House Type 8A (04)008 Rev B

House Type 8B (04)009 Rev B

House Type 8C (04)010 Rev B

House Type 9 (04)011 Rev B

House Type 10 (04)012 Rev B

House Type 11 (04)013 Rev B

House Type 12 (04)014 Rev B
House Type 13 (04)015 Rev B
House Type 14 (04)016 Rev B
House Type 15 (04) 017 Rev B
House Type 16 (04)018 Rev B
House Type 17 (04)019 Rev B
House Type 18 (04)020 Rev B
House Type 11 (04)021 Rev B
House Type 20 (04)022 Rev B
House Type 21 (04)023 Rev B
House Type 22 (04)024 Rev B
Typical House Types Services Strategy (04)050 Rev A

Enabling Development

New Terrace Proposed Elevations (02)051 #
New Short Terrace Proposed Elevations (02)052 #
New Terrace Proposals Floor Layouts (02)060#
New Short Terrace Floor Layout (02)061#

B. 17/02325/FULM

Site Location Plan and Detached House Floor Plans (02)063 rev A
Detached House Proposed Elevations (02) 054
Proposed Road Improvements 0398-02 rev G

Departure/Public Advertisement Procedure

Occupiers of nearby properties have been individually notified by letters and re-consultation has been undertaken with those originally notified together with any additional third parties who submitted comments. Site notices have also been displayed near to the site and a notice posted in the press.

Planning Policy Framework

The Development Plan

Newark and Sherwood District Council Core Strategy Development Plan Document (DPD) (adopted March 2019)

Spatial Policy 1: Settlement Hierarchy
Spatial Policy 2: Spatial Distribution of Growth
Spatial Policy 3: Rural Areas
Spatial Policy 4A: Extent of Green Belt
Spatial Policy 4B: Green Belt Development
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 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

Allocations & Development Management DPD

Policy DM1: Development within Settlements Central to Delivery the Spatial Strategy
Policy DM3: Developer Contributions and Planning Obligations
Policy DM5: Design
Policy DM7: Biodiversity and Green Infrastructure
Policy DM9: Protecting and Enhancing the Historic Environment
Policy DM12: Presumption in Favour of Sustainable Development

Submission Draft Bulcote Neighbourhood Plan 2019-2033

The Examination of the Bulcote Parish Council has concluded, with the Independent Examiner reaching the conclusion that the Plan, as modified, meets the basic conditions that it would be appropriate for it to proceed on to referendum. This has been delayed in view of Covid-19 with legislation (Local Government and Police and Crime Commissioner (Coronavirus) (Postponement of Elections and Referendums) (England and Wales) Regulations 2020) until 6th May 2021. Planning Practice Guidance details that where the local planning authority has issued a decision statement (as set out under Regulation 18 of the Neighbourhood Planning (General) Regulations 2012) detailing its intention to send a neighbourhood plan to referendum, that plan can be given significant weight in decision-making, so far as the plan is material to the application. This is the case that applies to the Bulcote Plan and therefore significant weight can be applied to the following policies:

NPP 1: Sustainable Development and the Built Form of Bulcote Village
NPP 2: Protecting the Landscape Character of Bulcote Parish and Enhancing Biodiversity
NPP3: Importance of Energy Efficiency and High-Quality Design
NPP5: Protecting or Enhancing Heritage Assets
NPP6: Enhancing the provision of community facilities
NPP7: Improving Access to the Countryside

Nottinghamshire Minerals Local Plan, December 2005

M6.6 Gunthorpe Allocation

Nottinghamshire Minerals Local Plan, Draft 2019

SP7 The Nottinghamshire Green Belt
SP8 Minerals Safeguarding, Consultation areas and Associated Minerals Infrastructure

Nottinghamshire and Nottingham Waste Local Plan, January 2002

W.3.17 Green Belt

Nottinghamshire and Nottingham Replacement Waste Local Plan, December 2013

WCS2 Waste Awareness, Prevention and Reuse
WCS10 Safeguarding waste management sites

Other Material Planning Considerations

National Planning Policy Framework 2019
National Planning Practice Guidance
Planning (Listed Buildings and Conservation Areas) Act 1990
Historic England Good Practice Advice Note 2 Making Changes to Heritage Assets (2016)
Historic England – Enabling Development and Heritage Assets (2020)
Historic England – Vacant Listed Buildings (2018)
Bulcote: An Appraisal of the Character and Appearance of the Conservation Area (2001)
Newark and Sherwood Developer Contributions SPD (2013)
Newark and Sherwood Conversion of Traditional Rural Buildings SPD (2014)
Newark and Sherwood Landscape Character Assessment SPD
Burton Joyce Neighborhood Plan 2017-2028

Consultations

A number of consultations have been undertaken following receipt of the applications and subsequent amendments. Consultee comments are appended at Appendix 1. However, to assist, a summary has been provided.

Bulcote Parish Council

Object to the proposal – inappropriate development within the Green Belt; does not comprise affordable housing nor small scale in nature; does not consider the proposal complies with enabling development exceptions; question the viability report, change in figures and the amount of new build; highways impacts; location fails to meet criteria for sustainability – Bulcote has no shops, healthcare etc., would fragment the village with the provision of community facility and green space; flooding and surface water issues will likely arise. However, they support the renovation of the existing farm buildings.

Burton Joyce Parish Council

Good use of a site, but object in relation to public safety of bridleway users, capacity of roads. Support Wildlife Trust comments and concerns on primary school provision as well as all concerns raised by Bulcote Parish Council.

Severn Trent

No objections subject to informatives.

Nottinghamshire County Council Heritage (Archaeology, Historic Environment Record)

No objection subject to a condition requiring archaeological work.

Natural England

No comments to make on this application.

NSDC Conservation

Previous comments apply with no objection to the proposal. However, the removal of the dwellings to the south of Corporation Cottages improves the overall relationship of the proposed development with the existing residential properties.

Historic England

Has concerns regarding the applications on heritage grounds, their representations should be taken into account and amendments, safeguards or further information should be sought.

Nottinghamshire Wildlife Trust

No objection subject to conditions.

Environment Agency

An updated FRA is required as a result of the change in number of dwellings.

Nottinghamshire County Council Rights of Way

Object due to reduced public safety for users of the bridleway

Nottinghamshire County Council Lead Local Flood Authority

Object in respect to 15/00784/FULM– detailed surface water management is required.

22.11.19 - No comment on 17/02325/FULM as the site is not a major proposal.

Network Rail

No further observations, subject to the previous responses being met. This requires a number of works to ensure the safety of the highway network and people crossing the network lines.

Association for Industrial Archaeology

No objection. Identify the site's history and that minimal alterations to existing buildings proposed to take place. Suggest information boards are provided detailing the site's history.

NSDC Parks and Communities

Public open space should be provided in accordance with Policy.

Nottinghamshire County Council Highway Authority

Object to the proposal and recommend refusal.

Nottinghamshire County Council Strategic Policy

Request further information in relation to archaeology. Request that matters relating to minerals, as well as need for Planning Obligations are considered. A contribution of £243,964 should be sought towards primary education.

Independent Viability Assessor

Concludes the level of enabling development proposed is appropriate as the residual land value generated by the enabling development does not exceed the conservation/heritage deficit.

NSDC Planning Policy

Proposal would represent inappropriate development within the Green Belt. In addition, parts of the site are within Flood Zone 2 and the wider site is located outside the settlement leading to sustainability concerns. All of the identified harm needs to be judged against whether these issues are outweighed by the desirability of retaining the Listed Buildings.

Ramblers

No objection.

Trent Valley Drainage Board

No objection. Consent is required to erect buildings/structures within 9m of the top of a board maintained watercourse. Informatives are suggested.

NSDC Strategic Housing

Development triggers the need for affordable housing.

NSDC Environmental Health

Condition relating to contamination is required.

Gedling Borough Council

Development is likely to have impact upon Gedling BC's area. Would support the development if open space, affordable housing, financial contributions, sympathetic design are secured.

Primary Care Trust (Clinical Commissioning Group)

£106 contributions sought.

NSDC Parks and Communities

Public open space and amenity green space should be sought. Unclear what is being proposed as part of the application.

NSDC Waste

Query refuse arrangements and treatment of the highways within/around the site.

Office of Road and Rail

No comments.

NSDC Access Officer

Inclusive access should be provided throughout the development. Proposal would need to comply with relevant parts of Building Regulations in relation to access.

Nottinghamshire Building Preservation Trust

Concerned the amount of development will place unacceptable pressure on the highway and community of Bulcote.

Victorian Society

Support the concerns and objections raised by Historic England.

20th Century Society, Society for the Protection of Ancient Buildings, Council for British Archaeology and Ancient Monument Society –

No comments received.

Archaeology

No objection subject to conditions

Neighbour Representations

A number of residents have responded:

- (a) to both planning applications and the listed building application;
- (b) in their sole name as well as jointly with one or more other respondents; and/or

(c) to each, or one or more of the [four] consultation events undertaken in June 2015 (in relation to application 15/00784/FULM); January 2018 (in relation to application 17/02325/FULM) and following receipt of amendments in August 2018 and October 2019. The numbers provided below therefore reflect this.

June 2015

15/00784/FULM – 41 representations have been received on behalf of 48 residents on the original rounds of consultation.

January 2018

17/02325/FULM – 2 representations received.

15/00784/FULM and 17/02325/FULM – 90 representations have been received. Of these, 83 were petition style letters signed by 98 different people plus 7 individually written letters.

Of all responses received as part of both the June 2015 and January 2018 consultations, these have been from 119 different signatories.

The petition wording is:

“I write to object to the above planning application [17/02325/FULM and 15//0784/FULM].

The basis for my objection is as follows:-

- *The extended development into the Green Belt does not comply with the National Planning Policy Framework or the Newark & Sherwood Local Development Framework (Local Plan) which makes a strong presumption against new development outside of the village envelope.*
- *The case for additional Enabling Development has not been supported by evidence made public and the Enabling development is not considered to be necessary in order to restore the farm buildings.*
- *The development is likely to put severe pressure on schools, health facilities, and drainage provision.*
- *The design of the new buildings is urban and there is a lack of garaging/storage provision. The parking of a potential 152 vehicles will be detrimental to the setting within the Conservation Area and there is no provision for the storage of wheelie bins.*
- *The access road is inadequate for the number of proposed dwellings. The farm road from the junction of Old Main Road to the railway crossing is narrow with no footpath and is restricted in width by parking for residents of the new cottages that front the road. The railway crossing is narrow and there is little facility or hope of widening it and is, hence, a potential danger point.”*

August 2018

15/00784/FULM – 1 representation received

17/02325/FULM – 1 representation received

15/00784/FULM and 17/02325/FULM – 67 representations received, signed by 108 respondents in addition to 1 anonymous response. Of these, 66 were petition style letters and 2 individually written letters. The petition wording is:

“I/we object to the proposals for enabling development as outlined in the Enabling

Development Executive Summary on the basis that the Policy statements in Historic England's guidance document to justify the need for enabling development have not been proved. I/we therefore support Bulcote Parish Councils objections to the proposals."

Of all responses received as part of the three consultations undertaken up to and including August 2018, these have been from 164 different signatories.

October 2019

17/02325/FULM – 1 representation received.

15/00784/FULM and 17/02325/FULM – 63 petition style letters signed by 96 signatories in addition to 5 letters and a note attached to one of the petition letters.

Of all responses received as part of the four consultations, these have been from 175 different signatories, comprising 271 petitions and letters from 99 different households.

This petition letter states objections are raised in relation to the:

"...extensive enabling development and other matters as summarized:

- *Overdevelopment in the Green Belt.*
- *The development is not in keeping with the character of the existing buildings and its location within the Conservation Area – this is supported by Historic England*
- *Inadequate highway access and any improvement to which would be contrary to its setting within the Conservation Area.*
- *Increased traffic through the village which would also increase the risk of the current level crossing – already borderline "high risk". Travel distances to bus stops and facilities in Burton Joyce etc. exceed the guidelines for access by pedestrians. This will inevitably lead to a greater number of journeys by car. The proposed development has provision for 139 car parking spaces.*
- *The development cannot be sustained by current local facilities. Local schools are already full and access to healthcare is already stretched. The latter will be compounded by the 42 retirement apartments already under construction in Bulcote."*

The individual letters received raise the following objections:

Highways

Affect safety of users of highway and footpath

Site is currently inaccessible by vehicles from village but accessible on foot

Lack of footpaths on access road

Lack of off-street parking facilities along access road (for existing dwellings)

Concern with impact upon railway crossing including congestion

Significant increase in vehicle numbers/traffic

Facilities are a long distance away – unlikely to be accessed on foot

Concern regarding two junctions with A612 including congestion

Dangerous bend within village along access road

Access road is regularly closed at railway crossing

Access road inadequate and cannot be redesigned to be safe

Damage to unadopted road

No footpath to the bus stop

Lack of parking for community centre and number of dwellings

Loss of on street parking serving existing cottages as a result of the proposed road improvements
Loss of verge to create footway as part of the proposed road improvements

Heritage

Adverse effect on character and appearance of conservation area
Adverse effect on the listed buildings (enabling development self-defeating)
Seriously damage the heritage asset
No objection to conversion of farm buildings

Character

High density, overbearing and out of scale with rural setting
Negative impact on neighbourhood/rural character
New build design out of character with listed buildings
Double the population/ out of proportion with size of village
Within the Green Belt (adverse effect)
Increased traffic result in increased noise
Outside the village envelope
Village would lose its tranquil character

Flood

Site is a flood plain – increase risk of flooding
Site regularly floods
Impact on drainage, particularly the culvert
Exacerbate existing drainage issues

Infrastructure

No local services in Bulcote
Pressure on existing schools – Carlton-le-Willows Academy and the Burton Joyce Primary School
Doctors cannot cope with more patients (compounded by retirement apartments being constructed in Bulcote)

Ecology

Impact on protected nesting birds and wildlife

Miscellaneous

Way for owners to maximize profit
Notice has not been taken by developers of residents comments from consultation
Pollution from increased traffic
More suitable use of the building would be as a museum or educational facility
Impact on amenity during construction

Comments of the Business Manager – Planning Development

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

The National Planning Policy Framework (NPPF) promotes the principle of a presumption in favour of sustainable development and recognises the duty under the Planning Acts for planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004. The NPPF refers to the presumption in favour of sustainable

development being at the heart of development and sees sustainable development as a golden thread running through both plan making and decision taking. This is confirmed at the development plan level under Policy DM12 of the Allocations and Development Management DPD.

As the applications concern designated heritage assets of a listed building and the conservation area, sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') are particularly relevant. Section 16(2) requires the decision maker in considering whether to grant listed building consent for any works, to *"have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possess."* Section 66 outlines the general duty in exercise of planning functions in respect to listed buildings stating that the decision maker *"shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."* Section 72(1) also requires the Local Planning Authority (LPA) to pay special attention to the desirability of preserving or enhancing the character and appearance of conservation areas.

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

In this case it is necessary to have consideration to and balance a number of other issues in addition to heritage to which the decision-makers should have regard. For ease of reference, these are addressed in turn below and comprise the following matters:

1. Settlement Hierarchy
2. Five Year Housing Land Supply
3. Heritage Impacts
4. Impact on the Green Belt
5. Enabling Development
6. Developer Contributions
7. Impact on Landscape Character
8. Housing Mix and Density
9. Design and Layout
10. Impact on Residential Amenity
11. Impact on Highways including Railway
12. Impact on Flood Risk and Drainage
13. Impact on Trees and Ecology
14. Land Contamination
15. Other Matters

1. Settlement Hierarchy

Bulcote is located to the north east and on the edge of the village of Burton Joyce, a large settlement which falls within Gedling Borough Council's (GBC) administrative area. Bulcote is a small historic village, although it has no services or facilities other than a community building located within the model farm complex. At the 2011 census Bulcote had a published population of 309 dwellings.

GBC and Newark and Sherwood District Council (NSDC) have fully endorsed the plan-led approach to planning insofar as both promote, through their own Core Strategies, a hierarchical approach to development. In the case of GBC, Burton Joyce has been allocated two small housing sites, both of which have been granted permission one for 14 dwellings, the other for 15 dwellings (outline permission).

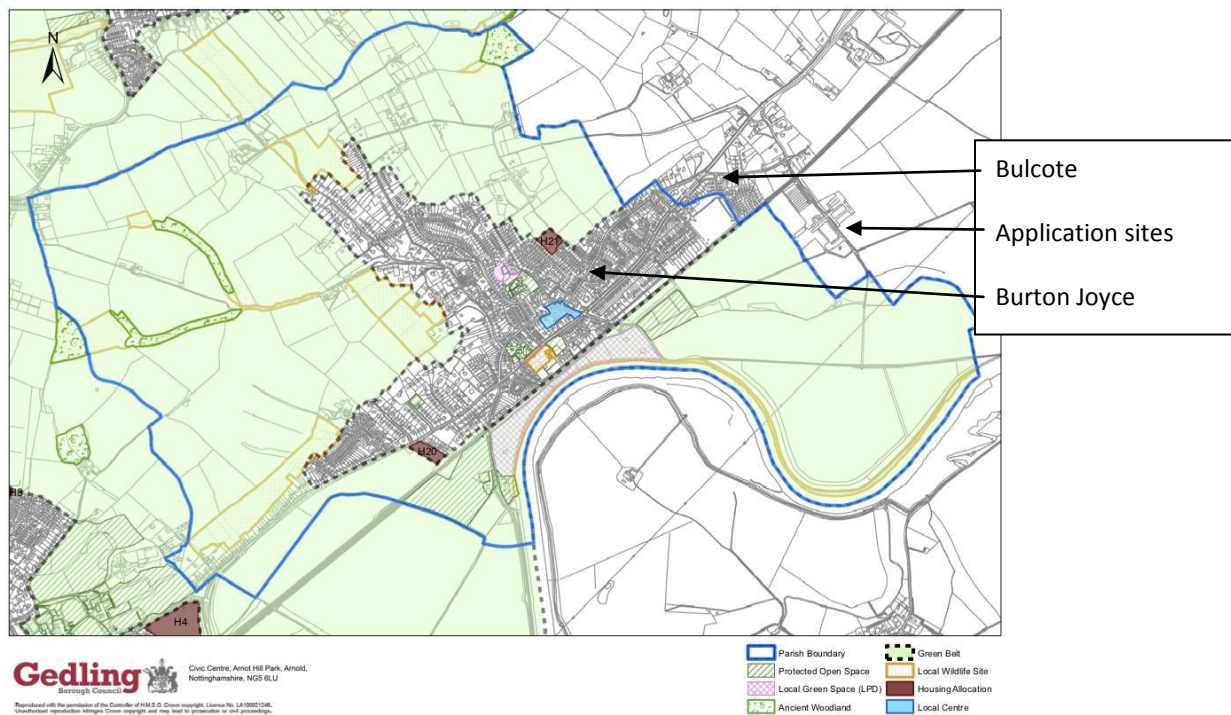
The settlement hierarchy for NSDC is set out in Spatial Policy (SP) 1 of the Council's Core Strategy. Spatial Policy 2 goes on to deal with the distribution of development, identifying that the focus of growth will be in the Sub Regional Centre, followed by the Service Centres and Principal Villages. At the lowest tier of the hierarchy are 'other villages' which do not have defined built up areas in terms of village boundaries. The Bulcote settlement is an 'other village' within this hierarchy which therefore is not identified to have allocated additional sites for housing over the plan period. SP1 is clear that development within the Green Belt will be considered against Spatial Policy 4B Green Belt Development, as opposed to SP3 (Rural Areas).

Defining whether the proposed development is within or outside of the 'main built up area of the village' as SP3 would require is therefore largely academic in this instance. So too is whether the proposals are to be of an appropriate scale in the sense of scale referred to in SP3. It seems perverse that a decision-maker should only have regard to Green Belt impacts in establishing the principle of a development (noting there are two applications) of this type. In this particular case the number of dwelling proposed (65) represents a 51% increase compared to 127, being the number in existence in 2011 according to the Bulcote Neighbourhood Plan. This is a significant number and is in excess of the order of percentage increase (as outlined in Spatial Policies 1 and 2 of the Amended Core Strategy) envisaged in the Core Strategy for all Service Centres and Principal Villages.

However, the proximity of the site to Burton Joyce is noted. One could walk from Bulcote (from Old Main Road) to the centre of Burton Joyce (approx. 1 mile) in approximately 20 minutes along a footpath which is lit beyond the railway. Burton Joyce has a range of services and facilities including recreational, retail, educational and medical services (as identified within the adopted Burton Joyce Neighbourhood Plan), as captured within the following table:

Village Hall	Post Officer Counter service within gift shop
3 village pubs (2 inc. restaurants)	Recreation Ground play area for younger children and multi-use games area
Recreation Ground incl. range of sports pitches	Community Church
Grove Recreation Area	3 cafes (1 includes bakery)
Super market	Estate agents
Primary School	Millennium Memorial Site
Parish Church of St Helens	Riverside Land
Charity Shop	Old school building
2 no. Hot Food takeaways	Old Church Hall
Allotments	2 no. Doctors surgeries
Pharmacy	Dentist
2 Recycling centres	Physiotherapy Clinic
Library	Cemetery and Garden of Rest

There is no physical or visually noticeable ‘break’ on the ground between the end of Burton Joyce and the beginning of Bulcote (see figure below). There is, however, a more noticeable physical difference with where the application sites are located.



The NPPF provides advice regarding proximity to facilities in rural areas and references to isolation (paragraph 79) as well as case law such as Braintree ([2018] EWCA Civ 610). This High Court judgement essentially sought to define the term “isolated”. It did not state, or seek to state, that development plan policies aiming to restrict development beyond defined areas are inconsistent with national policy. Indeed they cannot be, when national policy clearly requires development plans to set out strategies to direct new development to sustainable locations. The Council’s Development Plan is clear in directing new development to the settlement hierarchies and within villages. This is clear in SP1, SP2, SP3 (specifically the ‘location’ criteria) and DM8.

This stance has been supported on appeal (16/00033/OUTM) whereby it was concluded that even if a site were not physically or geographically ‘isolated’ from a settlement, a conclusion on acceptability solely on these grounds would not mean conformity with the Development Plan in a clear plan-led system where the LPA has set a clear spatial strategy and a set of Development Management criteria to guide the location of new development. In this case there is harm insofar as the proposals will significantly increase the size of the village beyond that anticipated in setting a very clear spatial development strategy for the District. Such harm must then be weighed in a planning balance.

2. Five Year Housing Land Supply

The Authority is confident that it is able to demonstrate a five year housing land supply (currently reported at 6.34 years) and that the policies of the Development Plan are afforded appropriate weight in the overall decision-making. It is noted that any approval on this site would contribute to the Council’s land supply position, albeit such a contribution need not, in itself, be determinative when weighed against all other material planning considerations.

3. Heritage Impacts

Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') require the Local Planning Authority (LPA) to pay special regard to the desirability of preserving listed buildings, their setting and any architectural features that they possess. In 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 Conservation Area (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 Local Development Framework (LDF) Development Plan Documents (DPDs), amongst other matters, 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 NPPF. Paragraph 193 of the NPPF, for example, advises that great weight should be given to the asset's conservation. In decision making, the LPA has to give great weight to the conservation of the designated heritage asset and to the desirability of preserving listed buildings and their setting as well as conserving or enhancing the character and appearance of the CA. If harm is identified then the same weight has to be attached whether it is limited or less than substantial harm as substantial harm. LPAs should also look for opportunities to better reveal the significance of heritage assets when considering development in conservation areas (paragraph 200).

The significance of the Listed Building is detailed and illustrated within the Conservation Officer's comments attached at Appendix 1 of the Agenda and is also defined within the Listing which states:-

'Farm buildings. Designed by the Nottingham City Engineer Arthur Brown. Red brick with blue brick bands and cill bands plus ashlar dressings. Plain tile roofs with various ridge stacks. Quadrangular plan. Metal framed windows with central opening casements. Segment headed windows throughout. Fire-proofed brick arched floor construction throughout with concrete floors. North-west and north-east ranges two storeys. North-east stable range has recessed centre with 20 bays divided by pilaster strips. Every fourth bay has a tall glazing bar window with a smaller window above, and every intermediary bay has a single smaller window above. Three windows projecting block to left has large glazing bar windows with smaller window above, five window projecting block to right has five large glazing bar windows with above a central taking-in door with a single smaller window to left and two to right. To south a set of ornate iron gates with gabled iron gate piers linking to single storey office building. Office building has two tall brick chimneystacks, a metal roof ventilator and plate-glass sash windows throughout. Street front has a double and two single sashes. Gabled south-east facade has two pairs of sashes and a door to left gable and a large triple sash to right gable. Main courtyard front has octagonal corner bay window topped with an iron weather vane. To left a door flanked by single sashes and beyond a pair of sashes. In front of this façade a 15 ton weighbridge made by W & T Avery Ltd, London & Birmingham. South east stable range two storey and single dairy range to right. Stable range has 12 bays with alternating doors and windows from left, above a taking-in door and three small

columns. Seven bays, from left a glazing bar sash then a doorway, two further sashes, another double door and another two sashes beyond. Two ten bay pig sty ranges to south-west, single storey with slate roofs. Both main fronts have ten small glazing bar windows and ten roof-lights. Rear facades have ten small segment arched doorways. Gable ends have irregular roofline with single doorways, these doorways lead into corridors which serve the individual styles. These corridors have narrow gauge railway-lines for feeding trucks. Both these ranges have similar facades to inner courtyard. North-west storage range has 20 bays with 13 large glazing bar windows which alternate irregularly with three cart entrances and a broad entrance to the inner courtyard. Beyond to right a later C20 extension, not of special interest. To north-west two specialist single storey buildings with large glazing bar windows with segmental heads. This is an important example of an industrial farmyard. It was constructed specifically by Nottingham City Corporation in order to assist with the disposal of the solid waste produced by their new sewage works at Stoke Bardolph.'

As the proposal also affects the heritage asset of the designated CA, it is also necessary to identify its significance. The setting of the CA is also detailed within the Conservation Officer's comments at Appendix 1. Of particular relevance to this application is that the CA has a distinctive character which is derived from the spaces between buildings as much as from the buildings themselves. The Heritage Statement identifies a number of key views within the village, typically encompassing green spaces and topography contributing to the setting of the CA which includes views along Old Main Road towards the Model Farm, and of countryside glimpsed between Corporation Cottages and the Model Farm. It is clear that the relationship between Bulcote Steading and its rural hinterlands is an important element of significance in this case, and views between and through the site reinforces this significance.

The Bulcote Neighbourhood Plan, Policy NPP5 (as modified by the Examiner) states:

"The reuse of the Grade 2 Listed Bulcote Farm Buildings for their optimum viable use consistent with their conservation is supported where the proposal preserves the significance of the setting of the Listed Buildings and the landscape character of the area."

The applicant has demonstrated that residential use of the buildings is their optimum viable use and will ensure their long-term retention whilst preserving the setting of the buildings. The viability argument has demonstrated that new build is needed to meet the heritage deficit. Therefore if the new build elements is considered to respect both the setting of the listed buildings and landscape character, the proposal will meet this policy. These aspects are discussed below and in following sections.

The proposal will involve the demolition of a number of modern farm buildings which are unattractive and obtrusive when compared to the aesthetics of the model farm. The Conservation Officer and Strategic County Officer's responses identify the renovation of the historic farm buildings including the removal of modern extensions and portal elements within its setting, would result in an enhancement to the significance of the listed buildings. The removal of the grain dryer to the end of the granary range for example, and reinstatement of matching period windows will help better reveal the significance of the main range.

New Build Assessment

The enabling development comprises the two storey terraced properties to the south-west and north-west of the site within application 15/00784/FULM. Although new build these would be located where important historic buildings were once sited and would reinstate the historic plan form of the Model Farm. Furthermore their scale, design and external materials would reflect the vernacular of the buildings that were demolished in the 1960s.

The terrace of four two storey dwellings proposed to the northwest boundary of the site have also been designed to be of a scale and vernacular to reflect the historic form and layout of the model farm (see image below) . The Conservation Officer's response to the proposed dwellings in this location reports the *"...intensity of development in this part of the site is consistent with the historic plan-form of the model farm, furthermore, and the scale and design of the new build reflects aspects of the vernacular farm buildings previously there. The design approach is positive, although careful consideration will need to be given to the subdivision of garden plots (hedges and post and rail fences should be utilised rather than standard panel fences for example)"*. There is therefore clear historic rationale for allowing replacement buildings to be constructed, subject to appropriate detailing.



An aerial view of Bulcote Farm buildings

Since the application was presented to Planning Committee, the semi-detached dwellings proposed between Corporation Cottages and the Bulcote Farm have been removed from the proposal for application 17/02325/FULM. This will ensure that the existing spacing will be retained meeting the aspirations of the CA Appraisal.

With regards to the proposed development on the site of the modern substantial barns and associated land to the opposite side of Old Main Road, it is considered that the demolition of these unattractive and obtrusive structures would improve the setting of the Listed Model Farm complex and the setting of the CA. It is acknowledged that the proposed dwellings would be completely different in character and layout to the existing farm buildings. However, again officers have worked with the applicant to secure a scale, design and layout to respect the former listed labourer's cottages [Corporation Cottages], also taking into account matters raised by Members during the previous presentation in February 2019. Conservation advice details that given the setting back of the properties from the highway, which reduces their prominence, it is not considered that these would be harmful to the setting of the listed cottages or the Model Farm.

Historic England has responded to the proposal on a number of occasions. A number of their earlier comments have been addressed following the publication of for example, the viability assessment and Bulcote Conservation Deficit. Their advice, whilst they have concerns, considering the proposal to be harmful to the significance of the heritage asset, is that it will be for the LPA to determine whether there is an enabling development case to repair and bring into use the vacant farmstead with uses compatible to its special interest. This case must also demonstrate the amount of new build is the minimum necessary.

It should be noted that the applicant has made a concerted effort to contact and engage Historic England in discussions with regards to viability. However Historic England has not offered them any further advice. As detailed earlier, Historic England has reiterated that it is for the LPA to decide whether the enabling scheme is justified and that there is sufficient evidence to support the enabling assumptions. They did query whether a domestic type of housing on the modern dairy farm site was appropriate within the setting of the model farm, but advised that they did not want to offer any formal advice beyond that already given.

A detailed and full impact upon the character and setting of the listed buildings has been undertaken by the Council's Conservation Team as detailed within Appendix 1. In summary, they raise no objections. They are satisfied that the proposed redevelopment of the listed buildings at Bulcote Steading and the new development within their setting, sustains their overall special interest and causes no harm to the setting of Corporation Cottages or Field House. No harm is perceived to the character and appearance of the Bulcote CA. The revised plans fully address concerns raised in previous advice regarding the conversion strategy, and overall the conversion scheme is considered to be acceptable.

The full impact upon the listed buildings and CA are considered within the associated listed building report (reference 15/00785/LB). Taking the above into account, it is concluded that the application has been accompanied with clear and robust supporting information (including a Viability Assessment which has been robustly and independently reviewed and discussed in the next section) that is sufficient to enable a thorough assessment of the proposals, and to allow a considered determination of the scheme before Members. In terms of heritage impact, the proposal would preserve the special interest of Bulcote Steading and the character of the Conservation Area. The enabling development as proposed is required to resolve the inherent needs of the place. The proposal would therefore accord with Section 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Core Policy 14 of the Core Strategy and policy DM9 of the ADMDPD together with Section 16 of the NPPF.

4. Impact on the Green Belt

Spatial Policy 4B of the Core Strategy advises that within the extent of area covered by the Green Belt, new housing and employment development will be focused in the principal villages of Blidworth and Lowdham, and the part of Bulcote which is attached to Burton Joyce. These locations are excluded from the Green Belt and defined by village envelopes. For clarity both application sites are located within the Green Belt where new development is strictly controlled through the NPPF and Spatial Policy 4B of the Core Strategy, which directs the decision-maker to Green Belt policies within the NPPF.

Paragraph 133 of the NPPF identifies five purposes of including land in Green Belts:

1. To check the unrestricted sprawl of large built up areas;
2. To prevent neighbouring towns merging into one another;
3. To assist in safeguarding the countryside from encroachment;
4. To preserve the setting and special character of historic towns; and
5. To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Paragraph 143 of the NPPF goes on to confirm that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in 'very special circumstances'. Paragraph 144 adds that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' shall not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm resulting from the proposal is clearly outweighed by other considerations. Paragraphs 145 and 146 identify a number of developments that are the exception to this definition i.e. they are appropriate development. These aspects are discussed below.

In this case the applicants have elected, partly due to the evolution of negotiations throughout an iterative process, primarily in terms of the extent and design of 'enabling development', to submit two separate planning applications. Each proposal must be assessed on its own merits in planning terms although many of the overall considerations apply to both schemes individually and combined. Members are able to tie the schemes together in the event of an approval via a S106 Agreement including the associated listed building application.

Application 17/02325/FULM (9 new build units)

Paragraph 145 of the NPPF is clear in stating that the construction of new buildings in the Green Belt is considered inappropriate but sets out some exceptions. None of which are considered to apply to this development. In this case the lawful use of the site is for agriculture, which is excluded from the definition of previously developed land. The proposal does not involve the conversion of a building and thus represents inappropriate development which, in accordance with the NPPF, substantial weight is attached. Only 'very special circumstances' in an overall planning balance would be sufficient to outweigh such harm.

Application 15/00784/FULM (32 new build and 24 'conversion' units)

The 32 new build properties represent inappropriate development for the reasons set out for the 9 new units. With respect to the conversion work, it is noted that the buildings in question are

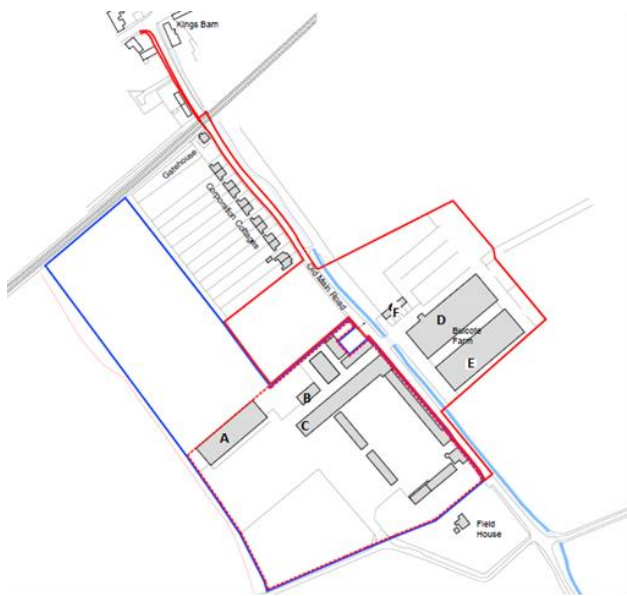
listed and clearly worthy of protection as a matter of principle. Paragraph 146 of the NPPF defines the re-use of buildings is not inappropriate provided the buildings are of permanent and substantial construction. Additionally, the re-use needs to preserve the openness and not conflict with the purposes of including land within the Green Belt. The re-use itself is considered would meet these aims and thus, there is an element of the scheme which would be appropriate in Green Belt terms.

However, as each application comprises inappropriate development in itself or includes a significant amount of inappropriate development, substantial weight must be attached to the harm to the Green Belt and very special circumstances need to outweigh this harm. There are no set definitions of what does or might constitute a very special circumstance. It is for the decision maker to assess whether the factor, or indeed multiple factors, carry sufficient weight to outweigh the harm.

The applicant has also presented a case as part of their very special circumstances that the total build form of the proposals when considered in the context of the existing, would offer a net reduction in built form. Therefore in terms of openness, there would be a positive benefit to the Green Belt. There is some sympathy for this argument in overall volume and footprint terms, albeit a concentrated residential-grain development of domestic scale will have a different character impact to the current more organic and agricultural/industrial scale development.

For clarity, the existing and proposed footprints and volumes for each application have been calculated separately. These are then considered in terms of the impact of the development as a whole on the Green Belt setting of the sites.

The plan below indicates the buildings to be demolished across the comprehensive site.



Buildings to be demolished (A, B, western end of C, D, E and F)

A.15/00784/FULM

EXISTING

	Footprint of Existing	Volume Of Existing Buildings
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	Buildings to be demolished (m ²)	To Be Demolished (m ³)
Large Hay Barn (A)	1,098	6,851
Open Barn 2 (B)	145	739
Grain Store (C)	336	2682
TOTAL	1,579	10,002



Proposed dwellings (A and B)

PROPOSED

	Footprint Of Proposed Buildings (Enabling Development) (m ²)	Volume Of Proposed Buildings (Enabling Development) (m ³)
Long Terrace (A)	1,712	11,592
Short terrace (B)	248	1,732
TOTAL	1,960	13,324

As can be seen both the footprint and volume of the enabling development is greater than the buildings to be demolished on this particular site.

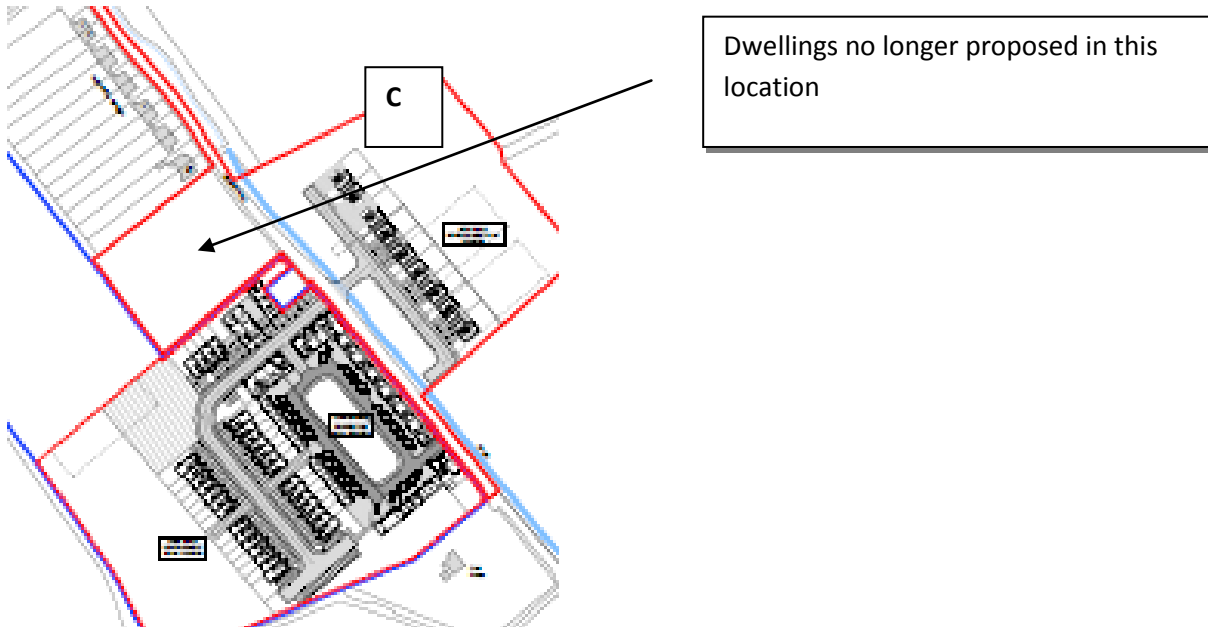
B. 17/02325/FULM

EXISTING

	Footprint of Existing Buildings to be demolished (m ²)	Volume Of Existing Buildings To Be Demolished (m ³)

Barn D	2,020	10,177
Barn E	1,789	10,578
Building F	115	370
TOTAL	3,924	21,125

PROPOSED



Proposed Dwellings (C)

	Footprint Of Proposed Buildings (Enabling Development) (m ²)	Volume Of Proposed Buildings (Enabling Development) (m ³)
Detached (C)	868	5,285
TOTAL	868	5,285

The footprint and volume has been reduced since the application was presented to Planning Committee in February 2019 by omitting the dwellings that had previously been proposed to the south of Coronation Cottages.

Bringing all of the calculations above together, the total amount of floor area and volumes to be demolished and proposed are:

	Footprint of Existing Buildings to be Demolished (m ²)	Footprint of Proposed Buildings (Enabling Development) (m ²)	Volume of Existing Buildings to be Demolished (m ³)	Volume of Proposed Buildings (Enabling Development) (m ³)
2015	1579	1,960	10,002	13,824

2017	3,924	868	21,125	5,285
TOTAL	5,503	2,828	31,125	18,609
NET REDUCTION		2675		12,516

Taking a pragmatic approach, comparing the total amount of development across both sites A and B which form the comprehensive development, the total amount of enabling development in terms of both footprint and volume can be seen to be significantly less than that of the buildings to be demolished. However, as advised earlier, regard also needs to be given to the buildings being demolished (agricultural) which comprise development that is appropriate within the Green Belt compared to the new build housing.

The applicant has also submitted a case of enabling development to justify the need for the new build housing. In other words, if new build is required to justify the financial shortfall resulting from the cost to secure the long-term repair and use of the buildings, then this could outweigh the harm to the Green Belt and thus represent the 'very special circumstances' required.

5. Enabling Development

It is necessary to firstly satisfy that the scheme warrants a need for enabling development. Once, and only if this need is satisfied, an assessment of whether what is proposed is a genuine 'enabling' development must be taken, before determining whether the benefit of the enabling development i.e. the preservation of the listed buildings represents a very special circumstance case in Green Belt terms in itself or cumulatively with any other very special circumstances advanced.

The Historic England (HE) document Enabling Development and Heritage Assets (2020) offers guidance and criteria to be used in the assessment of enabling development proposals. This document is quite a significant update on HE's previous 2012 document advising on enabling development. Paragraph 202 of the NPPF makes it clear that decision-makers will still need to assess whether the heritage and any other public benefits enabling development would provide, would secure would outweigh the disbenefits of departing from planning policy. As part of that assessment it is also necessary to ensure that the asset is preserved not just for now but also into the future. The guidance details it is good practice to take the decision in the light of a realistic view of the consequences of refusal.

The guidance provides guidance to a developer on making a case for enabling development. Whilst these applications and the supporting information were submitted before the publication of the 2020 HE document, a significant amount of the first document its thrust are still present in the latest version. The document suggests following a number of steps, which can be one approach to providing a full case that meets the requirements within paragraph 202 of the NPPF. They are:

- Conservation needs/works assessment
- Alternative solution
- Repair and maintenance costs assessment
- Market value assessment
- Scheme design
- Development appraisals
- Delivery plan

Step 1 - Conservation needs/works assessment

This assessment evaluates the condition of the heritage asset in need of conservation repairs. As part of this survey, the importance of the asset as a whole and the part played by subsidiary elements will be established. It will identify a desired reasonable level of conservation that will sustain the asset in the long term.

The model farm was last surveyed by Nottinghamshire County Council conservation colleagues in 2013 when it was part occupied. At that time NCC advised that the overall condition was fair (although the condition of the architectural detail was poor). The building was classified in the Historic Buildings at Risk survey at that time to fall within risk category 4 (vulnerable). However, this survey was undertaken some 7 years ago and the buildings are now predominantly vacant and have further deteriorated. They have subsequently been inspected on several occasions by the District Council's Conservation officer who is satisfied that they are now at risk in the context of the Historic England methodology unless an appropriate and viable use is implemented. This 'risk' has not been driven by any neglect or poor management but rather by the issues associated with having a vacant building of this type over a significant period of time.

Following detailed discussion and negotiation with the Council's Conservation Officer a revised scheme was submitted in relation to the proposed conversion works. These are detailed within the Bulcote Conservation Deficit Summary, received September 2018. The repair schedule largely includes:

- *Internal sub division*
- *New/repaired staircases*
- *Some infill of existing openings*
- *Minimal new openings*
- *Repair/replacement of windows and Secondary glazing*
- *Repair to existing external and internal walls (including glazed brick walls in community building)*
- *Repairs and reroofing of existing roof tiles (new tiles to match)*
- *Repairs to or new internal fixtures and fittings*
- *Retention of architectural elements including winches, pulleys, belt drive system, trap doors and external light*

The proposals have been assessed by a number of heritage bodies including Historic England and the Council's Conservation Officer. Historic England has raised concerns with regards to the proposed renovation and conversion scheme considering that notwithstanding the revised scheme, which they accept has made some changes and subsequent improvements to the internal layout and which work with historical structural components, the proposed works would be harmful to significance of the designated heritage asset. They have however recommended that it is for the LPA to be satisfied that it has sufficient information to justify the amount of enabling development and that the proposal meets the tests within the NPPF. This was confirmed via conversation with the Principal Buildings Officer at Historic England in order to clarify the concerns raised in their last letter. They advised that they did not want to offer any formal advice beyond that already given. If the LPA is minded to approve then robust conditions should be imposed to cover all areas of external and internal works required to meet good conservation practice.

In relation to the works to the listed buildings, the Conservation Officer raises no objection to the significantly revised scheme of works. It is accepted that the most significant internal intervention would be the introduction of the new staircases. However new internal walls have been kept to a minimum and have been positioned on existing structural lines. Intervention has been kept to a minimum and has been clearly justified, there are minimum new external openings and accretions and the previously proposed new roof lights have been removed from the scheme. The replacement or alteration to existing concrete floors to enable flood resilience is considered acceptable and would not in the Conservation Officer's opinion affect the industrial character of the buildings. Minimal alterations to the fabric of the building are proposed. The roofs are to be repaired or re roofed with existing salvageable slate coverings where ever possible and any new slates will be sourced to match existing.

It is of significant relevance that the associated application for listed building consent was resolved to be approved at Planning Committee in February 2019. This application assessed the proposed works to the listed buildings themselves i.e. the repairs, alteration and impact of conversion. Therefore, unless there are any changes to planning policy (locally or nationally) which enable a different decision to be reached in relation to these works, the same decision should be reached. It is confirmed there has not been any change in relation to policy. The determination therefore in relation to the heritage aspect is whether the new build element complies with policy i.e. whether it respects the setting of the listed building.

It is acknowledged that the car parking within the courtyard will significantly impact on the setting of the listed farm complex. However, with consideration to the existing extent of hardstanding and the industrial character of the site this is not considered to be fundamentally harmful, particularly as landscaping is proposed to the central area. The proposal will therefore preserve the stack yard setting of the listed building range.

Officers are satisfied that the application has been accompanied by sufficiently detailed plans and information to allow a thorough and robust assessment of the proposed scheme in terms of the works required to the listed building, to ensure its preservation but also of the impact on its setting as well as the setting impacts resulting from the proposed development. It is considered, and supported by Conservation (refer their response), that the repair schedule which proposes repair and renovation as far as practicable, follows good conservation values, and is a well-considered and positive conservation approach to the development which would sustain the special heritage interest of this important Listed Building complex, securing its long terms retention and its contribution to the heritage setting of the site without causing any significant harm to the asset or its setting.

Step 2 - Alternative solution

In order to establish if enabling development can be justified and therefore unavoidable, a range of possible alternatives need to be explored. Historic England's guidance details this may include public or charitable ownership, grant funding, alternative uses or ownership and enforcement remedies. It is important that a wide range of realistic possibilities is considered, not just the original or most recent uses although the original use may still be the most appropriate one. Evidence of attempts made to find alternative uses or owners through appropriate marketing and the efforts made to find alternative sources of funding, for example from charitable foundations, is necessary.

The Property Review deposited with the application assesses the suitability, appropriateness and need for the site as an agricultural holding. The report identifies with mechanism and advances in stock husbandry, the [historical] buildings are inadequate and uneconomical for modern agriculture. Modern agriculture requires larger, better ventilated buildings. A review of comparable buildings on the market was undertaken which evidenced they usually come available for alternative uses – residential or commercial. As such, a return to the existing agricultural use is therefore considered to be unviable.

A marketing strategy has been deposited with the application. The site was actively marketed for a minimum of 12 months (2014/2015) as stated in the Marketing Summary Document (2015) deposited with the application in 2015. The marketing of the site included sales brochures, sales boards, national, regional and national advertising and mailshots. Only two parties have followed up initial enquiries with viewings progressing to just one offer for a residential scheme rejected on the grounds of value and a less sensitive conversion of the Listed Buildings. There was no interest received with regards to any agricultural or commercial use. The site and proposal can be viewed on the Northern Trust website.

It is considered that from the evidence put forward by the applicant and in line with Historic England enabling development guidance that the marketing undertaken for the site has investigated and sufficiently demonstrated that there is no realistic prospect of the buildings being occupied for their existing use, or indeed other potential uses other than residential.

As noted within the submitted Enabling Development Executive Summary document, the applicant has explored a number of alternative sources of funding and concludes no third party or heritage funding has been identified or is available. According to the applicant public funding streams were not available for a residential development by privately owned companies. The applicant has referred to attempts made to achieve alternative funding sources without success.

The applicant advises, alternative potential funding sources have been explored and although there are many sources of grant aid for historic buildings, most donors do not deal with privately owned companies, so the availability is extremely limited as well as being extremely competitive.

The Heritage Lottery Fund (HLF) is currently the main provider of grants to historic buildings in England but does not typically fund any privately owned projects. Other grants are extremely limited and tend to be such a small sum in relation to the total amount of works that need to be undertaken. Contact has been made with the Grants Funding Team who has confirmed that obtaining funding for heritage projects is almost wholly dependent upon the involvement of and provision for “not for profit” organisations as part of the development proposal. In summary, no third party has been identified that could provide funding to meet the conservation deficit. It is appreciated that grant aiding for historic buildings is extremely competitive and often lengthy, with funds being limited and finite.

An alternative solution that officers have required the applicants to assess is mothballing. This has the aim of maintaining more limited ‘enabling’ development in order to secure the building over the short-to-medium term. As stated in the Enabling Development Executive Summary this would comprise minimal works required to make buildings structurally sound and wind and water tight. It must be noted that such intervention does not alone prevent further dereliction of the building but it does ‘buy time’.

The Elemental Defect Appraisal (EDA) submitted as part of the applications has identified the remedial works that would be required. Given that this was undertaken in 2012 the applicant has carried out a review of works they consider are required to mothball the building to keep it structurally sound and wind and water tight for a sustainable period of time as summarised below:-

Table 1

Item	2016 Cost Plan £	2019 Costs based on Inflation £
Repairs to frame (as identified in EDA)	52,370	64,263
Repairs to upper floors (as identified in EDA)	86,250	105,837
Roof repairs (inc. rainwater pipes which typically you would need in mothballing as they can perpetuate / introduce new damage if the situation if not resolved)	342,232	419,953
Repairs to external walls (as identified in EDA)	177,430	218,061
Windows and external doors	189,117	232,065
Repairs to internal wall (as identified in EDA)	86,870	106,598
Repair Total	934,269	1,146,777
Preliminaries at 12%	112,112	137,614
Overheads and Profit at 1.5%	14,014	17,202
Subtotal	1,060,395	1,301,593
Contingency at 5%	53,019	65,080
Grand Total	1,113,414	1,366,673

The applicant has advanced that mothballing in itself would require some form of enabling development to fund the deficit. The costs of the comprehensive mothballing works have been broadly agreed as substantial and in the region of £1.4 million. In considering mothballing at this cost, market circumstances are of relevance (as set out in Historic England's Enabling Guidance), particularly as in lower markets more enabling development may be necessary. Waiting for a more buoyant market may mean less enabling development.

In this particular case it is clear that irrespective of changes in the market (if one assumes sales values go up but costs do not for example (which the latest viability assessments demonstrates is not the case) there is a need for significant enabling development. It is not considered that a pause to allow market conditions to change will alter this need and level of intervention significantly.

Alternative sites

Enabling development need not necessarily be required to be on the same application site as the heritage asset. This, as the sites are designated as being Green Belt. This has been explored by the applicant. Information has been submitted with regard to the investigation of whether there are alternative viable sites available which could accommodate some or all of the proposed enabling development. This reports that the applicant and landowner do not own any other land within the Newark and Sherwood District Council boundary. Therefore any potential alternative sites would need to be purchased at market value before they could be considered a legitimate option.

Notwithstanding this, a search has been undertaken of Severn Trent Water owned land within the locality and whilst a number of sites have been identified they are currently operational sites, necessary for the continued core operations of the business and as a result are not currently able to be considered for sale.

It is the applicant's opinion therefore that a requirement to purchase alternative sites at market value is not appropriate or viable in this instance.

Taking account of the supporting information submitted with the application and the viability argument put forward by the applicant, discussed within Steps 3 to 6, it is considered that the proposed residential conversion represents an optimum viable use for the heritage assets given that it would not be suitable for modern agricultural practices as evidenced by the marketing strategy deposited with the application. It is considered that the proposals, including the new build, would result in a comprehensive development that secures the long term use of existing important heritage buildings which is comprehensive, avoids fragmentation and is sensitive to its heritage setting. Additionally, with regard to the comments from Historic England, Officers are satisfied that in considering the proposed scheme appropriate weight has been given to the significance of the heritage asset and that the applicant has a) demonstrated that no alternative viable uses have been found through the marketing of the site and b) that there is no available funding which would enable the conservation of the buildings.

Step 3 - Repair and maintenance costs assessment

Step 4 - Market value assessment

Step 5 - Scheme design

Step 6 - Development appraisals

These steps are all considered below.

In order to understand if the amount of enabling development is the minimum amount necessary, it is necessary to examine the anticipated costs and receipts associated with the development. The applicant has submitted a number of viability assessments during the consideration of the applications. The most recent takes account of Members' request in February 2019 for a contribution to be paid toward Primary Education. The cost of primary education as well as Community Infrastructure Levy contributions need to be considered under this section although are addressed in full later in the report under Section 6

Viability

A viability case has been submitted that seeks to demonstrate the need for the proposed enabling development and in light of the need for this to deliver the conversion of the Listed Building to secure its long term viable use, the scheme cannot afford to contribute to all of the normal expected developer contributions noted above, with the exception of education, as doing so would render the scheme unviable.

The Government has issued detailed viability guidance within its Planning Practice Guidance (PPG) as well as the guidance with HE's document. Within these two sets of guidance are details of costs that might be included; how land value should be calculated (which should be established on the basis of the existing use value i.e. as farm buildings/land); and the profit a developer should expect from a scheme. The PPG indicates for the purpose of plan making an assumption of 15-20% of

gross development value (GDV) may be considered a suitable return to developers (paragraph: 018 Reference ID: 10-018-20190509).

The Council has commissioned an independent expert to provide independent advice to the Council in respect of viability in accordance with HE guidance. Their advice to the Council is contained within the consultation section of Appendix 1.

The initial Appraisal submitted with application ref. 15/00784/FULM in May 2015 concluded that 39 dwellings, rather than the 31 put forward by the applicant were required to bridge the conservation deficit that would exist in order to undertake the residential conversion of the existing Listed Buildings. In March 2016 the applicant subsequently submitted a revised Viability Appraisal taking account of increased building costs. The increased building costs arose due to discussions with the Council's Conservation Officer. Due to the site's importance as a heritage asset, it is necessary (and a requirement) to ensure that all materials and works to the listed buildings (schedule of works) as well as any new build are of a very high quality. As a result of these discussions, the associated costs increased. The schedule of works were extensively scrutinised and considered to be conservation led and the applicant's Viability Assessment was independently and robustly reviewed and reassessed. This subsequently concluded that 48 dwellings would be required to meet this deficit leading to the 2017 application as originally submitted.

Following this, and the deferment by Planning Committee, the applicant has further reviewed the proposal. The scheme now proposes 7 fewer dwellings (i.e. 9 new dwellings are proposed as part of the 2017 application and 41 overall) as well as a financial contribution towards primary education of £243,964. The earlier viability report was amended which has, once again, been assessed by the Council's independent viability consultant. There are changes in the sums arising within the latest appraisal compared to previous which is a result of changing market conditions including an increase in build costs, professional fees and contingency.

The Historic England Guidance establishes that there is a presumption against enabling development unless it is demonstrated that it is the absolute minimum required to secure the future of the heritage asset. Notwithstanding this, in this case, following the previous considerations by Members, the assessment has been advanced on the basis of the minimum necessary but also including financial contributions towards primary education.

It is also of note, that with the latest viability assessment the applicant has run profit margins at 17.5% as opposed to the 20% previously advanced. Members may recall that a hearing for the Highfields (reference 17/00357/FULM) development was adjourned in September 2018 following the Inspector inviting the applicant to re run profit margins at 17.5% rather than 20% in light of the revised NPPF and updated PPG, which essentially advocated a plan-led approach. All of our plan and CIL work has been produced on a 17.5% profit. However, it will be noted on pp.15-16 of the Independent Assessors report that it is considered that *"...in our opinion, we believe that it is too low for development of this complexity and risk (particularly in light of the significant uncertainty in the market currently being created by the current Coronavirus pandemic and the impact this is having on the property markets and wider economy."*

The Viability Assessment Addendum Report Revision A provides detail of the key elements that make up the appraisal. These are summarized within tables 2 and 3 below.

Table 2 shows the costs associated with converting the listed buildings together with the expected

sales value as submitted by the applicant and appraised by the Council’s independent assessor. The schedule of works and costs provided within the applicant’s Viability Appraisal and subsequent revised Viability Appraisal received October 2019 and updated February 2020 indicates that the extent of the restoration works to the Grade II Listed Building amounts to circa. £2.5 million. This figure does not factor in a return for the risk (i.e. profit) for the Developer. The applicant assumes a GDV (sales value) of circa £7.1 million which would give an estimated profit of £1.2 million resulting in an overall conservation/heritage deficit of just under circa £3.8 million. Whilst the applicant’s assessment does not include the costs associated with a profit, the tables below includes this profit on the basis no one would undertake this development without a reward. These figures also include the request by Members for a contribution towards Primary Education [in addition to the Community Infrastructure Levy cost].

Table 2 (All figures within both tables have been rounded to the nearest £100).

Conversion Costs (24 units)		
	Applicant £	Independent Appraisal £
Existing Use Value (EUV)	993,400	993,400
Conversion Costs	6,989,400	6,644,000
Contingency	349,500	332,200
Professional fees	699,000	664,400
Marketing	131,000	130,600
Disposal	106,200	82,600
Finance	331,700	309,600
Profit	1,238,600	£1,235,200
Total (debits)	10,838,800	10,392,000
Anticipated Sales	7,077,700	7,058,000
Loss (difference between sales and costs)	3,761,100	3,334,000

It will be noted that there are some differences in the figures between the parties, with a resulting conservation/heritage deficit by the applicant of just over £3.7 million and just over £3.4 million by the Council’s assessor. The enabling development therefore needs to address the heritage deficit being the overall loss in the conversion of the listed buildings.

The applicant has progressed the scheme on the basis of a 41 new dwellings. This reduces the numbers of dwellings by 7 compared to the previous presentation to Members, whilst also taking account of the primary school education contribution. The enabling development comprises new build of 2 rows of 14 terraced dwellings to the southwest of the Model Farm building and a terrace of 4 properties to the northwest as part of application 15/00784/FUL, as well as the 9 units within application 17/02325/FULM on the eastern side of Old Main Road.

The summary of costs and sales value of the new build are:

Table 3 (All figures within both tables have been rounded to the nearest £100).

41 New Build Units	Savills £	Independent Appraisal £
Residual land value*	3,684,000	2,983,500

Acquisition costs	229,500	192,378
Construction Costs	4,885,700	5,460,300
Contingency	146,600	163,800
Demolition	75,000	75,000
S106	243,000	243,000
CIL	83,600	83,600
Professional fees	390,900	436,800
Marketing	230,900	230,700
Disposal	145,300	145,200
Finance	184,000	274,200
Profit	2,184,500	2,182,400
Total (debits)	12,483,000	12,470,900
Anticipated Sales	12,483,000	12,471,000

*Residual land value (RLV) is a method for calculating the value of development land. This is done by subtracting from the total value of a development, all costs associated with the development, including profit but excluding the cost of the land. In this case, the sum is in effect the heritage deficit identified within table 2. It will be noted in both the assessment by the applicant and the Council that the RLV is a lesser sum than the heritage deficit reported.

As in the previous table, it can be seen there are difference in sums for some of the elements between the applicant's submission and the Council's independent assessment. However, the outcome in both cases demonstrates that the overall costs of undertaking the conversion works and the enabling development is approximately equivalent to the expected sales values. The Council's assessor reports the assessment actually indicates the development is approximately £160,000 less than the conservation/heritage deficit, thus would be constructed at a loss.

The Independent Viability Assessor is satisfied that that the applicant has demonstrated that the additional enabling development (41 dwellings) proposed is the minimum necessary to bridge the identified heritage deficit whilst providing for the primary education contribution. However, it should also be noted that the sum within the above table of £243,000 for education is £1,000 less than requested by County and CIL payment of £110,005 (plus indexation) is due whereas £83,580 has been costed in the report. Officers are mindful that the applicant has not proposed any developer contributions aside from the education contribution. However, bearing in mind the Historic England Guidance, should the developers be required to meet the other contributions set out in Table 4, the number of enabling dwellings would significantly increase beyond the current number. This has been confirmed by the Independent Viability consultant in their previous assessments. Such an increase in levels of enabling development would also have the potential of adverse consequences in terms of unacceptable harm to the heritage assets, the Model Farm complex and the Conservation area and also consequential adverse impact on the Green Belt and the landscape character of the area.

Given the independent scrutiny of the figures and notwithstanding the change (reduction) in the amount of enabling development, there is no reason to question these latest figures. The independent assessment concludes that the proposed enabling development is the minimum necessary to address the heritage deficit. As discussed in previous and subsequent sections of this report, in relation to impact on the nearby heritage assets, the Green Belt and landscape it is considered that the proposed enabling development would predominantly reflect the historic scale, form, layout and setting of the site particularly in relation to that proposed under

application ref. 15/00784/FULM. It is also considered the removal of proposed built development between the model farm and Coronation Villas, as presented in February 2019, is an overall benefit, both to the Green Belt but also the historical settings of the buildings.

Taking the above into account, it is concluded the viability submissions have been through a robust and proper process and analysis with professional, independent, consultants advising us that the findings are sound. The Conservation Officer is satisfied that the case for enabling development has demonstrated that the proposed additional dwellings are necessary and justified to bridge the heritage deficit arising from the renovation and conversion of the Listed Building. There is nothing before the LPA to dispute the quantum of enabling development proposed. The design approach will preserve the special interest of Bulcote Steading and the character and appearance of Bulcote Conservation Area.

Step 7 - Delivery plan

Where a case for enabling development has been advanced and accepted, it is necessary to ensure the benefits are properly secured via an enforceable legal arrangement. Historic England guidance advises that in most cases, it is preferable that these benefits are secured as early as possible within the time period of implementation of the development, prior to completion or occupation. Occasionally, the conservation works approved to the asset will be dependent on funds only available at a late stage of the enabling development. In these cases the justification of delayed payment(s) and works will need to be set out at an early stage and the agreed arrangement secured in advance. Where a phased approach to the enabling development is planned, agreed and enforceable trigger points should be identified.

Negotiations are underway with the applicant's agent regarding the contents of the s106 which will be very carefully considered by the Council's solicitor. However, it will include measures such as:

- ensuring the land the listed buildings are situated on are not severed from the other land;
- that phasing of the development ensures the works necessary (and permitted as part of this and the listed building application, if approved) to the listed buildings are completed whilst enabling a number of the enabling dwellings to be constructed and sold to provide funding for the heritage works;
- having a clerk of works (or similar) to monitor the works to the listed buildings to ensure they are undertaken correctly; and
- a management company to oversee the wider development once completed.

In summary, the proposed enabling development will bridge the conservation heritage funding gap and would facilitate the conversion of the Listed Building to secure its long term viable use.

Taking all of the above into account, there is a clear enabling case in this instance. Whilst this is the case, this still need not be determinative, needing to be weighed against all other material planning considerations including whether the new build enabling development itself will cause harm to the character and setting of the listed buildings and conservation area.

Overall Green Belt Assessment

To enable a conclusion on the Green Belt to be made, a balancing exercise of the above discussion needs to be undertaken in relation to any harm that might arise to the Green Belt's openness and

purposes for including land within the Green Belt. Very special circumstances shall not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm resulting from the proposal is clearly outweighed by other considerations.

It has clearly been evidenced and checked by the Council’s independent viability assessor in line with Historic England guidance that the amount of new build development is the minimum necessary to ensure the long-term conservation of the listed buildings. It has also been evidenced that alternative sources of funding are not available, nor alternative uses to secure their retention. The very fact the buildings are listed demonstrates their quality and desire to ensure their retention. This is given significant weight. A very limited amount of weight can be attributed to the overall footprint and volume of the resulting development which will overall, with the two schemes implemented be significantly less than is currently on site. This is due to the proposed use not being an appropriate use within the Green Belt compared to the existing use. It is also noted that they are on the local Heritage at Risk Register on the basis of vacancy and deterioration of fabric (the local Register is managed by Notts County Council using the national Historic England methodology).

Overall, it is therefore considered there will be harm to the Green Belt, but a case of very special circumstances has been provided which outweighs the harm.

6. Developer Contributions (Section 106 and Community Infrastructure Levy)

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.

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. It is also clear that where enabling development is required within a Green Belt context that the amount of enabling development should be the minimum necessary to preserve the heritage asset in the longer-term. Developer contributions fall outside of this criteria as they would not in themselves benefit the heritage asset. However, if it is deemed contributions are required in order to provide a sustainable development, then an argument may be put forwards.

In terms of the starting point, the contributions that would ordinarily be sought are as follows:

Table 4

Contribution	Expectation	Based on 56 dwellings
Affordable Housing	30% on site for 10 houses or more usually with a tenure split of 60% social rent/40% affordable home ownership as per CP1.	None provided

Community Facilities	£1,384.07 per dwelling (figure includes indexation as at 2016)	£77,507.92
Education	Triggered at 10 dwellings; this scheme would generation the need for 14 primary school places equating to £17,426 each	£243,964.00
Library	Provision triggered at 10 dwellings £236.86 (indexed at 2016) per dwelling	£13,264.16
Library	(Stock) Triggered at 10 dwellings £47.54 (indexed at 2016) per dwelling	£2,662.24
Amenity Open Space	Triggered at 30 dwellings, AOS of 14.4m ² per dwelling would normally be expected on site. Where this is not possible (or only provided in part on site) a financial contribution for the shortfall would be expected based on £282.94 (indexed at 2016) per dwelling.	1934sq.m provided on site And quadrangle of 1682sq.m
Amenity Open Space (Maintenance)	Triggered at 30 dwellings £282.79 (indexed at 2106) per dwelling	Management Plan to be secured by S106 as agreed with the applicant
Children's Play Space	Triggered at 10 dwellings, As a development for 65 dwellings this application would normally need to make provision for such open space at 18m ² per dwelling as set out in the SPD. This would equate to 1296m ² . As no provision is proposed it would be expected that a financial contribution be provided at a cost of £927.26 per dwelling.	£51,926.56
Sustainable Transport	Bus Stop Infrastructure	£17,000
TOTAL		£406,324.88

Planning obligations may only be sought where they are:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

From the consultation responses, it will be noted that Bulcote Parish Council and a number of residents have responded raising concerns regarding the capacity of local doctor's surgeries taking on more patients. In addition, the Primary Care Trust (PCT) has responded advising the level of development triggers the need for section 106 funding. However, the PCT has not provided justification for the sum requested nor provided definitive detail of where any money sought would be provided. Their request has therefore not been included within the above table.

If a requested contribution meets the tests within the 3 bullet points above, it demonstrates that the contribution is needed to contribute towards providing sustainable development. However, in this case there needs to be the balance between the requested financial obligations and providing only the minimum necessary in terms of enabling development. Members previously considered this issue and were of the opinion that only primary education was required in order to make the development acceptable. If the additional financial contributions were sought, it would likely mean that a minimum of three additional dwellings would be required. In this case, whilst the development does not provide all the contributions above, it is considered the impact both on the heritage asset and Green Belt has greater weight in Policy terms, and thus, in this instance is acceptable. It is also of note that Members in their deliberations at the February 2019 Planning Committee requested fewer dwellings to be provided.

In addition, it will be noted within Bulcote Parish Council's responses, they request within their email of 14th February 2018 that if planning permission is granted they would like a parcel of land given, at no cost, to the north-west beyond the proposed play area where a community building might be constructed. Their email of 20th September 2018 requests a parcel of land to the rear of Corporation Cottages for community use in the absence of Community Infrastructure Levy.

The latter request is understood to be land which could be used for open space as opposed to the siting of a building. However, open space is being provided on the site, significantly in excess of what is required in order to be policy compliant (1934m² compared to 936m²) which is accessible for residents within the area for recreation and play. There is therefore no justification for this request. Additionally, the internal quadrangle will be landscaped to create 1168m² of greenspace for the residents.

In relation to the community building, such a building is being provided on site within the converted listed building to the south-east of the site,, complying with Policy NPP6 of the Bulcote Neighbourhood Plan by not having impact upon the openness of the Green Belt. Whilst this is to the opposite side of the site to that preferred by the Parish, it should be noted that the community building is currently located in a similar position, albeit at the other end of this stretch of buildings, within the complex. As such its relocation within the converted building would not be entirely different to the current situation. They also question the size of the building which they cite is 50% smaller than the existing building. However, the Council's Planning Obligation SPD required the provision of community facilities at 0.75m² per dwelling which equates to 48.75m². The building being proposed is 95m² and therefore exceeds requirements.

Community Infrastructure Levy

Spatial Policy 6 (Infrastructure for Growth) outlines the application of CIL which will be used for the provision of improvements to the strategic highway network and other highway infrastructure, contribution towards secondary school and Sports and Leisure Facilities within the Newark Urban Area and towards local Infrastructure, including facilities and services that are essential for development to take place.

The applicant has confirmed by email that at present all buildings except for the piggeries are currently in use for storage in association with the wider farming operation, or have been for 6 months out of the last 36 months. From various site visits it did appear that the buildings were being used, including for storage of farm vehicles, equipment and other materials.

A 15/00784/FULM

Bulcote falls within the high zone of the CIL Charging Schedule which amounts to a payment of £70 per internal m² (plus indexation).

The agent has confirmed that the GIA of the buildings proposed to be demolished or converted on this site equates to 5133.5m² and GIA of the proposed enabling development to be constructed on the site to equate to 6705m². This would result in an increase in GIA across the site of 1571.5m²

The latest Viability Assessment deposited in 2019 includes a CIL payment of £83,600. This has been robustly assessed and the conclusion reached that although the development would be unviable if all developer contributions were to be paid it could viably afford the aforementioned CIL payment. At the current time the CIL payment with indexation would equate to £110,005 which significantly exceeds the figure contained within the latest Viability Assessment. The applicant's agent has confirmed they do not wish to update their viability report and notwithstanding any impact on viability and are aware CIL would be required to be paid in full should Members be minded to grant permission.

B - 17/02325/FULM

The agent has confirmed that the GIA of the buildings proposed to be demolished on this site equates to 3924m² and GIA of the proposed enabling development to be constructed on this site to equate to 868m². There would therefore be no increase in GIA across this site and therefore the development proposed by this application would not incur CIL charges.

Section 106

As discussed previously, a s106 agreement is required to ensure the necessary works to the historic asset, in order to maintain the building in the long-term, are undertaken. In addition the obligation would need to secure the primary education

7. Impact on Landscape Character

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. Core Policy 9 states that new development should achieve a high standard of sustainable design and layout that is of an appropriate form and scale to its context, complementing the existing built and landscape environments. Policy DM5 of the DPD states that local distinctiveness should be reflected in the scale, form, mass, layout, design and materials in new development.

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

Paragraph 117 of the NPPF states that: '*Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions*'. The paragraph then goes on to encourage the use of brownfield previously developed land. Whilst the NPPF states

that the effective use of land should be encouraged by re-using land that has been previously developed, the NPPF does not promote a sequential approach to land use and there is no presumption that Greenfield sites are unsuitable for development per se. The presumption in favour of sustainable development is the thread running through the NPPF and it is noted that delivery of sustainable development is not restricted to the use of previously developed land and can include the development of greenfield land. Paragraph 170 of the NPPF indicates that local planning authorities should take into account economic and other benefits of the best and most versatile agricultural land.

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

The application sites fall within TW06 Bulcote Village Farmlands Policy Zone. The landscape condition is described as moderate with some detracting features (including the A612 to the western boundary and the large scale Bulcote Farm) which are noted as being out of scale and character. The visual unity of the area is described as being coherent. This Policy Zone has moderate landscape sensitivity. Landscape actions are defined as being Conserve and Create.

The sites also adjoin the western edge of TW51 Stoke Lock River Meadowlands, again the landscape condition is defined as moderate and a landscape action of 'Conserve and Create' as overall policy.

The Bulcote Neighbourhood Plan refers to Bulcote Farm's Character Area providing commentary from the Bulcote Design Guide. This highlights the *"distinctive arrangement of buildings,... surrounded by industrial/'working' structures with long edges to the space...."*. It then provides commentary *"The scale and massing of buildings, the way they contain spaces within the farm and the way the farm provides a hard perimeter all contribute to the farm as feeling very much its own entity rather than something that is woven deeply into the wider village."* It is noted that the application has not been accompanied by a specific Landscape Appraisal.

A 15/00784/FULM

Nottinghamshire County Council has provided comments in their assessment of impact on the Landscape Character of the site and the surrounding area.

The proposal will result in the loss of some later additions to the Farm Building and will remove some outbuildings. As noted within the Impact on the Green Belt section of this report it is accepted that the additional dwellings would result in additional built form on the site, however these would predominantly be located on the site of former buildings which were of a similar scale and vernacular design and would reinstate the historic layout of the Bulcote Farm Steading. Taking this into account it is accepted that the additional enabling development would have some impact on the landscape character of the setting of the site. However, in accordance with NCC's comments, the development would reinforce the traditional layout and character of the model farm site and the existing buildings and would be contained within existing field boundaries, forming a cluster of buildings viewed against the backdrop of the existing Steading and its historic

context. This would also ensure continued compliance with Policy NPP2 of the Bulcote Neighbourhood Plan.

B 17/02325/FULM

The enabling development proposed on this application would predominantly be linear in nature and would be located on the site of the large modern dairy farm. Again it is accepted that this would be new development within the landscape setting. However, it replaces the much larger dairy buildings which extend further north east into the open countryside than the proposed detached houses.

Nottinghamshire County Council Strategic Policy has responded to the proposal in terms of its impact upon the landscape character. They advise the new buildings are of vernacular design, and the development reinforces the traditional character of the retained buildings.

Overall, it is concluded that the impact of the comprehensive development, particularly now the development between the farm buildings and Coronation Cottages has been removed, on the landscape character would be between neutral and positive by virtue of a number of the large scale modern Bulcote Farm buildings being removed. The proposal would maintain the aspirations defined within Bulcote Parish Plan, whilst securing the future long term viable use of the Grade II Listed building. This would be in line with the requirements of the enabling policies of the NPPF, Historic England Guidance and Community Objective 1 of the Bulcote Neighbourhood Plan. Additionally, in accordance with Neighbourhood Plan Policies NPP2 and NPP3, the suggested soft landscaping condition can encourage native trees and shrubs to be planted as well as wild flowers within the open areas.

8. Housing Mix 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. Bulcote Neighbourhood Plan policy NPP1 requires developments to be compatible with, amongst other matters, the density of the character in which it is located.

In terms of density the comprehensive development equates to circa 15 dwellings per hectare, which falls below the recommended density outlined in Core Policy 3. However, in this case the density is being driven by heritage discussions. It is therefore considered that the proposed density is not detrimental to these applications. Indeed, if either the density were increased or the housing were located to just one of the application sites, this would likely lead to significant harm to both the heritage assets and the landscape character.

The District Council commissioned David Couttie Associates Ltd to undertake a district wide housing needs, market and affordability study in 2014. In the absence of more detailed localised information presented by the application, it is considered reasonable to rely on the outcomes of the 2014 Survey in terms of the housing mix and types which should be promoted.

Bulcote falls within the Nottingham Fringe Area where the results of the assessment showed that in the market sector the greatest demand for market dwellings is for two and three bedroom

properties with a limited demand for 4 and 5 bedroom dwellings. In terms of housing mix the proposal comprises

Table 5:

Type	Total Units	Mix	
New Build	41	3 beds	27 units
		4 beds	14 units
Conversion	24 units	1 bed	1 unit
		2 beds	8 units
		3 beds	14 units
		4 beds	1 unit

The proposal predominantly provides 2 and 3 bed dwellings for which there appears to be the greatest market demand in this sub region. The proposal also comprises a number of 4 bed dwellings, which is noted would meet the more limited demand for such properties. In terms of the listed building conversion, the mix of units has been arrived at following discussions with the Council’s Conservation Officer which has sought to minimize internal and external works as far as possible to retain the integrity of the building.

Gedling Borough Council also undertook a Local Housing Need Study in 2016 which identified that smaller homes are required in Burton Joyce as noted in the Burton Joyce Neighbourhood Plan. As noted previously, it is considered that the development, given its location and lack of separation from Burton Joyce, would have the potential to meet a local demand for smaller terraced or semi detached housing in the wider settlement area.

Taking this into account, the proposed housing mix is considered to be acceptable and meets the aims of local policy as well as Bulcote Neighbourhood Plan Policy NPP1.

9. Design and Layout

As detailed in the previous section, good design is a key aspect of sustainable development in accordance with the NPPF. Applicable local policies are Core Policy 9 of the Core Strategy and DM5 of the DPD. In addition, Policy NPP1 of the Neighbourhood Plan requires development to be of a scale, density, layout and design compatible with the character, appearance and amenity of the character area in which it is located. Appendix F (Bulcote Village Design Guide) please Bulcote Farm within Area 1 which has a number of future management aims:

- Keep courtyard spaces uncluttered and open.
- Preserve existing built structures and resist the loss of period detailing.
- Maintain the sense of rural heritage, with minimal lighting, uncluttered lanes and a simple architectural detailing.
- The visual connections beyond the edge of the village to the Trent Valley should be maintained and protected.

These aspects are discussed within the relevant sections of the report.

A. 15/00784/FULM

The proposed layout of this site would reflect the historic layout of the Bulcote Steading complex. The converted building would enclose a courtyard to the rear comprising open space and parking areas.

Whilst parking is proposed within part of the courtyard, this is somewhat reflective of the current situation with agricultural vehicles and associated paraphernalia. The central part of the site would be landscaped and a condition is recommended to enable full and appropriate consideration to be given to its appearance. The scheme also meets c) of NPP1 as the development would provide for full conversion of the listed buildings.

There would be two linear terraces of two storey properties on the site of the former piggeries to the rear of the main building. These would face onto the access road with private gardens to the rear. An additional terrace of 4, two storey dwellings would be sited towards the north western boundary of the site overlooking the access road with private rear gardens

The proposed enabling dwellings themselves have been the subject of detailed discussions between officers and the applicant in terms of their scale and design. It is considered these would reflect the scale and agricultural vernacular of the site through use of external materials (red brick and blue slate tiles) and detailing (brick details, stone cills and segmental arches).

B. 17/02325/FULM

The design scale and layout of the proposed dwellings have been the subject of extensive discussions between officers and the applicant. The detached dwellings are considered to reflect the linear layout and architectural form of the Corporation Cottages and pay respect to the vernacular of the Model Farm complex.

Indicative external materials are noted within the application. However, given the sensitivity of the location of the two sites, should Members be minded to grant planning permission a condition requiring the submission and written approval of external materials would be reasonable, as well as details of measures to sub-divide plots, for example by hedgerow or post and rail fencing. In addition, it is, as discussed recommended the s106 includes a requirement to have the development overseen during construction by either a clerk of works or Conservation Officer appointed by the Council, at the developer's expense.

Lastly, in view of the development if approved being allowed on the basis of the very special circumstances advanced by the applicant, it would be reasonable to remove a number of permitted development rights. This would give the Council control over any further development and enable consideration to the impact upon the Green Belt as well as to the historical setting of the development.

Taking the above into account, the design and layout of the proposed development accords with Core Policy 9 and DM5.

10. Impact on Residential Amenity

Impact on amenity is a long standing consideration of the planning process and relates both to the impact on existing development as well as the available amenity provision for the proposed occupiers.

The NPPF seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Policy DM5 of the DPD states that development proposals should ensure no unacceptable reduction in amenity including overbearing impacts and loss of privacy upon neighbouring development. In addition consideration should be given to the potential for crime and anti-social behaviour.

A. 15/00784/FULM

Turning firstly to the proposed new build terraces. These would have private rear gardens with a depth of circa 9m which is considered to be proportionate to the size of the dwellings.

The proposed units within the converted farm building would be served by a communal area of open space within the courtyard. This is also considered appropriate to the size and nature of the units and their setting.

The separation distances and relationship between the new build terraces and the converted farm buildings would provide appropriate levels of amenity in terms of overlooking, loss of light and overbearing impacts and is acceptable.

With regards to existing neighbouring amenity, the proposed new dwellings to the south of the existing terrace of cottages on Old Main Road are sited some 60m from these existing dwellings. This proposal would therefore not result in any undue overbearing, overshadowing or overlooking impact.

Lastly, dwellings would be sited close to the proposed community building although only one property would share a party wall with it. No concerns regarding noise have been raised by Environmental Health in this regard. Notwithstanding this, due to the close proximity of the attached dwelling, in particular, it would be reasonable to attach a condition in respect to noise.

B. 17/02325/FULM

The proposed detached dwellings on the opposite side of Old Main Road are set back from the highway and would face the converted Model Farm building. Given separation distances, there would be no undue overlooking or overbearing impact for future occupiers of this or the converted development.

The dwellings would also be served by appropriate private rear gardens proportionate to the size of the dwellings.

It is accepted that the proposals would result in additional, primarily vehicular, activity within and to and from the site. However consideration needs to be given in the planning balance to the conversion of the farm buildings which would secure the long term viable use of this important heritage asset together with the accepted justification for the amount of enabling development

proposed. Taking these matters into account, together with the existing levels of activity it is not considered there would be harm to sustain a refusal.

11. Impact on Highway including Railway

Parking Provision

In terms of parking provision the applicant has confirmed that proposal provides the following:-

- 1 space per unit for 1 bed unit
- 1.5 spaces per unit for 2 bed unit
- 2 spaces per unit for 3 bed unit
- 3 spaces per unit for 4 bed unit

Community Building (95m²) – 5 spaces
Additional visitor– 7 spaces

The Highway Authority has raised no objection to the proposed parking provisions but recommend that should Members be minded to grant permission that a condition is attached requiring the parking spaces serving the residential conversion and the community centre are allocated prior to the development being brought into use.

Impact on Railway

In considering the impact on the highway network consideration has to be given to the impact on the railway and most notably the level crossing to the north west of the site, which is a significant concern for local residents. Traffic movements to and from the site will be over the railway crossing on Old Main Road. Network Rail originally objected to the application. However, their latest responses in January and August 2018 as well as November 2019 raise no objections subject to a number of conditions/informatives being attached to any grant of planning permission. The Office of Road and Rail has also responded advising they have no comment to make.

Network Rail advise one of the key requirements is for the developer to commit to the full costs of the provision of matters associated with ensuring the safety of the railway. This comprises yellow box markings to prevent vehicles becoming stationary on the level crossing. The provision of such markings will have some impact on the character of the Conservation Area. However, such markings on roads across the country and within Newark and Sherwood district are a common feature. It is considered that the impact of the markings would be fairly minimal and their provision would not be a reason for refusal of the 2017 planning permission.

Other aspects raised relate to soundproofing of dwellings to mitigate the impact of trains. However, due to distances involved, it is not considered that a condition is required in this regard. They request a condition is imposed to direct any surface or foul water away from Network Rail property. Foul water is not an issue due to the location of the houses, however, there is the possibility that works required to the highway could result in surface water flow directions being altered. A condition in this regard is considered reasonable.

Lastly, a condition is required in connection with abnormal loads. This is to ensure the rail network is kept safe from damage. Construction traffic would most likely need to utilize the level crossing to access the site. It would be reasonable in the context of this request as well as

consideration to the wider development proposed, to attach a condition requiring a construction management plan should planning permission be granted. All other matters have been requested are dealt with via informative.

Impact on Highway

Spatial Policy 7 encourages and supports development proposals which promote an improved and integrated transport network and an emphasis on non-car modes as a means of access to services and facilities. Development proposals should minimise the need for travel and provide safe, convenient and attractive accesses for all. Proposals should be appropriate for the highway network in terms of volume of traffic generated and ensure that the safety, convenience and free flow of traffic using the highway are not adversely affected. Appropriate and effective car parking provision should be made.

Policy CP9 of the Core Strategy and Policy DM5 of the ADMDPD also requires that provision should be made for safe and inclusive access to new development and that parking provision should be based on the scale and specific location of development.

One of the most significant and understandable concerns raised by local residents is that of impact of the proposal on the highway network given the scale and nature of the development. Clearly assessing such impacts are a well-established material planning consideration. In policy terms such a requirement is underpinned in the NPPF, PPG and Development Plan Policies.

The initial comments of the Highway Authority received on the 15th June 2015 raised a number of highway safety issues with application 15/00784/FULM as submitted in relation to the width of the access road, lack of footways and the site being in an unsustainable location. Subsequently a number of meetings were held between the applicant and the highway authority where various suggestions were put forward by the applicant in relation to possible highway improvements including potential widening of existing footways, creation of formal footways and widening sections of the highway in order to try and address the concerns raised.

Revised plans and statements have been submitted following receipt of application 17/02325/FULM including a Revised Transport Statement (TS). Further updated transport technical notes have been provided in response to matters raised by NCC Highways.

The revised TS has assessed and compared likely traffic generation of alternative uses within the converted buildings, namely (B1 (Business) [noting that this now falls within a new Use Class E (Commercial, Business and Services) following enactment of the amended Use Class Order which came into effect on 1st September 2020], B2 (General Industry) and B8 (Storage & Distribution) as shown in table 6 against the trip generations of the proposed development as shown in table 7:-

Table 6: Potential Traffic Generation of Alternative Uses against Residential Development

Peak Hour	Business Park				Industrial Estate				Warehousing (Storage)			
	Trip Rates		Trip Generation		Trip Rates		Trip Generation		Trip Rates		Trip Generation	
	Arr	Dep	Arr	Dep	Arr	Dep	Arr	Dep	Arr	Dep	Arr	Dep
AM Peak	1.185	0.258	43	9	0.817	0.452	30	16	0.138	0.093	5	3
PM	0.186	1.155	7	42	0.219	0.615	8	22	0.061	0.118	2	4

Peak												
Daily	6.075	5.951	221	216	6.221	6.120	226	222	1.360	1.367	49	50

The report concludes that the level of traffic generated by the alternative uses (with the exception of warehousing (storage)) would likely be generally higher than that generated by the proposed residential use. Calculations of existing traffic movements within this report have been taken as zero, although later statements report a study undertaken on Monday 21st January 2019 that there were 94 traffic movements including HGV and agricultural vehicles along Old Main Road.

The applicant has provided an update paper which has reviewed the amount of traffic (including pedestrian) resulting from residential development if only the conversion took place (24 units) and the proposal now under consideration (65 units). The figures are reported in table 7. It can be seen if comparison is made with table 6 and the arrival and departure trips are aggregated for each of the use types that residential use of the site for 65 units has fewer traffic movements than business park and industrial use of the existing buildings. It is also of particular note that the number of traffic movements is just marginally in excess of 1 in every 2 minutes during peak times for the 65 units. In addition, the traffic movement data provided does not make any allowance for any existing traffic associated from the farm buildings at present. Therefore, the overall increase in movements will be less than is detailed in the table below.

Table 7: Comparison of Vehicle and Pedestrian Flows

Vehicle						Pedestrian	
Total Movements		Peak Hours				Total Movements	
24 units	140	AM Peak	12	two-way	0.20 movements per minute	45	
		PM Peak	13	two-way	0.21 movements per minute		
65 units	379	AM Peak	33	two-way	0.55 movements per minute	123	
		PM Peak	35	two-way	0.58 movements per minute		

The TS comments that the impact of the proposal on the level crossing, which is generally lowered 2 to 3 times an hour at the busiest times of the day for less than a minute each time, would be minimal.

Following the submission of the revised TS, a revised red line site plan (drg no. (02) 003 Rev H) was provided which includes land along Old Main Road and beyond towards the drainage ditch on the northern side of the road. Alongside this, a number of potential works to allow for potential off site highway improvements to address the concerns raised by the Highway Authority have been included:

- Widened carriageway to the eastern side of Old Main Road, between the Site Access and the level crossing, to ensure that a 5.5m. width is provided.
- Creation of a 1.8m. footway on the western side of Old Main Road between the Site Access and the level crossing.
- Potential creation of a 1.2m. to 1.8m. wide footway on the western side of Old Main Road between the level crossing and the junction to the north of the level crossing.

- Coloured surfacing to provide a more conducive environment for pedestrians and motorised traffic to travel safely and efficiently (this has been put to effect in Cheshire East and was adopted by the highway authority).
- Road markings to denote SLOW markings along this section of Old Main Road

Further discussions with the Highway Authority resulted in a number of additional suggested off site highway improvements on land to the north of the railway crossing including a 1.2m. footway for approx. 14m. (excluding the railway line crossing (drawing 0398-02 Rev G)).

However, the Highway Authority remained unconvinced that adequate and safe access was being offered for the type, size and development proposed. It is noted that the Highway Authority in these comments conclude that although some flexibility may be acceptable, in this instance too many compromises had to be reached.

Further discussions resulted in additional proposed road improvements shown on plan 0398-02 Rev F. Included are:

- Widening of the footway along Old Main Road between the site and the listed cottages to the north-west,
- localised strip widening to maintain a 5.5m. wide carriageway,
- markings to reinstated road humps,
- widening of the existing footway margin to western side of the highway approaching the level crossing,
- dropped kerbs and paving to either side of the level crossing,
- provision of hand rail and aco channels to the western section of Old Main Road to the front of the cottages, and
- creation of a new footway beyond this section.

These proposals have been safety audited by both the applicant and NCC Highways but Highways maintain their objection. Further safety audits have been undertaken by both parties with Highways advising of further concerns relating to the potential for vehicles to block the railway crossing, pedestrian safety in relation to the vertical drop at the back of the footway immediately north of the railway crossing and a wider concern in relation to pedestrians in conflict with vehicles in the carriageway. A number of recommendations are also proposed in the applicant's audit which include removal of parking to both sides of the railway crossing and to provide box junction or parking restrictions on Old Main Road, the removal of the drop adjacent to the footway immediately to the north of the crossing or provision of a handrail together with treatments of the existing steps and increase in footway widths in line with current standards.

Following receipt of revised plans, reducing the number of dwellings, Highways reiterate their earlier concerns, again recommending the application is refused due to the traffic generated by the scheme served by a substandard access road and not supporting sustainable travel. In terms of safety of the highway at the present time, information has been sought regarding any personal injury collisions that may have taken place along this stretch of highway. Between 1st Jan 2013 and 31 December 2019 (the December date being the most up to date data), no collisions have occurred.

The applicant has provided a final response in July 2020 together with a video of the transport movements described above within Table 7 at its busiest 10 minute period as well as a video of the access to the site and the site itself pre and post development.

The images below show the highway after the proposed works to the highway. The first image shows the provision of the footway, box markings and rail fencing along the footway. The orange highlighted area shows a stretch (of 14 metres) of where the path is restricted in width. However, it is also acknowledged that this area immediately adjoins the railway crossing, which acts as a traffic calming measure in itself. The second gives the view from the opposite direction.

The third image shows the provision of a footpath in front of Coronation Cottage and the view up to Bulcote Farm.



BULCOTE STEADING, NOTTS
 DIAGRAMATIC VISUAL (LOOKING SOUTH EAST) TO BE READ IN CONJUNCTION WITH DRAWING: 0398-02 REV G

YELLOW BOX IN ADVANCE OF LEVEL CROSSING



BULCOTE STEADING, NOTTS
 DIAGRAMATIC VISUAL (LOOKING NORTH
 WEST) TO BE READ IN CONJUNCTION
 WITH DRAWING: 0398-02 REV G

YELLOW BOX IN ADVANCE OF
 LEVEL CROSSING

VERGE SIDE MARKER POSTS
 WITH REFLECTIVE BANDING
 TO BE INSTALLED AT
 INTERVALS ADJACENT TO ROAD



BULCOTE STEADING, NOTTS
 DIAGRAMATIC VISUAL (LOOKING SOUTH
 EAST) TO BE READ IN CONJUNCTION
 WITH DRAWING: 0398-02 REV G

LOCALISED STRIP WIDENING
 TO MAINTAIN 5.5m ALONG
 LENGTH OF CARRIAGEWAY

FOOTPATH
 IMPROVED AND
 WIDENED TO
 1.8m

In terms of the works to the highway and Bulcote's Neighbourhood Plan, the red line within the application drawing slightly overlaps with the Local Green Space designation as defined in the submitted Plan. Notwithstanding this, the Examiners direction is clear requiring the Council to amend the extent of the designation so that it falls outside of the red lines for the planning applications. Importantly the red lines on the applications were in place both at the time of the Parish Council's response in November 2019 and the Examiners modification letter of 16th December 2019. The definitive boundary for Local Green Space Site 4 within the referendum Neighbourhood Plan, once (and if) adopted will be to adjoin, but not cross into, the red lines of the

planning applications There would therefore be no loss of land within the Local Green Space designation.

Impact on Public Right of Way

In accordance with Policy CP9 of the Core Strategy, Policy DM5 of the ADMDPD also requires that provision should be made for safe and inclusive access to new development.

The Ramblers Association has raised no objections subject to the development not impeding pedestrian access to the river. The public right of way is not proposed to be altered in any way and rights of access along it will not be impeded. The comments of NCC Rights of Way are also noted. These comments reflect the concerns raised by the Highway Authority with regards to the level of vehicular traffic generated as the result of the development which the Rights of Way team consider would compromise the safety of the users of the Bridleway no. 1 which runs through the application site and Old Main Road and which is used by pedestrians, cyclist and riders.

Policy NPP7 of the Bulcote Neighbourhood Plan requires developments to demonstrate how they protect and where possible enhance existing provision. The proposal will provide additional formalized footpaths as a result of the development thus meeting the aims of this policy.

Summary of Highway Considerations

The proposal has strong objection from NCC Highways and their concerns cannot be overcome via conditions or planning obligations, albeit the measures proposed by the applicant will be of significant benefit. However, their objection needs to be considered in the context of the number of additional traffic movements resulting from the development which at peak hours will be approximately 2 additional vehicles an hour. There is also the possibility, in view of Covid-19 that traffic movements in the future will be lower with a greater number of people working from home [more frequently] that these additional movements will be fewer than projected.

There are benefits from the scheme such as the provision of footways along Old Main Road which existing residents will be able to utilise as well as future residents. Additionally, Old Main Road to the south of the railway will be widened which will be of benefit to equestrians and cyclists as well.

Additionally, significant weight needs to be given to the long-term preservation of the listed building. The Green Belt assessment has demonstrated that the only viable use of the listed buildings is as residential. It is also demonstrated that 41 new build residential dwellings are needed to meet the heritage deficit. It is therefore not possible to reduce the number of units (and thus the number of vehicular movements) and have sufficient funding for the scheme to go ahead. There therefore needs to be a compromise between preserving the listed buildings and the consequential traffic movements and concerns raised by Highways or refusing the application with the very likely results. As mentioned previously (page 37), the building complex is identified as being at risk due to its vacancy and poor condition (notably the roofs and masonry are showing signs of decay). Without finding a viable long term solution to the use of the listed buildings, it is likely that decline will become more pronounced in the short term. Whilst it is acknowledged that the Council has powers under section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to intervene and enforce urgent works, the need for a long-term solution remains paramount. Further decline of the buildings will only make this task more difficult, as well as detracting from the visual amenity of the Conservation Area.

12. Impact on Flood Risk and Drainage

SITE A 15/00784/FULM and SITE B 17/02325/FULM

Flood Risk

Core Policy 10 of the Core Strategy and Policy DM5 of the Allocations and Development Management DPD state that the Council will aim to steer new development away from areas at highest risk of flooding. Development proposals will only be considered in Flood Zone 2 where it constitutes appropriate development and it can be demonstrated, by application of the Sequential Test, that there are no reasonably available site in lower risk Flood Zones. Where development is necessary within areas at risk of flooding, it will also need to satisfy the Exception Test by demonstrating it would be safe for the intended users without increased flood risk elsewhere.



Taken from Environment Agency Flood Maps.

The sites fall within Flood Zones 1 and 2 (as shown above) as identified in the Environment Agency Flood Mapping. Residential development is classed as more vulnerable in the Flood Risk Vulnerability Classification of the PPG (applies to Flood Zone 2 in this case). As such, it is necessary to apply a sequential approach to new residential development. The sequential approach need not be applied for changes of use of an existing building.

A specific sequential assessment has not been undertaken. There are clearly sites at lesser risk of flooding that could be found District-wide. However, as discussed within the enabling development section of this report, it is accepted that this would be at a purchase cost, which in itself would affect the enabling and viability discussions.

In this case, it cannot reasonably be concluded that there are no sites at lesser flood risk where the number of units proposed within Flood Zone 2 could be located. Notwithstanding this, through the flood risk assessment and drainage work undertaken, and from the Environment

Agency's comments, it is clear that the development can be made safe for its lifetime through appropriately worded planning conditions. The measures within the Flood Risk Assessment (FRA) include:

- All finished floor levels, electrical sockets, internal services and ducting should be set above the design flood level of 19.10m AOD;
- All service entries into the building should be set above the design flood level of 19.10m AOD or fully sealed;
- Surface water and foul water drains should be fitted with non-return valves;
- Creation of a flood action plan including details and confirmation of the site's inclusion into and operation of the EA's flood warning system and safe access and egress routes from the site to areas of higher ground;
- Maintain flow from existing land drains if encountered;
- Installation of suitable land and highway drainage as required to control surface water runoff to open space areas away from dwellings and site access points, maintain boundary areas free from uncontrolled surface water run-off and intercept overland flow before entry into the site area;
- Maintain levels at the site boundary where levels are elevated in relation to the remainder of the site; and
- Attenuation of surface water discharge from the proposed development.

Development being safe for its lifetime is one of two requirements within the exception test. The other is the development is required to demonstrate wider sustainability benefits to the community that outweigh the flood risk. The benefits of the development is the long-term preservation of the listed buildings. In addition, as discussed, a community building would be provided for the village as well as much needed housing.

Overall, subject to conditions requiring both developments to comply with the Flood Risk Assessment, the development in terms of flood risk, on balance is considered acceptable.

Sustainable Drainage

Both applications comprise major developments and therefore sustainable drainage needs to be considered. The Flood & Water Management Act 2010 recognises the need for engineered management of the flooding risks from surface water and much work has been undertaken by DEFRA, Lead Local Flood Authorities (LLFAs), the Environment Agency and many other organisations to consider the appropriate approaches to reducing the flooding risk to existing properties from existing pluvial & fluvial sources. In addition to this, the mitigation of any increase in flood risk arising from new development or redevelopment has been recognised as a priority for local planning authorities and Lead Local Flood Authorities. The LLFA has responded to both applications. Their most recent response to application 17/02325/FULM advises they do not need to be notified/respond to this proposal in view of the number of dwellings. However, due to the site being more than 1 hectare, it falls within their remit. The comments previously provided will therefore be considered.

They identify their comments are based on the source-path-receptor methodology to manage the flood risk from the proposed development to third party properties both adjacent and at distance from the proposed sites. The risk to new properties within the proposed development are also considered. The LLFA provide a detailed response identifying that infiltration is likely to be possible, as is permeable paving, that drainage should not be off-site as a first resort and subject

to detailed design documentation, which can be subject to a condition attached to both permissions. Subject to this, they are satisfied with the information provided.

13. Impact on Trees and Ecology

Core Policy 12 (Biodiversity and Green Infrastructure) states 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 NPPF incorporates measures to conserve and enhance the natural and local environment, including through Chapter 15. Paragraph 175 of the NPPF requires that in determining planning applications LPA's should apply principles relating to, amongst other matters, appropriate mitigation and opportunities to conserve or enhance biodiversity.

The application site does not fall within an international or nationally designated site. The nearest Local Wildlife site is to the east at Gunthorpe (0.54km away) and Local Nature Reserve at Gedling House Wood (3.29km to the west). Given the separation distances it is not considered that the proposal would result in any significant adverse harm.

Since the original Ecology Assessment Report dated April 2015 was submitted, further evaluations have been undertaken with updated reports submitted in January 2018 and October 2019.

The latest Assessment concludes that the development would not have any significant adverse impacts on any designated sites. In summary, it also concludes the following:-

- Roosting suitability of some of the buildings have increased from Moderate to High; and feeding roosts from Low to Moderate.
- Trees within and outwith the site were found to have features to support roosting, foraging and commuting bats.
- There are no protected or invasive plant species on the site.
- The site has low structural diversity and low suitability for reptiles.
- There are no records of Greater Crested Newts.
- The site has low suitability for reptiles although hedges and wood/brush piles may provide refuge.
- No setts or signs of badger were present.
- A ditch within the site has limited potential to support water vole.
- The buildings, trees and hedgerow provide good quality nesting habitat for birds which future development has the potential to affect thorough loss nesting habitat. Measures would need to be implemented to avoid the potential disturbance or destruction of nests [during the breeding season].
- There is some potential for habitats to support brown hare during breeding season. Sensitive working methods would need to be implemented.
- The site has the potential to support hedgehog.

The Survey makes a series of recommendations to mitigate any impacts which include:

Habitats – standard pollution prevention and dust control measures should be set out in a Construction Environmental Management Plan (CEMP) during site clearance and construction

works. Retained trees and hedgerows should be protected from accidental damage.

Fauna – as bat roosts have been confirmed a European Protected Species License from Natural England (NE) will be required. Trees should be retained wherever possible. A sensitive lighting strategy, to minimize light spill on to the retained hedgerow and trees within the site, should be employed. This should minimize unnecessary lighting, minimizing spread of light, timers to ensure illumination is reduced during core night-time hours and low intensity. Mitigation and enhancement measures should also be employed.

Badgers – are legally protected under the Protection of Badgers Act 1992. A pre-check for badgers is required prior to works commencing. If badgers are present, further investigation will be required to establish if a license is required from NE. Precautionary measures will also be required.

Water Vole – if development is proposed within 5m of the top of the bank, further survey work may be required. Otherwise, measures within the CEMP should detail how run off or debris will be prevented from entering the ditch.

Nesting Birds – any vegetation clearance or demolition should take place outside of the bird breeding season (March to April inclusive). Works undertaken during the breeding season will require a nesting bird check by a suitably qualified ecologist.

Other Species – brown hare and hedgehogs are each Section 41 of the 2006 Natural Environment and Rural Communities (NERC) Act. It is recommended that grassland in the northwest of the site is cut in mid-January to discourage breeding within this area by hares. To protected hedgehogs, it is recommended that a Reasonable Avoidance Measures Method Statement is prepared and complied with.

Habitat Enhancements – under the NPPF, developments should aim to minimize impacts on biodiversity and pursue opportunities for securing measureable net gains. Proposed planting should aim to use a range of native wildlife friendly species as well as create structural diversity and maximize connectivity. Hedgerows should be retained and enhanced with public open spaces planted with, for example, species-rich grassland.

The southern and eastern facades of the new buildings could be fitted with integral or built-in bat roosting bricks. Wetland habitat (SuDS) could also provide potential amphibian breeding habitat. Artificial bird nesting habitat through integrated nest boxes and Swift boxes could be provided.

Gaps under hedges to enable movement for hedgehogs, together with hibernation boxes. The chipping or composting of vegetation following clearance works, with the deposits left to the periphery will enhance biodiversity and also provide additional refuge areas for hedgehogs. A bug hotel could also be provided in the vicinity of semi-natural habitat.

The presence of protected species is a material consideration, in accordance with section 15 of the National Planning Policy Framework, Regulation 43(1) of the Conservation of Habitats and Species Regulations 2017 (the Conservation Regulations 2017), Natural Environment and Rural Communities (NERC) Act 2006, Wildlife and Countryside Act 1981 and ODPM Circular 06/05.

Protected species such as bats benefit from the strictest legal protection. These species are known as European Protected Species ('EPS') and the protection afforded to them derives from

the EU Habitats Directive, in addition to the above legislation. Water voles, badgers, reptiles, hedgehogs, brown hare and all wild birds, are protected to a lesser extent under UK domestic law through the NERC Act and Wildlife and Countryside Act 1981).

In the UK the requirements of the EU Habitats Directive is implemented by the Conservation Regulations 2012 and as amended through the 2017 Conservation Regulations. Where a European Protected Species ('EPS') might be affected by a development, it is necessary to have regard to Regulation 9(1) of the Conservation Regulations 2017, which states:

"a competent authority must exercise their functions which are relevant to nature conservation, including marine conservation, so as to secure compliance with the requirements of the Directives."

The Conservation Regulations 2017, (Regulation 43) contains the main offences for EPS animals. These comprise a person who:

- (a) deliberately captures, injures or kills any wild animal of a European protected species,
- (b) deliberately disturbs wild animals of any such species,
- (c) deliberately takes or destroys the eggs of such an animal, or
- (d) damages or destroys a breeding site or resting place of such an animal is guilty of an offence.

For the purpose of 1(b), disturbance of animals includes in particular any disturbance which is likely -

- (a) to impair their ability –
 - (i) to survive, to breed or reproduce, or to rear or nurture their young, or,
 - (ii) in the case of animals of a hibernating or migratory species, to hibernate or migrate, or
- (b) to affect significantly the local distribution or abundance of the species to which they belong

In some circumstances a person is permitted to 'derogate' from this protection via the licensing regime administered by NE. The approval of such a license by NE may only be granted if three strict "derogation" tests can be met:

- the activity to be licensed must be for imperative reasons of overriding public interest of a social or economic nature or for public health and safety;
- there must be no satisfactory alternative; and
- favourable conservation status of the species must be maintained.

Notwithstanding the licensing regime the Council, as Local Planning Authority (LPA), has a statutory duty to have regard to the requirements of the Habitat Directive and therefore should give due weight to the presence of an EPS on a development site. NE has provided guidance to assist LPAs in determining planning applications in such circumstances. These comprise ensuring mitigation will ensure that

- (a) there isn't a net loss of quantity or quality of habitat;
- (b) habitat links will be kept;
- (c) there is a long-term management strategy for the site for the benefit of the species;
- (d) replacement sites are:
 - within the home range of the existing population
 - free from future development threats

The comments from Nottinghamshire Wildlife Trust and NCC Ecology are noted and acknowledged. The Wildlife Trust, in respect to the latest Ecological appraisal, has confirmed they are happy with the results, methodology and recommendations within the report. They recommend the following measures are secured via a condition:

- Construction Environmental Management Plan (CEMP), as recommended within the Ecology report.
- Timings for vegetation clearance in relation to nesting birds
- 8m standoff 'no development' area either side of the ditch to protect any water voles
- A pre-construction check for badgers
- In addition a Landscape Environmental Management Plan (LEMP) is recommended is secured through a planning condition for both of the applications, as this would pull together all of the recommendations within the ecology report as well as provide suitable management for the retained habitats and provide more details, such as locations and numbers of bat and bird boxes as well as the other biodiversity enhancements within the Ecology Report.
- As bats are present within the application site, we also recommend a wildlife friendly lighting scheme in accordance with guidance from the Bat Conservation Trust and Institute of Lighting Professionals (2018) is secured through a planning condition.

In addition they suggest that an appropriate bat mitigation strategy is secured via condition detailing new roosting opportunities. It is considered that should Members be minded to grant permission the implementation of the recommendations and mitigation measures noted in the Ecology Survey will be required to be secured by condition in order to comply with the Habitats Directive and the Council will meet its duty. This will also meet Policy NPP2 of the Bulcote Neighbourhood Plan

14. Land Contamination

NPPF paragraph 178 states that planning decisions should ensure that the proposed site is suitable for its new use taking account of ground conditions, including pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation.

Development Management Policy DM10, 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.'

A Phase 1 Geo Environmental Site Assessment (desk top study) has been undertaken and deposited with the application. The study notes that historically the Bulcote Model Farm was built to dispose of sewage from Nottingham as part of the Stoke Adolph Sewage Works and also to operate as a mixed arable and livestock farm. The development of the farm was intended to utilise the treated sewage to fertilise the arable farm land. Treated sewage from the Stoke Bardolph Sewage works is still pumped directly onto the land at Bulcote Farm and the treated water discharged into the River Trent.

A number of possible source of contaminants have been identified including sewage, an electricity substation, asbestos within the farm buildings, chemicals associated with the agricultural use and

made ground associated with the construction of former and existing buildings.

Given the historic and current use of the site, the following have been identified as possible contamination issues that require further investigation and may require remediation prior to commencement of the proposed development:

Human Receptors

Contaminants and gases associated with made ground that may be present may be of a moderate /high risk.

The heavy metal and contamination associated with sewage is considered to be potentially high.

An above ground fuel storage tank presents a low risk given its good condition.

Asbestos is present in the buildings however given controlled removal the risk is considered low.

Groundwater

Given that a number of contaminants may be present on site the risk of contamination to the underlying ground water is considered to be moderate/high.

Surface Water

The risk posed to a land drain to the east of the site is considered to be moderate/high.

Ecology

There are mature hedgerows and semi mature and mature trees on site. Based on the number of potential sources of contamination the potential risk posed both on and off site is considered to be moderate.

Additionally it has been noted that there may be some risk posed to the proposed buildings, foundations and services.

The Study concludes that the preliminary risk to the site is identified as being moderate to high.

The Phase 1 Desk Top Study has been assessed by colleagues in Environmental Health and they have raised no objections subject to the inclusion of a phased contamination condition should Members be minded to grant permission. Given that the Phase I Study identifies that the site may also fall within an area that may be affected by historic mining any condition should secure that the Phase 2 investigation should include a mining report and more detailed evidence to provide justification that radon protection is not required at the site.

On this basis, any adverse impacts arising from geo-environmental and land contamination factors could be readily mitigated by suitably worded conditions and appropriate planning and design.

15. Other Matters

Bins and Waste Management Plan

Individual properties within gardens will be provided with internal and external storage for recyclable and non-recyclable waste. Those not having gardens will have recyclable and non-recyclable facilities within each dwelling. Bins stores and provision for the converted units are proposed to rear of the garage to the north of the site. These will serve plots 22-26. A store for plots 14-21 will be provided to the south side of the internal access road as it bends to the south. Lastly, provision for the remaining plots (1-13) will be to the eastern end of the access road at the south of the side. Details of these have not been provided and to ensure their design is appropriate for a setting, a condition is recommended requiring submission of details for approval and for these to be available prior to the first occupation of the converted buildings. The size of each of the facilities is appropriate for the scale of development. I

In terms of road surfacing, drawing number (02) 009 rev A shows the access road as being tarmac and thus adoptable and the internal courtyard as being Tegula paving. Refuse lorries are able to safely travel along tarmac roads and the refuse facilities are to be sited alongside these. It is therefore considered that refuse can be safely and easily collected.

Construction Works

Concerns have been raised with regards to the impact of the development during construction. Given the scale and location of the development it is considered that it would be reasonable to require as part of the construction management plan details to secure good working practices, which is also required as part of the ecological considerations.

Setting of precedent

Concerns have also been raised with regards to setting of precedent should permission be granted for the proposed development. However this proposal is unique and an exceptional situation given that the enabling development is proposed in order to bridge the heritage deficit gap for the conversion and the subsequent securing of the long term viable use of an important heritage asset which is at some risk. The very special circumstance of the proposed development therefore has to be assessed and weighed with all other material planning considerations in the planning balance. Any future applications for development in the village (or elsewhere in the District) would, as with any planning application, be assessed on their own planning merits.

Land Ownership

Concern has been raised with regards to the proposed highway improvements and areas of land which do not fall within the ownership of the applicant or NCC. Land ownership in itself is not a planning matter. However, if works to facilitate the development are outside of the applicant's control i.e. outside any red or blue line on the site location plan, and those works are essential to the determination of the application, it is possible through a section 106 or a Grampian condition to secure the works. Should permission not be given, it could mean the development is unable to go ahead.

Minerals

NCC confirm that the site lies within a Minerals Safeguarding and Consultation Zone for sand and gravel. The Minerals Local Plan Preferred Approach (2013) sets out a policy (DM13) concerning these zones. They advise that as the proposal comprises a re-use of an existing building and farm site, the provisions of this policy are not relevant in this instance and so there is no mineral safeguarding objection to raise.

Archaeology

The District's Archaeology Officer notes the site lies in the middle of Bronze Age funerary landscape with evidence of barrows on either side. It also lies next to a probable Iron Age settlement and again there is evidence for this on either side of the farm. Additionally, it is noted that heritage issues relating to redevelopment of the model farm have been comprehensively addressed by the Conservation Officer and the detailed and extensive Historic Building Recording report that accompanies the applications.

No objections are raised with the application but an archaeological condition for a mitigation strategy to effectively deal with the site is recommended. This is suggested will include, but may not be limited to, a trial trench evaluation of the site which should aim to determine the presence, absence, significance, depth and character of any archaeological remains which could be impacted by the proposed development as noted above. Further archaeological mitigation work may be required if archaeological remains are identified in the evaluation. Such a condition would enable any remaining archaeology which currently survives on this site to be properly assessed and characterised and to allow for an informed archaeological mitigation strategy to be implemented. A condition based on current guidance from the Association of Local Government Archaeological Officers and the Lincolnshire Handbook (2019) is recommended is attached.

Statement of Community Involvement

In accordance with the Council's adopted Statement of Community Involvement, the applicant has endeavored to engage with the Parish Council and local community. Engagement commenced in 2012 with the Parish Council and a public exhibition held in March 2015. In addition, ongoing discussions have taken place with Nottinghamshire County Council Highways and the Council during the course of the application.

Emergency evacuation plan

Planning Committee requested details of emergency evacuation plans in the context of the railway crossing being closed. There is a lane that extends from the southern end of Old Main Road and connects to Lowdham Road in Gunthorpe. However, this lane is not within the ownership of the applicant and emergency access can therefore not be facilitated by them. This also needs to be put into context with the other dwellings that exist to the south of the railway line who will encounter the same problem as and when it might arise. It is anticipated that emergency measures are likely to be in place for the existing dwellings and the same could apply to the proposed.

Conclusion and Overall Planning Balance

In order to understand and assess this criteria, it is necessary to consider each application as a whole taking account of all the material planning conditions associated with the proposals as well as in combination. It is evident from the responses from the Council's Conservation Officer and Historic England these buildings are important and it can also be seen that it is highly unlikely to secure the long-term future of these buildings by conversion alone, due to the cost of works. Temporary renovation alone (reference moth balling discussion) has demonstrated that some form of enabling development would be required.

The applicant has demonstrated that the amount of development required to facilitate the conversion and preservation of these important buildings is the minimum necessary. However, the site is within the Green Belt wherein the NPPF defines that inappropriate development should not be permitted unless very special circumstances have been advanced that outweigh that harm. The application discusses the harm and the very special circumstances in full and concludes that significant weight should be attached to the long-term protection of these buildings, such that the harm is outweighed by the very special circumstances.

The works to the listed building as well as the enabling development have both been assessed in terms of their impacts upon the character and setting of the listed buildings as well as the Conservation Area. Historic England raise concerns at the amount of enabling development, but advise that the assessment of the overall impact should be one for the Council's Conservation Officer (CO). The CO concludes the works are acceptable and will not cause harm subject to a number of conditions being attached and the completion of a s106 legal agreement to ensure the works to the listed buildings are completed to the Council's satisfaction in full.

There is a strong objection from Nottinghamshire County Council Highways and Public Rights of Way teams in terms of the impact on the highway the development will create. However, this needs to be weighed in the balance of the retention of the listed buildings, the fairly limited number of additional traffic movements and measures that the applicant has advanced to improve the highway. These measures will be for the benefit of both future occupiers and existing residents. Overall, in this instance, as there is no identified alternative funding for the preservation of the listed buildings and the amount of enabling development is the minimum required, greater weight is given to this consideration, such that it overcomes the highways objection.

In terms of other matters, these have all been addressed within the report and where appropriate planning conditions or s106 planning obligation clauses are recommended to ensure the development that is constructed ensures the longevity of the listed buildings and results in a well-designed scheme for the benefit of residents and the locality.

As the site is within the Green Belt, the provisions of Circular 02/2009 'The Town and Country Planning (Consultation) (England) Direction 2009' issued by Communities and Local Government Circular applies. This requires Local Planning Authorities to notify the Secretary of State of schemes that are a departure from the local plan in certain instances. For Green Belt development this comprises:

development which consists of or includes inappropriate development and which consists of or includes- (a) the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or (b) any other development which, by

reason of its scale or nature or location, would have a significant impact on the openness of the Green Belt.

The development therefore would need to be referred to the Secretary of State in relation to application 15/00784/FULM as the floor area is in excess of 1000m². However, as the proposal needs to be considered in the round with the 17/02325/FULM proposal, both applications should be referred.

RECOMMENDATION

That planning permission be granted for both applications subject to

- (a) referral to the Secretary of State,
- (b) completion of a section 106 agreement for the following:

- ensuring the land the listed buildings are situated on are not severed from the other land;
- binding contract for the carrying out of works for redevelopment of the site in accordance with all the necessary permissions and consents.
- that phasing of the development ensures the works necessary (and permitted as part of this and the full planning application, if approved) to the listed buildings are completed in full whilst enabling a number of the enabling dwellings to be constructed and sold to provide funding for the heritage works;
- having a clerk of works (or similar) to monitor the works to the listed buildings to ensure they are undertaken correctly;
- a management company to oversee the wider development once completed;
- the development proposed under the listed building consent is tied into the agreement;
- the highway works as shown on drawing number 0398-02 rev G or as may be agreed through negotiation;
- Primary education contribution of £243,964; and
- recommendations proposed by the Council's solicitor and agreed with by the Business Manager – Planning Development.

and (c) the following planning conditions. (Each application's conditions are reported under their respective application number).

15/00784/FULM:

01

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

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

02

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

Existing Site Location Plan (02)001 rev D in so far as it relates to land to the west of Old Main Road
Proposed Site Layout (02)003 rev H in so far as it relates to development to the west of Old Main Road only

Ground Floor Plan Existing Layout (02)004 rev A

First Floor Plan Existing Layout (02)005 rev A

Existing Roof Layout (02)006 rev A

Conversion Properties Proposed Ground Floor Layout 02(009) Rev D

Conversion Properties Proposed First Floor Layout 02(010) Rev D

Site Elevations and Sections Proposed Layout (02) 016 Rev B

Site Elevations and Sections Proposed (02) 017 Rev B

Site Elevations and Sections Proposed (02) 018 Rev C

Proposed community building (04) 0001 Rev C

House Type 2 (04)002 Rev C

Retained Stable Units (04) 003 Rev C

House Type 4 (04)004 Rev C

House Type 5 (04)005 Rev B

House Type 6 (04)006 Rev B

House Type 7 (04)007 Rev B

House Type 8A (04)008 Rev B

House Type 8B (04)009 Rev B

House Type 8C (04)010 Rev B

House Type 9 (04)011 Rev B

House Type 10 (04)012 Rev B

House Type 11 (04)013 Rev B

House Type 12 (04)014 Rev B

House Type 13 (04)015 Rev B

House Type 14 (04)016 Rev B

House Type 15 (04) 017 Rev B

House Type 16 (04)018 Rev C

House Type 17 (04)019 Rev B

House Type 18 (04)020 Rev B

House Type 11 (04)021 Rev B

House Type 20 (04)022 Rev B

House Type 21 (04)023 Rev B

House Type 22 (04)024 Rev B

Ref K Proposed Elevations (02)042 Rev B

Ref K and J Proposed Elevations (02)043 Rev B

Ref J and Ref K Proposed Elevations (02)044 Rev B

Ref G and Ref J Proposed Elevations (02)045 Rev C

Ref A and Ref B Proposed Elevations (02)046 Rev B

Ref L Proposed Elevations (02)047 Rev B

Ref I Proposed Elevations (02)048 Rev B

Ref E and Ref F Proposed Elevations (02)049 Rev B

Ref D Proposed Elevations (02)050 Rev B

Proposed Drainage Strategy (02) 100 Rev C

Proposed Services Strategy (02)0101 Rev C

Proposed Bin Store Location (02)102 rev A

New Terrace Proposed Elevations (02)051 #
New Short Terrace Proposed Elevations (02)052 #
New Terrace Proposals Floor Layouts (02)060#
New Short Terrace Floor Layout (02)061#

Flood Risk Assessment and Drainage Design Strategy by Fairhurst, reference 98927/01D dated December 2017– received 27.12.17

Bulcote Steading Nottinghamshire, Ecological Assessment by The Environment Partnership dated October 2019

Reason: So as to define this permission.

03

No development above damp proof course shall take place until manufacturers details and samples of all the external facing materials (including colour/finish) have been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be carried out and retained in accordance with the approved details.

Reason: In order to safeguard the special architectural and setting of the Listed Building and Conservation Area.

04

Before any construction occurs above damp proof course for the new build dwellings, a brick sample panel(s), showing brick, bond, mortar and pointing technique, shall be provided on site for inspection and agreed in writing by the Local Planning Authority. The development shall be carried out only in accordance with the agreed sample panel details.

Reason: To ensure the development preserves the character and appearance of the Listed Building and Conservation Area.

05

No development shall be commenced in respect of the features identified below, until details of the design, specification, fixing and finish in the form of drawings and sections at a scale of not less than 1:10 have been submitted to and approved in writing by the local planning authority. Development shall thereafter be undertaken and retained for the lifetime of the development in accordance with the approved

- External windows and door heads and cills
- Verges and eaves
- Rainwater goods
- Coping
- Flues
- Meter boxes
- Airbricks
- Soil and vent pipes
- Chimneys

Reason: To ensure the development preserves the character and appearance of the Listed Building and Conservation Area.

06

Prior to the occupation of any of the dwellings hereby permitted, the buildings labelled D and H and the western end of building G where it is sited beyond the furthest western elevation of building F as shown on drawing number (02)331 rev # shall be demolished in their entirety and all materials removed from the site.

Reason: In the interests of the visual amenity of the Green Belt and historical character and setting of the development.

07

Prior to first occupation/use of the development hereby approved full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. These details shall include:

- full details of every tree, shrub, hedge to be planted (including its proposed location, species, size and approximate date of planting) and details of tree planting pits including associated irrigation measures, tree staking and guards, and structural cells. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species;
- proposed finished ground levels or contours;
- means of enclosure (close board fences will not be permitted);
- all hard surfacing materials including permeable paving for parking areas;
- minor artefacts and structures for example, furniture and play equipment
- proposed and existing functional services above and below ground (for example, drainage power, communications cables, pipelines etc. indicating lines, manholes, supports etc.).

Reason: In the interests of visual amenity, biodiversity, openness of the Green Belt and climate change.

08

Prior to the commencement of the development hereby permitted, full details of the existing trees and hedgerows, which are to be retained pending approval of a detailed scheme, together with measures for protection during construction shall be submitted to the Local Planning Authority for approval in writing. Hedgerows and trees shall be retained in accordance with the Bulcote Steading Nottinghamshire, Ecological Assessment by The Environment Partnership dated October 2019;

Reason: In the interests of visual amenity and biodiversity.

09

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

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

10

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

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

11

No development shall commence until a Landscape Environmental Management Plan (LEMP) has been submitted for approval in writing. The LEMP shall build upon the recommendations within the Bulcote Steading Nottinghamshire, Ecological Assessment by The Environment Partnership dated October 2019. Details to be included but not limited to within the LEMP are:

- an 8m standoff 'no development' area either side of the ditch to protect any water voles. Details shall be provided as to how the ditch will be protected during construction.
- How a pre-construction check for badgers and hedgehogs will be undertaken. A reasonable avoidance measures method statement (RAMMS) shall be included
- Details of precautionary working measures during site clearance to avoid impact on local wildlife
- suitable management for the retained habitats
- locations and numbers of bat and bird boxes
- other biodiversity enhancements.

No development shall be undertaken other than in accordance with the approved LEMP.

Reason: In the interests of the ecological value of the area in accordance with the Wildlife and Countryside Act 1981, Conservation Regulations 2017 and National Planning Policy Framework.

12

Prior to first occupation details of any external lighting to be used in the development shall be submitted to and approved in writing by the Local Planning Authority. The details shall comprise wildlife friendly lighting in accordance with guidance from the Bat Conservation Trust and Institute of Lighting Professionals (2018) as well as location, design, levels of brightness and beam orientation, together with measures to minimise overspill and light pollution. The lighting scheme shall thereafter be carried out in accordance with the approved details and the measures to reduce overspill and light pollution retained for the lifetime of the development unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual and residential amenity and protection of ecology within the locality.

13

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (and any order revoking, re-enacting or modifying that

Order), other than development expressly authorised by this permission, there shall be no development under Schedule 2, Part 1 of the Order in respect of:

Class A: The enlargement, improvement or other alteration of a dwellinghouse.

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

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

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

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

Class F: Hard surfaces incidental to the enjoyment of a dwellinghouse.

Class G: Chimneys, flues etc on a dwellinghouse.

Class H: Microwave antenna on a dwellinghouse.

Or Schedule 2, Part 2:

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

Class B: Means of access to a highway.

Class C: The painting of the exterior of any building.

Class D: The installation, alteration or replacement, within an area lawfully used for off-street parking, of an electrical outlet mounted on a wall for recharging electric vehicles.

Class E: The installation, alteration or replacement, within an area lawfully used for off-street parking, of an upstand with an electrical outlet mounted on it for recharging electric vehicles.

Class F: The installation, alteration or replacement on a building of a closed circuit television camera to be used for security purposes.

Or Schedule 2, Part 40 of the Order in respect of:

Class A: The installation, alteration or replacement of solar PV or solar thermal equipment.

Class B: The installation, alteration or replacement of standalone solar within the curtilage of a dwelling house.

Class C: The installation, alteration or replacement of a ground source heat pump within the curtilage of a dwellinghouse.

Class D: The installation, alteration or replacement of a water source heat pump within the curtilage of a dwellinghouse.

Class E: The installation, alteration or replacement of a flue, forming part of a biomass heating system, on a dwellinghouse.

Class F: The installation, alteration or replacement of a flue, forming part of a combined heat and power system, on a dwellinghouse.

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

Reason: To ensure that the Local Planning Authority retains control over the specified classes of development normally permitted under the Town and Country Planning (General Permitted Development) (England) Order 2015 or any amending legislation) in this sensitive location and with consideration to the very special circumstances advanced to allow this inappropriate development within the Green Belt.

14

The use of the community hall hereby permitted shall only take place during the following hours:-

09:00 to 23:00 Monday - Saturday

10:00 to 18:00 on Sundays

And not at all on Public or Bank Holidays

Reason: In the interests of residential amenity.

15

The community building premise shall be used solely as a community hall/meeting place and for no other purpose, including any other use falling within class F2 of the Schedule to the Town and Country Planning (Use Classes Order) 1987 (as amended) or in any provision within the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or equivalent to that Class or Order or in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: In the interests of residential and visual amenity.

16

The use of the community building hereby permitted shall not be begun until a scheme for protecting the adjoining residential unit shown as 2 on drawing number (02)009 rev D from noise from the community building has been submitted to and approved in writing by the Local Planning Authority. All works which form part of the scheme shall be completed before this dwelling is occupied. The scheme as approved shall be retained for the lifetime of the development.

Reason: In the interests of residential amenity.

17

No new build dwelling shall be occupied until bin storage facilities have been provided for that dwelling;

No converted dwelling within the listed buildings shall be occupied until bin storage facilities have been provided for the dwellings as shown on drawing (02) 102 rev A;

The community building shall not be occupied until bin storage facilities have been provided for that building;

in accordance with design and materials details, which have been first submitted to and approved in writing by the Local Planning Authority. The stores for plots 1 to 13 and 14 to 21 shall be finished in brickwork, bond, mortar and pointing finish to match the new build dwellings hereby approved. The bin storage facilities shall be provided prior to occupation of those dwellings to which the provision relates in accordance with the approved details and retained for the lifetime of the development.

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

18

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

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

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

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

19

The archaeological site work must be undertaken only in full accordance with the approved written scheme referred to in the above Condition. The applicant will notify the Local Planning Authority of the intention to commence at least fourteen days before the start of archaeological work in order to facilitate adequate monitoring arrangements.

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

20

A report of the archaeologist's findings shall be submitted to the Local Planning Authority and the Historic Environment Record Officer at Nottinghamshire County Council within 3 months of the works hereby approved being commenced.

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

21

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.

22

No development shall be commenced, including any works of demolition or site clearance, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site 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 for public viewing, where appropriate;
- v. measures to control the emission of dust and dirt during construction;
- vi. a scheme for recycling/disposing of waste resulting from demolition and construction works.

Reason: In the interests of residential amenity and ecological value of the area.

23

The development hereby permitted shall not commence until drainage plans for the disposal of surface water have been submitted to and approved in writing 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 to reduce the risk of creating or exacerbating a flooding problem and to minimize the risk of pollution.

24

The retained stables shall be used for storage purposes incidental to the use of the development (dwellinghouse and community building) and for no other purpose including any other use that

might be permitted through the Town and Country Planning (Use Classes Order) 1987 (as amended) or within the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Reason: In the interests of the amenity of nearby occupiers.

25

The converted piggeries shall be used for purposes incidental to the dwellinghouses and for no other purpose including any other use that might be permitted through the Town and Country Planning (Use Classes Order) 1987 (as amended) or within the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Reason: In the interests of the amenity of nearby occupiers.

26

Prior to the commencement of the development hereby approved, details shall be provided of the following for approval in writing by the Local Planning Authority:

- a) Drainage layout plan with model references as appropriate.
- b) All infiltration areas with supporting specification, calculations and construction details.
- c) Any attenuation pond/tank details including volumetric calculations, geotechnical & slope-stability calculations as appropriate, specification of materials used to construct any berms.
- d) Full specification and general arrangement drawings for inlet/outlet structures and flow control structures. The details shall also include the access arrangements for clearing and maintenance including in times of flood/failure of the infrastructure.
- e) Full documentary evidence of the rights to discharge to any watercourse.

The approved works/scheme shall be carried out prior to first commencement of the use hereby approved and shall then be retained for the lifetime of the development in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure the provision of satisfactory means of drainage.

27

The development shall be completed in accordance with the Flood Risk Assessment and Drainage Design Strategy by Fairhurst, reference 98927/01D dated December 2017– received 27.12.17:

- All finished floor levels, electrical sockets, internal services and ducting shall be above the design flood level of 19.10m AOD
- All service entries into the building shall be set above the design flood level of 19.10m AOD or fully sealed
- Completion of a flood action plan comprising details and confirmation of the site's inclusion into and operation of the Environment Agency's flood warning systems and safe access and egress routes from the site to areas of higher ground;
- Maintain flow from existing land drains if encountered
- Installation of suitable land and highway drainage as required to control surface water runoff to open space areas away from dwellings and site access points, maintain boundary

areas free from uncontrolled surface water runoff and intercept overland flow before entry into the site area

- Maintain levels at the site boundary where levels are elevated in relation to the remainder of the site
- Attenuation of surface water discharge from the proposed development.

Reason: To minimise the risk of flooding of the development.

28

Notwithstanding the approved drawing numbers, the internal and external works hereby approved to the listed building shall be subject to agreement with the Local Planning Authority in writing within the schedule of works.

Reason: In the interests of the character and setting of the listed building and amenity of future occupiers.

29

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

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

30

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

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

31

No part of the development hereby permitted shall take place until details of any new road and any improvement to existing privately owned/maintained highways have been submitted to and approved in writing by the Local Planning Authority including long- and cross-sections, street lighting, drainage and outfall proposals, construction specification, provision of and diversion of utilities services, and any proposed structural works. The development shall be implemented in accordance with these details to the satisfaction of the Local Planning Authority.

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

Informatives

01

The applicant is advised that the decision notice should be read in association with the legal agreement made under Section 106 of the Town and Country Planning Act 1990.

02

The applicant's attention is drawn to those conditions on the decision notice, which should be discharged before the development is commenced. It should be noted that if they are not appropriately dealt with the development will be unauthorised.

03

You are advised that protected species are present on site. Any species that is protected under Schedule 1* or 5** of the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats) Regulations 1994*** or the Protection of Badgers Act 1992, all construction or other site work affecting the species shall not commence (or cease if discovered) until a license has been obtained from Natural England at the following address - Block 6 & 7 Government Buildings, Chalfont Drive, Nottingham, NG8 3SN (acting on behalf of DEFRA (Department for Environment, Food and Rural Affairs)).

* Includes nesting birds

** Includes great crested newts, bats, reptiles and water voles

*** Includes great crested newts and bats.

04

Severn Trent Water advise that although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under, The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.

05

The Boards written consent will be required prior to the alteration of flows to any receiving watercourse at the site.

Infilling or culverting of any watercourse at the site must not be undertaken without the Boards prior written consent. If not already done so the Board recommends that the LLFA is consulted on the application in regards to the management of surface water run off.

The Boards 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 9m of the top edge of any Board maintained watercourse or the edge of any Board maintained culvert.

The Boards consent is required for any works whether temporary or permanent in over or under any Board maintained watercourse or culvert.

The Board's written consent is required for any works that increase the flow or volume of water to any watercourse or culvert within the Boards district (other than directly to a main river for which the consent of the EA will be required).

Under the Land drainage act the board are permitted to deposit arising from the watercourse on adjoining land. Any occupier of adjacent land wishing to remove the spoil should note that an exemption under the Waste Management regulations may be required from the Environment

Agency.

06

Drainage

All surface and foul water arising from the proposed works must be collected and diverted away from Network Rail property. In the absence of detailed plans all soakaways must be located so as to discharge away from the railway infrastructure. The following points need to be addressed:

1. There should be no increase to average or peak flows of surface water run off leading towards Network Rail assets, including earthworks, bridges and culverts.
2. All surface water run off and sewage effluent should be handled in accordance with Local Council and Water Company regulations.
3. Attenuation should be included as necessary to protect the existing surface water drainage systems from any increase in average or peak loadings due to normal and extreme rainfall events.
4. Attenuation ponds, next to the railway, should be designed by a competent specialist engineer and should include adequate storm capacity and overflow arrangements such that there is no risk of flooding of the adjacent railway line during either normal or exceptional rainfall events.

It is expected that the preparation and implementation of a surface water drainage strategy addressing the above points will be conditioned as part of any approval.

Abnormal Loads

From the information supplied, it is not clear if any abnormal loads will be used in the construction of the development and therefore be accessing the site via the level crossing. We would have serious reservations if during the construction or operation of the site, abnormal loads will use routes that include Network Rail assets. Network Rail would request that the applicant contact our Asset Protection Project Manager to confirm that any proposed route is viable and to agree a strategy to protect our asset(s) from any potential damage caused by abnormal loads. I would also like to advise that where any damage, injury or delay to the rail network is caused by an abnormal load (related to the application site), the applicant or developer will incur full liability.

Noise/Soundproofing

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

Lighting

Where new lighting is to be erected adjacent to the operational railway the potential for train drivers to be dazzled must be eliminated. In addition the location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. Detail of

any external lighting should be provided as a condition if not already indicated on the application. Network Rail will require steps to be taken and paid for by the Developer to mask any light on the site, or to prevent dazzle to trainmen from road vehicle lights.

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. No part of the development shall cause any existing level crossing road signs or traffic signals or the crossing itself to be obscured. Clear sighting of the crossing must be maintained for the construction/operational period and as a permanent arrangement. The same conditions apply to the rail approaches to the level crossing. This stipulation also includes the parking of vehicles, caravans, equipment, and materials etc., which again must not cause rail and road approach sight lines of the crossing to be obstructed.

Railway Maintenance

Network Rail reserves the right to provide and maintain existing railway signals/signs (whistle boards etc.) and level crossing equipment along any part of its railway. It should be noted that this has been the subject of several complaints recently where householders have said that, by stopping trains outside their houses, we are invading their privacy, and by trains whistling creating a noise nuisance.

07

With respect to the attached archaeological conditions, please contact the archaeology team at Lincolnshire County Council, Lancaster House, 36 Orchard Street, Lincoln, LN1 1XX, 01522 554823, email Matthew.Adams@lincolnshire.gov.uk to request preparation of a brief for the works. It is recommended the resulting specifications are approved by Lincolnshire Archaeology prior to commencement. Ten days' notice is required before commencement of any archaeological works.

08

With reference to the drainage condition (26) above, it is requested that all calculations are provided using contemporary drainage software (Windes or similar). If possible electronic files should be provided to support paper and pdf outputs. Information can be provided in common software packages and formats including PDS, Windes, xyz, genio, word/excel/autocad etc. All documents should be referenced with a unique identifier – drawing number, document number/revision etc. Calculations and drawings should be cross-referenced and issue sheets provided to enable tracking of revisions to information.

09

This application has been the subject of pre-application discussions and has been approved in accordance with that advice and following submission of a very special circumstances case which outweighs the harm to the Green Belt. 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).

10

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

The proposed development has been assessed and it is the Council's view that CIL is not payable on the development hereby approved as the gross internal area of new build is less 100 square metres when taken with the amount of floor area to be demolished.

11

Sustainable Drainage Systems (SuDS involve a range of techniques and SuDS methods can be implements on all sites. SuDS are a requirement for all major development as set out within paragraph 165 and 163 of the NPPF.

The LLFA does not consider oversized pipes or box culverts as sustainable drainage. Should infiltration not be feasible at the site, alternative sustainable drainage should be used, with a preference for above ground solutions.

Surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management. Sustainable Drainage Systems (SuDS) are an approach to managing surface water run-off which seeks to mimic natural drainage systems and retain water on-site as opposed to traditional drainage approaches which involve piping water off-site as quickly as possible.

12

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 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 david.albans@nottscc.gov.uk for details.

The proposed access & off-site highway works require a Traffic Regulation Order before the development commences to provide safe access/off-site mitigating works. 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 mike.barnett@viaem.co.uk for this to be arranged.

13

In respect to conditions 03 and 04 above, the bond for the new build dwellings (and bin stores) is recommended is English Garden Wall bond. Materials proposed for development may be provided on site and made available for viewing.

17/02325/FULM:

01

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

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

02

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

Existing Site Location Plan (02)001 rev D in so far as it relates to development to the east of Old Main Road only

Proposed Site Layout (02)003 rev H in so far as it relates to development to the east of Old Main Road only

Site Location Plan and Detached House Floor Plans (02)063 rev A

Detached House Proposed Elevations (02) 054#

Flood Risk Assessment and Drainage Design Strategy by Fairhurst, reference 98927/01D dated December 2017– received 27.12.17

Bulcote Steading Nottinghamshire, Ecological Assessment by The Environment Partnership dated October 2019

Reason: So as to define this permission.

03

No development above damp proof course shall take place until manufacturers details and samples of the external facing materials (including colour/finish) have been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be carried out and retained in accordance with the approved details.

Reason: In order to safeguard the special architectural or historical appearance of the listed building and its setting.

04

Before any construction occurs above damp proof course for the new build dwellings, a brick sample panel(s), showing brick, bond, mortar and pointing technique, shall be provided on site for inspection and agreed in writing by the Local Planning Authority. The development shall be carried out only in accordance with the agreed sample panel details.

Reason: To ensure the development preserves the character and appearance of the Listed Building and Conservation Area.

05

Prior to first occupation/use of the development hereby approved full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. These details shall include:

- full details of every tree, shrub, hedge to be planted (including its proposed location, species, size and approximate date of planting) and details of tree planting pits including associated irrigation measures, tree staking and guards, and structural cells. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species;
- proposed finished ground levels or contours;
- means of enclosure (close boarded fences will not be permitted);
 - all hard surfacing materials including permeable paving for parking areas;
- proposed and existing functional services above and below ground (for example, drainage power, communications cables, pipelines etc. indicating lines, manholes, supports etc.);

Reason: In the interests of visual amenity and biodiversity.

06

No development shall be commenced in respect of the features identified below, until details of the design, specification, fixing and finish in the form of drawings and sections at a scale of not less than 1:10 have been submitted to and approved in writing by the local planning authority. Development shall thereafter be undertaken and retained for the lifetime of the development in accordance with the approved

- External windows and door heads and cills
- Verges and eaves
- Rainwater goods
- Coping
- Flues
- Meter boxes
- Airbricks
- Soil and vent pipes
- Chimneys

Reason: To ensure the development preserves the character and appearance of the Listed Building and Conservation Area.

07

Prior to the commencement of the development hereby permitted, full details of the existing trees and hedgerows, which are to be retained pending approval of a detailed scheme, together with measures for protection during construction shall be submitted to the Local Planning Authority for approval in writing. Hedgerows and trees shall be retained in accordance with the Bulcote Steading Nottinghamshire, Ecological Assessment by The Environment Partnership dated October 2019;

Reason: In the interests of visual amenity and biodiversity.

08

The approved soft landscaping shall be completed during the first planting season following the first occupation/use of the development, or such longer period as may be agreed in writing by the local planning authority. Any trees/shrubs which, within a period of five years of being planted die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless otherwise agreed in writing by the local planning authority. All tree, shrub and hedge planting shall be carried out in accordance with BS

3936 -1992 Part 1-Nursery Stock-Specifications for Trees and Shrubs and Part 4 1984-Specifications for Forestry Trees ; BS4043-1989 Transplanting Root-balled Trees; BS4428-1989 Code of Practice for General Landscape Operations. The approved hard landscaping scheme shall be completed prior to first occupation or use.

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

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

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

09

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

Class A: The enlargement, improvement or other alteration of a dwellinghouse.

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

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

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

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

Class F: Hard surfaces incidental to the enjoyment of a dwellinghouse.

Class G: Chimneys, flues etc on a dwellinghouse.

Class H: Microwave antenna on a dwellinghouse.

Or Schedule 2, Part 2:

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

Class B: Means of access to a highway.

Class C: The painting of the exterior of any building.

Class D: The installation, alteration or replacement, within an area lawfully used for off-street parking, of an electrical outlet mounted on a wall for recharging electric vehicles.

Class E: The installation, alteration or replacement, within an area lawfully used for off-street parking, of an upstand with an electrical outlet mounted on it for recharging electric vehicles.

Class F: The installation, alteration or replacement on a building of a closed circuit television camera to be used for security purposes.

Or Schedule 2, Part 40 of the Order in respect of:

Class A: The installation, alteration or replacement of solar PV or solar thermal equipment.

Class B: The installation, alteration or replacement of standalone solar within the curtilage of a dwelling house.

Class C: The installation, alteration or replacement of a ground source heat pump within the curtilage of a dwellinghouse.

Class D: The installation, alteration or replacement of a water source heat pump within the curtilage of a dwellinghouse.

Class E: The installation, alteration or replacement of a flue, forming part of a biomass heating system, on a dwellinghouse.

Class F: The installation, alteration or replacement of a flue, forming part of a combined heat and power system, on a dwellinghouse.

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

Reason: To ensure that the Local Planning Authority retains control over the specified classes of development normally permitted under the Town and Country Planning (General Permitted Development) (England) Order 2015 or any amending legislation) in this sensitive location and with consideration to the very special circumstances advanced to allow this inappropriate development within the Green Belt.

10

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

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

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

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

11

The archaeological site work must be undertaken only in full accordance with the approved written scheme referred to in the above Condition. The applicant will notify the Local Planning Authority of the intention to commence at least fourteen days before the start of archaeological work in order to facilitate adequate monitoring arrangements.

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

12

A report of the archaeologist's findings shall be submitted to the Local Planning Authority and the Historic Environment Record Officer at Nottinghamshire County Council within 3 months of the works hereby approved being commenced.

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

13

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.

14

No development shall be commenced, including any works of demolition or site clearance, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site 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 for public viewing, where appropriate;
- v. measures to control the emission of dust and dirt during construction;
- vi. a scheme for recycling/disposing of waste resulting from demolition and construction works.

Reason: In the interests of residential amenity and ecological value of the area.

15

Prior to the occupation of any of the dwellings hereby permitted, all buildings within the application site to the eastern side of Old Main Road shall be demolished in their entirety and all materials removed from the site.

Reason: In the interests of the visual amenity of the Green Belt and historical character and setting of the development.

16

The development hereby permitted shall not commence until drainage plans for the disposal of surface water have been submitted to and approved in writing 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 to reduce the risk of creating or exacerbating a flooding problem and to minimize the risk of pollution.

17

Prior to first occupation/use of the development hereby approved full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. These details shall include:

- full details of every tree, shrub, hedge to be planted (including its proposed location, species, size and approximate date of planting) and details of tree planting pits including associated irrigation measures, tree staking and guards, and structural cells. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species;
- proposed finished ground levels or contours;
- means of enclosure;
- all hard surfacing materials including permeable paving for parking areas;
- minor artefacts and structures for example, furniture and play equipment.

Reason: In the interests of visual amenity, biodiversity, openness of the Green Belt and climate change.

18

Prior to the commencement of the development hereby permitted, full details of the existing trees and hedgerows, which are to be retained pending approval of a detailed scheme, together with measures for protection during construction shall be submitted to the Local Planning Authority for

approval in writing. Hedgerows and trees shall be retained in accordance with the Bulcote Steading Nottinghamshire, Ecological Assessment by The Environment Partnership dated October 2019;

Reason: In the interests of visual amenity and biodiversity.

19

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

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

20

No development shall commence until a Landscape Environmental Management Plan (LEMP) has been submitted for approval in writing. The LEMP shall build upon the recommendations within the Bulcote Steading Nottinghamshire, Ecological Assessment by The Environment Partnership dated October 2019. Details to be included but not limited to within the LEMP are:

- an 8m standoff 'no development' area either side of the ditch to protect any water voles. Details shall be provided as to how the ditch will be protected during construction.
- How a pre-construction check for badgers and hedgehogs will be undertaken. A reasonable avoidance measures method statement (RAMMS) shall be included
- Details of precautionary working measures during site clearance to avoid impact on local wildlife
- suitable management for the retained habitats
- locations and numbers of bat and bird boxes
- other biodiversity enhancements.

No development shall be undertaken other than in accordance with the approved LEMP.

Reason: In the interests of the ecological value of the area in accordance with the Wildlife and Countryside Act 1981, Conservation Regulations 2017 and National Planning Policy Framework.

21

Prior to first occupation details of any external lighting to be used in the development shall be submitted to and approved in writing by the Local Planning Authority. The details shall comprise wildlife friendly lighting in accordance with guidance from the Bat Conservation Trust and Institute of Lighting Professionals (2018) as well as location, design, levels of brightness and beam orientation, together with measures to minimise overspill and light pollution. The lighting scheme shall thereafter be carried out in accordance with the approved details and the measures to reduce overspill and light pollution retained for the lifetime of the development unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual and residential amenity and protection of ecology within the locality.

22

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

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

23

Prior to the commencement of the development hereby approved, details shall be provided of the following for approval in writing by the Local Planning Authority:

- a) Drainage layout plan with model references as appropriate.
- b) All infiltration areas with supporting specification, calculations and construction details.
- c) Any attenuation pond/tank details including volumetric calculations, geotechnical & slope-stability calculations as appropriate, specification of materials used to construct any berms.
- d) Full specification and general arrangement drawings for inlet/outlet structures and flow control structures. The details shall also include the access arrangements for clearing and maintenance including in times of flood/failure of the infrastructure.
- e) Full documentary evidence of the rights to discharge to any watercourse.

The approved works/scheme shall be carried out prior to first commencement of the use hereby approved and shall then be retained for the lifetime of the development in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure the provision of satisfactory means of drainage.

24

The development shall be completed in accordance with the Flood Risk Assessment and Drainage Design Strategy by Fairhurst, reference 98927/01D dated December 2017– received 27.12.17:

- All finished floor levels, electrical sockets, internal services and ducting shall be above the design flood level of 19.10m AOD
- All service entries into the building shall be set above the design flood level of 19.10m AOD or fully sealed
- Completion of a flood action plan comprising details and confirmation of the site's inclusion into and operation of the Environment Agency's flood warning systems and safe access and egress routes from the site to areas of higher ground;
- Maintain flow from existing land drains if encountered
- Installation of suitable land and highway drainage as required to control surface water runoff to open space areas away from dwellings and site access points, maintain boundary areas free from uncontrolled surface water runoff and intercept overland flow before entry into the site area
- Maintain levels at the site boundary where levels are elevated in relation to the remainder

of the site

- Attenuation of surface water discharge from the proposed development.

Reason: To minimise the risk of flooding of the development.

25

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

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

26

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

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

27

No part of the development hereby permitted shall be occupied until details of any new road and any improvement to existing privately owned/maintained highways have been submitted to and approved in writing by the Local Planning Authority including long- and cross-sections, street lighting, drainage and outfall proposals, construction specification, provision of and diversion of utilities services, and any proposed structural works. The development shall be implemented in accordance with these details to the satisfaction of the Local Planning Authority.

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

Informatives

01

Sustainable Drainage Systems (SuDS involve a range of techniques and SuDS methods can be implements on all sites. SuDS are a requirement for all major development as set out within paragraph 165 and 163 of the NPPF.

The LLFA does not consider oversized pipes or box culverts as sustainable drainage. Should infiltration not be feasible at the site, alternative sustainable drainage should be used, with a preference for above ground solutions.

Surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management. Sustainable Drainage Systems (SuDS) are an approach to managing surface water run-off which seeks to mimic natural drainage systems and retain water on-site as opposed to traditional drainage approaches which involve piping water off-site as quickly as possible.

02

Severn Trent Water advise that although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under, The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.

03

The Boards written consent will be required prior to the alteration of flows to any receiving watercourse at the site.

Infilling or culverting of any watercourse at the site must not be undertaken without the Boards prior written consent. If not already done so the Board recommends that the LLFA is consulted on the application in regards to the management of surface water run off.

The Boards written consent will be required prior to the alteration of flows to any receiving watercourse at the site.

Infilling or culverting of any watercourse at the site must not be undertaken without the Boards prior written consent. If not already done so the Board recommends that the LLFA is consulted on the application in regards to the management of surface water run off.

The Boards 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 9m of the top edge of any Board maintained watercourse or the edge of any Board maintained culvert.

The Boards consent is required for any works whether temporary or permanent in over or under any Board maintained watercourse or culvert.

The Board's written consent is required for any works that increase the flow or volume of water to any watercourse or culvert within the Boards district (other than directly to a main river for which the consent of the EA will be required).

Under the Land drainage act the board are permitted to deposit arising from the watercourse on adjoining land. Any occupier of adjacent land wishing to remove the spoil should note that an exemption under the Waste Management regulations may be required from the Environment Agency.

04

Drainage

All surface and foul water arising from the proposed works must be collected and diverted away from Network Rail property. In the absence of detailed plans all soakaways must be located so as to discharge away from the railway infrastructure. The following points need to be addressed:

1. There should be no increase to average or peak flows of surface water run off leading towards Network Rail assets, including earthworks, bridges and culverts.
2. All surface water run off and sewage effluent should be handled in accordance with Local

Council and Water Company regulations.

3. Attenuation should be included as necessary to protect the existing surface water drainage systems from any increase in average or peak loadings due to normal and extreme rainfall events.
4. Attenuation ponds, next to the railway, should be designed by a competent specialist engineer and should include adequate storm capacity and overflow arrangements such that there is no risk of flooding of the adjacent railway line during either normal or exceptional rainfall events.

It is expected that the preparation and implementation of a surface water drainage strategy addressing the above points will be conditioned as part of any approval.

Abnormal Loads

From the information supplied, it is not clear if any abnormal loads will be used in the construction of the development and therefore be accessing the site via the level crossing. We would have serious reservations if during the construction or operation of the site, abnormal loads will use routes that include Network Rail assets. Network Rail would request that the applicant contact our Asset Protection Project Manager to confirm that any proposed route is viable and to agree a strategy to protect our asset(s) from any potential damage caused by abnormal loads. I would also like to advise that where any damage, injury or delay to the rail network is caused by an abnormal load (related to the application site), the applicant or developer will incur full liability.

Noise/Soundproofing

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

Lighting

Where new lighting is to be erected adjacent to the operational railway the potential for train drivers to be dazzled must be eliminated. In addition the location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. Detail of any external lighting should be provided as a condition if not already indicated on the application. Network Rail will require steps to be taken and paid for by the Developer to mask any light on the site, or to prevent dazzle to trainmen from road vehicle lights.

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. No part of the development shall cause any existing level crossing road signs or traffic signals or the crossing itself to be obscured. Clear sighting of the crossing must be maintained for the construction/operational period and as a permanent arrangement. The same conditions apply to the rail approaches to the level crossing. This stipulation also includes the parking of vehicles, caravans, equipment, and materials etc., which again must not cause rail and road approach sight lines of the crossing to be obstructed.

Railway Maintenance

Network Rail reserves the right to provide and maintain existing railway signals/signs (whistle boards etc.) and level crossing equipment along any part of its railway. It should be noted that this has been the subject of several complaints recently where householders have said that, by stopping trains outside their houses, we are invading their privacy, and by trains whistling creating a noise nuisance.

05

With respect to the attached archaeological conditions, please contact the archaeology team at Lincolnshire County Council, Lancaster House, 36 Orchard Street, Lincoln, LN1 1XX, 01522 554823, email Matthew.Adams@lincolnshire.gov.uk to request preparation of a brief for the works. It is recommended the resulting specifications are approved by Lincolnshire Archaeology prior to commencement. Ten days' notice is required before commencement of any archaeological works.

06

You are advised that protected species are present on site. Any species that is protected under Schedule 1* or 5** of the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats) Regulations 1994*** or the Protection of Badgers Act 1992, all construction or other site work affecting the species shall not commence (or cease if discovered) until a license has been obtained from Natural England at the following address - Block 6 & 7 Government Buildings, Chalfont Drive, Nottingham, NG8 3SN (acting on behalf of DEFRA (Department for Environment, Food and Rural Affairs)).

* Includes nesting birds

** Includes great crested newts, bats, reptiles and water voles

*** Includes great crested newts and bats.

07

With reference to the drainage condition (23) above, it is requested that all calculations are provided using contemporary drainage software (Windes or similar). If possible electronic files should be provided to support paper and pdf outputs. Information can be provided in common software packages and formats including PDS, Windes, xyz, genio, word/excel/autocad etc. All documents should be referenced with a unique identifier – drawing number, document number/revision etc. Calculations and drawings should be cross-referenced and issue sheets provided to enable tracking of revisions to information.

08

This application has been the subject of pre-application discussions and has been approved in accordance with that advice and following submission of a very special circumstances case which outweighs the harm to the Green Belt. 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).

09

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

The proposed development has been assessed and it is the Council's view that CIL is payable on the development hereby approved as the gross internal area of new build is in excess of 100 square metres.

10

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 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 david.albans@nottscc.gov.uk for details.

The proposed access & off-site highway works require a Traffic Regulation Order before the development commences to provide safe access/off-site mitigating works. 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 mike.barnett@viaem.co.uk for this to be arranged.

11

In respect to condition 04, the bond for the new build dwellings is recommended is English Garden Wall bond. Materials proposed for development may be provided on site and made available for viewing.

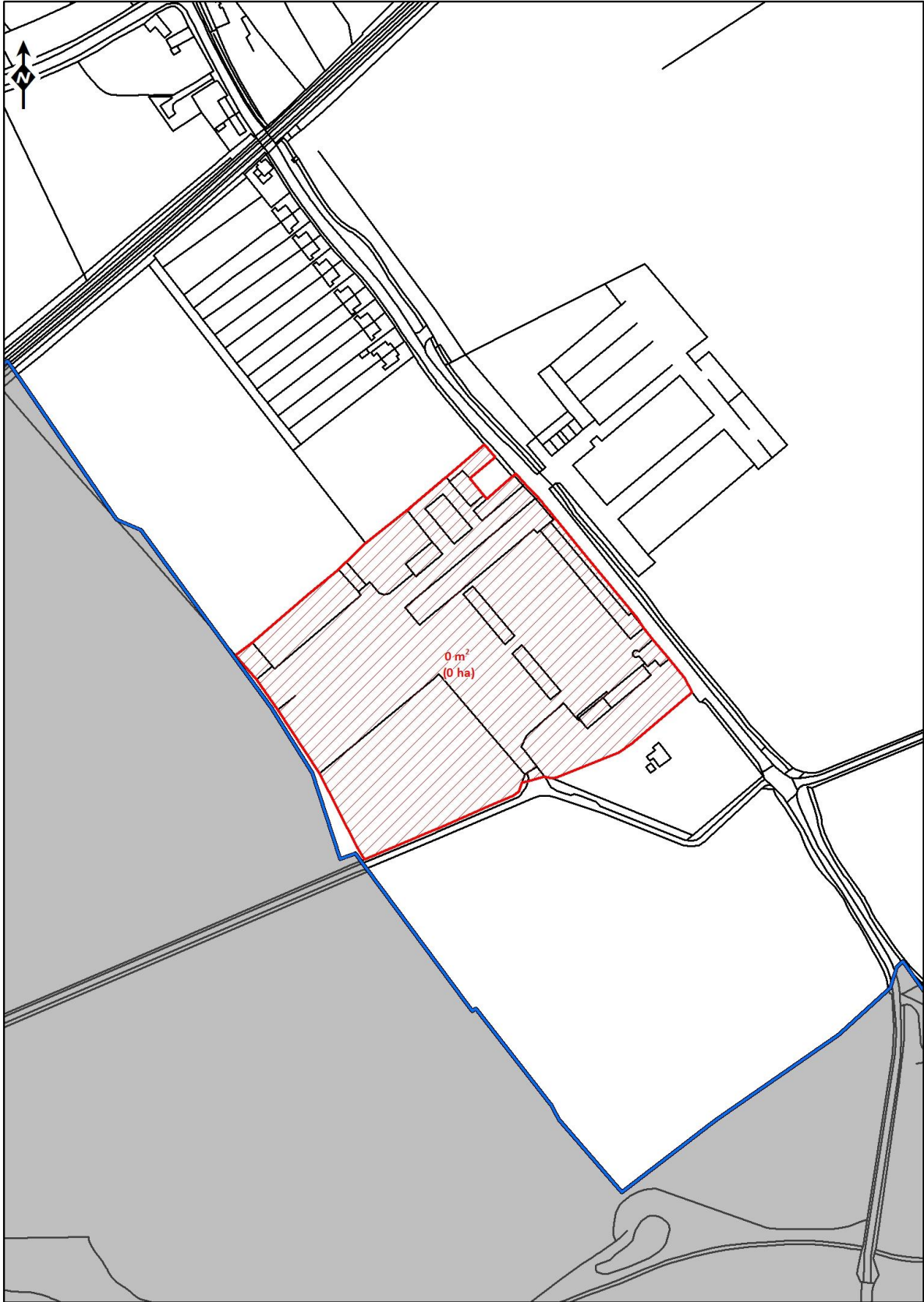
BACKGROUND PAPERS

Application case file.

For further information, please contact Lisa Hughes on ext 5565.

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

Lisa Hughes
Business Manager – Planning Development



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APPENDIX 1 BULCOTE FARM APPLICATIONS

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20th Century Society

No comments received

Ancient Monuments Society

No comments received

Archaeology

Comments received 16 September 2020

Thank you for consulting me on this. The site lies in an area of archaeological sensitivity associated primarily with pre-historic settlement activity identified from cropmarks.

A settlement site of probable Iron Age date (NHER: M18208) lies adjacent and to the south-west of the propose development site. A further area of likely pre-historic activity (NHER: L1795) lies 60m to the west and a barrow cemetery of Bronze Age date (NHER: M18207) has been identified next to that.

Prehistoric activity probably associated with the Iron Age settlement is also recorded to the south-east of the site (NHER: L8237) and further ring ditches (barrows) are noted just to the east (NHER: L1802).

The proposed development site is therefore located in the middle of a known Bronze Age funerary landscape and a later Iron Age settlement. Any ground works associated with the development have a high potential to impact upon significant archaeological remains of regional or greater importance.

The heritage issues relating to redevelopment of the model farm have been comprehensively addressed by the Conservation Officer and I note the detailed and extensive Historic Building Recording report that accompanies the applications.

Recommendation:

If permission is granted I recommend there be an archaeological condition for a mitigation strategy to effectively deal with this site. This will include, but may not be limited to, a trial trench evaluation of the site which should aim to determine the presence, absence, significance, depth and character of any archaeological remains which could be impacted by the proposed development as noted above. **Further archaeological mitigation work may be required if archaeological remains are identified in the evaluation.**

This should be secured by appropriate conditions to enable any remaining archaeology which currently survives on this site to be properly assessed and characterised and to allow for an informed archaeological mitigation strategy to be implemented.

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

Part 1

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

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

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

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

Part 2

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

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

Part 3

A report of the archaeologist's findings shall be submitted to the Local Planning Authority and the Historic Environment Record Officer at Nottinghamshire County Council within 3 months of the

works hereby given consent being commenced unless otherwise agreed in writing by the Local Planning Authority.

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

NPPF states that local planning authorities should '**require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible**' (para 199).

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

The resulting specifications should be approved by this department prior to commencement and we will require ten days' notice before commencement of any archaeological works.

Association for Industrial Archaeology

Comments received 22 Nov 2019

The Association for Industrial Archaeology notes that this application is for the conversion of this important historic model farm buildings and new build enabling development. The Association commented on the previous applications and the original comments remain relevant. As the site has been in recent use there have been changes, and some but certainly not all machinery has been removed. There are some good survivals, for example photographs show hand winches at taking in doors and there are remains of belt drive pulleys systems, lamp fittings, trap doors as well as troughs and hay racks. There is evidence of the narrow gauge railway railway system. All these features not only help to make this a unique residential site but preserve some of the evidence of the site's former use. Residential reuse inevitably results in alterations including the insertion of new windows/doors. In the conversion of these historic buildings it is essential that as many original features as possible are retained. If their location precludes that, their position could be marked in the floor/ceiling/wall(s). Given the importance of this site it would be advantageous if the [sic] were information boards giving the sites history and perhaps a suitable location found for items that cannot be retained in situ in some sort of information centre. It is also essential that the new build does not detract from the court yard layout of the historic farm buildings. The Association has no objection to this application.

Bulcote Parish Council

Comments received 15.06.15

Introduction

The Council accepts that the Bulcote Farm redundant buildings will need to be re- developed and it expects that the re-development will be sympathetic and minimal. However, the current proposal has neither of these attributes and appears to be an attempt to maximise profit at the

expense of the Bulcote community and with little regard to the latter.

Planning

The extended development into the Green Belt is not in accordance with the National Planning Policy Framework (NPPF) or the Local Plan which make a strong presumption against new development.

The development, in what is effectively open countryside, is against Spatial Policy, which only supports new development in sustainable locations. Bulcote is not considered to be a sustainable location as it does not possess its own amenities but relies on those in Burton Joyce and Lowdham.

The NPPF and the Local Plan make no provision for enabling development and there is no apparent reason why the existing Grade II listed buildings should not be developed in their own right. The principle of "enabling development" is not accepted and there are a great number of farm building conversions schemes that have been undertaken with little or no new build. The English Heritage (Historic England) document "Enabling Development and the Conservation of Historic Places" states that Enabling Development should always be seen as a subsidy of last resort, since it is an inefficient means of funding a conservation deficit. In addition the document states that proposals to provide the majority of subsidy through enabling development would be self-defeating if its extent and scale would be out of keeping with the character of the local landscape. We consider that these are relevant arguments against the proposals for new build.

Building outside the village confines will extend the built up area. The 3D view drawings clearly shows the massing of the new build elements which are considered to be disproportionate to the existing single storey buildings on the west side of the quadrangle. Whilst it is noted that the majority of the new build is on the footprint of previous buildings, it is understood that this has not been accepted as a valid argument in recent planning applications.

It is considered that the new build will increase the Bulcote population by some 50% and by almost 100% within the Bulcote Conservation Area and is therefore contrary to the principle of sustainable development. Bulcote Village has a strong social identity and community spirit, despite being attached to Burton Joyce. Allowing such a large development, surrounding its own open public amenity and accommodating a community building that is so remote from the village centre is likely to fragment the community into two factions, viz, those in the village itself to the north of the railway and those to the south of it.

Infrastructure Matters

1. Schools

There is concern at the number of Pre, Primary, and Secondary School places which would be required as a result of the proposed development. Burton Joyce School is already full

2. Health Facilities

Medical Centres and Dental Practices in surrounding villages are already stretched and additional population would exacerbate the situation.

3. Flooding and Drainage

The content of the Flood Risk Assessment is acknowledged, although not all of the proposed Flood Mitigation Measures have been carried to the Conclusions. These include the creation of a flood action plan and safe access and egress routes to areas of higher ground. It is not clear who will prepare and manage the flood action plan or how the safe access and egress routes are to be

defined.

Whilst it is accepted that the final drainage schemes will need to be approved by the Environment Agency, N&SDC and Severn Trent Water it is noted that the proposed layout does not include the 39 new build dwellings. There are also some fundamental issues that could have been resolved with further enquiries. One is the ownership and capacity of the foul pumping station which is understood to be private. In addition the ditch into which it is proposed to discharge surface water is believed to be managed by Newark Internal Drainage Board who do not appear to have been consulted and would be required to give Consent to Discharge.

Environmental and Design Matters

1. The new build dwellings are urban in Character and are not sympathetic to the existing Grade II listed buildings. The terraced properties are more of a throwback to the Industrial Age than being in keeping with a rural conservation area.
2. There is no provision for garaging/storage and the 145 parking spaces will be detrimental to the setting within the Conservation Area. There is, also, no provision for the siting of the 128 wheelie bins required for household waste and recycling. A notional concession has been made by the introduction of a couple of bin areas, but it is not clear how these will cater for the 64 waste bins, 64 recycling bins and possibly a number of garden waste bins.
3. The location of the community building is far from ideal and would be better located to the north closer to the village, which would avoid the parking of cars within the development, and where sufficient parking can be provided for disabled and less mobile residents. Bulcote Village has an active social committee which has been promoting regular social events in the village for in excess of forty years. For the past thirty years or more many of these events have been held within the Gate House; which has been provided by Severn Trent Water for the benefit of the community. Many of the social events take place in the evening and include music. Notwithstanding its poor location in relation to the village centre it seems entirely inappropriate for it to be immediately next to a dwelling. Moreover the floor area of the proposed community building is less than that currently available in the Gate House. This seems entirely illogical given that there could be potential 50% increase in village population. Furthermore one document of the planning submission implies that for historical and conservation reasons the weighing equipment will be retained in the Gate House, although the house plan shows it to be removed and placed in the Community Building. This will obviously further reduce the available floor space.

Highway and Health and Safety Matters

Increased traffic and the safety of pedestrians is a major concern. Bulcote is a tiny hamlet and increased traffic would be detrimental to the village setting.

The Transport Statement appears to be have been prepared against the background of pre-application discussions with NCC Highways who, although having made a number of comments, appear to have had no objections to a formal application being submitted. It is significant to note however, that this initial consultation is based on the conversion of the existing buildings to 25 dwellings and does not include the 39 new build dwellings. Furthermore the report lacks objectivity and derives its conclusions on the desired outcome, which is the development of 64 dwellings on the site. We would make the following comments in relation to the report and its conclusions.

In support of sustainable development the report argues the case for the site being served by sustainable modes of transport i.e. accessibility by foot, cycle, bus and rail. We would accept that the site is reasonably well served by cycle and bus routes although the argument for rail is debatable given that the nearest station is a good 25 minute walk away. Reference is made to the

IHT document "Guidelines for Providing Journeys on Foot" which quotes a distance of 800m as being the preferred maximum distance to access town centres and 2km as the preferred maximum for commuting. The report then argues that because amenities such as shops, school and medical centre etc are within 2km they would be accessed on foot albeit the guidelines say that 800m is the preferred maximum distance to walk to town centres. As a point of contention the distance to the school from the site has been measured by GPS as 1900m and not 1450m as stated. The conclusion that "the site is located within close proximity to a number of useful local amenities.." is therefore incorrect. A further statement that the existing and proposed pedestrian infrastructure will facilitate safe and direct pedestrian linkages between the site and local destinations is also false, given that there is no footpath on the section of road from the rail crossing to Old Main Road and no means of providing one. Similarly the section of Old Main Road up to the nearest bus stop on the A612 does not possess any footpath.

The section of road between Old Main Road and the rail crossing is shown in the photograph below. This road is entirely rural in character and any attempt to widen it, if this were possible, would destroy its setting within the Conservation Area. Furthermore it can be seen that of necessity residents park on one side of the road immediately approaching the crossing and severely reducing the effective width of the

Increased traffic flow over the rail crossing would be a concern and NCC Highways recommended that Network Rail be consulted. No reference to any consultation with Network Rail is included in the report. On occasion the rail crossing is closed for maintenance. There is no alternative route to access the site by public road and the private roads are normally secured.

The conclusions of the traffic impact study show that at peak periods there would be an additional vehicle every two minutes along Old Main Road. It is concluded that the development will generate a very low level of additional traffic. This however is all relative and in percentage terms we would contest that it is a significant increase above current traffic levels.

Concerns

1. The stretch of road along Old Main Road to the Church and the nearest bus stop has no footpath and there is no width available to accommodate one.
2. Similarly, the farm access road from the junction of Old Main Road to the railway crossing is narrow with no footpath and is restricted in width by parking for residents of the cottages that front the road. The road is little more than single track. The only way to provide any increased road width would be to culvert the drainage ditch giving concern that the culvert could become blocked greatly enhancing the risk of flooding to adjacent housing.
3. During harvest and other times, the volume of farm traffic increases and, as a result, the road is restricted for both vehicles and pedestrians. The land is farmed to produce material for the Digester at Stoke Bardolph and, as this farming becomes more intense, it will lead to even more traffic servicing the farm.
4. The railway crossing is unmanned and there is only a 30 second interval between the barrier alarm sounding and the train arriving. The frequency of the trains, which pass at full power, is shortly to be increased to half hourly each way and freight trains run between times. There is little hope of or, indeed, facility to increase the width of the crossing.
5. The narrowness and congestion on the access road into the development could impede emergency services would give cause for concern.

To summarise the above points, there is little opportunity to improve the vehicle and pedestrian access from Old Main Road. The railway crossing would be a major danger area, especially in peak times, and the increased flow of traffic onto the A612 would be a further potential danger point.

Conclusion

This appears to be an ill thought out proposal; the only evident thought is that of profit. The plan does not cater for many of the problems which would clearly arise if it were to be implemented and leads one to wonder whether the architects ever actually visited the village.

The Council accepts that the re-development of the existing buildings is desirable but sees no need whatsoever for new build. There is strong support in the Village against any new build as can be seen from the public consultation. We would be concerned that if permission were given for the new build then this would set a precedent for future development to be extended into the area currently designated as pasture. The road layout seems to have been designed in anticipation of this.

Comments received 14.02.18

Previous comments are reiterated. The following additional/revised comments have been made:-

We have been given the opportunity to examine the Viability Assessment prepared by the applicant to justify the Enabling Development together with the independent assessment undertaken by Jones Lang Lascelles on behalf of Newark & Sherwood District Council. However, we were only allowed to view these documents at the District Councils offices in the presence of a planning officer and we were not allowed to make notes or copies. This is considered to be a totally unsatisfactory way of being able to fully study the documents and to be able to challenge their content. In particular, given the importance of the Viability Assessment in supporting the Enabling Development, we believe this should be offered for public scrutiny as with any other supporting document. More so the independent report which was commissioned by the District Council and presumably paid for by public funds. We consider there are a number of details within these documents in relation to costs and the expected profitability of the scheme that could be challenged e.g. the fact that the profit on the development appears to be relative to that expected by a PLC volume housebuilder, whereas it could be undertaken by a smaller developer whose overheads are less and whose expectations on profit might also be more modest. The costs included for professional services could also be challenge, not only in relation to the percentages quoted, but also in regard to different disciplines included e.g. it is unlikely that a Project Manager, would be required for such a scheme and the role of the Mechanical and Electrical Engineer would be absorbed within the specialists Sub-contractors costs. Furthermore with a ratio of 48 new build dwellings to 24 converted dwellings, it clearly does not appear logical that two new dwellings are required to enable the conversion and refurbishment of one dwelling in the existing farm buildings where the main components of the structure, foundations, walls, floors, roof etc. are already present. The fact that this is open to question is also to be found in Jones Lang Lascelles assessment, which considers that less Enabling Development would be required than that proposed in the Viability Assessment.

In favour of Enabling Development the Viability Assessment quotes at length the English Heritage (Historic England) document "Enabling Development and the Conservation of Historic Places". However it fails to make any reference to the fact that this document also states that "...Enabling Development should always be seen as a subsidy of last resort, since it is an inefficient means of funding a conservation deficit." In addition the document states that proposals to provide the majority of subsidy through Enabling Development would be self-defeating if its extent and scale would be out of keeping with the character of the local landscape. We consider that these are relevant arguments against the proposals for new build and Historic England's response as a consultee appears to reinforce this. Furthermore it is not clear what efforts have been made to avoid extensive Enabling Development. It is considered that the new build will increase the Bulcote population by some 80% and by more than 100% within the Bulcote Conservation Area and is therefore contrary to the principle of

sustainable development. Bulcote Village has a strong social identity and community spirit, despite being attached to Burton Joyce. Allowing such a large development, with its own open public amenity and accommodating a community building that is so remote from the village centre that it is likely to fragment the community into two factions. Those in the village itself to the north of the railway and those to the south of it. Moreover this proposed development cannot be treated in isolation and should be considered with regard to the proposed development of the Burton Joyce Car Sales site for which planning permission is also currently being sought. These developments if permitted will more than double the size of Bulcote within a very short period of time.

Infrastructure Matters

Flooding & Drainage

The proposal to discharge surface water into this ditch, albeit attenuated, is of concern as additional flows may restrict flows upstream where it passes through the village bordering Old Main Road and where flooding occurred in 2007.

The report also refers to the River Rother passing to the southeast of the site and not the River Trent. This failure to get the primary river correct questions the credibility of the report, much of which is generic.

Environmental and Design Matters

There is no provision for garaging/storage within the confines of the existing farm buildings and the 152 parking spaces will be detrimental to the setting within the Conservation Area. There is, also, no provision for the siting of the 144 wheelie bins required for household waste and recycling. A notional concession has been made by the introduction of a couple of bin areas, but it is not clear how these will cater for the 72 waste bins, 72 recycling bins and possibly a number of garden waste bins.

If the Council are of a mind to approve the application then Bulcote Parish Council would seek a Section 106 contribution by way of land (which could be offered at zero cost) where a suitably sited Community Building might be constructed e.g. in the land to the north west corner beyond the proposed play area.

Highway and Health & Safety Matters

In support of sustainable development the report argues the case for the site being served by sustainable modes of transport i.e. accessibility by foot, cycle, bus and rail. We would accept that the site is reasonably well served by cycle and bus routes although the nearest bus stop is beyond the 400m guidance recommended by the Highway Authority. Furthermore the argument for rail is debatable given that the nearest station is a good 25 minute walk away. Reference is made to the IHT document "Guidelines for Providing Journeys on Foot" which quotes a distance of 800m as being the preferred maximum distance to access town centres and 2km as the preferred maximum for commuting. The report then argues that because amenities such as shops, school and medical centre etc are within 2km they would be accessed on foot albeit the guidelines say that 800m is the preferred maximum distance to walk to town centres. As a point of contention the distance to the school from the site has been measured by GPS as 1900m and not 1450m as stated which throw into question the other distances quoted. In particular the quoted distance to Tall Trees Garden Centre is 600m from the development is contested. Not only does the garden centre no longer exist, but there is no footpath to it on the south side of the A612 and no safe crossing point opposite its entrance. The conclusion that "the site is located within close proximity to a number of useful local amenities...." is therefore incorrect. A further statement that the existing and proposed pedestrian infrastructure will facilitate safe and direct pedestrian linkages between the site and local destinations is also false, given that there is no footpath on the section

of road from the rail crossing to Old Main Road and no means of providing one. Similarly the section of Old Main Road up to the nearest bus stop on the A612 does not possess any footpath.

The section of road between Old Main Road and the rail crossing is shown in the photograph. This road is entirely rural in character and any attempt to widen it, if this were possible, would destroy its setting within the Conservation Area. Furthermore it can be seen that residents park on one side of the road immediately approaching the rail crossing and severely reducing the effective width of the highway. This is of necessity as there is no opportunity for off street parking. The suggestion that safety for pedestrians could be improved by using coloured surfacing might be acceptable in a town centre environment, but it would be inappropriate on a road of rural character in a Conservation Area.

Increased traffic flow over the rail crossing would be a concern, but the Transport Statement contains no reference to any consultation with Network Rail.

Under the previous application Network Rail have commented that the crossing is a borderline high risk crossing and that the risk would increase during peak periods with the forecasted increase in car traffic. This risk will no doubt increase further due to the increased number of houses although surprisingly Network Rail has not commented on this in their response to the latest plans. The potential risks at the crossing were recently evident when on the evening of Tuesday 30th January 2018 during the peak period a car hit the barrier and temporarily closed the line. Network Rail previously suggested some mitigation measures that could be incorporated such as yellow box markings on the crossing and additional signage, all of which would again be detrimental to its setting in a Conservation Area. On occasion the rail crossing is closed for maintenance. There is no alternative route to access the development by public road and the private roads are normally secured. This would isolate the development and prevent access for emergency vehicles should they be required. The Transport Statement suggests that the local highway authority will need to consider the implications of this problem, which in essence means the authors have no solution.

The conclusions of the traffic impact analysis show that at peak periods there would be 26 vehicle movements during peak periods which equates to an additional vehicle every two minutes along Old Main Road. It is concluded that the development will generate a very low level of additional traffic. This statement appears flawed given that there will be a six fold increase in the number of dwellings south of the crossing. In relative terms, given that the number of dwellings in Bulcote will double, we would contest that it is a significant increase above current traffic levels. The report also tries to justify the increase in traffic by suggesting that it would be less than for a commercial development, when no such proposals have been put forward.

Additional Concerns

The railway crossing is unmanned and there is only a 30 second interval between the barrier alarm sounding and the train arriving. The frequency of the trains, which pass at full power, is half hourly at peak times in addition to regular freight services. Some of the freight trains carry fuel and one can only speculate on the consequences of an incident involving one of these. There is little hope of or, indeed, facility to increase the width of the crossing.

To summarise the above points, there is little opportunity to improve the vehicle and pedestrian access from Old Main Road. The railway crossing would be a major danger area, especially in peak times, and the increased flow of traffic onto the A612 would be a further potential danger point where currently a wait of several minutes can be experienced at peak times.

Conclusion

This appears to be an ill thought out proposal; the only evident thought is that of profit. The plan does not cater for many of the problems which would clearly arise if it were to be implemented and leads one to wonder whether the design team ever actually visited the village.

The Council accepts that the re-development of the existing buildings is desirable but sees no need whatsoever for new build. There is strong support in the Village against any new build as can be seen from the public consultation and we are sceptical of the need for such extensive enabling development. We would be concerned that if permission were given for the new build then this would set a precedent for future development to be extended into the area currently designated as pasture. The road layout seems to have been designed in anticipation of this.

Comments received 30.08.18

The following is Bulcote Parish Council's response to the Enabling Development Executive Summary dated July 2018, prepared by the applicant and submitted in support of the planning application at Bulcote Farm. The submitted document seeks to satisfy the following statements that form Historic England's "policy" on enabling development as set down in their guidance document "Enabling Development and the conservation of significant places"

Enabling development that would secure the future of a significant place, but contravene other planning policy objectives, should be unacceptable unless:

- a. It will not materially harm the heritage values of the place or its setting.

The Executive Summary attempts to reduce the architectural merits of the existing farm buildings in favour of its historical interest as a Model Farm. This has been done to try and offset the obvious impact that the new build housing will have on the Bulcote Farm setting. It also fails to acknowledge that the infill housing adjacent Corporation Cottages will result in the loss of a significant view that is identified in the Bulcote Conservation Area Report 2001. In fact the Parish Council feels that not enough consideration has been given to the proposed development being within the Conservation Area setting insofar as it's designation should provide for ".....any changes or new development, either within or adjoining the area, to be sympathetic to and respect it's character."

Historic England have commented that the development "...will fundamentally change the agricultural character of the farmstead through domestication and intensity of use." And the terrace housing in particular "...will harm the appreciation and understanding of the significance of the model farm, which in part is derived from its agricultural setting and direct, uninterrupted relationship with the rural landscape." They also state that "On the basis of the submission, we believe this proposal is harmful to the significance of the designated heritage asset."

- b. It avoids detrimental fragmentation of management of the place.

Given that the converted buildings will have a divided and separate ownership it is not clear how a unified regime of repair and maintenance will be managed to secure the long term future of the buildings. There will also be fragmentation of Bulcote Village with such a large proportion of new housing been provided south of the railway and benefiting from almost all of the village amenities.

- c. It will secure the long-term future of the place and, where applicable, its continued use for a sympathetic purpose

The Parish Council support securing the long term future of the farm buildings, but remain sceptical of the need for enabling development.

- d. It is necessary to resolve problems arising from the inherent needs of the place, rather than the circumstances of the present owner, or the purchase price paid.

The very large extent of the enabling development is caused by the circumstances of the present owner insofar as they are insisting that this is a “for profit” development. In addition whilst they are happy to insist that the community compromise and not get any CIL they are not prepared to similarly compromise on their commercial requirement for profit. It could also be argued that the extensive development is derived from the neglect of the owner in failing to maintain the buildings.

- e. Sufficient subsidy is not available from any other source

The Parish Council acknowledges this might be the case, but we are also aware that offers made by developers to acquire the buildings have been rejected, presumably so that the applicant can maximise the commercial value of the site if sold with planning permission.

- f. It is demonstrated that the amount of enabling development is the minimum necessary to secure the future of the place, and that its form minimises harm to other public interests

Bulcote Parish Council are not convinced of the need for enabling development and consider that it is being used as a device to obtain planning permission for commercial gain under the pretense of the need to secure the future of the listed buildings through repair and conversion to residential use. It is acknowledged that Jones Lang LaSalle have apparently undertaken an independent appraisal of the viability assessment, although we have recently been informed by the applicant that this was paid for by them. This surely brings into question whether the appraisal is entirely objective and independent.

The need for 48 new dwellings in order to subsidise the repair and conversion of 24 converted dwellings seems entirely illogical given that the primary structure and its foundations already exist. The Elemental Defect Appraisal Survey carried out by Sheperd Myers dated October 2012 states in its conclusions that for the majority of the buildings “The cost of repairs and conversion would be similar to that of an equivalent new build”. It is therefore difficult to accept that there is an apparent conservation deficit of 2.86 million pounds. Unfortunately this cannot be challenged as the Viability Assessment and subsequent JLL appraisal have not been made available for public scrutiny.

- g. The public benefit of securing the future of the significant place through such enabling development decisively outweighs the disbenefits of breaching other public policies

Bulcote Parish Council would question what is the public benefit that is proved? The public, represented by the residents of Bulcote, are very much against the development as it is currently proposed. To suggest that the public benefit decisively outweighs public policy is not accepted.

The Enabling Development Executive Summary appears to try and make its point by an over use of the words “robust” and “rigorous” whilst at the same time being selective in terms of the references used to support its argument. For example it refers to the Building Condition Survey (referred to above) having identified serious structural damage in some buildings and seeks to support this with two photographs of what is relatively minor damage. The Parish Council have obtained professional structural engineering advice in relation to the structural condition of the buildings as reported and the structural defects are no more than would be expected of buildings of this age and being subject to a minimal level of maintenance. None of the defects identified can be described as serious and if that was the case why have they not been addressed by the owner.

Reference is made to the development being a significant public benefit and bringing other benefits to local community and area. Given that the local community is against the proposals it is difficult to appreciate what these might be.

The document concludes in summarising a number of points as follows.

The enabling development has been sensitively located to have the minimal impact on the setting of the listed buildings and has been located on the previously developed footprint of the farm. This minimises impact on the openness of the Green Belt and in places, such as the modern Dairy Farm, will dramatically improve it.

This does not appear to be the view of Historic England – see above – or Matthew Tubb, Senior Planner (Policy) for N&SDC.

In terms of highways, despite the constraints of the site, the proposals can clearly provide safe and accessible routes for residents that comply with national guidance such as the Manual for Streets. In fact, the highways proposals will significantly enhance the level of accessible and sustainable routes in this location, which do not currently exist, which will benefit existing and future residents alike.

According to the latest response from Notts. CC Highways this statement is entirely flawed and fails to recognise the impact of the safety requirements of the rail crossing and the effect on residents who have no off street parking. The approach to Bulcote Farm is what it is; a rural road within a Conservation Area and to try and create something that is akin to a modern residential development must be rejected.

1. In addition, the further benefits, outlined below, will be brought forward by the proposed development. A new, enhanced and larger community space will be created through the scheme which will create a focal point for the community providing space for events, classes and Parish Council meetings.
 2. The quadrangle will be landscaped to create 1,168m² of usable greenspace for residents within the area and a total of 1934sqm of additional open space is provided for the community.
 3. Road widening improvements and a new dedicated pedestrian footway, leading to the betterment of highways infrastructure for existing as well as new residents.
 4. During the construction phase, the proposals will support the economy through the creation of new jobs and training opportunities.
 5. Once completed, the development will contribute to diversifying the housing mix within Bulcote, and providing a much needed mix of smaller family homes, as identified within the District and will provide additional spending within the local area, supporting local facilities and services
- 1 & 2 have previously been commented upon in the Parish Councils original response. In essence the proposed community space is smaller in area than the current space and does not take account of the potential 50% increase in village population. The green space within the quadrangle is defined by the private residences that will surround it and as such is unlikely to be of benefit to the rest of the village.
- 3 Proposals for highway improvements have yet to be approved by Highways and there would appear to be very little likelihood of them doing so. In fact the applicant appears to have totally ignored this issue presumably in the hope that the overriding factor for planning approval will be the restoration of the farm buildings and that highway access will become a *faite accompli*.

- 4 The suggestion that the construction phase will support the economy through the creation of new jobs etc. is a stock phrase that will have no substance in reality. In fact the construction phase will have a very severe impact on the community with dust, noise and increased traffic.
- 5 Again this incorporates stock phrases that have no substance. Bulcote has no facilities and relies on those in Burton Joyce. It will therefore provide no benefit to Bulcote and in fact will place even greater pressure upon local schools and healthcare services in the neighbouring villages of Burton Joyce and Lowdham.

On balance it is considered that the very substantial public benefits from securing a sustainable use for a nationally important Grade II Listed Model Farm far outweigh the limited enabling development located on the previously developed footprint of the farm. The development has minimal impact on the openness of the Green Belt and will deliver highways improvements alongside the range of additional benefits the proposals bring.

The statements made in this concluding comment are not borne out by the evidence presented. Very substantial public benefits have not been proved and to suggest that there will be only limited enabling development is inconceivable. The fact that some of this enabling development will be on the footprint of the previously developed farm is not supported by N&SDC Planning Policy (Matthew Tubb) or Historic England in its proposed form. Similarly the suggestion that there is minimal impact on the openness of the Green Belt is not supported and the suggestion that the proposals will bring highway improvements alongside the range of additional benefits is arrogant and conceited.

This new document was expected to provide some clarity on the financial aspects of the Viability Assessment given that it purports to contain commercially sensitive information and has not been made available for public scrutiny. In essence it provides nothing more than headline figures even though it states that these are derived in part from Building Cost Information Service (BCIS) build costs which are broadly available to any construction professional. Furthermore the Historic England document on enabling development declares the likely profit to be expected. It is therefore difficult to appreciate, what commercially sensitive information it contains.

The “Enabling Development Executive Summary” has failed to change Bulcote Parish Councils view on the proposed development and has if anything reinforced some of our objections. Furthermore we consider that it has failed to fully satisfy any of the seven statements of The Policy set down in Historic England’s guidance document that would make Enabling Development acceptable. We remain supportive of refurbishing the existing farm buildings, but are not convinced of the need or motives for enabling development and therefore object to the submission in its current form.

Comments received 20.09.18

With reference to the Parish Councils recent response on the above application we would like to comment further following our understanding that the McCarthy Stone development on the Burton Joyce Car Sales site has recently been approved. We would reiterate our previous comments that this application and the Bulcote Farm development cannot be treated in isolation. The impact on local services should both developments be approved would be significant and unsustainable.

We would also comment further on the arguments put forward for the Enabling Development. The alleged conservation deficit of £2.86 million pounds equates to an average cost per new build dwelling of just under £60,000. Given the assumption as quoted that the developers profit would be 20% and say half goes towards the conservation deficit. This would mean that the average price of each new build dwelling would need to be approximately £600,000 which is clearly unrealistic.

We acknowledge that the costs have supposedly been vetted, but we would question whether Jones Lang Lascelles have been sufficiently objective in their appraisal.

The Parish Council are also mindful that the provision of a Community Hall within the current application is entirely inappropriate in both its size and location. Should Newark & Sherwood DC be of a mind to approve this application, Bulcote PC would ask that consideration be given to dedicating the land at the rear of Corporation Cottages to Bulcote Parish Council for community use under a Section 106 agreement in the absence of any Community Infrastructure Levy.

Comments received 29.11.18

The following is Bulcote Parish Council's response to further information received in relation to highway access with regard to the above planning applications.

It is noted that the proposed highway layout is fundamentally the same as that submitted previously and rejected by Nottinghamshire County Council Highways in May 2018. The drawing has been amended in accordance with a Stage 1 Road Safety Audit (RSA), although the carriageway widths and footways are essentially the same and Notts CC Highways comments appear to have been ignored.

The RSA records that a site visit was undertaken during early afternoon when traffic was noted unsurprisingly, as being light and is therefore unlikely to be a fair indicator of traffic movements at peak periods. During the 35minute visit the level crossing was noted to have closed twice. Again this is unlikely to be representative of level crossing closure during peak periods. Reference to anticipated traffic movements are taken from the original Transport Statement and quoted as 37-39 vehicles during the am and pm peak periods. Given that this represents approximately one vehicle for every two of the 86 dwellings that would need to use this route, it is judged as being an underestimate. The fact that there is no public transport or schools within reasonable walking distance of the development, would mean many families are likely to be making school journeys and work journeys separately during the am peak period. The estimated number of vehicle movements could therefore be closer to 60.

The RSA supposedly indicates a proportionate and viable means of eliminating or mitigating the identified problems of highway access, but ignores narrowing of the road by parked cars close to the level crossing or the influence of the level crossing itself. The level crossing has been identified by Network Rail as borderline high risk and the need to provide additional signage and extensive road marking to ensure its safety in accommodating any additional traffic. This has been ignored in the RSA and no reference is made to its regular closure for maintenance and the temporary isolation of vehicles south of the railway. It also ignores the fact that residents adjacent the railway have no facility for off street parking and therefore create an unavoidable narrowing of the road adjacent the crossing.

Bulcote Parish Council does not believe that the proposals put forward offer a viable solution to the problem of accessing the size of development proposed. The existing highway is a rural road within a Conservation Area and any attempt to upgrade it would be detrimental to its character and setting. In the same way that there is a desire to secure the future of the existing farm buildings, this should equally extend to the preservation of the character of the Bulcote Conservation Area as defined by its existing roads.

Comments received 28.11.19

Bulcote Parish Council with the support of the village community, have continually raised objections to these applications in response to the various revisions and further information submitted by the applicant. In response to the recent amendment to the proposals to reduce the

extent of Enabling Development we considered it appropriate to summarise all of our previous comments.

Planning Policy

Bulcote is within the Nottingham Fringe Area being part of the Green Belt protected from inappropriate development, but facilitating development to meet local needs without promoting levels of development which would result in an increase in commuting to Nottingham.

Spatial Policy 4B of the Amended Core Strategy (March 2019) – Green Belt Development – advises that new housing development should be focused on principle villages e.g, Lowdham and the part of Bulcote attached to Burton Joyce. The latter having now been absorbed by the McCarthy Stone development of 42 retirement apartments and is therefore unavailable.

Bulcote has been identified in the Amended Core Strategy as an area where consideration will be given to the development of “Rural Affordable Housing Exception Sites”, but proposals should be small scale in nature and not have a detrimental impact on the character of the village or openness of the Green Belt.

The proposed development is contrary to any of the above policies: -

- There is no local need for any such development and if permitted would increase commuting to Nottingham
- It is not within the area attached to Burton Joyce.
- It is far from being a small-scale development and it would have a detrimental impact on the village Conservation Area and the openness of the Green Belt.

Enabling Development

The justification for the extensive new build is based entirely on reference to Historic England’s guidance document “Enabling Development and The Conservation of Significant Places”. The applicant has however been selective in quoting from this document and has ignored for example clause 4.3.6 “Enabling development should always be seen as a subsidy of last resort, since it is an inefficient means of funding a conservation deficit.....”.

Clause 5.17.4 also states that Local authorities should ensure that the case is based on the needs of the place, not the owner. In this regard we believe the owner Midland Land Portfolio (a subsidiary of Severn Trent Water), are seeking to use Enabling Development for commercial gain, by maximising the sale value of the site with planning permission.

The Policy of Enabling Development requires seven criteria to be satisfied. The applicant sought to prove that these criteria had been met in their Enabling Development Executive Summary dated July 2018. Bulcote Parish Council submitted their response to this in a document dated 29th August 2018 and contested each of the seven policy statements and demonstrated that they did not satisfy the criteria in Historic England’s guidance. This we feel was supported by Historic England who have commented that the development “.....will fundamentally change the agricultural character of the farmstead through domestication and intensity of use.” And the terrace housing in particular “.....will harm the appreciation and understanding of the significance of the model farm, which in part is derived from its agricultural setting and direct, uninterrupted relationship with the rural landscape.” They also state that “On the basis of the submission, we believe this proposal is harmful to the significance of the designated heritage asset.” The Victorian Society also support this argument in their response dated 22nd July 2015 and state “....we remain unconvinced that the application provides the information necessary to establish the principle of enabling development.” And “..... we urge you to refuse this ill-justified application consent.”

The original Viability Assessment Report dated April 2015, to justify the costs of the Enabling Development, quoted a conservation deficit of £2.86 million and determined that 48 new build dwellings would be required to convert the 24 dwellings in the existing buildings. The recent Viability Addendum Assessment Report (October 2019) now appears to quote a conservation deficit (Heritage Deficit Conversion) of £2.08 million and a requirement of 41 new build dwellings to convert the 24 dwellings. Quite how there can now be a reduction in the conservation deficit for converting the same building is unclear and why there is a reduction of 27% in the conservation deficit, but only a 15% reduction in the enabling development seems anomalous. Moreover, it is questionable as to why there is a conservation deficit at all when the applicants own Elemental Defect Appraisal Survey produced by Shepard Myers in October 2012 states that the conversion of the existing buildings should be no more than the cost of new build. It might be argued that as this report is now some nine years old, the submission of an updated version might be expected, but then this would likely go against the applicant's strategy if the same conclusion were to be reached; in that the buildings are structurally sound and not in need of extensive repair.

The Parish Council have recently become aware of a project near Lincoln at Bracebridge Heath, North Kesteven; where the derelict St John's Hospital is being converted to 107 dwellings with an "enabling development" of 79 new build dwellings. The new build is not described as "enabling development" by the applicant and there is no viability assessment to justify it as such. The existing building is in extremely poor condition with extensive rot in the floor, roof timbers and window frames together with missing leadwork and partial structural collapse. All of which is a matter of record and can be viewed on North Kesteven's planning portal. Yet despite the dilapidated state of the existing building the ratio of newbuild to conversion is 74%. This compares to a ratio of 171% at Bulcote Farm where the condition of the existing buildings is far better.

Bulcote Parish Council believe that the case for Enabling Development has not been made and this is supported by Historic England and The Victorian Society. The arguments put forward by the applicant are flawed and skewed towards the desired outcome which is for commercial gain in the sale of the site.

Highway Access and Rail Crossing

The development site can only be accessed by traffic and pedestrians in one direction which is through the village and across a level crossing. Notts CC Highways have rejected the applicant's proposals to improve pedestrian access as being sub-standard and similarly the available road width does not comply with current guidelines. Furthermore, no consideration has been given to the fact that residents of cottages on this particular section of road have no provision for off street parking and as such the road is effectively a single carriageway.

Network Rail have identified the crossing as borderline high risk, but have implied that the risks posed by increased traffic can be mitigated by additional signage and yellow cross hatching either side of the crossing. This solution is considered totally inappropriate as it would be contrary to the road's character and setting within the Conservation Area and would preclude residents parking outside of their property as referenced above.

Notwithstanding the above, no consideration appears to have been given to the fact that the crossing is regularly closed for maintenance with no access for vehicles or emergency services and occasionally pedestrian access is prohibited, as was the case reported recently.

Bulcote Parish Council support Notts CC Highways objection to the proposals.

Sustainability

According to the 2011 census Bulcote had a population of 309. This development together with the permission already granted for 42 retirement apartments – the majority of which are two

bedroomed – would potentially increase the population to an estimated 550+, an increase of some 80%. Given that Bulcote has no schools, shops, healthcare facilities etc this increase would place an excessive burden on the local villages of Burton Joyce and Lowdham where schools and healthcare provision are already strained.

The location of the development in relation to local amenities and public transport exceeds the recommended distances for journeys on foot which will inevitably lead to increased traffic flow through the village and along a highway access deemed unfit for the size of development. Traffic flow to and from the development will be compounded by the fact that it can only access and egress in one direction. Notwithstanding that the distance to the nearest bus stop exceeds that recommended for access on foot the majority of the route would be along roads with no footpath and to create one would be contrary to its character and setting within the Conservation Area.

To allow such a large development with its own green space surrounded by residential property and its own recreation area and community facility is likely to fragment the village.

Bulcote Parish Council do not believe the proposals meet the criteria for sustainability.

Flooding and Drainage

It is acknowledged that the development will ultimately require the approval of the Environment Agency, the Local Lead Flood Authority and Severn Trent Water. Nevertheless, there appear to be some shortcomings in the proposals submitted. In the Flood Risk Assessment there is reference to a flood action plan and safe access and egress routes to areas of higher ground. It does not state however, who will prepare the flood action plan and how the safe routes will be defined.

The drainage scheme provided is an over simplification in that it shows flows directed north towards the railway where there are no public sewers. Surface water south of the railway discharges to the drainage ditch that is managed by Trent Valley Internal Drainage Board. Whilst attenuation tanks are shown to restrict the flow, they are located close to the existing buildings and where they could destabilise the existing foundations. Moreover, one is shown in the location of the existing weighbridge.

Discharge of surface water from the development into the existing drainage ditch is of concern as, during a severe storm, this could surcharge the ditch and restrict upstream flows. The village is sensitive to flows in the ditch and flooding of property occurred in 2007 and again recently during the period of excessive rainfall.

Similarly, there is no public foul sewer and existing foul flows are believed to go to a private pumping station.

Conclusions

Bulcote Parish Council support the renovation of the existing Bulcote Farm buildings, but together with the village community and Historic England, object to the extensive Enabling Development. The Parish Council were well represented at the Planning Committee meeting in February 2019 and were disappointed that the recommendation for refusal on the grounds of highway access was not carried. As we understood it the reason for a deferral was to allow N&SDC to determine a more robust objection other than just highway access. We are now led to believe that this was not how it was recorded in the minutes and the reason for deferral was to allow the applicant time to reconsider the extent of the enabling development. Given that this application was first submitted in 2015 we would have thought the applicant could have been advised of this some years ago.

Burton Joyce Parish Council

Comments received 09.07.15

It was resolved to register an objection to the proposed new build at Bulcote Farm based on the following criteria:

The proposed new housing development at Bulcote Farm would put an unsustainable pressure on the amenities at Burton Joyce including the primary school and the GP surgeries which are already full to capacity. The Parish Council is also aware that the new development in Bulcote could exacerbate parking issues in Burton Joyce Village centre. It is felt that this application should be considered in conjunction with the proposed new housing development at Teal Close Burton Joyce will be enclosed on either side by significant housing schemes which will increase the volume of heavy traffic through the village.

Comments received 20.11.19 - Application 17/02325/FULM

Whilst considered to be a good use of a site which would otherwise deteriorate, object on the basis of reduced public safety for bridleway users due to vastly increased vehicular traffic in the same space. Concerns also over the capacity and standard of the road due the increased traffic and congestion as a result of the development. Support comments made by Wildlife Trust regarding conservation measures for wildlife being included in planning conditions. Support concerns regarding pressure on primary school provision from increased pupil numbers. Support all concerns raised by Bulcote Parish Council.

Council for British Archaeology

No comments received

Environment Agency

Comments received 01.06.15

This site falls in Flood Zone 2 and as such the Sequential Test will apply and only when the LPA confirm the location is acceptable will I consult the teams and this email can be taken as an objection until this matter is resolved. The issue of surface water disposal is now a matter for the Lead Local Flood Authority who should be consulted regarding this proposal.

Comments received 24.06.15

We object to this application in the absence of any evidence to demonstrate that the flood risk Sequential Test has been applied. We recommend that until then the application should not be determined for the following reasons:

Reasons

The application site lies within Flood Zone 2 defined by the Environment Agency Flood Map / Strategic Flood Risk Assessment as having a Medium probability of flooding. Paragraph 101 of the National Planning Policy Framework requires decision-makers to steer new development to areas at the lowest probability of flooding by applying a 'Sequential Test'. In this instance no evidence has been provided to indicate that this test has been carried out.

Overcoming Our Objection

You can overcome our objection by providing evidence that the Sequential Test has been completed and demonstrates that there are no reasonably available alternative sites in areas with a lower probability of flooding that would be appropriate for the type of development proposed.

Comments received 11.01.18

This site falls in Flood Zone 2 and as such Standing Advice can be applied. You may wish to consult the LLFA regarding surface water disposal.

Comments received 15.11.19

- 1) Confirmation that the planning application is for 56 dwellings, 24 conversions and 32 new units? They are all within the red dashed outline, located to the West of the Drain on Bulcote Farm?
 - 2) Is there an updated FRA as on the LPA [sic] the latest FRA was updated in December 2017? I'm not saying the data is inaccurate (Such as modelling as this is the most up to date as used within the FRA) but the reference to the number of dwellings and the attached appendices such as drawings will now be outdated. I feel like this should be updated if we are conditioning the document. I'm quite happy with the flood mitigation measure they have suggested, I would want all the properties to have a finished floor level of 19.1m AOD (This includes any conversions).
-

Gedling Borough Council

Comments received 22.06.15

While the site is located within Newark & Sherwood District the main local services and facilities that are likely to be accessed by residents are in the village of Burton Joyce which lies within Gedling Borough. Consideration should be given to the impact on the services and facilities in Burton Joyce and, where necessary, appropriate contributions made towards mitigating any impact.

Nottingham City is likely to be a destination that will attract a significant number of the vehicle movements generated by the proposal. Consideration should also be given to the impact increased vehicle movements will have on safety and amenity for residents of Burton Joyce.

It is noted that the site is located within the Green Belt and includes a Listed Building. You will need to be satisfied that the proposal accords with Green Belt and Historic Environment policies contained in the NPPF.

Comments received 15.01.18

These comments relate to the cross-boundary implications of planning application references 15/00784/FULM and 17/02325/FULM that are currently being determined by Newark and Sherwood District Council (NSDC). These proposals comprise the development of 72 dwellings (of which 24 are through the conversion of existing buildings and 48 are new build). The reason for Gedling Borough Council's comments is that the application, being in Bulcote which is effectively an eastern extension to the settlement of Burton Joyce, is located on the Borough boundary and therefore has possible cross-boundary implications. In this respect, the key concern is the potential impact of the proposal upon infrastructure within Burton Joyce given the size of the application being considered.

If minded to grant permission, it is advised that NSDC consult the following:

- County Education for information on the capacity of local schools to accommodate the anticipated number of students arising from the proposal.
- County Highways on the impact on highway safety, in particular in Burton Joyce centre.
- Nottingham North and East CCG on the impact of local health services.

Gedling Borough Council would also support the following development principles if NSDC is minded to approve these applications:

- The provision of open space as part of the development.
- Design that is sympathetic to the rural environment, in particular it takes account where practicable of Policy Zone TW06 of the Greater Nottingham Landscape Character Assessment.
- The provision of an appropriate level of affordable housing if viable
- NSDC securing adequate development contributions towards education, health and open space.

In addition to the above, it is noted that local concern has been raised (see Burton Joyce Parish Council's comments) on the potential impact of the proposal on parking capacity in Burton Joyce centre.

Comments received 29.08.18

As the additional information relates to the matter of enabling development, I have confined consultation to our Conservation Officer only. However, previous comments made by Gedling Borough Council on 19th June 2015 and 15th November 2017 remain relevant.

Bulcote Steading at Bulcote farm, Bulcote is located within Newark and Sherwood District and N&S DC Councils jurisdiction. Gedling Borough Council is consulted on the applications described above because it is within proximity of the border between the two Councils, located 1.13km to the east of the Burton Joyce/Bulcote shared village hall, on old Main Road. Burton Joyce and Bulcote are conjoined settlements along the A612 and the river Trent meanders close by to the south surrounded by fields.

The grade II listed farm steading c1902 is a model farm comprising a range of brick built farm buildings set out in quadrangular form and designed by the city engineer Arthur Brown. They are located within a predominantly rural landscape setting. Across from and opposite the steading are modern steel barns. The buildings are located within the Bulcote Conservation area which is characterised by a number of large dwellings set within large mature plots either side of old Main Road and which is bounded by mature hedgerows with open views between. Towards the farmstead to the south of the railway line is a row of C20th semi-detached houses built by the corporation.

The farmstead has been redundant from its use for some time and the information provided explains the details of this and the marketing that has occurred prior to the application being submitted. The scheme is one that seeks residential conversion with enabling development and it is apparent that negotiations over the scheme have been ongoing for some years. Enabling development is the minimum necessary extra development allowed to fund the conservation deficit which occurs when the costs of repairs and conversion to beneficial use outweigh the end value once repaired. Such a calculation requires a quantified repairs schedule to be undertaken by accredited professional, repairs that are to conservation standards. Clearly, the amount of enabling development hinges upon the accuracy of such works and even then they must respect the special architectural and historic interests of the listed buildings. An amount of developers profit is allowed for to ensure a development is worth undertaking. Since no figures are sent with the information I am unable to comment upon the need for the enabling development proposed. I

have read through the conservation officers comments which are very detailed, particularly on the history of the site however I cannot agree that there is to be no harm caused when a row of new housing immediately within the setting of the farm stead is proposed that would change the landscape view and the surroundings in which the heritage assets are experienced. I will assume however, that considerable discussions have taken place given the planning history and that have led to the scheme as proposed and inevitably when it comes to the reality a balanced judgement is required that sustains the assets going forward. I understand the importance of saving heritage assets at risk and if nothing is done then they remain as such and a burden to the owners, local community and the local authority alike. Overall the scheme appears to be acceptable and I will assume that the enabling argument is made and that the level of benefits outweighs the level of harm caused. The new housing is sensitively designed in its form and sympathetic to the existing pattern of development nearby (corporation cottages) although detailing could be much improved. In terms of the conversion, new openings are kept to a minimum and existing apertures utilised for glazing, windows and doors and this will help retain the character of the original building in conversion. New boundary fencing should be post and rail with natural native species hedgerows to complement, retaining the rural nature of the site.

I also urge the use of an article 4 direction to withdraw permitted development rights around the heritage asset and to protect its setting in conversion as residential use will bring demands from multi-ownership/use that may conflict with the historic farmstead and its setting/appearance. It will also be important to ascertain the future management of the site and this can be particularly important where multi ownerships are involved.

I am in agreement with the conservation officers planning policy analysis and I recommend that Gedling Borough Council support the application from a conservation perspective.

Historic England

Comments received 15.06.15

Bulcote Corporation Model Farm is a Grade II listed building of special architectural and historic interest in a national context. Designed by the Nottingham City Engineer Arthur Brown it is considered to be an important example of an industrial farmyard, constructed by Nottingham City Corporation to assist with the dispersal of the solid waste produced by the sewage works at Stoke Bardolph. Historic England (formally English Heritage) previously provided the applicant with pre application advice on the 17th October 2013 – a copy of which was sent to your authority. Though we were (and remain) supportive of finding new sustainable uses for the model farm we did not consider principle of residential use was proven to be the most viable use compatible with the conservation of the heritage asset. At that time we felt it was premature to discuss the details of different options and recommend an adequate period of marketing be required to explore options for future uses. No further pre application advice was requested.

Our advice is given in line with the Planning (Listed Buildings and Conservation Areas) Act 1990, the NPPF the Planning Practice Guidance and the Historic Environment Good Practice Advice in Planning - notes 1-3. *The Conversion of Traditional Farm Buildings: a Guide to good practice* (English Heritage 2006). This is complimented by our recent guidance on Energy Efficiency and Historic Buildings (English Heritage 2013) both available to download via [helm.org.uk](http://www.helm.org.uk) which provides detailed technical advice on improving thermal performance of historic buildings - a subject which will generally be integral to a proposed change of use.

Comments received 25.01.18

Thank you for your letter of 8 January 2018 regarding the above application for planning permission. On the basis of the information available to date, we offer the following advice to assist your authority in determining the application.

It will be for your authority to determine whether this is an enabling development case to repair and bring back into use the vacant farmstead - with uses that are compatible with its special interest. We are unable to assess the arguments on viability and therefore advise your authority to obtain sufficient information and satisfy yourselves that the scheme is sustainable, safeguarding the significance of the designated heritage assets; and to balance all planning considerations in determining this application.

Significance

Bulcote Farm was listed Grade II in 2005 in recognition of its national significance as an example of a late model farm designed in 1902 by Arthur Brown specifically for Nottingham City Corporation to assist with the dispersal of the solid waste produced by the sewage works at Stoke Bardolph. The buildings are constructed of red brick laid with Flemish bond with blue engineering stretcher bond brick bands and some stone dressings with concrete cills. The farm is located within the Bulcote conservation area and forms part of a wider group of related structures (some independently listed) and including a farm manager's house to the SW and row of cottages to the NW.

Nationally it is a rare and important example of an industrial farmyard based around a quadrangle with ranges of buildings providing housing for livestock as well as food storage. It's historical and communal value lies in the development of sanitary provision in British cities as well as the development and use of model farms. Technically the farm was highly mechanised in its production with feed crops stored and processed on site or consumption by the livestock. The architectural and technical value is clearly expressed through the surviving farm layout, design and fixtures, which followed modern thinking at that time.

Impact of Proposals on Significance

As previously advised, in our national experience, the conversion of traditional farm buildings to residential use does result in a change in character and, if not carefully considered, this change can be harmful. Here the proposals submitted require significant alteration to the Grade II listed buildings through the proposed conversion to accommodate the number of units and residential / change of use requirements. With the benefit of continuing advice from your conservation officer, Oliver Scott, we note that some changes and improvements have been made to the internal layouts working within the historic structural components. We remain surprised that limited information is provided which we do not consider proportionate to fully explain the proposed internal changes and to assess the impact within the heritage statement.

Notwithstanding this, the extent of subdivision will undoubtedly result in the loss of both the historic plan form and fabric - this loss will harm the historic, architectural, aesthetic and communal value of the farm. Externally proposals include glazing door openings and fixing the doors back, new openings and areas of blocking up. If minded to approve we would strongly recommend that robust conditions are imposed to cover all areas of internal and external works to the listed buildings to meet good conservation practice.

Combined with the proposed conversion, the new build which has increased within the setting of Bulcote model farm, within the conservation area, will fundamentally change the agricultural character of the farmstead through domestication and intensity of use. As previously advised, whilst there may be scope for some sensitive development on the footprint of the demolished south western ranges, the design of the proposed terrace lengths for example, with front, rear

gardens, separate curtilages and driveways and the additions which accompany residential use, through domestication, will harm the appreciation and understanding of the significance of the model farm, which in part is derived from its agricultural setting and direct, uninterrupted relationship with the rural landscape. We are supportive however of the removal of the proposed units within the quadrangle and recommend this is sensitively landscaped to retain the open character and unity of the farmstead.

Policy and Historic England Position

As the applications affect a listed building and a conservation area, the statutory requirements to have special regard to the desirability of preserving the building, its setting and any features of special interest (s.16, s.66, 1990 Act) and to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area (s.72, 1990 Act) must be taken into account by the authority when determining the application.

The NPPF is clear that great weight should be given to the objective of conserving designated heritage assets. (Paragraph 132) All harm, including that arising from development within the setting of a designated heritage asset, requires 'clear and convincing justification'. Substantial harm to or loss of a grade II building should be exceptional.

The applications refer to enabling development in the form of the change of use to residential and the additional new build on the site and within the farm's setting. It is for your authority to determine whether the proposed use is contrary to policy and whether there is a case for enabling development. On the basis of the submission, we believe this proposal is harmful to the significance of the designated heritage asset. We understand your authority commissioned Jones Lang LaSelle to undertake an independent assessment of the financial information submitted. We were not party to this information. From the submission online, we do not know if there is a conservation deficit or that the proposed works will facilitate (or enable) benefits that outweigh harm. There is no evidence submitted to prove the proposed alterations and new build are the minimum necessary. We refer you to further guidance Enabling Development and the Conservation of Significant Places. This Guidance still stands as Historic England's position on Enabling Development. (references to PS56 Policy HE11 is replaced with paragraph 140 of the NPPF). It is for your authority to ensure you have sufficient information and to satisfy yourself on the viability arguments put forward and whether the scheme presented meets the tests within the NPPF.

Historic England has **concerns** regarding the application on heritage grounds.

We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 128-134, 137 and 140 of the NPPF.

In determining this application you should bear in mind the statutory duty of sections 16 (2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess. We refer to section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If there are any material changes to the proposals, or you would like further advice, please contact us.

Comments received 14.08.18

The advice given in this letter responds to revised information for listed building application

15/00785/LBC and planning application 15/0784/FULM for the conversion of the Grade II listed farmstead and associated residential development comprising a total of 64 residential units and community building; and the new planning application 17/02325/FULM for 16 residential units. Historic England (formally English Heritage) provided the applicant with pre application advice on 17 October 2013 - a copy of which was sent to your authority. We also provided advice in relation to these applications in our letters of 15 June 2015 and most recently in our letters of 27th January 2018 which still remain relevant. It will be for your authority to determine whether this is an enabling development case to repair and bring back into use the vacant farmstead - with uses that are compatible with its special interest.

We have been consulted in relation to the additional information provided within the Enabling Development Executive Summary Report dated July 2018. The applications refer to enabling development in the form of the change of use to residential and the additional new build on the site and within the farm's setting. As previously advised it is for your authority to determine whether the proposed use is contrary to policy and whether there is a case for enabling development. On the basis of the submission, we remain of the view this proposal is harmful to the significance of the designated heritage asset. We understand your authority commissioned Jones Lang LaSelle to undertake an independent assessment of the financial information submitted. We were not party to this information. Whilst the additional information provided indicates a conservation deficit, no detailed figures have been provided. Your authority would need to be satisfied that the financial information provided is robust and the proposed alterations and new build are the minimum necessary. We refer you to further guidance Enabling Development and the Conservation of Significant Places. This Guidance still stands as Historic England's position on Enabling Development. (references to PS56 Policy HE11 is replaced with paragraph 202 of the NPPF). It is for your authority to ensure you have sufficient information and to satisfy yourself on the viability arguments put forward and whether the scheme presented meets the tests within the NPPF.

Recommendation

Historic England has concerns regarding the application on heritage grounds as outlined in our previous letters of 27th January 2018. We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 189-196, 200 and 202 of the NPPF.

In determining this application you should bear in mind the statutory duty of sections 16 (2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess. We refer to section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If there are any material changes to the proposals, or you would like further advice, please contact us.

Comments received 18.10.18

Thank you for your letter of 24 September 2018 regarding further information on the above application for planning permission. On the basis of this information, we offer the following advice to assist your authority in determining the application.

Comments received 08.11.19

The advice given in this letter responds to revised information for the planning application

15/0784/FULM for the conversion of the Grade II listed farmstead and associated residential development comprising a total of 64 residential units and community building; and the planning application 17/02325/FULM for 9 residential (revised from 16 residential units). There is also an associated application for listed building application 15/00785/LBC which is relevant to the determination of these applications. Historic England (formally English Heritage) provided the applicant with pre application advice on 17 October 2013 - a copy of which was sent to your authority. We also provided advice in relation to these applications in our letters of 15 June 2015 and most recently in our letters of 27th January 2018, 14th August 2018 and 18th October 2018 which still remain relevant. It will be for your authority to determine whether this is an enabling development case to repair and bring back into use the vacant farmstead - with uses that are compatible with its special interest.

We have been consulted in relation to the additional information provided including the Viability Addendum Assessment Report dated October 2019. The applications refer to enabling development in the form of the change of use to residential and the additional new build on the site and within the farm's setting. As previously advised it is for your authority to determine whether the proposed use is contrary to policy and whether there is a case for enabling development. On the basis of the submission, we remain of the view this proposal is harmful to the significance of the designated heritage asset. We understand your authority commissioned Jones Lang LaSelle to undertake an independent assessment of the financial information submitted. We were not party to this information. Your authority would need to be satisfied that the financial information provided is robust and the proposed alterations and new build are the minimum necessary. We refer you to further guidance Enabling Development and the Conservation of Significant Places. This Guidance still stands as Historic England's position on Enabling Development. (references to PS56 Policy HE11 is replaced with paragraph 202 of the NPPF). It is for your authority to ensure you have sufficient information and to satisfy yourself on the viability arguments put forward and whether the scheme presented meets the tests within the NPPF.

Our advice is given in line with the Planning (Listed Buildings and Conservation Areas) Act 1990, the NPPF the Planning Practice Guidance and the Historic Environment Good Practice Advice in Planning - notes 1-3.

Recommendation

Historic England has concerns regarding the applications on heritage grounds as outlined in our previous letters of 27th January 2018, 14th August 2018 and 18th October 2018. We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 189-196, 200 and 202 of the NPPF.

In determining this application you should bear in mind the statutory duty of sections 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess. We refer to section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If there are any material changes to the proposals, or you would like further advice, please contact us

Independent Viability Assessor

Comments received 05.11.18

The Heritage Deficit Appraisal

- 9.1. This section sets out the results of the heritage deficit appraisal that JLL have undertaken.
- 9.2. Critically, this appraisal focuses on the proposals to convert the existing buildings as anticipated by the Applicant. This appraisal does not at this stage incorporate any enabling development into the scheme.
- 9.3. The assumptions for undertaking this appraisal are set out at the end of Section 7 of this report. The appraisal seeks to analyse the viability of the conversion scheme in isolation and thereby assess the extent of the Heritage Deficit.
- 9.4. The following provides an overview of the assumptions that we have adopted and the rationale for our assumptions.
 - Sales values – we have assumed a floor area of 31,807 sq ft (net) and applied an average sales value of £193.20 per sq ft in line with Savills’ assessment. The capital values applied in Savills’ analysis have been reviewed by JLL Residential team who are broadly content with the sales values that have been applied in the appraisal (albeit that this assumes that demand can be secured for the units, in particular for those which are of a non-standard configuration such as the four bedroom apartment). JLL Residential Surveyors have highlighted that some units could be difficult to sell, due to the site’s untested location and that there is very limited comparable evidence to guide an opinion of the sales values achievable for the conversion element. This increases the risk associated with delivering the conversion scheme.
 - Acquisition costs – we have assumed an Existing Use Value in line with Smiths Gore’s assessment of £450,000. Please note that this does not include the incentive allowance previously allowed for by Savills. We have applied standard acquisition costs to the Existing Use Value equating to 5.8%, in line with market practice. Please note that this is higher than Savills’ original appraisals which assumed approximately 5.5%. JLL’s allowance reflects VAT on the Agent’s and Legal fees at the prevailing rate of 20%.
 - Conversion costs – we have applied a conversion cost of approximately £122.91 per sq ft applied over the gross area that has been calculated by the Applicant’s QS of 3,744 sq m (40,311 sq ft). To this we have applied a 5% contingency to reflect the risk associated with conversion schemes.
 - Professional Fees - We have applied 12% professional fees for the Heritage Deficit Assessment. Please note that this is the highest professional fee allowance that we would anticipate in our experience, and reflects the fact that the building is Grade II Listed (and hence would require a sensitive conversion scheme). This is higher than the Applicant’s assumption which equates to approximately 8% (for both the conversion and the New Build scheme).
 - Marketing – we have applied a ‘spot’ figure of £50,000 for marketing, bearing in mind the small scale nature of the conversion scheme. This equates to £2,000 per unit. This is lower than the assumption that Savills have applied of 2% of GDV. We believe that Savills’ allowance is high in this case, given the nature of the scheme.
 - Disposal fees – we have assumed 1% agent’s fees and 0.5% legal fees, in line with standard market practice.

- Finance – we have assumed a debit rate of 7%, which is at the higher end of a range of 6%-7% that we would normally anticipate. This reflects both the risks associated with a conversion scheme and the fact that no finance arrangement or exit fees have been allowed for.
- Developer’s return for risk (profit) – we have assumed a 20% profit on GDV. This is line with Savills’ assumptions and reflects the fact that a conversion scheme is likely to be viewed as more risky by potential developers in the market. Developer’s levels of return for risk (profit) are now starting to fall from the 20% GDV which was typical throughout the market downturn. Accordingly, we have reduced this rate for the new build element of the scheme to reflect the lower risks involved.

9.5 Our conclusion as to the level of the Heritage Deficit is as follows:

- Table 9.1 – Results of The Heritage Deficit Appraisal

Scenario	Residual land Value
	Scenario Residual Land Value (£)
The Heritage Deficit (Conversion only)	The Heritage Deficit (conversion only) - £1,651,094

Source: JLL Analysis (October 2015)

9.6 Table 9.1 shows that, when incorporating JLL’s assumptions into the development appraisal analysis, the heritage deficit is approximately £1.65 million.

9.8 The next section sets out our calculation of the new build residential development, assuming that no affordable housing or other planning contributions (other than CIL which is mandatory) are incorporated into the development appraisal. This needs to be compared with the Heritage Deficit figure above to which it should be broadly equivalent.

10 The New Build Appraisal

10.1 This section sets out an appraisal of the new build development with no affordable housing or Section 106 costs (other than CIL which is mandatory).

10.2 From this analysis, a ‘plot value’ per residential new build dwelling is generated. This can in turn then be used to estimate how many new build units will be required to meet the gap in the development appraisal of the conversion scheme ‘The Heritage Deficit’ and generate the Existing Use Value that has been agreed at approximately £450,000 for the site.

10.3 Drawing on our analysis in Section 7, we have applied the following assumptions in the appraisal of the new build element of the scheme:-

- We have assumed 39 units in line with the Applicant’s original VAR assessment. We have relied on the floor areas provided in Savills assessment, given that this equates to the schedule of areas provided by Shaw Jagger Architects, which we were given on 4 August 2015.
- Sales revenue – we have applied an average sales value of £230.32 per sq ft to assess this scheme. This is in line with the original Savills’ VAR appraisal and has been considered by JLL’s Residential Surveyors who are broadly content albeit assuming that demand for units in this location does exist.
- Acquisition costs – we have applied Stamp Duty at 4% and agent’s and legal fees at 1% and 0.8% respectively, in line with the Heritage Deficit Appraisal. Please note that this is slightly higher than Savills assumption of 5.5%. JLL’s assumptions reflect VAT at 20% on

the Agent's and Legal fees.

- New build units construction costs – we have applied the 'Upper Quartile' BCIS Build Costs rebased to
- 'Nottinghamshire' of £108.23 per sq ft. We have applied this to the area identified in Savills appraisal, given that Shaw Jagger Architects schedule confirms that this relates to the GIA of the buildings. In the new build scheme, there are also no apartments included (and hence there is no allowance for circulation space required).
- Developer's Contingency - We have applied a developer's contingency at 3%. This is lower than Savills' assessment of 5% and reflects the reduced risk for new build development. The allowance of 3% is in line with JLL's experience for new build development schemes.
- Community Infrastructure Levy – we have assumed an allowance of £271,450, applied to the Gross Internal Area (GIA) of the new build at a rate of £65 per sq m, in line with Newark & Sherwood's CIL Charging Schedule. Please note that we have not applied an inflation allowance and have assumed that no reduction for vacant buildings on site can be made.
- Professional fees – we have applied 8% professional fees. This is in line with Savills' assumption. This level of professional fees is more appropriate for the new build element of the scheme. The allowance of professional fees can vary widely in developers' appraisals and some assume lower levels. An 8% allowance is however in line with Newark & Sherwood's Allocations and Development Management DPD Residential Viability Assessment (August 2012).
- Marketing – we have assumed a 'spot' figure allowance of £75,000. Please note that this is lower than Savills' assessment, which applied 2% of GDV for marketing costs. Our reduced allowance reflects the size of the development scheme and the likely allowance that a developer would make to market the new build proposals. Please note that this equates to a total allowance of £125,000 when combined with that of the Heritage Deficit Appraisal (i.e. for the whole scheme).
- Disposal fees – we have assumed Sales Agent's fees of 1% and Sales Legal fees of 0.5%, in line with market practice.
- Finance – we have applied a finance rate of 6.5%, reflecting the lower risk of this scheme when compared to the conversion project of the Heritage Deficit Appraisal. The rate of 6.5% also reflects the fact that no finance arrangement or exit fees are allowed for in the development appraisal. Savills applied 7% in all of their development appraisals.
- Developer's return for risk (profit) – we have applied a developer's return of 18.5% on GDV, to reflect the lower risk associated with the new build development proposals. Developer's profit rates have begun to reduce as the market has improved and we believe this slightly lower rate reflects the reduced risks associated with new development.

10.4 Table 10.1 sets out the results of our appraisal of the new build element of the scheme, assuming that 39 new build units are provided (as originally envisaged by the Applicant in their VAR submission).

- Table 10.1 – Results of The Appraisal of New Build Development

Scenario	Residual land Value
Appraisal of new build only	£2,084,084

Source: JLL Analysis (October 2015)

Table 10.1 shows that a residual land value of £2,084,084 is generated for the new build development in isolation, based upon JLL's revised assumptions. This equates to a plot value of £53,438 per dwelling.

- 10.7 The value generated by the New Build Appraisal exceeds the Heritage Deficit calculated in the previous section of -£1,651,094. This suggests that the amount of new build development to enable the development should be lower. If the Heritage Deficit is divided by the Plot Value, this suggests that approximately 31 new dwellings would be required to meet the Heritage Deficit.
- 10.8 We have therefore 'sense checked' our development appraisal by reducing the number of units in the appraisal to 31 new build units. This produces a residual land value of £1,649,769 which broadly equates to the Heritage Deficit of -£1,651,094. This confirms that approximately 31 new build units would be required in order to meet the Heritage Deficit.
- 10.9 Please note that the amount of enabling development would increase if planning contributions and affordable housing were also sought.
- 10.10 The next section provides our summary and conclusions.

11 Summary and Conclusions

- 11.1 JLL was instructed by Newark & Sherwood District Council in November 2014 to provide development viability advice in relation to the planning application made for development at Bulcote Steading by the Applicant, Northern Trust Developments (NTD).
- 11.2 A site visit was undertaken on 11 December 2014 alongside an initial meeting at Savills' offices in Nottingham. Following this, the viability submission was submitted by Savills in May 2015 and a meeting was held, following the submission of further information, on 22 July 2015. The Applicant's advisers, Savills, provided further information on 4 August 2015 and 1 September 2015. All of this information has been reviewed to inform our viability analysis.
- 11.3 The site is located in Bulcote village to the north east of the city of Nottingham. The site is in a semi-rural location, where the majority of land uses are agricultural, with residential dwellings to the north comprising the settlement of Bulcote. The site comprises a complex of Grade II Listed agricultural buildings dating from approximately 1904. They were built as a 'model farm' to accommodate cattle, pigs, horses and food/feed storage. However, the site became redundant in 2013 when the last of dairy herd moved out.
- 11.4 The Applicant proposes that the existing farm buildings are redeveloped for residential use. The planning application is submitted in full and involves the conversion of the Listed buildings to form approximately 25 dwellings, along with a new community building and accessible shared amenity space within the courtyard. There is also new build development which the Applicant states will enable the conversion scheme.
- 11.5 We have also commented on the marketing exercise undertaken by the Applicant, the scope of which was agreed with Newark & Sherwood District Council officers in 2014. We have not had sight of the scope of what was agreed, and have been provided with a summary from Smiths Gore of the actions that have been undertaken. Whilst the property appears to have been marketed for the period of time that we understand was agreed with Newark & Sherwood District Council, we have provided a number of comments on the

marketing process for officers' consideration and highlighted where we believe that NSDC officers should request additional information from the Applicant to ensure that the marketing initiatives were undertaken.

- 11.6 Having reviewed the Applicant's development appraisal approach and assumptions, we have made a range of comments on the robustness of the approach and assumptions adopted. We have undertaken our own viability analysis of the scheme with revised assumptions, and have assessed the Heritage Deficit at approximately £1,651,094 million. We have then undertaken a development appraisal of the 39 new build dwellings proposed by the Applicant to assess the residual land value that would be produced. This appraisal produced a residual land value of £2,084,084 (which is higher than the Heritage Deficit). This suggests that the amount of new build development to enable the conversion scheme should be lower.
- 11.7 Our analysis suggests that approximately 31 new dwellings would be required to meet the Heritage Deficit and enable the conversion scheme.

Comments received 18.05.18

Following the submission and reassessment of a Revised Heritage Deficit Appraisal the following comments have been received:-

As instructed, I have reviewed the revised Heritage Deficit Appraisal for the conversion of the existing buildings in isolation, and also the appraisal of the proposed Enabling Development. This has involved reconsidering a number of issues that were previously considered in 2015 in light of the revised scheme.

Critically, the red line area boundary has now changed to include the adjacent dairy buildings to the east of the site. These were not included in 2015. I understand that this area has now been included on the basis that the former dairy building and associated hard standing areas can be built on to reduce the density of the enabling development (and hence the impact on the Listed Buildings) across the wider site. I consider this issue later below.

Given the significant negotiations that have been undertaken to arrive at the agreed viability position, I do not provide a chronology of correspondence here. However, set out below is a summary of the position reached regarding the Heritage Deficit Appraisal and the Enabling Development Appraisal and provide a commentary on each assumption.

Heritage Deficit Appraisal

The Heritage Deficit Appraisal was finalised with Savills on 7 February 2017. Savills' email included two Development Appraisals, one sensitivity testing JLL's timescales and the other sensitivity testing Savills' proposed timescales. The agreed model is Savills' timescales (they are slightly different and produce a slightly more viable position) which I have attached.

The brief overview of the agreed Heritage Deficit Appraisal is as follows:

- Sales Revenue - The conversion units have been valued at an average sales revenue of £202.45 per sq ft. This provides an average capital value for each unit of £248,250, over a total area of 29,429 sq ft net sales area. We have reviewed the sales value information provided by Savills in January 2017 and have concluded that the sales values that they have applied are robust. This represents approximately a 5% increase in sales values since our 2015 assessment. Whilst the Land Registry data we have researched and assesses suggests that there has been a higher increase, we cannot find any evidence in the local market for increasing sales values any higher than those applied by Savills. This therefore provides a total Gross Development Value (GDV) for the Heritage Deficit Appraisal of £5,958,000.

- Acquisitions costs – the previous assumption of £450,000 is being assumed, with Stamp Duty being applied in line with the March 2016 budget assumptions. Agent’s fees are being applied at 1% and 0.8%, and hence we are content with this assumption. These assumptions have been updated through debate with Savills, given that they were previously applying different assumptions. Please note that this excludes the value of the dairy building which is now included in the red line boundary. I consider this further below.
- Conversion costs – total conversion costs of £183.98 per sq ft (applied over the net saleable area of 29,429 sq ft). This was subject to a detailed review in September 2016 with JLL building surveyors and the total costs were revised and agreed as £5,414,402.
- Contingency – Savills have applied a contingency of 5% on the conversion costs, which we believe to be appropriate for a conversion scheme of this nature.
- Professional fees – Savills have applied 10% professional fees to the conversion cost element. We previously advised that 12% should be applied for the conversion element of the scheme; however have now argued for a reduced level of professional fees as in our experience, professional fees have reduced as a percentage of build costs (given that build costs have increased significantly since our 2015 assessment). Therefore, we are content with the assumption adopted with Savills for the conversion element of the scheme.
- Marketing and letting – an allowance of 1.85% of GDV has been applied. We would usually anticipate an allowance of between 1%-2% for a scheme of this nature, and argued that the lower end of the range this should apply in 2015. Savills’s total allowance equates to £110,223 and whilst this is at the higher end of the range that we would anticipate, we believe we are happy to adopt the 1.85% level as a compromise through our detailed negotiations and based upon the evidence Savills provided of a scheme in the local area.
- Disposal fees – Savills have applied standard disposal fees of 1% and 0.5% and hence we are content with this.
- Finance costs – Savills have applied a debt finance rate of 7% which we are comfortable with for a conversion scheme of this nature.

The result of the Heritage Deficit Appraisal generates a negative profit of £1,158,210, and a Heritage Deficit of £2,349,810. Therefore, the Heritage Deficit has increased from -£1,651,094 that we estimated in November 2015 Report.

The Enabling Development Appraisal

The Enabling Development Appraisal was then circulated in mid-February 2017 along with supporting evidence required for assessing for the new build elements of the scheme in relation to sales values (etc.). In addition, the Conservation Deficit Appraisal was also updated to include the value of the Dairy Building, given that the Heritage Deficit Appraisal set out above did not include the existing use value of this building. This has increased the value of the site from £450,000 to £940,000 (an increase of £490,000), albeit this was subsequently reduced to £900,000 following us querying the area with Savills. This increased the Heritage Deficit from £2,349,810 to £2,862,361.

There were then discussions regarding:

- the appropriateness of the sales values for the Enabling Development;
- the appropriateness of the 20% profit margin on the Enabling Development; and
- the value of the existing buildings for the dairy element of the scheme.

The final Enabling Development Appraisal was circulated by Savills on 16 March 2017. This includes the Conservation Deficit Appraisal with a slightly reduced existing use value of £900,000

based upon our discussions with Savills. All other assumptions remain the same. This provided a revised heritage deficit of £2,861,361. It should be noted that for some reason, Stamp Duty has not been applied in this Heritage Deficit appraisal and hence this would increase the Heritage Deficit slightly if it were applied.

Savills' approach to the Enabling Development appraisal is slightly different to that that JLL adopted in our November 2015 report. In essence, they have undertaken the Enabling Development Appraisal in isolation and have run two scenarios for 47-48 dwellings to demonstrate a residual land value which represents the Heritage Deficit that they have estimated above.

Savills' key assumptions in the Enabling Development appraisal are as follows:

- GDV – they have assumed a total new build area of 49,740 sq ft to which they have applied an average sales rate of £236.33 per sq ft rate of (an average of £250,106 per dwelling).
- Residualised price – Savills have residualised the land value and have applied Stamp Duty and Agents and Legal fees to arrive at this amount. It should be noted that Agent's fees are still 1.5% in this appraisal and they should be 1% to be in line with the Heritage Deficit Appraisal. Savills should be asked to correct this.
- Construction costs – Savills applied a sales rate of £100 per sq ft as an all-in cost for the new build development. As set in our November 2015 report, this appears to be a 'say' figure and does not appear to have been costed by the Applicant's Quantity Surveyors. We believe that this build cost is appropriate (albeit that is at the lower end of the range that we would anticipate for new build development in this location, bearing in mind that any new development will have to be built to a high standard given its proximity and impact on the setting of the listed buildings).
- Developer's contingency – Savills have applied a lower rate of 3% contingency to the enabling development.
- CIL – a CIL rate of £93,450 has been applied by the Applicant, given that the enabling development is new additional development which is CIL chargeable. NSDC Officers should check that the Applicant has calculated CIL correctly and also consider the impact of Regulation 40, as discussed further below.
- Demolition Allowance - The Applicant has assumed an allowance for demolition of £75,000 which relates to the demolition of the dairy building only. Given that we estimate that the dairy building is approximately 38,000 sq ft, we are broadly comfortable with this 'say' allowance for demolition (which equates to £2.00 per sq ft to remove both the substructure and the concrete base of the existing dairy building).
- Professional fees – a lower rate of 8% professional fees has been applied for the new build element. We are comfortable with this allowance.
- Marketing costs – an allowance of 1.85% has been assumed of the GDV. This is in line with the Heritage Deficit Appraisal and our discussions/negotiations with Savills on this issue and the compromise we reached in relation to the Heritage Deficit appraisal.
- Disposal fees – an Agent's fee of 1% has been applied (which we are content with). A legal fee of £500 per unit has been applied. This is lower than the assumption we would normally apply of 0.5%, although we are broadly content with the assumption adopted.
- Finance rates – an allowance of 7% has been applied of the new build development which we are broadly content with.
- Developer's return for risk (profit) – a profit of 20% of GDV has been applied for the new

build (enabling) development. Although in our November 2015 assessment we adopted a lower level of profit on the new build element (given that it was all for market sale) of 18.5% we have discussed this issue with Savills at length, and Savills have provided a research paper on developer's profit levels, seeking to justify the 20% assumption on GDV. Although we still have some reservations about whether developers in the market for the site would require a return of 20% on GDV on the new build enabling development, we have reviewed the scheme with our colleagues in our residential agency team who have reiterated to us that there is an element of uncertainty as to how successful the scheme will be (given its relatively untested location) and the bespoke nature of the scheme. In addition, the level of enabling development has increased meaning that the development is more likely to attract a regional/sub-regional, rather than local, house builder. Hence, we have therefore reluctantly accepted the Applicant's proposal for 20% profit on GDV.

The Applicant's updated viability analysis suggests that the Heritage Deficit required between 47 and 48 units of Enabling Development on the site, as the residual land values are as follows:

- 47 Enabling Dwellings - £2,788,584 – slightly lower than the Heritage Deficit of £2,861,361.
- 48 Enabling Dwellings - £2,979,661 – higher than the Heritage Deficit.

Summary and Conclusions

The Heritage Deficit has increased significantly since our November 2015 assessment, at which point the Heritage Deficit was £1,651,094 and it required approximately 31 units in order to fund the scheme. The reason for this increase in the Heritage Deficit is threefold:

- The general increase in build costs that has been experienced since our 2015 assessment has increased the cost of the scheme. Accordingly, the 'on costs' such as professional fees and contingency (which are related to the build costs) have also increase (albeit that these have been reviewed and adjusted as appropriate to reflect change in market conditions). However, the sales values in the area have not increased enough to offset the rise in build costs.
- The increase in Developer's Return for Risk (Profit) that we have reluctantly agree of 20% on the Enabling Development rather than 18.5% - Which we estimate increases costs in the appraisal by approximately £176,325 based upon the GDV for the 47 Enabling Unit scheme.
- Although the change in the scheme in February 2017 to incorporate the Dairy Buildings should in theory mean that the Enabling Development can be dissipated across the wider site (to reduce the impact on the setting of the Listed Building), this has also meant that the Development Appraisals have been required to be updated to increase the existing use value for the site to approximately £900,000 (given that if the dairy building is to be used to make way for development, its value also needs to be included in the existing use calculation). In addition, there are other costs associated with this approach, such as the need to demolish the dairy building (which adds approximately a further £75,000 of cost to the scheme).

Therefore, NSDC Officers may wish to consider whether the dairy building is worth being included.

There are a number of minor issues with the current appraisal (e.g. Stamp Duty etc.) which Savills should correct before confirming the final position. In addition, it should be noted that the scheme for the enabling development is indicative and it would be prudent to refine the viability appraisal when the Enabling Development element of the scheme is refined. For example, the sensitivity test of a 47 and 48 dwellings enabling development scheme shows that the square footage increases significantly by approximately 4,000 sq ft. This is very large for a dwelling house and hence this should be reviewed when the final scale and mix is agreed, to ensure that the impact of viability is properly understood.

It should be noted that we have assumed that the Applicant's assessment of the Community Infrastructure Levy (CIL) for the Enabling Development is correct. This should be clarified by NSDC Officers. In addition, it may be that the CIL can be reduced under Regulation 40 by using the diary building to offset the CIL on the enabling development.

Finally, it should also be noted that, as we have stated previously, we have not provided advice on the architectural, planning, design and heritage aspects of the project. In particular, NSDC will need to determine whether the Enabling Development proposed by the Applicant is acceptable from a heritage/design perspective (etc.).

Comments received 04.04.20

2.1 This section provides an overview of the Applicant's updated planning application proposals.

2.2 The appraisals undertaken by Savills and JLL in 2017 anticipated the conversion of the existing historic farm buildings and enabling development in the form of traditional housing within the grounds.

The 2015 and 2017 Schemes

2.3 The original scheme in 2015 anticipated Enabling Development immediately to the west and north of the existing historic buildings. However, through subsequent discussion and negotiation with NSDC Planning Officers, the red line boundary of the site was increased to encompass the land and agricultural buildings to the east of Old Main Road. The agricultural buildings in this location are of modern steel portal frame construction.

2.4 The rationale for this change was that whilst a similar level of Enabling Development would be provided, it could be dispersed across a wider area of the site (and hence reduce the impact on the setting of the Listed Building). JLL's updated viability analysis dated May 2017 considered the viability of this updated scheme.

2.5 The 2017 appraisals undertaken by Savills (and reviewed by JLL) envisaged the following:

- The conversion of the Listed Buildings - to provide 24 houses which equated to a Gross Internal Area (GIA) of 29,429 sq ft (2,734 sq m).
- The Enabling Development – the appraisals sensitivity tested the amount of enabling development that would be required. Two appraisals were undertaken by Savills and reviewed by JLL which viability tested 47 and 48 new build dwellings.

The Updated Scheme

2.6 We understand that the updated scheme has been discussed with NSDC Officers, following the findings of the viability appraisal analysis in 2017 and other discussions regarding the scheme.

2.7 The revised scheme is crystallised in a Proposed Site Layout Plan which is undertaken by Shaw Jagger Architects (Drawing No. (2) 003 Rev H) which is attached at Appendix 1 of this report. This plan indicates the following:

- The conversion of the historic buildings to provide 24 dwellings; and
- Enabling development situated both to the west and to the north of the buildings to be converted, and also, enabling development on the other side of Old Main Road to the north east of the main buildings in the form of detached houses.

2.8 Savills have provided an area schedule which we understand has been provided by Architects, Shaw and Jagger which is dated 19 February 2020. This provides the anticipated

size of each dwelling to be provided on the site. Savills have also included their proposed pricing of the scheme on this schedule. A copy of this schedule is attached at Appendix 2.

- 2.9 This schedule demonstrates that the existing buildings are to be converted into 24 dwellings, which equates to the same level of development assumed by the previous proposals. It highlights that dwellings are to be provided on the ground and first floors, and hence are mostly houses. However, Units 2, 4, 5, 6, 7, 14 and 22 to 26 are single storey only, and hence are either in apartment or bungalow style format. There is one dwelling which is provided on the ground floor which will provide one bedroom. However, the majority comprise two to three-bedroom dwellings, with one four-bedroom dwelling (Unit 16).
- 2.10 As is typical with converted historic properties, the dwelling sizes generated for each dwelling are not always in line with the optimal sizes that developers would provide if building a new build residential development. This can artificially enhance/decrease the price for the dwellings when expressed on a '£ per sq ft' basis (as there will be ceiling prices for some of the dwellings to be provided, regardless of their size).
- 2.11 The schedule also highlights the new build Enabling Development proposed. These are provided in 32 terrace houses (we presume to emulate the form of development of the existing Model Farm). In addition, the schedule highlights nine detached houses all comprising four-bedroom dwellings, which will be located to the east of Old Main Road.
- 2.12 Therefore, there is now a detailed schedule for the enabling development anticipated, and a set level of dwellings that the Applicant anticipates will be provided.
- 2.13 We understand that the dwellings anticipated in both the conversion and enabling development elements of the proposals will be fixed, as the planning application was submitted in full. Therefore, the dwelling types, mix and sizes are crystallised within the planning application. Should these dwelling sizes be varied in the future, this may have an impact on development viability.
- 2.14 We therefore make two observations at this stage:
- The unit sizes are larger than we would anticipate for dwellings in more urban locations, typically being 1,115 sq ft for a three bed and between 1,302 sq ft and 1,361 sq ft for the four beds. However, having reviewed the local markets, there are dwellings being developed at these sizes in the local area. Hence, we have adopted them to inform our viability testing.
 - There are no two-bedroom dwellings proposed in the Enabling Development.
- 2.15 Should the mix and/or size of dwellings be varied in a subsequent amendment to the planning application, this may have an impact on underlying viability.
- 2.16 The next section considers Savills' updated development appraisals submitted in February 2020.
3. The Applicant's Updated Development Viability Assessment
- 3.1 Savills, on behalf of the Applicant, NTD, have updated their viability assessment to reflect the revised scheme (i.e. the layout plan provided by Shaw Jagger Architects).
- 3.2 We understand that the revised scheme seeks to respond to Planning Committee Member's comments at Planning Committee in February 2019, given that members requested a reduction in the number of new build dwellings (i.e. Enabling Development) on the site from the 48 enabling development dwellings previously proposed. They also requested a financial contribution towards primary education.

- 3.3 Savills have updated the development viability appraisals that were audited by JLL in May 2017, to reflect the revised scheme.

The Conservation/Heritage Deficit

- 3.4 Savills have firstly updated their viability appraisal to calculate the Conservation/Heritage Deficit. This appraisal focuses on the conversion of the Listed Building element of the scheme to provide 24 dwellings.
- 3.5 Savills have updated the sales values and conversion cost assumptions, and have utilised the previously agreed Site Value of £940,000 (which includes the area to the east of Old Main Road as well as the land to the west) in order to calculate the Conservation/Heritage Deficit. This appraisal identifies a negative profit allowance of £2,522,317. This is therefore the scheme deficit, but does not factor in a return for the risk (i.e. profit) for the Developer to reflect the risk of undertaking the development.
- 3.6 The Applicant has suggested utilising a lower rate of developer's return for risk of 17.5% on GDV. This level of developer's return is therefore utilised to calculate the Conservation/Heritage Deficit of the scheme. This level of return is £1,238,593 based upon Savills' figures.
- 3.7 This therefore generates a total Conservation/Heritage Deficit of £3,760,910. This deficit would need to be met by the land value generated by the Enabling Development, to ensure that the Conservation/Heritage Deficit is met.

The Enabling Development Appraisal

- 3.8 Savills have updated their appraisal of the Enabling Development. This appraisal assesses the land value generated by the 41 new build dwellings that are anticipated to form the Enabling Development to meet the Conservation/Heritage Deficit.
- 3.9 Crucially, this appraisal assumes a set level of developer's return of 17.5% on GDV (which is consistent to that utilised to calculate the Conservation/Heritage Deficit) and residualises the land value to generate a Residual Land Value (RLV).
- 3.10 The RLV of the Enabling Development should be compared with the Conservation/Heritage Deficit to indicate whether the enabling development anticipated in the revised scheme is sufficient to meet the Conservation/Heritage Deficit. For the 41 dwellings anticipated in the enabling development, Savills' RLV equates to £3,684,001. As this is broadly equal (albeit slightly below) Savills' Conservation/Heritage Deficit of £3,760,910, Savills conclude in their FVA that the scheme *'balances and provides a means to meet the heritage deficit by way of enabling development.'*
- 3.11 It is therefore necessary to interrogate the two appraisals that have been undertaken by Savills and how they have been updated to reflect both current market conditions and the updated scheme, to inform their calculation of the Conservation/Heritage Deficit and the level of Enabling Development required to meet it.

4. Review of Applicant's Development Viability Appraisal Assumptions

- 4.1 This section undertakes a critical review of the Applicant's development viability appraisal assumptions.
- 4.2 It should be noted that although Savills submitted updated development appraisals in October 2019, these appraisals were not in line with the approach previously agreed between Savills and JLL in May 2017. We therefore provided this initial feedback to Savills, who subsequently updated their development viability appraisals, and addressed a number of our initial queries in their February 2020 FVA submission.

4.3 This has assisted our view of the scheme, as the approach and methodology of Savills' appraisals is now consistent with that previously agreed with JLL in 2017. We therefore focus on key updates made to the assumptions in each development appraisal, and whether or not they are robust. We consider the Conservation/Heritage Deficit appraisal first, then the appraisal of the Enabling Development second.

Conservation/Heritage Deficit Appraisal

- Area of The Conversion Proposals – A gross area of 29,429 sq ft (2,734 sq m) has been assumed in Savills' development appraisal. We are content with this area, as it is in line with the architect's schedule provided by Savills and the previous assumption adopted in 2017.
- Sales Revenue (Gross Development Value, GDV) - Savills have assumed a Gross Development Value (GDV) of £7,077,675. We have reviewed the pricing exercise undertaken by Savills, which equates to an average of £240.50 per sq ft. However, it should be noted that this pricing schedule is slightly inconsistent with the assumptions adopted in Savills' Argus appraisal model, as the pricing schedule generates a GDV of £7,058,000 which actually equates to a slightly lower average sales value of £239.83 per sq ft. We have therefore adopted the GDV generated by Savills' pricing schedule for the purposes of our development appraisal. A copy of our analysis of Savills' pricing is attached at Appendix 2.
- Benchmark Land Value (BLV) – the Existing Use Value (EUV) of the site (including the additional area of land to the east of Old Main Road which was included in the scheme in 2016/2017 to accommodate the Enabling Development) is £940,000 in line with the previously agreed assumption between Savills and JLL in 2017. Therefore, we have adopted this assumption within our development viability appraisal. Savills have also applied Stamp Duty Land Tax (SDLT) at the prevailing rates along with 1% Agents' fees and 0.8% for Legal fees. We are content with these assumptions and have adopted them in our development viability appraisal.
- Conversion Costs – the previously agreed conversion cost of £5,414,402 has been updated by the Applicant to reflect movements in the 'All In Tender Price Index (TPI)' published by the BCIS, and a conversion cost of £6,989,387 is now assumed by Savills.

We queried how this figure has been arrived at with Savills, given that it appears to be very high when expressed on a '£ per sq ft' basis (i.e. equating to £237.50 per sq ft) and equates an increase of approximately 28.73%.

Savills provided additional information in their February 2020 submission which demonstrates that the costs have been inflated from Q1 2016 to Q4 2020. Whilst we are comfortable with the approach to inflate costs utilising the BCIS 'All In' TPI to reflect the movement in prices to assess the scheme at current day values, we are not content with the time period that Savills and the Applicant's cost consultants have adopted to arrive at their revised cost of conversion. This is because the correspondence between Savills and JLL provided to us by NSDC Officers demonstrates that there were further discussions relating to the appropriateness of the costs during 2016 and these were finally accepted by JLL's Building Surveyors in September 2016 (i.e. Q3 2016). Therefore, Q3 2016 should be the 'base date' from which the costs are adjusted (not the earlier date of Q1 2016).

In addition, it is standard practice to undertake viability assessments on a 'current value' basis. The Applicant's approach is inconsistent with this, as it assumes sales

values based on Q1 2020 prices, but construction costs which have been inflated (and actually forecasted) to Q4 2020.

We have therefore inflated the conversion costs utilising the BCIS 'All In' TPI as follows:

- Q3 2016 (an index of 273) – this index is actually slightly lower than the Applicant's assessment, which utilises the index for Q1 2016.
- Q1 2020 – an index of 335.
- This equates to a cost increase of 22.71%.

Therefore, our assessment of the conversion costs is that the conversion costs increases from £5,414,402 to £6,644,013. This is approximately £350,000 less than the Applicant's assessment, and will, all other things remaining equal, reduce the Conservation/Heritage Deficit (and hence the level of Enabling Development required).

- Contingency – the Applicant has adopted the previous level of contingency of 5%. We have adopted this in our development viability appraisal, given the fact that it was in line with the previously agreed position in 2017.
- Professional Fees – the Applicant has assumed 10% professional fees on construction costs only. We have adopted this assumption, given that it is in line with the previously agreed position in 2017.
- Marketing Costs – the Applicant has assumed 1.85% of GDV, which we have adopted given that it falls in line with the previously agreed position in 2017.
- Disposal Fees – the Applicant has assumed a 1% Sales Agent fee and 0.5% Legal fee. We have adopted 1% for the Sales Agent fees, given that it falls in line with the previously agreed position in 2017. We have however reduced the 0.5% Legal Fees to £500 per dwelling so that it is consistent with the Enabling Development appraisal. This will have a slightly positive impact on the viability of the conversion proposals and hence marginally reduce the Conservation/Heritage Deficit.
- Finance - a finance rate of 7% is assumed. We have adopted this assumption given that it falls in line with the previously agreed level of finance adopted in 2017.

Enabling Development Appraisal

4.4 The Applicant's assumptions regarding the Enabling Development (41 new build houses) are as follows:

- Sales Values – Savills have assumed a gross floor area of 48,857 sq ft and a total GDV of £12,482,964. We have audited the pricing exercise undertaken by Savills, and similar to the conversion element, the assumptions adopted in the appraisal for the GDV of £12,482,964 is not quite consistent with the GDV calculated in Savills' Pricing Schedule (which equates to a slightly different figure of £12,471,000). This equates to an average of £255.26 per sq ft, rather than the average adopted by Savills of £255.50 per sq ft. As with the conversion element of the proposals, whilst we recognise that this GDV is only marginally different, we have adopted the GDV total and average set out in Savills' spreadsheet, as recalculated by HLD.

We have attached an annotated version of Savills' Pricing Exercise at Appendix 2 of this report, which highlights in red where we have totalled the GDV and calculated the average based upon the GDV calculated and the square footage assumed by Savills.

We have also sensitivity tested the impact of slightly higher sales values on the detached units (up from a capital value of £340,000 to £370,000), given that our review of the local market suggests that there is some evidence of similar new build four bedroom dwellings of a similar size achieving this higher value. We have therefore attached an updated pricing exercise at Appendix 3, so that it can be sensitivity tested later in this report.

- Residual Land Value (RLV) – Savills have ‘residualised’ the land value in their development appraisal (and hence this is the output of the development viability appraisal analysis for the Enabling Development, as discussed in greater detail above). We are content with this approach, as it falls in line with that previously agreed in May 2017.

Savills have also reviewed the SDLT, agent’s and legal fees that have been applied in the appraisal to the RLV, and have now included SDLT in their appraisal (as this was an omission in their previous assessment in 2017). It should be noted that whilst we are broadly content with the agent’s and legal fees that Savills have applied, a legal fee of 0.5% has been included in this appraisal which is inconsistent with the enabling development appraisal. We have therefore adjusted this upwards to 0.8% to ensure it is consistent with the Conservation/Heritage Deficit appraisal.

- Construction Costs – the Applicant has assumed a £100 per sq ft construction cost for the new build element of the proposal. Although this is in line with the previous assessment in May 2017, Savills have not increased this construction cost to reflect current day prices.

Whilst we understand that JLL accepted this cost in 2017, at that time, this cost fell at the lower end of the range anticipated for new build housing in this location, particularly in light of the fact that it will be delivered in the grounds of a Listed Building. Hence, any surrounding enabling development will need to consider the impact on the setting of the Listed Building and in our experience, this is a factor which is likely to drive up build costs.

We have therefore adopted a higher rate than that proposed by Savills, of £111.76 per sq ft. We have arrived at this rate having regard to the average prices published by the Build Cost Information Service (BCIS), which when rebased to Newark, generates a rate of £1,203 per sq m (£111.76 per sq ft). This is based on the BCIS ‘median’ for two storey estate housing.

In line with the previous approach adopted by Savills and JLL, we have not applied any allowance in addition to this figure to allow for site ‘external’ costs (such as site services and plot works), to ensure that there is no double counting with the conversion costs and associated works included in the Applicant’s Cost Plan.

This is likely to be an optimistic assumption. We have adopted this cost assumption given that it falls at the lower end of the range of typical build costs that we experience in developers’ appraisals throughout the East Midlands which typically range from £110 to £120 per sq ft on an ‘all in’ basis (i.e. including site externals), depending upon the developer and the scheme.

Should this level of cost not be achievable (or it is identified that there are external works required for the enabling development that are not allowed for in the Applicant’s Cost Plan), this build cost could increase, reducing the viability of the scheme. A copy of the BCIS average price data is attached at Appendix 4.

- Contingency – as this is for new build development, Savills have adopted the previously agreed contingency of 3%, which is a lower level than for the conversion development, due to the reduced level of risk. We have therefore adopted 3% in our development viability appraisal.
- Demolition – the previous allowance of £75,000 which was agreed to demolish the existing buildings to make way for the enabling development to the east of Old Main Road has been assumed. We have therefore incorporated this into our development viability appraisal.
- Section 106 (Education) Payments – a payment of £243,069 for Section 106 has been assumed (albeit that we understand that this is currently under discussion between the Applicant and NSDC Officers). It should be noted that the English Heritage (now Historic England) Guidance suggests that planning contributions should not be sought in order to reduce the amount of Enabling Development required. However, we understand that NSDC require this education payment on the basis that the development if permitted without making this contribution, would not be acceptable in planning terms. We have therefore adopted the payment of £243,069 for the purposes of our appraisal.
- Community Infrastructure Levy - we have assumed a CIL payment of £83,580 in line with Savills' assessment. Again, we understand that this figure is being reviewed between the Applicant and NSDC Officers and therefore is potentially subject to change.
- Professional Fees – professional fees of 8% have been assumed by Savills for the new build development, in line with the previously agreed assumptions in 2017. We have therefore adopted this in our development viability appraisal.
- Marketing Costs – an allowance of 1.85% of GDV has been assumed which we have incorporated into our development appraisals, given that it is in line with that previously agreed by JLL in 2017.
- Disposal Fees – a sales agent's fee of 1% has been assumed along with an allowance of £500 per dwelling for the legal fees.
- Finance – a finance rate of 7% is assumed in line with that previously agreed in 2017.
- Developer's Return for Risk (Profit) – developer's return for risk of 17.5% on GDV has been assumed by Savills, in order to assist the viability of the scheme. We have adopted this level of return; however, in our opinion, we believe that it is too low for development of this complexity and risk (particularly in light of the significant uncertainty in the market currently being created by the current Coronavirus pandemic and the impact this is having on the property markets and the wider economy.

Development Phasing

- 4.5 We have also reviewed the development phasing proposed by Savills in their Argus appraisal model.
- 4.6 We understand from our discussions with Savills that the Argus appraisal files for the previous 2017 appraisals have been lost. However, Savills have recreated the appraisals and reflected the phasing and cashflow assumptions set out in Savills original appraisals which were reviewed by JLL in May 2017, as far as possible.
- 4.7 We have therefore reviewed the timescale assumptions adopted by Savills and provided a 'sense check' to their phasing assumptions.

- 4.8 For the Conservation/Heritage Deficit appraisal, Savills have assumed a two-month lead-in and a construction period of 24 months, with sales starting after 12 months and finishing just after construction.
- 4.9 This is a bespoke phasing strategy having regard to the nature of the existing buildings to be converted, and that it is likely that they will need to be converted in one phase. It may be possible to sell some of the dwellings when completed after a period of approximately 12 months. On balance, we have therefore continued to adopt Savills' phasing assumptions in our development appraisal; however, it should be noted that they may turn out to be optimistic. For example, should the sales period be extended for any reason and/or dwellings not be able to be sold during the conversion of the wider buildings, this is likely to lead to income not being received until a later date than currently anticipated (which is likely to have a negative impact on development viability).
- 4.10 For the Enabling Development appraisal, Savills have assumed a three-month lead-in period and a 19-month construction period, with a sales period of 19 months (which runs consecutively with the construction of the Enabling Development). We have sensitivity tested a number of alternative assumptions as to how the Enabling Development could be phased, in particular, sensitivity testing a shortened construction period to approximately 12 months, with a 12-month sales period (starting four months after the start of construction). This assumes that approximately four dwellings per month could be sold (which could be argued to be a bullish take-up rate in this location). We have also removed the 'S' curve from the enabling development, on the basis we have assumed a staggered construction and sales period throughout the delivery of residential dwellings. This assumption reduces the RLV of the Enabling Development. Therefore, we have maintained the Applicant's assumptions within our appraisal (which generate a higher RLV). However, it should be noted that should these turn out to be optimistic, this may have a negative impact on development viability.
- 4.11 Finally, in the Enabling Development appraisal, assumptions have been made regarding the timing of Section 106 and Community Infrastructure Levy (CIL) payments, and it has been assumed that these payments are made on the first occupation of the Enabling Development. This may need to be reviewed with NSDC Officers, to ensure that the phasing of these costs in the cashflow accurately reflects the payment requests from NSDC that will be crystallised in any Section 106 agreement.
- 4.12 In light of the above, the next section sets out our findings of the development appraisals that HLD have undertaken of both the Conservation/Heritage Deficit and the Enabling Development.
5. Findings and Analysis
- 5.1 This section sets out the findings of our development viability appraisals of both the Conservation/Heritage Deficit and the Enabling Development.
- 5.2 We have utilised the updated development viability appraisals provided by Savills and have made several adjustments to them based upon our analysis in the previous section.
- 5.3 Please note that with reference to RICS Guidance, our development viability appraisals should not be construed as 'valuations' in accordance with the RICS Professional Standards 'the Red Book'. However, our appraisals have been undertaken in line with the RICS Professional Statement Financial Viability: Conduct and Reporting (May 2019), and the updated Planning and Practice Guidance (PPG), along with the English Conservation/Heritage Guidance (now Historic England) entitled: 'Enabling Development and the Conservation of Significant Places'.

Findings

- 5.4 Table 5.1 below sets out our findings for the calculation of the Conservation/Heritage Deficit.

Table 5.1 – Calculation of the Conservation/Heritage Deficit

Calculation of Conservation/Heritage Deficit	
Negative shortfall in HLD Conservation/Heritage Deficit appraisal (prior to Developer's Return being included as a cost in the appraisal).	£2,098,769
Developer's return for risk (profit) at 17.5% on GDV.	£1,235,150
Conservation/Heritage Deficit	£3,333,919

Source: HLD Analysis (April 2020)

- 5.5 Table 5.1 above demonstrates that the Conservation/Heritage Deficit appraisal generates a shortfall of £2,098,769. In addition, this development appraisal does not allow for a developer's return for risk (i.e. profit). At the Applicant's assumed rate of 17.5% on GDV, this would require a further cost in the appraisal of £1,235,150. Therefore, the Conservation/Heritage Deficit is £3,333,919. This is lower than the Conservation/Heritage Deficit anticipated by Savills, which equates to £3,760,910. This is due to the adjustment that we have made to the cost of delivering the conversion units, due to our interpretation of the BCIS All In Tender Price Index and that we anticipate that the conversion costs will be lower when assessed at current day prices.
- 5.6 A copy of the Conservation/Heritage Deficit appraisal is attached at Appendix 5.
- 5.7 Table 5.2 sets out the RLV generated by the Enabling Development envisaged as required by the Applicant.

Table 5.2 – Calculation of the Conservation/Heritage Deficit

Appraisal Scenario	Residual Land Value (to offset the Conservation/Heritage Deficit)
Enabling development (<i>in line with Savills' Pricing Exercise</i>)	£2,983,491
Enabling development (<i>with HLD Pricing Exercise – which sensitivity tests higher values for the four bedroom detached dwellings</i>)	£3,173,123

Source: HLD Analysis (April 2020)

- 5.8 Table 6.2 above demonstrates that the RLV created by the 41 enabling dwellings as currently envisaged by the Applicant in the revised plans generates an RLV of £2,983,491 with Savills' assumed sales values. This means that the RLV generated by the Enabling Development is generates a RLV approximately £350,000 below the Conservation/Heritage Deficit.
- 5.9 A copy of the Enabling Development appraisal is attached at Appendix 6.
- 5.10 Table 6.2 also shows that a higher RLV of £3,173,123 is generated when HLD's sales value analysis is sensitivity tested (which assumes a higher sales value for the detached dwellings

to the east of Old Main Road, as set out in Appendix 3). This suggests that the RLV is approximately £160,000 less than the Conservation/Heritage Deficit that is generated by the proposals. Hence, this suggests that the level of enabling development is appropriate (and marginally below that which would be required to fully meet the Conservation/Heritage Deficit).

5.11 A copy of the Enabling Development appraisal sensitivity test is attached at Appendix 7.

6. Non-Technical Summary

6.1 HLD have been instructed by Newark & Sherwood District Council (NSDC) to undertake a review of the updated viability assessment provided by Savills on behalf of the Applicant, Northern Trust Developments (NTD), in respect of their proposals for the land and buildings at the former Bulcote Model Farm, Bulcote Steading, Old Main Road, Nottinghamshire.

6.2 Viability discussions have been ongoing at the site for a significant period of time. JLL previously undertook a viability assessment on behalf of NSDC in November 2015 and reviewed the viability of the updated scheme in May 2017. The previous viability reviews have been provided to us by NSDC Officers and in particular the development appraisals which were agreed with the Savills in May 2017 (subject to a minor correction being made to how Stamp Duty Land Tax (SDLT) was applied in the development viability appraisal).

6.3 We have therefore reviewed the updated viability analysis that has been provided by Savills to reflect the revised scheme and the updated market conditions. This was originally provided by Savills in October 2019. Savills' assessment assessed the revised amount of Enabling Development proposed of 41 dwellings.

6.4 We provided our initial comments to Savills in November 2019 on the approach and methodology of viability testing, and Savills have provided updated appraisals to ensure that they reflect the previously agreed position of May 2017, as far as possible. These changes are now reflected in the appraisals included in their updated report submitted in February 2020. We have therefore focused on reviewing this report to inform our viability analysis.

6.5 We have reviewed both the Conservation/Heritage Deficit and Enabling Development appraisals prepared by Savills on behalf of NTD. Whilst these broadly fall in line with the approach and methodology that JLL previously agreed in May 2017, we have made several adjustments to the assumptions based upon our market knowledge and research. These include:

- Reducing the upwards movement Savills anticipate in the conversion costs in order to calculate the Conservation/Heritage Deficit, to ensure that the costs assumed in the appraisal are in line with costs anticipated at the current date (and are not forecasted to Quarter 4 2020); and
- Adjusting the build cost assumed by the Applicant for the Enabling Development of £100 per sq ft, which has not been updated to reflect the increase in build costs. We have therefore assumed a construction cost of £111.76 per sq ft utilising BCIS average prices.
- We have made several adjustments to the sales values, to ensure that they reflect the pricing schedules provided by Savills.

6.6 Our findings suggest that the Conservation/Heritage Deficit is £3,333,919.

6.7 If the 41 dwellings are to be provided as anticipated by the Applicant's proposed layout plan and associated Schedule of Development, the Residual Land Value (RLV) generated by

the Enabling Development would be £2,983,491. This assumes that the sales values are in line with Savills' assessment.

6.8 However, we have also sensitivity tested the impact of increased sales values for the four-bedroom dwellings, in line with the freehold capital values that are being achieved for similar new build residential dwellings in the wider area. If this is achieved, a RLV of £3,173,123 is generated. However, even with these high sales values assumptions, the Conservation/Heritage Deficit would not be met, as the RLV generated is approximately £160,000 lower than the conservation/Heritage Deficit.

6.9 Therefore, this indicates that based on the viability analysis undertaken, the level of Enabling Development proposed by the Applicant is appropriate, as the RLV generated by the Enabling Development does not exceed the Conservation/Heritage Deficit.

Natural England

Comments received 02.06.15

Statutory nature conservation sites – no objection

Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes.

Green Infrastructure

The proposed development is within an area that Natural England considers could benefit from enhanced green infrastructure (GI) provision. Multi-functional green infrastructure can perform a range of functions including improved flood risk management, provision of accessible green space, climate change adaptation and biodiversity enhancement. Natural England would encourage the incorporation of GI into this development.

Protected Species

We have not assessed this application and associated documents for impacts on protected species.

Natural England has published Standing Advice on protected species. You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence is needed (which is the developer's responsibility) or may be granted.

If you have any specific questions on aspects that are not covered by our Standing Advice for European Protected Species or have difficulty in applying it to this application please contact us with details at consultations@naturalengland.org.uk.

Local Sites

If the proposal site is on or adjacent to a local site, e.g. Local Wildlife Site, Regionally Important Geological/Geomorphological Site (RIGS) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application.

Biodiversity Enhancements

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the National Planning Policy Framework. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that ‘Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity’. Section 40(3) of the same Act also states that ‘conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat’.

Landscape Enhancements

This application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for example through green space provision and access to and contact with nature. Landscape characterisation and townscape assessments, and associated sensitivity and capacity assessments provide tools for planners and developers to consider new development and ensure that it makes a positive contribution in terms of design, form and location, to the character and functions of the landscape and avoids any unacceptable impacts.

Sites of Special Scientific Interest Impact Risk Zones

The Town and Country Planning (Development Management Procedure) (England) Order 2015, which came into force on 15 April 2015, has removed the requirement to consult Natural England on notified consultation zones within 2 km of a Site of Special Scientific Interest (Schedule 5, v (ii) of the 2010 DMPO). The requirement to consult Natural England on “Development in or likely to affect a Site of Special Scientific Interest” remains in place (Schedule 4, w). Natural England’s SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the gov.uk website.

Comments received 15.08.18

Natural England has no comments to make on these applications.

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

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

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

We recommend referring to our SSSI Impact Risk Zones (available on Magic and as a downloadable dataset) prior to consultation with Natural England. Further guidance on when to consult Natural

England on planning and development proposals is available on gov.uk at <https://www.gov.uk/guidance/local-planning-authorities-get-environmental-advice>

Comments received 11.11.19

No comments to make on this application.

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

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

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

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

Network Rail

Comments received 12.08.15

With reference to the protection of the railway, Network Rail is objecting to the proposals due to the increase in traffic over the railway level crossing on Old Main Road, Bulcote.

The location of the development on Old Main Road in relation to the railway will increase the risk of road traffic 'blocking back' onto Bulcote automatic half-barrier level crossing, and will also create another community that is locked in by the railway which, in turn, will result in major problems when the crossing has to be closed for maintenance purposes.

The risk of 'blocking back, i.e. road traffic becoming stationary on a level crossing for a period of no less than five seconds, is one of two significant factors governing the installation of automatic half-barrier protection at level crossings like Bulcote, the other being that there must not be a significant risk of road traffic 'grounding' on the crossing. Furthermore, Bulcote L.C. is a borderline 'high risk' crossing with a current risk score of D4 and an FWI of 0.00412121 in the All Level Crossings Risk Model following the introduction of additional passenger trains between Nottingham and Lincoln in May 2015, and whilst the risk score would remain unchanged at D4 from input of the additional forecast levels of use by cars in the two peak-hour periods, the FWI (Fatality and Weighted Injuries) score would increase to 0.001173362. This empirically demonstrates that the risk will increase.

Clearly, the scope of the development is insufficient to justify the conversion of the crossing to full-barrier protection or its replacement with a road bridge over or under the railway. However, there is scope for yellow box markings to Diagram 1045 in the Traffic Signs Regulations and

General Directions 2002 to be applied over the crossing surface to mitigate the risk as stated above of road traffic 'blocking back' onto the railway, using a paint product which has now become available that reduces the amount of times that the markings have to be re-applied. Additionally, extra signage on approach to the crossing nearer to the development would also be required. We would remove our objection on confirmation that the cost of this yellow box marking and signage is met in full by the applicant.

In the event of planning permission being granted for this application, the following are requirements that must also be met,

Drainage

All surface and foul water arising from the proposed works must be collected and diverted away from Network Rail property. In the absence of detailed plans all soakaways must be located so as to discharge away from the railway infrastructure. The following points need to be addressed:

1. There should be no increase to average or peak flows of surface water run off leading towards Network Rail assets, including earthworks, bridges and culverts.
2. All surface water run off and sewage effluent should be handled in accordance with Local Council and Water Company regulations.
3. Attenuation should be included as necessary to protect the existing surface water drainage systems from any increase in average or peak loadings due to normal and extreme rainfall events.
4. Attenuation ponds, next to the railway, should be designed by a competent specialist engineer and should include adequate storm capacity and overflow arrangements such that there is no risk of flooding of the adjacent railway line during either normal or exceptional rainfall events.

It is expected that the preparation and implementation of a surface water drainage strategy addressing the above points will be conditioned as part of any approval.

Abnormal Loads

From the information supplied, it is not clear if any abnormal loads will be used in the construction of the development and therefore be accessing the site via the level crossing. We would have serious reservations if during the construction or operation of the site, abnormal loads will use routes that include Network Rail assets. Network Rail would request that the applicant contact our Asset Protection Project Manager to confirm that any proposed route is viable and to agree a strategy to protect our asset(s) from any potential damage caused by abnormal loads. I would also like to advise that where any damage, injury or delay to the rail network is caused by an abnormal load (related to the application site), the applicant or developer will incur full liability.

Noise/Soundproofing

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

Lighting

Where new lighting is to be erected adjacent to the operational railway the potential for train drivers to be dazzled must be eliminated. In addition the location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. Detail of

any external lighting should be provided as a condition if not already indicated on the application. Network Rail will require steps to be taken and paid for by the Developer to mask any light on the site, or to prevent dazzle to trainmen from road vehicle lights.

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. No part of the development shall cause any existing level crossing road signs or traffic signals or the crossing itself to be obscured. Clear sighting of the crossing must be maintained for the construction/operational period and as a permanent arrangement. The same conditions apply to the rail approaches to the level crossing. This stipulation also includes the parking of vehicles, caravans, equipment, and materials etc., which again must not cause rail and road approach sight lines of the crossing to be obstructed.

Railway Maintenance

Network Rail reserves the right to provide and maintain existing railway signals/signs (whistle boards etc.) and level crossing equipment along any part of its railway. It should be noted that this has been the subject of several complaints recently where householders have said that, by stopping trains outside their houses, we are invading their privacy, and by trains whistling creating a noise nuisance.

Level Crossings

You are also obliged to consult with H.M. Railway Inspectorate at the Office of Rail Regulation on the application (in accordance with the provisions of the Town & Country Planning (General Development Procedure) Order 2010, SI:2010 No.2184 and Paragraph 13, Appendix B of Department of Environment Circular 9/95).

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

I would advise that in particular the drainage and abnormal loads should be the subject of conditions, the reasons for which can include the safety, operational needs and integrity of the railway. For the other matters we would be pleased if an informative could be attached to the decision notice.

Comments received 29.01.18

With reference to the protection of the railway, Network Rail has no objection in principle to the development, but below are some requirements which must be met, especially with the close proximity to the development of railway level crossing.

Level Crossings

The safety of railway level crossings and crossing users is of paramount importance to us and we would have concerns over any development that may impact on the safety of an operational crossing. In this instance, access to the proposed development is over the Bulcote Level Crossing. We can confirm that we have **no objection** to the development in its revised form providing the developer reaffirms its commitment from 2015 to again meet the cost in full of the provision of yellow box markings to Diagram 1045 in the Traffic Signs Regulations and General Directions 2016 to the crossing surface of Bulcote automatic half-barrier level crossing to mitigate the risk of road traffic blocking back onto the railway, i.e. becoming stationary on the level crossing for at least five seconds, and the cost in full of updating the associated Level Crossing Ground Plan to highlight the yellow box markings therein.

You are also obliged to consult with H.M. Railway Inspectorate at the Office of Rail and Road on the application (in accordance with the provisions of the Town & Country Planning (General Development Procedure) Order 2010, SI:2010 No.2184 and Paragraph 13, Appendix B of

Department of Environment Circular 9/95).

Abnormal Loads

From the information supplied, it is not clear if any abnormal loads will be using routes that include any Network Rail assets (e.g. bridges and in particular the Bulcote Level Crossing). We would have serious reservations if during the construction or operation of the site, abnormal loads will use routes that include Network Rail assets. Network Rail would request that the applicant contact our Asset Protection Project Manager to confirm that any proposed route is viable and to agree a strategy to protect our asset(s) from any potential damage caused by abnormal loads. I would also like to advise that where any damage, injury or delay to the rail network is caused by an abnormal load (related to the application site), the applicant or developer will incur full liability.

Noise/Soundproofing

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

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. No part of the development shall cause any existing level crossing road signs or traffic signals or the crossing itself to be obscured. Clear sighting of the crossing must be maintained for the construction/operational period and as a permanent arrangement. The same conditions apply to the rail approaches to the level crossing. This stipulation also includes the parking of vehicles, caravans, equipment, and materials etc., which again must not cause rail and road approach sight lines of the crossing to be obstructed.

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

I would advise that in particular the level crossings, abnormal loads and soundproofing should be the subject of conditions, the reasons for which can include the safety, operational needs and integrity of the railway. For the other matters we would be pleased if an informative could be attached to the decision notice.

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

Comments received 22.08.18

In relation to the above application I can confirm that Network Rail have no further comments to make on the additional information supplied other than those returned in response to the original application and 17/02325/FULM attached which still apply.

Comments received 22.11.19

In relation to the above application I can confirm that subject to the requirements outlined in our previous responses being met (particularly in relation to the level crossing) Network Rail have no further observations to make in relation to the additional information supplied.

In the interests of furthering level crossing safety and the safety of crossing users, we would appreciate the support of the developer by including level crossing safety information in any welcome packs provided for the new residents of the site. These can be provided by us upon

request or alternatively information is available online on the following link <http://lxresource.co.uk/campaigns/distraction-campaign>.

Nottinghamshire Building Preservation Trust

Comments received - 12.06.15

The Nottinghamshire Building Preservation Trust is concerned that the application for the conversion to residential use of the former farm buildings with the extensive 'enabling works' will place unacceptable pressures on the highway and community structure of Bulcote.

Whilst it is desirable to find a sustainable use for the listed buildings the Trust is of the opinion that blocks 17, 18, 19 & 20 are uncharacteristic of the site and could be omitted.

The re-siting of the other blocks would allow reduce the extent of road infrastructure and that this and the retention of only a sample of the pig sty blocks would reduce the amount of obtrusive car parking in the former crew yard.

The Trust therefore requests that the application be refused and a less intensive solution be requested.

Nottinghamshire County Council Ecology

Comments are included within the Nottinghamshire County Council Policy comments

Nottinghamshire County Council Education

Comments received 04.06.15

Based on current projections, the primary and secondary schools are at capacity and cannot accommodate the addition 10 primary places and 8 secondary places arising from the proposed development on land at Bulcote Farm, Old Main Road, Bulcote.

We would therefore wish to seek an Education contribution of £321,515 (£148,915 (13 x £11,455) to provide primary provision and £172,600 (10 x £17,260) to provide secondary provision) to accommodate the additional pupils projected to arise from the proposed development.

This development would also impact on the local library service and at an average of 2.4 persons per dwelling, the 64 new dwellings would add 153 to the existing library's catchment area population. If this development went ahead we would seek a Library contribution of £2,929 for the additional stock that would be required.

Comments received 14.12.18

I am contacting you in respect of the education contributions which would be sought as a result of the cumulative impact of the above applications. The County Council can confirm that a development of 72 dwellings would generate 15 primary school places and 12 secondary places. Therefore the County Council would be seeking a primary education contribution of £204,840. In terms of secondary education; this will be covered by CIL.

Nottinghamshire County Council Heritage (Archaeology, Historic Environment Record)

Comments received 13.11.19

Cropmark features are known from either side of the farmstead, and comprise what looks like a prehistoric burial ground, or barrow cemetery, a series of pit alignments, and other circular and rectangular enclosures. These features are suggesting that there is an archaeological potential here, possibly associated particularly with prehistoric ritual behaviour. Given the expansive areas of concrete in and around the farm, it is highly likely that archaeological remains will survive well beneath these and will be exposed and subject to damage and destruction because of the proposed development. Given the difficulties of evaluating the site I would recommend that if the planning application is consented the archaeological work should be secured through an appropriate condition. This will need to allow for a phased and iterative approach to resolving the archaeological issues.

Nottinghamshire County Council Highway Authority

Comments received 15.06.15

The application site is located on an unadopted section of Old Main Road, gaining access over Bulcote level crossing. As submitted, the site location plan does not demonstrate a connection to the public highway within the red line of ownership, and therefore, no means of access to the site.

For this size of development, the carriageway leading to the development is required to be 5.5m in width and be adopted by the Highway Authority. The adopted section of Old Main Road carriageway varies in width between 4.8m and 4.9m and the unadopted section, after the level crossing and leading to the application site, varies between 5.1m and 5.3m. There are no footways along this section of Old Main Road, therefore, providing no facilities for pedestrians, and as such is not considered to be a sustainable location. This section is a bridleway, and is not segregated from the farm access, so the Rights of Way section have raised the concern that ramblers, cyclists and equestrian users will be using this route along with the traffic to/from the site for approx. 300m.

As the proposed layout is making use of existing buildings within the site, the routes into the site are shown between two buildings and do not provide any visibility for emerging vehicles. Some dwellings to the east (around the large 'green area') are positioned too far from the main spine route to provide suitable carrying distances for waste collection, i.e. residents should not be required to carry waste more than 30m and waste collection vehicles should be able to reach within 25m of the storage point.

It is unclear which sections of the layout are to be adopted, and so the internal layout has not been thoroughly studied due to the above issues requiring attention. Taking all of the above into account, it is recommended that this application be refused due to insufficient carriageway widths leading to the site, lack of visibility and sustainability issues due to the lack of footways in the vicinity.

Comments received 29.01.18

Since the correspondence summarised below (Sept 2017) I have had no further feedback from the Applicant /Agent. So I am surprised that this new application does not address my comments and there has been no change to the highway plan relating to these comments and now submitted again (Drawing No. 0398-02 Rev C).

Furthermore the submission states that "Access to and within the site conforms to national and

local standards". This statement is false.

On 1st September 2017 Savills and Croft were told via email that:

Information on their drawing that stated "subject to confirmation of surveyed boundary on site" and "subject to topo survey" offered no confidence in what was being proposed in terms of carriageway and footway widths. In an attempt to be helpful, Notts CC Officers visited the site and took measurements to verify what width was available within the constraints of the public highway boundary.

It was found that the highway, north of the level crossing, is restricted; measuring between 6.2m at its narrowest, and for 40m or so never gets wide enough to offer a minimum requirement of 1.8m footway + 5.5m carriageway + 0.4m margin to boundary fence (7.7m in total).

Whilst on site, other matters came to light which exacerbate the access situation. On street parking occurs and further restricts carriageway widths in the vicinity of the level crossing. Also the bus stop at Nottingham Road is not only further from the site than the Highway Authority guidance of 400m (maximum) and 250m (desirable), but also has no additional linking footway north of the corner by Kings Barn. It was concluded that the site would, therefore, not support the use of sustainable travel. One bus stop is about 600m away with no linking footway and another (that is linked by footway) is about 900m from the site.

On 4th September 2017 the following details were also pointed out to Savills and Croft in an email:

The offer of a footway of 1.2m north of the level crossing "subject to confirmation of surveyed boundary on site" is not possible within the measured parameters of the public highway.

It was pointed out that a road having a 5.5m wide carriageway fed from one that is 4.8m and one that lacks adequate & safe pedestrian facilities was irrational.

Conclusion:

It was, and remains the conclusion that Old Main Road is unsuitable to support a development of the size and nature being applied for. Perhaps the applicant may wish to respond to the above comments prior to a recommendation to refuse or otherwise is offered by this Authority.

Comments received 23.04.18

I remain unconvinced that adequate and safe access is being offered for the type and size of development being proposed.

I have previously pointed out the an access carriageway width of 5.5m was required and it does not make sense to have a 5.5m c/way south of the level crossing served from a 4.8m c/way north of the level crossing.

In addition the access layout now being put forward offers too many compromises to be acceptable. In each of the following cases the minimum highway design guidance figures are not met.

A general footway of 1.8m is offered when 2.0m is the min. standard.

A 'short' length of 1.2m footway over 14m is offered when a pinch point of 1.2m footway should only extend up to 6m.

A carriageway of 4.8m is offered when 5.5m is the min. standard.

A verge of 0.2m – 0.4m is offered when 1.0m is the min. standard.

Whilst this Authority may accept some level of flexibility in some circumstances; using the guidance alongside engineering judgement, it is considered that the combined effect of the compromises being sought is unacceptable in this case.

Furthermore, given the requirement for a 5.5m c/way, none of the offered footway/verge widths can be achieved.

I conclude that Old Main Road is unsuitable to support a development of the size and natures being applied for.

I will therefore be recommending that the Planning Authority refuse the application on the grounds that:

- The vehicular and pedestrian traffic generated by the proposed development would be likely to result in an unacceptable increase in danger to the users of Old Main Road due to the increased use of the an access which is geometrically substandard for the type and size of development being proposed. The proposal is contrary to Spatial Policy 7 since it fails to provide safe, convenient and attractive accesses for all, including the elderly and disabled, and others with restricted mobility.
- The proposal is contrary to Spatial Policy 7 since it would not support sustainable travel insofar as inadequate provision is made for pedestrian access, and; access to bus service provision is poor.

Comments received 26.11.18

The application site is located on an unadopted section of Old Main Road, gaining access over Bulcote level crossing.

For this size of development, the carriageway width leading to the development is required to be 5.5m and be adopted by the Highway Authority. The adopted section of Old Main Road carriageway varies in width between 4.8m and 4.9m and the unadopted section, after the level crossing and leading to the application site, varies between 5.1m and 5.3m. It is unacceptable, nor does it make sense, to have a 5.5m carriageway south of the level crossing served from a 4.8m carriageway north of the level crossing. In addition, the access layout now being put forward offers too many compromises to be acceptable. In each of the following cases the minimum Nottinghamshire County Council highway design guidance figures are not met:

- A general footway of 1.8m is offered when 2m is the minimum standard.
- A 'short' length of 1.2m footway over 14m is offered when a pinch point of 1.2m footway should only extend up to 6m. The Planning Authority's Spatial Policy 7 seeks the provision of not only safe provision, but also convenient and attractive access for all including the elderly and disabled, and others with restricted mobility.
- A carriageway of 4.8m is offered when 5.5m is the minimum standard.
- A verge of 0.2m-0.4m is offered when 1m is the minimum standard. 'Manual for Streets' suggest a minimum clearance of 450mm to street furniture and the same distance is used for traffic sign clearance in the Dept. for Transport's Traffic Signs Manual. An existing protective post and rail fence runs alongside the carriageway edge north of the level crossing. Given this exists, a 0.4m verge would be accepted but nothing less, given the additional traffic that would be generated by the proposal. If inadequate clearance is given, drivers tend to steer clear of any obstruction and effectively reduce the width of the 'running' carriageway (which in this case is already proposed to be less than required).

Whilst the Highway Authority may accept some level of flexibility in some circumstances by using the guidance alongside engineering judgement, it is considered that the combined effect of the compromises being sought is unacceptable in this case.

Furthermore, given the requirement for a 5.5m carriageway, none of the offered footway/verge widths can be achieved. There is a distance of approx. 40m where the available highway width

never gets wide enough to offer a minimum requirement of 1.8m footway + 5.5m carriageway + 0.4m margin to boundary fence (7.7m in total). On street parking further exacerbates the situation.

The bus stop at Nottingham Road is not only further from the site than the Highway Authority guidance of 400m (maximum) and 250m (desirable) but also has no additional linking footway north of the corner by Kings Barn. It is concluded that the site would, therefore, not support the use of sustainable travel. One bus stop is approx. 600m from the site with no linking footway and another (that is linked by footway) is approx. 900m from the site.

With regard to the layout, the visibility splays onto Old Main Road from the main spine road have not been demonstrated. The parking spaces shown at the turning head of the spine road are unlikely to be used. It has been noted in the past with previous development sites that an increase in on street parking in the vicinity occurs as residents prefer to park their vehicle adjacent their property.

It is therefore, recommended that this application be refused for the following reasons:

1. The vehicular and pedestrian traffic generated by the proposed development would be likely to result in an unacceptable increase in danger to the users of Old Main Road due to the increased use of an access which is geometrically substandard for the type and size of development being proposed. The proposal is contrary to Spatial Policy 7 since it fails to provide safe, convenient and attractive access for all, including the elderly and disabled and others with restricted mobility.
2. The proposal is contrary to Spatial Policy 7 since it would not support sustainable travel insofar as inadequate provision is made for pedestrian access, and access to bus service provision is poor.

Comments received 07.12.18

Further to comments dated 6 November 2018, additional information has been made available in terms of two independent Road Safety Audits based upon the same drawing 0398-02-E.

The first audit was carried out by Go Surveys Ltd at the request of the applicant/agent. The other audit was carried out by Via East Midlands on behalf of the Highway Authority.

Some of the issues raised in each audit can be resolved or are not considered to be critical to a recommendation or decision. However, I draw attention to the following issues contained within these audits which are considered to be seriously significant:

Re: Go Surveys audit

'Problem 5' identifies the need for guardrailling/handrail which the applicant/agent offers to provide. This is on the section of footway that is proposed to be 1.2m. The erection of the guardrail/handrail will take up 0.1m - 0.2m, thus narrowing the footway to 1.0m – 1.1m. A wheelchair user requires 0.9m, so there would be no room for a person to pass in the opposite direction without stepping into the carriageway. Two adults passing one another usually require 1.5m, and the width for a child walking with an adult would also be compromised (1.2m is required according to Manual for Streets).

With 'Problem 7' comes a recommendation to realign the post and rail fencing on the north-east side of the road. This is unlikely to be possible for two reasons:

- a) The extent of the public highway may not allow for it to be set back without encroaching on third party land, and;
- b) There is no room to do this since the fence is located on a very narrow verge between the carriageway and the ditch.

It is noted within '3.1 Observations/Notes' that the existing signs would need resiting so that they

do not reduce the effective width of the proposed footways. This point has not been addressed in the 'designer's response'; yet a scheme to relocate the signs would need to be assessed. Without further information there is a fear that a further reduction in the footway width may occur.

Re: Via East Midlands audit

'Problem 3.2' draws attention to some steps leading to adjacent dwellings, along the section of footway that is proposed to be 1.2m wide, just north of the level crossing. Further site investigation has revealed that these steps are at one of the narrowest points of the public highway and the top step that lies at the height of a potential footway is only 0.75m – 0.85m wide. At this point, 3 options to tackle the issue of the steps may be argued, but none of them is acceptable, as follows:

- a) Retain the footway at 1.2m by setting the steps back. This involves third party land and permission, and is therefore outside the control of the applicant.
- b) Have the 1.2m wide footway narrowed further at the steps to, say, 0.8m; and so retain the steps. This is not wide enough for a wheelchair user and further exacerbates concerns over the footway width and the potential need of pedestrians/wheelchair users to move into the carriageway.
- c) Retain the footway at 1.2m and retain the steps by narrowing the carriageway below 4.8m. This would add further compromise to the scheme in terms of the highway standards and cause conflict between opposing traffic movements.

Any further Safety Audit of these options is unlikely to conclude a 'safe' outcome.

'Problem 3.3' again draws attention to the "inadequate footway width" which could force pedestrians into the carriageway; a problem made worse by the presence of parked cars. Whilst there is a recommendation to widen the footway it has already been identified that this is not possible. Furthermore the Applicant Agent' response to this issue, dated 26 November 2018, suggests that 1.9m is required for two wheelchair users to pass one another. This calls into question not only the adequacy of the 1.2m wide footway but also the 1.8m wide footway that is more extensively proposed.

Conclusion

I remain unconvinced that adequate and safe access is being offered for the type and size of development being proposed and my comments of 6 November 2018 remain valid, including the recommendation to refuse the application on the following grounds:

☒ The vehicular and pedestrian traffic generated by the proposed development would be likely to result in an unacceptable increase in danger to the users of Old Main Road due to the increased use of the an access which is geometrically substandard for the type and size of development being proposed. The proposal is contrary to Spatial Policy 7 since it fails to provide safe, convenient and attractive accesses for all, including the elderly and disabled, and others with restricted mobility.

The proposal is contrary to Spatial Policy 7 since it would not support sustainable travel insofar as inadequate provision is made for pedestrian access, and; access to bus service provision is poor.

Comments received 03.01.19

Further to comments dated 7 December 2018, a telephone conference with the applicant's agents was held on 17 December 2018 and further representation was made by email on 20 December 2018 by the agent, including new suggestions to deal with the highway issues.

In response I would raise the following points (which are not necessarily exhaustive, but offered to aid the time line):

1. I do not accept the agent's comment that the degree of risk was agreed as being "finely balanced, rather than there being a significant safety issue". My understanding was that the agents saw the risk as "acceptable" whereas I took the opposite view. No joint view was agreed over whether or not the risk was low or not.
2. Clarity is required over who "they" refers to under 'Road Safety Audits' section when it states: "they are satisfied all safety concerns they raised have been addressed".
3. Via's Road Safety Auditor, Simon Taylor's suggestion of a give way/ priority arrangement was, I understand, an unpremeditated idea to be investigated. This does not mean that such an arrangement would be automatically endorsed by him, or by the Highway Authority.
4. Drawing 0397-05 of a proposed give way/priority arrangement was submitted. This should be the subject of a further safety audit. Network Rail may also have a view on this scheme, and it is recommended that the Planning Authority re-consult them since any risk here could have major implications on train safety.
5. The proposals to overcome the 'step' issue requires further investigation. However, whilst this may offer a solution to the step problem, it does not take away from the fact that the footway will be down to 1.0m-1.1m wide which is insufficient for an adult and child to walk along this stretch, let alone two adults to pass one another.
6. The email representation refers to "improvements providing a significant enhancement and benefit to the arrangement that currently exist". This must be measured against existing and proposed flows of vehicles and pedestrians. The same is true when the possibility of pedestrians stepping into the carriageway is mentioned. Whilst the submissions refer to traffic and pedestrian flows generated by the development, no counts of current use have been taken, as far as I am aware. In such a rural setting the pedestrian flows can heavily fluctuate depending on weather and seasons, bearing in mind also that the access south of the level crossing is a public bridleway. In conclusion then, insufficient information has been submitted to assess the degree of benefit the proposed improvements would bring over existing conditions (if indeed one exists that is not detrimental to highway safety). I should also point out that at the time of writing the submitted pedestrian flow generation figure has not been checked.

In conclusion, I currently remain unmoved from my stance of recommending refusal of the applications as stated in earlier comments.

Comments received 24.01.19

Further to comments dated 3 January 2019, a road safety audit has been carried out on the proposal to offer a 'priority traffic' system, and additional representation was received on 22 January 2019 including an updated safety audit and a technical note.

I have had limited time to assess this new information before issuing these comments in time for the Committee report to be prepared, so I wish to reserve the right to comment further prior to the meeting if necessary.

Drawing 0398-05 has been submitted as a possible solution to the 'narrow footway' issue discussed at length in earlier correspondence. This proposal would provide a 'give way/priority traffic' system with a narrowed carriageway and a wider footway. Despite suggesting that this be subjected to road safety audit in earlier comments, the applicant has not done this. However Via East Midlands have, at my request, carried out an audit and this is to be submitted to the Planning Authority. A response to the Audit is normally requested from the scheme designer.

The audit raises some issues but, most notably, concerns are raised about the potential for vehicles to become trapped on the railway level crossing and in collision with a train. In order to address this concern the auditors recommend that on-street parking be removed from the immediate approaches and exits of the level crossing, whilst also pointing out that any yellow box and/or parking restrictions are unlikely to be enforced. Consequently this raises a whole range of new questions:

To what extent should parking be restricted?

b) How many residents will be affected? What alternative parking arrangements do they have?

c) Where might displaced parking occur? Would that generate other issues to be addressed?

d) Would a Traffic Regulation Order be approved by this Authority given that it is open to a consultation and democratic process? Such restrictions could not be guaranteed at this stage.

e) What if such restrictions, if introduced, were ignored and predictably un-enforced?

Should this option be pursued it is recommended that Network Rail be re-consulted since any risk here could have major implications on train safety. However, as it stands, this proposal is neither sufficiently advanced to remove safety concerns nor can a satisfactory solution be assured, particularly since any required Traffic Regulation Order is outside the control of the applicant and Planning Authority; it is open to a separate consultation, democratic and legal process.

Drawing 0398-02-G remains the applicant's preferred road scheme option and provides further information on how it is proposed to overcome the issue of further narrowing of the proposed footway by the steps to the adjacent dwelling. The suggestion is that the last step two steps can be remodelled into one step. I consider that this is an unworkable solution, since it would provide a last step that would have a riser greater than the maximum set out in various Regulations and Guidance Notes, and a flight of steps with inconsistent height risers which is considered unsafe. See footnote for further information. If the step issue cannot be addressed satisfactorily, then the footway at this point would be as narrow as 0.75m – 0.85m. This is not wide enough for a wheelchair user and further exacerbates concerns over the footway width and the potential need of pedestrians/wheelchair users to move into the carriageway. Furthermore, it still fails to address the issue that, even if a 1.0m -1.1m footway could be achieved by addressing the step matter, this is not considered acceptable or safe.

The updated safety audit submitted by the applicant's agent, Go Surveys (January 2019), now provides a 'risk assessment' section and the conclusion reached by them is that all matters can be safely addressed. This fails to consider that at least one of the recommended mitigation measures cannot be implemented, as discussed in my comments dated 7th December 2018, and fails to assess any of the separate risks identified in the Via East Midlands safety audit dated November 2018.

... comments as reported

Footnote:

It is suggested to raise one of the top steps by 20mm. This would take a riser height to 180mm (Note: the submitted survey information which suggests the new riser height would be 170mm is disputed).

Building Regulations 2010 part M (2015 edition) states that steps should be uniform with a rise of between 150mm and 170mm.

Department of Transport's document 'Inclusive Mobility' states: "A riser height of 150mm can be managed by most people; a little more than this is possible if there are well designed handrails but 170mm should be regarded as the maximum in normal circumstances"

Highways England's DMRB BD29/17 document states that risers and treads of each step in a flight of stairs shall be uniform, and the riser shall be not more than 150mm.

It is considered that a rise of 180mm and the lack of uniformity in the riser heights is not compliant with the above and potentially a safety risk particularly since there is no handrail either.

Comments received 21.11.19

I refer to the revised plans and information submitted; in particular the Transport Note "Summary of Highways Position – October 2019" document.

This document identifies that the development proposal has been revised to reduce the number of residential units from the original proposal of 72 units to 65 units; a reduction of 10%. As a result, the traffic generated by the proposal will also reduce as shown in the Table below:

	Existing	Existing + Development (original 72 units submission)	Existing + Development (newly proposed 65 units submission)
Vehicles	94	410	379
Pedestrians	19	135	123

Notwithstanding the question over whether the original pedestrian count in January offers a typical value, it can be seen that the proposal would still add significantly to the flows on Old Main Road. Using the above figures, vehicle flows would more than quadruple, and pedestrian flow rise six-fold.

The new Transport Note then draws attention to a previously submitted Technical Note which compares the proposed road improvements with 3 other sites in the Country in an attempt to address Highway Authority concerns in respect of a narrow footway.

This offers no new information and was assessed and commented upon in this Authority's response dated 24 January 2019; reiterated here:

The newly submitted Technical Note 1 compares the proposed road scheme (Drawing 0398-02-G) with 3 other sites in the Country which also have a narrow footway. None of these offer a like-for-like comparison.

- *The 'Chew Valley Road' example has a 5.8m (approx.) carriageway.*
- *The 'Pepper Street' example is a one-way street with a 4.4m (approx.) carriageway and 3.4m (approx.) approach and exit; thus restraining speeds and avoiding vehicle conflicts.*
- *The 'Oughtrington Lane' example is signalised and so operates as 'one-way', with no vehicle conflicts. This also appears to have a 5.3 metre (approx.) carriageway where traffic is two-way. The humped back bridge scenario is historical and clearly not one that should be held up as an example to follow.*

None of these reflect the road scheme dimensions or scenario being proposed. Notwithstanding this, no details are provided of any accident records or speed readings, nor any information about whether or not these sites have been considered in association with significant planning applications. There may be lots of examples of poor standard footways historically inherited by the Highway Authority, but this does not mean that such poor standards should be concluded as acceptable or safe for future residential development.

In all other aspects, the concerns and comments raised in this Authority's response of 24 January 2019 have not been addressed, and it is not considered that the small 10% reduction in the

number of units (and associated traffic flows) is sufficient to overcome previously objections. Therefore, in conclusion, the details and proposed mitigation measures that have been submitted fail to overcome safety concerns. I currently remain unmoved from my stance of recommending refusal of the applications as stated in earlier comments.

- The vehicular and pedestrian traffic generated by the proposed development would be likely to result in an unacceptable increase in danger to the users of Old Main Road due to the increased use of an access which is geometrically substandard for the type and size of development being proposed. The proposal is contrary to Spatial Policy 7 since it fails to provide safe, convenient and attractive accesses for all, including the elderly and disabled, and others with restricted mobility.
- The proposal is contrary to Spatial Policy 7 since it would not support sustainable travel insofar as inadequate provision is made for pedestrian access, and; access to bus service provision is poor.

Comments received 22.09.20

Application 15/00784/FULM

Notwithstanding previously expressed highway safety concerns and objections, here are some suggested conditions should the application be approved:

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

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

No development shall commence on any part of the application site unless or until improvements to Old Main Road, including road widening and footway provision has been provided as shown for indicative purposes only on drawing 0398-02-F to the satisfaction of the Highway Authority & Local Planning Authority.

Reason: In the interests of highway safety.

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

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

No part of the development hereby permitted shall take place until details of any new road and any improvement to existing privately owned/maintained highways have been submitted to and approved in writing by the Local Planning Authority including long- and cross-sections, street

lighting, drainage and outfall proposals, construction specification, provision of and diversion of utilities services, and any proposed structural works. The development shall be implemented in accordance with these details to the satisfaction of the Local Planning Authority.

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

No development shall commence until off-site traffic management works comprising of waiting restrictions & yellow box markings are provided in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.

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 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 david.albans@nottscc.gov.uk for details.

The proposed access & off-site highway works require a Traffic Regulation Order before the development commences to provide safe access/off-site mitigating works. 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 mike.barnett@viaem.co.uk for this to be arranged.

Application 17/02325/FULM

Notwithstanding previously expressed highway safety concerns and objections, here are some suggested conditions, should the application be approved:

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

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

No development shall commence on any part of the application site unless or until improvements to Old Main Road, including road widening and footway provision has been provided as shown for indicative purposes only on drawing 0398-02-F to the satisfaction of the Highway Authority & Local Planning Authority.

Reason: In the interests of highway safety.

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

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

No part of the development hereby permitted shall take place until details of any new road and any improvement to existing privately owned/maintained highways have been submitted to and approved in writing by the Local Planning Authority including long- and cross-sections, street lighting, drainage and outfall proposals, construction specification, provision of and diversion of utilities services, and any proposed structural works. The development shall be implemented in accordance with these details to the satisfaction of the Local Planning Authority.

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

No development shall commence until off-site traffic management works comprising of waiting restrictions & yellow box markings are provided in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.

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 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 david.albans@nottscc.gov.uk for details.

Nottinghamshire County Council Lead Local Flood Authority

Comments received 17.07.15

- 1 The following comments are based on the source-path-receptor methodology to manage the flood risk from the proposed development to 3rd party properties both adjacent and at distance from the proposed sites. The risk to new properties within the proposed development are also considered.
- 2 The Flood & Water Management Act 2010 recognises the need for engineered management of the flooding risks from surface water and much work has been done by DEFRA, Lead Local Flood Authorities, the Environment Agency and many other organisations to consider the appropriate approaches to reducing the flooding risk to existing properties from existing pluvial & fluvial sources. In addition to this, the mitigation of any increase in flood risk arising from new development or redevelopment has been recognised as a priority for Local Planning Authorities and Lead Local Flood Authorities.

- 3 The site is shown within an area indicated on contemporary records as susceptible to fluvial flooding with an annual probability of occurring between 0.1 & 1% however it is not shown on the Environment Agency 'flood map for planning' as within FZ3 (with an annual probability of flooding occurring greater than 1%).
- 4 The site floor slab levels are proposed as 19.10m or higher to give 250mm freeboard above the 100yr + climate change flood modelled flood level. This is a reasonable approach to take and represents around 500mm above the nearest 100 year flood levels within the most upto date model.
- 5 The site is not shown within an area indicated on contemporary records as susceptible to pluvial (surface water) flooding. We would nevertheless advise that the site levels design enables water to flow away from the proposed dwellings to reduce any residual flooding risk.
- 6 The site investigation trial pit logs note sands and gravels with a water table approximately 2.4m below ground level. In this regard infiltration drainage may be a feasible option and should be investigated further. In this case, care would need to be taken to design soakaways to avoid saturation of ground near foundations and also to ensure that infiltration testing and soakaway design are in accordance with contemporary standards. The use of permeable paving may prove suitable for the site and reduce the amount of surface water attenuation storage required.
- 7 The site drainage strategy proposes disposal to watercourses however this should be regarded as a second choice if infiltration drainage is feasible on the site. Additionally, the local surface water drains may become full at certain times and this may compromise the efficiency of a drainage system designed to discharge into the nearby ditches.
- 8 If infiltration drainage is not feasible, the site would need to attenuate water to the greenfield run-off rate indicated in the Flood Risk Assessment.
- 9 Calculations need to be provided to demonstrate that the system will accommodate all events upto a 100yr + 30% climate change severity with all attenuated water remaining within the site boundary. The drainage design should be submitted to the LLFA and include a fully referenced network plan and also a summary of the drainage simulations for the 100yr +30% climate change event with rainfall event durations ranging from 15 minutes to 24 hours. Where the model shows that flooding may occur at particular nodes, the drainage design should be accompanied by a levels plan to demonstrate how the flood volume would be accommodated.
- 10 A flood routing plan should be provided to show exceedance routes for the surface water drainage system. The flood routing plan should be based upon a detailed levels design for the site and clearly show the levels on the site and finished contours. It is important that all flood routing is directed within the site and towards the attenuation system rather than across the site boundaries at various points.
- 11 The information provided at the present time from the various documents and investigations indicates that the designers are aware of the need to manage the rainfall run-off although further detail would be required to justify the approach taken and demonstrate that the site meets the required standards for flood risk mitigation and surface water management. Nevertheless the strategy is broadly acceptable to Nottinghamshire County Council as a basis for surface water management on the proposed development. This statement is however qualified by the need for detailed design documentation to be provided (possibly at a later date) to justify the assumptions and statements made in the strategy documents submitted as part of this application.

- 12 Information that should be included with a detailed drainage design submission:
 - 12.1 Drainage layout plan with model references as appropriate.
 - 12.2 All infiltration areas with supporting specification, calculations and construction details.
 - 12.3 Attenuation pond/tank details including volumetric calculations, geotechnical & slope-stability calculations as appropriate, specification of materials used to construct any berms.
 - 12.4 Full specification & general arrangement drawings for inlet/outlet structures and flow control structures. The details should also include the access arrangements for clearing and maintenance including in times of flood/failure of the infrastructure.
 - 12.5 Full documentary evidence for consideration by the LPA/LLFA legal advisors of the rights to discharge to any watercourse.
 - 12.6 All calculations should be provided using contemporary drainage software (Windes or similar). If possible electronic files should be provided to support paper and pdf outputs. Information can be provided in common software packages and formats including PDS, Windes, xyz, genio, word/excel/autocad etc. All documents should be referenced with a unique identifier – drawing number, document number/revision etc. Calculations and drawings should be cross-referenced and issue sheets provided to enable tracking of revisions to information.

Comments received 17.01.18

No objections to the proposals.

Comments received 18.11.19

In respect to 15/00784/FULM - Due to insufficient surface water drainage information being submitted, we object to this application and recommend refusal of planning permission until the information outlined below has been submitted and approved.

Reason

Given the proposed scale of the development to satisfy the National Planning Policy Framework (NPPF) details should be provided to assess the application in accordance with the NPPF. Paragraph 165 of the NPPF states that all major applications should incorporate sustainable drainage systems which have appropriate operational standards; maintenance arrangements in place to ensure operation for the lifetime of the development and where possible, provide multifunctional benefits.

Detailed surface water management information is required if the local planning authority is to make an informed planning decision. The documents submitted do not provide enough detail on how the our requirements are met and appear in their basic form to conflict with the discharge hierarchy for surface water.

In order for us to reconsider the proposals the applicant should submit a detailed surface water drainage strategy for consideration.

Overcoming our objection

You can overcome our objection by submitting the information outlined below which demonstrates that the development will not increase risk elsewhere and where possible reduces flood risk overall. If this cannot be achieved, we will consider whether there is a need to maintain our objection to the application.

Further to the submitted details any further details should be in accordance with CIRIA C753 and current best practice guidance. We look to see the following information included in any resubmission:

- An assessment of the nature of SUDS proposed to be used.
- Details of a proven outfall from site in accordance with the drainage hierarchy the follows options should be considered, in order of preference; infiltration, discharge to watercourse, discharge to surface water sewer or discharge to combined sewer.
- Justification for the use or not of infiltration, including the results of soakaway testing, in accordance with BRE 365.
- Evidence the maximum discharge is set to the QBar Greenfield run-off rate for the positively drained area of development.
- Demonstrate the site drainage system should cater for all rainfall events up to and including the 1 in 100-year event including a 40% allowance for climate change.
- Provide details for exceedance flows; surface water should be contained within the site boundary without flooding any properties in a 1 in 100year+CC storm.
- Details of approval from any water authority that may be required to accept surface water discharge.
- Show that SuDS systems will be incorporated into the surface water management scheme for the site, preference should be given to above ground SuDS which provide multi-functional benefits.
- Details of who will manage and maintain all drainage features for the lifetime of the development will be required prior to construction.

We ask to be re-consulted with the results of any further information. We will provide you with bespoke comments within 21 days of receiving formal re-consultation. Our objection will be maintained until adequate details has been submitted.

Informative

1. SuDS involve a range of techniques and SuDS methods can be implements on all sites. SuDS are a requirement for all major development as set out within paragraph 165 and 163 of the NPPF.
2. The LLFA does not consider oversized pipes or box culverts as sustainable drainage. Should infiltration not be feasible at the site, alternative sustainable drainage should be used, with a preference for above ground solutions.
3. Surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management. Sustainable Drainage Systems (SuDS) are an approach to managing surface water run-off which seeks to mimic natural drainage systems and retain water on-site as opposed to traditional drainage approaches which involve piping water off-site as quickly as possible.

Nottinghamshire Count Council Lead Local Flood Authority -18.11.19 object in respect to 15/00784/FULM– detailed surface water management is required.

Comments received 22.11.19

In respect to 17/02325/FULM

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

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

However as a general guide the following points are recommended for all developments:

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

Comments received 07.01.20

Reference Application 15/00784/FULM

Happy to rely on condition with submission of further details (as per previous comments).

Nottinghamshire County Council Minerals

Comments are included within the Nottinghamshire County Council Policy comments

Nottinghamshire County Council Rights of Way

Comments received 25.1.18

I have checked the Definitive Map for the Bulcote area and can confirm that Bulcote Bridleway No 1 runs through the development site. I attach a plan showing the definitive route of the bridleway. This route forms one entrance to a large bridleway network including definitive and permissive routes between Burton Joyce, Bulcote, Gunthorpe and Hoveringham

Bulcote Bridleway No 1 is also the vehicular route for the existing farm and the proposed new development. While this is currently used predominately by farm traffic, a development of this size and the extra traffic that it will generate (shown in Technical Note 1 as a 4 fold increase in cars) will compromise the safety of the users of the public bridleway (public on foot, cycle and horseback). The additional traffic will cause significant damage to the surface of the bridleway.

There has been no acknowledgement of the bridleway and the implications for the safe use by equestrians if the development is granted permission.

Therefore we object to the development on the basis of the reduced public safety due to vastly increased vehicular traffic in the same space with no offer of a suitable solution, and increased damage to the surface of the bridleway which would be the responsibility of the vehicle users/developer/landowner.

While the damage issue could be resolved by constructing the road to adoptable standards, it would need to be taken on by the Highways Authority and maintained as part of the adopted road network. The issue of ensuring the safety for the public on horseback has not been addressed.

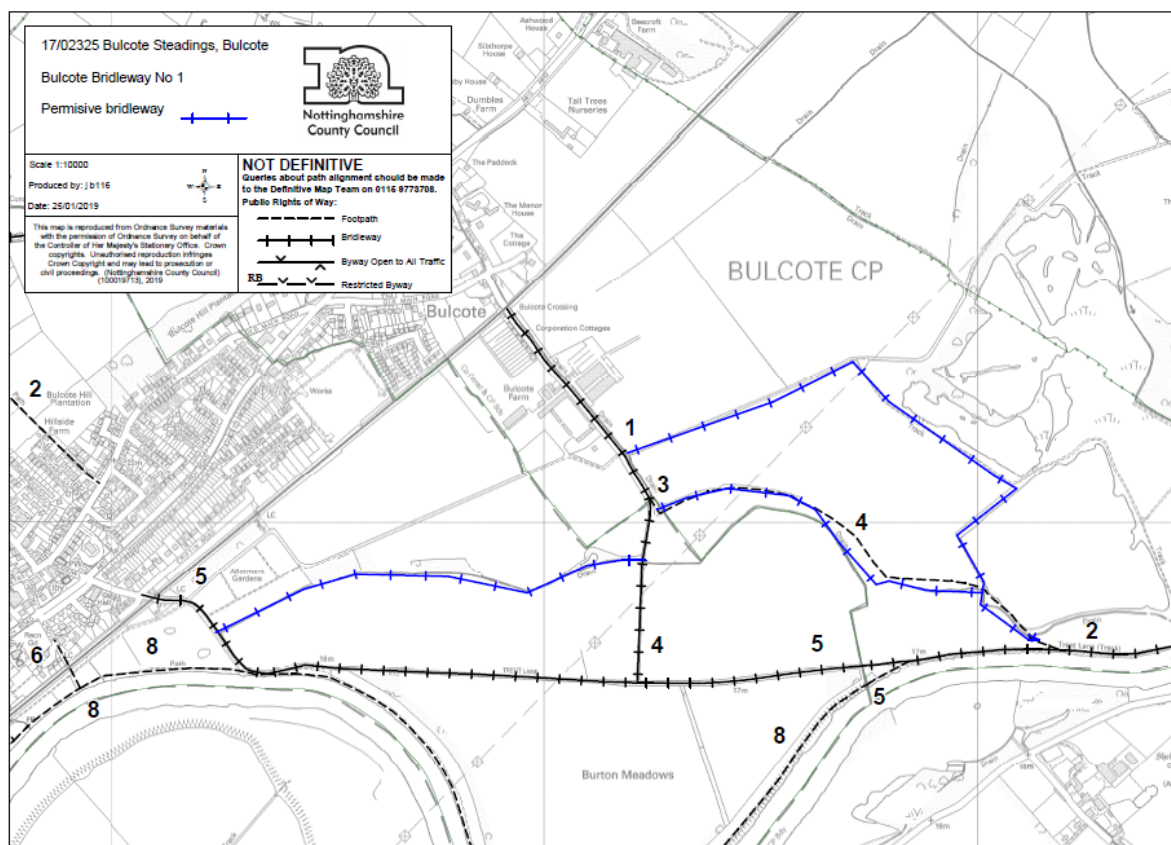
These comments have been provided by Via East Midlands Limited on behalf of Nottinghamshire County Council, in its capacity as Highway Authority, through Via's continuing role of providing operational services on behalf of the County Council

Comments Received 18.11.19

Please also see the attached extract of the working copy of the Definitive Map for the area which shows the location of Bulcote Bridleway No. 1. This public bridleway will be directly affected by the development as the access road for the development will be along the route of the public bridleway. We understand that it is intended that the route of the bridleway to the development will become an 'adopted' road thereby resulting in the loss of this stretch of bridleway.

The additional traffic generated by the development will mean that a quiet un-made lane on which the public bridleway runs and links with a wider well used bridleway network, will become a busy tarmac'd road with no consideration given to bridleway users (particularly equestrian users). The Rights of Way team would like to request that the applicant make sure that equestrian users are accommodated safely by providing another separate location for equestrian user away from the traffic.

The Rights of Way team object to the development on the basis of the reduced public safety for bridleway users particularly for equestrians and cyclists due to vastly increased vehicular traffic in the same space with no offer of a suitable solution to provide alternative safe access.



Nottinghamshire County Council Strategic Policy

Comments received 17.06.15

Introduction

Nottinghamshire County Council (NCC) has been asked for strategic planning observations on the above planning application and this letter compiles responses from Departments involved in providing comments and observations on such matters. The following comments were agreed with the Chairman of Environment and Sustainability Committee.

The planning application is accompanied by an Environmental Statement, Design and Access Statement and a range of other supporting documents. This response is based on the information submitted with the application in the context of national, regional and local policy.

Description of Development

The development will create 64 dwellings, which will comprise the following mix, in terms of conversion, new build and unit sizes. The development will also contain:

- o A 95sqm new community building, located in the Old Dairy;
- o 1,168sqm of accessible shared amenity space within the Courtyard.
- o 145 parking spaces; and
- o 25 cycle parking spaces throughout the development.

National Planning Context

One of the core principles of the National Planning Policy Framework (NPPF) is to support and deliver economic growth to ensure that the housing, business and other development needs of an area are met. The NPPF looks to boost significantly the supply of housing. The principles and policies contained in the NPPF also recognise the value of and the need to protect and enhance the natural, built and historic environment, biodiversity and also include the need to adapt to climate change.

A key aspect of the NPPF is that it includes a presumption in favour of sustainable development which means that, for decision-taking, local planning authorities should approve development proposals that accord with the development plan without delay or where a development plan is absent, silent or out of date, grant permission unless any adverse impacts of the proposal outweigh the benefits, or specific policies in the NPPF indicate that development should be restricted.

The NPPF also discusses the weight that can be given in planning determinations to policies emerging as the local authority's development plan is being brought forward. The weight given to these policies will be very dependent on; their stage of preparation, the extent to which there are unresolved objections and the degree of consistency with the NPPF.

The Government is committed to securing economic growth, with the planning system encouraging sustainable growth, as set out in paragraphs 18 and 19 of the NPPF.

Paragraphs 29-41 of the NPPF address 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.

County Planning Context

In relation to the Minerals Local Plan, the proposed site is not in close proximity to any existing or proposed mineral extraction allocation sites (although a potential allocation, Shelford West, is south of the site, on the opposite side of the River Trent). However, the site lies within a Mineral Safeguarding and Consultation Zone for sand and gravel. In line with the National Planning Policy Framework (paragraph 143) the Minerals Local Plan Preferred Approach (2013) sets out a policy (DM13) concerning these zones. As the re-use of an existing building and farm site the provisions

of this policy are not relevant in this instance and so there is no mineral safeguarding objection to raise.

In terms of the Waste Core Strategy, there are no existing waste management sites within close proximity of the site and so the proposal does not raise any issues in terms of safeguarding our existing waste management facilities (as per Policy WCS10 of the Waste Core Strategy). As a new housing and community use development we would be keen to see the best practice of waste management for the development. As set out in Policy WCS2 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.'

Public Health

The Nottinghamshire Joint Strategic Needs Assessment (JSNA) provides a picture of the current and future health needs of the local population.

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.

Strategic Planning Issues

Strategic Highways

The County Council does not have any strategic highways objections to the proposed development.

Ecology

The application is supported by an Ecological Appraisal (dated April 2015) and Bat Mitigation Strategy (dated April 2015). The proposals will not affect any designated sites or areas of notable habitats, and with the exception of bats (see below), no significant impacts on protected or otherwise notable species appear likely, subject to the follow mitigation/enhancement measures being secured through a condition (s):

1. A pre-commencement inspection of working areas for badgers (as per paragraph 6.5 of the Ecological Appraisal)
2. Standard controls relating to nesting birds during the period March to August inclusive, relating to both vegetation and buildings (as per para. 6.8 of the Ecological Appraisal)
3. The submission of a detailed Landscaping Scheme (as per para. 6.11 of the Ecological Appraisal)
4. The installation of bird boxes (targeting house sparrow, starling and swift) within the fabric of the new/renovated buildings (as per para. 6.13 of the Ecological Appraisal)

With regards to bats, surveys have confirmed the presence of three transient summer roosts (used by common and soprano pipistrelles) in the buildings identified as B6a, B10 and B12 in the Ecological Appraisal/Bat Mitigation Strategy. A number of mitigation measures are outlined in section 4 of the Bat Mitigation Strategy, which appear to be appropriate.

All species of bats are European Protected Species, by virtue of the Conservation of Habitats and Species Regulations 2010 (the 'Habitats Regulations'), which implement Council Directive 92/43/EEC on the Conservation of natural habitats and of wild fauna and flora (the 'Habitats Directive'). Under regulation 53 of the Habitats Regulations, activities which would otherwise contravene the strict protection regime offered to European Protected Species under regulation 41 (which includes the destruction of roost sites) can only be permitted where it has been shown

that certain tests have been met. Within the context of a planning application, these are that;

- the activity is for the purpose of preserving public health or safety or for other imperative reasons of overriding public interest (“IROPI”);
- there is no satisfactory alternative
- the favourable conservation status of the species in question is to be maintained

Furthermore, under regulation 9(5) of the Habitats Regulations, local planning authorities, in the exercise of their functions, have a statutory duty to have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions. What this means is that consideration must be given (during the determination process) to whether or not the three tests outlined above have been met. In this case, the tests outlined above are addressed in sections 6.76.9 of the Bat Mitigation Strategy, and it is concluded that the favourable conservation status of the species concerned will be maintained.

In any event, a licence will be required by the applicant to carry out works affecting roosting bats, as per the regulations outlined above. It is indicated that further bat survey work will be carried out in 2015. As the results of these surveys are obviously not yet available, but may potentially result in the need to amend the mitigation measures proposed, it is requested that a condition is used to require compliance with the Bat Mitigation Strategy, unless otherwise amended or superseded by the requirements of a Natural England Protected Species Licence.

Landscape and Visual Impact

The applicant has not provided a landscape appraisal; the site lies within TW06 Bulcote Village Farmlands, and alongside the western edge of TW51 Stoke Lock River Meadowlands, both of which have ‘Conserve and Create’ as overall policy.

However, the development will remove modern agricultural buildings and although more building is proposed, the new buildings are of vernacular design, and the development reinforces the traditional character of the retained buildings. The development is also contained within existing field boundaries and will form a tighter cluster of structures than the current farm buildings.

TW51 Landscape Features

- . **Conserve** the traditional pastoral character and undeveloped flood plain adjacent to the River Trent.
- . **Enhance** the ecological diversity of the river meadowlands and seek opportunities to recreate wet grassland.
- . **Reinforce** and strengthen the continuity and ecological diversity of stream and water courses.
- . **Conserve** and enhance the pattern and special features of meadowland hedges.
- . Seek opportunities to convert arable land to permanent pasture.
- . Enhance visual unity through appropriate small-scale tree and woodland planting.

Built Features

- . **Conserve** the existing field pattern by locating new small scale development within the existing field boundaries.
- . Promote sensitive design and siting of new agricultural buildings.
- . Promote measures for reinforcing the traditional character of farm buildings using vernacular styles.

TW6 Landscape Features

- **Conserve** existing meadowland hedgerows and seek opportunities to restore the historic field pattern with new hedgerow planting.
- Seek opportunities to restore arable land to permanent pasture.
- Strengthen the continuity and ecological diversity of stream corridors.

Built Features

- **Conserve** the historic character and setting of village settlement of Bulcote – new development should respect the scale, design and materials used traditionally.
- **Conserve** historic field pattern by containing new development within historic boundaries.
- **Create** small scale woodlands and carry out appropriate tree planting to reduce the visual impact of large scale agricultural sheds and commercial development along the A612.
- Promote sensitive design and siting of new agricultural buildings.
- Promote measures for reinforcing the traditional character of farm buildings using vernacular styles.

Development Contributions

Libraries

There is currently a proposal for a new development on Bulcote Farm. This would comprise 64 new dwellings. At an average of 2.4 persons per dwelling this would add 154 to the existing libraries' catchment area population. The nearest existing library to the proposed development is Burton Joyce Library.

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

The County Council would not seek any costs towards increasing the size of the library to accommodate this population but for this development a contribution will be sought just for library stock. An increase in population of 154 would put pressure on the stock at this library and a developer contribution of £2949 would be expected to help address this situation.

The County Council would seek a developer contribution for the additional library stock that would be required to meet the needs of the 154 population that would be occupying the new dwellings. This is costed at 230 (population) x 1,532 (items) x £12.50 (cost per item) = £2949.

Education

With regard to the above application the County Council can confirm that the proposed development of 64 units would yield an additional 13 primary and 10 secondary places.

Based on current projections, the primary and secondary schools are at capacity and cannot accommodate the addition 10 primary places and 8 secondary places arising from the proposed development on land at Bulcote Farm, Old Main Road, Bulcote.

The County Council would therefore wish to seek an Education contribution of **£321,515** (£148,915 (13 x £11,455) to provide primary provision and £172,600 (10 x £17,260) to provide secondary provision) to accommodate the additional pupils projected to arise from the proposed development.

Conclusions

The County Council do not have any strategic highways objections to the proposed development.

The County Council do not have any objections to the proposed development from a Minerals and

Waste perspective.

In terms of Ecology, the County Council suggest a number of mitigation measures and conditions, as set out in detail above.

In relation to Landscape and Visual Impact the applicant has not provided a landscape appraisal, this should be provided. However, the development will remove modern agricultural buildings and although more building is proposed, the new buildings are of vernacular design, and the development reinforces the traditional character of the retained buildings. The development is also contained within existing field boundaries and will form a tighter cluster of structures than the current farm buildings.

The County Council would seek a developer contribution for the additional library stock that would be required to meet the needs of the 154 population that would be occupying the new dwellings. This is costed at 230 (population) x 1,532 (items) x £12.50 (cost per item) = £2949.

The County Council would therefore wish to seek an Education contribution of £321,515 (£148,915 (13 x £11,455) to provide primary provision and £172,600 (10 x £17,260) to provide secondary provision) to accommodate the additional pupils projected to arise from the proposed development.

Comments Received 27.09.18

Ref: 17/02325/FULM, Development comprising 16 residential units (Use Class C3) associated with Planning Application 15/00784/FULM and Listed Building Consent 15/00785/LBC for the Conversion of Grade II Listed Farm Complex "Bulcote Steading" and associated enabling residential development, with associated infrastructure, parking and landscaping.

Ref: 15/00784/FULM, Full Planning Application and Listed Building Consent for a development comprising 64 residential units (Use Class C3) and community building (Use Class D1) through the conversion of a Grade II Listed Farm Complex "Bulcote Steading" and associated enabling residential development, with associated parking and landscaping. To be read in conjunction with application ref: 17/02325/FULM.

Location: Bulcote Farm, Old Main Road, Bulcote

Thank you for your letters received by the County Council on 9th August 2018 requesting strategic planning observations on the above applications. The County Council would draw attention to previous comments made in reference to application 15/00784/FUL in a letter dated 17th June 2015 to Newark and Sherwood District Council. I have consulted with councilors and colleagues across relevant divisions of the County Council and have the following comments to make.

National Planning Context

In terms of the County Council's responsibilities the following elements of national planning policy and guidance are of particular relevance.

Waste

The National Planning Policy for Waste (NPPW) sets out the Government's ambition to work towards more sustainable and efficient resource management in line with the waste hierarchy. Positive planning is seen as key to delivering these waste ambitions through supporting sustainable development. This includes ensuring that waste management is considered alongside other spatial planning concerns and helping to secure the re-use and recovery of waste wherever possible.

Paragraph 8 of the NPPW states that:

'When determining planning applications, all planning authorities should ensure that:

- the likely impact of proposed non-waste related development on existing waste management facilities, and on sites and areas allocated for waste management, is acceptable and does not prejudice the implementation of the waste hierarchy and/or the efficient operation of such facilities;
- new, non-waste development makes sufficient provision for waste management and promotes good design to secure the integration of waste management facilities with the rest of the development, and, in less developed areas, with the local landscape. This includes providing adequate waste storage facilities at residential premises, for example by ensuring that there is sufficient and discrete provision for bins, to facilitate a high quality, comprehensive and frequent household collection service;
- the handling of waste arising from the construction and operation of development maximises reuse/recovery opportunities and minimises off-site disposal.'

In Nottinghamshire, relevant policies are set out in the Nottinghamshire and Nottingham Replacement Waste Local Plan: Part 1 – Waste Core Strategy (December 2013).

Minerals

Section 17 of the National Planning Policy Framework (NPPF) covers the sustainable use of minerals. Paragraph 203 points out that 'It is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs.'

Paragraph 204 states that planning policies should:

- 'safeguard mineral resources by defining Mineral Safeguarding Areas; and adopt appropriate policies so that known locations of specific minerals resources of local and national importance are not sterilised by non-mineral development where this should be avoided (whilst not creating a presumption that the resources defined will be worked);
- set out policies to encourage the prior extraction of minerals, where practical and environmentally feasible, if it is necessary for non-mineral development to take place'.

In Nottinghamshire, minerals safeguarding and consultation areas are defined in the emerging Nottinghamshire Minerals Local Plan (Draft Plan Consultation 2018) and supported by Policy SP8, which also covers prior extraction.

In terms of the role of local planning authorities in planning for minerals, paragraph 206 of the NPPF states that: 'Local planning authorities should not normally permit other development proposals in Mineral Safeguarding Areas where if it might constrain potential future use for mineral working'.

The national Planning Practice Guidance provides further information on the role of district councils in this regard, stating that 'they have an important role in safeguarding minerals in 3 ways:

- having regard to the local minerals plan when identifying suitable areas for non-mineral development in their local plans. District Councils should show Mineral Safeguarding Areas on their policy maps;
- in those areas where a mineral planning authority has defined a Minerals Consultation Area, consulting the mineral planning authority and taking account of the local minerals plan before determining a planning application on any proposal for non-minerals development within it; and
- when determining planning applications, doing so in accordance with development policy on minerals safeguarding, and taking account of the views of the mineral planning authority on

the risk of preventing minerals extraction.'

Transport

Section 9 of the NPPF addresses the issue of sustainable transport. The NPPF, in paragraph 111, requires all developments which will generate significant amounts of movement to provide a travel plan and the application for such a development to be 'supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed'. It also states, in paragraph 108, that it should be ensured that 'appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of location and its location' and 'any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree'.

Education Provision

Paragraph 94 of the NPPF states that:

'It is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:

- a) give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications; and
- b) work with schools promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted.'

Healthy Communities

Paragraph 91 of the NPPF points out that 'Planning policies and decisions should aim to achieve healthy, inclusive and safe places which enable and support healthy lifestyles, especially where this would address identified local health and well-being needs...'

With regard to public rights of way, paragraph 98 states that they should be protected and enhanced, 'including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks..'

County Planning Context

Transport and Flood Risk Management

The County Council as Highway Authority and Local Lead Flood Authority is a statutory consultee to Local Planning Authorities and therefore makes separate responses on the relevant highway and flood risk technical aspects for planning applications. In dealing with planning applications the Highway Authority and Local Lead Flood Authority will evaluate the applicants proposals specifically related to highway and flood risk matters only. As a consequence developers may in cases where their initial proposal raise concern or are unacceptable amend their initial plans to incorporate revisions to the highway and flood risk measures that they propose. The process behind this can be lengthy and therefore any initial comments on these matters may eventually be different to those finally made to the Local Planning Authority. In view of this and to avoid misleading information comments on planning applications made by the Highway Authority and Local Lead Flood Authority will not be incorporated into this letter. However should further information on the highway and flood risk elements be required contact should be made directly with the Highway Development Control Team and the Flood Risk Management Team to discuss this matter further with the relevant officers dealing with the application.

Strategic Highways

Although a development of this size is not likely to have a significant impact on traffic volumes on the strategic highway network in isolation, when considered in combination with other proposed development in both Newark and Sherwood and Gedling district the impacts are likely to be severe, especially on the A612 / A6097 and A6211. In which case NSDC operate a CIL policy which requires financial contributions from qualifying development towards highway infrastructure improvement schemes. It is assumed that this development, if approved by the LPA, would be subject to a CIL contribution towards strategic highway infrastructure improvements which include the upgrade of the A612 /A6097 Lowdham roundabout.

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

In relation to the Minerals Local Plan, the site is within a sand and gravel Minerals Safeguarding and Consultation Area. Regarding Minerals Safeguarding areas, Policy SP8 in the emerging draft Minerals Local Plan states the following:

‘Development within minerals safeguarding areas will have to demonstrate that mineral resources of economic importance will not be needlessly sterilised as a result of the development and that the development would not pose a serious hindrance to future extraction in the vicinity.

To the south and east this application site is in close proximity to areas allocated under Policy M6.6 (Gunthorpe) of the adopted Minerals Local Plan (2005). However in the period since this area has been allocated no permission has been granted for this area to be worked and the site has not been put forward as a potential site allocation as part of the Draft Minerals Local Plan.

Under these circumstances and in light of previous County Council comments stating that this site is of no concern regarding minerals sterilisation, it is deemed unlikely that this proposed development would pose a sterilisation risk, as there has been no indication that the site is due to come forward as an area of extraction in the foreseeable future. Therefore the County Council does not wish to raise any objections to the proposal from a minerals perspective.

Waste

In terms of the Waste Core Strategy, there are no existing waste sites within the vicinity of the site whereby the proposed development could cause an issue in terms of safeguarding existing waste management facilities (as per Policy WCS10). As set out in Policy WCS2 ‘Waste awareness, prevention and re-use’ of the Waste Core Strategy, any development on the site 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, proposals likely to generate significant volumes of waste would benefit from being supported by a waste audit. Specific guidance on what should be covered within a waste audit is provided within paragraph 049 of the Planning Practice Guidance.

Ecology

The County Council does not have any further comments in respect of ecology.

Developer Contributions

Should the application proceed, the County Council will seek developer contributions in relation to its responsibilities in line with the Council's adopted Planning Obligations Strategy and the Developer Contributions Team will work with the applicant and the Local Planning Authority to ensure all requirements are met. Please contact Andrew Norton, Developer Contributions Practitioner in the first instance (andrew.norton@nottsc.gov.uk or 0115 9939309) with any queries regarding developer contributions.

Education

The proposed developments of 80 dwellings would yield an additional 17 primary and 13 secondary places.

We would therefore wish to seek an education contribution of £232,152 (17 x £13,656) to provide primary and £230,789 (13 x £17,753) to provide secondary provision to accommodate the additional pupils projected to arise from the proposed development.

Please note the cost per place may change if a number of developments come forward in an area which will require master planning and will result in an extension to an existing school or a complete new school build with land. This will be based on build cost, which would be subject to final confirmation.

Further information can be found in an education statement attached to this response in Appendix 1.

It is anticipated that details of any developer contributions sought by the County Council will be provided as soon as possible. Any developer contributions sought will be necessary in order for the proposed development to be considered acceptable and as such the County Council will wish to raise objections to this application unless these contributions will be secured.

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

Conclusion

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

Comments Received 22.11.19

I have consulted with the relevant colleagues and have the below comments to make in addition to those comments already provided by the County Council on this application.

Strategic Highways

Although a development of this size is not likely to have a significant impact on traffic volumes on the strategic highway network in isolation, when considered in combination with other proposed development in both Newark and Sherwood and Gedling districts the impacts are likely to be severe, especially on the A612 / A6097 junction and the A6211 through Gedling village. In order to address highway infrastructure requirements NSDC operate a Community Infrastructure Levy (CIL) policy which requires financial contributions from qualifying development towards highway infrastructure improvement schemes. It is assumed that this development, if approved by the

Local Planning Authority, would be subject to a CIL contribution towards strategic highway infrastructure improvements which include the upgrade of the A612 /A6097 Lowdham roundabout.

Minerals and Waste

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

Minerals

In relation to the Minerals Local Plan, the proposed development site lies within the MSA/MCA for sand and gravel. As per National Planning Policy (para. 204), the Publication Version of the emerging Minerals Local Plan contains a policy (SP7) concerning the safeguarding and consultation areas. Although the plan is not yet adopted, its provisions should be given some weight as a material consideration. Policy SP7 requires developments within the minerals safeguarding area to demonstrate it will not needlessly sterilise minerals and where this cannot be demonstrated, and there is a clear need for non-mineral development, prior extraction will be sought where practical. In some cases, large scale prior extraction might not be practical, however consideration should also be given to the potential use of minerals extracted as a result of on-site ground works rather than simply treating them as a waste material. In terms of this proposal, it is recognised that the development is on previously developed land (agricultural buildings) and so it is likely that any mineral may already be sterilised and therefore prior extraction may not be possible.

Also, to the South and east of the proposed development is an area allocated for sand and gravel workings under policy M6.6 (Gunthorpe) in the adopted Minerals Local Plan (2005). However, within the period since this area was allocated, no permission has been granted for this area to be worked and the site has not been put forward as a potential allocation as part of the new Minerals Local Plan.

Considering these circumstances and in light of previous County Council comments stating that this site is of no concern regarding minerals sterilisation, it is deemed unlikely that this proposed development would pose a sterilisation risk, as there has been no indication that the site is due to come forward as an area of extraction in the foreseeable future. Therefore, the County Council does not wish to raise any objections to the proposal from a minerals perspective.

Waste

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

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

Archaeology

The site has been in agricultural use, as pasture or orchard, for at least a couple of hundred years until very recently. The land has therefore missed the development seen in so much of the neighbouring area. Any archaeological remains on the site are therefore unlikely to be significantly disturbed or damaged. There is undoubtedly archaeological potential here. There is the possibility that the Line of Circumvallation runs through the site. While this is marked on the Historic Environment Record as further to the South, in reality the exact location is not known, although recent development round Newark South have failed to locate it, so the recorded line has to be wrong. In addition, there is good potential here for Romano-British settlement activity, which Newark South, again, has shown to be spread across level gravel areas.

It is therefore recommended that the applicants be asked to provide information on the archaeological potential of their proposed development; this might most helpfully take the form of a geophysical survey. If this identifies archaeological features, it may be necessary to undertake a pre-determination field evaluation, as per the NPPF.

This work, in turn, may well demonstrate the need for further works, which may feasibly be implemented under an appropriate planning condition.

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 one and summarised below.

Transport and Travel Services

The County Council will request that a Planning Obligation be added to state the below:

A Bus Stop Infrastructure contribution of £17,000 is paid to provide improvements to the two bus stops NS0254 and NS0421 Holy Trinity Church and shall include:

NS0254 Holy Trinity Church – install real time bus stop pole & displays including associated electrical connections

NS0421 Holy Trinity Church – install real time bus stop pole & displays including associated electrical connections

Reason: To promote sustainable travel.

Education

A development of 65 dwellings would generate 14 primary and 10 secondary school places. Based on current projections there is insufficient capacity to accommodate the primary and secondary pupils generated by this development. As a result the County Council would seek a primary school contribution of £243,964 (14 places x £17,426 per place). The delivery of secondary places that are required will be through the District Councils Community Infrastructure Levy (CIL).

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

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@nottscc.gov.uk

Conclusion

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

Appendix One. 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. 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 this request please contact Andrew Norton, the County Councils Developer Contributions Practitioner on 0115 993 9309 or email andrew.norton@nottscc.gov.uk

Transport and Travel Services

General Observations and Accessibility

The planning application covers an area of land to the east and West of Old Main Road in the Village of Bulcote and is for residential development of up to 65 dwellings. Site access appears to be via existing accesses onto Old Main Road with the closest bus stops approximately 800 metres away from the centre of the site on Nottingham Road. The unmarked bus stops at NS0871 / NS0872 are no longer served.

Bus Service Support

This area is currently served by NCT commercial "Pathfinder" service 26 which provides a comprehensive daily service between Nottingham and Southwell. The current frequency of up to every 30 minutes should provide enough capacity for the level of demand generated from this development. At this time, it is not envisaged that contributions towards local bus service provision will be sought.

Bus Stop Infrastructure

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

NS0421 Holy Trinity Church –Bus stop pole, wooden bus shelter, raised boarding kerbs

NS0254 Holy Trinity Church –Bus stop pole, raised boarding kerbs

The County Council will request that a Planning Obligation be added to state the below:

A Bus Stop Infrastructure contribution of £17,000 is paid to provide improvements to the two bus stops NS0254 and NS0421 Holy Trinity Church and shall include:

NS0254 Holy Trinity Church – install real time bus stop pole & displays including associated electrical connections

NS0421 Holy Trinity Church – install real time bus stop pole & displays including associated electrical connections

Reason: To promote sustainable travel.

Justification

The site is served by a high quality, regular and fully accessible bus service and should be complemented by the provision of bus stops with improved facilities meeting standards set out in the Council's Public Transport Planning Obligations Funding Guidance for Prospective Developers. This will encourage sustainable public transport access to and from the site for staff, visitors and residents.

The current level of facilities at the specified bus stops are not at the standard set out in the Council's Public Transport Planning Obligations Funding Guidance for Prospective Developers. Stop NS0421 has a pole, wooden bus shelter and, raised boarding kerbs and stop NS0254 has a bus stop pole and raised boarding kerbs

The above contribution would provide real time information displays at both stops, which would be used by residents of the development to travel in both directions to access work, education, leisure, shopping and health facilities. The level of contribution requested is reflective of the requirement for electrical feeds, which are not in close proximity to both stops, or the option of solar displays, which are subject to detailed assessment.

At-stop real time information is seen as an important factor for non-bus users and is therefore a major factor in inducing modal change and provides an important reassurance that a bus is going to arrive. The real-time displays also provide other network information, including details of current and future disruptions, roadworks and special events, including community information which is not otherwise readily obtainable in a concise format. The displays can therefore help users with making informed decisions about their current and future journeys. The provision of the displays has a positive impact on all population segments, but particularly for the more disadvantaged groups, where it assists in reducing the social inequality of transport.

The specified improvements are at the closest bus stops to the site, so are directly related to the development, fair and reasonably related in scale and kind to the development and necessary to make the development acceptable in planning terms (65 dwellings).

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

Education

Information about the education contributions which may be sought to mitigate the impact of this development are 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 application

Nottinghamshire Wildlife Trust

Comments received 08.06.15

Thank you for consulting Nottinghamshire Wildlife Trust on the planning applications detailed above. We are pleased to see updated ecological information has been submitted to allow proper consideration of protected species.

The Ecological Assessment Report (TEP, April 2015) states that a number of buildings proposed for development have confirmed bat roosts present and others are considered to have potential for bat roosts to be present but this has not been able to be confirmed. Table 5 of the report is reproduced here for reference:

Table 5: Daytime Bat Assessment of Buildings

BAT ROOST VALUE	BUILDINGS REFERENCE
Negligible	1, 4 and 5
Low	6b
Moderate	2, 3, 7, 8, 9 and 11
Confirmed Roost	6a, 10 and 12

The Bat Mitigation Strategy Report (TEP, April 2015) gives details of required mitigation for buildings 6a, 10 and 12, where evidence in the form of droppings was recorded during the 2014 survey. The general situation has been assessed and roosts (including species and size) have been confirmed – an EPS licence will be required. Part of the proposed mitigation strategy is to carry out updated surveys during 2015 to account for the possibility that location and aspect of roost access points may have altered since previous activity surveys were carried out. We are satisfied that sufficient information has been gathered with respect to Buildings 6a, 10 and 12 at this stage.

We are unclear as to whether the proposed development would impact on any of the features in buildings 6b, 2, 3, 7, 8, 9, and 11 where potential was noted during 2014, but not confirmed through further activity survey work. We assume that these features will remain unaffected, as the TEP reports do not suggest that further investigation is required. However, we recommend that the LPA requests confirmation that any potential (unconfirmed) roost features within buildings 6b, 2, 3, 7, 8, 9, and 11 will not be damaged, disturbed or obstructed in any way during works. Otherwise, the LPA may wish to request that activity surveys are carried out before the application is determined to confirm whether roosts are in fact present and the EPS license will need to include works to these buildings.

As you will be aware all birds, their nests and eggs (except pest species) are protected by the Wildlife and Countryside Act 1981 (and as amended). Given the previous evidence of breeding birds, any development would be constrained by the bird breeding season. No vegetation clearance, or works to or demolition of buildings or structures that may be used by breeding birds should take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Sections 6.4, 6.5 and 6.6 of the TEP Report gives detail of recommendations with respect to run-off, badgers and brown hare. These measures should be secured by way of planning condition.

We would be supportive of ecological enhancements being incorporated into the proposed development as encouraged under paragraph 118 of the NPPF. This may include bird boxes, bat boxes (in addition to those required under EPS license), additional native planting and habitat creation (i.e. native wildflower areas).

Comments received 09.01.18

No further comments will be made

Comments received 15.11.19

We note you have consulted us on two occasions for these applications and all of the consultation requests are related to 17/02325/FULM and 15/00784/FULM Bulcote Farm:

We also note the supporting information for these application is the same and therefore have reviewed the Ecological Assessment Report (October 2019) by The Environment Partnership (TEP) in light of both of these applications.

Overall we are happy with the results, methodology, conclusions and recommendations within the report. We recommend the LPA secures the following, in line with the recommendations made within the Ecology Report. These should be secured through suitability worded planning conditions:

- Construction Environmental Management Plan (CEMP), as recommended within the Ecology report.
- Timings for vegetation clearance in relation to nesting birds
- 8m standoff 'no development' area either side of the ditch to protect any water voles
- A pre-construction check for badgers
- In addition we recommend a Landscape Environmental Management Plan (LEMP) is also secured through a suitability worded planning condition for both of the applications, as this would pull together all of the recommendations within the ecology report as well as provide suitable management for the retained habitats and provide more details, such as locations and numbers of bat and bird boxes as well as the other biodiversity enhancements within the Ecology Report.
- As bats are present within the application site, we also recommend a wildlife friendly lighting scheme in accordance with guidance from the Bat Conservation Trust and Institute of Lighting Professionals (2018) is secured through a suitably worded planning condition.

We note that no updated nocturnal surveys have been undertaken at the site, but as previous surveys have confirmed bat roosts present within the building. We note these surveys are considered to be out of date, but understand that these surveys will be updated as part of the European Protect Species Licencing requirements for the site (which will not be able to be obtained until planning permission has been granted) and suitable mitigation to be agreed with the applicant. As part of this we recommend a suitable detailed bat mitigation strategy is also secured through a suitably worded planning condition which should detail new roosting opportunities.

NSDC Access Officer

Comments received 11.06.15

It is recommended that the developer be advised to provide inclusive access and facilities for all, with particular reference to disabled people.

In respect of the new build dwellings, Lifetime Homes Standards, BS 9266:2013 'Design of accessible and adaptable general needs housing – Code of Practice' as well as Approved Document M and K of the Building Regulations – Sections 6 to 10, contain useful guidance. The requirements of a dwelling's occupants can change as a result of illness, accident such as sports injury for example, disability or ageing giving rise to reduced mobility or increasing sensory loss. In order to meet these changing requirements, homes need to be accessible to residents and visitors' alike as well as meeting residents' changing needs, both temporary and longer term. Similarly, inclusive access improves general maneuverability for all including access for those with push chairs and baby buggies as well as disabled people etc. It is recommended that disabled persons and

wheelchair users' access to, into and around the dwellings be carefully examined. External pathways to and around the site should be carefully considered and designed to accepted standards to ensure that they provide suitable clear unobstructed access to the proposals. Firm wide 'traffic free' non-slip pedestrian pathway routes clear of vehicular traffic are required from the edge of the site and vehicular parking to the dwellings. Consider parking provision for disabled motorists. Any formless or granular material is unsuitable for any pedestrian route to the dwellings. It is recommended that inclusive access be considered to garden areas, amenity spaces and external features. Carefully designed 'step-free' approach, ramps, level flush thresholds, generous doorways, all carefully designed to facilitate easy access and manoeuvre on all floors are important considerations. Switches and sockets should be located at suitable heights and design to assist those whose reach is limited to use the dwelling together with suitable accessible WC and sanitary provision etc.

With regard to the conversions to dwellings, it is recommended that the inclusive access provisions described above are incorporated as far as is reasonably practicable.

With regard to the community building, as well as minimum Building Regulations accessibility standards described in Approved Documents M, K and B, BS8300:2009 'Design of buildings and their approaches to meet the needs of disabled people – Code of practice' contains further useful information in this regard. Access to, into and around the proposal along with the provision of inclusive accessible features and facilities, should be carefully considered together with access from the boundary of the site and from car parking where carefully laid out provision for disabled motorists should be available. BS8300:2009 give further information in this regard including proportion of spaces, layout and design. Access to the development by pedestrians on foot will need to be carefully considered. Safe segregated 'traffic free' pedestrian pathway routes should be considered from the boundary of the site to the proposals and from car parking with dropped kerbs and tactile warnings as appropriate. Access to, into and around the proposal together with provision of suitable accessible facilities and features should be carefully considered. Easy access and manoeuvre for all, including wheelchair users, should be considered throughout together with provision of accessible toilet and sanitary facilities. The internal layout should be carefully designed to be wide enough to allow easy access by wheelchair users, turn and manoeuvre without restriction, barriers to access or obstructions. Available facilities should be accessible to all. Means of escape should be carefully considered and level or ramped egress should be considered from all external doors.

It is recommended that the developer make separate enquiry regarding Building Regulations approval requirements.

Comments received 10.01.18 and 10.08.18

No observations beyond those previously advised.

NSDC Conservation

Comments received 07.09.15

Preliminary

The proposal seeks to alter and convert the Grade II listed former farm complex at Bulcote Steading to residential use. The proposal also seeks to erect new residential units and a community building within the wider grounds of the farm site, identified as 'enabling development'. The site is located within Bulcote Conservation Area (CA).

Pre-application advice had been sought before this formal submission (refs PREAPP/00235/12 and PREAPP/00170/14). Concerns and issues were raised during these pre-application discussions on specific issues, including likely difficulties in conversion and the prematurity of considering new development for enabling purposes without evidence of marketing or figures pertaining to the perceived heritage deficit.

Main issue(s)

Key issues to consider in this case:

- i) Whether the proposal preserves the listed buildings, including their setting and any architectural features they possess;
- ii) What impact the proposal has on the character and appearance of the CA;
- iii) Whether the benefits of the proposed enabling development, which otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.

Legal and Policy Considerations

Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') require the Local Planning Authority (LPA) to pay special regard to the desirability of preserving listed buildings, their setting and any architectural features that they possess. In 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 12 of the National Planning Policy Framework (NPPF). Paragraph 132 of the NPPF, for example, advises that the significance of designated heritage assets can be harmed or lost through alterations or development within their setting. Such harm or loss to significance requires clear and convincing justification. The NPPF also makes it clear that protecting and enhancing the historic environment is sustainable development (paragraph 7). LPAs should also look for opportunities to better reveal the significance of heritage assets when considering development in conservation areas (paragraph 137).

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

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

In addition, in accordance with paragraph 140 of the NPPF, the LPA should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies. Historic England guidance on enabling development is

contained within the 2008 publication 'Enabling Development and the Conservation of Significant Places' which remains a valid and material policy document (this policy applies only to development contrary to established planning policy, not proposals to secure the future of significant places that are in accordance with the LDF and NPPF). The policy itself now sits within the framework provided by Historic England's 'Conservation Principles, Policies and Guidance for the Sustainable Management of the Historic Environment' (2008), which promotes a values-based approach to assessing heritage significance. The detailed practical guidance provided in the enabling development policy document should be applied within the context provided by the Principles.

Enabling development that would secure the future of a significant place, but contravene other planning policy objectives, should be unacceptable unless:

- a) it will not materially harm the heritage values of the place or its setting;
- b) it avoids detrimental fragmentation of management of the place;
- c) it will secure the long-term future of the place and, where applicable, its continued use for a sympathetic purpose; it is necessary to resolve problems arising from the inherent needs of the place, rather than the circumstances of the present owner, or the purchase price paid;
- d) sufficient subsidy is not available from any other source;
- e) it is demonstrated that the amount of enabling development is the minimum necessary to secure the future of the place, and that its form minimises harm to other public interests;
- f) the public benefit of securing the future of the significant place through such enabling development decisively outweighs the disbenefits of breaching other public policies.

If it is decided that a scheme of enabling development meets all of these criteria, Historic England believes that planning permission should only be granted if:

- a) the impact of the development is precisely defined at the outset, normally through the granting of full, rather than outline, planning permission;
- b) the achievement of the heritage objective is securely and enforceably linked to it;
- c) the place concerned is repaired to an agreed standard, or the funds to do so are made available, as early as possible in the course of the enabling development, ideally at the outset and certainly before completion or occupation;
- d) the planning authority closely monitors implementation, if necessary acting promptly to ensure that obligations are fulfilled.

The Conversion of Traditional Farm Buildings: A guide to good practice (English Heritage 2006; <https://historicengland.org.uk/images-books/publications/conversion-of-traditional-farm-buildings/>) and Traditional Windows: Their Care, Repair and Upgrading (Historic England 2015; <https://historicengland.org.uk/images-books/publications/traditional-windows-care-repair-upgrading/>) also provide useful guidance relevant to this case.

Significance of the Heritage Asset(s)

The listed building identified as Bulcote Farm comprises a series of farm buildings dated 1902 laid out in a quadrangular plan (the north-west and north-east ranges are two storeys). They were designed by the Nottingham City Engineer Arthur Brown and can be identified by the red brick structures with blue brick and cill bands with stone ashlar dressings. The roofs are covered in plain tiles with various ridge stacks. The fenestration includes metal framed windows with central opening casements and segmental headed windows. The main buildings include fire-proofed brick arched floor construction with concrete floors.

The north-east stable range has a recessed centre with 20 bays divided by pilaster strips. Every fourth bay has a tall glazing bar window with a smaller window above, and every intermediary bay has a single smaller window above. The projecting block with 3 windows to the left has large glazing bar windows with smaller windows above, and the 5 window projecting block to the right has large glazing bar windows with a central taking-in door (above) with a single smaller window to left and 2 to the right. To the south is a set of ornate iron gates with gabled iron gate piers linking to single storey office building. The office building has two tall brick chimney stacks, a metal roof ventilator and plate-glass sash windows throughout. Street front has a double and 2 single sashes. Gabled south-east facade has two pairs of sashes and a door to left gable and a large triple sash to right gable. Main courtyard front has octagonal corner bay window topped with an iron weather vane. To left a door flanked by single sashes and beyond a pair of sashes. In front of this façade is an interesting 15 ton weigh-bridge made by W & T Avery Ltd, London & Birmingham. The south-east stable range is two storey with a single dairy range to right. Stable range has 12 bays with alternating doors and windows from left, above a taking-in door and three small windows. Dairy to right has deeply overhanging roof supported on circular cast-iron columns. Seven bays, from left a glazing bar sash then a doorway, two further sashes, another double door and another two sashes beyond. Two ten bay pig sty ranges to south-west, single storey with slate roofs. Both main fronts have ten small glazing bar windows and ten roof-lights. Rear facades have ten small segment arched doorways. Gable ends have irregular roofline with single doorways, these doorways lead into corridors which serve the individual styes. These corridors have narrow gauge railway-lines for feeding trucks. Both these ranges have similar facades to the inner courtyard. North-west storage range has 20 bays with 13 large glazing bar windows which alternate irregularly with three cart entrances and a broad entrance to the inner courtyard. Beyond to right is a later 20th extension, not of special interest. To the north-west there are 2 specialist single storey buildings with large glazing bar windows with segmental heads.

Bulcote Farm is an important example of an industrial farmyard. It was constructed specifically by Nottingham City Corporation in order to assist with the dispersal of the solid waste produced by the sewage works at Stoke Bardolph. The Nottingham and Leen Valley Sewerage Board was established following the Nottingham and District Sewerage Act of 1872 in response to resolving pollution of the River Trent and River Leen from the city of Nottingham and surrounding areas. In 1877, the Board's powers passed to the Corporation of Nottingham. The Corporation leased 638 acres of land at Stoke Bardolph from Earl Manvers in 1878, and later purchased the estate. Construction of a sewage farm began under the direction of the Municipal Engineer M. Ogle Tarbotton (surveys of the land at Stoke Bardolph identified it as a suitable area with good drainage, where the sewage could be disposed of by means of spreading it on farm land and letting it seep through into the soil; the first sewage was received on 17 June 1880). The area covered by the farm increased in subsequent years and it soon extended into the neighbouring parish of Bulcote after the Corporation purchased 650 acres of land. Bulcote Farm became fully operational in 1904.

Proposals were put forward in the mid-1960s to expand the piggeries and convert the cow sheds, but this was not taken forward. Shortly after, much of the animal husbandry structures were demolished, including cow sheds, calf pens and piggeries. A new dairy farm was erected on the other side of the road in 1987. Operations on the site have been scaled back since then, and the site effectively became redundant in 2013.

The former farmstead has group association with the farm manager's house to the south and the 6 semi-detached labourer houses known as Corporation Cottages (these structures are all Grade II listed, and were, according to the listings, also designed by Brown, 1902. Nonetheless, late-19th century maps suggest that Field House predates the model farm). The site and its buildings form an important grouping within the CA.

Demolition

Several modern 20th century buildings are proposed for demolition. These are identified on plan as D, K and H.

Open barn 2 (ref D) is very similar to the barn to the south (ref C) and is formed by a steel frame with timber cladding and fibre cement roof. The frame is probably of some age, noting that cart sheds appear to have been located in this area on the original site plans. However, the cladding materials are modern and the structure is otherwise in poor condition. On balance, the loss of this barn is not harmful to the overall special interest of the listed farmstead in this case.

The grain drying barn (ref G) is a modern portal framed construction attached to the end of the original brick built grain room range (ref K). It is clad with profiled fibre cement sheets above a low level brick plinth. The list entry clearly identifies this structure as having no special interest. Its removal is therefore acceptable.

Machinery barn (ref H) is an open sided, modern portal framed construction. Although the barn is of a similar size to an earlier Dutch barn (constructed in 1913), it is accepted that this barn is of no architectural merit.

Overall, the demolition of these three structures will cause no harm to the setting of the listed farmstead or character and appearance of the CA.

Conversion

The proposal seek to adapt and convert the historic model farm buildings identified as A, B, C, E, F, G, I, J and L. It is recognised that the conversion of the gate house (ref L) appears to involve limited alteration, and that the limited foot print of the piggery structures (refs E and F) ensures that these have limited usage beyond storage (their retention is welcomed however). These elements of the scheme do not appear to be contentious.

We have a number of concerns with the proposed conversion scheme however:

- The internal works include subdivision and alteration. The plan form of a building is frequently one of its most important characteristics and internal partitions, staircases and other features form part of the significance of the farmstead. Proposals to remove or modify internal arrangements, including the insertion of new openings and partitions, will be subject to the same considerations of impact on significance (particularly architectural interest) as for externally visible alterations. The sub-division of the larger barns, for example, which are significant in part for their open interiors, will have a considerable impact on significance. In broad terms, it is felt that the extent of internal sub-division and alteration is harmful in this case;
- Although it is recognised that thermal efficiency and the installation of new services, both internal and external, are essential to adapt the buildings, the cumulative impact of dry-lining, plumbing, meter boxes, flues and other accretions will all have a considerable effect on the appearance and significance of the listed buildings. Whilst the impact of necessary services could be minimised by avoiding damage to decorative features and by carefully routing and finishing (including the use of materials appropriate to the relevant period, such as cast iron grilles), no details have been submitted to demonstrate how historic fabric will be treated or adapted. In this regard, it should be noted that Building Regulations do not necessarily supersede listed building control and a level of sensitivity is required. It is acknowledged that suitably worded conditions could potentially address some of these aspects. There is, however, currently insufficient detail within the application to demonstrate that the proposals represent the optimum conservation approach. These aspects also form an important element of the enabling argument (see below);

- In addition to the above, no details are provided on what measures might be proposed for flood resilient design within the building fabric (as per the flood risk assessment). Tanking methods, including alterations to floor levels and external windows and doors, could potentially be harmful to the special interest of the listed buildings. Any alterations should be clarified;
- A number of new roof lights are proposed to buildings A, B, I and K. The insertion of new elements such as doors and windows, (including roof lights to bring roof spaces into more intensive use) could adversely affect the building's significance. The use of domestic style roof lights, as is the case with buildings A, B and I, does not reflect the architectural interest of the roof scape in this case. The loss of historic roof lights on building K results in a loss of interest furthermore, and no clear and convincing justification has been made for this element of works;
- Other external alterations include new windows and doors, as well as the blocking-up of existing windows and doors. Whilst some of these alterations are not harmful on their own, there is a degree of harm to architectural interest through cumulative change. Some elements of the scheme could readily be amended to address these concerns by retaining joinery, including for example retaining upper storey loading doors (or perhaps considering half glazing them). In other circumstances, alterations should be removed from the scheme (if the alterations do not have a clear and convincing justification for example). Examples of this include blocking up historic doorways and inserting new windows and doors;
- No details are given on the conservation of architectural features such as loading pulleys or feeding stalls. These should form an essential part of the project and be detailed within a schedule of works. In many instances, it is unclear as to whether these features would be retained.

Enabling Development

In the absence of independent scrutiny of the submitted figures, please treat this advice as interim guidance only. We recognise that this process is in hand, and that further discussion will be undertaken in due course which shall likely impinge upon the advice contained within this consultation response.

I can confirm that the marketing strategy utilised in this instance was discussed with the Council prior to the submission of the applications, and that this strategy conformed with the advice given at that time. I will comment in more detail on this aspect once the independent review has been completed.

Nevertheless, it has not yet been demonstrated what the heritage deficit is (if any) and whether the proposals for new build are the minimum necessary to enable the conservation of the listed buildings at Bulcote Farm. The heritage deficit includes conservation-led renovations to the historic buildings. Since this is not detailed within the scheme, it is difficult to have confidence in the figures. For example, the figures appear to allow for extensive replacement of windows and roof coverings, whereas the optimal conservation approach would be to conserve historic fabric. This is not to say that these elements do not require substantial repair or even replacement, but no details are submitted on the individual condition of these elements which might otherwise indicate what level of conservation is applicable. It is recognised that these elements could significantly affect the figures either way. However, as advised above, I will review this on completion of the independent review of the figures.

Having reviewed the submitted plans, nonetheless, I have significant concerns with the quantum of proposed new development proposed, and the design and appearance of some of the residential blocks. Whilst it is appreciated that the original layout of the farm is referenced in parts of the proposed enabling scheme, many of the new buildings appear to dominate the site (notably

the blocks to the southwest, for example).

Summary of Opinion/Recommendations

In its current form, Conservation objects to the proposed development and works to the listed buildings.

It is difficult to comment on the enabling aspect at this time until the independent scrutiny of the figures has been completed. Nevertheless, there are certain aspects of the proposals which could be addressed/clarified:

- Concerns regarding subdivision: in these circumstances, the use of pods or other design devices that allow the entirety of the space to be read might be considered;
- Schedule of works detailing the conversion works. This should ideally detail repairs, renovations and alterations on a room by room basis, with thought given to the conservation of internal architectural features. Any flood mitigation works should be included;
- Historic roof lights should be retained and reused. New roof lights removed as far as is practicable with a justification made for their installation;
- Internal and external alterations reduced as far as is practicable. Retention of historic joinery should be maximised.

Comments received - 09.08.18

These reiterate the above comments in relation to the main issues, legal and policy considerations and the significance of the heritage assets. Additional comments are noted below:-

Decision-Making

The decision-maker should be mindful of the need to give great weight to the conservation of designated heritage assets (NPPF para. 193). This is consistent with the LPA's duty to consider the desirability of preserving listed buildings (and their setting), as well as conserving or enhancing the character and appearance of the conservation area. The Judicial Review concerning *The Forge Field Society vs Sevenoaks District Council* reminds us of the importance of giving considerable weight to the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990. Mr Justice Lindblom reminds us: "As the Court of Appeal has made absolutely clear in its recent decision in *Barnwell [Barnwell Manor Wind Energy Ltd v East Northamptonshire District Council (2014)]*, the duties in sections 66 and 72 of the Listed Buildings Act do not allow a local planning authority to treat the desirability of preserving the settings of listed buildings and the character and appearance of conservation areas as mere material considerations to which it can simply attach such weight as it sees fit. If there was any doubt about this before the decision in *Barnwell* it has now been firmly dispelled. When an authority finds that a proposed development would harm the setting of a listed building or the character or appearance of a conservation area, it must give that harm considerable importance and weight. This does not mean that an authority's assessment of likely harm to the setting of a listed building or to a conservation area is other than a matter for its own planning judgment. It does not mean that the weight the authority should give to harm which it considers would be limited or less than substantial must be the same as the weight it might give to harm which would be substantial. But it is to recognize, as the Court of Appeal emphasized in *Barnwell*, that a finding of harm to the setting of a listed building or to a conservation area gives rise to a strong presumption against planning permission being granted. The presumption is a statutory one. It is not irrebuttable. It can be outweighed by material considerations powerful enough to do so. But an authority can only properly strike the balance between harm to a heritage asset on the one hand and planning benefits on the other if it is conscious of the statutory presumption in favour of preservation and if it demonstrably applies that presumption to the proposal it is considering" (paras 48-49).

In heritage conservation, therefore, there are two key legal requirements that apply to decisions concerning listed buildings and conservation areas. Simply put, these legal objectives require special regard to the desirability of preserving these types of designated heritage asset (sections 16, 66 and 72 of the Act). The courts have said that these statutory requirements operate as a paramount consideration, 'the first consideration for a decision maker'. Planning decisions require balanced judgement, but in that exercise, there must be a sense of the weight society, through parliament, wishes to place on an objective such as heritage asset conservation. The protection of listed buildings and conservation areas is regarded as highly important, and that should not be undervalued out of respect for both the law and democratic will.

Enabling Development

Paragraph 202 of the NPPF states that local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies. The key public benefit is usually perceived as securing the long term future of the heritage asset concerned.

The Historic England (HE) (formerly English Heritage) document 'Enabling Development and the Conservation of Significant Places', offers specific guidance and criteria to be used in the assessment of enabling development proposals. Paragraph 202 of the NPPF makes it clear that the benefits of an enabling development proposal should simply outweigh the disbenefits of departing from other policies unlike the HE criteria which set out the tests of 'decisively' outweighing disbenefits. Given the status and up-to-date nature of the NPPF, and in the absence of any specific development plan policy on this matter, paragraph 202 forms the overarching test in this case, although the HE document remains a useful advice note.

Fundamentally, although the HE guidance predates the NPPF, it still stands as HE's position on the concept of enabling development and sits within the framework provided by HE's 'Conservation Principles, Policies and Guidance for the Sustainable Management of the Historic Environment' (2008), which promotes a values-based approach to assessing heritage significance. The detailed practical guidance provided in the enabling development policy document should therefore be applied within the context provided by these principles.

The HE enabling guidance explains that a complex task of assembling the application (by the applicant), and assessing it (by the LPA) is involved. On page 5 it sets out 'The Policy' relating to enabling development. Enabling development that would secure the future of a significant place, but contravene other planning policy objectives, should be unacceptable unless:

- a) it will not materially harm the heritage values of the place or its setting;
- b) it avoids detrimental fragmentation of management of the place;
- c) it will secure the long-term future of the place and, where applicable, its continued use for a sympathetic purpose
- d) it is necessary to resolve problems arising from the inherent needs of the place, rather than the circumstances of the present owner, or the purchase price paid;
- e) sufficient subsidy is not available from any other source;
- f) it is demonstrated that the amount of enabling development is the minimum necessary to secure the future of the place, and that its form minimises harm to other public interests;
- g) the public benefit of securing the future of the significant place through such enabling development decisively outweighs the disbenefits of breaching other public policies.

HE advises that if these criteria are met, planning permission should only be granted if:

- i. the impact of the development is precisely defined at the outset, normally through the granting of full, rather than outline, planning permission;
- ii. the achievement of the heritage objective is securely and enforceably linked to it;
- iii. the place concerned is repaired to an agreed standard, or the funds to do so are made available, as early as possible in the course of the enabling development, ideally at the outset and certainly before completion or occupation;
- iv. the planning authority closely monitors implementation, if necessary acting promptly to ensure that obligations are fulfilled.

The basic proposition in enabling development is that there is a conservation deficit, where the cost of repair and conversion to beneficial use is greater than the market value on completion of those works, so that based on a financial appraisal, some subsidy is required. In short, the enabling development provides a public subsidy in the form of development that would not otherwise be permitted. The HE guidance says market testing is normally the first step in establishing the need for subsidy, and Paragraph 3.6.2 sets out the information needed to cover all financial aspects of the proposal.

Assessment of Proposal

Conservation has no objection to the proposed development.

Bulcote Farm was conceived as a quadrangle with several ranges of buildings providing housing for cows, pigs and horses as well as food storage. The majority of buildings are constructed from red brick with concrete vaulted floors, blue brick detailing, slate roofs and metal framed arched head windows. Two ranges to the southwest and one within the main quadrangle were demolished in the 1960's (presumably due to underuse/maintenance issues) whilst several portal framed buildings were added over the years in order to adapt to modern agricultural practices. The significance of the current complex, which was designated Grade II in 2005, relates to its architectural interest and social history concerning the model farm movement in the post-medieval era. The farm complex derives significance also from its rural setting and relationship to adjacent listed buildings.

The proposal before us seeks to restore and renovate the listed buildings whilst accommodating a new residential use. The additional provision of enabling development is necessary and justified in this case. The proposal can be summarised as:

- Conversion of the historic farm buildings to form 24 dwellings;
- Enabling development comprising 48 new build dwellings to the northwest of the remaining farm buildings, between the farm and Corporation Cottages, and on the site of the modern dairy farm;
- Over 160 car spaces within the quadrangle, private driveways and parking courts;
- New community use within the former dairy building on the southeast side;
- Public open space within the quadrangle and to the north of the existing historic farm buildings.

The renovation of the historic farm buildings includes removal of modern extensions and portal elements within its setting, resulting in an enhancement to the significance of the listed buildings. The removal of the grain dryer to the end of the granary range for example, and reinstatement of matching period windows will help better reveal the significance of the main range.

There remain elements of agricultural machinery within the granary, including grinding and willowing machines. These are not fixed, and as plant, not protected by the listing in this case.

This machinery is not thought to be located in its original position, although recording will be necessary if a scheme is approved. We recognise that some of these machines might be donated to a museum, but this in itself should not be perceived as a benefit as there is no certainty as to whether such a donation would be accepted, and the removal of the machinery will result in some loss of interest to the model farm. Nevertheless, there are also a number of cast iron hand operated winches fixed to the concrete upper floors, and we are pleased to see that many of these will be retained as part of the scheme (this will need to be conditioned).

The applicant has responded positively to our original concerns regarding alterations to the listed buildings, and the scheme has been significantly revised. Nevertheless, the most significant internal intervention relates to stairways, which are currently limited in number.

The conversion scheme of the main northeast range for example requires individual staircases in each bay. However, this helps reduce internal subdivision and the external reading of the bays remains unaffected. Inevitably, the subdivision of some spaces impacts the legibility of the barns, as do alterations of some of the more specialist areas such as the stables. Overall, we feel that the applicant has struck the right balance between intervention and historic fabric retention/plan-form legibility. New internal walls have been reduced to the minimum necessary, and where intervention is required, it has a clear and convincing justification. Wherever possible, for example, living areas are open plan to maintain a sense of openness, and new walls aligned logically within the vaulted ceilings or by the line of roof trusses.

We recognise and support the minimisation of new external openings. Exceptions to this include the southwest elevation where the modern grain store will be removed (an enhancement), and some minor alterations to plots 17 and 21. The removal of new roof lights from the scheme is welcomed.

Careful consideration has also been given to Building Regulations and services. Although it is accepted that the industrial character of the buildings generally enables some pragmatic interventions, we welcome the efforts to minimise intervention and visual accretions in prominent positions. The replacement or alteration of existing concrete ground floors for flood resilience is also considered to be acceptable, and the industrial character of the buildings will remain unaffected. Whilst these elements will require appropriately worded conditions, we feel that the indicative strategies for services and insulation are suitable in this case.

It should also be noted that the repair schedule anticipates appropriate repair and renovation as far as practicable, ensuring that good conservation values are followed. The revised annotations for conversion allow for repair and renovation of existing windows rather than replacement for example. Over 50 per cent of the roof slates are anticipated to be salvageable, furthermore. The scheme expects to retain extensive architectural elements throughout, including winches (associated with taking-in doors), pulleys, belt drive system, trap doors and external light fittings. We also welcome the retention of plank doors to be pinned back (enabling openings to be glazed). The preservation of glazed brick walls in the proposed community space is positive, as is the conservation of the narrow gauge feeding tracks and fabric of the piggery building (to become a useful ancillary element to new residential units). The applicant acknowledges that the manager's office includes extensive interest in terms of joinery, fire places and elements associated with the weighbridge. Suitable conditions will be required governing any repairs, including temporary removal for cleaning/repair.

The car parking within the courtyard will have a significant impact on the setting of the listed farm complex, although it is accepted that the existing extent of hard standing and industrial character ensures that this aspect of the proposal is not fundamentally harmful. The proposal indicates that the central area will be landscaped and used as shared amenity, ensuring that the spaciousness of the yard is sustained, thus preserving the overall stack yard setting of the main listed building

range. Landscaping and surfacing will need to be carefully considered nevertheless.

Overall, we consider the conversion scheme to be well-considered and positive.

The new build 'enabling' development can be split into three distinct elements:

- The terraced elements to the southwest and northwest;
- The semi-detached infill adjacent to Corporation Cottages; and
- The detached houses to the northeast replacing the modern dairy farm.

We are convinced that the re-imagining of the demolished historic courtyard rows is acceptable. The intensity of the development in this part of the site is consistent with the historic plan-form of the model farm, furthermore, and the scale and design of the new build reflects aspects of the vernacular farm buildings previously there. The design approach is positive, although careful consideration will need to be given to the subdivision of garden plots (hedges and post and rail fences should be utilised rather than standard panel fences for example).

As for the new semi-detached houses along the roadway, it is felt that these continue the planform of Corporation Cottages, and although the design is a modern interpretation, the general form and scale is commensurate with the significance of the model farm site and the listed former labourer cottages adjacent. The loss of the views from the road towards rural countryside between Corporation Cottages and the model farm slightly contradicts the aspirations of the adopted CA Appraisal. However, we feel that this is not profoundly harmful, noting that views will still be afforded between buildings. Moreover, there is no planned vista or material receptor in this location, the identified view being more associated with the experience of moving through the site and the sense of space between buildings. The existing hedgerow currently prevents views through this part of the site in any case. The tightknit arrangement of new dwellings proposed along Old Main Road does not preclude the ability to experience the rural setting beyond it. Indeed, early discussions on new build in this area discounted any form of tandem or back-land layouts in order to protect the plan-form and plot arrangement of Corporation Cottages, and in this context, we feel that the infill semidetached dwellings is successful.

The removal of the modern late 20th century dairy farm on the northeast side is welcomed, and will result in a significant improvement to the setting of the model farm and conservation area.

The modern farm buildings comprise a significant foot print, and include extensive modern portal elements which are unattractive and obtrusive when compared to the aesthetics of the model farm. Although we accept that the new build component is ostensibly different in character to the existing farm buildings, we feel that the benefit of removing the modern dairy farm complex is a significant consideration. Moreover, the scale, form and design of the new dwellings fits in with the labourer cottage character of Corporation Cottages, and we are therefore satisfied that the development is not harmful to the setting of the listed buildings in this case. Whilst the development sits in proximity to the northeast range of the main listed farm complex, the dwellings will be set well back from the roadway and not unduly prominent.

In conclusion, having scrutinised the plans and details for the conversion and new build, we are satisfied that the proposed redevelopment of the listed buildings at Bulcote Steading and the new development within their setting sustains their overall special interest and causes no harm to the setting of Corporation Cottages or Field House. No harm is perceived to the character and appearance of the Bulcote CA furthermore. The revised plans fully address concerns raised in our previous advice regarding the conversion strategy, and overall I consider the conversion scheme to be acceptable. Change is inevitable in any conversion scheme and in this case, I consider that the revised plans reflect detailed dialogue between the applicant and the Council seeking to minimise conflict between the heritage asset's conservation and various aspects of the proposal.

Fundamentally, most of the external historic fabric of the listed buildings is retained, with opportunities taken to improve them wherever practicable.

For clarity, we are satisfied that the overall development is not harmful to the special interest or setting of any listed building, and nor is it harmful to the CA, including its setting. Whilst we accept that the quantum of development is considerable, we are content that a significant portion of the new development is located where previous important historic buildings were situated (the courtyard development), and where it does not, forms a natural continuation of existing buildings (the modest rounding off to Corporation Cottages) or replaces negative brownfield elements (the modern dairy farm).

Given that the enabling figures have been independently scrutinised, we see no reason to dispute the quantum of development. In accordance with Historic England's advice, the enabling should be the minimum necessary to resolve the heritage deficit. If the applicant is required to contribute to local infrastructure via s.106 agreement, the quantum of enabling development will inevitably rise. I would be concerned by any further development on the site beyond that shown in the revised plans and an increase in the numbers in any part of the site is likely to tip the balance from no harm to harm. Harmful development would clearly contradict the HE guidance on enabling development.

In addition, Severn Trent sites in this District are all operational, ensuring that off-site enabling is not a realistic option either.

The applicant has set out clearly that they would be prepared to enter into a s.106 to secure all of the repairs to the listed buildings as part of a phasing agreement.

Other Matters

In accordance with the Historic England methodology for Heritage at Risk, empty and vacant listed buildings with some level of neglect or deterioration are considered to be at risk. Newark and Sherwood District has 1387 buildings, structures and monuments that are regarded to be of national significance and designated as listed buildings. Whilst the great majority are in good condition, there are a number of buildings that have fallen into disuse and disrepair. These structures are commonly referred to as 'Buildings at Risk' (BaR).

Nottinghamshire County Council (NCC) has been carrying out condition surveys of vulnerable buildings since the 1980s. The County Council first published details of buildings at risk in the Historic Buildings at Risk in Nottinghamshire 2004, and have resurveyed the District within the last 5 years. Historic England also publishes a register of nationally significant designated heritage at risk, including all Grade I and II* structures. Consequently, there is no need to replicate this in the local BaR Register. The purpose of the Register is to raise awareness of the deteriorating condition of a number of listed buildings and to generate interest among the local community and potential investors. Listed buildings that are not being maintained in a reasonable condition can be subject to legal action by the Council to enforce proper repairs. In the most extreme cases, neglect may lead to compulsory purchase proceedings by the Council.

The risk level is determined by assessing the condition of a building (usually by external inspection only). Risk level is determined by condition and occupancy, with level 1, 2 and 3 being 'at risk' and 4 being 'vulnerable' or 5 'not at risk'. Extreme risk (level 1) is the worst level and is determined by severe structural failure and redundancy. At the other end of the scale, buildings and structures that are in a fair or good structural condition may still warrant regular inspection due to their vacancy or lack of maintenance, both of which can lead to longer term problems.

In Bulcote, the only listed building formally added to the Register is the gates and piers to Kingswood (based upon a condition assessment). Having discussed the model farm with NCC colleagues, they advise me that it was last surveyed in 2013. The survey results at that time

advised that the overall condition was fair (except for the condition of the architectural detail which was classed as poor) but that it was part occupied and therefore classified as risk category 4 (vulnerable). The submitted condition survey of the model farm (forming part of the enabling baseline data and the historic building record/photographic record) reveals that there is masonry cracking in a number of structures, some of which is serious. I believe that this puts the building range into category 3 (at risk). Structural assessment could be used to clarify some of the observations by Shaw and Jagger in terms of vulnerability/parlous condition of barns. However, having inspected the barns several times over the last 5/6 years, I am satisfied that the buildings are at risk in the context of the HE methodology. It is worth noting that empty and derelict listed buildings can put conservation areas at risk. At present, Newark, Ollerton and Upton are all identified as being at risk on the national Register. In all three cases, empty and decayed listed buildings are a key factor for designation.

Mothballing is only a temporary measure. Given that urgent works procedures can only agree the minimum works to make the buildings wind and watertight, including plastic roof coverings and other temporary measures, the public perception of dereliction is not necessarily addressed and underlying risk factors remain. The 2015 HE guidance on mothballing advises that an active management strategy should be used, ranging from urgent works to security measures, propping, works to reduce the risk of arson, control of vegetation and finding temporary uses. On a site of the size and complexity of Bulcote model farm, many of these issues present cost burdens and practical difficulties. Kelham Island in Sheffield is an example of a conservation area at risk with many historic buildings mothballed for some time before eventually being redeveloped. The former Green Lane Works is a good exemplar of this, and it took support from Historic England in resolve.

In this case, the applicant has indicated the considerable heritage deficit inherent to the site, along with perceived repair costs. It is anticipated, for example, that the cost of essential repairs to the roofs (including rainwater run-off), masonry, windows, floors and asbestos removal is likely to require investment of £1.6 million. The applicant has actively explored other funding sources to address the heritage deficit, and I have no reason in this case to dispute their conclusion that funding from alternate sources is unlikely.

In this context, we feel that the proposal before us represents the optimum viable use of the site with acceptable new development surrounding it which is the minimum necessary to address the heritage deficit.

Summary of Opinion

No objection. In accordance with paragraph 202 of the NPPF, we believe that the case for enabling development has been made and justifies departing from planning policies which would otherwise conflict in this case. The proposal will preserve the special interest of Bulcote Steading and the character and appearance of Bulcote CA. No harm will be caused to the setting of Corporation Cottages or Field Farm, both Grade II listed buildings. The proposed development and works therefore accord with section 16, 66 and 72 of the Act. The proposal also complies with heritage advice contained within the Council's LDF DPDs and section 16 of the NPPF.

Conditions

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

No works of demolition shall begin until a binding contract has been entered into for the carrying out of works for redevelopment of the site in accordance with all the necessary permissions and consents.

Reason: To ensure that the development will proceed in accordance with para 198 of the NPPF

Before work begins a site meeting shall be held between the local planning authority and the persons responsible for undertaking the works to ensure that the Conditions attached to the Listed Building Consent are understood and can be complied with in full. Notification of the date and time of a meeting shall be made in writing to the Local Planning Authority.

Reason: This condition is to ensure that follow-up action can be taken before works begin on site. This is a complex scheme where there will be a number of other conditions, and where planning permission has also been granted.

Before work begins it shall be agreed in writing with the Local Planning Authority the appropriately qualified professional specialising in conservation work who will supervise the hereby approved works of alteration or demolition. Any proposed changes to the agreed supervision arrangements shall be subject to the prior written agreement of the LPA.

Reason: To ensure that the works respect the special interest of the listed buildings.

Before the commencement of works, an updated schedule of works, including structural engineering drawings and method statement shall be submitted to and approved in writing by the Local Planning Authority. The details shall include:

- a method statement for ensuring the safety and stability of the building fabric identified to be retained throughout the phases of demolition and renovation;
- the arrangements for temporary secure storage of salvage materials and architectural features to be repaired off-site; the person or body specialising in this procedure appointed by the applicant; and a timetable for their reinstatement, re-use or disposal;
- a detailed methodology for the repair and renovation of the building fabric to be
- retained; and
- an updated methodology for all service and utility interventions, thermal upgrading and flood resilience improvements to concrete floors.

Particular regard should be given to the following items: chimney-pieces; cast guttering and hopper-heads; windows containing historic window glass; historic light fittings; hoist winches; loft hatches; glazed brick faience; architectural elements associated with the weighbridge; metal-work; vaulted ceilings; historic timber beams, joists and rafters.

No such features shall be disturbed or removed temporarily or permanently except as indicated on the approved drawings or without the prior approval in writing of the Local Planning Authority. Where appropriate, sound materials/features/fixtures forming part of the building shall be carefully taken down, protected and securely stored for later re-use. The agreed measures shall be carried out in full.

Reason: to ensure that the works take the form envisaged by the Local Planning Authority and that they respect the special architectural and historic interest of the listed building.

During the works, if hidden historic features are revealed they should be retained insitu unless otherwise agreed in writing with the Local Planning Authority. Works shall otherwise be halted in the relevant area of the building and the Local Planning Authority should be notified immediately. Failure to do so may result in unauthorized works being carried out and an offence being committed.

Reason: To ensure that the works respect the special interest of the listed buildings.

A programme of historic building recording and full recording report shall be submitted to and approved in writing by the Local Planning Authority before work commences.

Reason: To ensure and safeguard the recording and inspection of matters of

archaeological/historical importance associated with the building.

In addition, conditions will need to address all aspects of the new build (joinery schedule, masonry construction, chimneys, eaves/verges and facing materials). All external accretions, including rainwater goods, vents and other elements will need to be agreed. Particular attention will need to be paid to masonry construction (sample panel should be agreed showing bricks, mortar specification, pointing finish and brick bond). Joinery and chimneys should be retained, and thought given to appropriate restriction of permitted development (notably to roofs and potential visual domestic clutter within the setting of the listed buildings).

Informative notes shall include:

This Listed Building Consent is granted in strict accordance with the approved plans. It should however be noted that: a) Any variation from the approved plans following commencement of the development, irrespective of the degree of variation, will constitute unauthorized development and may be liable for enforcement action. b) You or your agent or any other person responsible for implementing this permission should inform the Local Planning Authority immediately of any proposed variation from the approved plans and ask to be advised as to the best method to resolve the matter.

The applicant is advised that the proposed development will require approval under the Building Regulations. Any amendments to the hereby permitted scheme that may be necessary to comply with the Building Regulations must also be approved in writing by the Local Planning Authority in order that any planning implications arising from those amendments may be properly considered.

All new works unless specified on the approved plans and works of making good, whether internal or external, should be finished to match the adjacent work with regard to the methods used and to material, colour, texture and profile.

Comments received 21.09.20

Preliminary

Bulcote Corporation Model Farm is a nationally recognised Grade II listed complex built in 1904 on the outskirts of Bulcote village to the east of Nottingham to help dispose of the sewage from the city (it expanded the Victorian sewage treatment works at Stoke Bardolph). It has not been in full operation since the 1960's. The dairy herd were moved out in recent years and the substantial group of buildings is standing virtually empty albeit with some small areas being rented out for storage and stabling.

Pre-application advice was sought prior to the submission of planning applications (refs PREAPP/00235/12 and PREAPP/00170/14). Initially, discussions focussed on a conversion strategy only, but it became apparent that there was a significant heritage deficit. Nevertheless, concerns and issues were raised during these pre-application discussions on specific issues, including challenges in conversion and the prematurity of considering new development for enabling purposes without evidence of marketing or figures pertaining to the perceived heritage deficit. Marketing was subsequently undertaken by Smiths Gore during 2014 and 2015 (covering nearly 12 months; the Local Planning Authority and Historic England were offered the opportunity to comment on the marketing strategy prior to it being undertaken). No market offers were made during that time to continue agricultural uses on the site, and only 2 offers were made for residential/commercial re-use.

A planning application (15/00784/FULM) and listed building consent (15/00785/LBC) was subsequently submitted in April 2015, initially for 64 dwellings (of which 39 were new build 'enabling' development).

Conservation was initially consulted in May 2015 by the case officer and we provided comments raising concerns about the conversion strategy (email sent 7th September 2015). Further meetings have been held with the applicant in order to address conversion concerns, as well as to discuss the impact of new development within the setting of the listed buildings.

Following independent scrutiny of the heritage deficit and viability of the project (by Jones Lang LaSalle (JLL)), as well as detailed negotiation on design and layout between the applicant and the Council's Conservation Team, the scheme has evolved.

The current revised proposal seeks to alter and convert the Grade II listed former farm complex at Bulcote Steading to residential use, comprising 24 dwellings. The proposal also seeks to erect new residential units within the wider grounds of the farm site, identified as 'enabling development', comprising 48 new dwellings. A community use will also be provided. The development site is predominantly located within Bulcote Conservation Area (CA) other than the modern dairy farm site to the east which is outside (forming the conjoined red line area, ref 17/02325/FULM).

For reasons set out within this report, we consider the revised conversion scheme and design and layout of the enabling development to be acceptable in this case.

The extent of work necessary to address the heritage deficit is not inconsiderable, amounting to £2.86 million. The schedule of works has been extensively reviewed and is considered to be conservation-led. Given the independent scrutiny of the figures by JLL, I have no reason to question this figure. JLL agree in broad terms that the proposed enabling development is the minimum necessary to address the heritage deficit.

The Historic England (HE) (formerly English Heritage) document Enabling Development and the Conservation of Significant Places offers technical guidance and criteria to be used in the assessment of enabling development proposals. Paragraph 202 of the National Planning Policy Framework (NPPF; revised July 2018) makes it clear that the benefits of an enabling development proposal should simply outweigh the disbenefits of departing from other policies. This differs from the guidance within the HE document which sets out tests aimed at assessing whether a proposal 'decisively' outweighs disbenefits. Given the up-to-date position of the NPPF, this is the test which should be applied in this context, although the guidance contained within the HE document remains a useful framework for discussion.

Overall, it is our view that the proposed conversion scheme sustains the special interest of the listed building complex and accords with paragraph 202 of the NPPF and general advice within the HE guidance document. Essentially, we consider the enabling development to be justified in this case, and feel that the proposal will cause no harm to the setting of any designated heritage asset in this case. The proposal is considered to be the optimum viable use of the site in this case.

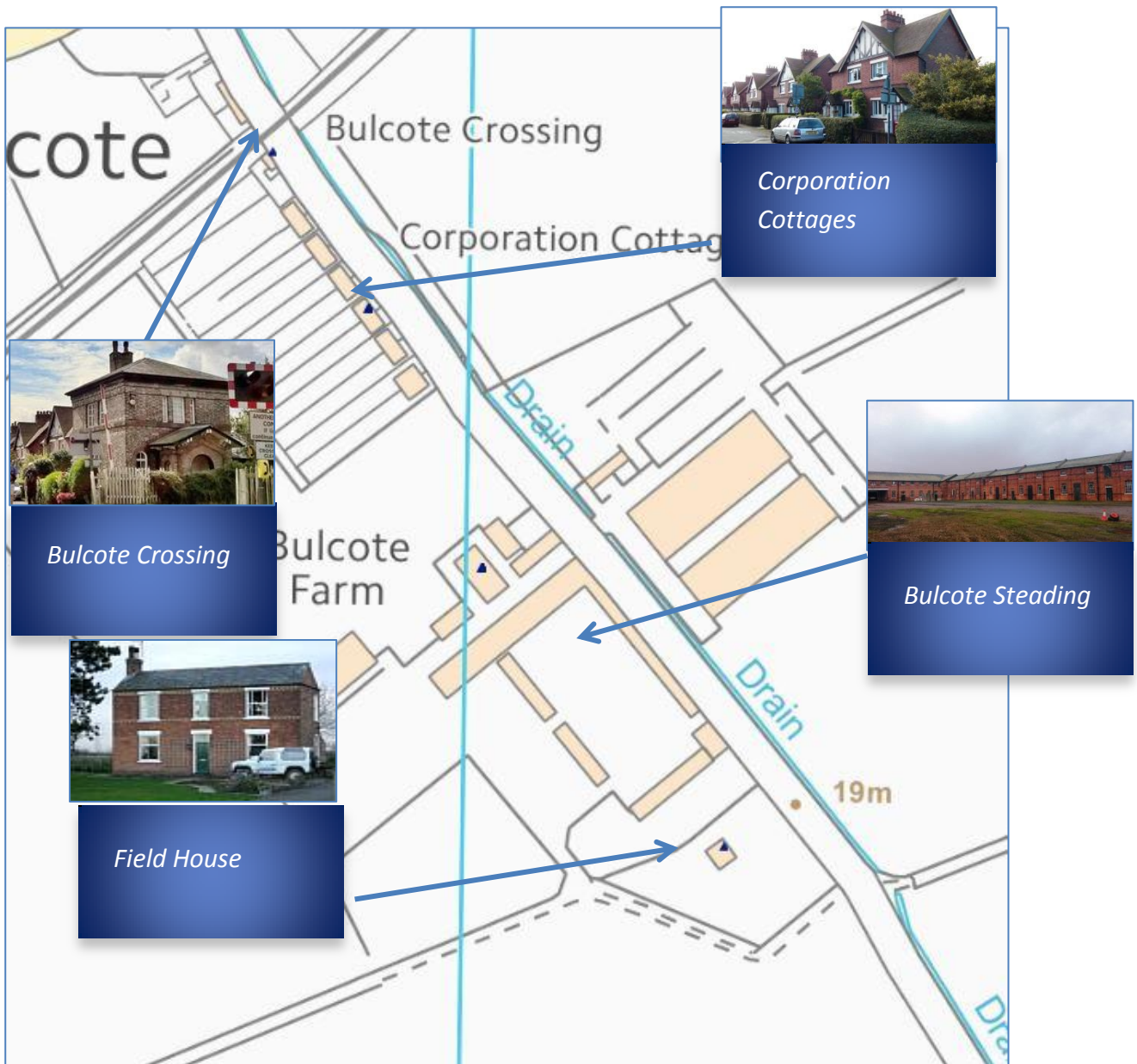
Heritage assets affected

Bulcote Steading, Corporation Model Farm is Grade II listed (list UID 1392070).

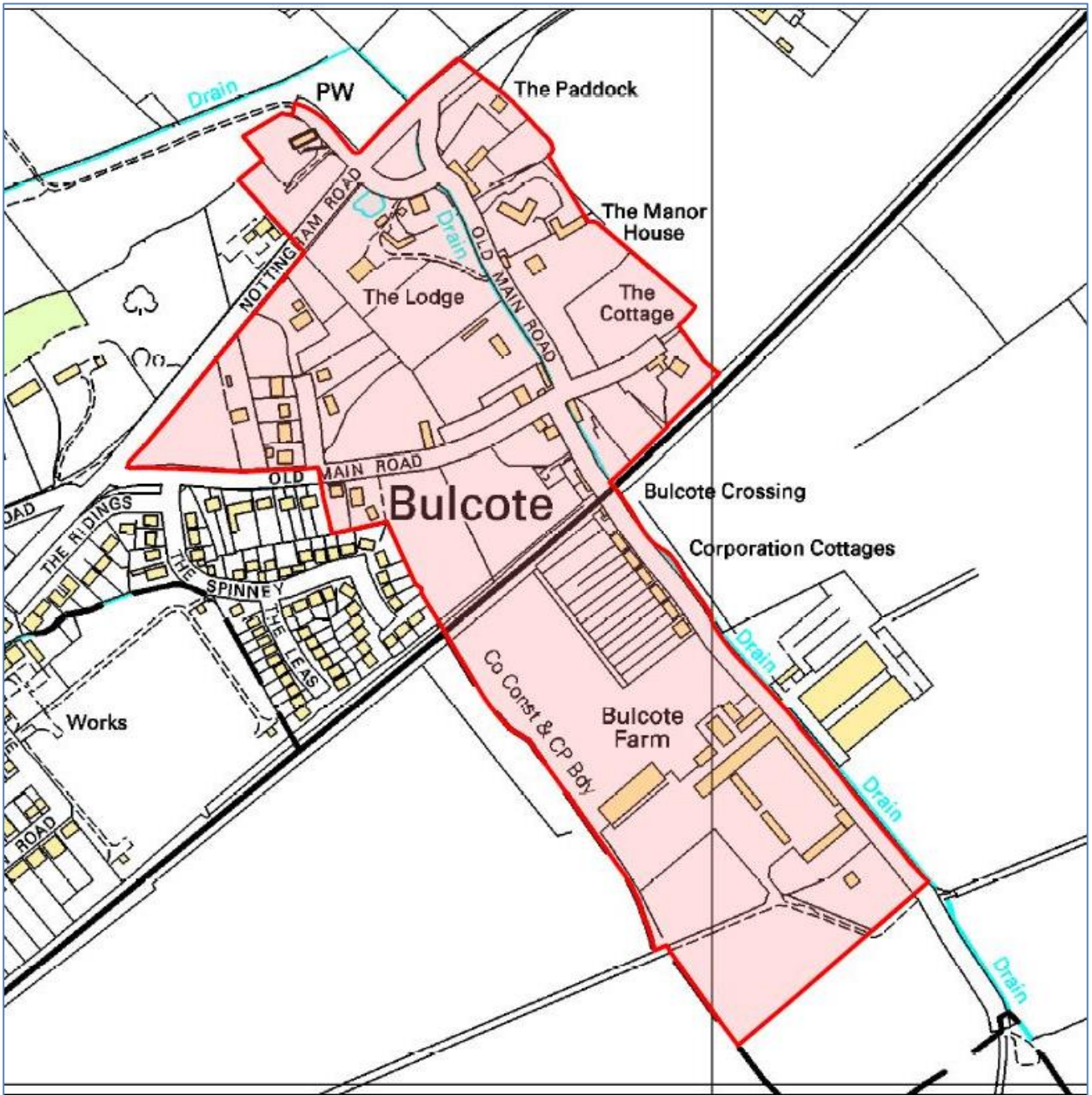
Field House to the southeast is Grade II listed (list UID 1392071).

Corporation Cottages to the north are Grade II listed (list UID 1392072).

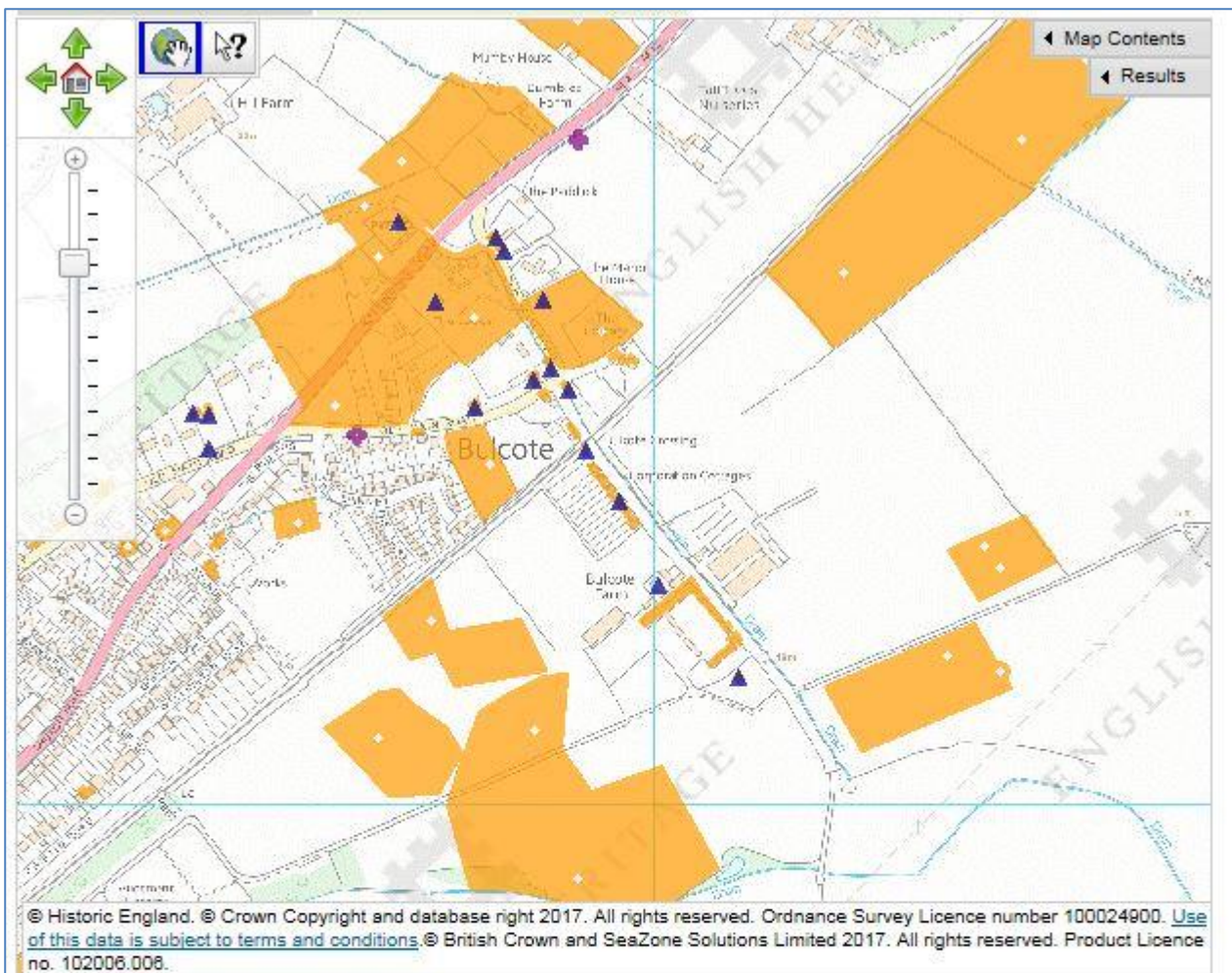
Bulcote Crossing Cottage further to the north at the railway crossing is Grade II listed (list UID 1193436).



The proposal site is predominantly located within Bulcote Conservation Area (CA) which was originally designated in 1974. The CA was further reviewed in 1984, 1994 and 2001.



Bulcote Conservation Area boundary. The boundary covers the historic core of the village and extends southwards over the railway line to include Bulcote Steading and its immediate setting. The boundary excludes the modern dairy farm to the east.



Legend

- | | |
|---|---|
| ▲ Listed Building (NHLE) | ■ Scheduled Monument (centre point) |
| ■ EH PastScape | ■ Registered Park/Garden (centre point) |
| ○ Local HER record points | ■ Registered Battlefield (centre point) |
| ▲ Local HER record polygons | ■ Protected Wreck Site (centre point) |
| ○ National Trust HBSMR | ■ World Heritage Site |
| ■ Building Preservation Notice | ■ Certificate of Immunity |
| ◆ Designation Decision Records De-listed | ★ Designation Decision Records Non-designated |
| ● Parks and Gardens (Non Statutory Data) | ✚ NMR Excavation Index |
| ✚ Church Heritage Record (Non Statutory Data) | |

Extract from the Historic Environment Record (HER) showing areas of archaeological interest in the wider area (<http://www.heritagegateway.org.uk/Gateway/Results.aspx>). Bulcote Corporation Model Farm (ref M18415) includes a photographic record.

Main issue(s)

- i) Whether the proposal preserves the listed buildings, including their setting and any architectural features they possess;
- ii) What impact the proposal has on the character and appearance of the Bulcote CA;

iii) Whether the benefits of the proposed enabling development, which otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.

Legal and policy framework

Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') require the Local Planning Authority (LPA) to pay special regard to the desirability of preserving listed buildings, their setting and any architectural features that they possess. In this context, the objective of preservation is to cause no harm, and is a matter of paramount concern in the planning process. Section 72 also requires the LPA to pay special attention to the desirability of preserving or enhancing the character and appearance of conservation areas.

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

The importance of considering the impact of new development on the significance of designated heritage assets, furthermore, is expressed in section 16 of the National Planning Policy Framework (NPPF – revised July 2018). When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, for example. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. In determining applications, local planning authorities should take account of: a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) the desirability of new development making a positive contribution to local character and distinctiveness. LPAs should also look for opportunities to better reveal the significance of conservation areas when considering new development (paragraph 200).

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

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

In accordance with Historic England's guidance notes 'The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning: 3' (2015) and 'Seeing the History in the View: A Method for Assessing Heritage Significance within Views' (2011), a staged approach to considering impact on the setting of designated heritage assets is beneficial in complex proposals such as this.

The Conversion of Traditional Farm Buildings: A guide to good practice (English Heritage 2006; <https://historicengland.org.uk/images-books/publications/conversion-of-traditional-farm-buildings/>) and Traditional Windows: Their Care, Repair and Upgrading (Historic England 2015; <https://historicengland.org.uk/images-books/publications/traditional-windows-care-repair-upgrading/>) also provide useful guidance relevant to this case.

Decision-making

The decision-maker should be mindful of the need to give great weight to the conservation of designated heritage assets (NPPF para. 193). This is consistent with the LPA's duty to consider the desirability of preserving listed buildings (and their setting), as well as conserving or enhancing the character and appearance of the conservation area. The Judicial Review concerning The Forge Field Society vs Sevenoaks District Council reminds us of the importance of giving considerable weight to the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990. Mr Justice Lindblom reminds us: "As the Court of Appeal has made absolutely clear in its recent decision in Barnwell [Barnwell Manor Wind Energy Ltd v East Northamptonshire District Council (2014)], the duties in sections 66 and 72 of the Listed Buildings Act do not allow a local planning authority to treat the desirability of preserving the settings of listed buildings and the character and appearance of conservation areas as mere material considerations to which it can simply attach such weight as it sees fit. If there was any doubt about this before the decision in Barnwell it has now been firmly dispelled. When an authority finds that a proposed development would harm the setting of a listed building or the character or appearance of a conservation area, it must give that harm considerable importance and weight. This does not mean that an authority's assessment of likely harm to the setting of a listed building or to a conservation area is other than a matter for its own planning judgment. It does not mean that the weight the authority should give to harm which it considers would be limited or less than substantial must be the same as the weight it might give to harm which would be substantial. But it is to recognize, as the Court of Appeal emphasized in Barnwell, that a finding of harm to the setting of a listed building or to a conservation area gives rise to a strong presumption against planning permission being granted. The presumption is a statutory one. It is not irrebuttable. It can be outweighed by material considerations powerful enough to do so. But an authority can only properly strike the balance between harm to a heritage asset on the one hand and planning benefits on the other if it is conscious of the statutory presumption in favour of preservation and if it demonstrably applies that presumption to the proposal it is considering" (paras 48-49).

In heritage conservation, therefore, there are two key legal requirements that apply to decisions concerning listed buildings and conservation areas. Simply put, these legal objectives require special regard to the desirability of preserving these types of designated heritage asset (sections 16, 66 and 72 of the Act). The courts have said that these statutory requirements operate as a paramount consideration, 'the first consideration for a decision maker'. Planning decisions require balanced judgement, but in that exercise, there must be a sense of the weight society, through parliament, wishes to place on an objective such as heritage asset conservation. The protection of

listed buildings and conservation areas is regarded as highly important, and that should not be undervalued out of respect for both the law and democratic will¹.

Enabling development

Paragraph 202 of the NPPF states that local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies. The key public benefit is usually perceived as securing the long term future of the heritage asset concerned.

The Historic England (HE) (formerly English Heritage) document 'Enabling Development and the Conservation of Significant Places', offers specific guidance and criteria to be used in the assessment of enabling development proposals. Paragraph 202 of the NPPF makes it clear that the benefits of an enabling development proposal should simply outweigh the disbenefits of departing from other policies unlike the HE criteria which set out the tests of 'decisively' outweighing disbenefits. Given the status and up-to-date nature of the NPPF, and in the absence of any specific development plan policy on this matter, paragraph 202 forms the overarching test in this case, although the HE document remains a useful advice note. Fundamentally, although the HE guidance predates the NPPF, it still stands as HE's position on the concept of enabling development and sits within the framework provided by HE's 'Conservation Principles, Policies and Guidance for the Sustainable Management of the Historic Environment' (2008), which promotes a values-based approach to assessing heritage significance. The detailed practical guidance provided in the enabling development policy document should therefore be applied within the context provided by these principles.

The HE enabling guidance explains that a complex task of assembling the application (by the applicant), and assessing it (by the LPA) is involved. On page 5 it sets out 'The Policy' relating to enabling development. Enabling development that would secure the future of a significant place, but contravene other planning policy objectives, should be unacceptable unless:

- a) it will not materially harm the heritage values of the place or its setting;
- b) it avoids detrimental fragmentation of management of the place;
- c) it will secure the long-term future of the place and, where applicable, its continued use for a sympathetic purpose
- d) it is necessary to resolve problems arising from the inherent needs of the place, rather than the circumstances of the present owner, or the purchase price paid;
- e) sufficient subsidy is not available from any other source;
- f) it is demonstrated that the amount of enabling development is the minimum necessary to secure the future of the place, and that its form minimises harm to other public interests;
- g) the public benefit of securing the future of the significant place through such enabling development decisively outweighs the disbenefits of breaching other public policies.

HE advises that if these criteria are met, planning permission should only be granted if:

- i. the impact of the development is precisely defined at the outset, normally through the granting of full, rather than outline, planning permission;
- ii. the achievement of the heritage objective is securely and enforceably linked to it;

¹ See for example Mike Harlow (2013): 'Legal Developments', Conservation Bulletin (Issue 71: p.54). Mike is the Legal Director at Historic England.

- iii. the place concerned is repaired to an agreed standard, or the funds to do so are made available, as early as possible in the course of the enabling development, ideally at the outset and certainly before completion or occupation;
- iv. the planning authority closely monitors implementation, if necessary acting promptly to ensure that obligations are fulfilled.

The basic proposition in enabling development is that there is a conservation deficit, where the cost of repair and conversion to beneficial use is greater than the market value on completion of those works, so that based on a financial appraisal, some subsidy is required. In short, the enabling development provides a public subsidy in the form of development that would not otherwise be permitted. The HE guidance says market testing is normally the first step in establishing the need for subsidy, and Paragraph 3.6.2 sets out the information needed to cover all financial aspects of the proposal.

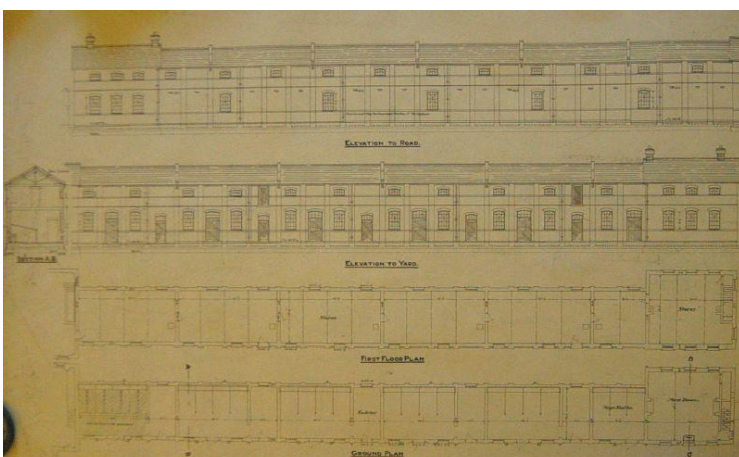
Significance of heritage asset(s) affected

Bulcote Corporation Model Farm

Bulcote Corporation Model Farm was designated Grade II on the 10 February 2005. The listed building comprises a range of farm buildings dated 1902 laid out in a quadrangular plan (the north-west and north-east ranges are two storeys). They were designed by the Nottingham City Engineer Arthur Brown and can be identified by the red brick structures with blue brick and cill bands with stone ashlar dressings. The roofs are covered in plain tiles with various ridge stacks. The fenestration includes metal framed windows with central opening casements and segmental headed windows. The main buildings include fire-proofed brick arched floor construction with concrete floors.



Former stable range forming the northeast range.



Left: Plans of the northeast range; right: the stack yard in the early 1900s.

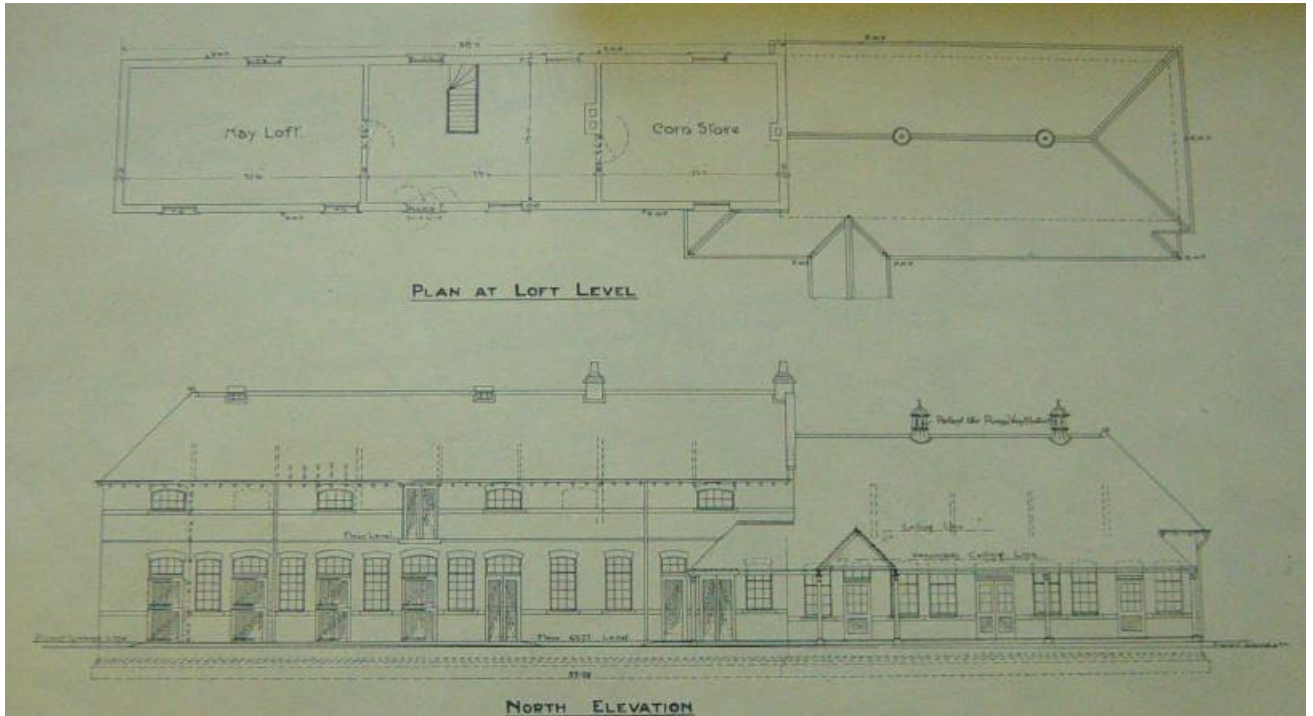
The north-east stable range has a recessed centre with 20 bays divided by pilaster strips. Every fourth bay has a tall glazing bar window with a smaller window above, and every intermediary bay has a single smaller window above. The projecting block with 3 windows to the left has large glazing bar windows with smaller windows above, and the 5 window projecting block to the right has large glazing bar windows with a central taking-in door (above) with a single smaller window to left and 2 to the right.



Southern end of the stable range terminates with an ornate gateway and single storey office with weighbridge.

To the south is a set of ornate iron gates with gabled iron gate piers linking to single storey office building. The office building has two tall brick chimney stacks, a metal roof ventilator and plate-glass sash windows throughout. Street front has a double and 2 single sashes. Gabled south-east facade has two pairs of sashes and a door to left gable and a large triple sash to right gable. Main courtyard front has octagonal corner bay window topped with an iron weather vane. To left a door flanked by single sashes and beyond a pair of sashes. In front of this façade is an interesting 15 ton weigh-bridge made by W & T Avery Ltd, London & Birmingham.

The south-east stable range is two storey with a single dairy range to right. Stable range has 12 bays with alternating doors and windows from left, above a taking-in door and three small windows. Dairy to right has deeply overhanging roof supported on circular cast-iron columns. Seven bays, from left a glazing bar sash then a doorway, two further sashes, another double door and another two sashes beyond.



The dairy range in the southeast corner.

Two ten bay pig sty ranges to south-west, single storey with slate roofs. Both main fronts have ten small glazing bar windows and ten roof-lights. Rear facades have ten small segment arched doorways. Gable ends have irregular roofline with single doorways, these doorways lead into corridors which serve the individual styes. These corridors have narrow gauge railway-lines for feeding trucks. Both these ranges have similar facades to the inner courtyard.



Pig sty range with narrow gauge railway line for feeding hoppers.

North-west storage range has 20 bays with 13 large glazing bar windows which alternate irregularly with three cart entrances and a broad entrance to the inner courtyard. Beyond to right is a later 20th extension, not of special interest.



Northwest stable range with its broad entrance into the courtyard.

To the north-west there are 2 specialist single storey buildings with large glazing bar windows with segmental heads.



Specialist buildings ancillary to the farmstead.



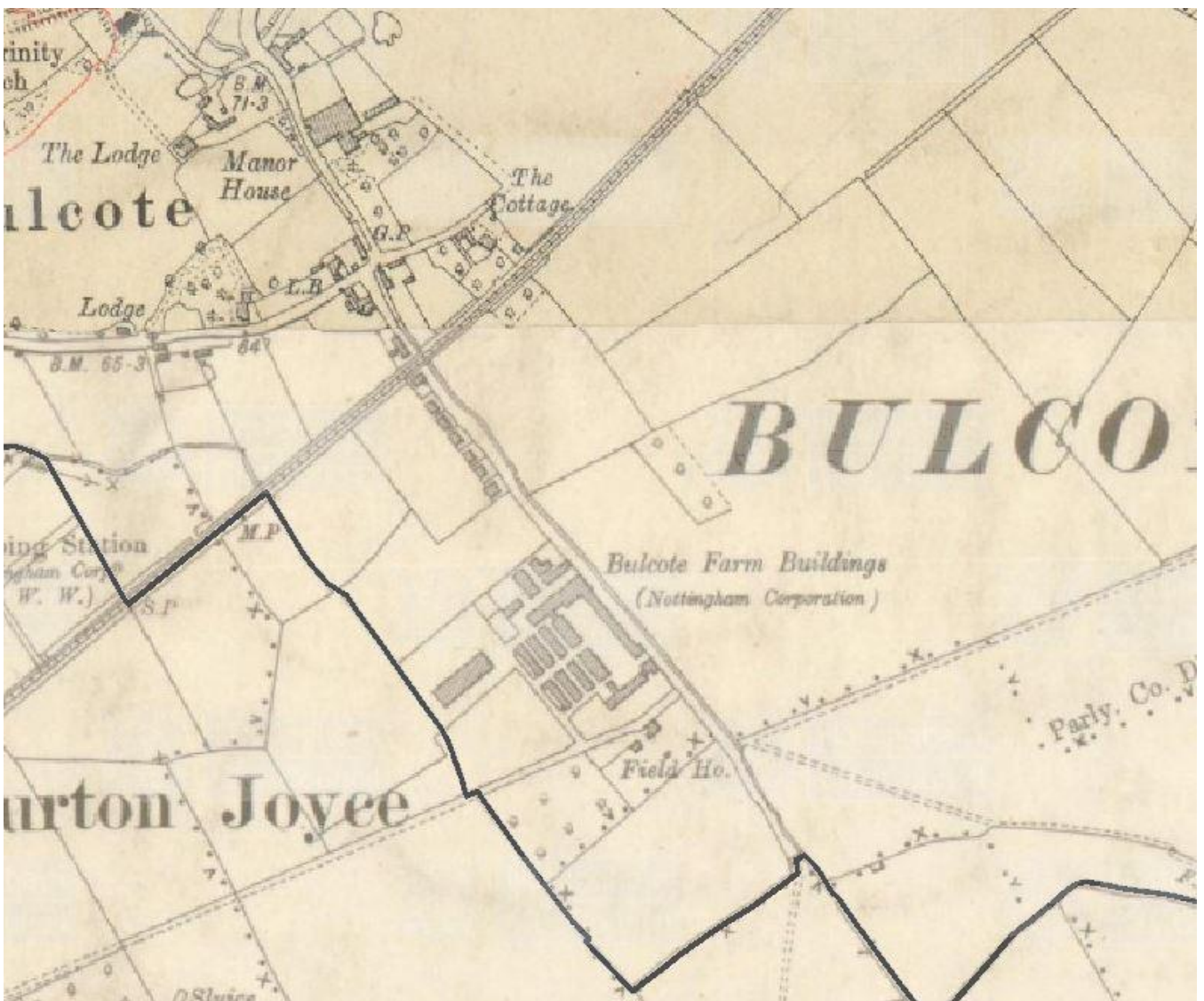
Former 2 storey building with animal pens in the southwest corner, demolished in the later 20th century prior to listing.



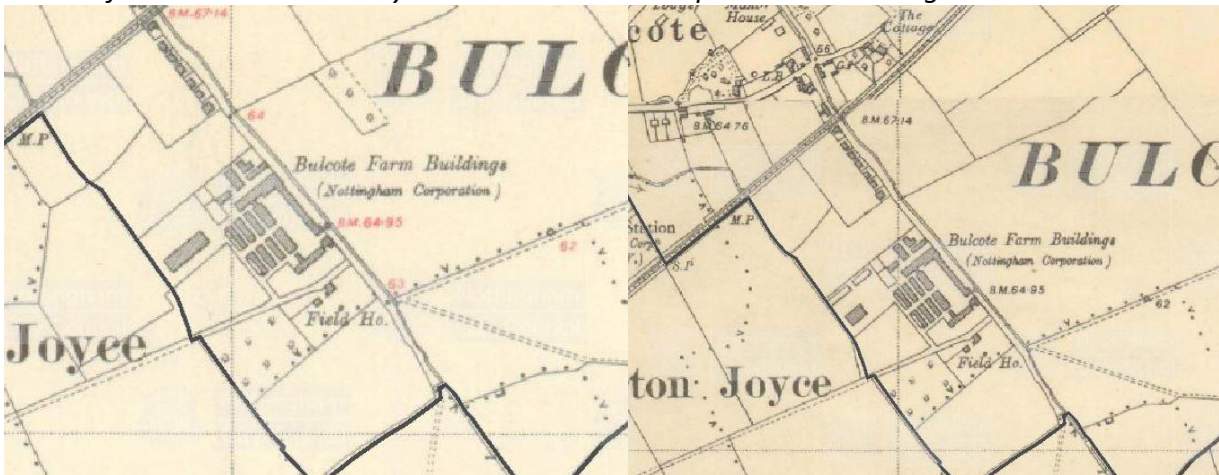
Bulcote circa 1875 (County OS Series).



Bulcote circa 1890s. Note that Field House first appears about now.



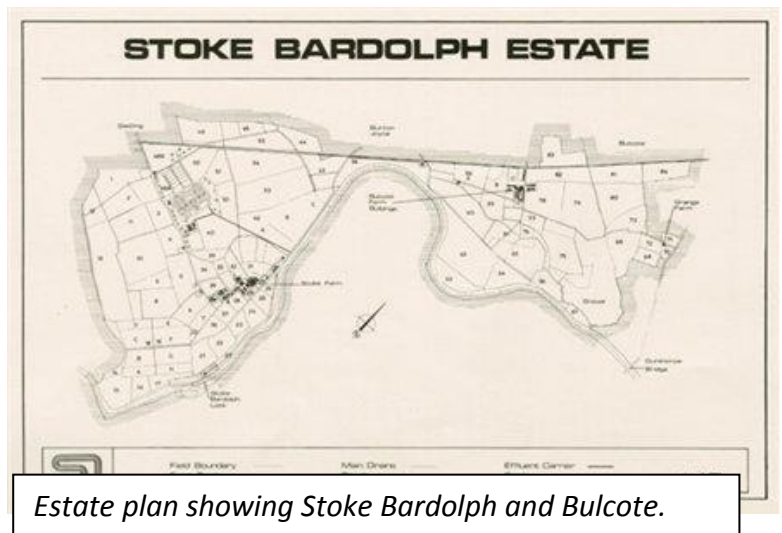
Extract from the 1912 County OS Series. Note the parallel barn ranges on the southwest side.



Left: extract from the 1937 County OS Series; right: 1946+ County OS Series.

Bulcote Farm is an important example of an industrial farmyard. It was constructed specifically by Nottingham City Corporation in order to assist with the dispersal of the solid waste produced by the sewage works at Stoke Bardolph. The Nottingham and Leen Valley Sewerage Board was established following the Nottingham and District Sewerage Act of 1872 in response to resolving pollution of the River Trent and River Leen from the city of Nottingham and surrounding areas. In 1877, the Board's powers passed to the Corporation of Nottingham. The Corporation leased 638 acres of land at Stoke Bardolph from Earl Manvers in 1878, and later purchased the estate. Construction of a sewage farm began under the direction of the Municipal Engineer M. Ogle Tarbotton (surveys of the land at Stoke Bardolph identified it as a suitable area with good drainage, where the sewage could be disposed of by means of spreading it on farm land and letting it seep through into the soil; the first sewage was received on 17 June 1880). The area covered by the farm increased in subsequent years and it soon extended into the neighbouring parish of Bulcote after the Corporation purchased 650 acres of land. Bulcote Farm became fully operational in 1904, and the farm was a fully-functioning agricultural business, selling milk produced from cows grazing on the land. By 1910 there were nearly 100 regular employees, some living in houses and cottages on the estate, and casual labour was also used.

In 1936 a combined scheme for main drainage and sewage disposal works in the Corporation of Nottingham was inaugurated. New piping systems and a pumping station at Sneinton brought extra sewage to the farm, and new buildings were opened providing for preliminary treatment of the sewage before the effluent was spread on the land. The aeration units, completed in 1960, allowed rotation of land receiving digested sludge and created growth in dairy farming. At times it has been a centre of pedigree pigs, shirehorses and Friesian cows, and crops of hay, cereals, roots and sugar beet have been harvested over a long period. However, proposals put forward in the mid-1960s to expand the piggeries and convert the cow sheds was not taken forward. Shortly after, much of the animal husbandry structures were demolished, including cow sheds, calf pens and piggeries. A new dairy farm was erected on the other side of



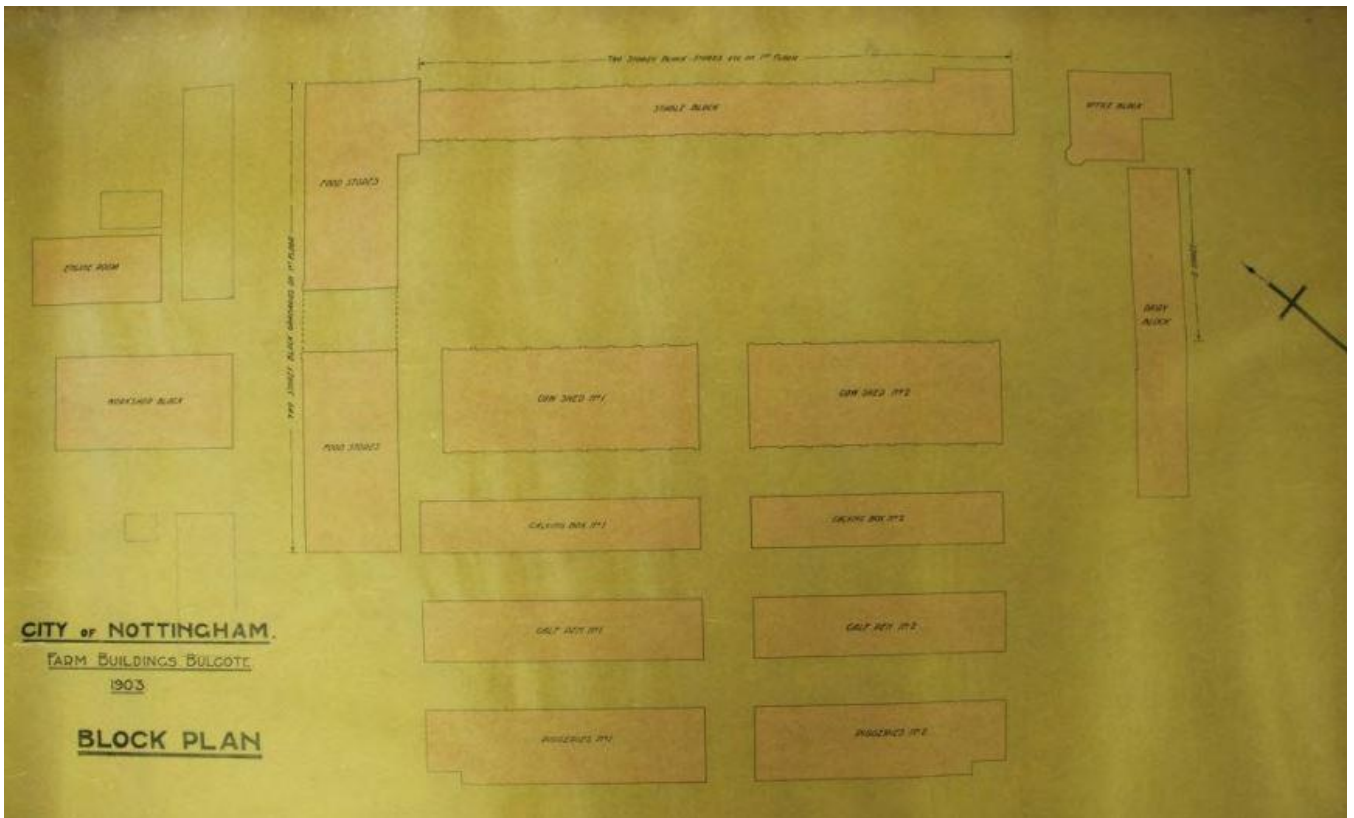
Estate plan showing Stoke Bardolph and Bulcote.

the road in 1987. Operations on the site have been scaled back since then, and the site effectively became redundant in 2013.



Aerial of the model farm from the mid-20th century.

The model farm at Bulcote, albeit an expansion of the sewage treatment works at Stoke Bardolph, is an outstanding example of its type. Built in the context of changing approaches to the sanitation of late Victorian cities, the farm was a conscious planned industrial project, combining innovation and pragmatism with architectural simplicity and quality. The farm layout followed modern thinking in farm design. The two storey northern range contained food stores at ground floor level with granaries at first floor; this was connected to an eastern range with stables at ground floor and stores above. The south range was separate from the other buildings and contained loose boxes at ground floor as well as a dairy, boiler room and pasteurising room (sanitation was carefully considered in these spaces). Adjacent to the south range was the farm office and the main entry into the crew yard (over a weighbridge). The office contained a meeting room for the Corporation Farm Committee as well as the main office itself and a manager's room. The eastern ranges were split into two halves by a central roadway and contained the majority of the animal pens from north to south with cow sheds, calving pens, calf sheds and piggeries. Further north, beyond the granaries was the engine room and workshops, as well as cart sheds. A narrow railway system extended from the granaries and stores to the dairy block as well as the animal pens to the south allowing for efficient feeding.



Original 1903 block plan of the site.

The former farmstead has group association with the farm manager's house to the south and the 6 semi-detached labourer houses known as Corporation Cottages (these structures are all Grade II listed, and were, according to the listings, also designed by Brown, 1902). 5 of the semis forming Corporation Cottages are identical with the one closest to the farm being slightly larger and possibly used for overseers. Late-19th century maps suggest that Field House predates the model farm, although is still thought to have been the farm manager's house.

Bulcote Conservation Area

The proposal site and its buildings form an important grouping within the CA.

The Bulcote CA was last reviewed in 2001 and the Council produced a CA Appraisal. This document advises, amongst other matters, that the CA has a distinctive character which is derived from the spaces between buildings as much as from the buildings themselves.

The CA was originally designated in 1974 and covered the northern part of the present boundary. The area was extended in 1984 to include Bulcote Steading as well as important fields considered to contribute to the setting of the village. A very minor tweak was made to the boundary in 1994.

Although Bulcote is a small village, it is situated in close to proximity to Burton Joyce, a large suburban area on the edge of Nottingham. Most of Bulcote is located along Old Main Road, which runs in a loop south of the main A612. Bulcote model farm forms the southern extent of the CA boundary, beyond the railway crossing.

The majority of the CA is situated on flat river plain in the Trent Valley, although the focal Church of Holy Trinity is found on a steep wooded hill at the northern end of the village.

The village of Bulcote is recorded in the 1086 Domesday Book. The word Bulcote means 'cattle shed' and probably evolved as a farming community. It was already an established village overlorded by Walter D'aincourt, a Norman knight. The De Busli family rented the land from about 1080 to 1099. From the list of householders, the population in 1086 has been estimated to have been about 132. At that time the neighbouring village of Burton Joyce had only 50 inhabitants, but it had a church and a priest whilst Bulcote did not. The population level of the village remained more or less constant for over 900 years until housing developments in the 1960s increased it to 252 by 1971.

The first church at Bulcote is said to have been founded by the Santa Maria family who held the lordships of both Bulcote and Burton Joyce from the early 13th century. They resided in Bulcote, living in a house named St Mary's Hall, the exact site of which is not now known. Adam Santa Maria is thought to have given the church site for the burial of his wife Alice (died between 1208 and 1213). Presumably the chapel was built around the same time, for soon afterwards, Maria gave the site and some land in the village to the Abbott of Welbeck Abbey, a Premonstratensian order, with the condition that they would supply a priest 'for the sake of the souls of my wife Alice and son Bartholomew'. Sometime before 1349, Welbeck transferred the church and land to Shelford Priory, an Augustinian order, in exchange for the advowson of Kelham near Newark. It is not known if the church was originally dedicated to the Holy Trinity or had some other name, but it has been known as Holy Trinity Church from at least the 17th century.

Shelford was a small Priory and an early target for dissolution, which happened in 1536. Sir Michael Stanhope appropriated both the Bulcote and Burton Joyce churches along with many of the assets of Shelford Priory. Bulcote Church, being a chapel of ease to St Helen's Burton Joyce, does not now have a vicarage, but did so in 1753, for the Archdeacon recorded that the building was in need of repair. Bulcote village and the surrounding lands were enclosed by Act of Parliament in 1786. The Church was awarded Bulcote Wood and other tithe lands, which produced an income of £47 per annum. Throsby's 1796 description of the building was not very generous, suggesting that the chapel was topped like a pigeon house and 'has no attractions'. The 17th and 18th century nonetheless saw great change in the village with many significant houses being constructed along Old Main Road, notably the Manor House (built 1708). The winding roadway through Bulcote and Burton Joyce was fairly small and unimportant in the 18th century, although the River Trent however remained an important transportation route.

The population of Bulcote reached its highest 19th century level in 1841 when the census returns give a figure of 156, but ten years later in 1851 the population was just 83. This is also the population figure recorded for the Religious Census conducted in the same year. The return for Holy Trinity recorded that the general congregation was 32, plus 16 Sunday school scholars. The Nottingham to Lincoln railway came to Bulcote in 1846, although no station was built (other than the attractive Bulcote Crossing Cottage).

By 1859 the Church was in a very poor state of repair, so much so that the vicar closed the building for further use. The responsibility for the upkeep of the church was vested in the Lord of the Manor who in 1859 was major, later Colonel Egerton-Leigh. He had acquired the title and properties including Bulcote Lodge, through his marriage to Lydia Rachel Wright. Egerton-Leigh resided at his family seat High Leigh in Cheshire, renting out his Bulcote estate. Although he was an absent landlord he took his responsibilities seriously. In 1860 he wrote to the Church Commissioners informing them of the condition of the church. He had already ascertained that the cost of a new building would be about £900. Egerton-Leigh stated that he was prepared to personally contribute £750 towards the total costs. His request for the remaining £150 was

refused. The church collapsed in any case in 1861, allegedly as the result of a violent thunderstorm. The current church is the replacement structure, completed and dedicated in 1862.

In 1870-72, John Marius Wilson's Imperial Gazetteer of England and Wales described the village as "a chapelry in Burton-Joyce parish, Notts; on the river Trent and the Midland railway, 1 mile NE of Burton-Joyce r. station, and 4½ NW of Bingham. Post Town, Burton-Joyce, under Nottingham. Acres, 970. Real property, £1,139. Pop., 136. Houses, 24. The property is divided among a few. The living is a p. curacy, annexed to the vicarage of Burton-Joyce, in the diocese of Lincoln".

As discussed in the previous section, the land at Bulcote Steading was purchased by the City of Nottingham circa 1900 to serve the Stoke Bardolph Sewage Farm. The model farm represents a unique example of municipal agricultural architectural design and is an extensive complex of late Victorian/Edwardian model farm building.

The village bypass was built in 1931, effectively separating the Church from the historic core of the village. Whilst the early form of the village remains legible from the Church on the hill down through the village along the attractive route of Old Main Road, the by-pass and post-war housing has had a significant impact on the former park-like qualities of the settlement.

The 2001 Appraisal identifies a number of key views within the village, typically encompassing green spaces and topography contributing to the setting of the CA. These include views along Old Main Road towards the model farm, and of countryside glimpsed between Corporation Cottages and the model farm. It is clear that the relationship between Bulcote Steading and its rural hinterlands is an important element of significance in this case, and views between and through the site reinforces this significance.

Assessment of proposal

Conservation has no objection to the proposed development.

Bulcote Farm was conceived as a quadrangle with several ranges of buildings providing housing for cows, pigs and horses as well as food storage. The majority of buildings are constructed from red brick with concrete vaulted floors, blue brick detailing, slate roofs and metal framed arched head windows. Two ranges to the southwest and one within the main quadrangle were demolished in the 1960's (presumably due to underuse/maintenance issues) whilst several portal framed buildings were added over the years in order to adapt to modern agricultural practices. The significance of the current complex, which was designated Grade II in 2005, relates to its architectural interest and social history concerning the model farm movement in the post-medieval era. The farm complex derives significance also from its rural setting and relationship to adjacent listed buildings.

The proposal before us seeks to restore and renovate the listed buildings whilst accommodating a new residential use. The additional provision of enabling development is necessary and justified in this case. The proposal can be summarised as:

- Conversion of the historic farm buildings to form 24 dwellings;
- Enabling development comprising 48 new build dwellings to the northwest of the remaining farm buildings, between the farm and Corporation Cottages, and on the site of the modern dairy farm;
- Over 160 car spaces within the quadrangle, private driveways and parking courts;

- New community use within the former dairy building on the southeast side;
- Public open space within the quadrangle and to the north of the existing historic farm buildings.

The renovation of the historic farm buildings includes removal of modern extensions and portal elements within its setting, resulting in an enhancement to the significance of the listed buildings. The removal of the grain dryer to the end of the granary range for example, and reinstatement of matching period windows will help better reveal the significance of the main range.

There remain elements of agricultural machinery within the granary, including grinding and willowing machines. These are not fixed, and as plant, not protected by the listing in this case. This machinery is not thought to be located in its original position, although recording will be necessary if a scheme is approved. We recognise that some of these machines might be donated to a museum, but this in itself should not be perceived as a benefit as there is no certainty as to whether such a donation would be accepted, and the removal of the machinery will result in some loss of interest to the model farm. Nevertheless, there are also a number of cast iron hand operated winches fixed to the concrete upper floors, and we are pleased to see that many of these will be retained as part of the scheme (this will need to be conditioned).

The applicant has responded positively to our original concerns regarding alterations to the listed buildings, and the scheme has been significantly revised. Nevertheless, the most significant internal intervention relates to stairways, which are currently limited in number. The conversion scheme of the main northeast range for example requires individual staircases in each bay. However, this helps reduce internal subdivision and the external reading of the bays remains unaffected. Inevitably, the subdivision of some spaces impacts the legibility of the barns, as do alterations of some of the more specialist areas such as the stables. Overall, we feel that the applicant has struck the right balance between intervention and historic fabric retention/plan-form legibility. New internal walls have been reduced to the minimum necessary, and where intervention is required, it has a clear and convincing justification. Wherever possible, for example, living areas are open plan to maintain a sense of openness, and new walls aligned logically within the vaulted ceilings or by the line of roof trusses.

We recognise and support the minimisation of new external openings. Exceptions to this include the southwest elevation where the modern grain store will be removed (an enhancement), and some minor alterations to plots 17 and 21. The removal of new roof lights from the scheme is welcomed.

Careful consideration has also been given to Building Regulations and services. Although it is accepted that the industrial character of the buildings generally enables some pragmatic interventions, we welcome the efforts to minimise intervention and visual accretions in prominent positions. The replacement or alteration of existing concrete ground floors for flood resilience is also considered to be acceptable, and the industrial character of the buildings will remain unaffected. Whilst these elements will require appropriately worded conditions, we feel that the indicative strategies for services and insulation are suitable in this case.

It should also be noted that the repair schedule anticipates appropriate repair and renovation as far as practicable, ensuring that good conservation values are followed. The revised annotations for conversion allow for repair and renovation of existing windows rather than replacement for example. Over 50 per cent of the roof slates are anticipated to be salvageable, furthermore. The scheme expects to retain extensive architectural elements throughout, including winches (associated with taking-in doors), pulleys, belt drive system, trap doors and external light fittings.

We also welcome the retention of plank doors to be pinned back (enabling openings to be glazed). The preservation of glazed brick walls in the proposed community space is positive, as is the conservation of the narrow gauge feeding tracks and fabric of the piggery building (to become a useful ancillary element to new residential units). The applicant acknowledges that the manager's office includes extensive interest in terms of joinery, fire places and elements associated with the weighbridge. Suitable conditions will be required governing any repairs, including temporary removal for cleaning/repair.

The car parking within the courtyard will have a significant impact on the setting of the listed farm complex, although it is accepted that the existing extent of hard standing and industrial character ensures that this aspect of the proposal is not fundamentally harmful. The proposal indicates that the central area will be landscaped and used as shared amenity, ensuring that the spaciousness of the yard is sustained, thus preserving the overall stack yard setting of the main listed building range. Landscaping and surfacing will need to be carefully considered nevertheless.

Overall, we consider the conversion scheme to be well-considered and positive.

The new build 'enabling' development can be split into three distinct elements:

- The terraced elements to the southwest and northwest;
- The semi-detached infill adjacent to Corporation Cottages; and
- The detached houses to the northeast replacing the modern dairy farm.

We are convinced that the re-imagining of the demolished historic courtyard rows is acceptable. The intensity of the development in this part of the site is consistent with the historic plan-form of the model farm, furthermore, and the scale and design of the new build reflects aspects of the vernacular farm buildings previously there. The design approach is positive, although careful consideration will need to be given to the subdivision of garden plots (hedges and post and rail fences should be utilised rather than standard panel fences for example).

As for the new semi-detached houses along the roadway, it is felt that these continue the plan-form of Corporation Cottages, and although the design is a modern interpretation, the general form and scale is commensurate with the significance of the model farm site and the listed former labourer cottages adjacent. The loss of the views from the road towards rural countryside between Corporation Cottages and the model farm slightly contradicts the aspirations of the adopted CA Appraisal. However, we feel that this is not profoundly harmful, noting that views will still be afforded between buildings. Moreover, there is no planned vista or material receptor in this location, the identified view being more associated with the experience of moving through the site and the sense of space between buildings. The existing hedgerow currently prevents views through this part of the site in any case. The tightknit arrangement of new dwellings proposed along Old Main Road does not preclude the ability to experience the rural setting beyond it. Indeed, early discussions on new build in this area discounted any form of tandem or back-land layouts in order to protect the plan-form and plot arrangement of Corporation Cottages, and in this context, we feel that the infill semi-detached dwellings is successful.

The removal of the modern late 20th century dairy farm on the northeast side is welcomed, and will result in a significant improvement to the setting of the model farm and conservation area. The modern farm buildings comprise a significant foot print, and include extensive modern portal elements which are unattractive and obtrusive when compared to the aesthetics of the model farm. Although we accept that the new build component is ostensibly different in character to the

existing farm buildings, we feel that the benefit of removing the modern dairy farm complex is a significant consideration. Moreover, the scale, form and design of the new dwellings fits in with the labourer cottage character of Corporation Cottages, and we are therefore satisfied that the development is not harmful to the setting of the listed buildings in this case. Whilst the development sits in proximity to the northeast range of the main listed farm complex, the dwellings will be set well back from the roadway and not unduly prominent.

In conclusion, having scrutinised the plans and details for the conversion and new build, we are satisfied that the proposed redevelopment of the listed buildings at Bulcote Steading and the new development within their setting sustains their overall special interest and causes no harm to the setting of Corporation Cottages or Field House. No harm is perceived to the character and appearance of the Bulcote CA furthermore. The revised plans fully address concerns raised in our previous advice regarding the conversion strategy, and overall I consider the conversion scheme to be acceptable. Change is inevitable in any conversion scheme and in this case, I consider that the revised plans reflect detailed dialogue between the applicant and the Council seeking to minimise conflict between the heritage asset's conservation and various aspects of the proposal. Fundamentally, most of the external historic fabric of the listed buildings is retained, with opportunities taken to improve them wherever practicable.

For clarity, we are satisfied that the overall development is not harmful to the special interest or setting of any listed building, and nor is it harmful to the CA, including its setting. Whilst we accept that the quantum of development is considerable, we are content that a significant portion of the new development is located where previous important historic buildings were situated (the courtyard development), and where it does not, forms a natural continuation of existing buildings (the modest rounding off to Corporation Cottages) or replaces negative brownfield elements (the modern dairy farm).

Given that the enabling figures have been independently scrutinised, we see no reason to dispute the quantum of development. In accordance with Historic England's advice, the enabling should be the minimum necessary to resolve the heritage deficit. If the applicant is required to contribute to local infrastructure via s.106 agreement, the quantum of enabling development will inevitably rise. I would be concerned by any further development on the site beyond that shown in the revised plans and an increase in the numbers in any part of the site is likely to tip the balance from no harm to harm. Harmful development would clearly contradict the HE guidance on enabling development.

In addition, Severn Trent sites in this District are all operational, ensuring that off-site enabling is not a realistic option either.

The applicant has set out clearly that they would be prepared to enter into a s.106 to secure all of the repairs to the listed buildings as part of a phasing agreement.

Other matters

In accordance with the Historic England methodology for Heritage at Risk, empty and vacant listed buildings with some level of neglect or deterioration are considered to be at risk. Newark and Sherwood District has 1387 buildings, structures and monuments that are regarded to be of national significance and designated as listed buildings. Whilst the great majority are in good condition, there are a number of buildings that have fallen into disuse and disrepair. These structures are commonly referred to as 'Buildings at Risk' (BaR). Nottinghamshire County Council

(NCC) has been carrying out condition surveys of vulnerable buildings since the 1980s. The County Council first published details of buildings at risk in the Historic Buildings at Risk in Nottinghamshire 2004, and have resurveyed the District within the last 5 years. Historic England also publishes a register of nationally significant designated heritage at risk, including all Grade I and II* structures. Consequently, there is no need to replicate this in the local BaR Register. The purpose of the Register is to raise awareness of the deteriorating condition of a number of listed buildings and to generate interest among the local community and potential investors. Listed buildings that are not being maintained in a reasonable condition can be subject to legal action by the Council to enforce proper repairs. In the most extreme cases, neglect may lead to compulsory purchase proceedings by the Council.

The risk level is determined by assessing the condition of a building (usually by external inspection only). Risk level is determined by condition and occupancy, with level 1, 2 and 3 being 'at risk' and 4 being 'vulnerable' or 5 'not at risk'. Extreme risk (level 1) is the worst level and is determined by severe structural failure and redundancy. At the other end of the scale, buildings and structures that are in a fair or good structural condition may still warrant regular inspection due to their vacancy or lack of maintenance, both of which can lead to longer term problems.

In Bulcote, the only listed building formally added to the Register is the gates and piers to Kingswood (based upon a condition assessment). Having discussed the model farm with NCC colleagues, they advise me that it was last surveyed in 2013. The survey results at that time advised that the overall condition was fair (except for the condition of the architectural detail which was classed as poor) but that it was part occupied and therefore classified as risk category 4 (vulnerable). The submitted condition survey of the model farm (forming part of the enabling baseline data and the historic building record/photographic record) reveals that there is masonry cracking in a number of structures, some of which is serious. I believe that this puts the building range into category 3 (at risk). Structural assessment could be used to clarify some of the observations by Shaw and Jagger in terms of vulnerability/parlous condition of barns. However, having inspected the barns several times over the last 5/6 years, I am satisfied that the buildings are at risk in the context of the HE methodology.

It is worth noting that empty and derelict listed buildings can put conservation areas at risk. At present, Newark, Ollerton and Upton are all identified as being at risk on the national Register. In all three cases, empty and decayed listed buildings are a key factor for designation.

Mothballing is only a temporary measure. Given that urgent works procedures can only agree the minimum works to make the buildings wind and watertight, including plastic roof coverings and other temporary measures, the public perception of dereliction is not necessarily addressed and underlying risk factors remain. The 2015 HE guidance on mothballing advises that an active management strategy should be used, ranging from urgent works to security measures, propping, works to reduce the risk of arson, control of vegetation and finding temporary uses. On a site of the size and complexity of Bulcote model farm, many of these issues present cost burdens and practical difficulties. Kelham Island in Sheffield is an example of a conservation area at risk with many historic buildings mothballed for some time before eventually being redeveloped. The former Green Lane Works is a good exemplar of this, and it took support from Historic England in resolve.

In this case, the applicant has indicated the considerable heritage deficit inherent to the site, along with perceived repair costs. It is anticipated, for example, that the cost of essential repairs to the roofs (including rainwater run-off), masonry, windows, floors and asbestos removal is likely to

require investment of £1.6 million. The applicant has actively explored other funding sources to address the heritage deficit, and I have no reason in this case to dispute their conclusion that funding from alternate sources is unlikely.

In this context, we feel that the proposal before us represents the optimum viable use of the site with acceptable new development surrounding it which is the minimum necessary to address the heritage deficit.

Summary of opinion

No objection. In accordance with paragraph 202 of the NPPF, we believe that the case for enabling development has been made and justifies departing from planning policies which would otherwise conflict in this case. The proposal will preserve the special interest of Bulcote Steading and the character and appearance of Bulcote CA. No harm will be caused to the setting of Corporation Cottages or Field Farm, both Grade II listed buildings. The proposed development and works therefore accord with section 16, 66 and 72 of the Act. The proposal also complies with heritage advice contained within the Council's LDF DPDs and section 16 of the NPPF.

Conditions

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

- No works of demolition shall begin until a binding contract has been entered into for the carrying out of works for redevelopment of the site in accordance with all the necessary permissions and consents.

Reason: To ensure that the development will proceed in accordance with para.198 of the NPPF.

- Before work begins a site meeting shall be held between the local planning authority and the persons responsible for undertaking the works to ensure that the Conditions attached to the Listed Building Consent are understood and can be complied with in full. Notification of the date and time of a meeting shall be made in writing to the Local Planning Authority.

Reason: This condition is to ensure that follow-up action can be taken before works begin on site. This is a complex scheme where there will be a number of other conditions, and where planning permission has also been granted.

- Before work begins it shall be agreed in writing with the Local Planning Authority the appropriately qualified professional specialising in conservation work who will supervise the hereby approved works of alteration or demolition. Any proposed changes to the agreed supervision arrangements shall be subject to the prior written agreement of the LPA.

Reason: To ensure that the works respect the special interest of the listed buildings.

- Before the commencement of works, an updated schedule of works, including structural engineering drawings and method statement shall be submitted to and approved in writing by the Local Planning Authority. The details shall include:

- a method statement for ensuring the safety and stability of the building fabric identified to be retained throughout the phases of demolition and renovation;
- the arrangements for temporary secure storage of salvage materials and architectural features to be repaired off-site; the person or body specialising in this procedure appointed by the applicant; and a timetable for their reinstatement, re-use or disposal;
- a detailed methodology for the repair and renovation of the building fabric to be retained; and
- an updated methodology for all service and utility interventions, thermal upgrading and flood resilience improvements to concrete floors.

Particular regard should be given to the following items: chimney-pieces; cast guttering and hopper-heads; windows containing historic window glass; historic light fittings; hoist winches; loft hatches; glazed brick faience; architectural elements associated with the weighbridge; metal-work; vaulted ceilings; historic timber beams, joists and rafters. No such features shall be disturbed or removed temporarily or permanently except as indicated on the approved drawings or without the prior approval in writing of the Local Planning Authority. Where appropriate, sound materials/features/fixtures forming part of the building shall be carefully taken down, protected and securely stored for later re-use. The agreed measures shall be carried out in full.

Reason: to ensure that the works take the form envisaged by the Local Planning Authority and that they respect the special architectural and historic interest of the listed building.

- During the works, if hidden historic features are revealed they should be retained in-situ unless otherwise agreed in writing with the Local Planning Authority. Works shall otherwise be halted in the relevant area of the building and the Local Planning Authority should be notified immediately. Failure to do so may result in unauthorised works being carried out and an offence being committed.

Reason: To ensure that the works respect the special interest of the listed buildings.

- A programme of historic building recording and full recording report shall be submitted to and approved in writing by the Local Planning Authority before work commences.

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

In addition, conditions will need to address all aspects of the new build (joinery schedule, masonry construction, chimneys, eaves/verges and facing materials). All external accretions, including rainwater goods, vents and other elements will need to be agreed. Particular attention will need to be paid to masonry construction (sample panel should be agreed showing bricks, mortar specification, pointing finish and brick bond). Joinery and chimneys should be retained, and thought given to appropriate restriction of permitted development (notably to roofs and potential visual domestic clutter within the setting of the listed buildings).

Informative notes shall include:

This Listed Building Consent is granted in strict accordance with the approved plans. It should however be noted that: a) Any variation from the approved plans following commencement of the development, irrespective of the degree of variation, will constitute unauthorised development and may be liable for enforcement action. b) You or your agent or any other person responsible for implementing this permission should inform the Local Planning Authority immediately of any proposed variation from the approved plans and ask to be advised as to the best method to resolve the matter.

The applicant is advised that the proposed development will require approval under the Building Regulations. Any amendments to the hereby permitted scheme that may be necessary to comply with the Building Regulations must also be approved in writing by the Local Planning Authority in order that any planning implications arising from those amendments may be properly considered.

All new works unless specified on the approved plans and works of making good, whether internal or external, should be finished to match the adjacent work with regard to the methods used and to material, colour, texture and profile.

NSDC Environmental Health Contamination

Comments received 02.06.15

A Phase I Geo-Environmental Site Assessment has been submitted with the planning application. This report was produced by Resource Environmental Consultants Ltd of behalf of the developer (Ref: 45153p1r0 dated September 2013).

This document describes the history of the site as a mixed use farm which carried out spreading of sewage sludge on land to act as fertilizer. The preliminary risk assessment discusses the potential impacts of these previous uses in relation to the proposed residential development and indicates the probable contaminants of concern. The report then concludes with a series of recommendations including a scope of intrusive investigations/targeted soil sampling to be carried out.

I generally concur with these recommendations and look forward to receiving the Phase 2 Site Investigation report on the findings of the intrusive investigations. I would recommend the use of our full phased contamination condition in order to ensure that this work is carried out to Environmental Health's requirements.

I note that the report states that the site lies in an area where 1%-3% of homes are affected by the presence of radon; however our records show that it is 3%-5%. I would therefore expect the applicant to provide more detailed evidence to provide justification that radon protection is not required at this site.

Furthermore the report describes that the site is potentially within an area affected by historic coal mining. A coal mining report should be submitted with the phase 2 site investigation.

Comments received 09.01.18

Previous comments received 02.06.15 are reiterated

Comments received 15.03.18

Details re coal mining and radon survey if the contamination condition is on we can do it through that. The desktop found potential contamination so a phase 2 SI is needed so the condition is

required anyway

NSDC Parks and Communities

Comments received 17.06.15

As a development of 64 units this proposal should include provision for public open space in the form of amenity green space (14.4m²/dwelling) and provision for children and young people ((18m² per dwelling). The proposed site layout shows an area of open space in the courtyard totalling 1200m² which fulfils the amenity green space requirement. The layout also shows a large area of pasture; however the supporting documentation does not seem to describe any particular use for this or suggest that it will be publically accessible. The applicants thus need to demonstrate how they will deliver the requirement for 1,206m² of children's playing space.

Comments received 21.11.19

As a development of more than 30 dwellings this scheme should include public open space (POS) provision in the form of provision for children and young people (18m² per dwelling) and amenity greenspace (14.4m² per dwelling) - as set out in the Council's Developer Contributions SPG. It is not clear from the Proposed Site Layout Option 3 plan how much POS is to be included on site and what the designation of the areas shown is. The applicant should thus be asked to demonstrate how they are meeting the POS requirements. If sufficient POS of the correct type and with the appropriate facilities is not to be provided on-site then a contribution towards the provision/improvement and maintenance of POS in the vicinity of the site may be required.

NSDC Planning Policy

National Policy

Reflecting a presumption in favour of sustainable development national policy confirms that the National Planning Policy Framework has not changed the statutory status of the development plan as the starting point for decision making. Proposed development which accords with an up-to-date Local Plan should be approved and proposed development which conflicts should be refused, unless other material considerations indicate otherwise.

Defines the fundamental aim of Green Belt policy as being the prevention of urban sprawl by keeping land permanently open. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The construction of new buildings is regarded as inappropriate, save for a limited range of exceptions.

Requires Authorities to maintain a supply of specific deliverable sites sufficient to deliver a five year housing land supply.

A sequential approach to development and flood risk should be followed, with the objective of steering new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. If, following application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, then the Exception Test can be applied if appropriate.

Development Plan
Core Strategy DPD
Spatial Policy 4A 'Extent of the Green Belt'
Spatial Policy 4B 'Green Belt Development'
Core Policy 1 'Affordable Housing Provision'
Core Policy 3 'Housing Mix, Type and Density'
Core Policy 'Sustainable Design'
Core Policy 10 'Climate Change'
Core Policy 13 'Landscape Character'
Core Policy 14 'Historic Environment'

Allocations & Development Management DPD
Policy DM3 'Developer Contributions and Planning Obligations'
Policy DM5 'Design'
Policy DM9 'Protecting and Enhancing the Historic Environment'
Policy DM12 'Presumption in Favour of Sustainable Development'

Assessment

Green Belt

The application site is entirely located within the Green Belt, and I see no reason to disagree with the previous planning policy input provided in June 2015. This advised that the conversion element of the proposal could be consistent with the allowance in national policy for the re-use of buildings in the Green Belt, providing that they are of a permanent and substantial construction. The existing listed buildings would clearly meet this test, and in accordance with the remaining elements of para 90 their conversion would not in itself compromise the openness of the Green Belt nor conflict with the purposes of including land in the designation.

Beyond this the remainder of the scheme, some 48 dwellings, constitutes new build development which is suggested as necessary to support the conversion of the existing buildings. Again I agree with the previous advice, this would clearly represent inappropriate development in the Green Belt. As per national policy such development is by definition harmful to the designation, and should only be approved in very special circumstances. The applicant contends that the conversion is not viable on its own, needs the new build to make it so, and the benefits of this in terms of giving the listed buildings beneficial use constitute very special circumstances. This would nonetheless represent a significant level of development. Setting aside my concerns, over the impact on the openness of the Green Belt and whether the application site represents a suitable location for this scale of development, we will need to be convinced that the numbers proposed have been restricted to purely that necessary. The information provided by the applicant seems to suggest that this is now the case, but I would nevertheless emphasise the importance of this being robustly tested.

It will then be necessary to balance the level of harm to the Greenbelt against the desirability of retaining the listed buildings through conversion. This will clearly partly depend on the view that we come to over their heritage significance, and I would defer to the expertise of colleagues for advice on this. Beyond this the level of harm to the openness of the Green Belt by virtue of the amount and form of development proposed is also a relevant consideration. Given that the application concerns a farm it would be considered greenfield and not brownfield as per para 89 of the NPPF. Notwithstanding this I would recognise that there is clearly existing built development and areas of hard surfacing within the application site, and so you may wish to consider whether to exercise some pragmatism.

The applicant has indicated that the 48 dwellings will be primarily sited on the footprint of the demolished south western ranges. In this respect I am sympathetic to the argument that due to the removal and non-replacement of existing buildings and areas of hard surfacing there may be no overall increase in the footprint of the developed area. Though again we will need to be content that this is indeed the case. Notwithstanding this whilst the absence of development is integral to how 'openness' should be viewed, this does not mean that landscape and visual considerations are not also relevant. The applicant refers to an overall decrease in the density of development, however this appears to relate back to the profile of the site at the height of its use (a photograph from the 1950's is provided). It is clear that significant demolition has subsequently occurred and that the site is now host to extensive areas of hard surfacing and pasture land. The replacement of these areas with housing would clearly have a greater impact on openness from a landscape visual perspective than the status quo. It is therefore important that we come to a view over what point in time provides an appropriate basis of comparison for the proposed development.

National policy is clear that substantial weight should be given to any harm to the Green Belt. Given the significant amount of development proposed and the danger from the precedent this could set it is reasonable to expect a comparatively significant justification to be present in support of the proposal.

Sustainable Development

Regard will need to be had to whether the proposed development is consistent with the aim in national and local planning policy of delivering sustainable development. In this respect, bearing in mind the scale of development proposed, I would point to the comparatively isolated location of the application site. Actively managing patterns of growth to make the fullest possible use of public transport, walking and cycling and focusing significant development (my emphasis) in locations which are or can be made sustainable is a core planning principle of national policy. Furthermore national policy also states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Elsewhere the need for an integrated approach to considering the location of housing, economic uses and community facilities and services is referenced.

The spatial distribution of development promoted by Spatial Policy 2 is consistent with this approach, with limited levels of development anticipated below the 'Principal Village' level of the Settlement Hierarchy. Spatial Policy 4B then effectively defines where, and under what circumstances, housing development will be deemed to enhance or maintain the vitality of rural Green Belt communities. It does so through seeking to focus new housing development within the settlement boundaries of Blidworth, Lowdham and the part of Bulcote attached to Burton Joyce. Beyond this it allows for consideration to be given to rural affordable housing exceptions sites within or adjacent to the main built-up area of a number of Green Belt settlements – including Bulcote. The proposal would therefore be at variance with this approach.

Flood Risk

The aim of the Sequential Test is to steer new development to Flood Zone 1 (areas with a low probability of river or sea flooding). Where there are no reasonably available sites in Flood Zone 1, then the flood risk vulnerability of the proposal should be taken into account and reasonably available sites in Flood Zone 2 considered, applying the Exception Test if required. Only where there are no reasonably available sites in Flood Zones 1 or 2 should the suitability of sites in Flood Zone 3 (areas with a high probability of river or sea flooding) be considered, taking into account the flood risk vulnerability of land uses and applying the Exception Test if required. This approach is reflected in Core Policy 10 and Policy DM5.

Much of the site is located within Flood Zone 2 and whilst part of the scheme constitutes a change of use, where the Sequential and Exception Tests shouldn't be applied, there is still significant new build development proposed, some of which would be located within Zone 2. As per the notes to table 3 'Flood Risk Vulnerability and Flood Zone Compatibility' in the Planning Practice Guidance, some developments may contain different elements of vulnerability and the highest vulnerability category should be used. This is unless the development is considered in its component parts – disregarding the change of use element effectively does this.

The Authority can clearly point to numerous reasonably available sites at lesser flood risk than Flood Zone 2 which are capable of accommodating the new build element through its housing and mixed use allocations. On this basis the only conclusion which can be reasonably reached is that the proposal would be unable to satisfy the sequential test. National policy is very clear that development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. To depart from this and support the proposed development we would, in my opinion, need to come to the view that the heritage significance of the listed buildings and the desirability of their retention is such that this outweighs the issue of flood risk, and the failure to satisfy the sequential test.

Housing Mix

The housing mix is overwhelmingly weighted towards 3 and 4 bed units with very little provision of 1 and 2 dwelling types. I would underline that providing for a mix of dwelling types which reflects the nature of local housing need (in line with Core Policy 3) contributes towards the creation of mixed and balanced communities, a key objective of sustainable development. Without justification, in line with the terms of CP3, the proposal would fall short of supporting this.

Developer Contributions

Given its scale the proposed development would potentially trigger a range of developer contributions, including affordable housing provision. Clearly as with housing mix such contributions are integral to the promotion of a sustainable form of development. No provision will therefore require robust justification as a result of viability concerns and/or site specific circumstances. The applicant has pointed to the overall viability picture and need to restrain the levels of development to purely that necessary to sustain the conversion in support of the approach. We will therefore need to be convinced that this has been robustly justified.

Conclusion

National policy is clear that substantial weight should be given to any harm to the Green Belt. In this case that harm could derive from a loss of openness caused by an increase in the footprint of development and/or from landscape/visual considerations. To be acceptable in Green Belt terms this level of harm would therefore need to be clearly outweighed by other considerations. Such considerations would also need to outweigh the fundamental reservation I have outlined over the appropriateness of the scale of development in this kind of location, and given the inability to pass the sequential test the matter of flood risk. Whether other considerations are sufficient to clearly outweigh these concerns will hinge on the view we come to over the heritage significance of the listed buildings and the desirability of their conversion. Notwithstanding this the issues I have identified are significant and ought to weigh heavily against the development, as proposed.

The change of use element is likely to be acceptable in green belt terms, and exempt from application of the sequential and exceptions tests from a flood risk perspective. Pending the view of Conservation, a scenario can be envisaged where this aspect of the scheme with its lower numbers could be acceptable, my remaining locational concerns having been outweighed by the desirability for conversion to occur. The potential for this to be supported by enabling development in a more suitable location could be explored.

Comments received 04.09.18

These comments follow those provided in February of this year, and seek to respond to the applicant's enabling development report. In addition since my previous comments the updated NPPF has also been published, and the main modifications to the Amended Core Strategy have been placed on deposit for public consultation.

Green Belt

I'm of the view that Spatial Policy 4B within the Amended Core Strategy can now be afforded meaningful weight, according to the tests at paragraph 48 of the revised NPPF. With respect to Bulcote, the policy seeks to focus new housing development within the part of the village attached to Burton Joyce. The part of Bulcote 'washed over' by the Green Belt has not been identified for limited infilling. Aside from rural affordable housing the policy defers to national policy for consideration of other forms of development.

National policy outlines that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. As per my earlier comments the conversion element of the proposal is likely to be consistent with the allowance for the re-use of buildings in the Green Belt- providing that they are of a permanent and substantial construction, that they would preserve the openness of designation and that it would not conflict with the purposes of including land within it.

The framework is clear that the construction of new buildings should be considered inappropriate, save for a range of exceptions. I note that in the 'density' section of the Enabling Development Report the applicant has built a case around the focusing of development on what they consider to be 'previously developed' parts of the site, going on to calculate that the proposed development footprint would be less than that occupied by the current operation. However as an agricultural use the land would not be defined as previously developed land, meaning that the proposal falls beyond the exception allowing for the re-use of such land. I'm also of the view that no part of the scheme would be consistent with the exception supporting 'limited infilling in villages', given that the location is not within the village.

Consequently a significant proportion of the scheme would represent inappropriate development in the Green Belt, and so would by definition be harmful to the designation. Accordingly it should not be approved unless there are very special circumstances. Those very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. National policy requires that substantial weight is given to any harm to the Green Belt, and so a high threshold should be applied when considering whether 'very special circumstances' exist.

I would accept that it is possible for the desirability of retaining a heritage asset to be a consideration which could outweigh harm to the Green Belt. Though given the high threshold necessary to establish very special circumstances it should be expected that the significance of the asset would be similarly high. I would defer to the expertise of colleagues in Conservation for guidance over the significance of the asset.

In terms of other considerations, the smaller footprint of the proposed development when considered against the historic and existing operation may help restrict the harm to the openness of the designation, but in coming to a view on this you will need to also be content from a landscape/visual perspective. Ultimately the judgement which needs to be made is whether the desirability of facilitating the conversion of the heritage assets outweighs the level of harm to the Green Belt, and so represents the 'very special circumstances' necessary to justify inappropriate development.

Flood Risk

Large parts of the application site fall within Flood Zone 2. Given the range of allocations made through the Development Plan there are numerous reasonably available sites at lesser flood risk, capable of accommodating the new build element of the scheme (the change-of-use element is exempt from the Test). We will therefore need to be convinced that the desirability of the conversion of the Listed Buildings, and so their heritage significance, is such that this justifies a departure from the sequential approach to the location of development and flood risk. As with matters around the Green Belt this ought to, in my opinion, carry a high threshold. Should we be satisfied that this is the case then there would still be the need for the proposal to pass the Exception Test, making the important demonstration that the development itself will be safe from a flood risk perspective and that it will not increase risk elsewhere. I would defer to relevant stakeholders on that aspect.

Sustainable Development

I continue to hold reservations over the location and scale of development and how consistent this is with the desire to promote sustainable patterns of development. In this respect the proposal would not accord with the spatial strategy within either the adopted or emerging Amended Core Strategy. The housing mix is also overwhelmingly weighted towards 3 bed units, with little provision of 1 and 2 bed dwelling types. Core Policy 3 would require a mix which reflects the nature of local housing need, and in the absence of a local Housing Needs Assessment the Sub-Area Report to the Housing Market and Needs Assessment (2014) indicates significant demand for 2 bed units (representing 36.6% of the households who responded to the survey) within the market sector in the Nottingham Fringe Area. I am however receptive to the fact that there is likely to be a viability case in support of the proposed mix, and I am also mindful of the need for any enabling development to be restricted to that purely necessary to support the conversion.

Given its scale the proposed development would potentially trigger a range of developer contributions, including affordable housing provision. Clearly as with housing mix such contributions are integral to the promotion of a sustainable form of development. No provision would therefore require robust justification as a result of viability concerns and/or site specific circumstances. My understanding is that we are now at the point where the enabling case has been accepted, and so again there would be viability justification in support of the approach.

Conclusion

There are a number of issues with the development as proposed – not least the fact that it would represent inappropriate development within the Green Belt. Ultimately it will therefore come down to the exercising of judgement over whether these issues are outweighed by the desirability of retaining the Listed Buildings via their conversion.

NSDC Strategic Housing

Comments received 07.08.15

Looking at their application we can seek affordable housing on 39 of their units. Policy requires us to seek on-site affordable housing and in this respect we would look to secure 11 affordable homes on the following tenure:-

Affordable Housing Provision = 11 units			
7 for rent and 4 for intermediate			
	Rent Soc/Aff	Intermediate S/O	Totals

1 Bed	2	-	2
2 Bed	3	2	5
3 Bed	2	2	4
Total	7	4	11

They should be contacting a Registered Provider to secure an offer on the affordables which would give them an indication of how viable it is to provide them. If a commuted sum was applied I would need to increase the amount of affordables calculated as they are increasing the number of market homes so I would calculate this on 14 units. To calculate a commuted sum I would need to know the proposed sales values of the houses so they should really provide this information therefore mine is only a guesstimate. Are they taking the view they don't want to provide affordables without doing the figures?

I would on the value of properties worth around £150k calculate a figure based on 60% rent and 40% intermediate housing to be £900,000. This is based on a two bed units. Depending on what they are developing i.e. someone beds this figure would be reduced.

NSDC Waste

Comments received 22.06.15

1. What are the road surfaces on which the refuse freighters are to travel and turn.
2. What are the properties individual refuse arrangements
3. What is anticipated for the two bin stores on the plan. Communal recycling areas are not acceptable
4. What waste management arrangements have been anticipated for the communal building
5. Any other waste management information that is available

Office of Road and Rail

Comments received 04.04.18

The Office of Rail and Road (ORR) has no comment on the proposals.

Primary Care Trust (Clinical Commissioning Group)

Comments received 01.06.15

NHS England Derbyshire & Nottinghamshire Area Team (AT) has reviewed the planning application for the proposed housing development site on the land at Bulcote Farm in relation to the potential impact on primary and secondary care health services.

From the information provided the AT is aware that the application outlines the development of 64 dwellings. The proposal would trigger the need to provide health related section 106 funding of £551 per dwelling based on 2.3 person occupancy. A development of this nature would result in

increased service demand which would not be easily accommodated within existing primary care resources.

It is unlikely that the Area Team would support a single handed GP development as the solution to sustainably meet the needs of the housing development and that the health contribution would ideally be invested in enhancing capacity/infrastructure with existing local practices. We would wish to explore further in conjunction with the CCG and other stakeholders including what options are available and ensure value for money for all parties.

The local practices are in the process of assessing the options available to them due to the significant amount of houses being proposed in the area. As the GP practices are independent contractors we must work to support them to identify a solution that does not destabilise the local health economy. Options available to the practices include increasing capacity at each premise by extending their existing premises a new premise. Until all the options have been explored we are unable to give a definitive answer where the contribution will be spent however we will ensure that the solution provides the best value for money for all parties.

Finally, any such development would need to be considered and approved through the NHS England national process and would no doubt be considered more viable with section 106 contributions.

Ramblers

Comments received 26.01.18

This development should not impede pedestrian access to the river (although it will make it much less attractive) and we have no objection.

Severn Trent Water

Comments received 08.06.15

No objections subject to the following condition:-

The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the LPA. 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 to reduce the risk of creating or exacerbating a flooding problem and to minimize the risk of pollution.

Comments received 01.02.18

Pervious comments are reiterated together with a suggested informative:-

Severn Trent Water advise that although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals.

Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.

Comments received 20.11.19

Foul is proposed to connect into the public sewer and surface water is proposed to connect into the public sewer both of which will be subject to formal section 106 sewer connection approvals.

For the use or reuse of sewer connections either direct or indirect to the public sewerage system the applicant will be required to make a formal application to the Company under Section 106 of the Water Industry Act 1991. They may obtain copies of our current guidance notes and application form from either our website (www.stwater.co.uk) or by contacting our Developer Services Team (Tel: 0800 707 6600).

Suggested Informative

Severn Trent Water advise that although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under, The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.

There is a 2in and 1in water main in the application site. No build over is permitted. I have copied in our clean water asset protection team to make their comments

26.11.19 - In the development site Severn Trent Water records indicate a 1", 2", 3", and 6" private operational mains, private non-domestic service pipes and fire hydrants - these pipes are not the responsibility of Severn Trent Water.

The developer is required to maintain supply to the customers at all times, not to build over the pipes, and to make arrangements with the infrastructure owners to divert the services and connect the private supply onto the new development water supply.

The water pipes must not be damaged and supply must be maintained at all times.

Society for the Protection of Ancient Buildings

No comments received

Trent Valley Drainage Board

Comments received 24.06.15

The site falls within the Boards District and is served by the Board maintained by Bulcote Farm Feeder an open watercourse which is located to the eastern side of the carriageway.

The Board notes the applicant's proposal to discharge surface water at a rate of 10L per second per hectare. The Boards recommends that the existing run off rate is confirmed and the run off rate designed to be restricted to the greenfield run off rate or a significant reduction on the existing run off rate

The Boards written consent will be required prior to the alteration of flows to any receiving watercourse at the site.

Infilling or culverting of any watercourse at the site must not be undertaken without the Boards prior written consent. If not already done so the Board recommends that the LLFA is consulted on the application in regards to the management of surface water run off.

Comments received 10.10.18

The site is within the TVIDB district. The Board maintained Bulcote Farm feeder an open water course exists on the eastern site of the carriageway of the site to which BYELAWS and THE LAND DRAIANGE ACT APPLIES.

The Boards 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 9m of the top edge of any Board maintained watercourse or the edge of any Board maintained culvert.

The Boards consent is required for any works whether temporary or permanent in over or under any Board maintained watercourse or culvert.

The Board's written consent is required for any works that increase the flow or volume of water to any watercourse or culvert within the Boards district (other than directly to a main river for which the consent of the EA will be required).

Under the Land drainage act the board are permitted to deposit arising from the watercourse on adjoining land. Any occupier of adjacent land wishing to remove the spoil should note that an exemption under the Waste Management regulations may be required from the EA.

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

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

Surface water run off rates to receiving watercourses must not eb increased as a result of development

The design, operation and future maintenance of the site drainage systems must eb agreed with the LLFA and LPA.

A permanent undeveloped strip of sufficient width should be made available to the bank top of all watercourses on site to allow future maintenance works to be undertaken. For access strips alongside Board maintained watercourses the access width must be at least 9m wide unless otherwise agreed in writing by the board. Where the watercourse is under riparian control suitable access arrangements to the access strip should be agreed between the LPA, the LLFA and the third party that will be responsible for the maintenance.

Victorian Society

Comments received – 22.07.15

This case has been discussed by the Society's Northern Buildings Committee at its recent meeting, and I write not to object to the applications for the adaptation and conversion of the listed farm buildings, as well as the construction of a large expanse of enabling development on the wider historic site.

We have read the comments of Ellis Scott of Historic England, in his letter of 15 June. The Society is fully supportive of the concerns and objections it raises to the proposed scheme. Converting the listed former agricultural buildings to residential use would compromise and harm their impressively well-preserved character and appearance. It would also entail the disposal of a number of interesting pieces of historic machinery, the removal of which would be detrimental to the interest of the complex.

We also echo Historic England's objection to the enabling development proposed to the west of the main group of farm buildings. The scale and number of the new buildings, and the somewhat suburban idiom adopted, allied to their poor detailing, would be detrimental to the setting of the listed buildings. Moreover, we remain unconvinced that the application provides the information necessary to establish the principle of enabling development. In light of the above we urge you to refuse this ill-justified application consent. I would be grateful if you could inform me of your decision in due course.

APPENDIX 2 BULCOTE FARM APPLICATIONS

THIRD PARTY REPRESENTATIONS

15/00784/FULM AND 15/00785/LBC

JUNE 2015

Principle of 25 dwellings in the conversion of the building may be acceptable but matters of infrastructure and access would need to be addressed

Support principle of bringing building back to use but questions need for this much new building enabling development

Development is too large

Area does not have the infrastructure (health and school facilities) to support this level of development

HIGHWAYS

Potential damage to unadopted road

Increased traffic generated on road not designed to carry this amount of traffic

Increased congestion onto the A612

Impact on highway and pedestrian safety

Vehicle and pedestrian access over the railway line is unsuitable

Increased traffic would result in congestion at the railway crossing

Current farm traffic not compatible with level of traffic generated by the development and would impact on residents of new development

Lack of parking at the community building

Village roads could not cope with increased traffic

Existing cottages have no of street parking

Insufficient parking for new dwellings

HERITAGE

Questions purpose of listed buildings and conservation designations

This is a historic and a conservation village with a number of Listed Buildings

New dwellings are out of character with design of Listed Buildings

Adverse impact on Conservation Area and will endanger conservation village status

ECOLOGY

Impact on protected nesting birds and wildlife

CHARACTER

Adverse impact on the Green Belt

Adverse impact on the countryside and public enjoyment of the area

The village would become bigger losing its attractive and tranquil character

The proposal is out of proportion with the size of the village

The Development would be a blight on the village and the surrounding area

This is an agricultural site

FLOOD

The site is in a flood plain and area more susceptible to flooding – exacerbated by additional development

Impact of additional surface water run off on the dyke – surface water should not be directed into the dyke

The proposal would exacerbate existing drainage issues

MISC

Developers have taken little notice of previous residents comments from community consultation

Agree with Parish Council comments

Development will also impact on neighbouring villages

Community building is in an unsuitable location

Existing utilities would need major upgrading with extensive works having to come through the village

Pollution from increased traffic

There is contamination on the site

The surrounding fields have been sprayed with sewage and cannot be used to grow food for human consumption

A more suitable use of the building would be as a museum or educational facility

The proposal will destroy the tranquillity of the village

Impact on amenity during construction

The school at Burton Joyce is already at capacity

The proposal raises health and safety issues

15/00784/FULM 15/00785/LBC and 17/02325/FULM

JAN – MARCH 2018 (some standardised letters and some from same address)

HIGHWAYS

Inadequate highway width and concerns with regards to highway safety – could alternative routes used by the farm not be considered

Inadequate footpaths and pedestrian safety

Highway and railway safety – photos provided regarding an incident at the level crossing which blocked the road

HERITAGE

There is no objection to the proposed renovation of the farm buildings

The support for the enabling development has not been demonstrated.

CHARACTER

Impact on Green Belt – the proposals are contrary to national and local policies

The urban design of the dwellings is out of character

FLOOD

The proposal would put pressure on existing drainage

MISC

The proposal would set a precedent

Noise nuisance from increased traffic

Bulcote is a self contained village which is some distance from bus stops and which relies on Burton Joyce for services which would also be affected - the proposals would put pressure on local schools and health services

15/00784/FULM, 15/00785/LBC and 17/02325/FULM

AUG-SEPT 2018 (some standardised letters and some from same address)

Support the Parish Council comments

HIGHWAYS

Inadequate roads and footpaths and pedestrian safety by virtue of increased volume of traffic

Well used bridle way and roads used by walkers, cyclists horse riders as well as cars and farm vehicles.

There is no footpath to the bus stop

If the road is closed there is no other access to the site

HERITAGE

The enabling development is not justified in accordance with HE guidance

NOV – 2018 DEC 2018

1 letter of support has been received.

HIGHWAYS

Proposed road improvements fail to address highway and pedestrian safety issues

Loss of on street parking serving existing cottages as a result of the proposed road improvements

Loss of verge to create footway as part of the proposed road improvements

Access road is not suitable for heavy traffic

Safety issues particularly at the level crossing

If permission were ever to be granted then there should be an access road to Gunthorpe or Burton Joyce

AMENITY

Unacceptable impact on amenity of the village and villagers

HERITAGE

Unacceptable impact on Conservation Area

MISC

Sections of land to facilitate the highway improvements is not within the ownership of the applicant.

The proposal is a waste of public monies.

PLANNING COMMITTEE – 6 OCTOBER 2020

Application No:	15/00785/LBC	
Proposal:	Listed Building Consent for the conversion of a Grade II Listed Farm Complex "Bulcote Steading" into 24 residential units (Use Class C3) and community building (Use Class D1)"	
Location:	Bulcote Farm Old Main Road Bulcote Nottinghamshire	
Applicant:	Mr John Tootle Northern Trust Company Ltd	
Registered:	11th May 2015	Target Date: 10th August 2015
	Extension of time agreed in principle	

Background

This application was presented to Planning Committee on 5th February 2019. Members resolved to grant consent subject to the conditions attached to the report. However, the recommendation should also have included a requirement for the application to be subject to a Section 106 Planning Obligation to tie this application in with the development proposed within the two associated planning applications; ensure, inter alia, the completion of the works to the listed building and phased arrangements for the new build dwellings proposed as part of applications 15/00784/FULM and 17/02325/FULM.

The Policy position and this scheme has not changed since the application was previously presented. The only amendments to the report therefore is in relation to the recommendation, requirement for a Section 106 and conditions, and description of development under application 17/02325/FULM in the Relevant Planning History section.

This application has been referred to Planning Committee by the Business Manager for Planning Development given that it relates to applications ref. 15/00784/FULM and 17/02325/FULM which form comprehensive enabling development to facilitate the Listed Building works proposed in this application and which are before Members.

The Site

The application relates to circa 2.7hectares of land on the south eastern edge of Bulcote Village comprising the site of Bulcote Steading, a model farm building constructed in 1904 which is Grade II Listed and the site of associated former outbuildings (demolished in the 1960s) used for housing animals and storage purposes. There remain some associated barns/outbuildings in situ. Although predominantly redundant there are still some small areas being rented out for stabling and storage.

To the north of the site there is ribbon development comprising Corporation Cottages, a terrace of Grade II Listed residential properties. Beyond these is a further Grade II Listed Building, Bulcote Crossing Cottage.

Field House a Grade II Listed Building lies to the south.

Relevant Planning History

15/00784/FULM – A Full Planning Application has been submitted in conjunction with this Listed Building Consent application which seeks permission for a development comprising 56 residential units (Use Class C3) and community building (Use Class D1) through the conversion of a Grade II Listed Farm Complex "Bulcote Steading" and associated enabling residential development, with associated parking and landscaping. This application is also before Members at this Committee.

17/02325/FULM – A full planning application has also been submitted in December 2017 in conjunction with this application seeking permission for an additional development comprising 9 residential units (Use Class C3). This application is also before Members at this Committee.

The Proposal

Listed Building Consent is sought by this application for the:-

The restoration of the Grade II Listed Model Farm Building to facilitate the conversion to provide 24 dwellings comprising:-

- 1 no. 1 bed
- 8 no. 2 beds;
- 14 no. 3 beds;
- 1 no. 4 bed; and
- the provision of a new community unit of circa 95 sqm within the retained dairy on the south eastern side of the building.
- Circa. 1168 sqm of shared amenity space is proposed within the courtyard.
- Provision of circa 160 parking spaces (within the quadrangle, private driveways and parking courts).

The proposal would involve the demolition of several later modern 20th Century buildings which include an open barn a grain drying barn a modern portal framed building attached to the end of the original brick built grain farm forming part of the main farm building and a machinery barn.

The proposed conversion works comprise

- Internal sub division of buildings to form internal rooms
- New/repared staircases
- Some infill of existing door and window openings
- Minimal new openings
- Repair/replacement of windows and secondary glazing
- Repair to existing external and internal walls (including glazed brick walls in community building)
- Repairs and reroofing of existing roof tiles (new tiles to match)
- Roofing over an existing roof light

- Repairs to or new internal fixtures and fittings
- Retention of architectural elements including winches, pulleys, belt drive system, trap doors and external light.

The following documents have been deposited in support of this application:-

Bulcote Conservation Deficit
 Revised Heritage Statement
 Statement of Community Involvement (and appendices)

A raft of drawings have been deposited with the application:

Existing Site Location Plan (02)001 rev D (in so far as it relates to land to the west of Old Main Road)
 Proposed Site Layout (02)003 rev H (in so far as it relates to existing listed building to the west of Old Main Road only)
 Ground Floor Plan Existing Layout (02)004 rev A
 First Floor Plan Existing Layout (02)005 rev A
 Existing Roof Layout (02)006 rev A
 Conversion Properties Proposed Ground Floor Layout 02(009) Rev D
 Conversion Properties Proposed First Floor Layout 02(010) Rev D
 Site Elevations and Sections Proposed Layout (02) 016 Rev B
 Site Elevations and Sections Proposed (02) 017 Rev B
 Site Elevations and Sections Proposed (02) 018 Rev B
 Ref K Proposed Elevations (02)042 Rev B
 Ref K and J Proposed Elevations (02)043 Rev B
 Ref J and Ref K Proposed Elevations (02)044 Rev B
 Ref G and Ref J Proposed Elevations (02)045 Rev B
 Ref A and Ref B Proposed Elevations (02)046 Rev B
 Ref L Proposed Elevations (02)047 Rev B
 Ref I Proposed Elevations (02)048 Rev B
 Ref E and Ref F Proposed Elevations (02)049 Rev B
 Ref D Proposed Elevations (02)050 Rev B
 Typical conversion Methodology Stable Range (Unit 16) (02)051 Rev #
 Typical Conversion Methodology Stable Range Unit 16 (02) 056 Rev #
 Proposed community building (04)001 Rev C
 House Type 2 (04)002 Rev C
 Retained Stable Units (04) 003 Rev C
 House Type 4 (04)004 Rev C
 House Type 5 (04)005 Rev B
 House Type 6 (04)006 Rev B
 House Type 7 (04)007 Rev B
 House Type 8A (04)008 Rev B
 House Type 8B (04)009 Rev B
 House Type 8C (04)010 Rev B
 House Type 9 (04)011 Rev B
 House Type 10 (04)012 Rev B
 House Type 11 (04)013 Rev B
 House Type 12 (04)014 Rev B
 House Type 13 (04)015 Rev B

House Type 14 (04)016 Rev B
House Type 15 (04) 017 Rev B
House Type 16 (04)018 Rev B
House Type 17 (04)019 Rev B
House Type 18 (04)020 Rev B
House Type 19 (04)021Rev B
House Type 20 (04)022 Rev B
House Type 21 (04)023 Rev B
House Type 22 (04)024 Rev B
Typical House Types Services Strategy (04)050 Rev A

Departure/Public Advertisement Procedure

Occupiers of 65 properties have been individually notified by letter. Site notices have also been displayed near to the site and notices posted in the press.

Planning Policy Framework

The Development Plan

The Courts have accepted that Section 54A of the Town and Country Planning Act 1990 does not apply to decisions on applications for Listed Building Consents, since in those cases there is no statutory requirement to have regard to the provisions of the development plan. However, Local Planning Authorities are required to be mindful of their duty under the legal framework in determining such matters, i.e. Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and take into account the following other material considerations:

- *National Planning Policy Framework (NPPF)*
- *Planning Practice Guidance (PPG) - on line resource*
- *Historic England's Good Practice Advice Note 2 and 3 – Managing Significance in Decision Taking in the Historic Environment and The Setting of Heritage Assets*
- *Historic England Advice Note 2 – Making Changes to Heritage Assets*
- *Historic England Advice "Stopping the Rot"*

Consultations

All comments received during consultation have been appended in full within the Heritage section at Appendix 1 of the Bulcote Farm planning applications. A summary is provided below:

Bulcote Parish Council (in relation to the works to the listed building).

Support the renovation of the existing farm buildings.

Burton Joyce Parish Council (in relation to the works to the listed building).

Good use of a site.

Nottinghamshire County Council Heritage (Archaeology, Historic Environment Record)

No objection subject to a condition requiring archaeological work.

NSDC Conservation

Previous comments apply supporting the proposal. However, the removal of the dwellings to the south of Corporation Cottages improves the overall relationship of the proposed development with the existing residential properties.

Historic England

Has concerns regarding the applications on heritage grounds, their representations should be taken into account and amendments, safeguards or further information should be sought.

Association for Industrial Archaeology

No objection. Identify the site's history and that minimal alterations to existing buildings proposed to take place. Suggest information boards are provided detailing the site's history.

Nottinghamshire Building Preservation Trust

Concerned the amount of development will place unacceptable pressure on the highway and community of Bulcote.

Victorian Society

Support the concerns and objections raised by Historic England.

20th Century Society, Society for the Protection of Ancient Buildings, Council for British Archaeology and Ancient Monument Society –

No comments received.

Representations have been received from local residents/interested parties which are summarised within the heritage sections of comments received attached as Appendix 2 of the Bulcote Farm planning applications. A summary is provided below.

Heritage

Adverse effect on character and appearance of conservation area

Adverse effect on the listed buildings (enabling development self-defeating)

Seriously damage the heritage asset

No objection to conversion of farm buildings

Comments of the Business Manager – Planning Development

Principle of Development

The significance of the affected heritage assets namely the Grade II Listed Model Farm and the Conservation Area are detailed within the Conservation Officer comments contained within Appendix 1.

Section 16 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 this context, the objective of preservation is to cause no harm, and is a matter of paramount concern in the planning process.

The Courts have accepted that Section 54A of the Town and Country Planning Act 1990 does not apply to decisions on applications for Listed Building Consents since in those cases there is no statutory requirement to have regard to the provisions of the development plan. However, LPAs are required to be mindful of other material planning considerations in determining such matters, such as the NPPF, PPG as well as the legal framework set out in the previous paragraph.

It is noted that the Conservation Officer's comments make reference to the now superseded NPPF (2012). However the commentary in Section 16 of revised NPPF does not significantly differ to the superseded text and the revised document does not alter the following assessment. It is noted that Section 16 (Conserving and enhancing the historic environment) does refer to more recent case law in stressing that harm is harm irrespective of whether it is less than substantial or not, however the application is assessed on the basis and in the knowledge of this case law in any case.

The importance of considering the impact of new development on the significance of designated heritage assets is expressed in section 16 of the NPPF. Paragraph 193 advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, for example. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. In determining applications, local planning authorities should take account of: a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) the desirability of new development making a positive contribution to local character and distinctiveness. LPAs should also look for opportunities to better reveal the significance of conservation areas when considering new development (paragraph 200).

The setting of heritage assets is defined in the Glossary of the NPPF which advises that setting is the surroundings in which an asset is experienced. Paragraph 13 of the Conservation section within the Planning Practice Guidance (PPG) advises that 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).

The listed building consent decision process should determine what impact the proposed works have on the special interest of the listed building as outlined in the Conservation Officer's comments.

Bulcote Farm was designated Grade II Listed in 2005. Its significance relates to its architectural interest and its social history as defined within the Listing which is detailed below together with its rural setting and relationship to adjacent Listed Buildings.

Bulcote Farm comprises a series of farm buildings dated 1902 which are laid out in a quadrangular plan designed by the Nottingham City Engineer Arthur Brown and identified by red brick with blue brick bands and cill bands plus ashlar dressings. There are plain tile roofs with various ridge stacks.

Fenestration includes metal framed windows with central opening casements and segmental headed windows throughout. The main buildings include fire-proofed brick arched floor construction throughout with concrete floors.

Both the north-west and north-east ranges have two storeys. The north-east stable range has recessed centre with 20 bays divided by pilaster strips. Every fourth bay has a tall glazing bar window with a smaller window above, and every intermediary bay has a single smaller window above.

The projecting block with three windows to the left has large glazing bar windows with smaller window above. The five window projecting block to right has five large glazing bar windows with a central taking-in door with a single smaller window to left and two to right.

To south is a set of ornate iron gates with gabled iron gatepiers linking to the single storey office building. This building has two tall brick chimneystacks, a metal roof ventilator and plate-glass sash windows throughout.

The street front has a double and two single sashes. The gabled south-east facade has two pairs of sashes and a door to left gable and a large triple sash to right gable. The main courtyard front has octagonal corner bay window topped with an iron weather vane. To the left a door flanked by single sashes and beyond a pair of sashes. In front of this façade is a 15 ton weighbridge made by W & T Avery Ltd, London & Birmingham.

South east stable range has two storeys with a single dairy range to right. The stable range has 12 bays with alternating doors and windows from left, above a taking-in door and three small columns. The dairy to the right has deeply overhanging roof supported on circular cast-iron columns. Seven bays, from left a glazing bar sash then a doorway, two further sashes, another double door and another two sashes beyond.

There are two single storey ten bay pig sty ranges to south-west with slate roofs. Both main fronts have ten small glazing bar windows and ten roof-lights. The rear facades have ten small segment arched doorways.

The gable ends have irregular rooflines with single doorways which lead into corridors serving the individual styes and which have narrow gauge railway-lines for feeding trucks. Both these ranges have similar facades to the inner courtyard.

The north-west storage range has 20 bays with 13 large glazing bar windows which alternate irregularly with three cart entrances and a broad entrance to the inner courtyard. Beyond, to the right, a later C20 extension which is not of special interest. To north-west two specialist single storey buildings with large glazing bar windows with segmental heads.

Shortly after the mid-1960s, much of the animal husbandry structures on the site were demolished, including cow sheds, calf pens and piggeries. A new dairy farm was erected on the other side of the road in 1987. Operations on the site have been scaled back since then, and the site effectively became redundant in 2013 although some of the buildings have remained in storage use.

Bulcote Farm is an important example of an industrial farmyard constructed specifically by Nottingham City Corporation in order to assist with the disposal of the solid waste produced by

their new sewage works at Stoke Bardolph - surveys of the land at Stoke Bardolph identified it as a suitable area with good drainage, where the sewage could be disposed of by means of spreading it on farm land and letting it seep through into the soil. The area covered by the farmland increased in subsequent years subsequently extended into the neighbouring parish of Bulcote after the Corporation of Nottingham purchased 650 acres of land. Bulcote Farm consequently became fully operational in 1904.

The former farmstead also has group association with the farm manager's house to the south and the 6 semi-detached labourer houses known as Corporation Cottages which are all Grade II listed, and were, according to the listings, also designed by Brown, 1902.

The site and its buildings form an important grouping within the Conservation Area as noted within the Bulcote Conservation Area Appraisal (2001) which identifies Bulcote Farm as being a unique example of municipal agricultural design being an extensive complex of turn of the century model farm buildings.

Turning to the proposed renovation and conversion works to the Listed Building, following detailed discussion and negotiation with the Conservation Officer a revised scheme has been submitted in relation to the proposed conversion works. The repair schedule largely includes:

- Internal sub division of buildings to form internal rooms
- New/repared staircases
- Some infill of existing door and window openings
- Minimal new openings
- Repair/replacement of windows and secondary glazing
- Repair to existing external and internal walls (including glazed brick walls in community building)
- Repairs and reroofing of existing roof tiles (new tiles to match)
- Roofing over an existing roof light
- Repairs to or new internal fixtures and fittings
- Retention of architectural elements including winches, pulleys, belt drive system, trap doors and external light

The proposals have been assessed by a number of heritage bodies including Historic England.

The Council's Conservation Officer raises no objection to the significantly revised scheme of conversion works. It is accepted that the most significant internal intervention would be the introduction of the new staircases. However new internal walls have been kept to a minimum and have been positioned on existing structural lines. Intervention has been kept to a minimum and has been clearly justified, there are minimum new external openings and accretions and the previously proposed roof lights have been removed from the scheme. The replacement or alteration to existing concrete floors to enable flood resilience is considered acceptable.

Minimal alterations to the fabric of the building are proposed. The roofs are to be repaired or re roofed with existing salvageable slate coverings wherever possible and any new slates will be sourced to match existing. Taking this into account and the conservation advice, the proposed works would not significantly affect the industrial of the heritage character of the buildings or their setting.

The Conservation Officer's response identifies the renovation of the historic farm buildings

including the removal of modern extensions and portal elements within its setting, would result in an enhancement to the significance of the listed buildings. The removal of the grain dryer to the end of the granary range for example, and reinstatement of matching period windows will help better reveal the significance of the main range.

It is acknowledged that the car parking within the courtyard will significantly impact on the setting of the listed farm complex. However being mindful of the existing extent of hardstanding and the industrial character of the site this is not considered to be so fundamentally harmful, particularly as landscaping is proposed to the central area. Officers are satisfied that this will preserve the stack yard setting of the listed building range.

The comments of Historic England are noted with regards to the proposed renovation and conversion scheme. They consider that notwithstanding the revised proposal, which it is accepted has made some changes and subsequent improvements to the internal layout and which would work with existing historical structural components, the proposed works are still considered to be harmful to the significance of the designated heritage asset. Historic England has however recommended that it is for the LPA to be satisfied that it has sufficient information to satisfy that the proposal meets the tests within the NPPF - if the LPA is minded to approve then robust conditions should be imposed to cover all areas of external and internal works to meet good conservation practice. It should be noted that the applicant has made a concerted effort to contact and engage with Historic England in discussions with regard to this matter. However further advice from Historic England has not been forthcoming.

Although Historic England continue to have concerns about the overall scheme, following discussions the Council's Conservation Officer is satisfied that Historic England have not fundamentally objected, particularly given their recommendation that it is for the LPA to be satisfied that the proposal meets the tests set out within the NPPF. Notwithstanding concerns about the quantum of enabling development (which is not a consideration of this application), the applicant has sought to address concerns about the conversion works in the revised plans, notably to the dairy range and in the general conservation strategy to preserve architectural details and reduce intervention. Retention of the single storey piggery was also a significant revision in these earlier discussions. On balance, it is considered that that the current conversion proposals are acceptable and address the comments raised initially by Historic England who have subsequently raised no specific concerns about the proposed conversion.

Taking the above into account and the latest comments from Historic England, officers are satisfied that in considering the proposed scheme appropriate weight has been given to the significance of the heritage asset and that the applicant has a) demonstrated that no alternative viable uses have been found through the marketing of the site and b) that there is no available funding which would enable the conservation of the buildings.

Furthermore officers are satisfied that the application has been accompanied by sufficiently detailed plans and supporting information (including financial information) to allow a thorough and robust assessment of the proposed scheme in terms of the proposed renovation works. The repair schedule which proposes repair and renovation as far as practicable, follows good conservation practice, and is a well-considered and positive conservation approach to the development which would sustain the special heritage interest of this important Listed Building complex, securing its long terms retention and its contribution to the heritage setting of the site without causing any significant harm to the asset or its setting.

Conclusion

It is therefore concluded that the proposal will preserve the special interest of the listed building and no harm would be caused to the setting of nearby listed buildings. The proposed works therefore accord with section 16 of the Act. The proposal also complies with heritage advice contained within Section 16 of the NPPF and the PPG as well as other relevant guidance produced by Historic England.

Taking this into account it is considered that there is no reason to withhold consent.

RECOMMENDATION

Grant Listed Building Consent subject to the completion of a Section 106 Planning Obligation and the conditions, as set out below:

- ensuring the land the listed buildings are situated on are not severed from the other land;
- binding contract for the carrying out of works for redevelopment of the site in accordance with all the necessary permissions and consents.
- that phasing of the development ensures the works necessary (and permitted as part of this and the full planning application, if approved) to the listed buildings are completed in full whilst enabling a number of the enabling dwellings to be constructed and sold to provide funding for the heritage works;
- having a clerk of works (or similar) to monitor the works to the listed buildings to ensure they are undertaken correctly;
- a management company to oversee the wider development once completed;
- the development proposed under the listed building consent is tied into the agreement; and
- recommendations proposed by the Council's solicitor and agreed with by the Business Manager – Planning Development.

Conditions

01

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

Reason: To comply with the requirements of Section 18 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.

02

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

Existing Site Location Plan (02)001 rev D (in so far as it relates to land to the west of Old Main Road)

Proposed Site Layout (02)003 rev H (in so far as it relates to existing listed building to the west of Old Main Road only)
Ground Floor Plan Existing Layout (02)004 rev A
First Floor Plan Existing Layout (02)005 rev A
Existing Roof Layout (02)006 rev A
Conversion Properties Proposed Ground Floor Layout 02(009) Rev D
Conversion Properties Proposed First Floor Layout 02(010) Rev D
Site Elevations and Sections Proposed Layout (02) 016 Rev B
Site Elevations and Sections Proposed (02) 017 Rev B
Site Elevations and Sections Proposed (02) 018 Rev C
Ref K Proposed Elevations (02)042 Rev B
Ref K and J Proposed Elevations (02)043 Rev B
Ref J and Ref K Proposed Elevations (02)044 Rev B
Ref G and Ref J Proposed Elevations (02)045 Rev C
Ref A and Ref B Proposed Elevations (02)046 Rev B
Ref L Proposed Elevations (02)047 Rev B
Ref I Proposed Elevations (02)048 Rev B
Ref E and Ref F Proposed Elevations (02)049 Rev B
Ref D Proposed Elevations (02)050 Rev B
Typical conversion Methodology Stable Range (Unit 16) (02)051 Rev #
Typical Conversion Methodology Stable Range Unit 16 (02) 056 Rev #
Proposed community building (04)001 Rev C
House Type 2 (04)002 Rev C
Retained Stable Units (04) 003 Rev C
House Type 4 (04)004 Rev C
House Type 5 (04)005 Rev B
House Type 6 (04)006 Rev B
House Type 7 (04)007 Rev B
House Type 8A (04)008 Rev B
House Type 8B (04)009 Rev B
House Type 8C (04)010 Rev B
House Type 9 (04)011 Rev B
House Type 10 (04)012 Rev B
House Type 11 (04)013 Rev B
House Type 12 (04)014 Rev B
House Type 13 (04)015 Rev B
House Type 14 (04)016 Rev B
House Type 15 (04) 017 Rev B
House Type 16 (04)018 Rev B
House Type 17 (04)019 Rev B
House Type 18 (04)020 Rev B
House Type 19 (04)021Rev B
House Type 20 (04)022 Rev B
House Type 21 (04)023 Rev B
House Type 22 (04)024 Rev B
Typical House Types Services Strategy (04)050 Rev A

Reason: To ensure that the works take the agreed form envisaged by the District Planning Authority when determining the application and thus result in a satisfactory form of works.

03

Prior to commencement of works a site meeting shall be held between the Local Planning Authority and the persons responsible for undertaking the works to ensure that the Conditions attached to the Listed Building Consent are understood and can be complied with in full. Notification of the date and time of a meeting shall be made in writing to the Local Planning Authority.

Reason: This condition is to ensure that follow-up action can be taken before works begin on site. This is a complex scheme where there will be a number of other conditions, and where planning permission has also been granted.

04

Prior to commencement of works, an updated schedule of works, including structural engineering drawings and method statement shall be submitted to and approved in writing by the Local Planning Authority. The details shall include:

- a) a method statement for ensuring the safety and stability of the building fabric identified to be retained throughout the phases of demolition and renovation;
- b) the arrangements for temporary secure storage of salvage materials and architectural features to be repaired off-site; the person or body specialising in this procedure appointed by the applicant; and a timetable for their reinstatement, re-use or disposal;
- c) a detailed methodology for the repair and renovation of the building fabric to be retained; and
- d) an updated methodology for all service and utility interventions, thermal upgrading and flood resilience improvements to concrete floors.

Particular regard should be given to the following items: chimney-pieces; cast guttering and hopper-heads; windows containing historic window glass; historic light fittings; hoist winches; loft hatches; glazed brick faience; architectural elements associated with the weighbridge; metal-work; vaulted ceilings; historic timber beams, joists and rafters.

No such features shall be disturbed or removed temporarily or permanently except as indicated on the approved drawings or without the prior approval in writing of the Local Planning Authority. Where appropriate, sound materials/features/fixtures forming part of the building shall be carefully taken down, protected and securely stored for later re-use.

The agreed measures shall be carried out in full.

Reason: to ensure that the works take the form envisaged by the Local Planning Authority and that they respect the special architectural and historic interest of the listed building.

05

During the works, if hidden historic features are revealed they should be retained in situ. Works shall be halted in the relevant area of the building and the Local Planning Authority shall be notified immediately.

Reason: To ensure that the works respect the special interest of the listed buildings.

06

A programme of historic building recording and full recording report shall be submitted to and approved in writing by the Local Planning Authority before work commences.

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

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

02

The Courts have accepted that Section 54A of the Town and Country Planning Act 1990 does not apply to decisions on applications for Listed Building Consents since in those cases there is no statutory requirement to have regard to the provisions of the development plan. However, in determining such matters, Local Planning Authorities are required to be mindful of the objective of preservation required under Section 16(2) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 and other material planning considerations such as the National Planning Policy Framework 2019.

03

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

04

The applicant is advised that the proposed development will require approval under the Building Regulations. Any amendments to the hereby permitted scheme that may be necessary to comply with the Building Regulations must also be approved in writing by the Local Planning Authority in order that any planning implications arising from those amendments may be properly considered.

05

All new works unless specified on the approved plans and works of making good, whether internal or external, should be finished to match the adjacent work with regard to the methods used and to material, colour, texture and profile.

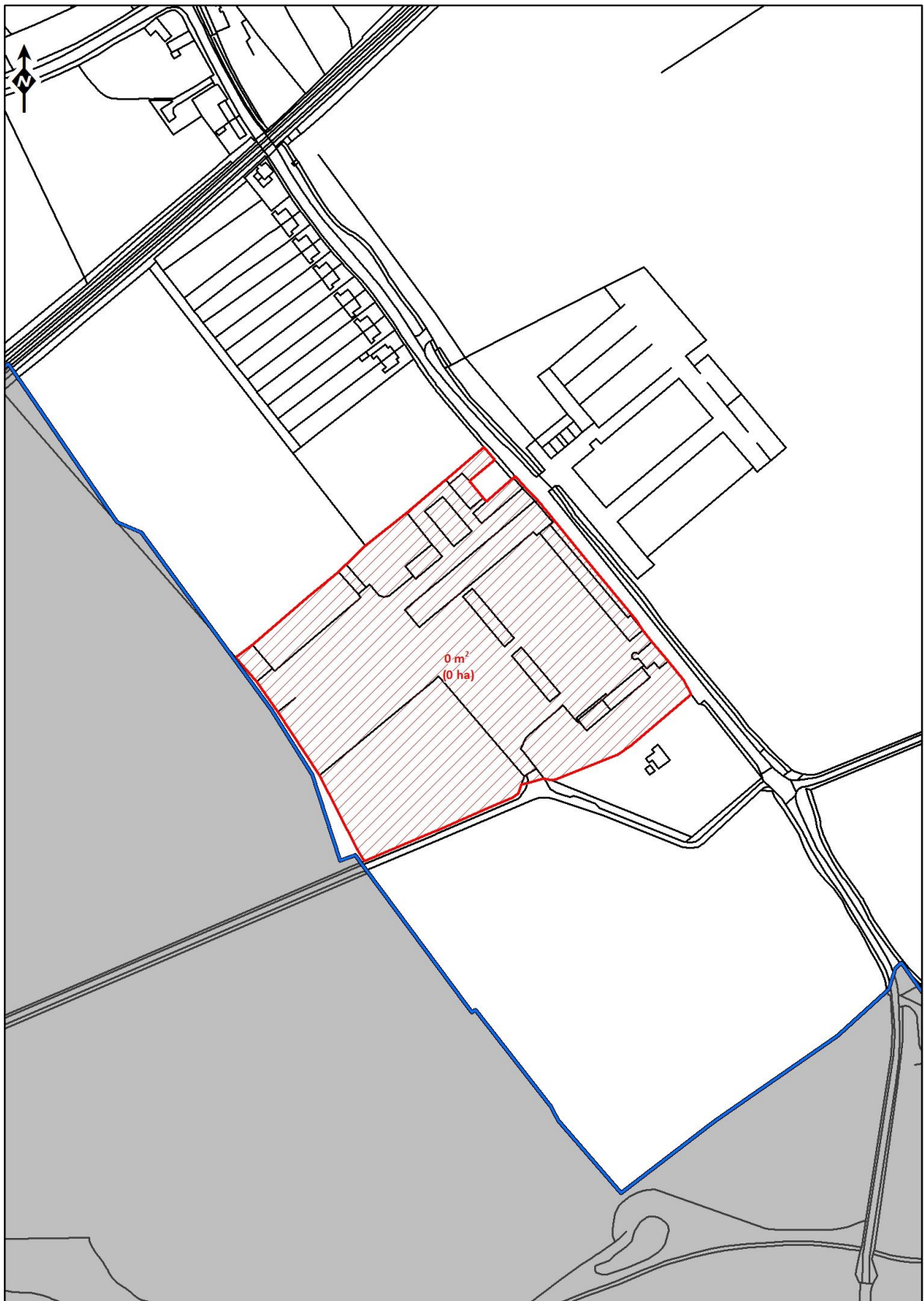
BACKGROUND PAPERS

Application case file.

For further information, please contact Lisa Hughes on ext 5865.

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

Lisa Hughes
Business Manager – Planning Development



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PLANNING COMMITTEE – 6 OCTOBER 2020

Application No:	20/00475/FULM
Proposal:	Residential development of 81 no. 2, 3 and 4 bed dwellings and ancillary works
Location:	Land at New Lane, Blidworth
Applicant:	Gleeson Regeneration Ltd - Mr Matt Jackson
Registered:	30.03.2020 Target Date: 29.06.2020
	Extension of Time Agreed Until 08.10.2020
Website Link:	https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=Q7ACRDLB04M00

This application is being presented to the Planning Committee in line with the Council’s Scheme of Delegation as Blidworth Parish Council has objected to the application which differs to the professional officer recommendation. In addition Cllr Arnold has specifically requested that the application is referred to committee on the basis of the village objections particularly regarding the highways access.

The Site

The application site comprises approximately 3.13 hectares of grassland currently maintained as arable farmland within the settlement of Blidworth as defined by the Proposals Map of the Allocations and Development Management DPD. There is a public footpath which crosses the site towards the south eastern corner and the designated conservation area of Blidworth abuts the southern boundary of the site. The site as existing is predominantly open with hedged boundaries. Although there is no formal vehicular access to the site, it appears that the site has been previously accessed both to the north from New Lane and from the south from Marriott Lane.

There is a significant gradient change within the site whereby the site displays a central valley. The topography of the development site falls across the site from the north to south, approximately 9 metres from New Lane to the natural bowl in the centre, before rising again to the southern boundary, reaching a high point in the south eastern corner of approximately 11 metres above the natural bowl level.

The site is on the western edge of the settlement directly adjacent to the defined Nottingham Derby Green Belt. As such land to the west is predominantly open in character. The site is otherwise surrounded by residential curtilages of varying plot sizes. The eastern boundary of the site is shared with a number of bungalows occupied by elderly residents developed and managed by Nottinghamshire Community Housing Association with on-site warden and communal facilities (at Marklew Close). These bungalows are set at a lower level than the site itself. The site is bounded by trees and hedgerows.

Relevant Planning History

The most relevant planning history for the site is application reference **17/02326/FULM** for 99 new dwellings. The application was referred to Planning Committee in October 2018 with an Officer recommendation of approval. However, Members resolved to refuse the application for the following reason:

The LPA are aware of the advice contained within the NPPF and NPPG with respect to both viability and sustainable development when all material planning considerations are taken as a whole. Chapter 2 of the NPPF is clear that the purpose of the planning system is to contribute to the achievement of sustainable development.

The development proposed includes numerous elements which overall represent a heavily compromised scheme. As a consequence the scheme lacks the ability to generate full and appropriate mitigation for the level of development proposed in terms of appropriate developer contributions. In addition to this, the proposal would amount to detrimental impacts to neighbouring amenity (the properties on Marklew Close); the operation of the highways network; and an overall compromised design with a dominance in places of on-street parking and a lack of appropriate hard and soft landscaping mitigation. The cumulative impact of these factors is considered to tip the planning balance towards an unacceptable scheme. Therefore, despite the site being allocated for development, the LPA consider that in this case, the detail of the scheme in the whole is contrary to the aims of sustainable development and should be refused.

The development is thereby contrary to Spatial Policy 6 (Infrastructure for Growth), Spatial Policy 7 (Sustainable Transport), Core Policy 1 (Affordable Housing), Core Policy 9 (Sustainable Design) and Core Policy 12 (Biodiversity and Green Infrastructure) of the adopted Newark and Sherwood Core Strategy and Policies DM2 (Development on Allocated Sites), DM3 (Developer Contributions and Planning Obligations), DM5 (Design), DM7 (Biodiversity and Green Infrastructure), DM12 (Presumption in Favour of Sustainable Development) and Policy BI/Ho/3 (Blidworth - Housing Site 3) of the adopted Allocations and Development Management DPD which together form the relevant policies of the Development Plan and does not constitute sustainable development for which there is a presumption in favour of as set out in paragraph 11 of the NPPF 2018.

The LPA were notified of a submission of an appeal but this was not validated by the Planning Inspector within the prescribed timeframes and the period for appeal has now lapsed.

There is also planning history relating to the north eastern corner of the site:

14/00791/OUT - Proposed Erection of 4 Detached Dwellings (Outline Application - renewal of extant permission ref: 11/00162/OUT).

This application was permitted in July 2014 but is no longer extant on the basis that no reserved matters applications were received within three years as required by condition.

Prior to the above application the same portion of the site was also subject to refusals for similar development including one refusal (on the basis of the means of access and setting a precedent for piecemeal development) which was subsequently allowed on appeal (**11/00162/OUT**).

The Proposal

The current application seeks full planning permission for 81 dwellings comprised of 13 different house types which make up the following housing mix:

No. of Beds	No. of Units
2	26
3	41
4	14

The majority of the house types proposed are two storey dwellings with a variety of detached and semi-detached properties. The plans have been amended on more than one occasion during the life of the application such that the latest revisions now include a single storey house type for 5 of the units. The schedule of accommodation included on the Site Layout Plan outlines the gross internal floor area of each of the house types ranging from 60.5m² (2 bed. 2 storey) to 99m² (4 bed. two storey). Materials proposed include a selection of facing bricks with concrete tile roofs in dark grey.

The majority of the dwellings would be served by a single vehicular access from New Lane to the northern boundary with a spine road running southwards through the site. 5 of the properties would be served by a separate private drive access also on the northern boundary of the site from New Lane.

24 of the properties (30%) would be affordable split into 60% affordable rent and 40% intermediate. The application has been accompanied by a draft heads of terms document which confirms the intention for a number of contributions including education and community facilities.

An area of public open space is proposed to the eastern boundary of the site with a drainage basin immediately to the south of it. There would also be an area of local play to the south of the drainage basin adjacent to the right of way route through the site (which would continue its existing legal line).

As mentioned, the scheme has been revised during its lifetime (the original proposal was for 85 units) owing to concerns raised by both Officers and Consultees as discussed in the appraisal section below. For the avoidance of doubt, the application has been considered on the basis of the following plans and documents.

- Site Location Plan – 3247 – 1 – 000 dated 04.03.20;
- Proposed Site Layout – 3247 – 1 – 001 U dated 08.09.20;
- Proposed Street Scenes – 3247 – 1 – 002 A dated 04.03.20;
- Topographical Survey – 19306-J dated 26/11/19;
- 201 dwelling type – 201/1G;
- 202 dwelling type – 202/1F;
- 212 dwelling type – 212/1-;
- 254 dwelling type – 254/1;
- 301 dwelling type – 301/1H;
- 304 dwelling type – 304/1E;
- 307 dwelling type – 307/1B;
- 309 dwelling type – 309/1E;

- 313 dwelling type – 313/1-;
- 314 dwelling type – 314/1-;
- 315 dwelling type – 315/1A;
- 401 dwelling type – 401/1G;
- 403 dwelling type – 403/1J;
- 1800mm High Close Boarded Timber Fence – 0282 SD-100;
- 1800mm High Fence & Brickwork Wall – 0282 NSD111 Rev. C;
- 1200mm High Timber Fence – 0282 NSD105 Rev. C;
- Detached Single Garage Details – 0282 SD700 Rev C;
- Detached Double Garage Details – 0282 SD701 Rev. D;
- Sales Garage Details – 0282 SD704;
- Engineering Layout – STE/Blidworth/Appraisal dated 5-3-20;
- Affordable Housing Statement by Gleeson received 8th September 2020;
- Archeological Desk Based Assessment by ArcHeritage 2020;
- WSI for Archaeological Evaluation Trenching, ArchHeritage 2020
- Biodiversity Management Plan (BMP) and Construction Environmental Management Plan (CEMP: Biodiversity) by SLP ref: 424.03044.00150 Version No. 3 dated August 2020;
- Design and Access Statement by Niemen Architects dated March 2020;
- Detailed Landscape Proposals (1 of 2) 3632/2 Rev. E;
- Detailed Landscape Proposals (2 of 2) 3632/3 Rev. E;
- Ecological Impact Assessment (EclA) including Extended Phase 1 Habitat Survey and Appraisal of likely impact upon the Possible Sherwood Forest pSPA by SLR Ref: 424.03044.00150 Version 1 dated December 2019 (with associated Appendices);
- Economic Benefits Report by Gleeson Version 001 dated March 2020;
- Flood Risk Assessment by joc consultants ltd. Ref: 19/030.01 Rev. 01 dated 12th March 2020;
- Geotechnical and Geo-Environmental Site Investigation by Eastwood & Partners ref 44476-003 dated 1st May 2020;
- Geophysical Survey Report by Magnitude Surveys Ref: MSSK683 dated June 2020;
- Heritage Statement by ArcHeritage 2020;
- Housing Schedule received 8th September 2020;
- Interim Travel Plan by attp ref AH/19024/TP/1 dated March 2020;
- Materials Schedule by MJGleeson;
- S106 Heads of Terms;
- Transport Assessment by attp ref AH/19024/TA/1 dated March 2020 (received 28th April 2020);
- Off-site Highway Works – 190024/P/001 Rev. G;
- Swept Path Analysis – 190024/P/002 Rev. D;
- Forward Visibility Analysis – 190024/P/003 Rev. D;
- Highways Works Plan – 190024/P/004;
- Tree Survey by Rosetta Landscape Design ref 3632 with associated plan Existing Trees on Site – 3632/1 dated 25 Mar 20;

Departure/Public Advertisement Procedure

Occupiers of 165 properties have been individually notified by letter. Three site notices have also been displayed near to the site and an advert has been placed in the local press. An additional two rounds of consultation have also been undertaken on receipt of revised plans.

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 10A – Local Drainage Designations
Core Policy 11 – Rural Accessibility
Core Policy 12 – Biodiversity and Green Infrastructure
Core Policy 13 – Landscape Character
Core Policy 14 – Historic Environment
MFAP1 – Mansfield Fringe Area

Allocations & Development Management DPD

DM1 – Development within Settlements Central to Delivering the Spatial Strategy
DM2 – Development on Allocated Sites
DM3 – Developer Contributions and Planning Obligations
DM5 – Design
DM7 – Biodiversity and Green Infrastructure
DM9 – Protecting and Enhancing the Historic Environment
DM12 – Presumption in Favour of Sustainable Development
Policy Bl/Ho/3 – Blidworth – Housing Site 3

Other Material Planning Considerations

- National Planning Policy Framework 2019;
- Planning Practice Guidance (online resource);
- Developer Contributions and Planning Obligations Supplementary Planning Document 2013;
- National Design Guide – Planning practice guidance for beautiful, enduring and successful places September 2019;
- Rights of Way Circular (1/09) Version 2 October 2009.

Consultations

Blidworth Parish Council – *Additional comments received:*

Blidworth Parish Council would like to respond stating that their original Objections remain unchanged despite the amendments.

Additional comments received:

Blidworth Parish Council wish to respond stating that their original objections still stand. However, looking at the application the amendments have been noted and the Parish Council feel that the modifications to the road have not made any improvement but have made them worse. Yellow lines will exasperate the existing parking issues for shops and amenities in the village.

Original comments received:

Blidworth Parish Council wish to strongly OBJECT to this proposal based on the following:

Design and Visual Impact

The location of this development was once part of Greenbelt, and will have an impact on the landscape. The design and visual impact of this development will impact highly on the Village.

The Parish have reason to believe that due to Blidworth being a mining Village, subsidence is present and there is a potential fault running through the site.

The Water supply is already compromised as illustrated by residents. The water pressure is low enough to cause significant issues to some households and further demand will exacerbate this problem. Pipe width is already compromised.

The telephone network cannot support fast broadband as Blidworth is over 3K from the nearest telephone exchange and this will lead to slower broadband speeds which are not easily remedied.

Privacy, Daylight and Sunlight

Consideration has not been taken into account of the residents in the area. Residents on Marklew Close will lose privacy, daylight and sunlight as the proposal sees the erection of a large fence to the rear of their gardens. With the difference in heights, the new residents will be able to potentially see directly into the properties of the residents on Marklew Close losing their privacy and the fence will cause loss of both sunlight and daylight into their homes. (See photographs attached)

Noise, Smell and Pollution

Due to the proximity of the new development current residents would be subject to noise, smell and pollution. Furthermore the local area has been subject to contamination from the local tip (now fenced off due to it being a hazard) and no study or assessment has yet been carried out to identify the potential level of contamination. (Potential identified in The Strategic Housing Land Availability Assessment carried out in 2010). By the nature of this land, the building plot sits lower on the land than the tip and could allow contamination to occur.

Historic maps of the area show a quarry on New Lane which took in ash and Clinker from the surrounding pit villages. The Proposed development shows the creation of an Attenuation Basin for flood water. As such this basin will be contaminated if rainwater drains through the land to enter it. Again by the nature of this land, the building plot sits lower on the land than the tip and could allow contamination to occur.

Access and Traffic

Blidworth is currently under strain from excessive traffic passing through to other destinations. Building Development in Rainworth, Mansfield (Lindhurst Development) and Ravenshead all add to this problem. The potential of an additional 200 cars + (from 100 dwellings) will cause further delays, accidents and wear on the current road system (which needs attention). Our recent discussions with VIAEM regarding the junction with Blidworth Lane and Warsop Lane, Rainworth indicates an increase in the volume of traffic travelling in and out of the village and requires further investigation.

The Newark and Sherwood District-wide Transport study produced in 2010 by the WYG illustrates figures that are clearly out of touch. New developments in the surrounding areas (Mansfield District Council and Gedling Borough Council) have not been taken into account and a new up to date assessment needs to be carried out which will reflect the actual increase in the number of road users.

The Strategic Housing Land Availability Assessment carried out in 2010 states this proposed site is not suitable. The Highways Engineers comments state: *Visibility and on site highway layout to be provided to standard. Off site highway works required. Traffic Assessment required. Abuts that part of New Lane that is effectively a country Lane with a narrow carriageway and no footway. New Lane in this vicinity is not therefore of a standard that could support further development.*

As far as the Parish are aware further works or assessment have not been carried out and since this time the road has deteriorated further.

Furthermore the same assessment provides a suitability conclusion of: *The site is not suitable. Possible highway constraints in this location make this site unsuitable for development*

New Lane itself is a two way single carriageway which is currently difficult for two cars to pass and will not be suitable for HGV's lorries and other traffic. It is extremely difficult to access at the present time due to parked cars (see photos attached) and will be far worse with an increase in vehicles, and most definitely not suitable for construction traffic.

The Parish are concerned that there is no proposal of how to control traffic entering and leaving New Lane. The Road is currently classed at single track as we are not aware of any white lines defining two way traffic. The Road is clearly substandard and has not been subject to the essential surveys/assessment that it requires.

Several pieces of grassed highway land on New Lane from the junction with Mansfield Road have been maintained by the Parish Council for over 20 years.

Health and Safety

The current road structure into New Lane is problematic and causing many safety issues. It is not suitable for purpose. Car parking to use Blidworth's local shops and amenities means that the safety of pedestrians, disability scooter users and motorists are unable to use the pavements and cross the road safely. In making this a major road junction would ensure the Health and Safety of residents is compromised further.

The Parish also have concern for access when required by the Emergency Services. The Health and safety of the homeowners could be compromised if such services cannot access the site.

The Health and Safety of our residents at several of the 'Elderly Residents complex's' within the Village will be compromised as increased traffic will make crossing road junctions to access local amenities such as the Library and Doctors surgery extremely difficult. This will be increasingly difficult for our elderly and disabled residents.

The safety of horse riders which use New Lane as an important bridleway will also be compromised.

The steepness of the site makes icing a significant issue in winter.

The Parish are informed by residents that there are significant issues with flooding, especially sewage overflow, during times of heavy rain on Dale Lane, Blidworth.

Severn Trent Water has attended site on many occasions to pump out sewage and make safe. The sewers on Warsop Lane regularly block and also require manual pumping.

The Planned Attenuation basin has potential Health and Safety issues as it could be hazardous for children who could play in the surrounding area. The Parish are unable to identify how this will be policed, when in place to avoid danger from drowning.

The health of local residents are also affected. At a recent Safety meeting the Manager of Marklew Court had received concern from their residents that not only will their light and privacy be compromised but the residents that have retired here would be unable to enjoy their homes.

The Parish also have concern for the children from the local school that walk regularly to the Library. The road at present continues to be not safe and increased traffic will only intensify this problem which may result in the children not being able to make this journey.

Ecology, Landscape

The study shows that potential residents will be encouraged to walk, and cycle within the Village. Firstly the roads are currently not safe or suitable. The original footpath that runs through the land will be removed. The Parish are not aware of any 'Public Right of Way order' which has been submitted to allow this to happen. Potential walkers which will generally be children will mean crossing 2 roads and a minimum of 8 drop kerbs/drive accesses. The current footpath is used by children to avoid current roads and congestion.

The approach to a green infrastructure proposes that our children are encouraged to cycle to the neighbouring secondary school in Rainworth. The Parish for many years have had concern for our children walking to school due to the speed of motorists on Mansfield Road leading to Warsop Lane. The Parish have recently submitted a petition to Nottinghamshire County Council in an attempt to reduce the speed limit in an attempt to secure the safety of our children. If we cannot ensure that our children can be safe walking to school, how can we possibly entertain the idea of cycling? The pavement and tracks are not safe or fit for purpose.

New Lane is part of the Sustrans Cycle Track and no provision has been made for the safety of cyclists.

The Ecology statement states that 12500m² of the development will be lawn and 1000m² will be landscaped. Although the plans show the majority of dwellings to have 2 spaces for off street parking other cars and visitors will need to park on the road. In future years, how can the Parish be sure that this lawned area won't be turned into more parking for the vehicles?

There is a considerable amount of wildlife within this area including pipistrelle bats and common buzzards that roost and nest on or near the site.

Natural springs have also been identified on the site by consultees. We cannot see any provision for open spaces for children to play.

Crime (and fear of

With an increased population in the Village and a diminishing Police presence in the area, we feel the Village may see an increase in crime.

Economic Impact

Local schools and Doctors surgeries both in the Village of Blidworth and its neighbouring villages of Rainworth and Ravenshead are at full capacity putting a strain on resources and causing problems to long standing residents in the village who are having to travel out of the village for these services. As no provision for CIL or section 106 monies has been made, this development is unviable without provision for the services the village already needs.

The Parish Council also feel that there is not enough provision for 'Affordable Housing' within the development.

Planning history/related decisions

It can be seen from the comments by the Flood Risk Management Team (NCC) that a number of potential plots are at the risk of flooding. Both the County and District Councils and Severn Trent Water are aware of flooding issues in the vicinity of the area.

In addition, the Parish Council would like to add:

The Allocations and Development Management Options report states that Southwell is considered to be a town requiring respect for its historic nature and that Southwell underwent a "conservation area character appraisal". Blidworth is a village with an equally important history and whilst smaller but not insignificant, requires similar protections. The church dates back to 1066. Blidworth has notable history stretching back to the Domesday book and is building its local profile with features such as the Rockings ceremony and sculpture, Will Scarlet's grave, the Druid stone, Memorial to Matthew Clay and Mill refurbishment.

The Village of Blidworth, on the edge of the Newark and Sherwood District does not receive the due care and respect that it deserves. There appears to be no 'joined up thinking' in terms of adjacent/area developments. This has an enormous impact on our Parish boundary in terms of traffic, schools and public services.

Blidworth is an area of outstanding rural character and natural beauty, with significant equine leisure activity which is a major source of employment in the area. Blidworth has been labelled a "regeneration area". Given the very small amount of land designated for employment use within our village envelope, it would be better to class Blidworth as a "sustainable community". An increase in road traffic, building on important bridleway routes, and loss of green belt land all contribute to a loss of our ability to sustain an important aspect of our village character and employment.

Blidworth Parish Council expects that the promise made by the National Government to listen to local communities under the Localism Bill to be supported and upheld by Newark and Sherwood District Council.

Cllr Woodhead - This development will cause a lot of disruption to our elderly people who live on Meadow Road, New Road and Marklew Close, as the only road to this development is New Lane.

This Lane was not meant to take a lot of traffic and the constant stream of noise from this traffic will be a problem to all who live in that area, as well as wild life.

Another factor to be considered is the Municipal Tip, New Lane, no longer in use but there were no restrictions on what could be tipped at the time so we don't know what we are dealing with there, the Developer may not know of this Tip as it's not marked on any maps that I have looked at.

The development will be on public footpath 1, and this has been walked for many years by all ages. The Library was in the Methodist Church on Main Street so the quickest way from the Pit Village was the footpath through the Meadows.

I also remember when a crack appeared on one of the 4 houses at the top of the Meadows and that was investigated by The Council. (Not sure if it was SRDC or NSDC) but it was investigated at the time.

Then we should consider the long term traffic problem in the heart of Blidworth, near the Post Office, Chippy, veg shop, chemist, surgery and other outlets. Mansfield Road is the Bus Route through Blidworth and heavily congested at anytime of the day.

Blidworth does not have any car parks so drivers park on New Lane and walk to the shops and this Development will cause severe problems to our Village Shops if parking is to be restricted in any way.

The junction at Tesco, several business' feed into that area and queuing traffic for Tesco can be seen waiting on Haywood Oaks Lane.

I do not believe Blidworth can cope with the volume of traffic that will be generated by a large development.

We also have a lot of local shoppers on foot, and they struggle to cross our roads as they are now, without any more traffic passing through.

We also have a large amount of HGV's running into Blidworth because they are serviced on Burma Road Industrial Estate.

We also have a large population of Horses in and around Blidworth so we also need to consider them too.

NSDC Community Sports and Arts Manager –If this application is approved then I would request a full community facility contribution in accordance with the current SPD Developer Contributions Policy. Such contribution would be used to improve the community infrastructure in Blidworth for the benefit of the local community.

NSDC Parks and Amenities Officer – Verbal comments discussed in appraisal below.

NSDC Strategic Housing –

Introduction

Strategic Housing provide a response to the consultation referring to the Council's policies on affordable housing (Core Policies 1, 2 and 3 refers) and based on an evidence base including (but not exclusively) the 2014 Housing Market and Needs Assessment and accompanying Sub area report, lettings information from Newark and Sherwood Homes and if applicable a local parish housing needs survey.

Guidance is provided on the following:-

- The qualifying thresholds for affordable housing provision.
- Number of affordable housing units required on site (policy dictates 30%)
- Type of units i.e. an appropriate mix of house/flat/bungalow
- Tenure mix – i.e. social and affordable rent/intermediate housing (shared ownership)
- Design and layout – seeking to integrate the affordable housing as part of the overall mix (Pepper Potting)
- Occupancy and nominations – to ensure the Council secures the nomination rights
- Local connection guidance to ensure homes for local people (for the purposes of the S106)
- Phasing of the affordable housing as part of the overall scheme
- The Council's adopted Supplementary Planning Document: Affordable Housing (2013) seeks to secure on all qualifying sites 30% affordable housing (Core Policy 1). The qualifying threshold for Blidworth is 5 or more dwellings or sites of 0.2 ha or above. Therefore the Council will seek 25 units of affordable housing on a scheme of 85 dwellings.

Preferred Tenure

The overwhelming need in the district is for social rented accommodation, however, in the interests of meeting the needs of the residents and to promote a balanced housing market an element of intermediate housing will be considered. Further to analysing the housing need in the Blidworth locality the proposed affordable tenure split for this site and each unit types should be 60% social rented and 40% intermediate housing. The proposal as it is presented does not reflect housing need in the Blidworth locality. Based on the proposal I would expect to see a scheme of the following tenures:-

	Rent	Intermediate (S/O)	Discount for sale	Total
2 Bed House/Bungalow	8	5	3	16
3 Bed	5	2	2	9
	14	7	5	25

Design Standards

With regard to the space/design standards the Council encourages developers, as per point 3.14 of the Affordable Housing Supplementary Planning Document, to meet the Homes and Communities Agency Design and Sustainability Standards for the affordable housing units, for reference a link to this document is below. The units should also not be distinguishable from the open market housing and dispersed (pepper potted) on the scheme. It is noted that no plot numbers have been identified and these should form part of the requirements of the S106 agreement if possible. In the absence of grant funding then discussions with the Council regarding the application of the standards should be commenced.

<http://www.homesandcommunities.co.uk/ourwork/design-and-sustainability-standards>

Registered Providers

It is preferable that the developer seeks to engage with a Registered Provider at an early stage. The Council currently works with the following providers, but not exclusively:-

- Nottingham Community Housing Association
- Derwent Living
- Waterloo Housing
- Metropolitan Housing Trust
- Longhurst Housing Group
- Framework, (Specialist provider)

Additional Information

In terms of phasing of the affordable housing on the site, reference should be made to point 3.28 of the Affordable Housing Supplementary Planning Document.

In terms of occupancy, nominations etc., reference should be made to point 3.30 of the Affordable Housing Supplementary Planning Document.

It is recommended that the District Council's Legal Services section provides advice on the drafting of the Section 106, in particular referring to the affordable housing requirements.

NSDC Environmental Health (contaminated land) – Additional comments received 5th May 2020:

I have now had the opportunity to review the Geotechnical and Geo-Environmental Site Investigation report submitted by Eastwood & Partners in support of the above planning application.

This includes an environmental screening report, an assessment of potential contaminant sources and a description of the site walkover.

Following intrusive sampling, the report confirms that no exceedances of any screening criteria for any samples has been recorded and that the site is suitable for the proposed use.

In relation to previous comments from Environmental Health, an amended version of the report has been produced to include consideration of the historic waste tip/landfill site.

This provides discussion on the land topography, materials likely to have been tipped and their potential to biodegrade and produce gas given the timescale and the distance from site.

I generally concur with the findings of the report and am therefore in a position to be able to recommend that there is no longer a requirement for a contamination condition.

Original comments received:

I have now had the opportunity to review the Geotechnical and Geo-Environmental Site Investigation report submitted by Eastwood & Partners in support of the above planning application. This includes an environmental screening report, an assessment of potential contaminant sources and a description of the site walkover. Following intrusive sampling, the report confirms that no exceedances of any screening criteria for any samples has been recorded and that the site is suitable for the proposed use. I generally concur with the findings of the report in relation to the risk from onsite soils, however Environmental Health is aware of a nearby landfill site which has not been considered within the assessment. Anecdotal evidence suggests that the landfill site was used as a refuse tip circa 1931 and has since been covered with soil and now vegetation. There is the potential for landfill gas from this site to affect the development site. I would therefore request that further assessment of this nearby feature is carried out. I would expect this to be controlled by the use of a planning condition.

NSDC Conservation –We are in receipt of your request for conservation advice on the above scheme.

We have previously considered historic environment issues with regards to strategic housing on this site during pre-application discussions in 2015 (ref PREAPP/00042/15) and the recently refused scheme for 100 houses (ref 17/02326/FULM).

The proposal site is not situated within the Blidworth Conservation Area (CA) although it is situated directly adjacent. Impact on the setting of the CA is therefore a material consideration. The remnants of Blidworth windmill are situated c.350m to the west and are Grade II listed. The Grade II* listed Church of St Mary is also approx. 400m away, to the southwest.

Legal & policy considerations

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

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

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

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

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

Significance of heritage asset(s)

Blidworth CA was designated in 1977 and covers the historic core of the settlement. The settlement is medieval in origin, and is mentioned in Domesday as part of the Hundred of Thurgarton (it had a recorded population of 5 households in 1086). The Church of St Mary of the Purification is a focal building at the heart of the historic core, being of 15th century origin and Grade II* listed. There are a number of historic buildings within the CA, primarily focused along Main Street, typically 18th and 19th century stock. The landscape surrounding the CA is generally positive and has archaeological interest (as indicated in the Nottinghamshire Historic Environment Record). The remnants of an early 19th century windmill sit on the high ground to the north of Main Street. This Grade II listed building enjoys a significant landscape setting.

The proposal site itself has limited historic interest. The land is currently agricultural in character. It probably formed part of the medieval open fields.

The footpath running from Meadow Road down to the southwest corner of the proposal site is an historic track (see map extracts attached), and offers important first glimpses of the CA. The rising

land towards the former windmill to the west is also positive, noting that the CA boundary encompasses a significant area of countryside setting around the historic core of the village.

Assessment of proposal

Although Conservation raised concerns with a number of elements on the previous scheme (ref 17/02326/FULM), it did not materially object to the general scale, layout or quantum of development. Key issues related to retention of the historic footway across the field and the intersection with the CA in the southern part of the site. Although this scheme was fundamentally refused by the LPA, the revised plans did address conservation concerns with respect to the entrance to the CA (by rearranging development to integrate with Marriott Lane).

The latest proposal is for 85 dwellings, comprising 2, 3 and 4 bed dwellings. The house types are simple, comprising brick and tile with simple fenestration and some detailing such as corbelling.

Having reviewed the submitted details, we have the following observations:

- The angled roadway from Marriott Lane gives the impression of integration and continuity, which is welcomed. Attention to detailing on dwellings closest to the CA is encouraged, including the addition of chimneys. A number of the units forming the gateway to the CA should be amended to better respect the setting and entrance to the CA. Units 60 and 61 for example would benefit from not having the projecting central gables (this is not a traditional feature of the CA), and unit 62 would benefit from articulation of a narrower gable (suggest that this is reduced from c.8m to less than 7m). Better quality roofing materials could also be used on these 'gateway' dwellings (natural red clay pantiles perhaps or good imitation slate);
- The right of way would be better treated as a dedicated footpath rather than as a secondary element to the highway, and better orientated to follow the existing route (including, for example, not following diverting around turning heads). We otherwise defer to the RofW Officer at NCC;
- Panel fences should be avoided where they can be seen in the public realm as far as practicable, and an increase in tree planting and retention of hedging at the fringes of the CA should be encouraged.

If the above comments are taken into account, Conservation would not object to the proposed development.

NCC Policy – Thank you for your email dated 8th June 2020 requesting strategic planning observations on the above application. I have consulted with my colleagues across relevant divisions of the County Council and have the following comments to make.

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

County Planning Context

Transport and Flood Risk Management

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

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

Minerals and Waste

The adopted Nottinghamshire and Nottingham Replacement Waste Local Plan, Part 1: Waste Core Strategy (adopted 10 December 2013) and the saved, non-replaced policies of the Waste Local Plan (adopted 2002), along with the saved policies of the Nottinghamshire Minerals Local Plan (adopted 2005), form part of the development plan for the area. As such, relevant policies in these plans need to be considered. In addition, Minerals Safeguarding and Consultation Areas (MSA/MCA) have been identified in Nottinghamshire and in accordance with Policy SP7 of the emerging 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 the application site. The County Council does not, therefore, wish to raise any objections to the proposal from a minerals perspective.

Waste

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

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

Strategic Transport

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

Transport & Travel Services

General Observations

Site access appears to be via a new access onto New Lane. The closest bus stops are approximately 375 metres away from the centre of the site on Mansfield Road. The proposed additional pedestrian access points to the south and east also give access to other bus stops under 400 metres distance on both Mansfield Road and Main Street.

Bus Service Support

The County Council has conducted an initial assessment of this site in the context of the local public transport network. Most dwellings within the development are within a 400 metre walking distance from the centre of Blidworth where Trentbarton and Stagecoach operate regular services towards Mansfield, Newark and Nottingham. At this time it is not envisaged that contributions towards local bus service provision will be sought.

Bus Stop Infrastructure

The current infrastructure observations from photographic records are as follows:

NS0271 New Lane – Bus stop pole, polycarbonate bus shelter and raised boarding kerbs

NS0348 Belle Vue Lane – Bus stop pole, polycarbonate bus shelter, raised boarding kerbs and non-enforceable bus stop markings

NS0346 Mansfield Road – Bus stop pole, polycarbonate bus shelter and raised boarding kerbs

NS0347 Mansfield Road – Bus stop pole, polycarbonate bus shelter, raised boarding kerbs and layby

NS0362 Beck Lane – Bus stop pole and raised boarding kerbs

NS0370 Beck Lane – Bus stop pole and raised boarding kerbs.

The County Council seeks a Planning Obligation as follows:

A Bus Stop Infrastructure contribution of £36,600 to provide improvements to the bus stops denoted as NS0271, NS0346, NS0347, NS0348, NS0362 and NS0370 which shall include:

NS0271 New Lane – Install real time bus stop pole & displays including associated electrical connections

NS0346 Mansfield Road Install real time bus stop pole & displays including associated electrical connections

NS0347 Mansfield Road – Install real time bus stop pole & displays including associated electrical connections

NS0348 Belle Vue Lane – Install real time bus stop pole & displays including associated electrical connections

NS0362 Beck Lane – Install real time bus stop pole & displays including associated electrical Connections

NS0370 Beck Lane – Install real time bus stop pole & displays including associated electrical connections.

Sustainable Travel

The site's Interim Travel Plan 'Table 5.2: National Statistics Mode Split Data Newark and Sherwood 006B' refers to a 5% Bus Modal share. It is noted that a target is stated of a 10% reduction target in single occupancy car trips is over the five-year TP monitoring period. A specific Public Transport modal share target should be specified that reflects the choice of existing bus services within walking distance of the development, Section 4.29 should include reference to free introductory bus travel, which should be made available to residents of the development, to encourage modal change and reduce the impact of the development on the local highway network.

Justification

The level of funding requested would provide the following improvements:

Stops denoted as NS0271, NS0346, NS0347, NS0348, NS0362 and NS0370: Install real time bus stop pole & displays including associated electrical connections.

The site is served by several regular and fully accessible bus services operated by Trentbarton and Stagecoach East Midlands including daily links to Mansfield and Newark, and to Sutton-in-Ashfield, Hucknall and Nottingham on Mondays to Saturdays. The services provide access to employment, education, shopping, health and leisure, and should be complemented by the provision of bus stops with improved facilities meeting the standard set out in the County Council's [Public Transport Planning Obligations Funding Guidance for Prospective Developers](#).

The site layout includes access to three bus stop pairs which will encourage sustainable public transport access for residents. The stops include a broad range of facilities, but do not meet the Council's standard. For this development the provision of real time and disruption information is likely to be positive, encouraging additional patronage and increased confidence. Research conducted by Transport Focus has highlighted that at-stop real time information is seen as an important factor for non-bus users and is therefore a major factor in inducing modal change. The real-time displays also provide other network information, including details of current and future disruptions, roadworks and special events, including community information which is not otherwise readily obtainable in a concise format. The displays can therefore help users with making informed decisions about their current and future journeys.

The improvements would include improvements to the closest bus stops to the site, so are directly related to the development, fair and reasonably related in scale and kind to the development (85 dwellings) and necessary to make the development acceptable in planning terms.

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

Transport & Travel Services
Nottinghamshire County Council
County Hall
West Bridgford
Nottingham
NG2 7QP
ptdc@nottscc.gov.uk
Tel. 0115 977 4520

Built Heritage

The heritage impact assessment accompanying the proposals is adequate in so far as it correctly identifies the heritage assets within the zone of visual influence of development within the site. The account of the levels of impact would not normally be acceptable without supporting information, such as a photographic survey from and towards key heritage asset receptors or a complete Landscape and Visual Impact Assessment. The evidence has been reviewed using Google Streetview and it is considered that the Grade II listed Blidworth Windmill is the most likely designated heritage asset within the setting of which the proposed development will be Buildings at Risk Register and that a publicly funded project to undertake repairs is planned. The impacts of the proposed development will be amplified from the 'negligible' level identified in the HIA to at least a 'slight adverse' as and when the repairs and public access to the windmill have been put in place. The County Council does not have any comments on the details of the proposed development, such as building form, architecture or layout, as these have been covered by the District's conservation officer.

Planning Obligations

The planning obligations being sought by Nottinghamshire County Council in order to mitigate the impact of the proposed development are set out below.

Transport & Travel Services

A developer contribution of £36,600 is requested, as detailed above, to provide bus stop infrastructure improvements.

Education

The proposed development of 85 dwellings on this site would yield an additional 18 primary and 14 secondary aged pupils.

Primary

Based on current data there is a projected surplus of places in the Primary planning area and the impact of the development alone would not lead to a deficit in provision.

The County Council reserves the right to re-assess the response if prior to determination, further planning applications are made, or new pupil forecasts are published, which would result in a forecast shortfall of pupil planning places in the relevant planning area.

Secondary -

The current projection is as follows:

There is projected to be insufficient places, so the County Council would seek a secondary education CIL contribution based on formula: 14 places x £23,875 = £334,250 to provide additional secondary provision in the Rainworth planning area.

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

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

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

Conclusion

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

These comments are based on the information supplied and are without prejudice to any comments the County Council may make on any future planning applications submitted for this site.

Additional comments received:

1. Background

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

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

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

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

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

2. Potential development of Land at New Lane, Blidworth

There is currently a proposal for a new development on land at New Lane, this would comprise 85 new dwellings. At an average of 2.3 persons per dwelling this would add 196 to the existing libraries' catchment area population. The nearest existing library to the proposed development is Blidworth Library.

We would not seek any costs towards increasing the size of the library to accommodate this population but for this development a contribution will be sought for additional library stock. An increase in population of 196 would put more demand on the stock at this library and a developer contribution would be expected to help address this situation.

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

Blidworth is currently below the MLA optimum stock level (see table on page 2) and so a developer contribution would be sought to ensure current stock levels are not put under further pressure as a result of the new development.

The County Council would seek a developer contribution for the additional stock that would be required to meet the needs of the 196 population that would be occupying the new dwellings. This is costed at = 196 (population) x 1.532 (items) x £10.00 (cost per item) = £3,003.00

Library Optimum Stock Levels

LIBRARY	Catchment Popn Est (Census 2011)	Total Lending Stock	Ref Stock	Total Stock	Optimum Stock figure	Difference Optimum vs Actual stock
Blidworth Library	4663	6368	48	6416	7144	-728

Revised comments on the amended scheme confirm that the request would be £2849.00.

NCC Highways Authority – Additional comments received 25 August 2020:

'Further to comments dated 10 August 2020, I now refer to revised drawings 3247-1001-S and 190024/P/001/G which address previously raised issues to this Authority's satisfaction. (Please ensure these drawings have been submitted to the LPA and form part of any list of approved drawings).

Drawing 190024/P/001/G shows a proposal to widen New Lane to a general width of 5.5m with traffic calming build outs to offer priority movement and the introduction of 'no waiting at any time' waiting restrictions. This generally conforms with the layout that was accepted by this Authority under planning application 17/02326/FULM. The design and implementation of the above highway features will be subject to additional Highway Authority checking/safety auditing in due course, and; most importantly, approval of a Traffic Regulation Order. This involves a legal and democratic process and therefore cannot be fully guaranteed to occur.

It is considered that the works to improve New Lane would need to be completed prior to works within the site to safely cater for the associated construction traffic that will occur if permission is granted (see condition below).

Notwithstanding the above it is considered that the proposal can be approved subject to the following conditions:

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

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

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

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

No dwelling forming part of the development hereby permitted shall be occupied until its associated driveway / parking / turning area is constructed with provision to prevent the unregulated discharge of surface water from the driveway /parking/turning area to the public highway in accordance with details first submitted to and approved in writing by the LPA. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.

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

Prior to the commencement of development, the Highway works as shown for indicative purposes only on drawing 190024/P/001/G shall be completed. For the avoidance of doubt, these works require a Traffic Regulation Order to enable the priority workings, which will need to be agreed and fully implemented to the satisfaction of the Local Planning Authority in discussion with the Highways Authority.

Reason: To provide adequate & safe access to the site.

Prior to commencement of the development, an application shall be made to provide the Traffic Regulation Order (double yellow lines) shown for indicative purposes only on drawing 190024/P/001/G on New Lane in the vicinity of Mansfield Road. Any subsequently approved works shall be fully implemented to the satisfaction of the Local Planning Authority in discussion with the Highways Authority.

Reason: To provide adequate & safe access to the site.

Notes to Applicant:

The applicant should note that, notwithstanding any planning permission, 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 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 david.albans@nottscc.gov.uk for details.

The proposed waiting restrictions and priority traffic referred to in the conditions require a Traffic Regulation Order. 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 mike.barnett@viaem.co.uk. Please note that the Order process may take 9-12 months.'

Additional comments received 19th August 2020:

With regard to drawing 001/D attached, the confusion has arisen because of the colouring of 'areas of grass verge and vegetation' that seemed to suggest that this was either public highway or land controlled by the applicant; neither being the case in some areas – and not always true of the third party land anyway. Hence the reason for my comments about encroachment on to third party land. This drawing should be revised for clarity. (I note and accept the point about there being some land that the developer will offer for adoption).

Regarding the widening on the bend, my comments refer to a carriageway widening to cater for vehicle swept paths. As you point out the c/way width remains consistent around the bend, when in fact it should be widened in accordance with the table in my attached comments.

I note that there are two stretches of c/way; one just west of New Road, and; the other to the west of the westernmost 'priority build out ' where the c/way is again narrowed to 5.19m and 5.06m respectively when the rest of the road is 5.5m. Revision should be sought even if this entails widening on both sides of the c/way.

It has been noted that there is a vehicular access off New Lane, at the rear/side of 1 Hilton Park. The way the proposed kerblines interact with this access means that negligible visibility would be available for any driver leaving that access. More seriously, the same stretch of proposed kerblines heavily restricts the junction visibility for drivers leaving Hilton Park. Can you suggest a solution to this highway safety matter?

Please note that should this application be approved (subject to highway improvements) it would be necessary for the developer to include new street lighting to this Authority's satisfaction and specification on New Lane.

I await your responses prior to making further recommendations to the Planning Authority

Additional comments received dated 10th August 2020:

Further to comments dated 21 April 2020, I now refer to the revised proposals that reduces the number of plots to 81. Not all the issues previously raised have been addressed, as follows:

The off-site highway proposals should match those of the previous application 17/02326/FUL. Specifically (but not exclusively) the carriageway should be widened to 5.5 where possible (not 5.4m). Also, the highway improvement drawing 190024/P/001A shows the edge of highway encroaching on third party land.

Widening on the bend outside plot 50 has not been carried out in accordance with the following guidance:

Table DG6: Residential roads – widening on bends
Centre-line radius (m) 20 30 40 50 60 80
Minimum widening (m) 0.60 0.40 0.35 0.25 0.20 0.15

The carriageway on New Lane should be widened to at least 4.8m between the access to plots 16-20 and the main site access.

I await amendments and further submissions to address these points. In the meantime, perhaps, you would consider this as a 'holding objection'.

Original comments received:

In a previous application 17/02326/FUL, 99 dwellings were proposed for this site and although it was refused, this Authority raised no objection subject to a number of conditions. This application is for less dwellings; 85, and therefore slightly less impact will result on the highway network. So, the principle of the development and its impact on highway capacity is acceptable to this Authority. Whilst junction capacities are slightly reduced, these reductions are minor.

However, a number of issues still need to be addressed prior to this Authority offering no objections.

The red edge site boundary should include New Lane where significant off-site highway works are proposed and will be required - see drawing 190024/P/001/A within the Transport Assessment.

The aforementioned off-site highway proposals should match those of the previous application. Specifically;

- the carriageway should be widened to 5.5 where possible (not 5.4m).
- the footway should continue around both radii of the mouth of Hilton Park.

The road layout within the site is likely to require small amendments to comply with the NCC highway design guidance. The applicant should widen bends where necessary to comply with the following table:

Table DG6: Residential roads – widening on bends
Centre-line radius (m) 20 30 40 50 60 80
Minimum widening (m) 0.60 0.40 0.35 0.25 0.20 0.15

In addition, suitable speed-related forward visibility splays should be shown around the bends and, where necessary, the footway widened to ensure that visibility does not fall outside of the prospective highway boundary.

Footway connection is required to plots 18-22. Also, the carriageway on New Lane should be widened to at least 4.8m between the access to these plots and the main site access.

The turning area/aisle for plots 66-70 is not wide enough to turn a car without encroaching onto a neighbour's driveway (which may also be occupied by a car). Similarly, plots 5-8 & 21-22 will have difficulty turning within a 4.25m width access. 6m turning areas should be sought.

Access to plots 84-85 should be widened to 4.25m.

All the 4-bedroom properties have the 3 required car spaces but the vast majority of these have them in a tandem layout which leads to on-street parking to avoid the shuffle movements when a car furthest away from the road needs to be used. Long driveways intended to provide parking for multiple cars may only be counted as 2 spaces if vehicles would be blocked from exiting by other vehicles.

I await amendments and further submissions to address these points. In the meantime, perhaps, you would consider this as a 'holding objection'

NCC Rights of Way Officer - Additional comments received:

Further to our phone conversation regarding the amendments to the scheme. We understand that the line has been altered and it now follows the original route of the footpath negating the need for a diversion. However our previous comments about the footpath being relocated on to the footway through the scheme still stand as it is not what we would advocate.

We also have concern for the surface at the top end of Blidworth Footpath 1 where it meets the proposed development through to Meadow Road. This stretch is currently laid to a stone surface but this which we believe could be adversely affected by the increased footfall on this route due to the development.

It would need to be upgraded to tarmac. The stretch in question is approx. 84m long and would cost in the region of £4000 to tarmac.

Original comments received:

Thank you for the opportunity to comment on the above application, our comments are detailed below:

I have checked the definitive map for the area and can confirm that Blidworth Footpath 1 crosses the development site. Please find attached map showing the legal line of the route.

We would require further details from the applicant as to how the existing footpath is to be accommodated within the scheme. The proposed site layout plan provided does not appear to show the footpath on its current legal line. The footpath appears to have been incorporated onto the footway and therefore we seek clarification and advise the applicant of the following:

- 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.
- This is a very well used footpath, particularly by the elderly and children therefore safety is paramount - we would not advocate the footpath being put onto the footway and require further details as to safety parameters etc.
- Where the right of way runs across the site and is currently open on either side, the open aspect should be retained as far as is practicable with good practice design principles applied.
- Regarding ongoing maintenance of the footpath - is it the intention that the proposed route all becomes adopted highway?
- If a Public Path Order is required, 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.
- The footpath should remain open and unobstructed. Vehicles should not be parked on the RoW or materials unloaded or stored so as to obstruct the path.
- There should be no disturbance to the surface of the footpath without prior authorisation of the Rights of Way team.
- The safety of the public using the path should be observed at all times. A Temporary Closure of the Footpath may be granted to facilitate public safety during the construction phase subject to certain conditions. Further information and costs may be obtained by contacting the Rights of Way section. The applicant should be made aware that at least 5 weeks' notice is required to process the closure and an alternative route should be provided if possible.

Ramblers Association – I wish to lodge an OBJECTION to this development.

It will lead to the obliteration of a public right of way (Blidworth Footpath 1) and involves an unacceptable loss of green space.

NCC Flood - Nottinghamshire County Council as the Lead Local Flood Authority (LLFA) has reviewed the application which was received on the 31 Mar 2020. Based on the submitted information we have no objection **in principle** to the proposals and can recommend approval of planning subject to the following comments and condition:

It must be noted that current restrictions imposed by STW in their correspondence dated 6 December 2019 and included as part of the submitted Flood Risk Assessment must be lifted to enable the development to progress. As it stands these restrictions prevent any discharge of surface water from the site and as such the development should not progress until the restrictions are lifted by Severn Trent Water Ltd.

Condition

No part of the development hereby approved shall commence until a detailed surface water drainage scheme based on the principles set forward by the approved Flood Risk Assessment (FRA) and Drainage Strategy 19/030.01 JOC Consultants, 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:

- Evidence that the capacity improvements have been carried out to the Severn Trent combined sewer as referenced in their correspondence dated 6 December 2019 and that Severn Trent Water Ltd. have approved the discharge of surface water to their asset.
- Evidence that the development takes into consideration the existing surface water flow path across the site in a manner that neither increases the risk of flooding to the surrounding area nor puts properties and curtilages of the proposed development at risk of flooding.
- 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.

Environment Agency – No comments received.

Severn Trent Water - No comments received.

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

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

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.

Nottinghamshire Wildlife Trust – Thank you for re-consulting Nottinghamshire Wildlife Trust on the above application.

We have reviewed Ecological Impact Assessment (EcIA) including Extended Phase I Habitat Survey and Appraisal of Likely Impact upon the Possible Sherwood Forest pSPA (SLR Dec 2019) and have the following comments.

We can confirm the ecology survey and report has been undertaken according to good practice guidelines and sufficient survey effort has been undertaken to determine the presence of protected species.

We are satisfied that the LNR and LWSs within easy reach of the site contain a robust infrastructure designed to withstand recreational use and that no impact upon these designated sites is predicted. The IBA & ICAs within easy reach of the site also contain a robust infrastructure designed to withstand recreational use and we are satisfied that no impact upon the possible ppSPA is therefore predicted from this proposal. We agree that taken in isolation this planning application is unlikely to have a detrimental impact upon the ppSPA but we would take this opportunity to remind the LPA about the advice provided by Natural England in relation the ppSPA. An extract can be seen below.

Advice Note to Local Planning Authorities regarding the consideration of likely effects on the breeding population of nightjar and woodlark in the Sherwood Forest region (March 2014)

Natural England would encourage those LPAs in the Sherwood Forest area to work together, in compliance with the duty to cooperate, to consider the combined effect of their plans and proposals in order to gain a strategic overview and develop a collaborative approach. We are of the view that taking the approach outlined above represents good planning practice which will assist your Authority should the site be classified as SPA in limiting the number of plans and

projects which would need to be re-considered as part of the review of consents process required by the 2010 Regulations.

The submitted assessment does not take into consideration other planning applications that in combination with this one could have a significant effect.

Habitat Enhancements

The EclA states that the existing native hedgerow and tree lines will be retained, with the exception of a small section which will need to be removed from the northern boundary to facilitate access into the Site. The length of hedgerow to be removed is not stated and so this requires clarification. It is also stated that planting of a 140m long new native hedgerow will take place on the north-eastern boundary, but until it is known how much hedgerow is to be lost to access we do not know how much of a biodiversity net gain will be achieved with the additional hedgerow planting.

Nine bird boxes and nine bat boxes are proposed to be introduced, some on trees and some on buildings.

Hedgehogs are recognised as being of ‘principle importance’ for conservation of biodiversity under Section 41 of the NERC Act 2006. Therefore, planning authorities need to ensure that these species are protected from any adverse effects of development. We therefore welcome the inclusion of 15 x 15 cm gaps at the base of some fences, particularly houses situated along the site boundaries, and signage erected, to allow hedgehogs to move across the site, and to inform new residents about the reasoning for the gaps.

We advise that all ecological recommendations are secured through use of planning conditions, should the application be approved.

Landscaping Plan

We were unable to find a landscaping plan for the site. We therefore recommend a plan is produced that contains the following information:

- position, location, type and number of nest and bat roost boxes (note some types are proposed to be incorporated into buildings, which is in line with standard practice)
- Position and number of hedgehog access points.
- location of retained and new native trees and hedgerow and other wildlife habitats including details on planting for the Public Open Space (POS) and Sustainable Drainage Scheme (SuDS), details /specification and location of interpretation, fencing, non-lit areas to protect bats.

Further Surveys

The applicant’s ecologist advises that a pre-commencement survey for badger setts shall be undertaken as a precaution to ensure badgers are not present within the Site. This should be secured through the planning system.

Archeology Advisor – Additional comments received:

The archaeological contractor has finished the evaluation on this site and although they did find a few features and some residual medieval and post-medieval pottery (in the subsoil) it looks like nothing of particular significance was encountered. The geophysics anomalies are likely due to a change in the natural geology where patches of iron rich sand were present.

The contractor is still preparing the final report, but given the results I would recommend that no further archaeological work is necessary for this site.

Additional comments received:

Thank you for forwarding the geophysics report which recorded a number of anomalies of undetermined origin, some of which may relate to burning activity of an unknown date. It also recorded agricultural activity as modern ploughing trends and drainage features.

The results of the geophysical survey should now be tested by trial trench evaluation, in accordance with the current guidance on archaeological evaluation. This will determine the accuracy of the survey results which can sometimes be masked by other deposits and will aim to determine the presence, absence, significance, depth and character of any archaeology which could be impacted by the proposed development.

If consent is granted, this can be secured by a condition as detailed in my earlier advice.

Original comments received:

Thank you for consulting me on this application.

The site lies immediately north of the historic medieval core of Blidworth as defined by the Conservation Area and the Nottinghamshire Historic Environment Record notes 35 archaeological sites or find spots within 1km of the site.

Archaeological advice has been provided for an earlier application for this site (17/02326/FULM) which recommended archaeological evaluation of the site prior to construction. This was to initially comprise a non-intrusive geophysical survey of the site which would have been followed by targeted trial trenching to test the results of the survey. However the work did not go ahead as the application was refused.

The accompanying desk-based assessment (DBA) for the current application concludes that the site has a low potential for archaeology for all periods, however the earlier application contained a DBA which recorded a moderate potential for the presence of medieval archaeology.

The proposed development comprises the construction of 85 dwellings and ancillary works over a large area and any surviving archaeology on the site would be significantly impacted.

Recommendation:

Given the above and the previous recommendations, if permission is granted I recommend there be an archaeological condition for a mitigation strategy to effectively deal with this site. This will initially include, but may not be limited to, a non-intrusive geophysical survey to evaluate the archaeological potential of the site. This will likely be followed by a targeted trial

trench evaluation to determine the presence, absence, significance, depth and character of any archaeology which could be impacted by the proposed development. Further archaeological mitigation work may be required if archaeological remains are identified in the evaluation.

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

This should be secured by appropriate condition to enable any remaining archaeology which currently survives on this site to be properly assessed and characterised and to allow for an informed archaeological mitigation strategy to be implemented. The following condition wording is based on current guidance from the Association of Local Government Archaeological Officers and the Lincolnshire Handbook (2019):

Part 1

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

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

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

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

Part 2

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

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

Part 3

A report of the archaeologist's findings shall be submitted to the Local Planning Authority and the Historic Environment Record Officer at Nottinghamshire County Council within 3 months of

the works hereby given consent being commenced unless otherwise agreed in writing by the Local Planning Authority.

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

NPPF states that local planning authorities should '*require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible*' (para 199).

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

The Coal Authority – The application site **does not** fall within the defined Development High Risk Area and is located instead within the defined Development Low Risk Area. This means that there is no requirement under the risk-based approach that has been agreed with the LPA for a Coal Mining Risk Assessment to be submitted or for The Coal Authority to be consulted.

In accordance with the agreed approach to assessing coal mining risks as part of the development management process, if this proposal is granted planning permission, it will be necessary to include The Coal Authority’s Standing Advice within the Decision Notice as an informative note to the applicant in the interests of public health and safety.

Newark CCG –

<i>Impact of new development on GP practice</i>	The development is proposing 85 (A) dwellings which based on the average household size (in the Newark & Sherwood Council area) of 2.5 per dwelling, primary care health provision would result in an increased patient population of approx 195.5 (B) (2.3 x A).
<i>GP practice most likely to be affected by growth and therefore directly related to the housing development</i>	It is unlikely that NHS England or Mid Notts CCG would support a single handed GP development as the solution to sustainably meet the needs of the housing development and that the health contribution would ideally be invested in enhancing capacity/infrastructure with existing local practices. The practice that it is expected this development to be closest too is: <ul style="list-style-type: none"> • Abbey Medical Group • Rainworth Health Centre • Hill View Surgery
<i>Necessary to make the development acceptable in planning terms</i>	All practices in the area are working at capacity and therefore in order to make this development acceptable from a health perspective the infrastructure will need to be developed to accommodate the increased population. Infrastructure financing in the form of S106 will therefore be required to ensure that there is adequate primary care health facilities in the area
<i>Plans to address capacity issues</i>	The practices are currently reviewing their options as to how they may accommodate the increased number of patients due to this housing development. It is likely that the plans will include either reconfiguration or extension of existing premises or a new build that

	this S106 contribution will contribute towards.
<i>Fairly and reasonably related in scale and kind to the development.</i>	As a consequence and since the number of dwellings exceed 65, we would ask for £982 per dwelling for costs of health provision as set out in the Newark and Sherwood Developer Contributions and Planning Obligations . Details of this could be provided to the developer upon planning consent being granted and the development starting and any uncommitted funding could be returned within an agreed expiry period.
<i>Financial contribution requested</i>	£83,470 (85 x £982 per dwelling)

Confirmation received that the requested contribution would be £79,542 on the basis of the revised plans for 81 dwellings.

92 letters of objection were received from neighbouring / interested parties in relation to the original scheme which are summarized as follows:

Application Procedure

- The Council should not have accepted the application at the time of the Coronavirus crisis;
- The application is causing stress to people social isolating and causing Post Office staff more work;
- The application should be refused without the need for public consultation;
- It is ethically wrong that the developer has submitted the application at this time;
- Many people have contacted Mark Spencer to raise concerns about the validation of the application at this time;
- The development should not have been validated after lockdown;
- There is no chance of holding a public meeting to discuss the application at this time;
- The decision should be postponed;
- There is a population around the site who do not use modern technology and cannot get to a post box to object;
- It is underhand of the developer to submit the application at this time;
- Residents neighbouring the site were not formally consulted;

Principle of Development

- Although for 85 instead of 99 houses it is essentially no different to the previous application;
- The land is not suitable for development and is essential for wellbeing and quality of life of the village;
- The need for the development is questionable given the development at Lyndhurst outside of NSDC;
- There are several large developments close by for people to purchase new homes;
- Alternative sites outside of the center of the village could be made available;
- The site should be re-instated to Green Belt land;
- The site is too small for the amount of homes and will represent overdevelopment;
- The Green Belt status of the land which existed in 2012 is not being honored;
- The land should be a park and football field;
- The land will no longer be available to grow crops;

- The village should be kept as a village;
- The Planning Officer should acknowledge that a mistake was made in allocating the site for housing and a time of widespread corruption;
- The SHLAA rejected the site as being unsuitable on highways grounds;
- Planning Inspector has already determined the site is unsuitable on highways grounds;
- An application has been submitted to Mansfield for an even larger housing development;

Housing Mix

- The bungalows have been removed from the proposal;
- The number of 2 bed affordable homes has been reduced from 29 to 16;
- The number of 3 bed properties has increased from 48 to 57;
- The number of people would be virtually the same as the refused application;
- The type of affordable housing does not fit the definition applied by planners;

Impact on Amenity

- Loss of privacy and overshadowing to surrounding dwellings;
- The houses next to the development are sheltered accommodation for the elderly and disabled which will be totally overshadowed;
- Because of the gradient change, all vehicles approaching the access will directly face towards the rear of the properties at Hilton Park causing headlights shining into properties;
- Street lights will light up rear gardens;
- The development will block light to the properties on Marklew Close;
- The Council has responsibilities under the Human Rights Act to ensure residents have the right to the peaceful enjoyment of their home;
- A 1.8m fence would be overbearing particularly given the land level changes;
- There would be noise pollution from 85 properties in a natural valley;
- Natural daylight is an essential contributor to emotional health and wellbeing;
- The proposed buildings and public open space will run alongside the boundary which is 10feet away from the bungalows at Marklew Close;
- A number of the properties have stepped gardens and would be completely overshadowed;
- The bungalows are 6 feet below the level of the field so the fence would stand 12feet high within 10 feet of the house;
- There is a right to light easement (Prescription Act 1832) as the Marklew Close properties have enjoyed 'uninterrupted light from across the field for more than 20 years without consent, openly and without threat, and without interruption for more than a year'
- The plans seem to indicate the only boundary between the open space and properties would be a post and wire fence;
- The bedroom windows would overlook the bungalows on Marklew Close;
- The use of the open space would cause overlooking;
- The proposal is directly adjacent to the lawn and seating area used by residents of Marklew Close;
- Concern over who will manage the open space and if it will become an area of anti-social behavior;
- People enjoy walking on the land on a daily basis;

Impact on Character

- Residents choose to live in Blidworth for its rural charm;
- Building 85 houses on this site will greatly impact on the accessibility and enjoyment of the Conservation Area;
- The view from parts of Blidworth, e.g. Beck Crescent, will be totally transformed from overlooking a country meadow to an intense housing estate;
- The development would take away natural beauty;
- The proposed development won't respect the shape of the land;
- The design will look like any old place;
- The tightly packed estate will seriously impact visually on the character of the Conservation Area;
- We should be conserving the countryside, the land has been well managed over the years;

Impact on Highways

- Extra traffic will cause roads to be congested;
- New Lane is very narrow with inadequate pedestrian walkways;
- The traffic surveys were based further up the road past New Close where it is quieter;
- The road becomes very congested with people shopping or when the library have an event on;
- New Lane is a county lane that currently is only used to access a couple of farms and as a bridal path / dog walking route;
- There would be serious congestion at the T junction;
- To allow an extra 200-250 cars is beyond comprehension;
- The route will become a rat run;
- Double yellows will only create more issues with parking;
- There are blind spots for traffic trying to join New Lane safely;
- There have been numerous near misses on a daily basis and the additional vehicles would be totally unmanageable;
- The last committee minibus had to mount the pavement in order to get through and then nearly collided with a car;
- The new proposal describes two new access points but there is only one for vehicles;
- New Lane is the main Route 6 of the National Cycle route and therefore frequented by many cyclists;
- The influx of families would need footpaths to be wide enough for a parent to push a pushchair with a child beside them which could not be achieved;
- The footpath along Warsop Road leading to Rainworth is not wide enough for additional children to walk along;
- The development will lead to an increase in the use of the pedestrian crossing on Mansfield Road which will affect the traffic flow;
- The reduction in number of houses does not solve the access issue;
- Even the smallest house types will have two car parking spaces which does not align with limiting vehicular transport as per the Travel Plan;
- There are errors in the Transport Assessment which refers to the wrong site;
- The proposed 'no waiting' area is not practical or reasonable;
- The traffic survey was taken during school holidays;
- Lives will be put at risk from the additional traffic;
- There has been an increase in the volume of traffic since the 2017 surveys;

- The primary school takes classes of young children to the library each week and it is already dangerous for children to cross the road;
- Elderly residents with mobility scooters struggle with the pavement widths;
- Local residents have campaigned for reduced speeds and speed cameras due to the number of accidents;
- The bus provision is inadequate;
- Cars already park on both sides of the road at the junction;
- There are concerns that there will be plans to access the site from Marriott Lane which is a private drive;
- The road surface needs to be improved;
- The access should ensure sufficient room for large vehicles;
- Bin lorries struggle to get up the road;
- The width of the road would not comply with Fire Safety rules for emergency vehicles;
- Insufficient parking provision will not lead to less car ownership but to more congested street parking;
- This will be compounded by the loss of spaces at the junction;
- Mansfield Road is already effectively single file whilst large vehicles pass;
- Concern for access for emergency vehicles;
- The majority of residents would commute to Nottingham or Mansfield;
- There is no detail for break-in of second roadway on new lane for 5 dwellings plus access to the substation on what is a narrower part of the road and access via an incline from the development;
- The que lengths referred to in the Transport Assessment are inaccurate, there are large ques at the junction during peak hours;
- True representation of the impact of the development cannot be given at the current time;
- The decision whether to grant the application may rest on a TPO being in place and therefore the application should be determined prior to any formal approval of a TPO;
- There are many reasons why the imposition of the proposed TRO at the junction of New Lane & Mansfield Road would fail to meet the criteria set out in the Act;
- Widening New lane would create more traffic chaos;
- There is not enough parking for the likely number of cars;
- The land in front of the library should be given to the residents not the developers;

Impact on Footpath

- The re-route of the footpath does not comply with current guidelines;
- This area is well used as a safe passage between the 'old' village and 'new' village;
- The proposed route still circumvents around the houses which will create a completely different character;
- The route would be between tall houses and alongside a busy road;
- The application to move the footpath would be fiercely contested;
- The footpath is in constant use;

Impact on the Environment

- There will be extra pollution in the area;
- The access would destroy the hedgerow;
- There are well established hedges; oak trees; wild flowers and raspberries – all of which would be lost;

- Wild birds, animals and flora will be adversely affected;
- Residents chose to live near the site for its ecological value;
- There will be a detrimental impact on matures trees;
- This development would not contribute towards becoming carbon free;
- There is an old tip which leeches hazardous materials;
- Wildlife is frequently observed at the site;
- There are bats on the site which are protected by law;
- Many species have been observed on the land;
- It is puzzling that the land is low risk from underground land movement by the Coal Mining Authority when neighbouring properties are deemed high risk;
- The stability of the land needs further investigating;

Impact on Infrastructure

- Increase population will cause overcrowding to the doctors, dentist and school;
- The payments by the developers will not be enough to provide the extra services;
- There is already a 2-3 week for a doctors appointment;
- The impact on parking would adversely affect the shops;
- People are already choosing Tesco over the local shops due to the congestion for parking;
- Blidworth has an elderly population with people rating their health as 'very bad' being above national average;
- There would be undue pressure on the sewage and water provision;
- Schools are already over prescribed;
- The development will put pressure on Marriotts Lane playground;

Impact on Flooding and Drainage

- There would be a serious risk of flooding as there is a flood plain running through the site;
- Recent rainfall events caused flooding along the foot path;
- The attenuation basin would be a hazard;
- It is incorrect to state that there is no history of flooding;
- There are natural springs in the field which will add to the problem of flooding;
- On a number of occasions the bottom on the site has been completely submerged in water which water running down the back of the bungalows;
- Developers should offer a legally secure financial bond to cover flood defenses or flood damage;
- The reduction in the natural soakaway will increase surface water run off;
- Aggregate will be changed to tarmac over time;
- The site is within a zone 3 ground water protection zone;
- Severn Trent Water seems to have no agreed to any further usage of the drainage system;

Construction Impacts

- Residents will be faced with months of disruption, noise and dust;
- Controlled hours of operation should be conditioned if the application is approved;
- Any new employment generated will only be temporary;

Other Matters

- The development will decrease house value;
- There will be an increase in antisocial behavior;
- The potential for encountering evidence of archeological remains of medieval date within the site has been assessed as Low to Moderate;
- Trust Pilot reviews on Gleeson reveal 80% bad; 3% poor and 18% excellent – the comments indicate poor workmanship and lack of after sales service;
- The developers will take the profits and leave the residents to suffer the consequences;
- The mental health benefits of the vacant site would be lost;
- The land is used frequently for exercise;
- The road widening will create subsidence issues;
- The land has strong emotional attachments;
- The Council is failing in its ambition to get people to take up walking; cycling and visiting Sherwood if it allows this application;
- There would be a negative impact on the stables and equestrian businesses at the end of New Lane;
- Will the developers even be able to finance the project given the current circumstances;
- The houses aren't suitable for disabled despite the supporting documents;
- The proposed plans would encroach on an area in front of a neighbouring property which has been historically used for parking and access to the rear garden;

In respect to the revised plans received during the life of the application, a further round of consultation was undertaken from which an additional 60 letters of objection were received:

Application Procedure

- No notification of public event was received by adjacent properties;
- The whole process seems underhand given the timing of the application;
- Some of the paperwork still states 85 units;

Principle of Development

- Green belt status of the land is not being honoured;
- The revisions to 81 units does not change earlier objections;
- A reduction of 4 units is minimal;
- The site has proved to be of enormous value as visible green space during Covid;
- If the application is approved it would be to meet the Councils arbitrary targets;
- The development has already been denied by a proper planning enquiry;
- Development is meant to have a positive impact and enhance the local area;
- None of the previous issues for refusal have been addressed;
- There are too many dwellings for the narrowness of New Lane;
- The changes are cosmetic in nature to pacify local residents without dealing with the main issues;
- The decision to take the site from Green Belt was taken at a time of corruption;

Housing Mix

- The definition of affordable housing does not fit that generally applied by planners;

Impact on Amenity

- The bungalows will be overlooked;
- There is likely to be an increased in noise with the houses built in a valley;
- Extra traffic will cause pollution and breathing problems;
- To create a public open space along the boundary with sheltered housing is completely unreasonable;
- There is already an issue with anti-social behavior nearby;
- Anyone standing in the POS will be able to look straight into the neighbouring bungalows;
- Position of moving plot 4 is good;
- The original hedge was removed from the rear of some of the Marklew Close properties as the occupants found it impossible to maintain them – who will maintain them if the development goes ahead;
- The hedge would block light;
- Mental health should be a priority which the noise and environmental pollution will affect;
- Removal of tree will compromise privacy of garden;

Impact on Character

- The view from other parts of Blidworth for example Beck Crescent will be totally transformed;
- The proposed development is located to the north of the medieval settlement of Blidworth;
- Revisions to landscaping does little to reduce the visual impact of what is really quite a large estate;
- Tree removal may lead to land collapse;
- Object to the removal of the hedge running alongside New Lane and the removal of a tree;

Impact on Highways

- Increased traffic will affect the cycle route;
- Monitoring of traffic has not been undertaken at appropriate times;
- Changes to housing mix will not help to reduce traffic problems;
- The Highways Officers should do a visit first hand to see the problems;
- 4 less houses will lessen traffic by an average of 8 cars which will have little to no effect on residents concerns;
- There is no possible way traffic can be increased on any of the junctions or roads that would lead to the site;
- Dog walkers, horse riders or local resident car users will put at a level of risk which is unacceptable;
- Nowhere in the revision does it tackle the main issue of access and road safety concerns;
- The previous application was refused on grounds that access to the site did not conform to the required regulations;
- Blidworth is already uses as a cut through for traffic between the A614 and Mansfield;
- The proposed traffic calming methods would make the situation even worse;
- Parking restrictions would be disastrous for local businesses;
- It is dangerous to stop at the entrance of Marriott Lane;

- The junction of Meadow Road and Main Road is a blind bend and will cause more accidents to occur;
- Traffic queuing will cause air pollution;
- New Lane is used frequently by agricultural vehicles and it is not clear how these and emergency service vehicles would be able to get through;
- Double yellows will just cause congestion in the village;
- The TRO required could be successfully opposed by the Parish Council; local residents and business owners so there is nothing to guarantee it would be granted even if planning permission was;
- It should not be possible to consider the planning application until the TRO is in place;
- There are no examples of where planning permission on this scale has been allowed with such a restrained access;
- The additional traffic at Tree Thorn Hollow will add to the volume of local traffic and will become a dangerous and unsafe place to live;
- New Lane is a single track county lane which was never meant for the traffic that a new development would create;
- Making Marriott Lane a drop of point is unsuitable and will impact on the houses on that road;
- The pictures of New Lane are inaccurate and captured on a rare quiet occasion;
- Double yellow lines would not be effective on New Lane;
- As existing, most days it is a struggle to turn onto the B6020;
- There will be fatalities at the junction;
- There is insufficient parking within the village as it stands;
- How will the double yellows be policed;
- There are sparse drawings for the New Lane access with hardly any detail;
- The government is recommending people use more bikes;
- The lane is not wide enough for two cars to pass without mounting the kerb;
- The application for the development at White Lion was rightly rejected and this proposed application is even more problematic in terms of access;
- The highways design fails to take account of 4x4 vehicles using New Lane in a westerly direction;
- The Highways Authority appears not to have carried out any consultation to date with persons likely to be affected by the TRO, although it is required to do this in accordance with its duties under Section 122 of the Act & Regulations; and it would be unreasonable for them not so to do;
- Blidworths thoroughfares would become permanently congested;
- The loss of spaces to businesses would not be acceptable;
- Children use the pavements to walk in groups to the library, they should be widened not reduced;
- The revision increased the traffic issues rather than creating a solution;
- Visibility from the buildout outside the library is severely restricted;
- Traffic coming up from Mansfield Road who will have priority will not be able to see traffic coming down on the wrong side of the road;
- Highways England stipulate a two lane road must be at least 6m;

Impact on Footpath

- The footpath still goes through the proposed developed which is a completely different character;

- Little consideration seems to be given to the steps from Marriott Lane;
- The footpath still does not allow for landscaping along much of its length;
- Walkers will have to negotiate roads with traffic movements;

Impact on the Environment

- There are bats; birds and other wildlife species currently located on the site throughout the year;
- In the news recently it has been warned that a quarter of Britain's native mammals are at risk of extinction;
- There is a family of hedgehogs living along the boundary with Marklew Close;

Impact on Infrastructure

- The reduced number of houses will still put strain on local amenities that are already struggling to cope with demand;
- The infrastructure cannot cope with the additional number of houses;
- What do requested contributions pay for and are ongoing costs of the increased population to be funded by Council Tax;

Impact on Flooding and Drainage

- The area has natural springs which will create potential flooding issues;
- The drainage basin will not be sufficient to deal with the flooding on the site and will be a danger to children;

Construction Impacts

- The construction traffic trying to negotiate a single track road will be horrendous;

Other Matters

- The potential for encountering archeological evidence remains as low to moderate;
- The drainage pond is on the route to the play area;
- There is talk of a new development on Blidworth Lane which will further worsen the position and make the junction even busier;
- There is also development being proposed at Lyndhurst;
- The revised plans are a clear indication of collusion between the Planning Officer and the Developer to secure a financially beneficial outcome;
- The matter should be resolved by the Planning Inspector at a public hearing;
- There should be a meeting with the developer, planning committee and residents;
- The council does not respond to the comments which does not seem like democracy;
- There is a growing evidence for the relationship between the built and natural environment and health;
- A yellow digger has been parked on the field;
- The company is disreputable and put plans in when the country was in lockdown;
- NSDC say they care about local villages and residents but money means more;

A final round of consultation was undertaken on the basis of the latest revised plans received 8th September 2020. An additional 27 letters of representation have been received which can be summarized as follows:

Application Procedure

Principle of Development

- The site should not be considered for development;
- There are nearby areas for potential development that would clearly be more suitable;
- The site should be de-allocated;

Housing Mix

- The addition of bungalows will do nothing to solve the previous issues raised;
- The developer can promise affordable housing but in reality they do not have to account for it;

Impact on Amenity

- The green area backs onto the bungalows which will lead to anti-social behavior;
- The changes do not alter the overbearing / overshadowing nature of the proposed housing development adjacent to the sheltered housing;
- The proposed hedge along the boundary with the sheltered housing is a nonsense and will need to be maintained both sides;
- Overshadowing will be detrimental to mental health and wellbeing of residents at the time they need care and support;

Impact on Highways

- New Lane is currently very narrow with inadequate pedestrian walkways and gets very busy when people visit the library and local shops;
- The traffic surveys were based on a quieter part of the road;
- The works to New Lane will make it even more dangerous and congested especially with the additional cars;
- The revised plans do not address the highways issues;
- The road should be marked out as per the amendments;
- The amendments do not take into account how close the vehicles are to the footpath;
- School children regularly walk side by side;
- If two lorries pass then any pedestrians would be at risk;
- Other roads would become a rat run;
- The road is not suitable for the amount of the development;
- A visit should be taken at 3pm when the schools are closing;
- There have been recent accidents near the Post Office;
- It is already a dangerous junction;
- The Council has a duty to ensure road safety risks are minimized if not eliminated;
- Previous applications have been refused because of the access issues;

- The two vehicles parked for archeology works have led to damage for the grass verges so construction vehicles will lead to chaos and congestion;
- The lane is used by horse riders and cyclists;
- Parking is already limited;
- The proposed 200 houses at Rainworth will put even more pressure on the roads;

Impact on Footpath

- At present the footpath is a safe and uninterrupted pathway – the proposal would mean it crossing driveways and a road;

Impact on the Environment

- The extra cars will create extra pollution to the area and children walking to school will be affected;
- There are trees; poppies and wildflowers on site;
- Residents moved for the peaceful location;

Impact on Infrastructure

- The school and doctors are already oversubscribed;
- The businesses on Mansfield Road have already suffered as a result of Covid and are just beginning to recover;

Impact on Flooding and Drainage

- The field floods and in summer the basin will be a stagnant breeding ground;

Other Matters

- The amendments are an insult to the community who wholeheartedly object to the proposals;
- In bad weather the hill becomes impacted by snow and is dangerous to cars and pedestrians;
- The only groups not objecting have no involvement with the village and will not suffer with any of the problems;
- The developers are proposing unimportant changes to try to pacify the number of objections;
- The residents are not being listened to;
- The changes made are smoke and mirrors;
- The developer has a reputation for not adhering to plans;

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* (emphasis added) material considerations indicate otherwise. The Adopted Development Plan for the District is the Amended Core Strategy DPD (2019) and the Allocations and Development Management Policies DPD (2013).

The Allocations and Development Management document was adopted in July 2013. The application site has been allocated within this document by Policy Bl/Ho/3 for residential development of a maximum of 100 dwellings. Reference has been made through the consultation process in terms of the site's previous inclusion within the Nottingham Derby Green Belt. However, for the avoidance of doubt, the village envelope inserts for the previous Local Plan confirm that the site was never incorporated within the Green Belt designation. Indeed it was a preference to avoid releasing Green Belt land which contributed to the site's allocation. It is noted that the Strategic Housing Land Availability Assessment (SHLAA) 2010 document concluded that the site was not suitable for development owing to highways safety concerns but these were subsequently resolved prior to the adoption of the Allocation and Development Management document. The principle of residential development on the site is therefore acceptable and numerically the proposal would be policy compliant subject to a consideration of other material planning considerations.

The Council is confident in its ability to demonstrate a five year housing land supply albeit it is not considered necessary to rehearse the full position in the context of the current application. Nevertheless, in line with the published Housing White Paper which promotes a requirement to boost housing supply, the positive determination of housing schemes on allocated sites remains fundamental to sustaining a healthy housing land supply position.

Housing Mix, 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.

The District Council commissioned David Couttie Associates Ltd to undertake a district wide housing needs, market and affordability study in 2014. Blidworth is part of the Mansfield Fringe Sub area where the greatest demand of Property Type for existing households was for bungalows. In terms of property size the results of the assessment showed that in the market sector a third of existing households required two bedrooms (with three bedrooms being the second preference) and almost half of concealed households needed one bedroom. Blidworth is identified as being a popular location for occupation by concealed households.

The application site is 3.13 hectares in extent albeit the developable area would be around 2.64 hectares when the areas of open space and drainage basin are discounted. For 81 dwellings this would therefore deliver approximately 31 units per hectare which aligns with the aspirations of Core Policy 3.

As is identified above, the greatest demand based on the 2014 surveys in the Mansfield sub area is for bungalows (40.5%) followed by semi-detached houses (37.1%) and then detached houses (19%).

The latest revisions for the proposal include five bungalows. Whilst this would represent around 6% of the scheme rather than the 40% referred to above, Officers are mindful that early indications from the updated housing needs report (still in draft form) show that the need for bungalows may have dropped since 2014. The five which have been included in the revised proposals represent a meaningful contribution and are welcomed as a benefit of the scheme.

In terms of the property sizes against the given needs, the following tables show the percentage property sizes required by the survey versus the proposed development:

Table 1: Market housing size assessment

Property Size	Proposed Development (No.)	Results of HNS (%)	Proposed Development (%)
1 bedroom	0	17.2	0
2 bedrooms	8	32.3	15.8
3 bedrooms	35	24.8	59.6
4 bedrooms	14	14.1	24.6
5+ bedrooms	0	11.6	0

Table 2: Affordable housing size assessment

Property Size	Proposed Development (No.)	Results of HNS (%)	Proposed Development (%)
1 bedroom	0	24.9	0
2 bedrooms	16	75.1	70.8
3 bedrooms	8	0	29.2
4 bedrooms	0	0	0
5+ bedrooms	0	0	0

The housing mix has been subject to revisions during the life of the application with the original submission notably including no 2 bed market dwellings which clearly was raised as an issue given that they formed the property size in greatest demand in the market sector in the 2014 survey. Notwithstanding the revisions, the mix still does not exactly align with the 2014 survey and there is a distinct lack of 1 bed properties in both the market and affordable sectors.

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

The Government has published 'Technical housing standards – nationally described space standard' in March 2015. This document deals with internal space within new dwellings and is suitable for application across all tenures. However the National Planning Policy Guidance (online tool) is clear is stating that if an LPA "*wishes to require an internal space standard, they should only do so by reference in their Local Plan to the Nationally Described Space Standard*". Provision in a

local plan can also be predicated on evidence, as the NPPG goes onto describe. In the case of NSDC we have not adopted the national space standards and thus the guidance is that one should not *require* (emphasis added) them for decision making. The standards however do exist and must be material in some way.

The following table is lifted from the March 2015 document:

Table 1 - Minimum gross internal floor areas and storage (m²)

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

Table 2 – Assessment of submitted development

House Type	No. of beds	Floor space (m ²)	Space standard requirement (m ²)	Compliance against (m)
201	2	60.48	70	(-9.52)
202	2	62.37	70	(-7.63)
212	2	62.37	70	(-7.63)
254	2	60.90	61	(-0.10)
301	3	70.56	84	(-13.44)
304	3	75.00	93	(-18)
307	3	75.00	93	(-18)
309	3	73.24	93	(-19.76)
313	3	75.31	84	(-8.69)
314	3	75.31	84	(-8.69)
315	3	75.81	84	(-8.19)
401	4	99.00	106	(-7.00)
403	4	97.36	106	(-8.64)

Every single one of the house types would fall short of the national space standards (again for clarity which have not been adopted by NSDC), some by as much as nearly 20m².

However, the houses are specific product types of a national house builder who have built in our District previously. Officers are mindful that these are product types which are known to sell and that there is an argument to say that the smaller units present the opportunity for being more

affordable even at the market rate which may be appealing to first time buyers and smaller families. Without evidence outlining a specific required space standard for the District or indeed any evidence to the contrary in respect to national house builder product sales, it would be extremely difficult to resist the application solely on this basis. The applicant would have a case to make that any proposed occupiers would be well aware of the size of the units prior to purchase and this must be weighed in the overall planning balance.

Impact on Land Use and Landscape Character

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.

Paragraph 117 of the NPPF states that: *'Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions'*. The paragraph then goes on to encourage the use of brownfield previously developed land. Whilst the NPPF states that the effective use of land should be encouraged by re-using land that has been previously developed; the NPPF does not promote a sequential approach to land use and there is no presumption that Greenfield sites are unsuitable for development per se. The presumption in favour of sustainable development is an important part of the NPPF and it is noted that delivery of sustainable development is not restricted to the use of previously developed land and can include the development of greenfield land.

Paragraph 170 of the NPPF indicates that local planning authorities should take into account economic and other benefits of the best and most versatile agricultural land. The loss of the land from agricultural land has already been accepted in principle through the site allocation process. It would therefore be inappropriate to resist the current application solely on this basis.

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

The application site is within the Blidworth Wooded Estate lands Policy Zone 46 where the landscape condition is defined as very good. In terms of built features, the landscape actions are to conserve the sparsely settled character of the area by concentrating any new development within the core of Blidworth village. The application site is within the village envelope for Blidworth as defined through the Allocations Map and thus the proposal would meet the aspirations of the LCA.

There is no doubt that a scheme for residential development as proposed would alter the existing character of the site, a matter which was indisputable in its allocation for residential development. 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. In this respect it is notable that, as existing, the western boundary of the settlement at this point is relatively sparse and dominated by single storey developments

which owing to the topographical landscape form are relatively discrete features of the landscape. The development proposed on the other hand would introduce the rear elevations of two storey dwellings and their associated garages to the settlement edge. However, having considered the specifics of the site surroundings I do not consider that this change would be necessarily fatal in landscape character terms. Specifically, the site is immediately adjacent to residential curtilages to the north and south which offer similar relationships with the boundary of the Green Belt. In addition to this, the applicant has confirmed that the existing hedge on the western boundary of the site would be retained. This is considered beneficial in terms of ensuring that the existing field pattern is not lost.

Overall, and indeed in line with the site allocation, Officers have not identified the proposal to be detrimental to landscape character in itself. The proposal is therefore compliant with Core Policy 13. The impacts of the design and layout of the proposal in terms of the internal intricate arrangements are discussed in further detail below.

Impact of Design and Layout

Core Policy 9 requires new development proposals to demonstrate a high standard of sustainable design that both protects and enhances the natural environment. Policy DM5 requires the local distinctiveness of the District's landscape and character of built form to be reflected in the scale, form, mass, layout, design, materials and detailing of proposals for new development. The government has also produced a National design guide which is material to the current assessment and notably has been published since the previous application on the site was considered.

The planning history above details that a previous scheme for 99 dwellings (submitted by a different applicant) was refused for a single reason albeit relating to a number of issues which together compounded towards an overall harm. Areas of concern in the previous scheme included detrimental impacts on neighbouring amenity, elements of dominance of on-street parking and a lack of appropriate hard and soft landscaping mitigation.

The current application is clearly materially different to the previous scheme namely that it relates to 18 fewer units. The most obvious benefit in the reduction in units is the allowance for a meaningful area of public open space along the eastern boundary of the site (which is the most sensitive in amenity terms as is discussed below) and also a small area for provision of play equipment.

Matters of design were raised as a cause for concern in respect to the original scheme for 85 units which the applicant has attempted to address through the revised plans. Specific improvements on the revised plans including the re-alignment of plots such that the desire line for the main access into the site is no longer a row of parking spaces. Plots adjacent to the area of open space have also be re-considered to allow for better natural surveillance. Boundary details have been improved from the original scheme (which included post and rail fences between plots) and now include timber fences with brickwork where the plots adjoin the road network and the open space. The alignment of the right of way which runs through the site is also no longer proposed to be diverted and part of it would be immediately adjacent to the proposed local area of play.

It is noted that the site itself is outside of the designated Conservation Area (CA) however the southern boundary of the site is shared with the CA. Policies CP14 and DM9 of the Council's LDF DPDs, amongst other things, seek to protect the historic environment and ensure that heritage

assets are managed in a way that best sustains their significance. Policy DM9 reminds us that proposals should be compatible with the fabric of historic buildings. Notwithstanding that the proposed dwellings would be outside of the designated CA, in being directly adjacent to it, the development could still have an impact on the character and appearance of the CA, and so the decision maker should still be mindful of Section 72 (1) which states that '*special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the area*'.

The footpath running from Meadow Road down to the southwest corner of the site is an historic track and offers important first glimpses of the CA. Indeed, the rising land towards the former windmill (Grade II listed) is an important characteristic of the CA, noting that the CA boundary encompasses a significant area of countryside setting around the historic core of the village.

The scheme has been assessed by the Conservation Officer with their original comments making suggested design revisions for the south western corner of the site. The revised plans show that these comments have been considered albeit mostly through the re-orientation of the plots in this part of the site rather than the inclusion of chimneys as suggested. The comments also made suggestions to the use of more traditional materials for these plots albeit the applicant has confirmed an intention to agree materials through condition if permission is forthcoming.

Other improvements made specifically on the latest revised plans include the re-design of parking arrangements to remove the inclusion of three tandem parking spaces on the larger units. The latest revision now shows that this arrangement would only affect one plot (Plot 6) which is a significant improvement in comparison to the original scheme. There are however a couple of corner plots where the parking provision for that plot would be a short walk to the front of the dwelling.

The overall design approach is modern in nature as to be expected from a national house builder on a scheme of this size. Street scenes have been submitted (albeit in relation to the original scheme) which do show there would be variety through the use of the differing house types. Overall, and notwithstanding the heritage context discussed above, the LPA do not intend to be overly perspective on matters of design. The revisions submitted during the life of the application have taken on board the comments of Officers and Consultees and made meaningful improvements to the overall design approach of the proposal. Whilst there are still small areas of compromise, these are considered acceptable in the context of a major development of this size and would not in their own right justify refusal of the application.

Impact on Highways

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

Paragraph 108 of the NPPF specifies that in assessing sites that may be allocated for development, it should be ensured that; appropriate opportunities to promote sustainable transport modes can be taken; safe and suitable access to the site can be achieved for all users; and any significant impacts from the development on the transport network can be mitigated to an acceptable degree.

New Lane is a two-way single carriageway road that provides access to Mansfield Road to the east and access to farm properties and a handful of dwellings to the west. The characteristics of New

Lane change in a westwards direction representing a track before eventually meeting Cross Lane. New Lane is on the National Cycle Network Route 6. The nature of New Lane is that the width of the carriageway varies considerably along the road being approximately 4m adjacent to the site and widening to 7m at the approach on Mansfield Road. The footway along New Lane as existing is also not consistent.

The application has been accompanied by a Transport Assessment which has been amended early on in the life of the application due a drafting error in the description of the surrounding area in the original document.

The report is based on scoping discussions which took place as part of the previous application albeit they have been updated to reflect the passage of time and also the reduction in units proposed. Paragraph 5.5 confirms that the development proposals, based on the provision of the original 85 dwellings, are forecast to generate some 56 and 63 two-way vehicle trips during the AM and PM peak hours, respectively, which equates to an increase in vehicular flows onto New Lane of circa one per minute during the AM and PM peak hours.

The Transport Assessment acknowledges the negotiations which took place in the previous application leading to the proposed off-site highways mitigation which ultimately led NCC Highways to lift their objection to the previous scheme.

The application for the current scheme is also proposing off-site mitigation comprising the following (as detailed at paragraph 3.6 and shown in Appendix 4 of the submitted TA):

- widening on New Lane between the site frontage and Mansfield Road;
- extension of the existing footway on the south side of New Lane into the site;
- provision of give way build outs and associated road markings and signage;
- tactile paving and dropped kerbs between Hilton Park and New Road; and
- provision of no waiting at any time restrictions between New Road and Mansfield Road.

As is detailed by the consultation section above, there have been discussions during the life of the application to the specifics of the works (for example earlier iterations of plans showed widening to less than the 5.5m required by NCC Highways). However, the applicant has since submitted plans which have satisfy NCC Highways and ultimately allowed them to remove their holding objection.

Clearly, it is material to the current determination that the number of dwellings proposed is now 18 less than the previously refused application. However, even with a lack of objection from NCC Highways, it is still material to the current application that the decision of Members made specific reference to the operation of the highways network in their reason for refusal. The impact on the highways network also forms a significant cause of concern from neighbouring residents in their submissions summarised above.

Local knowledge provides that accessibility around the site is already compromised by narrow and inconsistent pavement widths. The junction of Mansfield Road and New Lane (the latter forming the only vehicular access to the site) features a number of local businesses which take opportunity from existing street parking both at a formal and informal level. The consultation process has raised a significant level of concern in respect of difficulties which already exist in terms of parking and maneuverability at the junction mouth particularly. There is also concern that the surveys were undertaken as part of the previous application in 2017 (albeit Officers have confirmed with

NCC Highways that the use of the 2017 surveys is appropriate). Reference has also been made to a pending application for residential development to the rear of the Mccolls building at Mansfield Road.

Whilst it is fully appreciated that it would not fall for the current development proposals to fix existing highways issues, it is nevertheless material that the indicative highways works required through the development (exact details to be agreed by a separate Traffic Regulation Order) would potentially cause further detriment to the operation of the highways network in close proximity to the site. The necessary works, including double yellow lines near the junction mouth and footway narrowing as indicated, would have a negative impact on the operation and efficiency of the highways network including knock on effects to the longevity of the existing businesses which serve the community (which currently rely partially on the ability of on street parking in the area). Whilst this scheme would generate less vehicular movements than the previous application, the actual perceived difference is likely to be marginal and therefore Officers remain to be convinced that the concerns in respect to the operation of the highways network have been overcome. Having said that, as with the previous application it remains the case that NCC Highways as the Highways Authority do not object to the development and therefore it would be extremely difficult to defend a highways reason for refusal in an appeal scenario, particularly noting that the site has been allocated for residential development. The impacts on the highways network will of course need to be weighed in the overall balance undertaken below.

Impact on Public Right of Way (PRoW)

Blidworth Public Footpath No. 1 is recorded as running directly across the application site from the eastern boundary to the southern corner of the site. Spatial Policy 7 requires development proposals to provide safe, convenient and attractive accesses for all and to provide links to the existing network of footways, bridleways and cycleways, so as to maximize opportunities for their use.

National advice for PRoW is contained within the Rights of Way Circular (1/09) Guidance for Local Authorities (2009). This confirms that the effect of development on a PRoW is a material consideration in the determination of applications for planning permission. Further advice is that in considering potential revisions to an existing right of way, *'any alternative alignment should avoid the use of estate roads for the purpose wherever possible and preference should be given to the use of made up estate paths through landscaped or open space areas away from vehicular traffic.'*

As is detailed by the comments of NCC Rights of Way team above, the original intention to re-align the footpath along the footway was not considered acceptable. The revised plans show the retention of the right of way along its legal line but do show that the footpath would be crossed by a total of 12 driveways on its south side. Essentially through the site, it would cease to be a footpath and would instead become part of the adopted highway. As per the revised comments of NCC Rights of Way Team, this is still not an approach that they would advocate.

It is notable that the site is allocated under the Development Plan and was done so on the knowledge of the existence of the public footpath through the site. It is highly likely that (in the context of a proposal with only one vehicular access) the public footpath would be in some way impacted by the development and at some point necessitate crossing the internal highways network. As is confirmed by the aforementioned Circular, this need not be fatal in principle as there may be instances where avoiding estate roads are not possible.

Members will note that the latest comments from NCC Right of Way Team have made reference to the potential impact on the remainder of the footpath as it stretches beyond the site through to Meadow Road. At present, this part of the path is a stone surface which NCC are concerned could be adversely affected by the increased footfall. Officers have discussed with NCC the requirements / costs to the upgrade of this section of the path and the applicant has agreed to the principle of a financial contribution within the associated legal agreement should permission be forthcoming. This would go some way to mitigate against the harm of having the footpath intercepted by roadways. Nevertheless, the change in relationship which would be experienced by the users of the footpath would still weigh negatively in the overall balance.

Impact on Amenity

Policy DM5 of the DPD states that development proposals should ensure no unacceptable reduction in amenity including overbearing impacts and loss of privacy upon neighbouring development. The NPPF seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

The level of neighbouring objection received to the scheme from the local community is significant. Officers have taken the opportunity to visit the site from numerous vantage points to understand fully the impacts of the scheme.

The application site is constrained by topographical differences which amount to a significant gradient change within the site with a depression broadly centrally within the site. The topographical differences are perhaps most pronounced along the eastern boundary of the site where the rear gardens of the properties on Marklew Close are enclosed by steep embankments. These properties form a development of bungalows operated by Nottingham Community Housing Association and are occupied by elderly residents. Their rear gardens are extremely modest in length (around 5m) with the dwellings being served by an additional shared amenity space.

The relationship between the proposed development and these properties formed a significant concern in the determination of the previous application (and again featured as one of the elements of harm in the reason for refusal). The current application submission appears to have taken this on board through the positioning of the public open space along this shared boundary. The revised plans show that there would be no built form directly behind the shared boundary which is welcomed. The closest plot (Plot 04) would be a single storey bungalow. The slight disadvantage with this arrangement is that the occupiers of Marklew Close may experience some increase in noise and disturbance from users of the public open space. However, this is considered favourable to potential constant overlooking and overbearing impacts and is therefore deemed an acceptable compromise (noting of course that the site is allocated for residential development which in some respects has already accepted some form of impact in principle). The applicant has confirmed that the boundary between the open space and residents to the east would be formed of the existing boundary hedgerow (which would be planted up where gaps are).

The site is bounded on three of the four boundaries by neighbouring residential curtilages. To the north of the site, notwithstanding the presence of New Lane, the proposal has the potential to impact upon the neighbouring properties at Hilton Park. At present the rear elevations of these properties look towards the existing open site which is notably more prominent due to the topographical changes across the site. However, these topographical changes mean that the site is

set at a lower level than the dwellings on Hilton Park and therefore the opportunity for impacts of overbearing and overlooking would be significantly reduced.

The plot most likely to affect neighbouring amenity is Plot 1 in the NE corner of the site. The site masterplan demonstrates that some existing tree cover would be removed at this point of the site albeit some would equally be retained and Plot 1 would be orientated with its gable end facing the highway. Given the intervention of New Lane Officers do not consider this to be an unusual amenity relationship which would amount to detrimental impacts through overlooking and loss of privacy. It is appreciated that the outlook of the site will fundamentally change for the occupiers of the Hilton Park properties but the amenity relationships at this point of the site are not considered to warrant a resistance of the proposal.

The southern boundary of the site is shared with the residential curtilages of properties along Marriott Lane. Perhaps the most likely affected property at this part of the site would be no. 4 where the proposed development would see a total of three residential curtilages wrapped around the northern and eastern boundaries. Plot 41 is of particular note given that it would be to the rear of no.4 Marriott Close and therefore would have the opportunity to overlook their rear garden. However, in reality, due to the generous plot size at No. 4, the principle elevation of Plot 41 would be around 37m from the rear elevation of the neighbour and any outlook would be at a significantly oblique line of site.

To the eastern boundary and not already discussed above, there is also a detached property indicated on the block plan and known as Hillcrest. The closest proposed plot to this dwelling would be Plot 81. Hillcrest is a single storey property and the boundary with the site features some tree cover. It appears from aerial photography that the neighbouring dwelling has an area of outdoor amenity space to the west of their side elevation (and therefore close to the site boundary). However, Plot 81 has been revised to a single storey bungalow and would be broadly in line with the built form of Hillcrest with a side to side relationship.

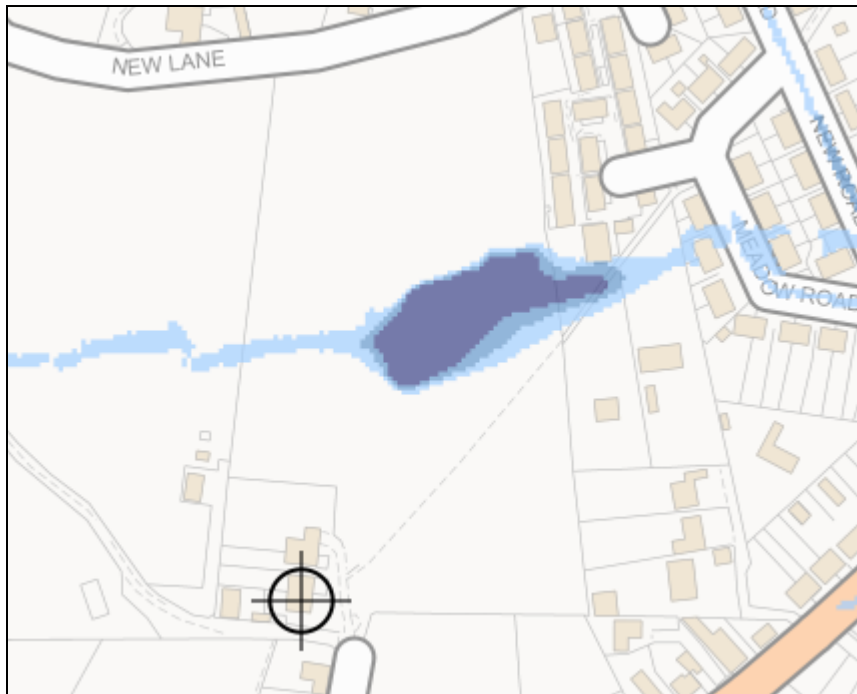
Moving to assess the amenity provision for the prospective occupiers, the provision of rear amenity space for each individual dwelling is welcomed albeit expected for a major residential scheme of this nature. The size of individual garden plots differs throughout the site albeit this too is expected to cater for the differing bed sizes (i.e. a narrow linear garden to a two bed dwelling would be considered commensurate whereas the four bed dwellings would warrant a larger garden). In terms of amenity relationships through built form within the site, Officers did identify a number of relatively tight relationships on the original scheme (such as a distance of approximately 9m between the rear elevation and the side gable of a neighbouring plot) but these have been rectified through the revised submission. The revised plans with the bungalows do show that Plot 80 would be orientated towards the side gable of Plot 79 at a distance of between 6 and 10m but both would be single storey and it due to the orientation it would not affect the whole of the rear of the plot.

Overall the amenity impacts are considered acceptable against the provisions of Policy DM5.

Impact on Flood Risk and Drainage

Core Policy 9 requires new development proposals to pro-actively manage surface water. The land is classified as being within Flood Zone 1. As such it is not at risk from flooding from any main watercourses. The size and nature of the development nevertheless warrants the submission of a Flood Risk Assessment (FRA).

The FRA confirms that the existing natural land drainage is towards the central valley of the site. This corresponds with the Environment Agency mapping of likely surface water flooding which shows that the majority of the site would be at very low risk with the exception of an east – west basin at the depression of the site.



The report acknowledges that following periods of prolonged heavy rain, there could be ponding of water in the central valley which corresponds with the comments received during consultation.

An impermeable area of 1.72 hectares has been assumed for the purposes of the assessment with run off rates and volumes considered in the existing and post development conditions. It is stated that the development will improve drainage on the site and will therefore reduce the risk of groundwater flooding. Preliminary estimations of the required attenuation storage have been presented albeit it is confirmed that this is subject to the details drainage design.

There is a 150mm combined water sewer crossing the development site. Appendix H of the FRA shows a copy of a letter from Severn Trent Water in which it is confirmed that the proposed foul flow from the development could be accommodated in normal dry weather conditions but equally acknowledges that sewer modelling which was undertaken in 2013 showed there were issues with capacity under storm conditions. Under the Water Industry Act (1991), developers have a right to connect foul and surface water flows from new developments to public sewers. The Act places a general duty on sewerage undertakers, including Severn Trent Water, to provide the additional capacity that may be required to accommodate additional flows and loads arising from new domestic development. Therefore Severn Trent will need to upgrade the sewer to accommodate the additional foul demand on the sewerage system. The letter acknowledges that the issue is known to STW Asset team and therefore it would not be reasonable to resist the current application on the basis of existing issues with the sewerage network. No specific comments have been received from Severn Trent Water on this application.

The proposal has been assessed by NCC as the Lead Local Flood Authority with their comments listed in full above. They raise no objection subject to the imposition of a condition. There is

therefore no justifiable reason to resist the application on flood or drainage grounds.

Impact on Trees and 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 NPPF incorporates measures to conserve and enhance the natural and local environment, including through Chapter 15. Paragraph 175 of the NPPF requires that in determining planning applications LPA's should apply principles relating to, amongst other matters, appropriate mitigation and opportunities to conserve or enhance biodiversity.

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.

The application has been accompanied by an Ecological Impact Assessment which includes an extended Phase I Habitat Survey and an appraisal of the likely impacts on the aforementioned pSPA.

In terms of the wider possible pSPA area it is stated that the site is well served by local footpaths and other areas of accessible natural green spaces which would support existing recreational activity lying closer to the site than the majority of the Important Bird Areas (IBA) and Indicative Core Areas (ICA). The report goes on to state in Section 5.1 that:

Notwithstanding this one IBA & ICA (known locally as Blidworth Wood & Haywood Oaks) is located approximately 920 metres to the south and 1.5 kilometres to the east of the Site. However, as stated in Section 4.4, it is unlikely that a large number of the residents would access Haywood Oaks on foot due to poor sign posting, and it is anticipated that most visitors would drive to Blidworth Wood. Both areas are designed to accommodate visitors with car parks, information boards and walking trails to keep visitors to the paths.

It is therefore concluded that there is no appreciable scope to impact upon the integrity of any future pSPA through recreational activities further afield, due to the availability of publicly accessible natural greenspace in close proximity to the Site and the fact that several of the IBA and

ICA areas contain well-established infrastructure capable of accommodating the negligible number of additional visitors, with no resulting impact.

There is no evidence to dispute the above and in any case it must be acknowledged that the site has been allocated for residential development for up to 100 dwellings. As part of the plan making process, the LPA were required to undertake appropriate habitat assessments (including consideration of cumulative impacts) which would have included consideration of this site. There is therefore no requirement to proceed to take an appropriate assessment (under the HRA regulations) for this specific application.

In terms of the ecological surveys undertaken on the site, it is concluded that there is negligible potential for roosting bats and that in any case the proposals would incorporate bat boxes and further landscaping (which has been submitted during the life of the application). Other mitigation measures promoted include a pre-commencement survey for badgers and gaps in fences to allow the movement of hedgehogs.

The application site is an arable field surrounded mostly by native hedgerows with some supporting trees, tall ruderal vegetation and scattered scrub. A Tree Survey has been submitted which identifies that the most visually prominent trees as existing are long the northern boundary with New Lane together with a group of mature Silver Birch trees in the south west corner and on the southern boundary. The majority of the trees are Category C albeit there are a few Category B trees identified. There is also a category U elder tree which is intended for removal. The agent has been asked to clarify exactly which trees are intended for removal to facilitate the development and indeed detailed landscaping plans have been received during the life of the application.

Hedgerows are intended to be retained save for the removal required to facilitate the site access. T6 would also need to be removed at the point of the access and the landscaping plans demonstrate that the trees along New Lane will require canopy lifts to 3m. There would also need to be some tree and hedge removal to facilitate the offsite highways works but in the balance of achieving highways safety this is considered acceptable.

Tree and ecology protection methods could be secured by suitably worded condition which would ensure the development is appropriately mitigated and compliant with Core Policy 12 and Policy DM7.

Land Contamination

NPPF paragraph 178 states that planning decisions should ensure that the proposed site is suitable for its new use taking account of ground conditions, including pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation.

The Council's Environmental Health Officer has assessed the submitted Environmental Screening report which includes an assessment of potential contaminant sources. The comments (as listed above) concur with the findings albeit make reference to a nearby landfill site which was used as a refuse tip until around 1931. Given the potential for landfill gas to affect the development site, it has been requested that a further assessment of this nearby feature is undertaken. This has been passed to the applicant during the life of the application to give the opportunity to submit the details upfront rather than at a later date by condition. An updated report which provides discussion on the land topography, materials likely to have been tipped by the landfill and their

potential to biodegrade and produce gas given the timescale and the distance from site has been provided. The EHO has assessed the revised report and confirmed that the need for further details by condition no longer exists.

Impact on Archaeology

Core Policy 14 relates to the historic environment and states that the District has a rich and distinctive historic environment and that the Council seeks, *'the continued preservation and enhancement of the character, appearance and setting of the Districts heritage assets and historic environment....including archaeological sites... (and) Conservation Areas...'* Paragraph 5.71 states that the Council will ensure that any proposals concerning these heritage assets will secure their continued protection and enhancement, contributing to the wider vitality, viability, regeneration of an area, reinforcing a strong sense of place.

Policy BI/Ho/3 requires the investigation of potential archaeology on the site and any necessary post determination mitigation measures. The original application was accompanied by an Archaeological Desk based assessment. Research for the desk-based assessment indicated that the potential for archaeological remains to be present within the site is low. Any remains that do survive within the site were said likely to be low-level features relating to agriculture, land division or drainage. However, the document was assessed by the Council's Archeological Advisor who pointed out that the previous investigations on the site (for the 2017 application) indicated a moderate potential for medieval archeology to be present. On the basis a further geophysics report was submitted during the life of the application. This report recorded a number of anomalies of undetermined origin, some of which may relate to burning activity of an unknown date. It also recorded agricultural activity such as modern ploughing trends and drainage features. However, further evaluation works confirm that nothing of particular significance was encountered and that the geophysics anomalies are likely due to a change in the natural geology.

As is detailed in the consultation section above, the Councils Archeological Advisor has confirmed that that no further archeological work is necessary on the site.

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.

Affordable Housing

The policy stance of Core Policy 1 is that 30% on-site affordable housing should be provided which should reflect local housing need and viability on individual sites, overall reflecting a mix of 60% social rent and 40% intermediate.

The original submission sought to provide 24 'low cost homes' as defined in sub section d) of the affordable housing definition in the NPPF (Annex 2: Glossary):

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

However, Officers have negotiated with the applicant and the revised scheme for clarity is for a policy compliant 60:40 split as outlined by the updated affordable housing statement.

Community Facilities

For developments of 10 or more dwellings a contribution towards community facilities can be sought which is based upon £1,384.07 per dwelling (indexed as of 2016), equating to £112,109.67. The draft heads of terms submitted with the application offers £100,385 to be paid towards improvements in community facilities in the vicinity of the site. The applicant has confirmed that the draft heads of terms was based on best estimates and that the requirements will be based on responses from consultees. As is detailed by the consultation section above, the full SPD contribution is requested for community facilities.

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. Based on a calculation of £2,406 per dwelling, the contribution calculated for 81 dwellings would be £194,886 which is offered by the applicant in the draft heads of terms. However, as is confirmed by the comments of NCC Policy, the existing schools can accommodate the proposed development and no contribution has been requested.

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.

The CCG have commented on the application requesting a contribution of £79,542 towards three local GP practices. This has been passed to the agent during the life of the application noting that the original heads of terms document did not include a health contribution figure and as above the applicant has accepted contributions will be based on consultee requests.

Libraries

The Council's SPD allows for contributions towards library stock at a cost of £47.54 (based on 2016 indexation) per dwelling. The County Council have made a specific request of £2,849 towards library stock at Blidworth Library.

Open Space

A development of 81 dwellings is required to make a contribution towards open space in the form of provision for Children and Young People; Amenity Green Space and Natural and Semi-Natural Green Space.

The SPD recognizes the difficulty in provided for natural and semi-natural green spaces in urban environments and recommends that all residents should live within 300m of an area between 0.2ha and 1ha in size. This is easily achieved by the sites positioning at the edge of village envelope.

The proposal includes an area of amenity green space on site of approximately 0.17 hectares in extent along the eastern boundary as well smaller pockets throughout the site which would exceed the requirements for on-site amenity green space as outlined by the SPD (14.4m² per dwelling therefore around 0.11 hectares). The revised plans also demonstrate an area of local play on site approximately 260m² in extent. Although this would fall short of the on-site space requirement for children and young people (18m² per dwelling so around 1,450m²), when taken in the context of the surplus in amenity green space, the overall on-site provision is only marginally short of the SPD requirements. Moreover, the drainage basin, although not accounted for in the open space figures, would be an additional break to the built form of the site. This is a marked improvement to the previous refusal on the site where areas of open space were distinctively lacking.

Officers have discussed the on-site provision with the parks and amenities team. Understandably, it was queried why the LAP was such a modest size and why a larger area had not been incorporated into the area of open space to the north of the drainage basin. This has been discussed with the applicant and it has been confirmed that this area was avoided partly due to the change in land levels (which would require a retaining structure) but also due to the proximity with the bungalows to the east. Officers have sympathy with this approach and clearly would want to avoid the provision of equipment too close to the boundary as it could lead to increased noise and disturbance in a concentrated area (albeit as acknowledged above, even an area of grass has some potential to lead to noise and disturbance).

On balance the on-site provision is considered acceptable to Officers. The exact details of the equipment to be provided in the LAP would be agreed through the S106 process. On the basis of the above, there is no specific requirement for an open space contribution to be made but the S106 would still need to cover matters of maintenance.

Transport

NCC have made a site specific request for a contribution of £36,600 towards bus infrastructure in the vicinity of the site which is considered reasonable and should be included within the S106.

Public Footpath

As discussed above, a site specific request of £4,000 has been made for the upgrade of the public footpath between the site and Meadow Road. This is considered reasonable for inclusion within the S106.

Overall Balance and Conclusions

The proposal relates to an allocated site in the settlement of Blidworth which is considered sustainable in principle. There is no doubt from the level of neighbour representations received that the site is highly contentious in the local community and all comments received have been carefully considered.

The current application is materially different from the previously refused scheme (submitted by a different applicant) on numerous factors. Primarily, it relates to 18 fewer units and unlike the last scheme no viability case has been presented. The applicant has provided a willingness to provide the contributions requested in *all* aspect which could be secured by an associated legal agreement.

The applicant has taken on board comments of Officers and consultees during the life of the application through the submitted revised plans. Specifically the revised plans represent a much improved amenity relationship in that there would now be no built form immediately behind the neighbouring bungalows on Marklew Close (again a marked improvement from the previously refused scheme). Other improvements include revised boundary treatments which would be beneficial both in neighbouring and visual amenity terms. The revised proposals have also improved the parking arrangements within the site and introduced a total of 5 two bed bungalows.

It is acknowledged that the highway proposals (specifically the interventions to New Lane) remain similar to the previously refused scheme in which impact on the highways network formed part of the compounded reason for refusal. However, as with the previous application, NCC as the highways authority have not objected to the proposals. In the context of the improvements mentioned, Officers envisage it would be extremely difficult to sustain a reason for refusal solely on this basis.

The revisions made during the life of the application are a vast improvement in comparison to the original scheme presented for 85 units and an even more significant improvement in comparison to the previously refused scheme. Taking all material considerations into account, Officers have attached meaningful positive weight to the housing delivery of an allocated site in a sustainable settlement. The scheme as revised can be appropriately mitigated by conditions and therefore, despite the significant level of objections which have been received, the recommendation is one of approval as outlined below.

RECOMMENDATION

Approve full planning permission subject to;

- 1) the conditions outlined below and**
- 2) the sealing of a signed Section 106 agreement securing the details contained in Appendix 1.**

Conditions

01

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

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

02

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

- Proposed Site Layout – 3247 – 1 – 001 U;
- 201 dwelling type – 201/1G;
- 202 dwelling type – 202/1F;
- 212 dwelling type – 212/1-;
- 254 dwelling type – 254/1;
- 301 dwelling type – 301/1H;
- 304 dwelling type – 304/1E;
- 307 dwelling type – 307/1B;
- 309 dwelling type – 309/1E;
- 313 dwelling type – 313/1-;
- 314 dwelling type – 314/1-;
- 315 dwelling type – 315/1A;
- 401 dwelling type – 401/1G;
- 403 dwelling type – 403/1J;
- 1800mm High Close Boarded Timber Fence – 0282 SD-100;
- 1800mm High Fence & Brickwork Wall – 0282 NSD111 Rev. C;
- 1200mm High Timber Fence – 0282 NSD105 Rev. C;
- Detached Single Garage Details – 0282 SD700 Rev C;
- Detached Double Garage Details – 0282 SD701 Rev. D;
- Sales Garage Details – 0282 SD704;

Reason: So as to define this permission.

03

Prior to any development above slab level a schedule of materials for all plots detailing all facing materials including bricks and roofing tiles shall be submitted to and approved in writing by the local planning authority. Development shall thereafter be carried out in accordance with the approved details.

Reason: In the interests of visual amenity

04

No part of the development hereby approved shall commence until a detailed surface water drainage scheme based on the principles set forward by the approved Flood Risk Assessment (FRA) and Drainage Strategy 19/030.01 JOC Consultants, 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 include:

- Evidence that the capacity improvements have been carried out to the Severn Trent combined sewer as referenced in their correspondence dated 6 December 2019 and that Severn Trent Water Ltd. have approved the discharge of surface water to their asset.
- Evidence that the development takes into consideration the existing surface water flow path across the site in a manner that neither increases the risk of flooding to the surrounding area nor puts properties and curtilages of the proposed development at risk of flooding.
- Demonstrate that the development will use SuDS throughout the site as a primary means of surface water management and that design is in accordance with CIRIA C753.
- Limit the discharge rate generated by all rainfall events up to the 100 year plus 40% (for climate change) critical rain storm 5 l/s rates for the developable area.
- Provision of surface water run-off attenuation storage in accordance with 'Science Report SCO30219 Rainfall Management for Developments' and the approved FRA
- Provide detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
- For all exceedance to be contained within the site boundary without flooding new properties in a 100year+40% storm.
- Details of STW approval for connections to existing network and any adoption of site drainage infrastructure.
- Evidence of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure long term

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

05

The Landscape Proposals hereby approved (shown on plan reference Detailed Landscape Proposals (1 of 2) 3632/2 Rev. E and Detailed Landscape Proposals (2 of 2) 3632/3 Rev. E), shall be completed during the first planting season following the commencement of the development, or such longer period as may be agreed in writing by the Local Planning Authority. Any trees/shrubs which, within a period of five years of being planted die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless otherwise agreed in writing by the Local Planning Authority. The landscaping hereby approved shall otherwise be maintained in accordance with Section 2.2 (Habitat Enhancements and Management) of the document Biodiversity Management Plan (BMP) and Construction

Environmental Management Plan (CEMP: Biodiversity) by SLP ref: 424.03044.00150 Version No. 3 dated August 2020.

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

06

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

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

07

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

Reason: To ensure the existing trees, shrubs and or hedges are retained and thereafter properly maintained, in the interests of visual amenity and biodiversity.

08

Prior to any occupation of the dwellings hereby approved, the boundary treatments shown on the approved plan 'Proposed Site Layout – 3247 – 1 – 001 U dated 08.09.20' and Detailed Landscape Proposals (1 of 2) 3632/2 Rev. E and Detailed Landscape Proposals (2 of 2) 3632/3 Rev. E shall be implemented on site. The boundary treatments within plots shall be retained for a minimum period of five years. The additional native hedgerow planted as shown on the landscaping plans shall be maintained as per the requirements of paragraph 2.2.1 of the document Biodiversity Management Plan (BMP) and Construction Environmental Management Plan (CEMP: Biodiversity) by SLP ref: 424.03044.00150 Version No. 3 dated August 2020.

Reason: In the interests of residential and visual amenity.

09

Notwithstanding the above condition, prior to any occupation of the dwellings hereby approved, elevation details to a scale of not less than 1:100 shall be submitted for approval in writing to the Local Planning Authority for the 450mm high knee rail fence; 1.2m high post and rail fence and 1m high mild steel bow top railing. The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interests of residential and visual amenity.

10

Notwithstanding the details shown on Engineering Layout – STE/Blidworth/Appraisal dated 5-3-20, prior to the commencement of any development above slab level, updated details of the existing and proposed ground and finished floor levels of the site and approved buildings shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, this shall include ground levels within the public open space area at the eastern boundary of the site. The development shall be carried out thereafter in accordance with the approved details.

Reason: In the interests of residential amenity and ensuring that there is no additional surface water run-off to existing properties.

11

The development hereby approved shall be carried out in accordance with the ecological enhancements detailed within the document Biodiversity Management Plan (BMP) and Construction Environmental Management Plan (CEMP: Biodiversity) by SLP ref: 424.03044.00150 Version No. 3 dated August 2020, specifically:

- a total of nine bird boxes shall be installed, four on existing trees (on the northern and southern boundaries) and five integrated into the new properties (as illustrated on Drawing 2);
- A total of nine bat boxes shall be incorporated into buildings as they are constructed, and all shall comprise Istock Enclosed Bat Box 'B' designs. The boxes shall be installed at a height of at least 4 metres and shall mostly face south (as illustrated on Drawing 2);
- Gaps shall be left at the basis of fences at strategic locations (as illustrated on Drawing 2);

Reason: To preserve the ecological value of the site.

12

Prior to the commencement of any development above slab level, an ecological walkover survey shall be undertaken by a qualified ecologist and an updated report outlining species present with mitigation measures where necessary shall be submitted to and approved in writing by the Local Planning Authority. The survey should specifically ascertain whether there is any additional evidence of badger usage on the site. The development shall thereafter be carried out in accordance with the approved details and mitigation measures set out.

Reason: To protect any ecological potential within the site.

13

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

- The details of temporary fencing to be erected and retained during the construction period;

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

Reason: To protect the amenity of the surrounding area.

14

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

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

15

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

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

16

No dwelling forming part of the development hereby permitted shall be occupied until its associated driveway / parking / turning area is constructed with provision to prevent the unregulated discharge of surface water from the driveway /parking/turning area to the public highway in accordance with details first submitted to and approved in writing by the LPA. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.

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

17

Prior to the commencement of development, the Highway works as shown for indicative purposes only on drawing 190024/P/001/G shall be completed. For the avoidance of doubt, these works require a Traffic Regulation Order to enable the priority workings, which will need to be agreed and fully implemented to the satisfaction of the Local Planning Authority in discussion with the Highways Authority.

Reason: To provide adequate & safe access to the site.

18

Prior to commencement of the development, an application shall be made to provide the Traffic Regulation Order (double yellow lines) shown for indicative purposes only on drawing 190024/P/001/G on New Lane in the vicinity of Mansfield Road. Any subsequently approved works shall be fully implemented to the satisfaction of the Local Planning Authority in discussion with the Highways Authority.

Reason: To provide adequate & safe access to the site.

Notes to Applicant

01

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

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

02

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).

03

The applicant should note that, notwithstanding any planning permission, 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.

04

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 david.albans@nottscc.gov.uk for details.

05

The proposed waiting restrictions and priority traffic referred to in the conditions require a Traffic Regulation Order. 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 mike.barnett@viaem.co.uk. Please note that the Order process may take 9-12 months

06

The proposed development lies within a coal mining area which may contain unrecorded mining related hazards. If any coal mining feature is encountered during development, this should be reported to The Coal Authority.

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority.

BACKGROUND PAPERS

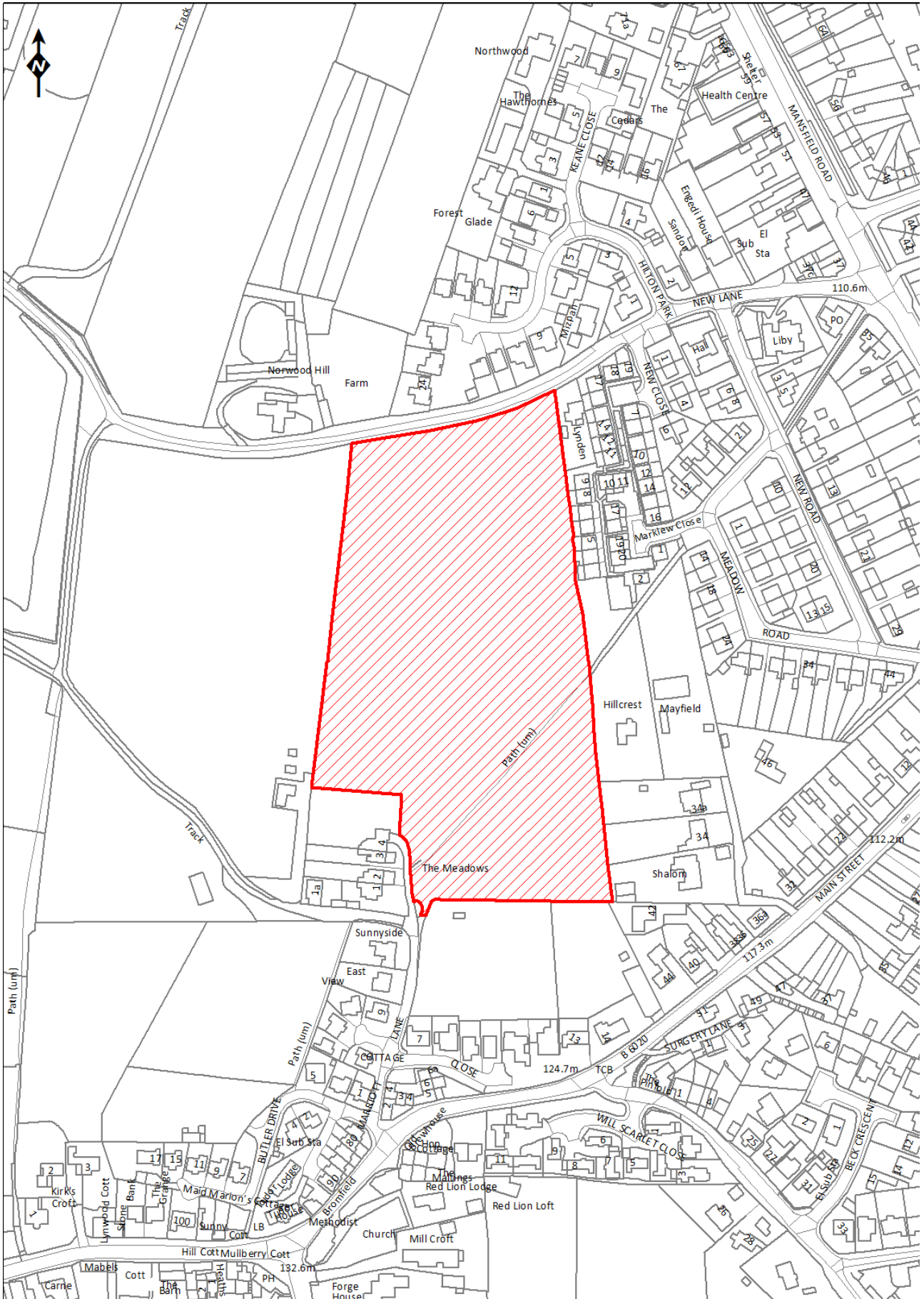
Application case file.

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

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

Lisa Hughes
Business Manager – Planning Development

Committee Plan - 20/00475/FULM



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APPENDIX 1 – 20/00476/FULM

Contribution	Formula	Anticipated contribution	Monitoring Contribution	Trigger Points
<i>Affordable housing</i>	30%	30% on site 60% affordable rented units and 40% intermediate	Physical Obligation (based on 3 site visits) - £198	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>Health</i>	£982 per dwelling + indexation	£79,542 plus indexation from the date of the permission based on 81 dwellings Off-site contributions towards <ul style="list-style-type: none"> • Abbey Medical Group • Raiiworth Health Centre • Hill View Surgery 	Financial Obligation - £240	Full payment due before occupation of more than 80% of the individual competed properties.

<i>Libraries</i>	£47.54 (for stock) per dwelling + indexation	£2,849 plus indexation from the date of the permission based on 81 dwellings Off-site contribution towards stock for Blidworth Library	Financial Obligation - £240	Full payment due before occupation of more than 80% of the individual competed properties.
<i>Community Facilities</i>	£1,384.07 per dwelling + indexation	£112,109.67 plus indexation from the date of the permission based on 81 dwellings for the improvement of community infrastructure in Blidworth.	Financial Obligation - £240	Full payment due before occupation of more than 80% of the individual competed properties.
<i>Open Space</i>	To be provided on site as per the approved plans including an area of local play of 260m ² .	Amenity green space to be provided on site with associated management company. Area of local play to be provided on site subject to agreed specification.	Physical Obligation (based on 3 site visits) - £198	No occupation of more than 40% of the individual competed properties.
<i>Highways</i>	Site specific request	Bus Stop Infrastructure contribution of £36,600 to provide improvements to the bus stops denoted as NS0271, NS0346, NS0347, NS0348, NS0362	Financial Obligation - £240	Prior to first occupation.

and NS0370 which shall include:

NS0271 New Lane – Install real time bus stop pole & displays including associated electrical connections

NS0346 Mansfield Road Install real time bus stop pole & displays including associated electrical connections

NS0347 Mansfield Road – Install real time bus stop pole & displays including associated electrical connections

NS0348 Belle Vue Lane – Install real time bus stop pole & displays including associated electrical connections

NS0362 Beck Lane – Install real time bus stop pole & displays including associated electrical Connections

NS0370 Beck Lane – Install real time bus stop pole & displays including associated electrical connections.

Footpath	Site specific request	£4,000 for the tarmacking of the public footpath between the site boundary and Meadow Road (approximately 84m in length to the east of the site boundary).	Financial Obligation - £240	Prior to first occupation.
TOTAL:		£235,100.67	£1,596	
				<u>£236,696.67</u>

PLANNING COMMITTEE – 6 OCTOBER 2020

Application No:	20/01177/FULM	
Proposal:	Proposed single petrol filling station forecourt building with associated drive thru, drive thru kiosk, 6no car pump islands, canopy, HGV fueling, dedicated parking and landscaping.	
Location:	Field At Great North Road Fernwood	
Applicant:	Alliance GW Ltd And Mr.Gregory & Mrs O Reilly	
Agent:	Rapleys LLP - Mr Michael Birch	
Registered:	02.07.2020	Target Date: 01.10.2020
	Extension of Time Agreed Until 09.10.2020	
Website Link:	https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=QCSSO8LBI3M00	

This application is being referred to the Planning Committee for determination by the local ward member (Cllr Mison) due to the possible traffic impacts in general and in the context of the new Suthers School. In any case, the application would be brought before Members at the discretion of the Business Manager under the Scheme of Delegation due to the strategic nature of the application and the local concern which is contrary to the support of the Parish Council.

The Site

The site, circa 1.9ha, is an undeveloped semi-circle of land located to the south of Balderton and to the west of Fernwood. The site is located to the west of the A1 with the B6326 curving round its western boundary, and as such the site is entirely enclosed by main roads. Equally within and adjacent to the site's boundary are a collection of hedgerows.

There is an oil pipeline and a Severn Trent Water pipeline crossing the site. The Lowfield Drain, a riparian watercourse, traverses the site. The site is located entirely within Flood Zone 1 according to the Environment Agency maps albeit land to the west is within Flood Zone 3.

Access is from the B6323, immediately south of the roundabout which services the northbound side of the A1. Furthermore, the planned Newark Southern Link road junction linking the A46 (Farndon) with the A1 (Fernwood) will be located to the west of the proposed development site. The site forms part of the Land South of Newark allocation (NAP 2A) as defined by the Proposals Map.

Whilst the site is entirely surrounded by the road network, there are residential curtilages in nearby proximity, the closest being the rear gardens of Bilton Close to the north west around 30m away from the site boundary.

Relevant Planning History

20/SCR/00001 - Screening Opinion for proposed development of roadside services area.

Decision issued by letter dated 19th February 2020 confirming that an Environmental Impact Assessment was not required.

In addition to the above screening decision, pre-application advice has been sought.

The Proposal

The proposal seeks planning permission for a Roadside Service Area (RSA). Components of the development include a petrol filling station (PFS) forecourt building with an approximate footprint of 969m² at the northern boundary of the site. The building would include a drive thru facility at the eastern side of the building. To the west of the forecourt, fronting the building, is 6 no. pump islands housed under a canopy.

The building design features render of light and dark grey as well as elements of timber cladding and large expanses of glazing. The building would be approximately 34m by 30m with a maximum pitch height of approximately 8.5m.

In the NW area of the site there would be a standalone drive thru kiosk with an approximate footprint of 145m² with an associated car parking area. This building would also feature dark grey render and timber cladding with a monopitch roof to a maximum height of approximately 6m.

Separate HGV fueling is located towards the SW boundary of the site with an associated canopy over the pumps. The site would provide a total of 99 car parking spaces (24 of which are electric charge points and 5 allocated for staff). 10 spaces are provided for motorcycles. There would also be provision for 2 caravan parking spaces; 42 HGV parking spaces; one abnormal load bay and 2 coach spaces.

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

- OGL Survey – GWBALDERTON061216 – AS2220/01 Rev. B dated 10 Dec 2016;
- Existing Layout – 160862-PLNG1;
- Existing Elevations – 160862-PLNG2;
- Proposed Layout – 160862-PLNG3R;
- Proposed Layout 200 Scale Sheet 1 – 160862-PLNG4P;
- Proposed Layout 200 Scale Sheet 2 – 160862-PLNG5P;
- Proposed Layout 200 Scale Sheet 3 – 160862-PLNG6M;
- Proposed Layout 200 Scale Sheet 4 – 160862-PLNG7J;
- Proposed Site Sections – 160862-PLNG8F;
- Proposed CLH Sections – 160862-PLNG9C;
- Proposed Service Road Sections – 160862-PLNG11A;
- Proposed Petrol Filling Station Building Layout– 160862-PLNG12C;
- Proposed Petrol Filling Station Roof Plan– 160862- PLNG13A;
- Proposed Petrol Filling Station Building Elevations– 160862- PLNG14A;
- Drive Thru' Coffee Shop Elevations, Internal Layout & Roof Plan – 160862-PLNG15B;

- Site Elevations– 160862-PLNG16A;
- Ancillary Details. – 160862-PLNG17B;
- Bin / Delivery Compound Detail – 160862-PLNG18;
- Typical Sub Station Detail – 160862-PLNG19;
- Computer Generated Images 1-3;
- Copy of Pre-application Letter dated 07.03.19;
 - Copy of highways england letter dated 22nd February 2019;
- Copy of Screening Opinion dated 19.02.20;
- Planning Statement by Rapleys dated 30 June 2020 Ref: MJB/17-00186;
- Design and Access Statement by Alliance GW Ltd. dated June 2020;
- Report Relating to an Assessment of Need & Related Matters by Tim Hancock dated June 2020;
- Lighting Specification and Assessment for Proposed Lighting Scheme by GW Lighting Consultancy dated 19/06/20;
 - Proposed Lighting Layout – DM109 Sheets 1 and 2;
 - Site Boundary Lux Levels;
 - Phillips BCP155 Coreline Bollard Product Specification;
 - Phillips Mini 300 LED Gen 2 Product Specification;
 - Phillips BBP400 Gen2 Range Product Specification;
 - Phillips BVP Floodlight Range Product Specification;
- Noise Assessment by SLR Ref: 424.07867.00002 Version No. 6 dated June 2020;
- Transport Assessment by SLR Ref: 424.07867.00002 Version No. Final dated June 2020 and associated appendices;
- Flood Risk and Assessment and Drainage Appraisal by SLR Ref: 424.07867.00002(00002) Version No. 2 dated June 2020;
 - Proposed New Drainage Channel Route – DWG No. 1.1;
 - Sections 1-1', 2-2' AND 3-3' – DWG No. 2.1;
 - Pipe Cross Section and Example of Scour Protection – DWG No. 2.2;
 - Method Statement relating to the Diversion of Lowfield Drain;
 - Balderton Services, Newark Technical Memo: HEC RAS Model dated June 2020;
- Extended Phase 1 Habitat Survey by CBE Consulting – P2046 / 0620 – 01 V2 dated 04 June 2020;
 - Letter from CBE Consulting Ref: P1849 /L2 – 251119 dated 25 November 2019;
 - Letter from Nottingham City Council dated 9th May 2019;
- Fernwood Business Park Overnight HGV Parking Survey prepared by Alliance GW Ltd dated December 2019;
- Fuel Storage Feasibility Assessment by EPS Strategies – UK19.4466b dated 16th June 2020 Issue 3;
- Phase 1 & II Geo-Environmental Assessment by EPS Strategies UK19.4466 dated 16th June 2020 Issue 3;
- Landscape and Visual Appraisal by Influence – 19/06/20 INF-N0601_R01;
 - Planting Plan – N0601 (96)001 Rev No. B;
 - Planting Schedule & Specification – N0601 (96)002 Rev. No B;
- Waste Management Plan dated June 2020;
- Report on Electric Vehicle Charging Provision dated June 2020;
- Air Quality Assessment by deltasimons – 20-1381.01 dated August 2020;
- Response to Consultation Feedback by Rapleys dated 9th September 2020;
- Archaeological Evaluation dated September 2020 APS Report No: 59/20;
- EHO Comments Response Issued 24th September 2020.

Departure/Public Advertisement Procedure

Occupiers of 17 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

Fernwood Neighbourhood Plan

NP1: Design Principles for New Development

NP5: Green Spaces, Landscaping and Biodiversity

NP7: Supporting Better Movement and Connections

NP8: Enhancing the Provision of Community Facilities

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

Spatial Policy 1 - Settlement Hierarchy

Spatial Policy 2 - Spatial Distribution of Growth

Spatial Policy 3 – Rural Areas

Spatial Policy 5 – Delivering the Strategy

Spatial Policy 6 – Infrastructure for Growth

Spatial Policy 7 - Sustainable Transport

Spatial Policy 8 – Protecting and Promoting Leisure and Community Facilities

Core Policy 6 – Shaping our Employment Profile

Core Policy 8 – Retail & Town Centres

Core Policy 9 -Sustainable Design

Core Policy 10 – Climate Change

Core Policy 11 – Rural Accessibility

Core Policy 12 – Biodiversity and Green Infrastructure

Core Policy 13 – Landscape Character

NAP2A – Land South of Newark

NAP4 – Newark Southern Link Road

Allocations & Development Management DPD

DM3 – Developer Contributions and Planning Obligations

DM4 – Renewable and Low Carbon Energy Generation

DM5 – Design

DM7 – Biodiversity and Green Infrastructure

DM10 – Pollution and Hazardous Substances

DM11 – Retail and Town Centre Uses

DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2019
- Planning Practice Guidance (online resource)

- National Design Guide – Planning practice guidance for beautiful, enduring and successful places September 2019
- Government’s Ministerial Statement dated 18th May 2018 – Road Haulage

Consultations

Fernwood Parish Council – Support the proposal (5 support, 1 object, 1 abstain).

The Parish Council is very concerned regarding the road infrastructure around Fernwood. Overall the Council supported this proposal but need NSDC and NCC to seriously consider the traffic implications of all the developments around Fernwood. This development in addition to the 3 large housing developments in the village will significantly increase traffic in future and this needs to be planned for now. A new road is needed. Please see the attached letter.

Please find attached Fernwood Parish Council’s support to planning application 20/01177/FULM for the Petrol filling station at Fernwood.

The Council debated for some time on this application. The benefit of jobs and facilities locally will be appreciated. However, Fernwood Parish Council does believe the development will cause traffic problems in Fernwood. The traffic generation from this development will be significant. There is only 1 road in/out of the village and this will cause access issues with even more traffic using this route. It will also cause safety problems on the B6326 for students attending The Suthers School by bike and on foot.

The B6326 (Great North Road) in Fernwood will be overloaded with the other developments that have already been accepted for the village:

17/01266/OUTM Larkfleet development (350 homes)

18/00526/RMAM Barratt David Wilson Homes development (1050 homes)

In addition to the Persimmon development which is currently being consulted on:

16/00506/OUTM Persimmon development (1800 homes)

The cumulative effect of all these developments will cause traffic problems for local residents, old and new. The Parish Council believe it is essential to plan another access route as a matter of urgency. Please could a meeting be arranged to discuss this to ensure all developments are being considered together when it comes to traffic generation and the effect this will have going forward.

Further to my earlier letter which detailed Fernwood Parish Council’s support to planning application 20/01177/FULM for the Petrol filling station at Fernwood, The Council requests that signage for the village on the A1 be included in the work to deliver this project. There is no signage for Fernwood from the A1; The application includes signage for the services from the A1 so it would make sense to include signage for the village with this work.

Your consideration of how this could be arranged would be appreciated.

Balderton Parish Council – Support proposal.

Whilst supportive in principle to the proposal of a petrol station in the vicinity, members would prefer it be sited on the actual Business Park at Fernwood. There are concerns about the entrance on the sweeping bend of the busy road. The entrance goes across a thoroughfare for pedestrians and cyclists; this is already a well-used route but will be even more so once the Suthers Secondary school opens. Suitable adjustments will be necessary to ensure the safety of those using the pavement and cycle track, along with drivers to the facility. Speed reductions measures will be essential.

Nottinghamshire County Council Highways – This proposal was the subject of lengthy and detailed discussions prior to the formal planning application being submitted. This has included road safety audits and a number of iterations in design before coming to the current scheme. Highway safety and capacity assessments have been carried out and whilst any new proposal will affect traffic conditions, this proposal will not significantly add to delays or prompt serious or reasonable safety concerns. The principle and overall design of the scheme is therefore acceptable in highway terms.

However, the delivery of the access arrangements is complicated by the fact that not only should the access operate with the current highway layout, it should also do likewise with the SLR roundabout in place; situated just to the south of the proposed access.

Added to this complication is the (ongoing?) discussions about the design of the SLR roundabout in terms of the provision of either one or two lane exit, and carrying those lanes through to the London Road roundabout, requiring additional capital outlay.

Three highway layout scenarios have been tested and access arrangement drawings prepared: 1. With the current highway layout (drawing 424.07867.00002.014.H020.1 found at Appendix 14 in the Transport Assessment) 2. With a SLR roundabout having one lane exit northbound (drawing 424.07867.00002.014.H021.2 found at Appendix 16 in the Transport Assessment) 3. With a SLR roundabout having two lane exit and these lanes running through to the London Road roundabout (drawing 424.07867.00002.014.H022.1 found at Appendix 18 of the Transport Assessment)

It is accepted that roundabout designs showing a one lane exit are part of existing planning approvals. The roadside facilities scheme, by virtue of adding a right turn lane

in close proximity to the roundabout, will require a small adjustment to the roundabout design; adding about 65sqm of carriageway, with a maximum width about 2.5m and quickly tapering either side of this (reference: drawing 424.07867.00002.014.H022.0). It is understood (but should be confirmed by the applicant) that this additional work will be paid for by the applicant/developer under a S106 Agreement. Estimates are currently being prepared.

However, the roundabout design showing a two-lane exit with two northbound lanes carrying through to London Road, may not have the same committed planning status. Perhaps this could be confirmed. It is argued that because it lacks status, any adjustments to the roadside facilities access should not be the responsibility of the applicant. In this scenario, the access would need to be modified to provide and 'right turn out only' arrangement for safety reasons. (drawing 424.07867.00002.014.H022.1 found at Appendix 18 of the Transport Assessment).

It could be argued that traffic demand for the two lane exit with two lane northbound link between the two roundabouts is perhaps many years (perhaps decades) away, and that the 'new normal' brought about by Covid-19 will result in less peak time traffic as people increasingly work,

learn and shop from home. Consequently, any detrimental impact of not providing the two northbound lanes may not be realised, at least within a reasonable time period. So, careful consideration needs to be given to any expectation that the developer should cater for such a scenario. Further discussion on this matter may be appropriate particularly in view of the likely delivery timescales of other influential and approved developments to the south of Newark and at Fernwood.

Notwithstanding the above, it is concluded that the proposal could be granted permission on the basis that a S106 Agreement be entered into to provide a mechanism for delivering additional highway works associated with the SLR roundabout as discussed above, and; subject to the following conditions. Please note the wording of the first condition in relation to drawing numbers in relation to the scheme delivery timescale.

No part of the development shall be brought into use unless or until works on B6326 including a right turn lane facility have been provided as shown for indicative purposes only on drawing 424.07867.00002.014.H020.1 to the satisfaction of the Local Planning Authority. Should the SLR roundabout construction pre-date the development then the above drawing number should be replaced by 424.07867.00002.014.H021.2.

Reason: In the interests of highway safety.

No part of the development hereby permitted shall be brought into use until the parking/turning/servicing areas are provided in accordance with the approved plan. The parking/turning/servicing areas shall not be used for any purpose other than parking/turning/loading and unloading of vehicles.

Reason: To reduce the possibility of on-street parking occurring as a result of the development to the detriment other road users.

Details of measures to prevent the deposit of debris upon the adjacent public highway during the construction period shall be submitted and approved in writing by the LPA prior to any works commencing on site. The approved measures shall be implemented prior to any other works commencing on site.

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

Notes to applicant:

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 david.albans@nottsc.gov.uk for details.

Highways England – Referring to the planning application referenced above, and consultation dated 7 July 2020, for a proposed single petrol filling station forecourt building with associated drive thru, drive thru kiosk, 6 no. car pump islands, canopy, HGV fuelling, dedicated parking and landscaping, located at a field at Great North Road, Fernwood, notice is hereby given that Highways England's formal recommendation is that we:

b) recommend that conditions should be attached to any planning permission that may be granted (see Annex A – Highways England recommended Planning Conditions);

HIGHWAYS ENGLAND (“we”) has been appointed by the Secretary of State for Transport as a strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

This response represents our formal recommendations with regards to 20/01177/FULM and has been prepared by Steve Freek.

Highways England provided comments regarding this proposed development at the pre-application stage most recently in March 2020, advising on the traffic impact assessment requirements on the adjacent A1. From review of the latest submission of traffic impact assessment work, we do not consider the impacts of the proposed development in the 2022 opening year to be severe. As such, the previously outstanding traffic impact concerns have been addressed.

Highway Signage & RSA1

Highways England’s Road Safety team have previously provided comments regarding the requirement for a RSA1 covering proposed new signage on the A1 identifying the development as a destination for road users. Details should therefore be provided as part of the detailed design process regarding the signage proposals, along with a RSA1 to consider the implications on users of the SRN.

This can however be addressed following planning consent and pre-commencement of the development. As such we recommend the following condition be attached to any grant of planning permission:

Condition: No part of the development hereby permitted shall commence until a RSA1 has been submitted to and approved in writing by the local planning authority in consultation with Highways England. Highways England shall be invited to attend the road safety audit, and all measures recommended upon approval of the RSA1 shall be implemented and completed in full, in accordance with the approved details, prior to the first occupation of the development.

Note to Applicant:

The development surface water will outfall to Lowfield Drain at locations within the site boundary, some of which is adjacent to Highways England land. Lowfield Drain itself is proposed to be redirected from the centre of the site, around the site boundary, from a position close to the outlet of the A1 culvert, to the inlet of a culvert beneath the B6326. This proposal is acceptable to the Highways England Drainage Team however, care should be taken during construction to ensure:

- a. No works are to be undertaken within Highways England’s estate – if works are required within Highways England land at the A1 off-slip, prior agreement is required.

- b. The flow within Lowfield Drain shall be sufficiently maintained during construction so as not to impede the highway drainage flow from Highways England (or the Local Authority) outfalls. The proposed works must not pose a flood risk to the A1 during construction.

*Note - we are duty bound to comply with DfT Circular 02/13, Clause 50, which states the following:

“In order to ensure the integrity of the highway drainage systems, no water run off that may arise due to any change of use will be accepted into the highway drainage systems, and there shall be no new connections into those systems from third party development and drainage systems. Where there is already an existing third-party connection the right for connection may be allowed to continue provided that the input of the contributing catchment to the connection remains unaltered”.

Nottinghamshire County Council Flood – Nottinghamshire County Council as the Lead Local Flood Authority (LLFA) has reviewed the application which was received on the 07 Jul 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 SLR Flood Risk Assessment (FRA) and Drainage Appraisal SLR Ref: 424.07867.00002(0002), 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 as the Internal Drainage Boards requirements.
- 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.

Severn Trent Water – No comments received.

Trent Valley IDB – 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, however, the Environment Agency Lowfield Drain is in close proximity.

The Board have been consulted by the developers and as a result of plans submitted consent has been issued for the diversion of a riparian watercourse on the site and also the increase of discharge into the Board's system.

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

Health and Safety Executive – The proposed development site which you have identified does not currently lie within the consultation distance (CD) of a major hazard site or major accident hazard pipeline; therefore at present HSE does not need to be consulted on any developments on this site. However, should there be a delay submitting a planning application for the proposed development on this site, you may wish to approach HSE again to ensure that there have been no changes to CDs in this area in the intervening period. This advice report has been generated using information supplied by Kathryn Smith at Newark and Sherwood District on 09 July 2020.

Fisher German – *Additional comments received by email dated 6th August 2020:*

I work on behalf of CLH-PS who own and operate a high pressure fuel pipeline through the application area of the proposed development reference 20/01177/FULM. As you'll see from the email chain below, we have agreed the attached layout to ensure the development can go ahead whilst allowing future access to the pipeline and the safety of it. The applicant has also offered to remove all permitted development rights on the site so should any subsequent amendments be required, no matter how small, CLH will be consulted on it through the formal planning process.

Original comments received:

Thank you for your enquiry dated 9 July 2020. We confirm that our client CLH-PS's apparatus will be affected by your proposals as indicated on the attached plan(s). The plan(s) supplied are intended for general guidance only and should not be relied upon for excavation or construction purposes. No guarantee is given regarding the accuracy of the information provided and in order to verify the true location of the pipeline you should contact CLH-PS to arrange a site visit.

When contacting CLH-PS, please quote our unique reference **202132**, which is specific to this enquiry. Please note that you should contact CLH-PS within 28 days of the date of this letter in order to validate this enquiry, otherwise it will become void.

You should note that the interests of the CLH-PS are conserved by means of the Energy Act 2013, in particular Part IV of the Act, and other legislation such as the Pipeline Safety Regulations 1996. It is, however, the Energy Act 2013 that prohibits any development and most intrusive activities within the Easement Strip without specific consent from CLH-PS.

CLH-PS's Easement Strips are 6 metres wide and can incorporate other associated CLH-PS facilities.

CLH-PS will be able to provide guidance on the required procedures for entering into a Works Consent and provide confirmation on permitted development and intrusive activities. The whole process of obtaining a Works Consent can take between four and six weeks depending on circumstances at the time of application.

To reiterate, you should not undertake any work or activity without first contacting CLH-PS for advice and, if required, a Works Consent. For a copy of CLH-PS's Standard Requirements for Crossing or Working in Close Proximity to CLH-PS Pipelines, please visit <https://cdn.linerearchbeforeudig.co.uk/pdfs/lbud-standard-requirement-uk-um.pdf>. This will provide you with practical information regarding the legislation that governs the CLH-PS.

You should also be aware that landowners and third parties have a duty of care not to carry out any works that have the potential to damage CLH-PS apparatus. This duty of care applies even if the works themselves are situated more than 3 metres from the pipeline. Examples of such works are mineral extraction, mining, explosives, piling and windfarms.

Please note that implementation of any unapproved work that affects the CLH-PS Easement Strip may result in serious consequences in terms of health and safety, expense and other attendant liabilities. In such cases it is the perpetrator of the act, together with any other promoting organisation, that shall be held fully accountable for any resulting damage.

NSDC Archaeology – *Additional comments received:*

I've now received the report on the pre-determination trial trenching for the above site and attach a copy for your records.

The evaluation identified several features dating to the post-medieval period which are consistent with agricultural activity and field boundaries. There was no indication that the pre-historic activity noted in the surrounding area extends as far as this site and no evidence of Civil War activity was present either.

Consequently, no further archaeological work is necessary for this site and there would be no objection on archaeological grounds to the proposed development.

Original comments received:

The site lies in an area of archaeological potential associated with pre-historic activity identified through recent excavation work to the north-west at Fernwood and cropmark data to the south and south-east.

The proposed development will necessarily have a significant impact on any surviving buried archaeological remains, especially where underground petrol tanks and the associated buildings are concerned.

The application currently does not contain sufficient evidence to understand the impact of the proposals on subsurface archaeology.

The application requires a detailed Heritage Impact Assessment which should include the results of a geophysical survey, followed by a targeted trial trench evaluation. This should aim to determine the location, extent, significance and character of any surviving archaeological remains within the proposed site boundary and provide an assessment of the.

I believe that this is necessary to allow an informed planning recommendation and should be undertaken prior to determination to meet the requirements of paragraph 189 of the National Planning Policy Framework (NPPF).

- *In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposals on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and where necessary a field evaluation'. Policy 189; National Planning Policy Framework (2019).*

This will help inform the appropriate planning advice and a suitable mitigation strategy for the proposed impact, should it be necessary.

Tree Officer – Additional comments received:

Amended planting plan and schedule are now acceptable.

Recommend any approval has attached condition:

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

Original comments received:

The proposal contains no information on existing vegetation so it is difficult to assess what appears to be the removal of all internal and boundary green infrastructure.

There is an indication of a few retained trees shown greyed out on the landscape plan but again no details of what these are.

Proposed tree mix is poor providing very little biodiversity:

Betula appears to dominate with 13 trees proposed and will provide very little screening.

Arbutus is highly unlikely to survive in the local climate

Quercus ilex is non-native and is not given sufficient space to fully develop.

Other larger planting sites do not take full advantage of potential use of larger tree species types.

Other opportunities for planting within the hard surfacing utilising structural cells to provide greater rooting volume and increased drainage possibilities have not been investigated.

Drought tolerant species appear not to be considered despite what will be a harsh environment for any new trees.

NSDC Environmental Health (contaminated land) – This application is for a new petrol filling station. This industrial activity is regulated under Environmental Permitting (England and Wales) Regulations 2016. If approval were granted there is the requirement for the applicant to obtain a permit from Environmental Health at Newark & Sherwood District Council. It is an offence to operate without one.

Application forms can be obtained by emailing pollution@nsdc.info

Please note that there is a lead time to obtain a part B permit of up to 3 months.

I have now had the opportunity to review the Phase I & II Geo-Environmental Assessment report submitted by EPS in support of the above planning application.

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

Following intrusive sampling, the report confirms that there are no elevated contaminants above relevant screening criteria for the proposed site use. However marginally elevated ground gas was identified during the one gas monitoring event, furthermore a credible source is identified in the form of infilled ground nearby.

The report goes on to recommend that further gas monitoring is carried out to better characterise the gas regime.

Given the above, you may wish to condition the consent, as follows:

Part A: Site Characterisation

An investigation must be completed in accordance with a scheme to establish if there is evidence of the migration of ground gases from the nearby source identified in the Phase I & II Geo-Environmental Assessment. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. Ground gas analysis should be carried out in accordance with current guidance using UKAS accredited methods and laboratories. The investigation must be undertaken by competent persons and a written report of the findings, including all technical data must be submitted to the Local Planning Authority.

Part B: Submission of Remediation Scheme

Should the investigation reveal the presence of ground gas, then the applicant must submit for the approval by the Local Planning Authority, a detailed scheme of remedial works to be undertaken to avoid any risk arising when the site is developed or occupied. The scheme must detail the precise methods proposed to prevent the build up of gaseous material within the proposed buildings and under any hard landscaped areas when the site is developed.

Part C: Implementation of Approved Remediation Scheme

The building shall only be constructed in accordance with the scheme as agreed in writing with the Local Planning Authority. Any equipment for the prevention or build up of gaseous conditions must be fully installed and operating before the development hereby permitted is first occupied, and thereafter shall be maintained and monitored.

Any variation to the scheme shall be agreed in writing with the Local Planning Authority in advance of works being undertaken.

All remediation should be carried out safely, ensuring that no unacceptable risks remain. On completion of the works the applicant/developer shall provide written statement with confirmation that all works were completed and have been validated, in accordance with the agreed details.

Notes on gas monitoring:

Gas monitoring data must be collected from appropriate locations and collected on a weekly basis over a minimum period of three months. Gas monitoring must be undertaken for methane, carbon dioxide, oxygen, hydrogen sulphide and hydrogen. Details of the quantities and flow rates for any ground gases detected must be submitted to the Local Planning Authority.

Monitoring should be targeted to days when the atmospheric pressure is low and falling, as these are the optimum conditions for gas migration. Prior to the commencement of monitoring, the details of the proposed method of monitoring, location and depth for borehole(s) must be submitted to the Local Planning Authority for approval

If you wish to discuss any of the above, please contact me.

NSDC Environmental Health (air quality) - I have now had the opportunity to review the Air Quality Assessment report submitted by Delta Simons in support of the above application.

The assessment uses IAQM methodology to predict the impacts from the construction and operational phases of the proposed development.

The report determines that there is the potential for particulate (dust) emissions during the construction phase but given appropriate mitigation, monitoring and management (as is detailed in the report recommendations) this can be minimised.

Furthermore the operational phase modelling predicts that the impact on local receptors to be negligible. The residual effects of the development on all pollutants are considered to be not significant.

I generally concur with this assessment and would expect the proposed mitigation measures to be employed during the construction process.

NSDC Environmental Health (noise and lighting) – Additional comments received:

I refer to the above application and have had time to read the response to my comments. The noise report is satisfactory and combined with the clarification of a number of points raised in relation to the noise report I have no objections in principle to the development.

I would be grateful if the following conditions were applied.

1. That Nomad Power electrical charging pedestals for refrigerated goods vehicles to allow continuous cooling via electrical connection (meaning that engines are not required to be running to maintain temperatures and removing the associated noise generation of diesel engines) as detailed in appendix 3 or equipment equivalent are installed to prevent noise for diesel engines. The location of the points should be approved by the LPA.

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

The correspondence also states:

Site management will prevent the idling of engines between the hours of 20:00 and 08:00 and therefore no adverse acoustic impacts will be generated by refrigerated cooling vehicles on site.

Can the application be conditioned to require this?

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

I have noted a method and design statement has been submitted but I am not clear whether this just applies to the diversion works relating to the drainage therefore if not could the following condition be applied:

2. No development shall commence on site (including any site clearance/preparation works), until a Construction Method Statement has been submitted to the Local Planning Authority for approval in writing. Details shall provide the following, which shall be adhered to throughout the construction period:
 - The parking of vehicles of site operatives and visitors
 - Loading and unloading of plant and materials
 - Storage of oils, fuels, chemicals, plant and materials used in constructing the development
 - The erection and maintenance of security hoarding, including any decorative displays and facilities for public viewing

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

3. Restriction on hours of operation for construction of the site.

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

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

4. Hours of delivery during construction:

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

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

5. Limit hours of operation of machinery:

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

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

6. Dust:

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

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

7. Noise from external cooling fans and air conditioning,

The location of all external air conditioning and cooling plant associated with the buildings on site is approved by the LPA. Where necessary acoustic enclosures must be provided, the design and siting of which must also be approved by the LPA.

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

Original comments received:

Consultation in relation to lighting and Noise.

I refer to the above application. I have looked at the noise report and documents detailed above I have also undertaken a site visit and have the following comments to make:

1. The writers of the report state they sent a scoping paper to an Environmental Health Officer at NSDC and at the time of writing this Report no response from the Environmental Health department had been received.

Having checked with colleagues no one has received such a consultation and it may be they have sent it to an officer who has recently left the Council.

All enquiries should be directed to environmental.health@newark-sherwooddc.gov.uk

2. The noise assessment makes reference throughout to the nearest receptors being at Biton Close, Balderton. I think this is a typing error and the report actually refers to BILTON CLOSE, therefore I will refer to it by the correct name.
3. The report states that the noise measuring equipment and calibrators chain is traceable but no certificates are provided in the report to show the equipment was within calibration.
4. In 5.1 it states:

There will also be a small number of fixed plant items for refrigeration and air conditioning associated with the development. However, as this plant would typically be located behind fencing at ground level (or recessed into the roofline) it is not expected that the equipment would have a significant noise impact. Furthermore, compared to the movement of HGVs, the sound power level of each item of equipment would be low (Circa 70dB(A) or less).

Looking at the location of the buildings and the proximity of the buildings to Bilton Close I think noise from such equipment should be taken into account and modelled for the impact they may have on tonality, impulsivity and intermittency. It is likely that cooling fans will cut in and out and may be more noticeable during the night.

5. Although the report states the lorry park is located at the most southerly point to avoid disturbance. The noise assessment does not take into account noise levels for vehicles pulling onto and more significantly out of the site. Looking at the proposed entrance it is directly opposite the nearest sensitive receptors. It also looks like the entrance will need to be made up and is likely to be on an incline. This will potentially lead to HGVs needing to rev their engines to pull off site. From the report on page 14 it indicates a HGV travelling at 15MPH makes 93dB. This is in excess of 20dB above the L_{Amax} levels shown within the report during the night time hours. The predictive HGV movements during the night (shown on page 15) range from 19 between 0:00 and 01:00 to 37 at 05:00 to 06:00. This has the potential to wake residents up. WHO Guidelines for Community Noise state for a reasonable standard in bedrooms at night, individual noise events (measured with F time-weighting) should not normally exceed 45 dB L_{Amax}. Therefore it is my view that further modelling is undertaken to ensure residents are not disturbed by HGV movements on and off site.

6. I also suggest that service access road will mean that the trees/bushes currently present will be removed and this will provide a line of site directly to the A1 which may have an impact on noise levels.
7. The plans do not detail what traffic calming measures may be installed. If speed humps are provided this will have further impact on noise levels as large HGVs pass over them.
8. There appears to be no modelling for refrigerated vehicles parked on the lorry park.

In summary I consider that further information is required for Environmental Health to support the application.

NSDC Environmental Services – Informal discussions agreeing Waste Management Plan is adequate.

Environment Agency - Thank you for consulting us on the above application which was received on 7 July 2020. I sincerely apologise for the delay in replying and trust that the Agency's comments, as set out below, will still be taken into consideration.

Environment Agency position

The proposed development will be acceptable if the following conditions are included on the planning permission's decision notice. Without these conditions we would object to the proposal due to its adverse impact on the environment.

GROUNDWATER, CONTAMINATED LAND & WATER QUALITY

We welcome the proposals for sustainable drainage for the disposal of surface water. The applicant intends to provide a sealed sump for the forecourt area. Other drainage includes permeable paving followed by geo-cellular crates and an oil interceptor. A reed bed will follow this in the southern drainage section.

For foul drainage the nearest compatible sewer is 775m from the development. This would require a sewage pumping station and would need to cross major road systems. Therefore a permitted discharge from a sewage treatment plant would be the only option.

Condition

The development hereby permitted may not commence until a foul water drainage scheme has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented as approved and completed prior to the development being brought into use.

Reason: To ensure that the proposed non-mains drainage system does not harm groundwater resources in line with paragraph 170 of the National Planning Policy Framework.

BIODIVERSITY

Water Vole is believed to be present at the proposed development site. This species is identified under England's Biodiversity Strategy (EBS) and is listed under section 41 of the Natural

Environment and Rural Communities (NERC) Act 2006. Section 40 of the NERC Act 2006 states that Local Planning Authorities must have regard to biodiversity conservation. The submitted ecological reports states that is likely that water vole are present within the ditch on site which is to be diverted.

The proposed development will therefore only be acceptable if a planning condition is included requiring a scheme to be agreed to ensure that water vole are protected. Without this condition we would object to the proposal because it cannot be guaranteed that the development will not result in significant harm to water vole.

Condition

No development shall take place until a plan for the protection of/mitigation of damage to water vole and its habitat, both during construction works and once the development is complete, has been submitted to and approved in writing by the Local Planning Authority. The water vole protection plan shall be carried out in accordance with a timetable for implementation as approved.

Reason: To protect the water vole and its habitat within the development site and avoid damaging the site's nature conservation value.

This approach is supported by paragraphs 170 and 175 of the National Planning Policy Framework (NPPF) which recognise that the planning system should conserve and enhance the environment by minimising impacts on and providing net gains for biodiversity. If significant harm resulting from a development cannot be avoided, adequately mitigated, or as a last resort compensated for, planning permission should be refused. Without this condition we would object to the proposal because it cannot be guaranteed that the development will not result in significant harm to water vole.

As you are aware, the discharge and enforcement of planning conditions rests with your authority. You must therefore be satisfied that the proposed conditions meet the requirements of the 6 tests in paragraph 55 of the National Planning Policy Framework. Further guidance on the 6 tests is provided in the planning practice guidance (<https://www.gov.uk/guidance/use-of-planning-conditions>).

Please notify us immediately if you are unable to apply our suggested conditions, to allow further consideration and advice.

ADVICE TO LPA

From a flood risk perspective, the development falls within flood zone 1 and our standing advice (FRSA) applies which can be found on the <https://www.gov.uk/guidance/flood-risk-assessment-in-flood-zone-1-and-critical-drainage-areas> pages of the Gov.uk website. It is for the Local Planning Authority to ensure planning submissions adhere to this advice.

The Lead Local Flood Authority, Nottinghamshire County Council, should be consulted on the proposals for their requirements regarding the disposal of surface water arising from the development and the diversion of the ordinary watercourse on site.

In accordance with the Planning Practice Guidance (Reference ID: 7-043-20140306), please notify us by email within 2 weeks of a decision being made or application withdrawn. Please provide us with a URL of the decision notice, or an electronic copy of the decision notice or outcome.

Nottinghamshire County Council Planning Policy – No comments received.

Nottinghamshire County Council Ecology – No comments received.

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

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

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

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

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

Nottinghamshire Wildlife Trust – No detailed comments to the specific application.

Fernwood Suthers School – I am emailing you to register concern and provide comment on the proposed filling station outlined in planning application 20/01177/FULM.

I represent the Suthers School which has recently moved into its new premises on the Fernwood Business Park. From September 2020 the school will become fully operational in that location with students travelling to the school from Balderton and Middlebeck as well as from Fernwood.

The location of the filling station off the B6326 will result in a significant increase in car and HGV traffic at a number of crossing points that will be used daily by Suthers School students. The B6326 has a single footpath on the southern carriageway with the filling station's proposed entrance and exit routes intersecting the footpath. This creates two additional crossing points on the only pedestrian and cycle route from Balderton and Middlebeck to Fernwood and significantly increases risk to students travelling on foot or bicycle to school.

The toucan crossing at the northern end of the B6326 is a critical crossing for Suthers Students and will see a significant increase in both car and HGV traffic as a result of the proposed filling station.

In addition there will be increased traffic at the southern Fernwood roundabout which is another critical crossing point for Suthers students from Balderton, Middlebeck and Fernwood. This will be exacerbated if VIAs proposal to only allow left turn exits from the filling station is implemented.

If this scheme were to go ahead in its current form, we believe there will be an inevitable increase in traffic which will be detrimental to well-being and safety of our students, creating a significantly increased risk of injury or death through road traffic accidents. We hold that the proposal should not be granted planning permission without the requirement for extensive investment in pedestrian and cyclist road safety infrastructure including, but not limited to, additional toucan crossings at all crossing points identified above.

Fernwood Suthers Schools Head Teacher - I am emailing you to register concern and provide comment on the proposed filling station outlined in planning application 20/01177/FULM.

I am the Executive Headteacher of both The Suthers School situated in Fernwood and Newark Academy. Both schools attract children from the surrounding areas of Balderton, Fernwood and Middlebeck and a significant number of students either walk or cycle to their chosen school each day.

The proposed scheme currently under consideration has raised significant safety concerns regarding the inevitable increase in heavy traffic, including large vehicles including HGVs which pose a significant risk to the safety of students who travel to school from the aforementioned areas.

Furthermore, the proposed plan shows that there is very little (if any) provision for pedestrian safety on the B6326 and on the bridge across the A1; a route that many of our students will use to travel to and from school each day.

As many of our students use the B6326 as their route to and from both schools, the increased traffic and the fact that students will have to pass by the entrance and indeed exit to what is in all intents and purposes a service station for motorists, I felt it important to provide you with a written response to your proposal to ensure that our position is clear.

The safety of our students is of paramount importance and without adequate pedestrian safety in place, I fear that this proposal will increase the risks to both schools and their wider population.

Therefore, we are opposed to permission being granted at this time unless there is significant investment in greater pedestrian access to ensure that the safety of all pedestrians, most notably, the young people of Newark Academy and The Suthers School are catered for so that the risk of accident or death that increases as a result of increased traffic in the area, is eradicated or at least significantly minimised.

Barton Willmore (on behalf of Urban & Civic Plc.):

On behalf of our Client, Urban & Civic Plc, we write to raise concerns about the full planning application 20/01177/FULM. The application is for a proposed Roadside Service Area on land between the B6326 and A1, with access taken from the B6326.

Urban & Civic are the Master Developer delivering the Sustainable Urban Extension at Newark South (now called Middlebeck). Newark South benefits from a strategic site allocation taken

forward in the Newark and Sherwood Amended Core Strategy DPD (adopted March 2019) under Area Policy NAP 2A Land South of Newark. Newark South also benefits from outline planning permission (with means of access in part) under application 14/01978/OUTM. This planning permission is currently being implemented.

The approved means of access in part comprises the Southern Link Road (SLR), providing a link between the A46 and A1 at the B6326. The first phase of the SLR has been substantially completed and is open. The additional works required to complete the first phase include a new roundabout junction to the B6326. This roundabout is to the south of the proposed access to the Roadside Service Area.

Urban & Civic do not object to the proposed Roadside Service Area. However, if permitted, at some point in time the proposed access to the Roadside Service Area and the SLR roundabout to the B6326 will need to dovetail and Urban & Civic raise concern about the timing and coordination of the works.

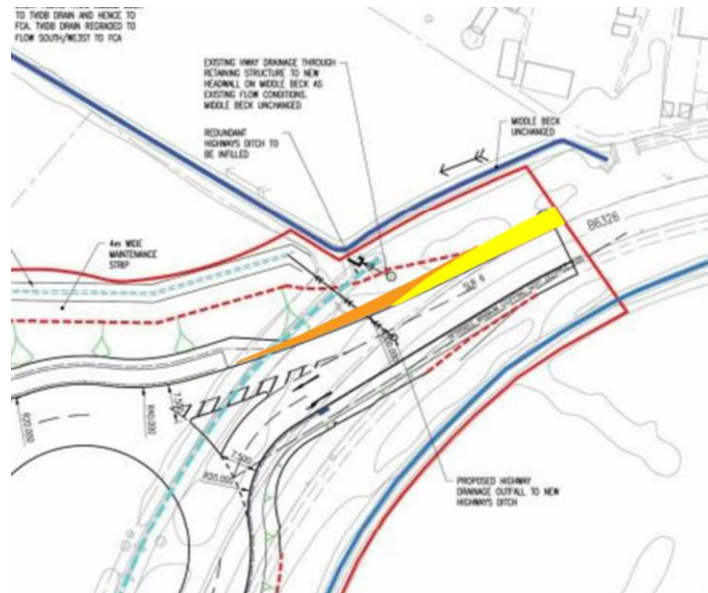
Comments

The application for the Roadside Service Area shows how the proposed access from the B6326 may be delivered before or after the delivery of the SLR roundabout to the B6326. These access arrangements are respectively shown in the Transport Assessment drawings 'Proposed Right Turn Ghost Island Junction Existing Scenario' (Dwg No. 424.07867.00002.014.H020.1) and 'Proposed Right Turn Ghost Island Junction Future Scenario 1 Lane' (Dwg No. 424.07867.00002.014.H021.2). The approved SLR roundabout, WSP drawing 'Option 1 65m Roundabout General Arrangement' (Dwg No. 6704-OP1-001 Rev A), is also included the Transport Assessment.

Roadside Service Area – without SLR roundabout

If the Roadside Service Area comes forward before the SLR roundabout it is proposed that the existing B6326 be widened to incorporate a ghost island right turn access arrangement to the site. The SLR roundabout would then need to tie into this in the future. This would require the construction of additional carriageway over and above the approved SLR roundabout.

To demonstrate the difference between the approved SLR roundabout design and the composite design proposed by the applicant with the Roadside Service Area and SLR roundabout in place, we have overlaid the PDFs of these two drawings from the Transport Assessment:



The yellow area is additional carriageway construction that would have been completed in the delivery of the Roadside Service Area to tie in with the existing B6326. The orange area is the additional carriageway construction that would be required over and above the approved SLR roundabout design and equates to circa 65sqm. Urban & Civic should not have to bear any additional costs associated with design changes brought about as a result of the proposed Roadside Service Area, a third-party site.

Roadside Service Area – with SLR roundabout

If the SLR roundabout was to come forward prior to the Roadside Service Area, then the approved SLR roundabout design could be followed, which ties into existing B6326 alignment, and the Roadside Service Area applicant would then undertake works to tie into the roundabout at a future date.

However, to avoid abortive works on the public highway, County Highways may seek an agreement for the widening works associated with the proposed Roadside Service Area to be incorporated into the SLR roundabout. Again, any additional costs associated with this should not borne by Urban & Civic.

Conclusion

To summarise, Urban & Civic do not object to the proposed Roadside Service Area but have concerns about the timing and coordination of the works and seek assurance that they will not have to bear additional costs in the delivery of the SLR roundabout associated with changes to the approved design brought about by the proposed Roadside Service Area, a third-party site.

We trust our representations will be taken account in the determination of the application and reserve the right to make additional representations, including on submission of revised plans or additional supporting information.

Urban & Civic would welcome the opportunity to discuss their representations with the District Council and County Highways. Please do not hesitate to contact me to arrange this.

Representations have been received from 34 local residents/interested parties which can be summarised as follows:

Impact on Safety

- People regularly walk to Fernwood which would be much more difficult with added traffic / road crossings;
- The plans do not make it clear if the footpath would actually continue around the existing footpath and bridge;
- The sweeping corner is already an accident hot spot and 1 pedestrian has already been killed in the area;
- Pupils to the new secondary school and the new houses proposed will need to use this link;
- Children will have to navigate through the movement of HGV lorries and vehicles;
- It will be difficult to use the footpath if vehicles are using the entrance / exit 24/7;
- Cyclists use the path as the road is not safe;
- The Prime Minister has announced an attack on obesity yet the pedestrian / cycle routes for the school will be through a high density traffic area;
- The entrances should be equipped with CCTV;
- The safe provision for cyclists and pedestrians has never been addressed fully on the route over the A1;
- The Core Strategy states that development proposals should provide safe, attractive and convenient accesses for all;
- It must be anticipated that parents will not take the risk and choose to drive their children to school increasing traffic further;
- Having recently been involved in a serious accident on this curve I object in the grounds that any additional activity will create even more hazards;
- A car has recently crashed through the fence bordering the field;
- Robert Jenrick, in the Newark Advertiser of August 6, is quoted as saying 'Newark has a long history of being a cycling town'. How will this be achieved if roads such as the B6326 are made completely unsafe for cyclists?;
- The entrance and exit will entail many right hand turns including long slow vehicles and will be on a blind bend;
- Even the current 40mph poses a risk for pedestrians;
- The surveys underestimate the average speeds – cars are often heard racing around the Fernwood Industrial Park late in the evening;
- Within the past four weeks there has been a serious road traffic incident at the location of the proposed entry /exit;

Impact on Highways

- There are no drawings with the new link road showing what it is going to look like;
- The traffic survey should take account of all of the development within and around Fernwood;
- No account has been taken of the relief road planned to join the new bridge;
- There is no indication of the pelican crossing near the entrance to the Balderton roundabout;
- This section of Great North Road is reasonably busy with the weight of the traffic set to increase with the new houses;
- The road remains narrow and the entry point will be on a partial blind bend;

- Additional traffic flow at roundabouts is unwelcomed and not compatible with local school children and young families;
- No consideration appears to have been made to take into account the proposed new layout for the junction of the A46/A1 link road;
- This section of the Great North Road is the direct route to many places since Hollowdyke Lane was closed to traffic;
- The road layout is not prepared for the increased flow for the changes of the relief road;
- The development should not compromise the ability to provide a safe and likely busy junction between the new relief road;
- The road improvements should be completed before this application is considered;
- The current roads are in a poor state of repair and barely support the current traffic;
- Road improvements appear to have been delayed or funding is at threat;
- The forecast traffic numbers are severely flawed;
- A vehicles travelling north will need to use roundabouts on either side of the services entrance, doubling the traffic numbers;
- Traffic counts should be done adjacent to the Lord Ted pub where excessive traffic queues are common;
- The size of the existing roundabout on the eastern side of the A1 do not have a large enough diameter;
- The impact of road widening has not been address in the proposal and will fundamentally change the nature of the Fernwood area;
- Lorry parking is not so much of an issue now that there are double yellows;
- Has the number of new houses to be built been factored into the appraisal;
- There are going to be a number of new roundabouts along the B6326 which will need to accommodate the additional HGVs;
- There are already problems when there is an accident on the A1 and traffic becomes gridlocked;
- School buses wait on the road which already causes problems because the road is not wide enough;
- Developers often complete one less house than the trigger points resulting in half completed schemes;
- Will Councillors seek justification for this lorry park as a means to alleviate traffic that would potentially be displaced from the recently redeveloped lorry park adjacent to the Newark Livestock Market if the proposed International Air and Space Training Institute (IASTI) is approved;
- The footpath should be relocated;
- The speed limit should be reduced to 30mph instead of 40mph;
- The area has suffered with numerous poorly designed and planned road layouts and junctions around the area for nearly 20 years and have to live with the traffic gridlock;
- The current infrastructure was never designed to accommodate a large volume of traffic and has seen no improvement;
- Have the levels of traffic been genuinely assessed in the context of the 3000+ homes to be built;
- The busiest time for lorry parks coincides with the movements of school buses;
- The current condition of the road is very poor;
- The slip road southbound is short and incorporates a tight bend;
- The B6236 is already a very busy road;
- Fernwood and Claypole are at risk of being cut off from safe access to Newark;

- There needs to be a major re-assessment of the future traffic needs in this area and the impact of the Southern Relief Road to allow the expected investment and development to take place safely;
- Traffic has adequate provision for services at the A1 / B1174 junction just north of Grantham;
- The traffic generation has been estimated using data from Gonerby Moor but there are significant differences with this scheme;
- This site will give rise to a much higher HGV usage;
- Underestimating traffic generation calls into question the junction capacity assessment;
- The TA cannot be relied on to demonstrate that the proposals will not have a severe impact in the highways network;
- Given the serious nature of the flawed TA methodology, a decision by the District Council based on the submitted application documentation would be unsafe and would result in the District Council being placed at risk of judicial challenge;

Impact on Amenity

- Added lorries would create noise pollution especially for the houses which back onto the roundabout;
- Flood lighting would impose on neighbouring residents;
- Other service areas nearby don't have residential properties adjacent;
- Flood lighting is not clear;
- The sound report focusses on raw dbi increase but does not take account the sound profile of the area;
- Residents will hear noise from air brakes and various other harsh noises;
- The layout will give clear sight into neighbouring properties;
- The development would be more appropriate by the industrial buildings;
- Any removal of trees would significantly increase noise pollution to the residents of Fernwood;
- Large sample of the baseline data in the noise report were removed due to wind noise;
- No allowance has been made for the increase in noise generated through the operation of the site – the proposed building and catering outlets will all require mechanical plant and equipment;
- The level of pollution will be extremely high and be detrimental to human health;
- The A1 causes a drone of noise all day for residents of Fernwood but this development will cause more random and overnight noise;
- There is potential for anti-social behavior;

Impact on Flood Risk

- This is a flood plain;
- There is a pipe which runs across the field which is not shown on the plan;
- Every time there is heavy rain the pipe backs up and overflows into neighbouring gardens;
- The land is prone to flooding and water held here will have nowhere to go other than on the main A1 carriageway of the roundabout;

Impact on Landscape

- The proposal will destroy the current local area of greenery;

- The Downtown services which are run by the same company are far from an idyllic picture contained within the proposal;

Impact on Ecology

- The protected woodland that forms the wildlife corridor bordering the B6326 is home to an array of endangered wildlife;
- Green space in this area is being built on at an alarming rate;

Other Matters

- Residents who are directly affected have not been notified;
- Will home insurance go up due to storage and active usage of highly flammable liquids;
- Addresses have not been checked on the noise report so the information cannot be trusted as accurate;
- The A1 has numerous service stations both north and south of the proposed site, including those dedicated to the needs of HGVs;
- There is no faith that the planning department is organized as the expiry date for comments keeps changing;
- The proposal will provide much needed resources for the area and should be accepted;
- The site notice was removed the day after it was posted;
- The proposal is not clear that it would provide overnight parking;
- The Planning Committee should visit the site during rush hour to experience the problems already experienced;
- Fernwood is typically inhabited by families and there is a long term risk on eating habits from fast food outlets;

Comments of the Business Manager

Principle of Development

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

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

The starting point for development management decision making is S.38(6) of the Planning and Compulsory Purchase Act 2004, which states that determination of planning applications must be made in accordance with the development plan unless material considerations indicate otherwise.

The Adopted Development Plan for the District is the Core Strategy DPD (2019) and the Allocations

and Development Management Policies DPD (2013). The settlement hierarchy for the district is set out in Spatial Policy 1, whilst Spatial Policy 2 deals with the distribution of growth for the district. This identifies that the focus of growth will be in the Sub Regional Centre, followed by the Service Centres and Principal Villages. At the bottom of the hierarchy are 'other villages' which do not have defined built up areas in terms of geographically defined village boundaries.

As is confirmed by the Newark South Proposals map in the Allocations and Development Management DPD, the site falls within the Strategic Allocation for Land South. Policy NAP 2A is therefore relevant albeit prior to assessment against this policy it is deemed relevant to provide the latest position in respect to the ongoing development within the wider allocation.

Land South of Newark or Middlebeck as it is now known, first gained Outline Planning consent in 2010 with a revised application having gained permission in 2015. This is a phased development of up to 3150 homes to the south of the Newark Urban Area. Development has commenced with Avant, Bellway Homes and Countryside on site building out the residential element of the scheme, the Urban and Civic office building and a café is also open and work to build the Primary School has just commenced all in Phase 1. The Southern Link Road (SLR), which links the A1 overbridge to the A46 at Farndon, has been fully designed across its entire length and the first phase (closest to Fernwood/Balderton), apart from its junction to the A1 overbridge with a roundabout, has been completed and is open, with the remaining phases 2 and 3 linking to the A46 to be commenced in the future planned stages.



Policy NAP2A does not explicitly envisage the development of a petrol filling station; drive thru or the other associated facilities detailed. However, as is shown by the extract of an overall land south masterplan above, the site (circled in red) is shown void of built form. Other than its association with the new SLR, the site would be some distance from the main bulk of the land

south proposals. The development as proposed would therefore not prejudice the delivery of the land south allocation envisaged by NAP2A.

Notwithstanding the above, Policy NAP2A does identify a need for the provision of new and improved highway infrastructure. Whilst there is no doubt that the policy reference to highways infrastructure would have been made primarily with the new SLR in mind, there is an opportunity that the proposed development in this application will add further enhancements to the operation of the highways network in line with the aspirations of Policy NAP2A. This is explored further below.

Impact on Economy

One of the three overarching objectives of the NPPF 2019 is an economic objective, *‘to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure’* (paragraph 8). Chapter 6 goes on to confirm that planning decisions should help create the conditions in which businesses can invest, expand and adapt (paragraph 80).

The NPPF 2019 at paragraph 104 confirms that planning policies should provide for any large scale transport facilities that need to be located in the area, and the infrastructure and wider development required to support their operation, expansion and contribution to the wider economy.

Paragraph 107 goes on to state that planning policies and decisions should recognise the importance of providing adequate overnight lorry parking facilities, taking into account any local shortages, to reduce the risk of parking in locations that lack proper facilities or could cause a nuisance.

There is an acknowledgement that the facilities proposed will benefit from the passing trade of the adjacent strategic road network specifically the A1 but also the vehicular traffic which will use the new SLR once fully completed and operational. The Planning Statement details the factors which are considered when acquiring land for a RSA which includes location and access to traffic as well as accessibility and prominence.

The NPPF confirms that LPA’s should apply a sequential test to planning applications for main town centre uses which are not located in an existing centre. The overarching aim is to sustain and enhance the vitality and viability of existing centres. For the avoidance of doubt, the proposal incorporates town centre uses as defined by the glossary of the NPPF (the retail unit and the drive thru facilities).

Core Policy 8 (Retail Hierarchy & Town Centres) has been subject to significant review through the Plan Review process (necessary in acknowledgment that the previous policy referred to the now replaced PPS4). The revised policy now better aligns with the national stance, and indeed the corresponding Allocations and Development Management DPD (specifically Policy DM11 ‘Retail and Town Centre Uses’). The policy details a sequential approach whereby proposals for town centre uses shall firstly be located within a centre, then edge-of-centre and only if no suitable sites are available will consideration be given to out-of-centre locations.

As is explored above, the site is within the policy allocation NAP2A and therefore cannot be considered as open countryside despite its characteristics. Notwithstanding this, I am conscious that Policy DM8 (Development in the Open Countryside), has a specific allowance for the consideration of Roadside Services. In my view, it would be common sense to apply these principles to the current application assessment, specifically whether or not there is a specific and justified need for the particular location proposed and the development is restrained to the minimum necessary to serve this need. If this need can be accepted then the requirement of a Sequential Test would in my view fall away as there would be specific locational requirements as to why the development would not be appropriate in a town centre context.

The application has been accompanied by a 'Report Relating to an Assessment of Need & Related Matters' undertaken by Tim Hancock dated June 2020. A service area is not considered to represent a destination in its own right with services involving a detour from the road network are not providing commercially successful.

The site, whilst primarily being accessible to northbound A1 traffic, could also serve southbound traffic albeit with a slight detour to re-join the A1 southbound. The Needs report assesses available services along the road network stating distances and locations. It is concluded that the site effectively sits within a gap in the provision of roadside facilities of 26.7miles between Grantham Services and Markham Moor Services for northbound traffic. For southbound users of the A1, the site lies within a gap of 38.5miles between Blyth and Grantham facilities. Further assessments are also made for additional routes including traffic leaving the A1 at the A46.

Furthermore, the report details the overnight provision for HGV parking in the area noting the national stance for this to be improved. The applicants undertook a survey in Fernwood of unauthorised HGV parking between 5th and 11th December 2019. Whilst parking was limited over the weekend, the highest count occurred on the Monday evening where 26 vehicles were parked. It is stated that the findings are consistent with the view that there is a significant unsatisfied need in HGV parking on this stretch of the strategic road network. Officers have no evidence to dispute this conclusion. The proposal would also create electric charging facilities which have an increasing strategic need.

The evidence presented is considered sufficiently robust to discount the need for a Sequential Test and it is therefore accepted that there are site specific locational requirements which would accept the main town centre uses in this location. It is also not considered necessary to apply the impact tests required by Core Policy 8 given that the retail facilities would be ancillary to the wider RSA use but would also, at 183m² fall below the relevant threshold of 350m².

At a local policy level, it is necessary to reference Core Policy 6 (Shaping our Employment Profile). CP6 outlines an intention to strengthen and broaden the diverse range of employment opportunities in the District including through '*supporting the economies of our rural communities.*'

Notwithstanding the employment generated by the construction of the site, the application form confirms that the end uses would create an additional 65 full time equivalent jobs. The support to the local economy including in the context of an employment base would therefore weigh positively in the overall planning balance undertaken below.

Impact on Highways Network

Spatial Policy 7 of the Core Strategy seeks to ensure that vehicular traffic generated does not create parking or traffic problems. Policy DM5 of the DPD requires the provision of safe access to new development and appropriate parking provision. Clearly given the context of the site, the highway safety implications of the proposal are of paramount importance.

Spatial Policy 7 details that the route of the SLR which has not been built will be safeguarded. The proposal is clear that the development has been designed in full acknowledgement of the future delivery of the new SLR adjacent to the site.

The application has been accompanied by a Transport Assessment (TA). This covers numerous issues including accident data over a five year period concluding that there are no issues with road safety which would be exacerbated by vehicle movement associated with the development. As is already identified above, the proposal is not intended to become a destination in itself with the majority of visits anticipated to be association with existing journeys on the road network. In this regard, the site is considered to be safely accessible from the B6326; from the A1 northbound via Balderton Interchange and from the A1 southbound via Fernwood Roundabout and Clay Pole junction.

The TA also includes analysis of swept paths for various vehicle manoeuvres within the site confirming that the circulation and accessibility of the site is safe and suitable. Sustainability benefits within the proposal include the provision of 24 spaces with electric charging points.

This application has been assessed by the relevant expertise at Nottinghamshire County Council as the Highways Authority and Highways England noting the adjacent A1. Both comments are included in full above.

Highways England comments refer to the pre-application discussions that have taken place with the applicant. The traffic impacts are not considered to be severe and subject to a condition requiring a road safety audit for new signage and implications for the users of the southern link road they raise no objections.

NCC as the Highways Authority also refer to pre-application discussions which ultimately lead them to agree that the proposal will not significantly add to delays or prompt serious or reasonable safety concerns. The comments do however go on to discuss the complexities of the site access arrangements given that the access would have to consider the future road network scenario as well as the existing. This is further complicated by the ongoing discussions around the exact design of the southern link road roundabout. As prompted by the comments, Officers have discussed the likely design with the relevant parties. Whilst assumptions have been provided, it has essentially been confirmed that the exact design is not yet known. Nevertheless an associated legal agreement would be reasonable provided it is carefully worded in order to ensure that the costs attributed to the applicant are only those that arise from the changes to the design necessitated by the proposed development.

It is fully appreciated that matters of highways safety form a significant concern in the context of the neighbouring comments submitted for the application. This is also acknowledged by the applicant through their response to consultations received dated 9th September 2020. Ultimately Officers would agree with the applicant that the relevant expertise (i.e. Highways England and NCC Highways) have identified no harm to the highways network arising from the proposal. On this

basis, whilst not palatable to the parties concerned, it would be inappropriate to resist the application on highways safety grounds.

NCC Highways and Highways England have suggested conditions which Officers have carefully considered. The requirement for a Road Safety Audit recommended by Highways England would be better placed in the associated legal agreement. Officers have sought agreement to this from Highways England, the response of which will be reported to Members within the schedule of representation at the Committee Meeting. The conditions by NCC Highways include a condition relating to mud on the highway however this would be covered by the wheel washing requirements of the suggested construction management condition.

Impact on Character and Design

Core Policy 13 (Landscape Character) sets out a framework for assessing landscape character and sets expectations that development proposals should positively address the implications, aims and objectives of each landscape policy zone. The adopted Landscape Character Assessment (LCA) is a district level assessment of landscape character (that sits hand in hand with CP13) and is a useful tool in assessing local landscape character in relation to specific sites.

Policy 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 2018 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 site is within the South Nottinghamshire Farmlands Character Area which extends over a relatively large tract of land between the southern edge of the Greater Nottingham conurbation and the urban edge of Newark. The LCA identifies that the area contains some of the highest quality agricultural land in the District with a very strong arable tradition.

The site itself is within South Nottinghamshire Policy Zone 08: Cotham Village Farmlands. The landscape condition of this area is defined as being very poor identifying that the road network forms many detracting features of the area. The overall landscape sensitivity is also defined as very low. The proposal would meet one of the aspirations for built features in that it would create new development around the existing settlements.

There is clearly a balance to be struck in terms of the landscape impacts of the proposal. For operational purposes, the development must have a degree of visibility in the wider landscape to be commercially successful. The supporting documentation to accompany the application provides a robust base on which to assess the landscape implications of the proposal including a Landscape and Visual Appraisal (LVA) and full landscape plans. Moreover, CGI Imagery has been provided which presents a useful tool in envisaging what the proposed development will look like on the ground.



The LVA undertaken by Influence sets a study area of 750m from the application site. A series of viewpoints were selected representing different types of views and groups of receptors within the immediate area and wider surroundings. Residents at Newark settlement edge were identified as key visual receptors. The majority of the residents in Fernwood do not have visibility of the site due to dense vegetative perimeters. Impacts on residents is discussed further below in the amenity section. Other visual receptors include uses of nearby public rights of way (specifically FP9 and the cycle route).

I would concur with the assessment of the LVA that the landscape has a suburban feel and that the height of the proposed development would be comparable to nearby residential properties (which includes three storey dwellings in the village of Fernwood). The majority of the boundaries will remain intact with additional screening offered through the detailed landscape proposals. Overall, the impact on local landscape receptors of the proposed development on completion is judged as low and the nature of the effects is adverse. I would agree that the landscape impacts of the proposal would be low and in some respects mitigated by proposed additional planting which could be secured by condition. In my view, the proposal has appropriately struck the balance between being visible enough to be functional as a RSA but discrete enough so as not to harm the local landscape character.

Clearly the development would represent a fundamental change from the existing character of the site. Nevertheless I am conscious that the site is bound entirely by a major road network such that the proposed change to hardstanding would be well assimilated within the immediate site surroundings.

In terms of the specific design of the buildings, these would be modern but functional in nature with elements of render and timber cladding. Policy NP1 of the Neighbourhood Plan requires developments to draw upon local character in terms of materials and style to ensure the development enhances the distinctiveness and quality of the village as a whole. It also encourages production of a design standards document for major developments.

Notwithstanding this, I am conscious that the site would be read as a standalone development somewhat departed from the village and better connected to the road network. The submitted Design and Access Statement details that an experienced operator, Welcome Break Services Ltd. have been secured to deliver the site and will operate under the Applegreen brand. The design development process is stated as being a collaboration process between the parties to ensure a deliverable and viable outcome.

There is an acceptance to the corporate design of the buildings and equally an acknowledgment that the varied use of materials will break up the façade and reduce the perceived bulk and scale of the buildings. Whilst the use of materials would align more with the Business Park than the residential development nearby, this is not considered fatal in principle. Overall the design of the development would comply with Policy NP1 and the relevant elements of Policy DM5.

Impact on Trees and Ecology

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

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

The application has been accompanied by an Extended Phase 1 Habitat Survey based on site visits in April and June of 2019. The survey identified the following habitats within the site area:

- Species poor semi-improved grassland;
- Boundary hedgerows;
- Drainage ditch;
- Cleared ground / hardstanding;
- Small areas of Bramble and Tall ruderals;
- Dead wood piles.

There are no statutory or local ecological designations which affect the site itself. Nevertheless the hedgerows forming the boundaries of the site would be suitable for breeding birds and the southern boundary is adjacent to an area of broadleaved woodland plantation. It is recommended that if works are undertaken during bird breeding season then the hedgerows are surveyed prior to the works. There is considered to be an extremely low / negligible likelihood for the presence of reptiles on the site partially due to its isolation being surrounded by the road network. The drainage ditch has nevertheless been tested for evidence of Great Crested Newts with the results showing no DNA evidence and therefore not requiring further survey works. The site holds the moderate potential to be a habitat for amphibians but low for bats; badgers and larger mammals.

The Environment Agency comments make specific reference to water vole stating that they are believed to be present at the proposed development site. The comments go on to state that the, *“ecological reports states that it is likely that water vole are present within the ditch on site which is to be diverted”*. In reviewing the ecological report, the language used is that it is *“possible that this species may access the drainage ditch crossing the site”* and then actually goes on to suggest

no further survey works are required. Nevertheless, for the avoidance of any doubt, the condition suggested by the Environment Agency for a water vole protection plan is considered reasonable and necessary to the development in the context of the importance of the species. This has been agreed by the agent on behalf of the applicant.

Suggested mitigation measures are set out at Appendix 4 of the Report and could also be reasonably conditioned if permission were to be forthcoming.

The application has not been supported by a specific Tree Survey. However, the positioning of trees and hedgerows are indicated on the existing layout plan and topographical survey. This shows that there are hedgerows internally within the site which would be affected by the proposed development. In addition there are tree specimens close to the existing access point from the B6326 (which would need to be removed to facilitate the development). The landscaping plans show that the majority of the hedgerows around the site boundaries would be retained. These plans (which have been updated during the life of the application) also show detailed proposed planting areas and tree specimens as well as a low maintenance grass mix on an east west transect across the site to allow for the oil pipeline easement. Having assessed the site as existing, it is not considered justifiable to insist on a specific Tree Survey. The trees close to the existing access are set internally within the site and therefore in my view do not contribute significantly to the landscape character of the wider area. The comprehensive landscaping scheme, the delivery of which could be secured by condition, would be sufficient to mitigate the loss of trees and internal hedgerows required to facilitate that development.

The proposal has provided a landscape strategy and assessed the impact of the proposed on local biodiversity, both of which are specific requirements of Policy NP5 of the NP. The proposal would also accord with Core Policy 12 and Policy DM7 such that there would be no reason to resist the application on ecological grounds subject to the imposition of the aforementioned conditions.

Impact on Amenity

Policy DM5 is clear that the layout of development within sites and separation distances from neighbouring development should be sufficient to ensure that neither suffers from an unacceptable reduction in amenity including overbearing impacts, loss of light and privacy. Paragraph 127 of the NPPF confirms that decisions should ensure that developments create places with a high standard of amenity for existing and future uses.

Despite the aforementioned road network which bounds the site there are residential neighbours in relatively close proximity to the site which would be potentially affected by the development. There is a level of tree cover between the site and the nearest neighbouring residents which should ensure that neighbouring properties would not experience a detrimental overbearing impact from the associated built form. The maximum height of the built form would be approximately 8.5m which would not be particularly unusual in a residential context. The distance between the PFS and the nearest property would be around 50m.

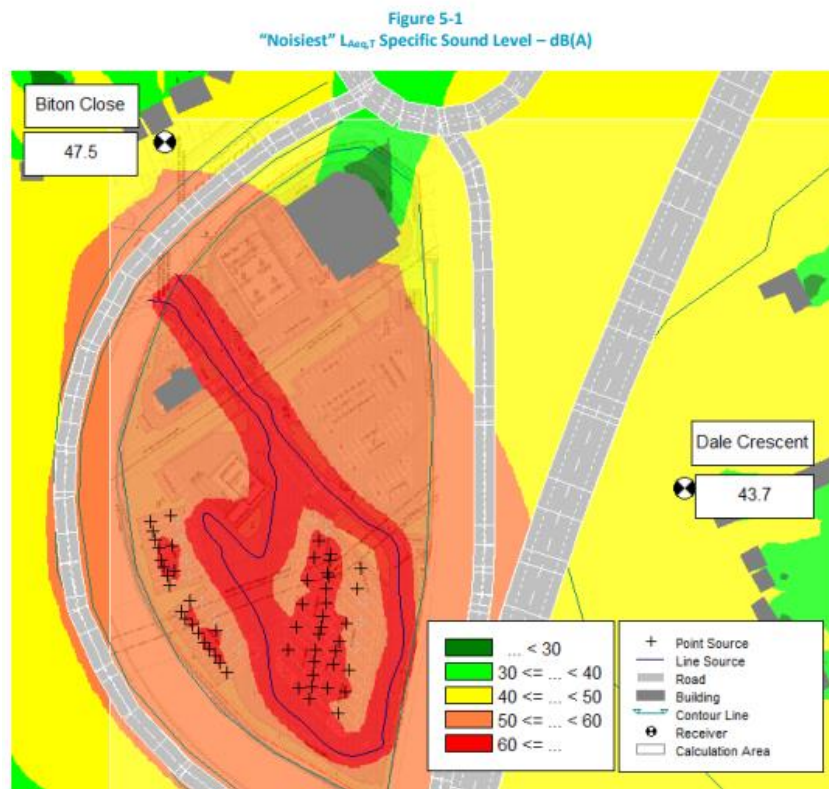
As detailed above, the submitted LVA has taken account in the nearby residential properties in terms of being visual receptors to the landscape impacts of the development. The viewpoints selected identify that upper windows of some properties may have views of the site which would be less filtered during the winter months. It is considered that most of the residents in the area will experience no change or minimal change in their view and are already experiencing a similar circumstance. Whilst properties on Bilton Close would be highly sensitive to the development, in

the context of the above discussion on heights and distances, the physical form of the development is not considered to amount to amenity harm which would warrant concern.

Notwithstanding the above, the proposal clearly imposes potential amenity impacts through an increase in noise and disturbance as well as impacts from any associated lighting. The application has been accompanied by both comprehensive lighting details and a noise assessment.

The Noise report acknowledges that a number of the uses (including the PFS) would operate on a 24 hour basis. Clearly the functionality of the uses warrants this but it does increase likelihood of adverse neighbor impacts occurring at anti-social hours (especially lorry movements). The lorry park has been positioned at the south of the site which is furthest away from the potential sensitive receptors identified.

Noise monitoring was placed to acknowledge baseline data for the residents of Bilton Close and Dale Crescent. Unsurprisingly, the sound climate at both locations was characterized by road traffic. The graphic below shows the estimated 'noisiest' potential sound level:



The conclusions of the report are that, during the daytime the rating level of HGV movements in the Lorry Park would be well below the background sound level at both Bilton Close and Dale Crescent. In accordance with BS4142:2014+A1:2019 the Lorry Park would be unlikely to have an adverse noise impact during the daytime. At nighttime however, the results showed a rating level above the background sound level between the hours of 02:00 and 03:00. This is detailed as being 1dB(A) above the background sound level at Bilton Close.

As for most of the night-time period the rating level of HGV movements in the Lorry Park would be below the background sound level, the author of the report considers that on balance, and in the context that HGV noise would be similar to that existing on the surrounding road network, the Lorry Park would at worst (between 02:00 and 03:00) have a low night-time noise impact, and at

all other times any adverse impact would be unlikely. Reference is also made to the likelihood of the background noise data to change once the already approved SLR is built out in full. No specific mitigation measures are deemed necessary or presented.

The noise report has been assessed by colleagues in Environmental Health. Their original comments (included in full above) raised a number of issues including in respect of night time noises associated with the lorries accessing and leaving the site. Ultimately the comments required further information which has been passed on to the applicant during the life of the application.

A response has been received by the applicants consultants which includes further details of the likely plant to be used (and indeed its positioning). The response also contends that the noise from HGVs entering and existing the site has already been included in the submitted noise assessment and that the access will be designed without an excessive gradient (in line with highways guidance) such that it will not lead to excessive engine revving. The consultant has also addressed likely nighttime noises concluding that inside a room with a partially open window, at a distance of approximately 45m the noise modelling shows a level of 36.9dB(A) which would meet the World Health Organization restrictions.

The EHO has assessed the latest document ultimately concluding no objection in principle. The comments then go on to suggest a number of conditions which have been carefully considered by Officers. The first, in relation to the charging pedestals for refrigerated goods is reasonable although Officers have amended the wording slightly in case an alternative product is ultimately selected. It is considered that this would also cover the second concern given that the charging points mean the engines do not need to run overnight. The majority of the rest of the concerns can be amalgamated into a Construction Management Plan condition and a separate condition seeking the details of plant prior to installation. With these measures in place, it is not considered that the development would create unreasonable noise impacts.

Given the 24 hour nature of the site, the impacts of the associated lighting strategy require careful consideration to ensure that glare from the proposed lighting does not conflict with existing residential properties. Although the lighting strategy is written in the context of the impact on the wider strategic road network (in line with Highway England discussions) Officers consider it also relevant to neighbouring amenity. Notably, it is stated that the lighting design has given particular attention to the onsite traffic routes to reduce night time artificial light contrast in an attempt to remove the risk related to vehicle headlights creating glare beyond the site boundary. The light lux plan shows that the glare from the proposed lights would be largely contained within the site boundary.



Again, the technical details of the lighting documents have been assessed by colleagues in Environmental Health and found to be acceptable. The lighting details could be added to the list of approved plans and therefore there is no requirement for further information.

Concern has been raised during the consultation process regarding the impacts of pollution arising from the development. An Air Quality Assessment has been submitted during the life of the application which acknowledges that the site is in a location where air quality is mainly influenced by road traffic emissions. The proposed development at its operational stage is expected, according to the assessment, to result in an overall negligible impact on nearby receptor and the residual effects are not considered to be significant. Environmental Health colleagues have reviewed this document and agreed with the conclusions albeit have confirmed that suitable mitigation as suggested by the report should be employed during the construction process.

Impact on Flood Risk

The application site is within Flood Zone 1 according to the Environment Agency maps and therefore there is no requirement to apply the Sequential Test for the development.

Given that the proposal forms major development, it has been accompanied by a Flood Risk Assessment and Drainage Appraisal. Specific details have also been provided regarding the diversion of the existing Lowfield Drain within the site. Other constraints which affect the site are a Severn Trent pipeline. The majority of the site is considered as being at a low risk of surface water flooding with the exception of a site specific risk posed by the potential blockage of Lowfield Drain.

As is detailed by the submitted FRA, surface water drainage is proposed to be divided into two drainage catchments separated by the CLH oil pipeline. Discharge from each catchment will be discharged into Lowfield Drain at or below equivalent greenfield rates. Excess flows will be held back on the site within below ground crated storage systems which have been size to accommodate flows for all event up to the 1 in 100 annual probability storm with a 40% uplift to account for potential change in flood severity associated with client change. Foul drainage from the site will be managed via a package treatment works which will provide treatment prior to discharge to Lowfield Drain (subject to agreement through the Environmental Permit discussed further below).

The presence of the Lowfield Drain is referenced by the submitted Design and Access Statement and acknowledged as transversing the northern section of the site and flows from east to west although is largely overgrown and is not visually prominent. The drain requires diversion around the northern boundary of the site to facilitate the development.

The application has been considered by relevant consultees as detailed in the consultation section above. Neither the Environment Agency nor NCC as the Lead Local Flood Authority have raised any concerns from a flooding / drainage perspective. Both parties have suggested conditions which require further details of foul drainage and surface water drainage schemes. These are considered reasonable and could be attached to any forthcoming permission.

Land Constraints and Ground Conditions

Paragraph 178 of the NPPF 2019 states that planning decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination.

The submitted geo-environmental assessment did identify some ground gas as discussed in the comments of Environmental Health (contaminated land) above. The comments do not object to the development but rather suggest a bespoke condition should be imposed to further monitor the gas regime. This has been agreed in principle by the applicant.

As is discussed above, the site is subject to constraints including a fuel pipe from west to east in a diagonal direct which has an associated 6m easement. The easement means that no structures, hard standing, planting or development is permitted within the easement (other than the pre-agreed vehicular, pedestrian and services crossing points which have been designed to a minimum).

Owing to the presence of the pipeline, Officers have undertaken a PADHI+ assessment using the Health and Safety Executive tools. As is detailed above, the tool identifies that the site does not currently lie within the consultation distance (CD) of a major hazard site or major accident hazard pipeline therefore no formal consultation with HSE is required.

Consultation has also been undertaken with Fisher German with their response letter confirming the presence of a pipeline crossing the site. The applicant is clearly aware of this constraint and indeed the development has been laid out accordingly to allow for the necessary easements. The letter also confirms that landowners and third parties have a duty of care not to carry out any works that have the potential to damage the apparatus. This would be outside of the planning process and the presence of the pipeline is not considered to be a barrier to development in

principle. Further correspondence has suggested that the applicant has been working with Fisher German and made an agreement that they would be satisfied with the removal of permitted development rights on the site to ensure that any further changes were subject to further consultations. Officers consider that this condition would meet the necessary tests and therefore it is suggested that it should be attached to any forthcoming positive decision.

As is detailed by the comments of Environmental Health, the petrol storage tanks are an industrial activity which would require a permit under the Environmental Permitting (England and Wales) Regulations 2016. This is separate to Planning Legislation and does not require further consideration through this assessment. A permit would be required prior to the operation of the site even if planning permission is granted.

Other Matters

The application has been accompanied by details of boundary treatments and bin storage areas. The bin storage would be fully enclosed within a 2.5m high close boarded fence structure which would assist in the escape of odour and likelihood of pests and vermin. A wash down tap would also be provided to allow regular cleaning and maintenance of the area. An associated Waste Management Plan has also been submitted to an attempt to reduce waste sent to landfill. This document has been assessed by colleagues in Environmental Services and found to be appropriate. The agent has confirmed that the Plan includes details for litter collection in the form of regular emptying of bins on site.

The original comments of the Archeological officer requested the submission of further works during the life of the application. These have been submitted and subsequently reviewed as detailed by the updated comments included above. Essentially it is agreed that no further archeological work is necessary on the site.

Comments received during consultation make reference to the original site notice being removed from the site. As soon as this was brought to Officer's attention the site notice was replaced and thus Officers are confident that the statutory requirements for consultation have taken place. Equally another comment states that the proposal description is not clear the intention is for overnight parking of lorries but Officers consider this is covered through the element 'dedicated parking' and in any case is implicit in the detail of the application.

Overall Planning Balance and Conclusion

The site is within the land allocated as NAP2A land south of Newark. The comprehensive site allocation did not envisage the nature of the development proposed albeit as explored above does require provision of necessary infrastructure and the provision of new and improved highway infrastructure. The justification submitted to accompany the application demonstrates a robust need for the mixed use site proposed namely due to an existing 'gap' in provision for service stations along this stretch of the A1 but also national requirement for overnight lorry parking. The development would not prejudice the overall delivery of the land south allocation and therefore can be supported in principle.

The site specific locational requirements of the development render it inappropriate to apply the Sequential test ordinarily required for town centre uses outside of Main Town Centres.

Benefits of the proposal include the aforementioned benefits to lorry parking provision but also the sustainability benefits of a significant level of parking spaces with electric charging points. The proposed development would also create 65 FTE jobs which is welcomed in support of the local economy.

The design is modern and contemporary whilst also being functional to the end commercial uses. All other matters, including landscaping; ecology and amenity impacts could be appropriately mitigated through condition. The constraints of the site are noted (including the presence of pipelines and a drainage ditch) but again the proposal demonstrates the ability to sufficiently mitigate the development against harmful impacts arising through these constraints.

The site is in a sensitive location in respect to the strategic highways network which has been subject to discussion with the relevant consultees. Clearly, the location of the site adjacent to the highways network is fundamental to the commercial success of the proposal. Both NCC Highways and Highways England have accepted that the proposal would be appropriate in highways safety terms.

Overall, subject to the conditions outlined below, no demonstrable harm has been identified which would outweigh the benefits of the development and therefore the recommendation is one of approval.

RECOMMENDATION

That planning permission is approved subject to the conditions and reasons shown below and a Section 106 agreement securing off-site highways works and the road safety audit required by Highways England:

Conditions

01

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

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

02

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

- Proposed Layout – 160862-PLNG3R;
- Proposed Layout 200 Scale Sheet 1 – 160862-PLNG4P;
- Proposed Layout 200 Scale Sheet 2 – 160862-PLNG5P;
- Proposed Layout 200 Scale Sheet 3 – 160862-PLNG6M;
- Proposed Layout 200 Scale Sheet 4 – 160862-PLNG7J;
- Proposed Site Sections – 160862-PLNG8F;
- Proposed CLH Sections – 160862-PLNG9C;
- Proposed Service Road Sections – 160862-PLNG11A;

- Proposed Petrol Filling Station Building Layout– 160862-PLNG12C;
- Proposed Petrol Filling Station Roof Plan– 160862- PLNG13A;
- Proposed Petrol Filling Station Building Elevations– 160862- PLNG14A;
- Drive Thru' Coffee Shop Elevations, Internal Layout & Roof Plan – 160862-PLNG15B;
- Site Elevations– 160862-PLNG16A;
- Ancillary Details. – 160862-PLNG17B;
- Bin / Delivery Compound Detail – 160862-PLNG18;
- Typical Sub Station Detail – 160862-PLNG19;
- Lighting Specification and Assessment for Proposed Lighting Scheme by GW Lighting Consultancy dated 19/06/20;
 - Proposed Lighting Layout – DM109 Sheets 1 and 2;
 - Site Boundary Lux Levels;

Reason: So as to define this permission.

03

No development above damp proof course shall take place until manufacturers details (and samples upon request) of the external facing materials (including colour/finish) have been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be carried out and retained in accordance with the approved details.

Reason: In the interests of visual amenity.

04

Prior to first use of the development hereby approved, full details of any proposed air conditioning equipment, ventilation extraction system or other external plant including fans shall be submitted to and approved in writing by the Local Planning Authority. The approved equipment and plant shall only be installed and maintained strictly in accordance with the approved details.

Reason: In the interests of visual and residential amenity.

05

No part of the development shall be commenced or until works on B6326 including a right turn lane facility have been provided as shown for indicative purposes only on drawing 424.07867.00002.014.H020.1 to the satisfaction of the Local Planning Authority. Should the SLR roundabout construction pre-date the development then the above drawing number should be replaced by 424.07867.00002.014.H021.2.

Reason: In the interests of highway safety.

06

No part of the development hereby permitted shall be brought into use until the parking/turning/servicing areas are provided in accordance with the approved plan. The parking/turning/servicing areas shall not be used for any purpose other than parking/turning/loading and unloading of vehicles.

Reason: To reduce the possibility of on-street parking occurring as a result of the development to the detriment other road users.

07

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 SLR Flood Risk Assessment (FRA) and Drainage Appraisal SLR Ref: 424.07867.00002(0002), 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 as the Internal Drainage Boards requirements.
- 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.

08

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) (and any order revoking, re-enacting or modifying that Order), no development (either temporary or permanent) other than that approved by plan reference Proposed Layout – 160862-PLNG3R shall take place in the area annotated as “CLH PIPE WITH 6M EASEMENT” on plan reference Proposed Layout – 160862-PLNG3R.

Reason: In acknowledgement of the high pressure fuel pipeline which exists on the site and to ensure that any further development is considered in this context.

09

The approved landscaping scheme as shown on plan reference Planting Plan – N0601 (96)001 Rev No. B and supported by the Planting Schedule & Specification – N0601 (96)002 Rev. No B shall be

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

Reason: In the interests of biodiversity.

10

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 C 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 must be completed in accordance with a scheme to establish if there is evidence of the migration of ground gases from the nearby source identified in the Phase I & II Geo-Environmental Assessment. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. Ground gas analysis should be carried out in accordance with current guidance using UKAS accredited methods and laboratories. The investigation must be undertaken by competent persons and a written report of the findings, including all technical data must be submitted to the Local Planning Authority.

Part B: Submission of Remediation Scheme

Should the investigation reveal the presence of ground gas, then the applicant must submit for the approval by the Local Planning Authority, a detailed scheme of remedial works to be undertaken to avoid any risk arising when the site is developed or occupied. The scheme must detail the precise methods proposed to prevent the build up of gaseous material within the proposed buildings and under any hard landscaped areas when the site is developed.

Part C: Implementation of Approved Remediation Scheme

The building shall only be constructed in accordance with the scheme as agreed in writing with the Local Planning Authority. Any equipment for the prevention or build up of gaseous conditions must be fully installed and operating before the development hereby permitted is first occupied, and thereafter shall be maintained and monitored.

Any variation to the scheme shall be agreed in writing with the Local Planning Authority in advance of works being undertaken.

All remediation should be carried out safely, ensuring that no unacceptable risks remain. On completion of the works the applicant/developer shall provide written statement with confirmation that all works were completed and have been validated, in accordance with the agreed details.

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.

11

The development hereby permitted shall not commence until a foul water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved and completed prior to the development being brought into use.

Reason: To ensure that the proposed non-mains drainage system does not harm groundwater resources in line with paragraph 170 of the National Planning Policy Framework.

12

No development shall take place until a plan for the protection of/mitigation of damage to water vole and its habitat, both during construction works and once the development is complete, has been submitted to and approved in writing by the Local Planning Authority. The water vole protection plan shall be carried out in accordance with a timetable for implementation as approved.

Reason: To protect the water vole and its habitat within the development site and avoid damaging the site's nature conservation value.

13

Vegetation clearance shall take place in accordance with Appendix 4 of the Extended Phase 1 Habitat Survey by CBE Consulting – P2046 / 0620 – 01 V2 dated 04 June 2020. For clarity this includes a requirement for a pre-clearance amphibian check by a suitably qualified ecologist. In addition any vegetation being trimmed or removed during bird nesting season shall be preceded by an inspection by a suitably qualified ecologist. Any nests identified shall be marked and identified so that they can be avoided during works and suffer no significant disturbance until any chicks have fledged and left the nest.

Reason: To protect the ecological value of the site.

14

No external storage shall take place until a plan showing the external storage area and means of demarcation have been submitted to and approved in writing by the Local Planning Authority. No external storage shall thereafter take place outside of any agreed area.

Reason: In the interests of residential and visual amenity.

15

The construction of the development hereby approved shall be carried out in accordance with the Mitigation and Residual Effects Section 6.1 of the document Air Quality Assessment by
Agenda Page 380

deltasimons – 20-1381.01 dated August 2020. For clarity this requires site management and monitoring as well as preparing and maintaining the site.

Reason: To protect the amenity of neighbouring land uses.

16

The development hereby approved shall be carried out in accordance with the principles of Section 5 'Construction Waste and Recycling Management' and Section 6 'Operational Waste and Recycling Management' of the document Waste Management Plan dated June 2020. The development shall not be brought into use until the positioning and number of bins (notwithstanding the bin and delivery compound shown on plan reference Proposed Layout – 160862-PLNG3R) have been provided in accordance with design, siting and materials details, which have been first submitted to and approved in writing by the Local Planning Authority. The bin storage facilities shall be provided prior to the development being brought into use in accordance with the approved details and retained thereafter.

Reason: In the interests of appropriate amenity provision.

17

Notwithstanding the details shown at Appendix 3 of the EHO Officer response document received 24th September 2020, prior to the development being brought into use, the position; specification and number of electrical charging pedestals to be provided on site shall be submitted and agreed in writing by the Local Planning Authority. The charging points shall be installed prior to the development being brought into use in accordance with the approved details and retained for the lifetime of the development.

Reason: In the interests of residential amenity.

18

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

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

- Routeing of construction traffic.
- Measures to limit noise emissions and vibration levels from the site and from plant machinery

Reason: To protect the amenity of the surrounding area

19

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

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

No piling shall be undertaken or vibrating rollers used on site on Saturdays, Sundays or Bank Holidays. The local Authority shall be notified of any Piling technique to be employed on site in advance for approval in writing. The approved details shall then be implemented.

Reason: In the interests of residential amenity.

Notes to Applicant

01

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

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

02

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

03

This grant of permission does not convey consent for the display of any advertisement on the application site.

04

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 david.albans@nottsc.gov.uk for details.

05

The development surface water will outfall to Lowfield Drain at locations within the site boundary, some of which is adjacent to Highways England land. Lowfield Drain itself is proposed to be redirected from the centre of the site, around the site boundary, from a position close to the outlet of the A1 culvert, to the inlet of a culvert beneath the B6326. This proposal is acceptable to the Highways England Drainage Team however, care should be taken during construction to ensure:

- a. No works are to be undertaken within Highways England's estate – if works are required within Highways England land at the A1 off-slip, prior agreement is required.
- b. The flow within Lowfield Drain shall be sufficiently maintained during construction so as not to impede the highway drainage flow from Highways England (or the Local Authority) outfalls. The proposed works must not pose a flood risk to the A1 during construction.

06

Notes on gas monitoring:

Gas monitoring data must be collected from appropriate locations and collected on a weekly basis over a minimum period of three months. Gas monitoring must be undertaken for methane, carbon dioxide, oxygen, hydrogen sulphide and hydrogen. Details of the quantities and flow rates for any ground gases detected must be submitted to the Local Planning Authority.

Monitoring should be targeted to days when the atmospheric pressure is low and falling, as these are the optimum conditions for gas migration. Prior to the commencement of monitoring, the details of the proposed method of monitoring, location and depth for borehole(s) must be submitted to the Local Planning Authority for approval

BACKGROUND PAPERS

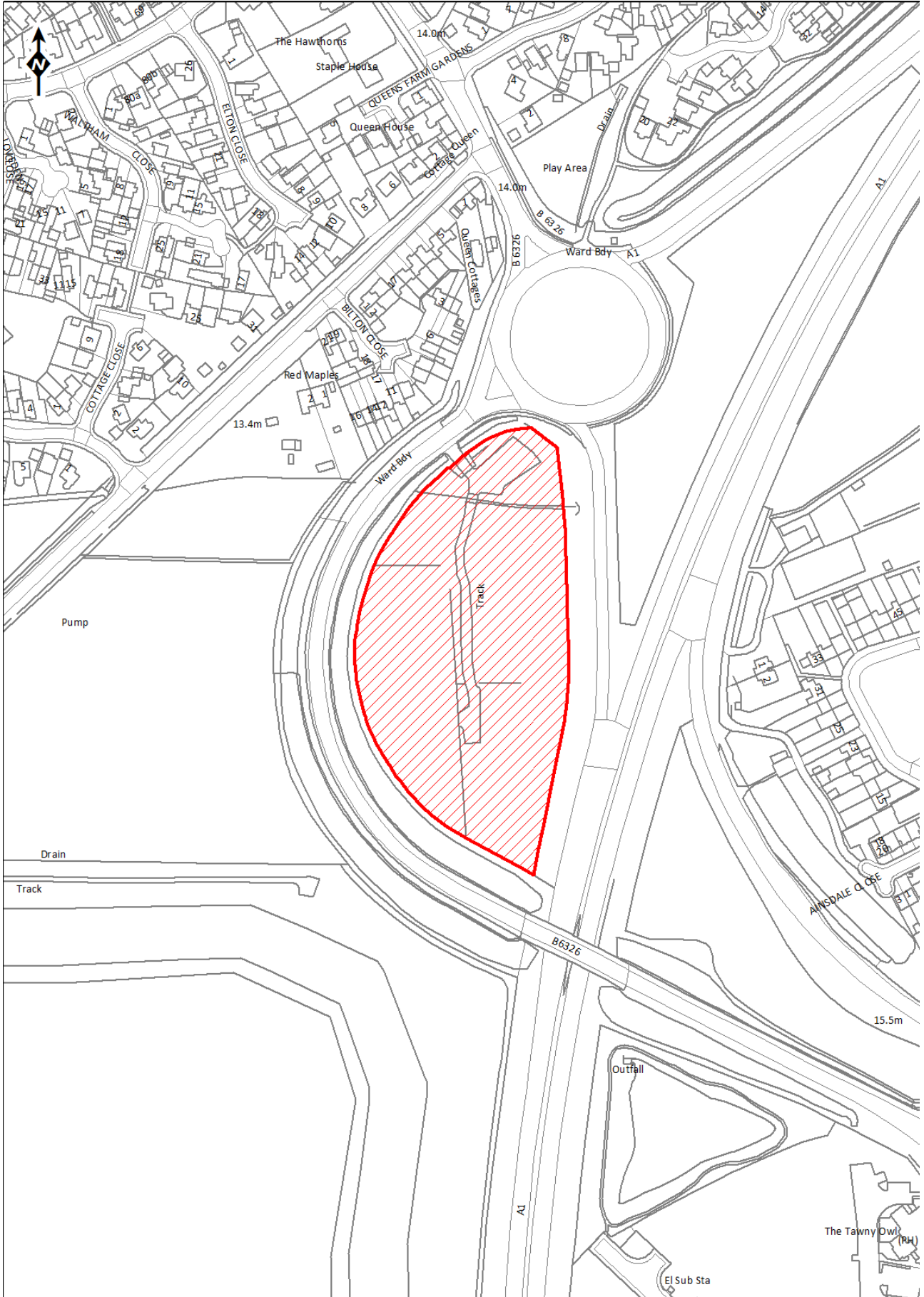
Application case file.

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

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

Lisa Hughes
Business Manager – Planning Development

Committee Plan - 20/001177/FULM



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PLANNING COMMITTEE – 6 OCTOBER 2020

Application No: 20/01433/FUL

No:

Proposal: Erection of 5(no.) single storey dwellings (Scheme D)

Location: Land At Rear Of 49 & 49A
The Ropewalk
Southwell

Applicant: Mr D Shaw - Ablehomes Ltd

Agent: Mr Mike Sibthorp - Mike Sibthorp Planning

Registered: 11.08.2020 **Target Date:** 06.10.2020

Website Link: <https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=QEC9WHLBIN000>

This application is being presented to the Planning Committee in line with the Council’s Scheme of Delegation as Southwell Town Council has objected to the application which differs to the professional officer recommendation. Under the Scheme of Delegation, Cllr Harris has referred the application to Committee in line with the Town Council comments. The review Panel have determined that the application should come before Members given the recent planning history whereby Members previously overturned Officer recommendation.

The Site

The site comprises of 0.22 hectares of overgrown land to the north-west of existing properties on The Ropewalk. The site also fronts Nursery End to the west of the site. The site is located within the Southwell settlement boundary as defined within the Allocations and Development Management DPD.

There is an existing vehicular access to the south of no. 49a The Ropewalk which runs along the southern boundary of the application site and serves no. 45 and 47 The Ropewalk which have their principal elevations facing in to the application site. The dwellings facing The Ropewalk and no. 45 and 47 The Ropewalk are two storey in height. Dwellings along Nursery End are mainly single storey bungalows.

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. Part of the site falls within an area defined within the Southwell Protected Views policy area as shown on the proposals map within the Allocations and Development Management DPD.

Relevant Planning History

There is an extensive planning history related to the site as summarized below. It is also notable

that there are three other pending applications for residential development on the site (which are discussed in further detail in the appraisal below). However, for the avoidance of doubt these applications are being considered separately to the current scheme.

19/02064/FUL – Erection of 5 dwellings. *This application was refused by Members at the 28th April 2020 planning committee meeting (contrary to Officer recommendation) for the following reason:*

01

In the opinion of the Local Planning Authority, by virtue of number of units, the proposal would result in an over intensive layout of development which is incongruous and detrimental to the character of the area. The cramped nature of the development would result in insufficient private amenity space for each of the dwellings with the exception of the bungalow, separation distances for plots within the site but also to neighbouring plots namely no. 49 and 49a The Ropewalk where the massing and scale of the proposed Plot 5 would have an overbearing impact. As such the proposal is deemed contrary to Core Policy 9 of the Amended Core Strategy and Policy DM5 of the Allocations and Development Management DPD as well as the NPPF which forms a material planning consideration.

16/01003/NMA - Application for a non-material amendment to planning application E/56/1410 for Erection of two detached dwellings – Approved 11.07.2016

14/02172/FUL - Erection of two detached dwellings – Refused by committee (contrary to officer recommendation) 08.05.2015 *Appeal dismissed*

Reason for committee refusal

The proposed development, by reason of its scale, siting, and design would be incongruous within and detrimental to the character and appearance of the area and the residential amenities of nearby dwellings on The Ropewalk, particularly given the increased expanse of footprint and elevations compared to the extant 1971 permission. The proposal is therefore considered to be contrary to Policies DM5 and DM6 of the Allocations and Development Plan Development Plan Document (DPD) and the NPPF which forms a material consideration. There are no other material planning considerations which outweigh such identified harm.

Appeal decision reasoning (extract)

The design of the scheme has little relationship with the character of the local surroundings. It is radically different from the well-established traditional design of the properties in the surrounding locality to the extent that it would be clearly 'at odds' with the prevailing character of the area and would result in an incongruous form of development.

Consequently the existence of the fallback position does not outweigh the harm that I have found in the design of the current scheme.

I consider that the proposed scheme would be overbearing and cause a significant and detrimental impact on the outlook from Nos 49a and 49 The Ropewalk. I have not found an unacceptable loss of privacy, there would be a detrimental impact on outlook contrary to policy DM5 of the DPD.

E/56/1410 – Erection of two houses and five bungalows.

Planning permission granted in November 1971, the application is considered extant due to the implementation of the application through the erection of the five bungalows accessed via Nursery End.

Whilst not the application site itself, it is material that there is an extant permission on neighbouring land to the north of the site (and to the east of no. 11 Nursery End), to the rear of no. 51 The Ropewalk for a new 4 bedroomed dwelling with a vehicular access to the south of no. 51 The Ropewalk. This is extant until 17 November 2022, by virtue of the timeframe when the proposal was granted. The positioning of the approved dwelling has been shown on the submitted block plan which allows a thorough assessment in the amenity section below.

The Proposal

The application seeks full planning permission for the erection of five single storey bungalows each with two bedrooms. Each unit would also be provided with a single garage space built in two garage blocks (one for plots 1 and 2 and one for plots 3-5). The proposed design includes two small projecting gable from the traditional pitched roof and are similar in their form albeit Plots 2 and 4 are handed versions of plots 1; 3; and 5.

The foot print of the dwellings (excluding the garage) would be approximately 94m² with maximum ridge heights of approximately 5.2m and eaves heights of 2.4m.

Plots 1-3 would be accessed via the Ropewalk whilst plots 4 and 5 would be accessed from Nursery End.

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

- Site Location Plan – D 01;
- Scheme D Site Plan – D 02;
- Scheme D – Plots 2+4 Plan + Elevations – D 03A;
- Scheme D – Plots 1-5 Garages – D 04A;
- Scheme D – Plots 1, 3 + 5 Plan + Elevations – D 05;
- Scheme D – Cross Section – D-06;
- Design and Access Statement Planning Statement;
- Ecological Walkover Survey by Arbtech dated November 2019.

Departure/Public Advertisement Procedure

Occupiers of 22 properties have been individually notified by letter.

Planning Policy Framework

The Development Plan

Southwell Neighbourhood Plan (October 2016)

Policy SD1 Delivering Sustainable Development
Policy DH1 Sense of Place
Policy DH2 Public Realm

Policy TA3 Highways Impact
Policy TA4 Parking Standards

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 7 Sustainable Transport
Core Policy 3 Housing Mix, Type and Density
Core Policy 9 Sustainable Design
Core Policy 10A Local Drainage Designations
Core Policy 12 Biodiversity and Green Infrastructure

NSDC Allocations and Development Management DPD (July 2013) (ADMDDP)

So/HN/1 Southwell Housing Need
So/PV Southwell Protect Views
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 Considerations

National Planning Policy Framework (NPPF) 2019
Planning Practice Guidance (PPG)

Consultations

Southwell Council - Southwell Town Council considered application 20/01433/FUL Land Rear Of 49 The Ropewalk and agreed by majority to object to this application.

- it is in contravention of the neighbourhood plan E2 Flood Resilience Design, as there are no flood mitigation measures in the application. This is an area which is prone to flooding and the incorrect treatment of surface water drainage could negatively impact a upon land the dwellings further downstream

NCC Flood Team – No objections subject to the following:

1. The development should not increase flood risk to existing properties or put the development at risk of flooding.
2. Any discharge of surface water from the site should look at infiltration – watercourse – sewer as the priority order for discharge location.
3. SUDS should be considered where feasible and consideration given to ownership and maintenance of any SUDS proposals for the lifetime of the development.

4. Any development that proposes to alter an ordinary watercourse in a manner that will have a detrimental effect on the flow of water (eg culverting / pipe crossing) must be discussed with the Flood Risk Management Team at Nottinghamshire County Council.

Severn Trent – No comments received.

Representations have been received from 3 local residents/interested parties which can be summarised as follows:

- The plans will have a negative effect on value of neighbouring property and privacy;
- The previous planning permission was refused due to development being over intensive and detrimental to the character of the area and this scheme is similar and should be refused;
- The proposal will lead to overlooking and loss of privacy to 49 The Ropewalk and other nearby properties;
- The design is out of keeping with the traditional character of the neighbouring properties;
- The safety of The Ropewalk is already of great concern with regard to the safety of elderly residents and school children;

Comments of the Business Manager

Preliminary Matters

As is referenced above, the application has been submitted at the same time as three other planning applications on the site for residential development. As referred to in the description of development, this application forms **Scheme D**.

- Scheme A: 4 dwellings – 20/01418/FUL;
- Scheme B: 3 dwellings – 20/01421/FUL;
- Scheme C: 2 dwellings – 20/01422/FUL;
- **Scheme D: 5 dwellings – 20/01433/FUL.**

To clarify, there is nothing procedurally to prevent this approach (and indeed the submitted Design and Access Statement is clear that the intention is to present options for the re-development of the site whilst also pursuing an appeal on the recently refused scheme). Given that they all utilize the same site plan, and there are no two applications which could be delivered alongside one another (i.e. the footprints of the dwellings overlap), then in the scenario that they were all approved, it would fall to the applicant to decide which scheme would be implemented.

The assessment below will solely focus on the individual application at hand and it is not the purpose of this assessment to comment on the merits of the other cases which will all be considered separately.

Principle of Development

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

Following public consultation and independent examination, at its council meeting on 11 October 2016 Newark and Sherwood District Council adopted the Southwell Neighbourhood Plan. The Neighbourhood Plan now forms part of the development plan for the district and its policies are a material consideration alongside other policies in the development plan and carry weight in the determination of planning applications in Southwell. In this instance the most relevant policies in the Neighbourhood Plan are listed in the policy section above and are considered against the relevant aspects of the proposal in the assessment below.

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 amended Core Strategy details the settlement hierarchy which will help deliver sustainable growth and development in the District. The intentions of this hierarchy are to direct new residential development to the Sub-regional Centre, Service Centres and Principal Villages, which are well served in terms of infrastructure and services. Spatial Policy 1 (Settlement Hierarchy) of the Council's Amended Core Strategy (ACS) sets out the settlements where the Council will focus growth throughout the District. Southwell is defined within the ACS as a Service Centre where the intention is for it to act as a focus for service provision for a large population and rural area. The Southwell Neighbourhood Plan, which also forms part of the Council's Adopted Local Plan seeks for sustainable development that has regard for the town's unique character, historic environment and landscape setting.

Therefore based on the siting of the application site within the defined settlement of Southwell and within an existing residential setting, the siting is considered acceptable. The site is also subject to an extant permission for two dwellings given lawful implementation of a wider site application for residential development through the erection of five bungalows at Nursery End.

Consent was granted in 1971 for the development of Nursery End with 5 bungalows and 2 detached 4 bedroomed houses with attached double garages, of which the two detached dwellings on this site were never constructed. The two dwellings utilised an access from the south of 49a The Ropewalk which serves two further properties, although these were constructed in the 1980s which was after the consent for the 7 dwellings. It has been shown that these two remaining dwellings could be constructed irrespective of the current application noting the extant permission which exists. The outline of the extant dwellings is shown in green on the site plan for this application. For the avoidance of doubt, the extant permission remains material to the determination of this application as are the previous decisions of the LPA and the Inspector which relate to the site.

Housing Need

Policy So/HN/1 of the ADMDPD states that the District Council would seek to secure on allocated and windfall sites, one and two bedroomed units in line with housing need. The Southwell Neighbourhood Plan states in paragraph 2.7 (housing) that the highest demand within Southwell in the market sector (of which this is proposed) for housing is for two bedroomed houses in comparison to the social sector where the requirement is for both one and two bedroomed dwellings. This is reaffirmed by the Newark and Sherwood Housing Needs Survey 2014 which states within the Southwell area the largest market sector demand is for 2 bedroomed properties followed by 4 bedroomed and then 3 bedroomed. This Needs Survey is, accepted, 6 years old and

is currently being updated with new surveys having been issued across the District to establish the latest data to produce a new Needs Survey. However this is the latest data we have and until new material is produced this still forms a part of decision making.

The Southwell Neighbourhood Plan (SNP) states the housing mix on site should deliver a high proportion of 1 or 2 bedroomed 'starter homes' under Policy HE1, however this is stated only where schemes come forward for 11 dwellings or more to which this does not qualify. Therefore there is no requirement for the developer to deliver such a mix under this SNP policy.

Policy So/HN/1 is one of only two policies in the ADMDPD (the other relating to Lowdham) where the District Council has sought to dictate the size of units that come forward at a settlement level (in addition to the Core Strategy requirements to consider the results of housing needs surveys).

The proposal relates to the delivery of 5 two bed units and therefore would make a meaningful contribution towards the intentions of Policy So/HN/1 (and indeed Policy HE1 despite this policy not being relevant to a scheme of this size). It is my view that this should attract strong positive weight in the overall planning balance.

Impact on Character

Core Policy 9 requires a high standard of sustainable design that protects and enhances the natural environment and contributes to the distinctiveness of the locality and requires development that is appropriate in form and scale to the context. Policy DM5 mirrors this. Policy DM5 goes on to state 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.

It is not considered necessary to debate the matter of backland development since this has already been accepted by the extant permission and indeed permissions on neighbouring land to the east which would essentially occupy the available development plots. Put simply, the precedent for backland development in this area has already been set and fulfilled by applications.

Notwithstanding these backland plots, the design and character of the area is mainly traditional in that properties face the highway with wide frontage plots in two storey form. Within the cul-de-sac of Nursery End, which was constructed by the extant permission in the 1970's, the character is created by the spacious plots set back from the highway in the traditional 1970s-1980s design standard. The design of the built form within Nursery End are mainly red brick dwellings of neutral character.

The dwellings presented for consideration in this application are modern in their character with a simple pitched roof design with two projecting gables on the principle elevations. Specific materials have not been specified albeit the Design and Access Statement confirms that the primary materials are likely to be red brick and pantiled profile tiles (although there would be scope for elements of render and cladding).

The site is land locked by residential curtilages with the exception of the Nursery End frontage. The single storey dwellings would therefore be a discrete feature in the street scene and where they are seen, primarily from Nursery End, they would assimilate well with the character of the area. I have therefore identified no character harm arising from the development which would warrant concern.

Impact on 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.

It is material to the current determination that matters of amenity formed part of the reason for the refusal of the scheme for 5 dwellings on the site and indeed was a main factor in the Inspector’s deliberation on the previous scheme for two dwellings. This was particularly in the context of the impact on no. 49 and 49a The Ropewalk.

The current application is less intensive than the refused application for 5 dwellings in that all the 5 dwellings now proposed would be single storey in height (and represent a slightly less overall footprint). Each plot has been presented with a small area of private amenity space which would be modest in their size but nevertheless not necessarily unattractive to potential occupiers. There may be some cases where the occupiers perceive a degree of overlooking to the amenity space from the first floor windows of neighbouring properties (e.g. the first floor rear windows of no. 49a towards Plot 1), however, there would be an element of buyers beware such that this is not considered fatal to the application.

Due to the single storey nature of the proposal, the amenity impacts imposed on neighbouring properties would be significantly less when compared to the previously refused schemes. The closest back to back relationship would be between Plot 1 and no. 49a The Ropewalk which demonstrates a distance of approximately 15m. The single storey garages would be closer to the site boundary but they would be positioned broadly in between numbers 49 and 49a such that their presence would not be imposing to rear windows. Plots 3 and 4 would be approximately 16m away from the principle elevation extant dwelling to the rear of no. 51 The Ropewalk (as annotated on the site plan). Again noting the single storey height of the proposed dwellings, unlike previous schemes on the site, it is not considered that there would be any adverse impacts to neighbouring amenity in terms of overlooking or overbearing.

The scheme is considered to comply with the amenity intentions of Policy DM5 and in doing so has overcome the previous refusals on this basis. Given the constraints of the site however, it is considered reasonable and necessary to restrict permitted development rights to allow the LPA control over any future development.

Impact on Highways

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.

Each dwelling would have a single garage space as well as a space in front of the garage (except for Plot 3 where the space would be to the side). There would also be two spaces at the end of The Ropewalk access which would allow for visitor parking if required. The overall level of parking provision shown is appropriate for the 5 units to a degree that the scheme should not lead to issues of on street parking.

Three of the dwellings would be accessed from the existing access from The Ropewalk which is one more than approved through the extant scheme (albeit the two extant dwellings are larger in their size). The other two would be accessed via Nursery End. The total number of dwellings using the access from The Ropewalk would be 5 which would still fall within Highways Standing Advice. Notwithstanding this, regard has been taken of the comments on the previously refused scheme for 5 dwellings whereby the Highways Authority raised no objection subject to conditions. Although this scheme proposes one more dwelling to be accessed from The Ropewalk and one fewer from Nursery End, given the size of the dwellings, the numerical amount of vehicular traffic would not be dissimilar.

If permission were to be forthcoming then conditions could be attached to the permission requiring the widening of the access and the use of a hard bound material as suggested on the previous application.

Flood Risk and Drainage

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, nor is it necessary to apply the sequential test approach as set out in the NPPF. The Town Council comments refer to Neighbourhood Plan Policy E2. However this relates to development proposals which require a flood risk assessment.

Nonetheless Core Policy 10A of the ACS identifies Lowdham and Southwell as areas of Local Drainage Designations. The assessment of this would take in to account the SNP policies concerning the management of flood risk and specific advice of the Lead Local Flood Authority.

Core Policy 10A states that new development should positively manage surface water run-off through the design and layout, in order that there will be no unacceptable impact from run-off on surrounding areas or the existing drainage regime. The SNP states however that proposals relating to drainage submission would only be required whereby the initial proposal is subject to a flood risk assessment.

The Lead Local Flood Authority have commented and stated they have no objections to the proposal subject to certain matters being achievable which would be attached as a condition on drainage should the scheme be considered otherwise acceptable.

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.

Other Matters

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.

It is notable that the current application has not addressed matters of ecology through a specific ecological survey. However, the previous application for 5 dwellings (19/02064/FUL) (submitted by the same applicant) did include a preliminary ecological appraisal which is still 'in date' having been based on site visits from November 2019. The report identified the site as being of low ecological value which allow providing a habitat for foraging did not feature any bat roosting habitats. No evidence of nesting birds were found. Ultimately the report found no ecological harm from developing the site (again relevant to state it could be developed by the extant permission in any case) but did make recommendations for ecological enhancements such as bat and bird boxes. These could be carried forward to this application by condition.

Conclusion

The proposal relates to five, two bedroom bungalows within the village envelope of Southwell. The bungalows would contribute significantly towards the local policy presumption for 2 bed units. The above assessment has considered all material planning considerations and found that the proposal is acceptable in character and amenity terms specifically (previous reasons for resistance of development on the site). The recommendation is therefore one of approval subject to the conditions as outlined below.

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:

- Site Location Plan – D 01;
- Scheme D Site Plan – D 02;
- Scheme D – Plots 2+4 Plan + Elevations – D 03A;
- Scheme D – Plots 1-5 Garages – D 04A;
- Scheme D – Plots 1, 3 + 5 Plan + Elevations – D 05;

Reason: So as to define this permission.

03 - Materials

No development above damp proof course/slab level shall take place until manufacturers details (and samples upon request) of the external facing materials (including colour/finish) have been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be carried out in accordance with the approved details.

Reason: In the interests of visual amenity.

04 - Highways

Plot 1 to 3 inclusive hereby permitted shall not be brought into use until the visibility splays of 2.4m x 43m at The Ropewalk are provided in accordance with details shown on plan reference Scheme D Site Plan – D 02. 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.

Reason: In the interests of highway safety.

05 - Highways

Plot 1 to 3 inclusive hereby permitted shall not be brought into use until the access to the site has been completed, with a width of 5.25m, and surfaced in a bound material for a minimum distance of 5m behind the highway boundary (back edge of footway) with a suitable means of surface water disposal in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

06 - Landscape

Prior to first occupation/use of the development hereby approved full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:

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;

proposed finished ground levels or contours;

means of enclosure;

car parking layouts and materials;

hard surfacing materials;

Reason: In the interests of visual amenity and biodiversity.

07 - Landscape

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

08 - Ecology

No dwelling on site shall be occupied until details including location of a hedgehog house and a minimum of two bat boxes and two bird nest boxes and/or bricks have been submitted to and approved in writing by the Local Planning Authority. The hedgehog houses/nest boxes/bricks shall then be installed, prior to occupation of the associated dwelling, in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason: In the interests of maintain and enhancing biodiversity.

09 - Ecology

No clearance works of vegetation within the site shall take place during the bird nesting period (beginning of March to end of August inclusive).

Reason: In the interests of ecology and biodiversity enhancements.

10 - Ecology

Development shall be carried out in accordance with the submitted Ecological Walkover Survey (dated 12 November 2019) namely Section 4.2 (Evaluation) and the Enhancements section. Details and locations of these enhancements including an implementation and timescale programme shall be submitted to the Local Planning Authority in writing and such measures shall be implemented and retained for the life of the development.

Reason: In the interests of ecology and biodiversity enhancements.

11 – Landscape/Ecology

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 the proposal site.
- b. No equipment, signage, fencing etc shall be attached to or be supported by any retained tree on the application site,

- c. No temporary access within designated root protection areas without the prior written approval of the Local Planning Authority.
- d. No mixing of cement, dispensing of fuels or chemicals within 10 metres of any retained tree/hedgerow on the application site.
- e. No soak-aways to be routed within the root protection areas of any retained tree/hedgerow on the application site.
- f. No stripping of top soils, excavations or changing of levels to occur within the root protection areas of any retained tree/hedgerow on the application site.
- g. No topsoil, building materials or other to be stored within the root protection areas of any retained tree/hedgerow on the application site.
- h. No alterations or variations of the approved works or protection schemes shall be carried out without the prior written approval of the Local Planning Authority.

Reason: To ensure that existing trees and hedges to be retained are protected, in the interests of visual amenity and nature conservation.

12 – LLFA

No development shall be commenced until details of the means of foul drainage and surface water disposal have been submitted to and approved in writing by the Local Planning Authority. Sustainable Urban Drainage Systems (SUDS) should be considered where feasible and details of maintenance and management should be submitted to the Local Planning Authority. Permeable paving should also be considered to reduce the reliance on mainstream drainage measures and other such water saving measures should be submitted to and approved by the Local Planning Authority. The development shall be carried out thereafter in accordance with the approved details and implemented prior to first occupation of the first unit and retained for the lifetime of the development.

Reason: To ensure the provision of satisfactory means of foul sewage/surface water disposal and flood prevention measures.

13 –PD

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

Class A: The enlargement, improvement or other alteration of a dwellinghouse.

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

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

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

Reason: To ensure that the Local Planning Authority retains control over the specified classes of development normally permitted under the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any amending legislation) and in order to safeguard the amenity of neighbours

15 – Dropped kerbs

Plots 4 and 5 hereby permitted shall not be brought into use until the dropped kerb vehicular crossings, to serve Plots 4 and 5, at Nursery End are available for use and constructed in accordance with the Highway Authority's specification.

Reason: In the interests of highway safety.

16 – Alternative Schemes

In the event that the permission hereby approved is implemented, the alternative schemes considered under references 20/01418/FUL; 20/01421/FUL and 20/01422/FUL (subject to approval) shall not be implemented.

Reason: To prevent the part implementation of different schemes which could have amenity impacts not formally considered.

Notes to Applicant

01

To avoid nuisance complaints the applicant should have regard to the following:

1. Except for emergency works, to protect the amenities of occupiers of other premises in the vicinity, the hours for deliveries or for the construction of the development should be restricted to: Monday to Friday 08:00 to 18.00hrs, Saturday 08:00 to 13.00hrs and no works on site on Sundays/Bank Holidays.
2. Suitable measures must be taken to minimise dust and dirt during the construction and operation of the site using best practice methods.

02

Severn Trent Water advise that although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.

03

The development makes it necessary to widen the existing vehicular crossing over the footway of the public highway (The Ropewalk). These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact VIA, in partnership with NCC, tel: 0300 500 8080 to arrange for these works to be carried out.

04

The applicant is advised that all planning permissions granted on or after the 1st December 2011

may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website at www.newark-sherwooddc.gov.uk

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

05

Please note that the District Council no longer provides wheeled bins for residential developments free of charge. Wheeled bins can be purchased from the District Council or any other source provided they conform to appropriate standards and requirements of the Council. Enclosed is a leaflet from the District Council's Waste Management Section entitled 'Guidance for New Development – Waste Storage and Collection' which sets out these standards and requirements. If you wish to purchase wheeled bins or discuss this matter further please contact the Waste Management Officer on 01636 655677 or email: waste.management@nsdc.info.

06

The development should not increase flood risk to existing properties or put the development at risk of flooding.

Any discharge of surface water from the site should look at infiltration – watercourse – sewer as the priority order for discharge location.

SUDS should be considered where feasible and consideration given to ownership and maintenance of any SUDS proposals for the lifetime of the development.

Any development that proposes to alter an ordinary watercourse in a manner that will have a detrimental effect on the flow of water (eg culverting / pipe crossing) must be discussed with the Flood Risk Management Team at Nottinghamshire County Council.

The applicant should consider the use of flood resilient construction techniques and materials where possible.

BACKGROUND PAPERS

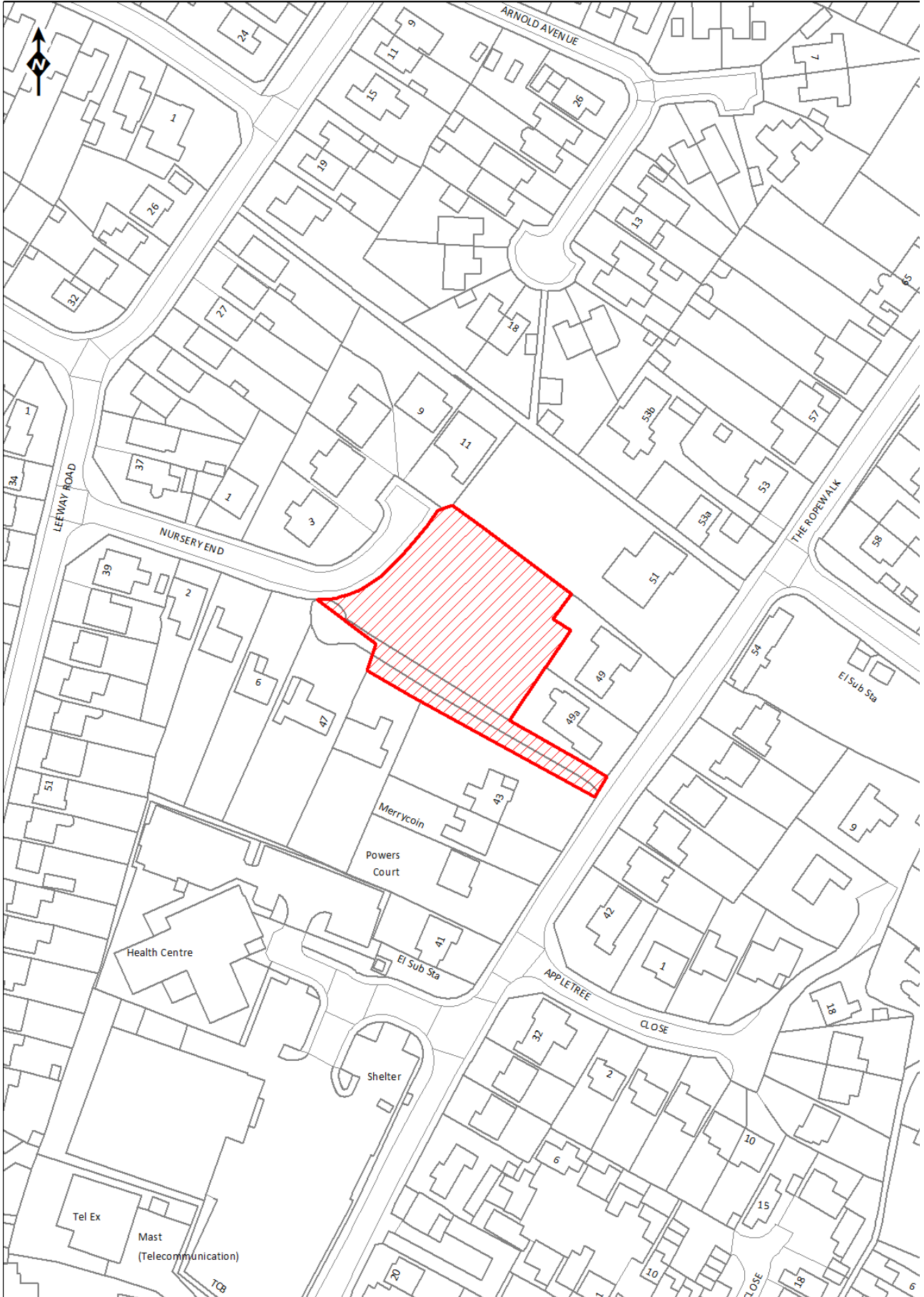
Application case file.

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

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

Lisa Hughes

Business Manager – Planning Development



PLANNING COMMITTEE - 6 OCTOBER 2020

Application No:	20/01418/FUL	
Proposal:	Erection of 4 No. 2-storey dwellings (Scheme A)	
Location:	Land At Rear Of 49 & 49A The Ropewalk Southwell	
Applicant:	Mr D Shaw - Ablehomes Ltd	
Agent:	Mr Mike Sibthorp - Mike Sibthorp Planning	
Registered:	11.08.2020	Target Date: 06.10.2020
Website Link:	https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=QEAI22LBIM600	

This application is being presented to the Planning Committee in line with the Council's Scheme of Delegation as Southwell Town Council has objected to the application which differs to the professional officer recommendation. Under the Scheme of Delegation, Cllr Harris has referred the application to Committee in line with the Town Council comments. The review Panel have determined that the application should come before Members given the recent planning history whereby Members previously overturned Officer recommendation.

The Site

The site comprises of 0.22 hectares of overgrown land to the north-west of existing properties on The Ropewalk. The site also fronts Nursery End to the west of the site. The site is located within the Southwell settlement boundary as defined within the Allocations and Development Management DPD.

There is an existing vehicular access to the south of no. 49a The Ropewalk which runs along the southern boundary of the application site and serves no. 45 and 47 The Ropewalk which have their principal elevations facing in to the application site. The dwellings facing The Ropewalk and no. 45 and 47 The Ropewalk are two storey in height. Dwellings along Nursery End are mainly single storey bungalows.

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. Part of the site falls within an area defined within the Southwell Protected Views policy area as shown on the proposals map within the Allocations and Development Management DPD.

Relevant Planning History

There is an extensive planning history related to the site as summarized below. It is also notable that there are three other pending applications for residential development on the site (which are discussed in further detail in the appraisal below). However, for the avoidance of doubt these

applications are being considered separately (and on their own merits) to the current scheme.

19/02064/FUL – Erection of 5 dwellings. *This application was refused by Members at the 28th April 2020 planning committee meeting (contrary to Officer recommendation) for the following reason:*

01

In the opinion of the Local Planning Authority, by virtue of number of units, the proposal would result in an over intensive layout of development which is incongruous and detrimental to the character of the area. The cramped nature of the development would result in insufficient private amenity space for each of the dwellings with the exception of the bungalow, separation distances for plots within the site but also to neighbouring plots namely no. 49 and 49a The Ropewalk where the massing and scale of the proposed Plot 5 would have an overbearing impact. As such the proposal is deemed contrary to Core Policy 9 of the Amended Core Strategy and Policy DM5 of the Allocations and Development Management DPD as well as the NPPF which forms a material planning consideration.

16/01003/NMA - Application for a non-material amendment to planning application E/56/1410 for Erection of two detached dwellings – Approved 11.07.2016

14/02172/FUL - Erection of two detached dwellings – Refused by committee (contrary to officer recommendation) 08.05.2015 *Appeal dismissed*

Reason for committee refusal

The proposed development, by reason of its scale, siting, and design would be incongruous within and detrimental to the character and appearance of the area and the residential amenities of nearby dwellings on The Ropewalk, particularly given the increased expanse of footprint and elevations compared to the extant 1971 permission. The proposal is therefore considered to be contrary to Policies DM5 and DM6 of the Allocations and Development Plan Development Plan Document (DPD) and the NPPF which forms a material consideration. There are no other material planning considerations which outweigh such identified harm.

Appeal decision reasoning (extract)

The design of the scheme has little relationship with the character of the local surroundings. It is radically different from the well-established traditional design of the properties in the surrounding locality to the extent that it would be clearly 'at odds' with the prevailing character of the area and would result in an incongruous form of development.

Consequently the existence of the fallback position does not outweigh the harm that I have found in the design of the current scheme.

I consider that the proposed scheme would be overbearing and cause a significant and detrimental impact on the outlook from Nos 49a and 49 The Ropewalk. I have not found an unacceptable loss of privacy, there would be a detrimental impact on outlook contrary to policy DM5 of the DPD.

E/56/1410 – Erection of two houses and five bungalows.

Planning permission granted in November 1971, the application is considered extant due to the implementation of the application through the erection of the five bungalows accessed via Nursery End.

Whilst not the application site itself, it is material that there is an extant permission on neighbouring land to the north of the site (and to the east of no. 11 Nursery End), to the rear of no. 51 The Ropewalk for a new 4 bedroomed dwelling with a vehicular access to the south of no. 51 The Ropewalk. This is extant until 17 November 2022, by virtue of the timeframe when the proposal was granted. The positioning of the approved dwelling has been shown on the submitted block plan which allows a thorough assessment in the amenity section below.

The Proposal

The application seeks full planning permission for the erection of four detached dwellings all with detached garages. The dwellings would follow the same design albeit Plot 2 would be handed compared to the other plots. All dwellings would be four bedrooms across two storeys with an approximate footprint of 94m². Maximum ridge heights would be approximately 7.8m with an eaves height of approximately 4.9m. The dwellings would have an L-plan footprint with two storey rear projections.

Two of the dwellings would be accessed via the existing access from the Ropewalk whilst the other two would be accessed individually from Nursery End.

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

- Site Location Plan – A 01;
- Scheme A Site Plan – A02A;
- Scheme A Plots 3-4 Elevations – A03B;
- Scheme A Plots 3-4 Plans – A04B;
- Scheme A Plots 1 + 3 Garages – A 05;
- Scheme A Plots 2 + 4 Garages – A 06;
- Scheme A Plot 2 Elevations – A-07C;
- Scheme A Plot 2 Plans – A-08C;
- Scheme A Cross Sections – A-09A;
- Scheme A Plot 1 Elevations – A-10A;
- Scheme A Plot 1 – Plans – A-11A;
- Design and Access Statement Planning Statement.

Departure/Public Advertisement Procedure

Occupiers of 22 properties have been individually notified by letter.

Planning Policy Framework

The Development Plan

Southwell Neighbourhood Plan (October 2016)

Policy SD1 Delivering Sustainable Development
Policy DH1 Sense of Place

Policy DH2 Public Realm
Policy TA3 Highways Impact
Policy TA4 Parking Standards

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 7 Sustainable Transport
Core Policy 3 Housing Mix, Type and Density
Core Policy 9 Sustainable Design
Core Policy 10A Local Drainage Designations
Core Policy 12 Biodiversity and Green Infrastructure

NSDC Allocations and Development Management DPD (July 2013) (ADMDDP)

So/HN/1 Southwell Housing Need
So/PV Southwell Protect Views
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 Considerations

National Planning Policy Framework (NPPF) 2019
Planning Practice Guidance (PPG)

Consultations

Southwell Council - Southwell Town Council considered application 20/01418/FUL Land Rear Of 49 The Ropewalk and agreed by majority to object to this application.

- it is in contravention of the neighbourhood plan E2 Flood Resilience Design, as there are no flood mitigation measures in the application. This is an area which is prone to flooding and the incorrect treatment of surface water drainage could negatively impact a upon land the dwellings further downstream

-over intensification of the site

NCC Flood Team – No objections subject to the following:

1. The development should not increase flood risk to existing properties or put the development at risk of flooding.
2. Any discharge of surface water from the site should look at infiltration – watercourse – sewer as the priority order for discharge location.

3. SUDS should be considered where feasible and consideration given to ownership and maintenance of any SUDS proposals for the lifetime of the development.
4. Any development that proposes to alter an ordinary watercourse in a manner that will have a detrimental effect on the flow of water (eg culverting / pipe crossing) must be discussed with the Flood Risk Management Team at Nottinghamshire County Council.

Severn Trent – No comments received.

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

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

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.

Representations have been received from 3 local residents/interested parties which can be summarised as follows:

- The plans will have a negative effect on value of neighbouring property and privacy;
- The previous planning permission was refused due to development being over intensive and detrimental to the character of the area and this scheme is similar and should be refused;
- The proposal will lead to overlooking and loss of privacy to 49 The Ropewalk and other nearby properties;
- The design is out of keeping with the traditional character of the neighbouring properties;
- The safety of The Ropewalk is already of great concern with regard to the safety of elderly residents and school children;

Comments of the Business Manager

Preliminary Matters

As is referenced above, the application has been submitted at the same time as three other planning applications on the site for residential development. As referred to in the description of development, this application forms **Scheme A**.

- **Scheme A: 4 dwellings – 20/01418/FUL;**
- Scheme B: 3 dwellings – 20/01421/FUL;
- Scheme C: 2 dwellings – 20/01422/FUL;
- Scheme D: 5 dwellings – 20/01433/FUL.

To clarify, there is nothing procedurally to prevent this approach (and indeed the submitted Design and Access Statement is clear that the intention is to present options for the re-development of the site whilst also pursuing an appeal on the recently refused scheme). Given that they all utilize the same site plan, and there are no applications which could be delivered

alongside another (i.e. the footprints of the dwellings overlap), then in the scenario that they were all approved, it would fall to the applicant to decide which scheme would be implemented.

The assessment below will solely focus on the individual application at hand and it is not the purpose of this assessment to comment on the merits of the other cases which will all be considered separately.

Principle of Development

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

Following public consultation and independent examination, at its council meeting on 11 October 2016 Newark and Sherwood District Council adopted the Southwell Neighbourhood Plan. The Neighbourhood Plan now forms part of the development plan for the district and its policies are a material consideration alongside other policies in the development plan and carry weight in the determination of planning applications in Southwell. In this instance the most relevant policies in the Neighbourhood Plan are listed in the policy section above and are considered against the relevant aspects of the proposal in the assessment below.

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 amended Core Strategy details the settlement hierarchy which will help deliver sustainable growth and development in the District. The intentions of this hierarchy are to direct new residential development to the Sub-regional Centre, Service Centres and Principal Villages, which are well served in terms of infrastructure and services. Spatial Policy 1 (Settlement Hierarchy) of the Council's Amended Core Strategy (ACS) sets out the settlements where the Council will focus growth throughout the District. Southwell is defined within the ACS as a Service Centre where the intention is for it to act as a focus for service provision for a large population and rural area. The Southwell Neighbourhood Plan, which also forms part of the Council's Adopted Local Plan seeks for sustainable development that has regard for the town's unique character, historic environment and landscape setting.

Therefore based on the siting of the application site within the defined settlement of Southwell and within an existing residential setting, the siting is considered acceptable. The site is also subject to an extant permission for two dwellings given lawful implementation of a wider site application for residential development through the erection of five bungalows at Nursery End.

Consent was granted in 1971 for the development of Nursery End with 5 bungalows and 2 detached 4 bedroomed houses with attached double garages, of which the two detached dwellings on this site were never constructed. The two dwellings utilised an access from the south of 49a The Ropewalk which serves two further properties, although these were constructed in the 1980s which was after the consent for the 7 dwellings. It has been shown that these two remaining dwellings could be constructed irrespective of the current application noting the extant permission which exists. The outline of the extant dwellings is shown in green on the site plan for

this application. For the avoidance of doubt, the extant permission remains material to the determination of this application as are the previous decisions of the LPA and the Inspector which relate to the site.

Housing Need

Policy So/HN/1 of the ADMDPD states that the District Council would seek to secure on allocated and windfall sites, one and two bedroomed units in line with housing need. The Southwell Neighbourhood Plan states in paragraph 2.7 (housing) that the highest demand within Southwell in the market sector (of which this is proposed) for housing is for two bedroomed houses in comparison to the social sector where the requirement is for both one and two bedroomed dwellings. This is reaffirmed by the Newark and Sherwood Housing Needs Survey 2014 which states within the Southwell area the largest market sector demand is for 2 bedroomed properties followed by 4 bedroomed and then 3 bedroomed. This Needs Survey is, accepted, 6 years old and is currently being updated with new surveys having been issued across the District to establish the latest data to produce a new Needs Survey. However this is the latest data we have and until new material is produced this still forms a part of decision making.

The Southwell Neighbourhood Plan (SNP) states the housing mix on site should deliver a high proportion of 1 or 2 bedroomed 'starter homes' under Policy HE1, however this is stated only where schemes come forward for 11 dwellings or more to which this does not qualify. Therefore there is no requirement for the developer to deliver such a mix under this SNP policy.

It is clear that the dwellings presented by the current application would not contribute towards the identified need of smaller units. All four of the dwellings would deliver 4 bedrooms. Policy So/HN/1 is one of only two policies in the ADMDPD (the other relating to Lowdham) where the District Council has sought to dictate the size of units that come forward at a settlement level (in addition to the Core Strategy requirements to consider the results of housing needs surveys). It is therefore my view that this policy must be given meaningful weight and the lack of adherence to this policy should weigh negatively in the overall planning balance.

Notwithstanding the above, it is relevant to note that the fallback position for two units does not promote smaller dwellings either (both four bed units). Although this scheme would amount to an additional two units over and above the fallback position, it is notable that the 2014 Needs Survey showed a need for 4 bed units closely behind 2 beds (33% for 4 beds compared to 37.9% for 2 beds). There is therefore an argument to say that the dwellings would contribute towards an identified housing need despite a lack of conformance to Policy So/HN/1.

Impact on Character

Core Policy 9 requires a high standard of sustainable design that protects and enhances the natural environment and contributes to the distinctiveness of the locality and requires development that is appropriate in form and scale to the context. Policy DM5 mirrors this. Policy DM5 goes on to state 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.

It is not considered necessary to debate the matter of backland development since this has already been accepted by the extant permission and indeed permissions on neighbouring land to

the east which would essentially occupy the available development plots. Put simply, the precedent for backland development in this area has already been set and fulfilled by applications.

Notwithstanding these backland plots, the design and character of the area is mainly traditional in that properties face the highway with wide frontage plots in two storey form. Within the cul-de-sac of Nursery End, which was constructed by the extant permission in the 1970's, the character is created by the spacious plots set back from the highway in the traditional 1970s-1980s design standard. The design of the built form within Nursery End are mainly red brick dwellings of neutral character.

The dwellings presented for consideration in this application are modern in their character with the rear elevations featuring large windows and a Juliette balcony to serve the master bedroom. Specific materials have not been specified albeit the Design and Access Statement confirms that the primary materials are likely to be red brick and pantiled profile tiles (although there would be scope for elements of render and cladding).

There are still however elements of more traditional form such as the pitched roofs. This is a significant difference from the previous application on the site for two dwellings (14/02172/FUL) where Members and the Inspector considered a modern form with steeply pitched apex roofs was not appropriate for the context of the site.

The modern design is not something to which the Council are adverse to and indeed the mix of modern/contemporary approach against more traditional red brick and tile design, is a common feature which provides a diverse opportunity to influence and upgrade the character of the area. To create pastiche developments of the same character would result in a stale character and the NPPF states that the *"creation of high quality buildings and places is fundamental to what the planning and development process should achieve"* (para 124, NPPF 2019). In addition it states that decisions should ensure developments are visually attractive and sympathetic to local character....while not preventing or discouraging appropriate innovation or change (para 127).

Although the dwellings are all large family homes, the density of the development is a marked improvement in comparison to the recently refused scheme for 5 dwellings (19/02064/FUL) in that the plots are now more generously spaced and read better in the context of the wider urban grain in the area. Plots 1 and 2 would be two storey which would be a departure from the bungalows on Nursery End but this need not be considered fatal in principle given that the site represents a transition between single storey and two storey developments in any case.

On the basis of the above, and subject to conditions regarding the use of materials, the character impacts of the proposal are considered to be acceptable.

Impact on 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.

It is material to the current determination that matters of amenity formed part of the reason for the refusal of the scheme for 5 dwellings on the site and indeed was a main factor in the

Inspector's deliberation on the previous scheme for two dwellings. This was particularly in the context of the impact on no. 49 and 49a The Ropewalk.

The current application is for one fewer dwelling than the recently refused application for 5 dwellings however there remains close relationships within the site which require careful consideration in terms of amenity relationships for the proposed occupiers. Specifically for Plots 1 and 2, their rear elevations would be orientated towards the two storey side gable of Plot 3. This elevation features a small bathroom window at first floor which could reasonably be secured as obscure glazing to prevent overlooking. However, the original plans showed that the rear projections for Plots 1 and 2 would feature full height glazing with a Juliette balcony to serve the largest bedroom. Plot 2 would be just 6.5m away from the side gable of Plot 3 whilst Plot 1 would be slightly further at approximately 8.4m. This was considered an inadequate distance such that the occupiers of Plots 1 and 2 would experience an overbearing impact to the detriment of residential amenity.

These concerns have been raised with the agent during the life of the application. Revised plans have been submitted which essentially omit the bedroom windows on the rear projecting gables facilitated by an additional roof light. This is considered to overcome the concern and would allow for appropriate amenity provision for the proposed occupiers.

In line with the Inspector's decision on 14/02172/FUL, careful consideration also needs to be taken in respect to the relationship to nos 49 and 49a The Ropewalk.

"12. The outlook from the rear of Nos 49a and 49 would be towards the side elevation of Plot No 1. Both these properties have relatively short rear gardens of approximately 7.5 metres in length. Whilst there would be windows in the side elevation these would be comparatively small and would be secondary windows to principle rooms. Consequently I do not consider that the development would cause overlooking to an extent that would result in an unacceptable loss of privacy.

13. The side elevation of Plot No 1 would be sited within approximately 2 metres of the rear boundary of Nos 49a and 49. The outlook from almost the whole of the rear boundary from No 49a and half of the boundary with No 49 would be towards the proposed side elevation of Plot No 1. This would be positioned within approximately 11 metres of the rear windows of these properties and extend from a single storey mono-pitched garage to two storey side elevation of the proposed dwelling at a height of approximately 7.2 metres. In comparison, the 'fallback' scheme had a substantially reduced gable width and hence resulted in much less built development along the rear boundary of the existing properties. As a consequence of the relatively short rear gardens and the extent of built development, sited in such close proximity to the rear boundary, I consider that the proposed scheme would be overbearing and cause a significant and detrimental impact on the outlook from Nos 49a and 49 The Ropewalk.

14. Although I have not found an unacceptable loss of privacy, there would be a detrimental impact on outlook contrary to policy DM5 of the DPD. This policy, amongst other things, seeks to ensure that new development does not result in an unacceptable loss of amenity as a consequence of inadequate separation distances and overbearing impacts."

In this case the outlook would be towards Plot 4. Unlike the appeal scheme referenced above, the side elevation would not feature any first floor windows such that there is no concern in respect to direct overlooking or loss of privacy.

The site plan for the application has annotated the positioning of the extant dwellings and shows that the proposed Plot 4 would be sited approximately a metre further westwards than the extant scheme giving a total distance of approximately 12.7m between the rear of no. 49a and the side of Plot 4. The two storey rear projection which is set back from the shared boundary (again with no first floor windows) would be approximately 18m away. The detached garage would be closer to the boundary at around 10m from the rear elevation of no. 49a but it would not be set immediately behind and therefore any outlook to the single storey roof would be at a more oblique line of sight.

As with the Inspector's assessment above, it remains the case that due to the rear projection and detached garage, a significant proportion of the rear outlook for mainly no. 49a would be towards built form (the extant scheme would have just been the gable end albeit approximately 1m closer). The bulk of the dwelling would match the extant scheme in that the side gable would be the same width as the side gable of the extant scheme. The slight additional distance is a benefit and would achieve an acceptable distance from the rear elevation of Plot 49a such that it would not be reasonable to resist the current scheme on overbearing impacts for this plot.

The submitted site plan has helpfully annotated the positioning of the extant approval to the rear of no. 51 The Ropewalk which forms permission for a two storey dwelling. The closest element of built form would be the single storey garage for Plot 2 followed by the side gable of Plot 2 (at an approximate distance of 20m) and the rear elevation of Plot 3 (at an approximate distance of 23m). These distances are considered sufficient to preserve the amenity of the extant plot.

The rear projection of Plot 4 would feature full height first floor glazing which would overlook the end of the rear garden for the existing dwelling at no. 51 The Ropewalk and the access drive for the extant dwelling. The rear projection would still be around 16m from the shared boundary and the points at which the outlook are towards are considered less sensitive in amenity terms. Officers have therefore identified no demonstrable amenity harm to either 51 The Ropewalk or the extant proposal in the rear garden particularly in the context of the extant scheme on the site.

Other properties which surround the site include the bungalows on Nursery End. The bungalows would have a relationship with the principle elevations of Plots 1 and 2 which are proposed to be accessed from Nursery End but these would be at a distance across the highway and is not an unusual relationship in a residential environment. Similarly Plots 3 and 4 would be orientated towards other dwellings accessed from the Ropewalk but again at a sufficient distance to form an acceptable amenity relationship.

Overall, the scheme is considered to comply with the amenity intentions of Policy DM5 and in doing so has overcome the previous refusals on this basis. Given the constraints of the site however, it is considered reasonable and necessary to restrict permitted development rights to allow the LPA control over any future development.

Impact on Highways

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.

Two of the dwellings would be served from the existing access from The Ropewalk which matches the extant permission. The other two would be accessed via separate accesses from Nursery End. It is notable that in the previously refused scheme for 5 dwellings, three were intended to be accessed from Nursery End and NCC as the Highways Authority did not raise any objections subject to conditions.

Dwellings of four bedrooms are expected to provide 3 off street parking spaces. In the case of the current proposal, all of the units would have double garages with space in front for off street parking. Plots 3 and 4 would be afforded sufficient turning areas to enable vehicles to leave the site in forward gear. Although Plots 1 and 2 are more likely to have to reverse onto the highway given the spaces would abut the highway edge with no turning area, Nursery End is a quiet road and this is not considered to be an issue in principle.

If permission were to be forthcoming then conditions could be attached to the permission requiring the widening of the access at The Ropewalk and the use of a hard bound material.

Flood Risk and Drainage

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, nor is it necessary to apply the sequential test approach as set out in the NPPF. The Town Council comments refer to Neighbourhood Plan Policy E2. However this relates to development proposals which require a flood risk assessment.

Nonetheless Core Policy 10A of the ACS identifies Lowdham and Southwell as areas of Local Drainage Designations. The assessment of this would take in to account the SNP policies concerning the management of flood risk and specific advice of the Lead Local Flood Authority.

Core Policy 10A states that new development should positively manage surface water run-off through the design and layout, in order that there will be no unacceptable impact from run-off on surrounding areas or the existing drainage regime. The SNP states however that proposals relating to drainage submission would only be required whereby the initial proposal is subject to a flood risk assessment.

The Lead Local Flood Authority have commented and stated they have no objections to the proposal subject to certain matters being achievable which would be attached as a condition on drainage should the scheme be considered otherwise acceptable.

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.

Other Matters

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.

It is notable that the current application did not originally address matters of ecology through a specific ecological survey. However, the previous application for 5 dwellings (19/02064/FUL) (submitted by the same applicant) did include a preliminary ecological appraisal which is still 'in date' having been based on site visits from November 2019. The report identified the site as being of low ecological value which allow providing a habitat for foraging did not feature any bat roosting habitats. No evidence of nesting birds were found. Ultimately the report found no ecological harm from developing the site (again relevant to state it could be developed by the extant permission in any case) but did make recommendations for ecological enhancements such as bat and bird boxes. These could be carried forward to this application by condition (the report has now been submitted to accompany this application).

Overall Balance and Conclusion

The proposal relates to four, four bedroom family homes within the village envelope of Southwell. Whilst the size of the dwellings does not conform with the intentions of local policy to seek smaller units, it must be taken into account that there remains a fallback position for two four bed units on the site and that four bed units formed the second most required housing size according to the 2014 Needs Survey. The above assessment has considered all material planning considerations and found that the proposal is acceptable in character and amenity terms specifically (previous reasons for resistance of development on the site). It would be extremely difficult to defend a refusal on matters of housing need alone when acknowledging the extant permission for two dwellings on the site but also the contribution that the dwellings would make towards the District Council housing stock on what is a windfall site. The recommendation is therefore one of approval subject to the conditions as outlined below.

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;

- Scheme A Site Plan – A02A;
- Scheme A Plots 3-4 Elevations – A03B;

- Scheme A Plots 3-4 Plans – A04B;
- Scheme A Plots 1 + 3 Garages – A 05;
- Scheme A Plots 2 + 4 Garages – A 06;
- Scheme A Plot 2 Elevations – A-07C;
- Scheme A Plot 2 Plans – A-08C;
- Scheme A Cross Sections – A-09A;
- Scheme A Plot 1 Elevations – A-10A;
- Scheme A Plot 1 – Plans – A-11A;

Reason: So as to define this permission.

03 - Materials

No development above damp proof course/slab level shall take place until manufacturers details (and samples upon request) of the external facing materials (including colour/finish) have been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be carried out in accordance with the approved details.

Reason: In the interests of visual amenity.

04 - Highways

Plots 3 and 4 hereby permitted shall not be brought into use until the visibility splays of 2.4m x 43m at The Ropewalk are provided in accordance the details shown on plan reference Scheme A Site Plan – A02A. 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.

Reason: In the interests of highway safety.

05 - Highways

Plots 3 and 4 hereby permitted shall not be brought into use until the access to the site has been completed, with a width of 5.25m, and surfaced in a bound material for a minimum distance of 5m behind the highway boundary (back edge of footway) with a suitable means of surface water disposal in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

06 - Landscape

Prior to first occupation/use of the development hereby approved full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:

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;

proposed finished ground levels or contours;

means of enclosure;

car parking layouts and materials;

hard surfacing materials;

Reason: In the interests of visual amenity and biodiversity.

07 - Landscape

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

08 - Ecology

No dwelling on site shall be occupied until details including location of a hedgehog house and a minimum of two bat boxes and two bird nest boxes and/or bricks have been submitted to and approved in writing by the Local Planning Authority. The hedgehog houses/nest boxes/bricks shall then be installed, prior to occupation of the associated dwelling, in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason: In the interests of maintain and enhancing biodiversity.

09 - Ecology

No clearance works of vegetation within the site shall take place during the bird nesting period (beginning of March to end of August inclusive).

Reason: In the interests of ecology and biodiversity enhancements.

10 - Ecology

Development shall be carried out in accordance with the submitted Ecological Walkover Survey (dated 12 November 2019) namely Section 4.2 (Evaluation) and the Enhancements section. Details and locations of these enhancements including an implementation and timescale programme shall be submitted to the Local Planning Authority in writing and such measures shall be implemented and retained for the life of the development.

Reason: In the interests of ecology and biodiversity enhancements.

11 – Landscape/Ecology

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

Reason: To ensure that existing trees and hedges to be retained are protected, in the interests of visual amenity and nature conservation.

12 – LLFA

No development shall be commenced until details of the means of foul drainage and surface water disposal have been submitted to and approved in writing by the Local Planning Authority. Sustainable Urban Drainage Systems (SUDS) should be considered where feasible and details of maintenance and management should be submitted to the Local Planning Authority. Permeable paving should also be considered to reduce the reliance on mainstream drainage measures and other such water saving measures should be submitted to and approved by the Local Planning Authority. The development shall be carried out thereafter in accordance with the approved details and implemented prior to first occupation of the first unit and retained for the lifetime of the development.

Reason: To ensure the provision of satisfactory means of foul sewage/surface water disposal and flood prevention measures.

13 – Windows

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

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

14 - PD

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

Class A: The enlargement, improvement or other alteration of a dwellinghouse.

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

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

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

Reason: To ensure that the Local Planning Authority retains control over the specified classes of development normally permitted under the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any amending legislation) and in order to safeguard the amenity of neighbours

15 – Highways

Plot 1 and 2 hereby permitted shall not be brought into use until the dropped kerb vehicular crossings, to serve Plots 1 and 2, at Nursery End are available for use and constructed in accordance with the Highway Authority's specification.

Reason: In the interests of highway safety.

16 – Alternative Schemes

In the event that the permission hereby approved is implemented, the alternative schemes considered under references 20/01421/FUL; 20/01422/FUL and 20/01433/FUL (subject to approval) shall not be implemented.

Reason: To prevent the part implementation of different schemes which could have amenity impacts not formally considered.

Notes to Applicant

01

To avoid nuisance complaints the applicant should have regard to the following:

1. Except for emergency works, to protect the amenities of occupiers of other premises in the vicinity, the hours for deliveries or for the construction of the development should be restricted to: Monday to Friday 08:00 to 18.00hrs, Saturday 08:00 to 13.00hrs and no works on site on Sundays/Bank Holidays.

2. Suitable measures must be taken to minimise dust and dirt during the construction and operation of the site using best practice methods.

02

Severn Trent Water advise that although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.

03

The development makes it necessary to widen the existing vehicular crossing over the footway of the public highway (The Ropewalk). These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact VIA, in partnership with NCC, tel: 0300 500 8080 to arrange for these works to be carried out.

04

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

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

05

Please note that the District Council no longer provides wheeled bins for residential developments free of charge. Wheeled bins can be purchased from the District Council or any other source provided they conform to appropriate standards and requirements of the Council. Enclosed is a leaflet from the District Council's Waste Management Section entitled 'Guidance for New Development – Waste Storage and Collection' which sets out these standards and requirements. If you wish to purchase wheeled bins or discuss this matter further please contact the Waste Management Officer on 01636 655677 or email: waste.management@nsdc.info.

06

The development should not increase flood risk to existing properties or put the development at risk of flooding.

Any discharge of surface water from the site should look at infiltration – watercourse – sewer as

the priority order for discharge location.

SUDS should be considered where feasible and consideration given to ownership and maintenance of any SUDS proposals for the lifetime of the development.

Any development that proposes to alter an ordinary watercourse in a manner that will have a detrimental effect on the flow of water (e.g. culverting / pipe crossing) must be discussed with the Flood Risk Management Team at Nottinghamshire County Council.

The applicant should consider the use of flood resilient construction techniques and materials where possible.

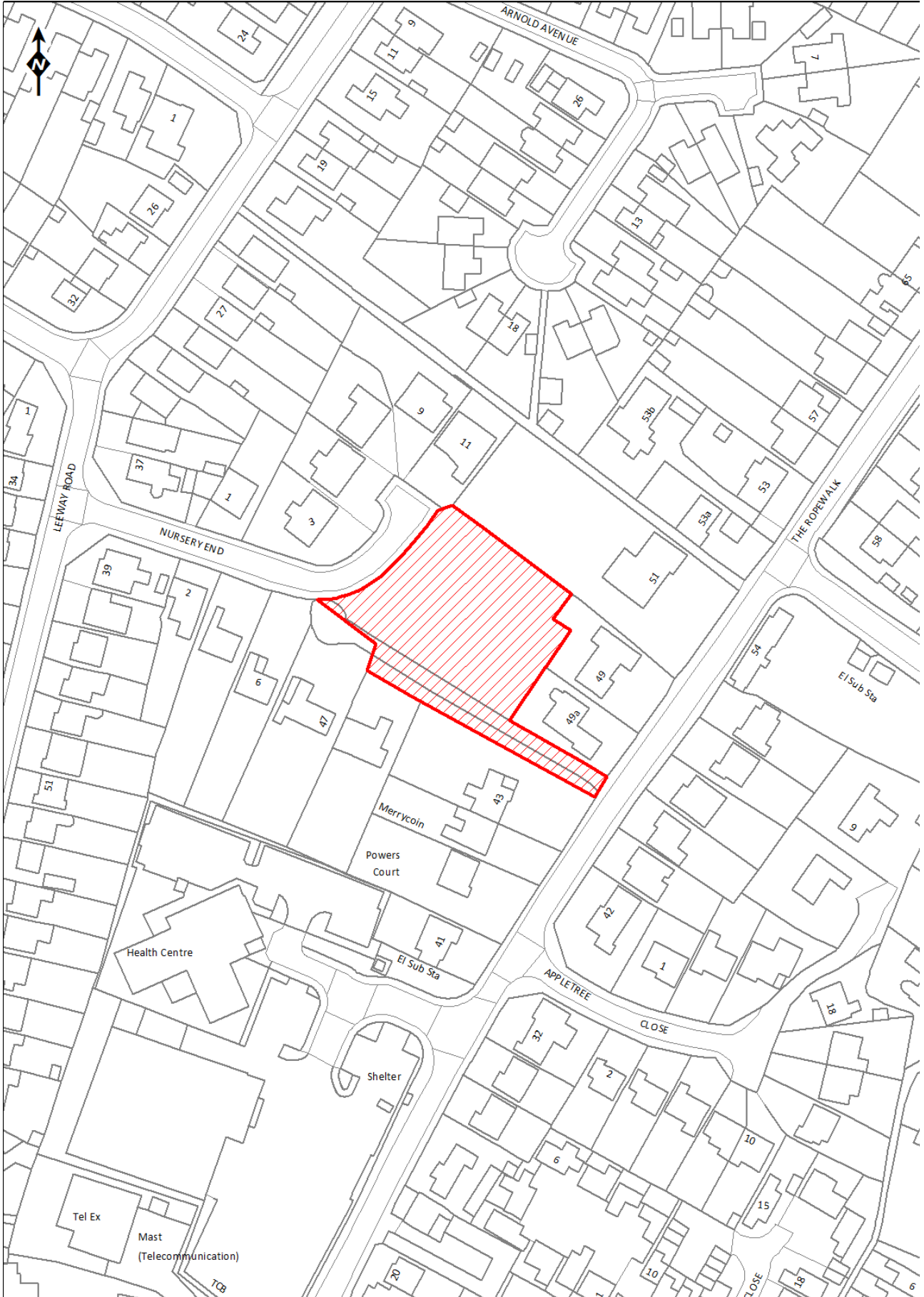
BACKGROUND PAPERS

Application case file.

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

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

Lisa Hughes
Business Manager – Planning Development



PLANNING COMMITTEE – 6 OCTOBER 2020

Application No:	20/01421/FUL	
Proposal:	Erection of 3 No. dwellings: 2 x 2-storey and 1 x single storey (Scheme B)	
Location:	Land At Rear Of 49 & 49A The Ropewalk Southwell	
Applicant:	Mr D Shaw - Ablehomes Ltd	
Agent:	Mr Mike Sibthorp - Mike Sibthorp Planning	
Registered:	11.08.2020	Target Date: 06.10.2020
Website Link:	https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=QEBKQALBIMF00	

This application is being presented to the Planning Committee in line with the Council's Scheme of Delegation as Southwell Town Council has objected to the application which differs to the professional officer recommendation. Under the Scheme of Delegation, Cllr Harris has referred the application to Committee in line with the Town Council comments. The review Panel have determined that the application should come before Members given the recent planning history whereby Members previously overturned Officer recommendation.

The Site

The site comprises of 0.22 hectares of overgrown land to the north-west of existing properties on The Ropewalk. The site also fronts Nursery End to the west of the site. The site is located within the Southwell settlement boundary as defined within the Allocations and Development Management DPD.

There is an existing vehicular access to the south of no. 49a The Ropewalk which runs along the southern boundary of the application site and serves no. 45 and 47 The Ropewalk which have their principal elevations facing in to the application site. The dwellings facing The Ropewalk and no. 45 and 47 The Ropewalk are two storey in height. Dwellings along Nursery End are mainly single storey bungalows.

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. Part of the site falls within an area defined within the Southwell Protected Views policy area as shown on the proposals map within the Allocations and Development Management DPD.

Relevant Planning History

There is an extensive planning history related to the site as summarized below. It is also notable that there are three other pending applications for residential development on the site (which are discussed in further detail in the appraisal below). However, for the avoidance of doubt these

applications are being considered (and on their own merits) separately to the current scheme.

19/02064/FUL – Erection of 5 dwellings. *This application was refused by Members at the 28th April 2020 planning committee meeting (contrary to Officer recommendation) for the following reason:*

01

In the opinion of the Local Planning Authority, by virtue of number of units, the proposal would result in an over intensive layout of development which is incongruous and detrimental to the character of the area. The cramped nature of the development would result in insufficient private amenity space for each of the dwellings with the exception of the bungalow, separation distances for plots within the site but also to neighbouring plots namely no. 49 and 49a The Ropewalk where the massing and scale of the proposed Plot 5 would have an overbearing impact. As such the proposal is deemed contrary to Core Policy 9 of the Amended Core Strategy and Policy DM5 of the Allocations and Development Management DPD as well as the NPPF which forms a material planning consideration.

16/01003/NMA - Application for a non-material amendment to planning application E/56/1410 for Erection of two detached dwellings – Approved 11.07.2016

14/02172/FUL - Erection of two detached dwellings – Refused by committee (contrary to officer recommendation) 08.05.2015 *Appeal dismissed*

Reason for committee refusal

The proposed development, by reason of its scale, siting, and design would be incongruous within and detrimental to the character and appearance of the area and the residential amenities of nearby dwellings on The Ropewalk, particularly given the increased expanse of footprint and elevations compared to the extant 1971 permission. The proposal is therefore considered to be contrary to Policies DM5 and DM6 of the Allocations and Development Plan Development Plan Document (DPD) and the NPPF which forms a material consideration. There are no other material planning considerations which outweigh such identified harm.

Appeal decision reasoning (extract)

The design of the scheme has little relationship with the character of the local surroundings. It is radically different from the well-established traditional design of the properties in the surrounding locality to the extent that it would be clearly 'at odds' with the prevailing character of the area and would result in an incongruous form of development.

Consequently the existence of the fallback position does not outweigh the harm that I have found in the design of the current scheme.

I consider that the proposed scheme would be overbearing and cause a significant and detrimental impact on the outlook from Nos 49a and 49 The Ropewalk. I have not found an unacceptable loss of privacy, there would be a detrimental impact on outlook contrary to policy DM5 of the DPD.

E/56/1410 – Erection of two houses and five bungalows.

Planning permission granted in November 1971, the application is considered extant due to the implementation of the application through the erection of the five bungalows accessed via Nursery End.

Whilst not the application site itself, it is material that there is an extant permission on neighbouring land to the north of the site (and to the east of no. 11 Nursery End), to the rear of no. 51 The Ropewalk for a new 4 bed roomed dwelling with a vehicular access to the south of no. 51 The Ropewalk. This is extant until 17 November 2022, by virtue of the timeframe when the proposal was granted. The positioning of the approved dwelling has been shown on the submitted block plan which allows a thorough assessment in the amenity section below.

The Proposal

The application seeks full planning permission for the erection of three detached dwellings. Plot 1 would be a two storey four bed dwelling with an attached double garage and an approximate footprint of 153m² and pitch height of 7.9m. Plot 2 would be a three bedroom single storey property with an approximate footprint of 130m² and pitch height of 5.6m. A detached garage is proposed to serve this plot. Plot 3 would be a two storey four bed dwelling with an approximate footprint of 154m² and height of 8m. Plot 3 would also have an integral garage.

Plots 1 and 3 would be served via an existing access from The Ropewalk whereas Plot 2 would be accessed by a new access served from Nursery End.

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

- Site Location Plan – B 01;
- Scheme B Site Plan – B 02;
- Scheme B Plot 1 Elevations – B P1 01A;
- Scheme B Plot 1 Floor Plans – B P1 02;
- Scheme B Plot 2 Elevations – B P2 01;
- Scheme B Plot 2 Plan – B P2 02;
- Scheme B Plot 2 Garage – B P2 03;
- Scheme B Plot 3 Elevations – B P3 01;
- Scheme B Plot 3 Floor Plans – B P3 02;
- Design and Access Statement Planning Statement.

Departure/Public Advertisement Procedure

Occupiers of 22 properties have been individually notified by letter.

Planning Policy Framework

The Development Plan

Southwell Neighbourhood Plan (October 2016)

Policy SD1 Delivering Sustainable Development

Policy DH1 Sense of Place

Policy DH2 Public Realm

Policy TA3 Highways Impact

Policy TA4 Parking Standards

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 7 Sustainable Transport
Core Policy 3 Housing Mix, Type and Density
Core Policy 9 Sustainable Design
Core Policy 10A Local Drainage Designations
Core Policy 12 Biodiversity and Green Infrastructure

NSDC Allocations and Development Management DPD (July 2013) (ADMDDP)

So/HN/1 Southwell Housing Need
So/PV Southwell Protect Views
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 Considerations

National Planning Policy Framework (NPPF) 2019
Planning Practice Guidance (PPG)

Consultations

Southwell Council - Southwell Town Council considered application 20/01421/FUL Land Rear Of 49 The Ropewalk and agreed by majority to object to this application.

- it is in contravention of the neighbourhood plan E2 Flood Resilience Design, as there are no flood mitigation measures in the application . This is an area which is prone to flooding and the incorrect treatment of surface water drainage could negatively impact a upon land the dwellings further downstream

NCC Flood Team – No objections subject to the following:

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

Severn Trent – No comments received.

Representations have been received from 3 local residents/interested parties which can be summarised as follows:

- Support with concerns – reservations about an additional access from Nursery End but consider this option to be the least intrusive;
- The plans will have a negative effect on value of neighbouring property and privacy;
- The previous planning permission was refused due to development being over intensive and detrimental to the character of the area and this scheme is similar and should be refused;
- The proposal will lead to overlooking and loss of privacy to 49 The Ropewalk and other nearby properties;
- The design is out of keeping with the traditional character of the neighbouring properties;
- The safety of The Ropewalk is already of great concern with regard to the safety of elderly residents and school children;

Comments of the Business Manager

Preliminary Matters

As is referenced above, the application has been submitted at the same time as three other planning applications on the site for residential development. As referred to in the description of development, this application forms **Scheme B**.

- Scheme A: 4 dwellings – 20/01418/FUL;
- **Scheme B: 3 dwellings – 20/01421/FUL;**
- Scheme C: 2 dwellings – 20/01422/FUL;
- Scheme D: 5 dwellings – 20/01433/FUL.

To clarify, there is nothing procedurally to prevent this approach (and indeed the submitted Design and Access Statement is clear that the intention is to present options for the re-development of the site whilst also pursuing an appeal on the recently refused scheme). Given that they all utilize the same site plan, and there is no application which could be delivered alongside another (i.e. the footprints of the dwellings overlap), then in the scenario that they were all approved, it would fall to the applicant to decide which scheme would be implemented.

The assessment below will solely focus on the individual application at hand and it is not the purpose of this assessment to comment on the merits of the other cases which will all be considered separately.

Principle of Development

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

Following public consultation and independent examination, at its council meeting on 11 October 2016 Newark and Sherwood District Council adopted the Southwell Neighbourhood Plan. The Neighbourhood Plan now forms part of the development plan for the district and its policies are a material consideration alongside other policies in the development plan and carry weight in the determination of planning applications in Southwell. In this instance the most relevant policies in the Neighbourhood Plan are listed in the policy section above and are considered against the relevant aspects of the proposal in the assessment below.

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 amended Core Strategy details the settlement hierarchy which will help deliver sustainable growth and development in the District. The intentions of this hierarchy are to direct new residential development to the Sub-regional Centre, Service Centres and Principal Villages, which are well served in terms of infrastructure and services. Spatial Policy 1 (Settlement Hierarchy) of the Council's Amended Core Strategy (ACS) sets out the settlements where the Council will focus growth throughout the District. Southwell is defined within the ACS as a Service Centre where the intention is for it to act as a focus for service provision for a large population and rural area. The Southwell Neighbourhood Plan, which also forms part of the Council's Adopted Local Plan seeks for sustainable development that has regard for the town's unique character, historic environment and landscape setting.

Therefore based on the siting of the application site within the defined settlement of Southwell and within an existing residential setting, the siting is considered acceptable. The site is also subject to an extant permission for two dwellings given lawful implementation of a wider site application for residential development through the erection of five bungalows at Nursery End.

Consent was granted in 1971 for the development of Nursery End with 5 bungalows and 2 detached 4 bedroomed houses with attached double garages, of which the two detached dwellings on this site were never constructed. The two dwellings utilised an access from the south of 49a The Ropewalk which serves two further properties, although these were constructed in the 1980s which was after the consent for the 7 dwellings. It has been shown that these two remaining dwellings could be constructed irrespective of the current application noting the extant permission which exists. The outline of the extant dwellings is shown in green on the site plan for this application. For the avoidance of doubt, the extant permission remains material to the determination of this application as are the previous decisions of the LPA and the Inspector which relate to the site.

Housing Need

Policy So/HN/1 of the ADMDPD states that the District Council would seek to secure on allocated and windfall sites, one and two bedroomed units in line with housing need. The Southwell Neighbourhood Plan states in paragraph 2.7 (housing) that the highest demand within Southwell in the market sector (of which this is proposed) for housing is for two bedroomed houses in comparison to the social sector where the requirement is for both one and two bedroomed dwellings. This is reaffirmed by the Newark and Sherwood Housing Needs Survey 2014 which states within the Southwell area the largest market sector demand is for 2 bedroomed properties followed by 4 bedroomed and then 3 bedroomed. This Needs Survey is, accepted, 6 years old and is currently being updated with new surveys having been issued across the District to establish the

latest data to produce a new Needs Survey. However this is the latest data we have and until new material is produced this still forms a part of decision making.

The Southwell Neighbourhood Plan (SNP) states the housing mix on site should deliver a high proportion of 1 or 2 bedrooled 'starter homes' under Policy HE1, however this is stated only where schemes come forward for 11 dwellings or more to which this does not qualify. Therefore there is no requirement for the developer to deliver such a mix under this SNP policy.

It is clear that the dwellings presented by the current application would not contribute towards the identified need of 1 or 2 bed units. Policy So/HN/1 is one of only two policies in the ADMDPD (the other relating to Lowdham) where the District Council has sought to dictate the size of units that come forward at a settlement level (in addition to the Core Strategy requirements to consider the results of housing needs surveys). It is therefore my view that this policy must be given meaningful weight and the lack of adherence to this policy should weigh negatively in the overall planning balance.

Notwithstanding the above, it is relevant to note that the fallback position for two units does not promote smaller dwellings either (both four bed units). In the case of the current application, the additional development above that established by the extant permission would be Plot 2; a single storey three bed unit. Whilst not strictly complying with Policy So/HN/1, the third bedroom for Plot 2 would be modest in size such that it may still be attractive to those in the market for a 2 bed unit. It is also considered a benefit that the dwelling would be single storey in height and therefore more adaptable for the disabled or elderly population. On the basis of these factors, it is not considered reasonable to resist the scheme purely on the basis of housing need.

Impact on Character

Core Policy 9 requires a high standard of sustainable design that protects and enhances the natural environment and contributes to the distinctiveness of the locality and requires development that is appropriate in form and scale to the context. Policy DM5 mirrors this. Policy DM5 goes on to state 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.

It is not considered necessary to debate the matter of backland development since this has already been accepted by the extant permission and indeed permissions on neighbouring land to the east which would essentially occupy the available development plots. Put simply, the precedent for backland development in this area has already been set and fulfilled by applications.

Notwithstanding these backland plots, the design and character of the area is mainly traditional in that properties face the highway with wide frontage plots in two storey form. Within the cul-de-sac of Nursery End, which was constructed by the extant permission in the 1970's, the character is created by the spacious plots set back from the highway in the traditional 1970s-1980s design standard. The design of the built form within Nursery End are mainly red brick dwellings of neutral character.

The dwellings presented for consideration in this application are modern in their character with features such as flat roof projections and wide rectangular fenestration details. Specific materials have not been specified albeit the Design and Access Statement confirms that the primary

materials are likely to be red brick and pantiled profile tiles (although there would be scope for elements of render and cladding).

There are still however elements of more traditional form such as the pitched roofs. This is a significant difference from the previous application on the site for two dwellings (14/02172/FUL) where Members and the Inspector considered a modern form with steeply pitched apex roofs was not appropriate for the context of the site.

The modern design is not something to which the Council are adverse to and indeed the mix of modern/contemporary approach against more traditional red brick and tile design, is a common feature which provides a diverse opportunity to influence and upgrade the character of the area. To create pastiche developments of the same character would result in a stale character and the NPPF states that the *“creation of high quality buildings and places is fundamental to what the planning and development process should achieve”* (para 124, NPPF 2019). In addition it states that decisions should ensure developments are visually attractive and sympathetic to local character....while not preventing or discouraging appropriate innovation or change (para 127).

The proposal includes both single storey and two storey dwellings which would correspond well to the site surroundings in that the single storey dwelling would be read in conjunction with the bungalows on Nursery End. The plot sizes are generous and would generally conform to the wider urban grain in the area.

However, the scale and massing of the two storey dwellings requires a more careful consideration given the context of the aforementioned appeal decision whereby the Inspector compared the design style and mass of the proposed development against the fallback position. Whilst the design style presented here is much more akin to the extant position, the massing, as shown by the annotation of the green line on the submitted plans, would undoubtedly be greater. Officers have raised this as a cause of concern during the life of the application but the applicant has confirmed that it is the submitted plans which they wish to be assessed and no revisions have been forthcoming.

When compared solely to the extant position, the footprint of the dwellings would be greater. However, the current application is clearly materially different from the appeal scheme in which the Inspector debated matters of character. It is Officers submission that the use of a similar height and design style to the extant permission would mean that the additional footprint and massing of the proposed dwellings would not be so fundamentally detrimental to the character of the area to a degree which would warrant refusal (subject to conditions requiring the precise material details).

Impact on 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.

It is material to the current determination that matters of amenity formed part of the reason for the refusal of the scheme for 5 dwellings on the site and indeed was a main factor in the

Inspector's deliberation on the previous scheme for two dwellings. This was particularly in the context of the impact on no. 49 and 49a The Ropewalk.

The current application is a significantly less intensive scheme than the recently refused application for 5 dwellings and therefore matters of amenity provision for the proposed occupiers is of no concern given that they would all be afforded ample amenity areas with sufficient distances from one another.

In line with the Inspector's decision on 14/02172/FUL, the greatest amenity consideration would be the relationship between Plot 3 and no. 49 and 49a The Ropewalk.

"12. The outlook from the rear of Nos 49a and 49 would be towards the side elevation of Plot No 1. Both these properties have relatively short rear gardens of approximately 7.5 metres in length. Whilst there would be windows in the side elevation these would be comparatively small and would be secondary windows to principle rooms. Consequently I do not consider that the development would cause overlooking to an extent that would result in an unacceptable loss of privacy.

13. The side elevation of Plot No 1 would be sited within approximately 2 metres of the rear boundary of Nos 49a and 49. The outlook from almost the whole of the rear boundary from No 49a and half of the boundary with No 49 would be towards the proposed side elevation of Plot No 1. This would be positioned within approximately 11 metres of the rear windows of these properties and extend from a single storey mono-pitched garage to two storey side elevation of the proposed dwelling at a height of approximately 7.2 metres. In comparison, the 'fallback' scheme had a substantially reduced gable width and hence resulted in much less built development along the rear boundary of the existing properties. As a consequence of the relatively short rear gardens and the extent of built development, sited in such close proximity to the rear boundary, I consider that the proposed scheme would be overbearing and cause a significant and detrimental impact on the outlook from Nos 49a and 49 The Ropewalk.

14. Although I have not found an unacceptable loss of privacy, there would be a detrimental impact on outlook contrary to policy DM5 of the DPD. This policy, amongst other things, seeks to ensure that new development does not result in an unacceptable loss of amenity as a consequence of inadequate separation distances and overbearing impacts."

In this case the outlook would be towards Plot 3. As with the appeal scheme, the side elevation would feature one small secondary windows at first floor (which could reasonably be conditioned to be obscurely glazed) such that there is little concern in respect to direct overlooking or loss of privacy.

The site plan for the application has annotated the positioning of the extant dwellings and shows that the proposed Plot 3 would be sited on almost an identical building line to the extant scheme with the same width in gable end. The distance between the rear elevation of no. 49a and the side gable of Plot 3 would be approximately 11.7m. As with the Inspector's assessment above, it remains the case that due to the rear and forward projection, a significant proportion of the rear outlook for mainly no. 49a would be towards built form (the extant scheme would have just been the gable end). The distance is considered to be on the cusp of acceptability but given that it would not be dissimilar to the relationship which could come forward through the extant scheme, it is not considered reasonable to resist the application purely on that basis.

The submitted site plan has helpfully annotated the positioning of the extant approval to the rear of no. 51 The Ropewalk which forms permission for a two storey dwelling. The closest element of built form would be the rear projection of Plot 2 at an approximate distance of 12.7m between the side gable and the principle elevation of the extant dwelling. However, given that Plot 2 would be single storey this is considered to be an acceptable relationship.

The rear projection of Plot 3 would feature full height first floor glazing which would overlook the end of the rear garden for the existing dwelling at no. 51 The Ropewalk and the access drive for the extant dwelling. The rear projection would still be around 17m from the shared boundary and the points at which the outlook are towards are considered less sensitive in amenity terms. Officers have therefore identified no demonstrable amenity harm to either 51 The Ropewalk or the extant proposal in the rear garden particularly in the context of the extant scheme on the site.

Other properties which surround the site include the bungalows on Nursery End. The bungalows would have a relationship with the principle elevation of Plots 2 and the rear elevation of Plot 1. The relationship would be at a distance across the highway and is not an unusual relationship in a residential environment. Similarly Plot 3 would be orientated towards other dwellings accessed from the Ropewalk but again at a sufficient distance to form an acceptable amenity relationship.

Overall, the scheme is considered to comply with the amenity intentions of Policy DM5 and in doing so has overcome the previous refusals on this basis. Given the constraints of the site however, it is considered reasonable and necessary to restrict permitted development rights to allow the LPA control over any future development.

Impact on Highways

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.

Two of the dwellings would be served from the existing access from The Ropewalk which matches the extant permission. The other single storey property would be accessed via a new access from Nursery End. This is a less intensive arrangement than the previously refused scheme for 5 dwelling whereby NCC Highways raised no objections subject to conditions.

If permission were to be forthcoming then conditions could be attached to the permission requiring the widening of the access at The Ropewalk and the use of a hard bound material.

Flood Risk and Drainage

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, nor is it necessary to apply the sequential test approach as set out in the NPPF. The Town Council comments refer to

Neighbourhood Plan Policy E2. However this relates to development proposals which require a flood risk assessment.

Nonetheless Core Policy 10A of the ACS identifies Lowdham and Southwell as areas of Local Drainage Designations. The assessment of this would take in to account the SNP policies concerning the management of flood risk and specific advice of the Lead Local Flood Authority.

Core Policy 10A states that new development should positively manage surface water run-off through the design and layout, in order that there will be no unacceptable impact from run-off on surrounding areas or the existing drainage regime. The SNP states however that proposals relating to drainage submission would only be required whereby the initial proposal is subject to a flood risk assessment.

The Lead Local Flood Authority have commented and stated they have no objections to the proposal subject to certain matters being achievable which would be attached as a condition on drainage should the scheme be considered otherwise acceptable.

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.

Other Matters

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.

It is notable that the current application did not originally address matters of ecology through a specific ecological survey. However, the previous application for 5 dwellings (19/02064/FUL) (submitted by the same applicant) did include a preliminary ecological appraisal which is still 'in date' having been based on site visits from November 2019. The report identified the site as being of low ecological value which allow providing a habitat for foraging did not feature any bat roosting habitats. No evidence of nesting birds were found. Ultimately the report found no ecological harm from developing the site (again relevant to state it could be developed by the extant permission in any case) but did make recommendations for ecological enhancements such as bat and bird boxes. These could be carried forward to this application by condition (the report has now been submitted to accompany this application).

Overall Balance and Conclusion

The proposal relates to three dwellings within the village envelope of Southwell. Whilst the size of the dwellings does not conform to the intentions of local policy to seek smaller units, it must be taken into account that there remains a fallback position for two four bed units on the site. The above assessment has considered all material planning considerations and found that the proposal is acceptable in amenity terms (part of the previous reason for resistance of development on the site). Whilst ideally Officers would have welcomed a slight reduction in the massing of the larger units, as is detailed in the appraisal above, this in itself is not considered to amount to character harm to the area which would warrant refusal. It would be extremely difficult to defend a refusal on matters of housing need alone when acknowledging the extant permission for two dwellings on the site but also the contribution that the dwellings would make towards the District Council

housing stock on what is a windfall site. The recommendation is therefore one of approval subject to the conditions as outlined below.

RECOMMENDATION

That planning permission is approved subject to the following 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 approved proposed plans reference;

- Scheme B Site Plan – B 02;
- Scheme B Plot 1 Elevations – B P1 01A;
- Scheme B Plot 1 Floor Plans – B P1 02;
- Scheme B Plot 2 Elevations – B P2 01;
- Scheme B Plot 2 Plan – B P2 02;
- Scheme B Plot 2 Garage – B P2 03;
- Scheme B Plot 3 Elevations – B P3 01;
- Scheme B Plot 3 Floor Plans – B P3 02;

Reason: So as to define this permission.

03

No development above damp proof course/slab level shall take place until manufacturers details (and samples upon request) of the external facing materials (including colour/finish) have been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be carried out in accordance with the approved details.

Reason: In the interests of visual amenity.

04

Plots 1 and 3 hereby permitted shall not be brought into use until the visibility splays of 2.4m x 43m at The Ropewalk are provided in accordance with the details shown on plan reference Scheme B Site Plan – B 02. 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.

Reason: In the interests of highway safety.

05

Plots 1 and 3 hereby permitted shall not be brought into use until the access to the site has been completed, with a width of 5.25m, and surfaced in a bound material for a minimum distance of 5m behind the highway boundary (back edge of footway) with a suitable means of surface water disposal in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

06

Prior to first occupation/use of the development hereby approved full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:

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;

proposed finished ground levels or contours;

means of enclosure;

car parking layouts and materials;

hard surfacing materials;

Reason: In the interests of visual amenity and biodiversity.

07

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

08

No dwelling on site shall be occupied until details including location of a hedgehog house and a minimum of two bat boxes and two bird nest boxes and/or bricks have been submitted to and

approved in writing by the Local Planning Authority. The hedgehog houses/nest boxes/bricks shall then be installed, prior to occupation of the associated dwelling, in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason: In the interests of maintain and enhancing biodiversity.

09

No clearance works of vegetation within the site shall take place during the bird nesting period (beginning of March to end of August inclusive).

Reason: In the interests of ecology and biodiversity enhancements.

10

Development shall be carried out in accordance with the submitted Ecological Walkover Survey (dated 12 November 2019) namely Section 4.2 (Evaluation) and the Enhancements section. Details and locations of these enhancements including an implementation and timescale programme shall be submitted to the Local Planning Authority in writing and such measures shall be implemented and retained for the life of the development.

Reason: In the interests of ecology and biodiversity enhancements.

11

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

Reason: To ensure that existing trees and hedges to be retained are protected, in the interests of visual amenity and nature conservation.

12

No development shall be commenced until details of the means of foul drainage and surface water disposal have been submitted to and approved in writing by the Local Planning Authority. Sustainable Urban Drainage Systems (SUDS) should be considered where feasible and details of maintenance and management should be submitted to the Local Planning Authority. Permeable paving should also be considered to reduce the reliance on mainstream drainage measures and other such water saving measures should be submitted to and approved by the Local Planning Authority. The development shall be carried out thereafter in accordance with the approved details and implemented prior to first occupation of the first unit and retained for the lifetime of the development.

Reason: To ensure the provision of satisfactory means of foul sewage/surface water disposal and flood prevention measures.

13

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

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

14

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

Class A: The enlargement, improvement or other alteration of a dwellinghouse.

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

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

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

Reason: To ensure that the Local Planning Authority retains control over the specified classes of development normally permitted under the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any amending legislation) and in order to safeguard the amenity of neighbours

15

Plot 2 shall not be brought into use until the dropped kerb vehicular crossing at Nursery End is available for use and constructed in accordance with the Highway Authority's specification.

Reason: In the interests of highway safety.

16

In the event that the permission hereby approved is implemented, the alternative schemes considered under references 20/01418/FUL; 20/01422/FUL and 20/01433/FUL (subject to approval) shall not be implemented.

Reason: To prevent the part implementation of different schemes which could have amenity impacts not formally considered.

Notes to Applicant

01

To avoid nuisance complaints the applicant should have regard to the following:

1. Except for emergency works, to protect the amenities of occupiers of other premises in the vicinity, the hours for deliveries or for the construction of the development should be restricted to: Monday to Friday 08:00 to 18.00hrs, Saturday 08:00 to 13.00hrs and no works on site on Sundays/Bank Holidays.
2. Suitable measures must be taken to minimise dust and dirt during the construction and operation of the site using best practice methods.

02

Severn Trent Water advise that although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.

03

The development makes it necessary to widen the existing vehicular crossing over the footway of the public highway (The Ropewalk). These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact VIA, in partnership with NCC, tel: 0300 500 8080 to arrange for these works to be carried out.

04

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

The proposed development has been assessed and it is the Council's view that CIL IS PAYABLE on the development hereby approved as is detailed below. Full details about the CIL Charge including, amount and process for payment will be set out in the Regulation 65 Liability Notice

which will be sent to you as soon as possible after this decision notice has been issued. If the development hereby approved is for a self-build dwelling, residential extension or residential annex you may be able to apply for relief from CIL. Further details about CIL are available on the Council's website: www.newark-sherwooddc.gov.uk/cil/ or from the Planning Portal: www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil

05

Please note that the District Council no longer provides wheeled bins for residential developments free of charge. Wheeled bins can be purchased from the District Council or any other source provided they conform to appropriate standards and requirements of the Council. Enclosed is a leaflet from the District Council's Waste Management Section entitled 'Guidance for New Development – Waste Storage and Collection' which sets out these standards and requirements. If you wish to purchase wheeled bins or discuss this matter further please contact the Waste Management Officer on 01636 655677 or email: waste.management@nsdc.info.

06

The development should not increase flood risk to existing properties or put the development at risk of flooding.

Any discharge of surface water from the site should look at infiltration – watercourse – sewer as the priority order for discharge location.

SUDS should be considered where feasible and consideration given to ownership and maintenance of any SUDS proposals for the lifetime of the development.

Any development that proposes to alter an ordinary watercourse in a manner that will have a detrimental effect on the flow of water (eg culverting / pipe crossing) must be discussed with the Flood Risk Management Team at Nottinghamshire County Council.

The applicant should consider the use of flood resilient construction techniques and materials where possible.

BACKGROUND PAPERS

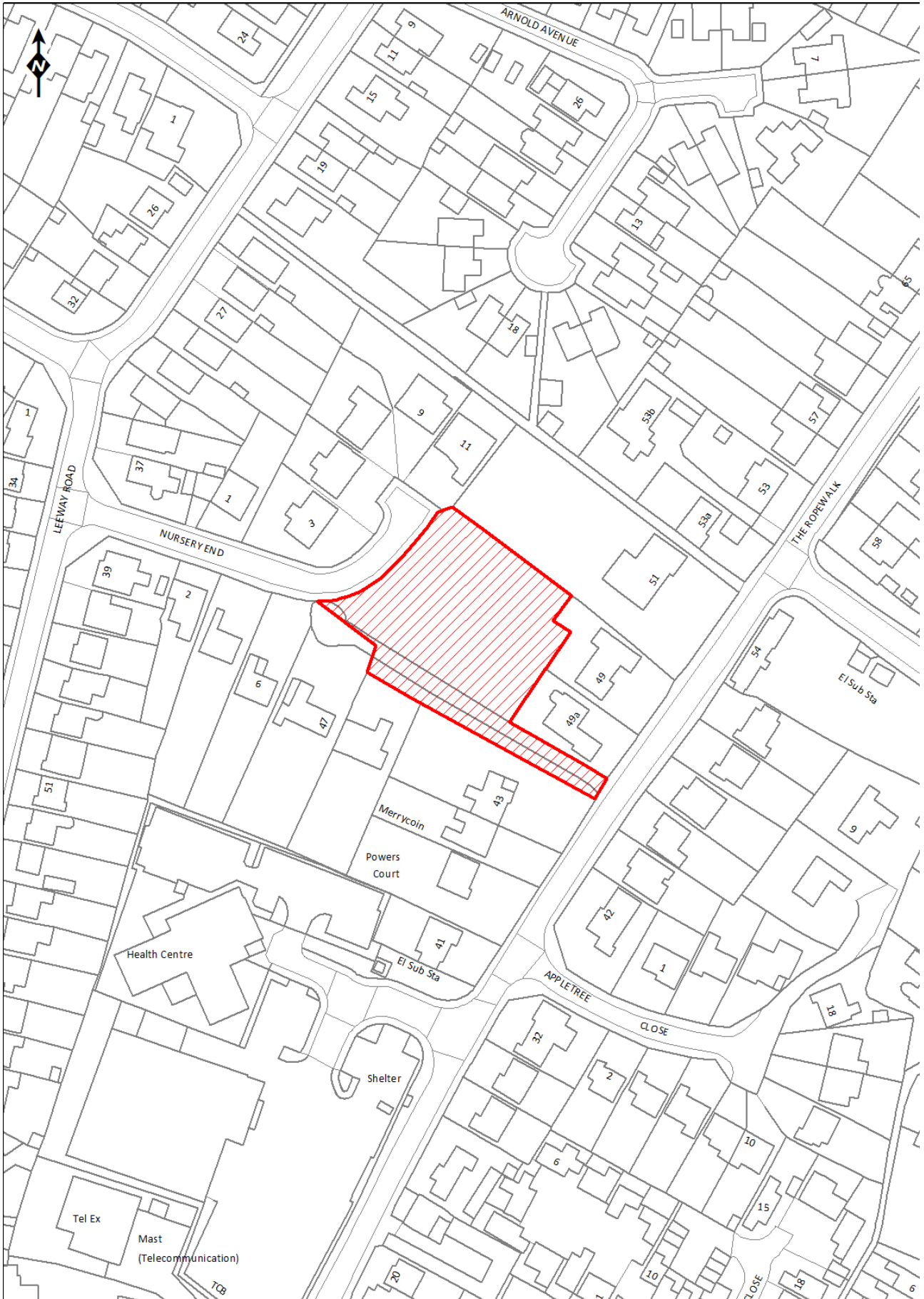
Application case file.

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

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

Lisa Hughes
Business Manager – Planning Development

Committee Plan - 20/01421/FUL



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PLANNING COMMITTEE – 6 OCTOBER 2020

Application No:	16/00506/OUTM
Proposal:	Outline planning application for a phased residential development of up to 1,800 dwellings; a mixed use Local Centre of up to 0.75ha to include up to 535sqm of A1 food retail (not exceeding 420sqm) and non-food retail (not exceeding 115sqm), A3 food and drink uses (not exceeding 115sqm), D1 community uses (not exceeding 1,413sqm); sports pavilion up to 252sqm; primary school (2.2ha) with school expansion land (0.8ha); formal and informal open space including sports pitches, pocket parks, structural landscaping / greenspace and drainage infrastructure; principal means of access, internal roads and associated works. All other matters to be reserved.
Location:	Land At Fernwood South Nottinghamshire
Applicant:	Persimmon Homes East Midlands
Registered:	20.04.2016 Target Date: 10.08.2016
	Extension of Time Agreed Until 09.10.2020
Website Link:	https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=O4I6JCLBHP400

Background

Members will recall that this application has been presented on three occasions in the past as detailed below. At the outset it should be stated that on all occasions Members have resolved to approve the application subject to conditions and the sealing of the Section 106 agreement. The decision is yet to be issued due to discussions in relation to the S106 and the purpose of the current report is to present to Members the latest position offered by the applicant.

This report now forms the fourth report which has been presented to Members for this application. The first was on 13th September 2016 with an Officer recommendation of approval. The second, was on 24th July 2018 where Officers outlined the original viability case presented by the applicant as well as outlining the changes which had occurred between 13 September 2016 and 24 July 2018 in respect of Section 106 negotiations and other changes in material planning considerations. The third and most recent occasion was on 5th February 2019 where Officers presented a 'sense check' of their recommendation in the context of the revised NPPF.

The latest position, and the reason for this report, is that the applicant has provided (by email dated 8th July 2020) updated financial appraisals as discussed in further detail below. The focus of the current report will be on the updated viability position and any other material changes since the application was last presented on 5th February 2019. The intention is for this report to be read as an 'update report' in combination with the full assessment presented in February 2019. For ease of reference, the previous committee report has been included as Appendix 1.

Viability Case

The previous negotiated position which Members resolved to support in February 2019 was that the proposal will deliver 13% affordable housing (234 units) broken down as follows:

	Rent	Intermediate	Total
1 bed	24	-	24
2 bed	80	72	152
3 bed	14	40	54
4 bed	4	-	4
Total	122	112	234

Delivery was agreed on the basis of the following trigger points:

- *Affordable Housing Scheme to be submitted prior to the commencement of development of each phase*
- *Construct Affordable Housing in compliance with the approved scheme (each phase will include Affordable units)*
- *No occupation of more than 60% of the individual completed properties constructed on the site within any phase until at least 45% of the Intermediate Housing within any phase has been completed and transferred to an Affordable Housing Provider*
- *No occupation of more than 90% of the individual completed properties within any phase until the remaining 55% of the Intermediate Housing within any phase has been completed and transferred to an Affordable Housing Provider*

Furthermore, the drafting of the Section 106 includes a requirement for the applicant to provide an appraisal review after 33% occupation (594 dwellings) and 66% occupation (1,188 dwellings).

The case now being made (and evidenced by updated appraisals) is that the first review should be delayed until occupation of at least 46.7% of the dwellings (840 units). The basis for this is outlined by the covering letter accompanying the appraisals by Atlas Development Solutions dated 29th June 2020:

“This scheme includes huge infrastructure and abnormal costs – most of which will be incurred in the early years of development. Therefore, profit and a positive residual land value is not achieved until the second half of development. After 33% occupation, the scheme is still massively in deficit and clearly there will be no scope to increase any of the various S106 provisions at this point.”

<i>No. of Units</i>	<i>%</i>	<i>Residual Land Value £</i>
<i>594</i>	<i>33</i>	<i>-£5,064,051</i>
<i>840</i>	<i>46.7</i>	<i>£795,848</i>

The assessment does not provide a specific breakdown of the abnormal costs. The complicated nature of the wider Fernwood development means that certain elements of the highways works are attributed to certain developers whilst others are dictated by timing of overall development (i.e. irrespective of which developer is building). The original viability assessment submitted outlined the associated highways costs (albeit as estimates) and included ‘interim improvement’ works to the A1 / B6326 Great North Road. These works are required prior to the occupation of the 100th dwelling but are also required in the event that the Larkfleet scheme for 350 units builds

100 units first (17/01266/OUTM). Given that Larkfleet are progressing a reserved matters application, it is highly likely that they will have built 100 units before Persimmon and therefore Permission will no longer be required to do those works. The specific works have been estimated to cost circa £184k. In the context of the above figures this amount is relatively insignificant and not considered to fundamentally alter the position presented (as confirmed by discussions with the appointed Independent Consultant referred to below).

As with the previously negotiated position, Officers have taken the opportunity to seek an independent review of the details submitted. The full report has been included at Appendix 2. This acknowledges the unusual scenario being presented but confirms that the review has been taken in the interests of consistency with the original assessment (indeed it is the same independent party who have conducted the review).

The review accepts the general stance of the latest submission in terms of the potential benefits of a later review mechanism:

WLSL concurs with this point in principle when there is a single review point as the ability to have a fair chance of measuring any improved viability is usually at a point when the site has become established from a marketing point of view, values are adjusting upwards and contingency based infrastructure costs become known and are likely to be a lower cost in the appraisal than in one that has contingency added to it.

The consultant has confirmed that the modelling presented (albeit subject to discussions and clarifications throughout) is correct. The summary of the report includes the following statements:

The clear conclusion is that the earlier the trigger point in the scheme the lower the viability outcome due largely to the cashflow implications of early infrastructure delivery and early S106 payments.

As the scheme progresses to the 840 unit trigger the viability has improved from a 1.08% profit residual to an 8.85% residual profit. This is an improvement of £8.3m equating to a plus 7.77% for 246 additional units.

Essentially the report concludes that the later trigger presented (840 units) is more viable (i.e. more likely to lead to an increased affordable housing split for later phases) than the currently drafted 594 units (33%) review. However, it should be noted that even the later first review would be a considerable distance from the threshold which would in reality lead to securing greater affordable housing proportions.

The independent recommendation to the LPA is as follows:

- *It would be recommended that if there is to be a review and it is either a 594 or 840 dwelling trigger the later 840 unit trigger would be the recommended option as the viability is clearly improving over the lifetime of the development.*
- *Secondly if there is the option for the LPA to consider a later trigger point again, beyond 840 units, whilst the number of units remaining is diminishing and therefore the opportunity number of units will be lower, there is likely to be a greater chance of an improved viability outcome that may provide the Council with an enhanced contribution from the Applicant.*

Officers accept the point that an even later review may increase the chance for additional profit for the developer which will in turn increase the opportunity for greater affordable housing proportions but as detailed this must be weighed against the risk that the later the review is, the fewer remaining properties there would be to influence. Officers are therefore minded to accept the trigger point of 840 as presented by the applicant. Particularly given that the S106 would still be drafted with a 2nd later review. Officers have discussed the principle of moving the 2nd trigger (currently drafted at 66% 1,188 units) further back and the applicant is not averse in principle if Members were minded to conclude a later 2nd trigger is also beneficial (albeit in the aforementioned context of potentially leaving fewer units to influence if any review does work in the favour of greater affordable housing).

Changes in Material Planning Considerations

Since the scheme was last presented in February 2019, the LPA have adopted the Amended Core Strategy DPD. However, the overall thrust of the Core Strategy (including the site allocation NAP2C which affects this site) remains as the original version and there are no changes which are considered material to the current determination.

For the avoidance of doubt, the above conclusion has been drawn from consideration of the following updated policies:

Newark and Sherwood Core Strategy DPD (adopted March 2019)

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

It is also notable that since the time of the previous consideration, the housing industry has been impacted by the consequences of the COVID-19 pandemic. The changes sought to the S106 triggers detailed above are presented as putting the applicant in a position to agree the S106 and finally allow the decision to be issued so that a reserved matters application can be progressed as soon as possible (indeed Officers are already engaging with Permission regarding the detail of the scheme due to come forward). Any opportunity to speed up the delivery of house as the economy recovers from the pandemic should clearly be welcomed in line with the national government stance.

Additional Comments

Fernwood Parish Council (received 21st July 2020): Object to proposal.

The reason for the Parish Council's objection is the development will cause traffic problems in Fernwood. The traffic generation from this development will be significant. There is only 1 road in/out of the village and this will cause access issues with even more traffic using this route. It will also cause safety problems on the B6326 for students attending The Suthers School by bike and on foot.

The B6326 (Great North Road) in Fernwood will be overloaded with the other developments that have already been accepted for the village:

17/01266/OUTM Larkfleet development (350 homes)

18/00526/RMAM Barratt David Wilson Homes development (1050 homes)

There is also the proposed service station development which will bring a significant amount of traffic to the village as detailed in the transport assessment in their application:

20/01177/FULM Proposed single petrol filling station forecourt building with associated drive through.

The cumulative effect of all these developments will cause traffic problems for local residents, old and new. The Parish Council believe it is essential to plan another access route before a development as large as this one is considered.

Two additional letters of objection has been received (from the same party) since the scheme was last presented in February 2019. This can be summarized as follows:

- Property will be overlooked by whatever could be developed;
- The increase in traffic will cause more traffic jams at peak times;
- The nearest hospitals for road accidents are over 20 miles away;
- Flooding is a major concern, housing causes water in parts where it would have otherwise been able to drain away;
- The loss of agricultural land locally is progressing with towns becoming connected to villages;
- There needs to be a balance with housing delivery and food production from agricultural land;
- There are more brownfield sites in the District;
- There needs to be proper archeological research.

Whilst these comments are noted, they do not raise any additional concerns which have not already been previously considered in the report (and by Members) included at Appendix 1. In respect specifically to the Parish Council comments, the highways implications of the proposal (including in a cumulative context with the rest of the NAP2C allocation) have been robustly assessed. The referenced application for a petrol filling station is pending consideration and assessment will include any resultant highways implications.

The revised Parish Council comments and the additional neighbor letter therefore does not affect the recommendation of Officers.

Conclusion

The circumstance to which the current application is being presented to Members is rare insofar as the development proposals, in the same quantum, have already been considered by Members on three previous occasions. However, a decision remains to have been issued and thus the application remains pending.

The LPA have sought independent viability advice on the latest position presented. This review is clear that the later trigger point suggested, whilst improving the chances of the LPA securing more affordable housing, in reality will probably make a marginal difference. Nevertheless in the context that the later review is supported in principle, Officers are minded to accept this conclusion and agree with the 1st trigger point being 840 units rather than 594 units.

All other material planning considerations have already been presented to and debated by Members through the previous committee report included at **Appendix 1**.

The recommendation of Officers is therefore that outline planning approval is granted subject to the conditions appended at Appendix 3 and the signing of a S106 agreement to secure the contributions in Appendix 4.

BACKGROUND PAPERS

Application case file.

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

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

Lisa Hughes
Business Manager – Planning Development

PLANNING COMMITTEE – 5 FEBRUARY 2019

Application No:	16/00506/OUTM	
Proposal:	Outline planning application for a phased residential development of up to 1,800 dwellings; a mixed use Local Centre of up to 0.75ha to include up to 535sqm of A1 food retail (not exceeding 420sqm) and non-food retail (not exceeding 115sqm), A3 food and drink uses (not exceeding 115sqm), D1 community uses (not exceeding 1,413sqm); sports pavilion up to 252sqm; primary school (2.2ha) with school expansion land (0.8ha); formal and informal open space including sports pitches, pocket parks, structural landscaping / greenspace and drainage infrastructure; principal means of access, internal roads and associated works. All other matters to be reserved.	
Location:	Land At Fernwood South, Nottinghamshire	
Applicant:	Persimmon Homes (East Midlands)	
Registered:	20 April 2016	Target Date: 10 August 2016 Extension of Time Agreed in Principle

Members will note that this is the third occasion that the application has been brought before Planning Committee. The first was on 13 September 2016 with an Officer recommendation of approval subject to conditions and an associated Section 106 agreement. The second, was 24 July 2018 where Officers outlined a viability case which had been presented by the applicant as well as outlining the changes which had occurred between 13 September 2016 and 24 July 2018 in respect of Section 106 negotiations and other changes in material planning considerations. For the avoidance of doubt a decision has not yet been issued and thus the application remains pending consideration.

The following report forms an edited version of the original 13 September 2016 report in order to 'sense check' that revisions to the National Planning Policy Framework on 24 July 2018 do not materially affect previous conclusions and the wider planning balance.

The report below references the report presented to Members on July 24 2018 where relevant (coincidentally the same day as the revised NPPF was published) albeit this later report is also appended in full at Appendix 1 for transparency.

The Application Site

The application site comprises approximately 93.6 hectares of agricultural land situated to the south of the existing village of Fernwood on the south eastern edge of the administrative boundary for District. The existing built form of Fernwood village is separated from the site by a vacant parcel of agricultural land to the northern boundary of the site which extends approximately 170m in width at its narrowest point. Other nearby settlements include the village of Claypole to the east of the site.

The application site is formed of nine agricultural fields with a mix of arable crops and livestock grazing. It can readily be interpreted as three parcels of land delimited by the existing highways network which runs through the site.

Boundaries are defined by the Shire Dyke to the south east (which also forms the administrative boundary of Newark and Sherwood and South Kesteven District Councils, the latter of which falls under Lincolnshire County Council); the existing road network to the west (including both the A1 trunk road and the B6326 Great North Road) and the aforementioned neighbouring agricultural land to the north.

The red line site location plan submitted to accompany the application demonstrates a number of parcels of land which are excluded from the application site; namely the curtilages of three existing residential properties and the existing industrial steelworks accessed from Sylvan Way. The red line site location plan incorporates areas of the highway network to allow the development to apply appropriate mitigation measures.

There are a number of constraints which affect the site including the existence of a gas pipeline which runs north-east to south-west as well as electricity cables which run in a north to south direction along the west of the site. These are supported by pylons approximately 46m in height. A significant proportion of the site along the eastern boundary is classed as being land within Flood Zones 2 and 3 according to the Environment Agency maps owing to flood plain extremities of the River Witham which runs south to north further east of the site. The topography of the site is relatively flat.

The Shire Dyke is classified as a site of local interest in nature conservation on the basis of being a representative stretch of a species rich drain. Other nearby designations include Cowtham House 'arable weeds' along a field margin on the opposite side of the A1 and the Bantycok Gypsum pit approximately 800m to the west of the site recognized for its geological contributions in terms of showing a complete geological succession of the area.

There are no public rights of way within the site itself. There is however a footpath on the south side of the Shire Dyke.

Relevant Planning History

The application site is primarily greenfield and therefore there is no formal planning history in relation to the application site in terms of individual planning applications other than the request for a scoping opinion which the LPA responded to in April 2015 (reference 15/SCO/00001).

There are however relevant planning applications on land surrounding the site. The most relevant of which are summarised below:

14/00465/OUTM - Proposed residential development for up to 1050 dwellings and associated facilities (Education & Recreation) infrastructure and utilities; application for outline planning permission (including access) – **Application approved 29th September 2017.**

18/00526/RMAM - Reserved matters submission for 1050 residential dwellings public open space, sports provision, allotments and associated infrastructure. **Application approved 9th August 2018. This is the scheme promoted by Barratts David Wilson Homes.**

17/01266/OUTM - Outline planning application for the construction of up to 350 dwellings; formal and informal open space, structural green space, surface water drainage infrastructure and access from the B6326. All other matters to be reserved". **Application approved 13th December 2018. This is the scheme promoted by Larkfleet Homes.**

92/50020/HAZ – Storage of ammonium nitrate. *This relates to the land occupied by the existing steelworks off Sylvan Way which has been excluded from the application site. As is discussed further in the detailed discussion of the report, NSDC have revoked the Hazardous Substance Consent by letter dated 29th June 2016 on the basis that there has been a change in site ownership since the consent was granted in 1993. No application for the continuation of the consent has been received since this change in ownership as per the requirements of the relevant regulations (Section 17 of the Planning (Hazardous Substances) Act 1990).*

Background

Members will be aware that what is now known as existing Fernwood was originally allocated for housing development in the Councils 1999 Local Plan. The site of the former Balderton Hospital has been built out over the last 15 years, being completed this year (it is noted that less units that consented have actually been built out).

In 2006 the Council secured Growth Point status, with Greater Fernwood (the expansion of the existing Fernwood including this application site), Land South of Newark, and Land East of Newark being allocated in the Core Strategy (2011) as Strategic Urban Extension (SUE) sites to accommodate the majority of Growth across Newark and Sherwood District. Each of the SUE sites remains critical to this Authority delivering on the housing numbers committed to (and the associated infrastructure), even on the basis of more recent objective assessment of overall housing numbers required for the District over the next 20 years. This is a matter I discuss further when capturing the 5 year housing land supply position in the appraisal section of the report below.

The Proposal

Outline consent is sought for a residential led mixed use development comprising up to 1,800 dwellings, a Local Centre, a Primary School, a Sports Hub with extensive areas of public open space and associated infrastructure. The application has been submitted on the basis of all matters except access being reserved.

Despite being outline in nature, the application has been accompanied by an indicative masterplan which demonstrates the amount and disposition of the proposed uses:

Land Use	Land Area (ha)
Developable Housing Area (up to 1,800 units)	47.90
Primary School	2.2
Primary School Expansion Land	0.8
Local Centre	0.75
Green Infrastructure	31.8
Highway Infrastructure	10.15
Total Area	93.6

Residential

- The residential area of the site would occupy approximately 47.9 hectares representing a density of 37.56 dwellings per hectare comprising a mix of open market and affordable dwellings;
- There will be a mix of housing of different sizes and tenures;
- Although not a matter for consideration at this stage, there is an intention that the majority of the houses would be two stories in height.

Primary School

- The proposed primary school would occupy a land take of approximately 2.2 hectares and be positioned in the north west corner of the site adjacent to Great North Road;
- It will provide a 2 form entry 420 place primary school;
- To the north of the proposed primary school is an area of land allocated as potential for a school expansion site being approximately 0.8 hectares in extent.

Local Centre/Community Hub

- The proposed Local Centre (LC) would also be in the north western corner of the site adjacent to the school accessed from Shire Lane, this would occupy approximately 0.75 hectares and comprise the following:
 - Up to 535m² of A1 retail
 - Of which up to 115m² of A3 food and drink uses
 - Up to 1,413m² of D1 community uses
 - Community / Sports Hall up to 1,113m² including a badminton court
 - Land for a medical facility of up to 300m²
- The Community Hub will be supported by footpaths, cycle paths and crossing facilities to allow connectivity to the development within the site. There will also be areas of car parking and other associated infrastructure.

Open Space/Sports Hub

The proposal includes approximately 31.8 hectares of green infrastructure predominantly positioned along the eastern boundary of the site

- 19.1ha of natural and semi-natural green space;
- 6.4ha of amenity green space and provision for children and young people including:
 - Pocket Parks and Greenways across the Development; and
 - 2 x Local Equipped Area for Play (LEAP) facilities and 1 x Neighbourhood Equipped Area of Play (NEAP) facility designed to meet standards;
- 2ha of allotments in two separate locations; and
- 6.5ha of space for sports provision, comprising a Sports Hub to include:
 - 2 adult football pitches (one grass and one AGP);
 - 2 mini football pitches;
 - 1 junior football pitches;
 - 1 adult and youth cricket pitch;
 - 1 adult rugby pitch;
 - A 252sqm sports pavilion and changing facilities;
 - Additional changing facilities to support pitches north of Claypole Lane; and
 - 4 tennis courts.

Infrastructure

- The masterplan demonstrates the provision of SUDS drainage basins approximately 1.9 hectares in area as well as proposed swales along the eastern boundary of the site;
- Extensive walking and cycling routes throughout the site;
- Vehicular access points into the site:
 - The main access will be from the B6326 Great North Road onto Shire Lane requiring conversion to a roundabout junction;
 - Shire Lane/Claypole Lane will be redesigned to provide a 6.75m wide footway with new access points into the site
 - The second vehicular access point off the B6326 will be at Sylvan Way which will comprise a 7.3m wide carriageway;

- The third access point will be at the south of the site from a new roundabout with access from the A1;
- A bus service comprising an extension and enhancement of existing services is to be introduced.

The development is intended to be delivered over three phases in a north to south direction across the site. Phase 1 would include the delivery of the Local Centre as well as part the Sports Hub to the north of Shire Lane. Subject to gaining outline and subsequent reserved matters permissions, the applicant intends to commence on site in ~~2017 delivering 50 units for the remainder of that year.~~ **This timescale has clearly since passed with the latest intentions suggesting a build commencement in 2020.** Thereafter it is envisaged that the site will deliver a build out rate of 110 units per year. The build period is anticipated to last 17 years.

The application has been accompanied by a full Environmental Statement of three volumes comprising a Non-technical summary, the main report and associated figures and appendices. Other submissions include the following documents:

- A suite of Parameters Plans:
 - A: Application Boundary
 - B: Land Use
 - C: Residential Density & Building Heights
 - D: Access
 - E: Green Infrastructure
 - F: Phasing
 - Masterplan
- Planning Statement;
- Design and Access Statement (D&AS);
- Tree Survey & Constraints;
- Statement of Community Involvement (SCI); and
- Management Plan.

Departure/Public Advertisement Procedure

Letters have been sent notifying of the application to all existing residents of Fernwood village as well as neighbouring properties in close proximity to the site including the industrial uses off Syvlan Way and the existing industrial development at Fernwood. Site notices have been placed at varying locations around the site as well as in nearby villages of Fernwood and Claypole. An advert has also been placed in the local press.

Planning Policy Framework

The Development Plan

Fernwood Neighbourhood Plan (made 10th October 2017)

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

Newark and Sherwood Core Strategy DPD (adopted March 2011)

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

Allocations & Development Management DPD

- Policy DM1 Development within Settlements Central to Delivering the Spatial Strategy
- Policy DM2 Development on Allocated Sites
- Policy DM3 Developer Contributions
- Policy DM4 Renewable and Low Carbon Energy Generation
- Policy DM5 Design
- Policy DM7 Biodiversity and Green Infrastructure
- Policy DM9 Protecting and Enhancing the Historic Environment
- Policy DM10 Pollution and Hazardous Materials
- Policy DM11 Retail and Town Centre Uses
- Policy DM12 Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- Newark and Sherwood Affordable Housing SPD (June 2013)
- Newark and Sherwood Developer Contributions SPD (December 2013)
- Newark and Sherwood Landscape Character Assessment SPD (December 2013)
- National Planning Policy Framework 2012 and its Technical Guidance.
- National Planning Policy Guidance, March 2014.
- South Kesteven Character Assessment, Trent and Belvoir Character Area
- Fernwood Neighbourhood Plan (for the avoidance of doubt this is at a very early stage and attracts no weight in planning terms but it is noted for awareness)

Consultations

Fernwood Parish Council – Comments received 21 June 2016:

‘Fernwood Parish Council discussed the above at their meeting on 20 June and they object to the proposal with reservations and comments will follow shortly.’

Further Comments received 26 July 2016:

‘As a result of the meeting that took place on Wednesday 29 June 2016, I have been asked to write to you to communicate the concerns of the Parish Councils whose Parishes are going to be directly

impacted on by the proposed developments of Barrett/David Wilson Homes (B/DWH) and Persimmon Homes.

Fernwood currently, is a small village with the road infrastructure and amenities to match. Historically the B6326 was a country road which serviced the local villages of Balderton, Claypole, Dry Doddington, Stubton, Fenton and the area which was once RAF Balderton. This road has changed very little in the last 100 years.

The development of Fernwood Central, as it is now known, has brought with it highway issues, not only in the Village itself but also on the B6326. It is not unusual to have major traffic congestion on this road when an accident happens on the A1 stretch of road between Long Bennington and the A46. This traffic congestion impacts on Claypole, Balderton and Newark when vehicle drivers try to circumnavigate traffic congestion by using Shire Lane, Hollowdyke Lane and London Road.

With the submission of the proposed developments in the area, Persimmon Homes to the South which includes the development of 1800 dwellings and B/DWH to the North and their revised plans to build 1050 dwellings, Parish Councils of the villages above are very concerned that very little is being done with regard to improving the highways infrastructure in the area.

It seems that current plans have focused on present road usage and not future usage. When the various developments are looked at along with an increase in vehicle usage, the outlook for residents in the various Parishes and their ability to commute from A to B is very bleak. Fernwood Parish Council has estimated the increase of vehicles per development in and around the area to be as follows:

Fernwood North 1050 dwellings — additional 1500+ privately owned vehicles

Fernwood South 1800 dwellings — additional 3000+ privately owned vehicles

Bowbridge Lane 3150 dwellings — additional 6500+ privately owned vehicles

Single carriageway southern relief road — usage unknown.

The totals above do not take into account haulage vehicles, farm, bus provision or vehicles used to access the business park.

When considering the applications put forward by the above developers and the limited highway improvements proposed, we would like to draw your attention to paragraphs 64, 66 and 70 of the National Planning Policy Framework:

- Paragraph 64 which states 'permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the *way it functions*.'
- Paragraph 66 which states 'Applicants will be expected to work closely with those directly affected by their proposals to *evolve designs* that take account of *the views of the community*.'
- Paragraph 70 which states 'to deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:
 - plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to *enhance the sustainability of communities* and residential environments;
 - ensure that established shops, facilities and services are able to *develop and modernise in a way that is sustainable*, and retained for the benefit of the community; and
 - ensure an integrated approach to considering the location of housing, economic uses *and community facilities and services*.'

The lack of vision in highways infrastructure in the area displayed by the developers and to a degree, Newark and Sherwood District Council, is of serious concern to the residents that live in the area and it will be these residents who will be directly impacted on during the developments and for many years after completion. B/DWH for example, intend to block off Hollowdyke Lane which would in effect isolate residents of Fernwood, Claypole and surrounding villages in the event of an accident on the A1, A1 bridge or London Road. We would also draw your attention to the design and safety issues arising from the impact on Shire Lane contained in Claypole Parish Council's well –argued submission, and the sensible alternative they put forward.

The Parish Councils would urge NSDC, NCC and Government to rethink its approach to development and move away from the piecemeal approach and consider an approach that includes sustainable highway infrastructure that services the ongoing developments in an area, a highway infrastructure that enhances business opportunities, identifies and obtains additional funding requirements outside of that provided by the developers in order to provide an effective and efficient transport infrastructure for the long term and an infrastructure that takes into account the health and wellbeing of the current and future residents of the area.'

Barnby Parish Council – 'Barnby in the Willows Parish Council does not oppose the application, but is concerned that the area is not sustainable for this level of growth in terms of shopping, medical provision etc. and would therefore add to the congestion problems of Newark and surrounding areas. There are also concerns about the increase in traffic that the development would generate - improvements to the A1 access should be implemented at an early stage of the development.'

Balderton Parish Council – 'Object to the proposal. Members consider that the application must be rejected to on the grounds that local infrastructure cannot cope with the extra traffic generated from this development.'

Further comments received on 1 August 2016:

Members are still very concerned about the impact upon the local infrastructure which cannot cope with the extra traffic generated from this development.

Members consider that the Southern Link Road should be completed fully before the major developments in the area are commenced and are seeking the support of the local M.P. in this respect.

Newark Town Council - No comments received.

Hawton Parish Council - No comments received.

Farndon Parish Council - No comments received.

Cotham Parish Council - No comments received.

Coddington Parish Council – 'Coddington Parish Council supports the proposal, but wishes to comment with regard to the traffic assessment pp49-53 (A1T/B6326 Fernwood South).

This Council endorses the views expressed already that the trigger point for the implementation of remodelling the A1 central reservation crossing, and the extension of the north and south slip roads, should be advanced for initiation and completion at the start of the project.'

Further comments received as follows:

Coddington Parish Council (CPC) supports the Proposal for Fernwood South but has studied with particular interest the accompanying Transport Assessment (TA) (Appendix 6.1). It is a matter of record that CPC has regularly raised concerns, since the 2010/11 Growth Point consultation, regarding the use of the C83 (Balderton Lane) as a rat-run between Balderton/Fernwood, via Coddington, and the A1, A17 and A46; CPC engaged its own consultants to study the issue. The use of Hollowdyke Lane, Fernwood, as an entry/exit point for the C83 was always a leading concern. CPC is therefore pleased to note that the TA, in considering Hollowdyke Lane, has chosen (para 6.64) not to vary the related proposal contained in the 2014 Fernwood North (Barratt/David Wilson Homes) application. That proposal makes provision to convert the northern end of Hollowdyke Lane to a bus-only link-up to Coddington Road in Balderton, as part of the developments sustainable transport package.

CPC had noted in the Newark Advertiser (19 May 2016) the reported concerns of Fernwood Parish Council, in relation to the current consultation, with regard to the restricted use of the Hollowdyke Lane/C83 entry-exit in the event of accidents on the B6326 (A1(T) Overbridge). Those concerns are now being reiterated in a letter arising from a traffic meeting attended by representatives of Balderton, Coddington, Fernwood and Claypole Parish Councils. Whilst Coddington PC is fully in agreement with the need for improved local traffic infrastructure to be addressed, it does not wish to be included as a named collaborator in that letter. Coddington village has already experienced a substantial increase in traffic on its roads, arising from the C83 route and the growth of Fernwood. The continued growth-associated open use of the Hollowdyke Lane/C83 junction would only serve to exacerbate these conditions, damaging the living environment of residents, creating congestion for all road users, and causing danger, particularly to children and parents entering and leaving Coddington School. Proposed mitigation measures for the A1(T) Overbridge include its widening by the addition of a second north-bound lane. This, alone, should help prevent a road blockage at this point. We suggest, however, that contingency measures for that possible event should include the capability of the emergency services to override, temporarily, any barrier operation on the remodelled northern Hollowdyke Lane entry/ exit; this strategy would maintain the routine day-to-day integrity of the bus-only link.'

South Kesteven District Council – 'Thanks you for consulting South Kesteven District Council on this application.

South Kesteven District Council recognises that the site is part of a strategic allocation and therefore has no fundamental objection to the proposal. However, as the site is adjacent to the district boundary we would advise that NSDC carefully considers the following points:

- The impact on the setting of grade I listed St Peters Church Claypole must be carefully considered as it is a very prominent landmark and has an extensive landscape setting, especially when viewed from the west, northwest and south west. NSDC must be satisfied that any harm to the setting is adequately mitigated.
- The proposal is likely to lead to a significant increase in traffic through Claypole and other villages in SK beyond Claypole, particularly on occasions when the A1 is blocked. NSDC must be satisfied that adequate provision is made to mitigate the impact. We would advise that LCC Highways be consulted if they haven't already.
- The edge of the development which runs along the boundary with SK should be sensitively landscaped to ensure that visual impact (from views within SK) is minimised

- South Kesteven have received the following comments from Claypole, Fernwood, Stubton and Fulbeck parish Councils. We would urge NSDC to take into account and address all the material issues raised by them'

Claypole Parish Council -

Initial comments received as follows:

1. 'Introduction

- 1.1 Claypole is a village located at the end of Shire Lane, entered at 1.1 miles from the junction of Shire Lane (C412) and the Great North Road (B6326). It is a community of approximately 1200 residents and enjoys a village identity with a primary school, sports facilities, a public house, a village hall, a shop, a butcher, and a hairdresser.
- 1.2 While acknowledging the importance of the new homes which this development will provide, our primary concerns are that Fernwood South, either during its construction phase, or in its final form, should not undermine our village, nor create safety hazards or undue inconvenience for Claypole residents, or indeed for residents of Fernwood South.
- 1.3 These concerns are reflected in the following observations.

2. Shire Lane (C412)

- 2.1 Shire Lane is routinely used by residents of Claypole, and also by residents of nearby villages (e.g. Dry Doddington, Stubton, Brandon) as the key route to Newark for work, shopping, access to amenities, to schools, and to access the railway and bus network. It is the route for the public transport bus and for school transport, and for farm and business traffic.
- 2.2 At times, when there are accidents on the A17 or A1 south of the A17/46 junction, traffic is diverted through Claypole to reconnect with the A1. This is itself a cause of inconvenience and safety concern to Claypole residents who are placed at danger through large flows of traffic through the village, not least if such diversions coincide with secondary school transport and the start and end of the primary school day (between 7.30 and 9.00am and 3.30 and 5.00pm).
- 2.3 Paragraphs 3.9 to 3.12 of the Environment Statement 1 claim to address the vehicular impact on Shire Lane during the construction phase and eventual use. A conclusion is made that there will be no significant impact on the grounds that the total eventual traffic flow, while increased by an estimated 30% during the construction phase, will remain below the theoretical capacity for Shire Lane quoted in para 3.11. At the time of the operational phase, the report suggests that the routine vehicle flow on Shire Lane will almost double, from 6,700 vehicles a day to 12,485. This is a highly significant increase that will change the whole nature of the road use.
- 2.4 Our view is that, without questioning the basis of the "theoretic capacity" calculation, it was determined for a stretch of road without any significant junctions (save for Broad Fen Lane and the HGV vehicles of Laffey's Construction); an otherwise continuous flow of vehicles from Claypole to the junction with the B6326 and vice versa.
- 2.5 The proposed Masterplan (Environment Statement 1 Appendix 1.2), however introduces four major junctions onto Shire Lane from the housing areas, and two further junctions with car parking areas. These junctions inevitably create a hazards as potential accident sites for vehicles emerging on to Shire Lane and for vehicles using Shire Lane. They would in any case obstruct the flow of traffic to and from Claypole, leading to queuing and frustration and higher vehicular emissions. The proposal is to widen Shire Lane at points and to construct central reservations at some of these junctions. Claypole Parish

- Council's view is that this work is not the most effective solution; it will not remove the hazard of vehicles joining a busy Shire Lane and will cause queuing.
- 2.6 We submit that a solution to this significant problem would be for the plan to adopt a ribbon development layout with the provision of service roads at either side of Shire Lane linking the three proposed residential roads to the proposed roundabout junction with the B6326. In this way, vehicles from the housing areas would not connect directly with Shire Lane and thereby not impede traffic flow and reduce the potential for accidents.
 - 2.7 Claypole Parish Council rejects the suggestion made in para 3.9 of the Environmental Statement 1, that there will be a "negligible" impact on Shire Lane during the construction phase. The prospect of 330 additional traffic interventions each day, including 120 HGV movements, continuing over several years is far from negligible on an otherwise quiet country road that provides a major and sole access to Newark and the A1 for Claypole residents.
 - 2.8 Our concerns is not only for vehicle movements but for the dirt and slippery road surface inevitably caused by construction traffic moving on and off a development site.
 - 2.9 Construction work brings not only an unacceptable level of HGV activity, but also temporary traffic control measures and mud on to road surfaces. The report indicates a building schedule over a period of some 17 years. *It is outrageous* to expect Claypole residents, and those from the surrounding villages to accept months and years of frustrating delays from temporary traffic lights, obstruction, dirt and other control measures as they seek to continue their lives routinely travelling to Newark.
 - 2.10 The proposed widening of Shire Lane with the construction of central barriers in the Masterplan would lengthen the time of inconvenience to road users during the construction phase exacerbate and means that Shire Lane would remain the point of access to the "estates" during the whole of the construction phase.
 - 2.11 Again, we submit that the inclusion of the service roads as described created at the outset, would shorten the impact of the development on Shire Lane users to the initial stages of construction work, and then largely resolve this problem by avoiding the further need for construction traffic to be routed on to Shire Lane. Accordingly we request that the service roads be completed at the initial stage of construction and that construction traffic be then barred from using Shire Lane.
 - 2.12 The Parish Council is also concerned that Fernwood South residents who wish to connect to the A17 towards Sleaford and the East Coast, will be tempted to travel through Claypole rather than on the A1 to the A46/A17 junction. In the short to medium term at least, the known traffic problems associated with this junction is likely to encourage people to take a route through Claypole. Claypole's narrow main street with homes and businesses directly onto the road is not suitable for this kind of through traffic. It is important to Claypole, therefore, that the layout and design of the development should facilitate and encourage traffic towards the A1 rather than to Claypole. The service roads taking traffic west to the B6326 junction, rather than directly on to Shire Lane will assist this objective.
 - 2.13 There are two further concerns with regard to Shire Lane that were raised with the representative of Persimmon who attended a meeting with the Parish Council. Notwithstanding the importance of discouraging an increased flow of traffic from the development towards (and through) Claypole, we are aware that some increase will be inevitable. We therefore first point out the narrowness and weakness of Shire Dyke Bridge located to the eastern extreme of the development. This is a longstanding concern of the village. It creates a blind bend and has contributed to many road accidents. While it could be argued that the bridge/bend creates a natural traffic

calming measure, on balance we feel that an improvement to this part of the road would be one minor compensation for Claypole residents who will be disadvantaged in so many other ways by this development, even with the installation of the proposed service roads.

- 2.14 We therefore propose that the road at Shire Bridge be straightened, including provision of a new bridge as a part of the new road development.
- 2.15 Second, in the longer term, when the new development with its thriving shops and amenities are in place, it is highly probable that Claypole residents may wish use them. While much of this submission, and indeed the Environmental Assessment, is focused on vehicles, we are likely also to see an increase in pedestrian and cycle traffic, not least from Fernwood to Claypole and the countryside beyond. Para 3.14 of the Environmental Statement 1 makes reference to developing the cycle and pedestrian infrastructure but no clarity is given about the extent of this. Shire Lane is presently not at all suited to pedestrian and cycle use.
- 2.16 We submit that a footpath/cycleway should be installed the length of Shire Lane, from the proposed service roads to Claypole for the advantage of both Fernwood South residents, Claypole residents and for the safety of road users.

3. *Proposed School*

- 3.1 The development plan positions the proposed school at the junction of the B6326 and Shire Lane. Even with the introduction of the service roads proposed in this submission, the Parish Council is deeply concerned about the hazard implications rising from this.
- 3.2 The problems for child safety and traffic congestion outside schools, especially primary schools, at the start and end of the school day is one of wide concern. Various measures have been introduced by schools and by local authorities to restrict, control and calm traffic, aimed at parents dropping off and collecting children, and for children on foot. Seldom are these measures entirely successful in providing a permanent solution. These are huge problems for established schools seeking to cope with increased road traffic past their schools and coming to terms with the changing practice of parents. It is more than appropriate, therefore, to ensure that any new school plans for these problems at the outset.
- 3.3 It is noted that the school entrance is sited off one of the new roads from Shire Lane. Again, the introduction of the service roads described above will mitigate some of the problems, reducing the likelihood of parents parking temporarily on Shire Lane. Nor can it be assumed that parents who cannot park immediately outside the school gate will limit their parking to Shire Lane. Observation of practice elsewhere shows that parents will be willing, if necessary, to park some distance from the school gate. It cannot be assumed that some parents will not park on the B6326, causing a potential major obstacle and hazard on what will become an extremely busy road.
- 3.4 Claypole Parish Council asks that the siting of the school be relocated so that it and its surrounds are within the residential boundary and away both from Shire Lane and the Great North Road.
- 3.5 While it is acknowledged that the opening of the proposed school is not entirely within the hands of the developer, the Parish Council is anxious about the impact that the development will have in the short-term prior to the opening of the new school, and then once opened, on Claypole Primary School. The Claypole School provides first choice places for children from Claypole, Dry Doddington, Westborough, Stubton and Fenton. We are concerned about the impact of a large volume of new housing prior to the new school opening that may deprive places to children from these villages while

causing the school to staff to capacity, only for this situation to be reversed once the new school is opened.

- 3.6 Accordingly we request that a dialogue be opened between the relevant education authorities to manage this situation, and that the planning arrangement should ensure clarity about the planned opening of the new school.

4. *Great North Road (B6326)*

- 4.1 The Environmental Statement 1 assesses that there will be no significant impact on the Great North Road (B6236) either during the construction phase or at the operational stage. We reject this entirely. The road is currently takes a fast moving traffic flow as the southerly access to the A1 south from Newark. Traffic heading south from the existing Fernwood development has added to this. At the same time, all traffic from Shire Lane, whether heading towards Newark or to the A1, north or south, uses this road. There have been several accidents at the junction of Shire Lane with the Great North Road.
- 4.2 It is also worth noting that should there be an accident at this roundabout then all movement from Newark/Balderton to the A1 South would be impacted; residents from Fernwood South would be unable to leave their estate and there would be the potential of some 12,485 vehicles, 3% of which would be HGVs (Environmental Statement 1, para 3.14), seeking a detour through the village of Claypole and then Dry Doddington or Stubton/Fenton.
- 4.3 Design of the roundabout at this junction should be carefully considered to ensure it properly manages the doubling of vehicle numbers emerging from Shire Lane (including the requested service roads) on to a busy and otherwise fast moving Great North Road.
- 4.4 The increased use of the Great North Road will exacerbate the already evident unsuitability of the slip road on to the A1 South. As traffic has grown it is now not uncommon to witness traffic queuing because a vehicle has not managed to join the A1 safely without coming to a halt. This has already caused several accidents. A longer slip road is needed.
- 4.5 The north bound slip road now also causes problems that can only become worse as more domestic and commercial traffic is added from the new developments of Fernwood South and those neighbouring. Although a longer slip road, sight of traffic already on the A1 heading north is obscured for joining traffic by the dense trees between the Balderton roundabout and the A1.
- 4.6 We strongly urge that the highways improvements that are needed, already evidenced by current traffic use, are carried out before the development is started and not as a response to the accidents and injury that will inevitably occur when the operational phase of the development is reached.

5. *Drainage*

- 5.1 The Parish Council notes that despite the creation of Fernwood, the business park and this proposed development, there is no apparent major investment in drainage solutions, relying instead on SUDS. We question whether this is a sustainable solution in an area of heavy clay.
- 5.2 We also note that on the Fernwood South development masterplan the location of the new SUDS will not be isolated. Indeed major SUDS are located adjacent to the area identified as "Proposed Play Area". We question the safety and wisdom of this.'

Following the submission of a rebuttal to the above comments the following revised comments were received dated 10th August 2016:

'A copy of your letter addressed to Fernwood Parish Council, with the accompanying rebuttal from Persimmon Homes to our submission dated 16 May 2016, has been forwarded to us. We are at a loss to understand why a similar letter was not forwarded direct to us with the invitation to comment further.

We have carefully considered the response by Persimmon, and would comment as follows using Persimmon's numbering for ease of reference:

In the generality we find Persimmon's rebuttal to be disingenuous and based on a fanciful notion of the development they propose and an approach to public safety that relies wholly on compliance with standards and without regard to "real world" behavioural practice. We find therefore, that Persimmon appear disengaged from the real threat of accidents occurring, should aspects of their plans not be modified, to the point of negligence.

1.0 Claypole Parish Council's primary concern are the hazards that will be created by introducing seven junctions onto the main thoroughfare out of Claypole and for villages beyond, towards Newark and the A1. While we acknowledge Persimmon's commitment to design standards, these standards can only reduce or ameliorate the hazards created and do not *remove* risk. If the plan proceeds as currently proposed there *will* be accidents at these junctions.

Persimmon comments that many vehicular accidents arise from people travelling too quickly. This is correct, but again, simply reducing the speed limit will not itself prevent those who are determined to speed from doing so. Persimmons are incorrect in asserting that there will be no queuing on Shire Lane. Queuing *already occurs* at the junction with the Great North Road, especially at peak times. This will be exacerbated by the increased volume of traffic from the Fernwood development, and naturally when vehicles emerge from the side roads onto Shire Lane. Queuing is also recognised as a key cause of vehicular accidents.

We wholly reject Persimmon's comparison of their development with "any village settlement" to justify going ahead with these junctions. The suggestion that we are considering a village with a main road running through it is a falsity. A plainly more apt and factual description of the reality is that Persimmon are proposing to build a housing estate at each side of the busy Shire Lane, the key thoroughfare for residents from Claypole and the villages beyond to Newark and the A1 for access to jobs, shopping, services, amenities and public transport, and for their return. This is the starting point from which safety considerations should and can be built in to the design. In any case, in a true village settlement, like Claypole, there are constant concerns about the safety of vehicles and for pedestrians emerging from side roads on the main street, or crossing the main street. To simply infer that it is appropriate for a new settlement to accept these risks because they occur elsewhere is both arrogant and negligent. We have the opportunity now to ensure the design of the development acknowledges the reality of Shire Lane being a main thoroughfare and to alter the road design accordingly.

With concerns about safety, and the inevitable accidents that will occur if this proposal goes ahead un-amended, it is equally inevitable that residents of the new estate will begin to lobby for a bypass taking Claypole traffic away from the centre of their community. We have proposed a sensible solution to traffic safety concerns by adopting a ribbon development with service roads running parallel to Shire Lane to take traffic from the estate roads to the new roundabout at the Shire Lane/B6326 junction. This would have the additional advantage of ensuring that the design

of this roundabout properly controls traffic flow, when it is widely acknowledged that roundabouts at “T” junctions (as proposed) tend to be ignored by traffic on the major road who mistakenly believe they have priority. A multiple junction roundabout will better control traffic flow and will be safer. The alternative at this early stage would be to pre-empt the bypass argument and consider creating a new road to link Claypole with the B6326 possibly at a modified Hollow Dyke Lane junction.

1.3 Claypole Parish Council’s second issue arises from a demand that our residents, and residents from the villages beyond, are treated with respect during the development process. Persimmon confirm that the “roadworks contract”, presumably to install the junctions onto Shire Lane, will last up to 9 months. That is 9 months of interruption and delay on our sole thoroughfare as our residents make their way to and from work or to the services and amenities of Newark. And this assumes no extension as we have witnessed at the junction of Bowbridge Road and Hawton Lane where motorists have had months and months of holdups. But unlike there, Claypole does not have an easy alternative route.

Beyond these “9 months”, construction traffic will be using Shire lane to access their sites. This will continue throughout the development for some 20 years. While we welcome that construction traffic will be barred from travelling through Claypole itself, the very fact is that they will be using Shire Lane, creating holds ups and hazards – slow moving vehicles, mud from wheels, dropped loads, etc. This is an appalling intrusion on the lives of the people of Claypole. Again, Claypole Parish Council’s suggestion of creating service roads would remove this hazard and inconvenience completely.

1.5 Claypole Parish council expressed concern that residents on the Fernwood development will be likely to travel through Claypole to access the A17. Persimmon acknowledge that no consideration has been given to behavioral practice, and that they have relied wholly upon the Newark Traffic Model. Consequently their response fails to address our concerns nor provide any satisfaction.

In a pragmatic response to this issue we have drawn attention to the hazards around Shire Dyke Bridge on Shire Lane. Our concerns are not only about the structural weakness of the bridge, but also about the road layout at this point, a “blind” bend that has resulted in several vehicular accidents on the Claypole side. We are puzzled by Persimmons comments under 1.7 in their rebuttal that suggests they believe they will be able to provide “good inter-visibility ...to approaching vehicles from both directions” without significant change to the actual road alignment. We submit that given that there will be an inevitable increase in traffic flow to some degree, it would be responsible to review the road layout at this point and to make it safer. It is worth noting that should the road from Claypole to the B6326 be diverted to meet at Hollow Dyke Lane as suggested above, then this would make a significant contribution to minimising the tendency to use Claypole as a “rat run” to the A17, and thereby causing increased traffic and dangers on Claypole’s narrow main street.

1.8 We welcome the proposal to create a footway from the GNR to Mill Lane. We suggest that this also be designated a cycleway, and we look forward to seeing the proposed design.

1.9 Claypole Parish Council is concerned about the hazards created by the proposed siting of the primary school. While we welcome the proposal to create a dedicated drop-off and pick-up zone, it is clear from real life experience that such measures are inadequate on their own. Again Persimmon’s approach does not take account of behavioural considerations.

In Claypole, we already have a defined drop-off and pick-up zone outside the primary school which is situated away from the main street and down a side road. Yet despite this we receive repeated concerns from parents about the hazards created by parents dropping off their children away from the dedicated zone. It is an issue that has been raised with parents by the headteacher, and the Parish Council are in communication with the County Council over this issue.

Even when parents are “threatened” by police monitoring, as in the case at John Hunt School on Balderton Road, parents continue to act in ways which they regard as safe for themselves but without regard to others.

In the case of the Fernwood development, no consideration has been given to the possibility of parents not using designated zones for reasons of congestion or convenience. In their comments Persimmon say “the proposed local centre location benefits from excellent connectivity to the surrounding areas”. This is just our point and because of this connectivity it is more than probable that some parents will feel they “need” to drop off their children on the Great North Road or on Shire Lane without regard to the obstruction and hazards they cause. This is particularly alarming when one reads Persimmon’s description of the road layout they propose associated with the junction of Shire Lane and the B6326.

While we feel that the creation of the service roads will ameliorate the situation to some degree, we still strongly suggest that it would be safer that the school was sited further away from the main roads.

These are our primary concerns, although we remain unassured about the impact this development will have on the B6326 and its junctions with the A1 to the south and north. We would welcome an opportunity to discuss our concerns and the possible solutions in person, and we trust our points will be given due consideration by the Planning Committee. In that regard, we would much appreciate some indication from you as to the next stage and how we might reinforce our concerns direct to the Planning Committee.’

The LPA have met with Claypole Parish Council during the life of the application to discuss their concerns, this has been incorporated within the appraisal below and an additional letter response has been received:

‘The concerns of Claypole Parish Council essentially rest on two issues – safety, and the huge impact the development will have on Claypole residents. On the understanding that this letter will, as with our previous two letters, be included in the paperwork distributed to members in advance of the meeting, I feel it would be helpful to summarise our key points.

1. The proposals to create seven new road junctions on to Shire Lane is inherently unsafe. Shire Lane is the sole route for people from Claypole and the villages beyond to access Newark for work and business and to access services. At peak times it is a very busy road. While the design of the junctions will meet design standards, these standards can only ameliorate the situation; they cannot prevent accidents. People are sometimes careless or negligent or make mistakes. Accidents will occur.
2. Persimmon clearly have a vision of creating a new village community. Whilst ever Shire Lane, the key thoroughfare for residents of Claypole and the villages beyond to access Newark and the A1 cuts through the centre of the proposed settlement, the truth is that Fernwood South will amount to nothing more than two large and divided housing estates.

3. The siting of a school, despite the provision of drop off zones, again pays no regard to how people act in practice. *Some* parents sometimes *will* drop off their children on the busy Shire Lane or on the B6326 causing a hazard for themselves, their children and for other road users. The school would be better sited away from any busy road.
4. The proposal for Shire Lane, and its use for access by construction traffic to the building sites, will mean not months, but years of disruption, “temporary” traffic controls, slow moving vehicles, and dirt. The proposal show no respect for the community of Claypole and the right of people to regain a normal life within a reasonable time, effectively blighting their lives for a considerable time.
5. All of these problems could be resolved by diverting Shire Lane around the northern boundary of Fernwood South to join the B6326 south of the Hollow Dyke Lane junction. It is acknowledged that this will be, in money terms, a more costly option. But we submit, without cynicism, that it is better to act today to provide a safe infrastructure from the outset, rather than to count the deaths and injuries that will inevitably lead to a demand from the new Fernwood community for a “bypass”. In short, the present proposal is in no-one’s interest other than that of the developer. Diverting Shire Lane could provide a solution that will be welcomed by the users today and the residents of Fernwood South tomorrow.

We acknowledge that through a lack of recent contact with Claypole Parish Council from Persimmon it has not been possible to identify and explore this proposal sooner. We therefore ask the Planning Committee to defer this element of the proposals to allow further meaningful dialogue and assessment to take place.’

Stubton Parish Council – ‘I refer to the above planning application which has been sent on to us by Claypole Parish Council. We find it amazing that Stubton Parish Council, a village which is only 3 miles away from the above development, have not in any way been consulted regarding such a massive development of 1800 dwellings plus associated infrastructure.

Claypole Parish Council have contacted us asking for our views on their submission concerning this proposed development. We would comment as follows:

1. Stubton Parish Council is in total agreement with the submission from Claypole Parish Council and would add the following additional comments.
2. It is totally unacceptable that no thought whatsoever has been given to involving Stubton Parish Council and, in fact, other communities such as Brandon & Hough and Stragglethorpe and Fenton which are so close to and will be affected by highway issues relating to such a massive development literally on our doorsteps.
3. We refer to Point 2.2 in Claypole’s submission regarding diversion of traffic through our villages when there are incidents on either the A17 or A1. We can support this point with a set of photographs which are being forwarded separately. These pictures show the chaos in Stubton when the incidents referred to in the Claypole submission occurs.
4. This leads on to Point 2.12 in Claypole’s submission, on this occasion relating to traffic that will try and access the A17 towards Sleaford and the East coast through our villages. The increase in traffic from 1800 additional homes through Claypole and then Stubton will be substantial. The roads in this area are already in an appalling state and will deteriorate rapidly with such an increased traffic flow. In the last 2 years the Parish Councils of Claypole, Stubton,

Fenton and Dry Doddington/Westborough wrote a joint letter to the Chair of Lincolnshire County Council raising the issue of the state of roads in this area. I can see no reference in the planning application documents of Lincs County Council Highways being a consultee - this should be corrected.

Finally, we believe that virtually no thought has been given to the Lincolnshire villages that come under SKDC's jurisdiction and that so closely adjoin this development. This is particularly so with regard to highways issues and we urge you in the strongest possible terms to emphasise these points on behalf of the village communities in your area that are going to be affected.

As nobody has had a proper opportunity to look at the main planning documents, there may well be further comments coming from Stubton Parish Council.'

Fulbeck Parish Council – 'At the last meeting of the Fulbeck Parish Council meeting, DC Sampson brought to our attention the above application.

The Parish Council strongly endorse the concerns highlighted by Claypole and Stubton Parish Councils.

We wish to make it clear that the increase and impact of traffic from 1800 new homes adjacent to our existing rural infrastructure will be significant. The condition of our existing roads and verges due to the total lack of highways maintenance means that they are not capable of supporting present road traffic use to acceptable road safety standards. The future safe use of our rural roads will suffer even more when/if traffic has to be diverted off the A17 or A1 in the event of any accidents or closures.'

Highways England – *Letter dated 13th May 2016:*

'Referring to the planning application referenced above, consultation dated 22 April 2016 for the development of up to 1,800 dwellings, mixed use local centre, 535m² of A1 retail, A3 food and drink uses (not exceeding 115 m²), D1 community uses (not exceeding 1,413 m²); sports pavilion up to 252m²; primary school (22,000m²) and informal open space at Fernwood South, Nottinghamshire, notice is hereby given that Highways England's formal recommendation is that we:

b) recommend that conditions should be attached to any planning permission that may be granted (see Annex A – Highways England recommended Planning Conditions);

1. Introduction

In this Technical Note, on behalf of Highways England, AECOM reports on the findings of the VISSIM modelling carried out in order to determine the suitability of the mitigation schemes proposed for the Greater Fernwood developments. The Greater Fernwood area consists of the Fernwood North Fernwood South sites, and the mixed use Business Park / residential developments between the A1 and the B6326 Great North Road.

The purpose of this Technical Note is to reassess the impact of these developments on the Strategic Road Network through a cumulative assessment. AECOM has adopted the previous VISSIM model used for the Greater Fernwood assessment reported on in TN6, and revised traffic flows taken from the Newark Traffic Model (NTM). These revisions take into account the updated development proposals and highway improvement plans.

2. Background

In August 2015, AECOM produced a Technical Note (TN6) on behalf of Highways England, with the purpose of providing a response to the Fernwood North application. This TN concluded that the mitigation package proposed was sufficient to alleviate the impacts of the developments.

The three developers working together towards provision of the mitigation scheme have reconsidered their proposals, and therefore the aim of this modelling work is to assess these changes. As agreed for previous modelling undertaken for the Fernwood application, the assessment year will be 2026.

3. Mitigation proposals

AECOM has been provided with the design for new Southern Link Road (SLR) roundabout (*Drawing 70006704 – SK101 A*) conditioned to the Newark South development (reference 14/01978/OUTM), allowing direct access between Staple Lane and the B6326. This is shown in Appendix A.

Furthermore, several schemes have been included in this model, as per drawings received in October 2015 from Waterman and Milestone Transport Planning:

- Goldstraw Lane Roundabout Improvements (Appendix B)
- A1 overbridge dualling (Appendix C)
- Dale Way roundabout Improvements (Appendix D)
- London Road Improvements (Appendix E)
- Shire Lane Roundabout (*Drawing 14106/025 Rev C*) (Appendix F)
- Drawing 14106/027 rev B prepared by Milestone proposes a change to the layout of the B6326 / A1 “southern Fernwood” junction, removing the right-turn facility from the B6326 to the A1 northbound, adding an off-slip to the A1 southbound that merges with the right-turn link from the A1 to the B6326, and a new roundabout to the east of the junction. (Appendix G)

4. A1 Fernwood Traffic Modelling

In order to determine the future cumulative traffic impact of these developments, 2026 traffic flows have been extracted from the VISUM NTM, as received from WYG Consultants in January 2016. These include the flows generated by the Greater Fernwood developments, and take into account committed sites, such as the Newark South development and its associated SLR roundabout scheme.

4.1 Network Generation

The network layout of the VISSIM model in the vicinity of the Fernwood South development has changed since the previous modelling assessment as reported on in AECOM TN6. The “southern Fernwood” junction has been modified, and incorporates a new site access. An additional access to the mixed use development south of the Shire Lane roundabout is also included.

Recent updates from the Newark South developer indicate that the design of the SLR roundabout will now incorporate a 65m ICD.

These network changes have been made to the A1 Fernwood VISSIM model, as detailed in Table 1 and shown in Figure 1.

4.2 Flows

In January 2016 AECOM received the most recent revision of 2026 assessment year AM & PM predicted flows from WYG, displaying LGV & HGV movements in PCUs within origin-destination

(O-D) matrices, which can be seen in Appendix H. The HGV matrices have been converted from PCUs using a reduction factor of 2 to represent heavy vehicles.

To represent an appropriate traffic 'build-up' we have modelled an additional 15 minute period prior to the main peak hour at half of the network demand. This is consistent with all previous VISSIM modelling carried out for the Fernwood developments.

4.3 Routing Decisions

In order to determine the realistic traffic demands on the A1 "southern Fernwood" junction and the A1 southbound off-slip approach to the Goldstraw Lane / B6326 roundabout, the routing decisions in the VISSIM model have been reviewed. Closures have been applied to ensure that:

- all vehicles travelling between the A1 north and the zones in the Greater Fernwood area south of the Shire Lane roundabout use the "southern Fernwood" junction;
- all vehicles travelling between the A1 north and the zones in Greater Fernwood north of Hollowdyke Lane use the A1 SB off-slip to the Goldstraw Lane / B6326 roundabout;
- all vehicles travelling between the A1 south and the zones in the Greater Fernwood area south of the Dale Way roundabout use the "southern Fernwood" junction; and
- all vehicles travelling from the A1 south and the two zones west of the A1 use the A1 NB off-slip.

Vehicles travelling between the A1 north and the zones served by Hollowdyke Lane and the Shire Lane roundabout will make routing decisions based on costs.

Vehicles travelling between the A1 south and the zones served by the Goldstraw Lane and Dale Way roundabouts will make routing decisions based on costs.

4.4 Results

The AM & PM 2026 VISSIM models were run for network performance and queue results, which were averaged over 10 random seed runs. Screenshots of the typical network performance were also obtained based on the network parameter results. A full range of the screenshots is shown at Appendices I and J, where operational conditions can be observed at each junction at 15 minute intervals throughout each AM & PM peak hour.

Both peak hours experienced unreleased vehicles due to high numbers emerging from the Fernwood development area in the AM peak hour, and from the London Road approach to the A1 off-slip / B6326 roundabout, as follows:

- 259 unreleased vehicles from Goldstraw Lane (zone 4) and 110 from the SLR roundabout eastbound approach (zone 10) in the AM.
- 150 unreleased vehicles from the SLR roundabout eastbound approach in the PM.

Maximum queue lengths on the A1 southbound off-slip approach to the Goldstraw Lane roundabout are 206 and 166 metres in the respective AM and PM peak hours. Average queues over each peak hour are 16 and 12 metres long respectively.

Maximum queue lengths on the A1 northbound off-slip to Newark-on-Trent are 52 and 35 metres in the respective AM and PM periods, while average demands on the approach through each peak hour results in no queueing.

Maximum queue lengths on the A1 northbound right-turn lane to the “southern Fernwood” junction are 33 and 42 metres in the respective AM and PM peak hours. Average queues over each peak hour are just 2 metres and 1 metre long – less than one vehicle length.

Both AM & PM models show the A1 northbound off-slip to Newark-on-Trent, A1 southbound off-slip to the Goldstraw Lane / B6326 roundabout and the A1 northbound right-turn lane to the B6326 Great North Road to be operating satisfactorily in each peak period.

5. A1 Overbridge Dualling Scheme

AECOM has tested an alternative option without the northbound dualling of the A1 overbridge in order to determine the effects of this scheme not being delivered until the full occupation of the developments.

5.1 Network Generation & Flows

For this test, the A1 overbridge scheme has been removed from the model. This has allowed us to identify the possible impacts of a one-lane exit from the Goldstraw Lane roundabout towards the SLR roundabout. The flows used for this modelling exercise remain unchanged.

5.2 Routing Decisions

As stated in Section 4, routing decisions have been adjusted to ensure routes chosen are sensible and enable the modelled scenarios to best represent the realistic network operation in terms of impacts on the A1.

5.3 Results

Both the AM & PM 2026 VISSIM models were run for network performance and queue results, which were averaged over 10 random seed runs.

Both peak hours experienced unreleased vehicles, as follows:

- 304 unreleased vehicles from Goldstraw Lane (zone 4), 7 unreleased vehicles from Hollowdyke Lane (zone 6), 1 unreleased vehicle from William Hall Way (zone 9) and 25 unreleased vehicles from the eastbound approach to the SLR roundabout (zone 10) in the AM peak period.
- 94 unreleased vehicles from William Hall Way and 58 unreleased vehicles from the eastbound approach to the SLR roundabout in the PM peak period.

Maximum queue lengths on the A1 southbound off-slip approach to the Goldstraw Lane roundabout are 358 and 178 metres long in the respective AM and PM peak hours. Average queues over each peak hour are 48 and 15 metres respectively.

Maximum queue lengths on the A1 northbound off-slip to Newark-on-Trent are 57 and 40 metres respectively in the AM and PM periods, while the average queues over each peak hour are 2 and 1 metre long respectively.

Maximum queue lengths on the A1 northbound right-turn of the “southern Fernwood” junction are 33 and 42 metres in the respective AM and PM peak hours. Average queues over each peak hour are just 2 and 1 metres.

3 of the 10 seed runs for the AM model show the A1 southbound off-slip to the Goldstraw Lane / B6326 roundabout to be operating over the link length capacity, with the average length over all

10 seeds (358m) extremely close to the limit. This poses a significant risk of queues reaching back to the A1 mainline.

The modelling undertaken demonstrates that the dualling of the B6326 exit at the Goldstraw Lane roundabout is essential for the continued safe operation of the network. **Figure 4** below shows an example of maximum queuing on the A1 southbound off-slip back to the mainline.

6. Conclusions

In order to reassess the potential impact of the proposed developments in the Fernwood area on the Strategic Road Network, VISSIM modelling was conducted by AECOM for two scenarios based on a 2026 assessment year:

- Scenario 1: Greater Fernwood development (Fernwood North, Fernwood South, and Business Park), with mitigation at the A1 overbridge providing 2 lanes in the northbound direction.
- Scenario 2: Greater Fernwood development (Fernwood North, Fernwood South, and Business Park), without mitigation at the A1 overbridge.

Scenario 1 modelling showed queues at the:

- A1 southbound off-slip (towards Goldstraw Lane / B6326 roundabout) to be a maximum of 206 and 166 metres long, and average of 16 and 12 metres long in the respective AM and PM peak hours.
- A1 northbound off-slip to Newark-on-Trent to be a maximum of 52 and 35 metres in the respective AM and PM periods, while average demands on the approach through each peak hour results in no queueing.
- A1 northbound right-turn lane to the “southern Fernwood” junction to be a maximum of 33 and 42 metres in the respective AM and PM peak hours. Average queues over each peak hour are just 2 metres and 1 metre long – less than one vehicle length.

The Scenario 2 modelling showed queues at the:

- A1 southbound off-slip (towards Goldstraw Lane / B6326 roundabout) to be a maximum of 358 and 178 metres long, and average of 48 and 15 meters long in the respective AM and PM peak hours.
- A1 northbound off-slip to Newark-on-Trent to be a maximum of 57 and 40 meters respectively in the AM and PM periods, while the average queues over each peak hour are 2 and 1 meter long respectively.
- A1 northbound right-turn lane to the “southern Fernwood” junction to be a maximum of 33 and 42 metres in the respective AM and PM peak hours. Average queues over each peak hour are just 2 metres and 1 metre long – less than one vehicle length.

Based on queue length and network performance results, the Scenario 1 assessment concluded that the highway improvement works proposed were sufficient for mitigating development impacts on the Strategic Road Network. However, Scenario 2 (without the A1 overbridge dualling scheme) demonstrates that the overbridge works are essential for the continued safe and effective operation of the A1, as there is a significant risk of queues reaching back to the mainline.

7. Recommendations

Acceptable trigger point testing is yet to be provided to support the proposed phasing of the developments in conjunction with the delivery of the highway improvement works. AECOM recommends the developers submit a phasing plan and suitable supporting modelling in order to determine trigger points for the delivery of the improvement works.'

The applicant submitted a rebuttal to the above and on this basis revised comments were received on 16th June 2016.

Although A-One+ raised concerns around the potential departures from standards being required, AECOM have recommended that the application be approved on condition to providing the mitigation at the proposed triggers, and final scheme drawings being approved.

Delivery of highway mitigation:

In May 2016 Highways England responded to the application recommending conditions, stating that the proposed trigger point for the delivery of improvement works at the southern Fernwood junction (as shown in Milestone drawing *14106/027 revision C*) as detailed in the Transport Assessment was not acceptable.

From modelling work conducted in support of the revised trigger points for delivery of mitigation at the A1 / B6326 junction south of Fernwood (as shown in Milestone drawings *14106/037* and *14106/027 revision C*), it is considered that the SRN will suitably accommodate the anticipated traffic demands.

As developers at Greater Fernwood are collaborating to deliver a package of works to accommodate the cumulative development impacts, all developers should be aware that the implementation of the interim measures at the southern Fernwood junction could result in the requirement for the Goldstraw Lane improvement works earlier than currently planned. This will be reviewed in response to the respective Barratt David Wilson Homes planning application anticipated in the coming months for land at Fernwood North.

Conditions:

1. Prior to the commencement of any part of the development hereby approved, details of the form of the A1 / B6326 junction (as shown in Milestone drawing *14106/037*, and *14106/027 revision C*) shall be submitted to and agreed by the Local Planning Authority in consultation with Nottinghamshire County Council (acting as Local Highway Authority) and Highways England.
2. Prior to the occupation of 100 dwellings, improvements to the A1 / B6326 junction (as shown in Milestone drawing *14106/037*) are complete and open to traffic, subject to Detailed Design and Road Safety Audit.
3. Prior to the occupation of 900 dwellings, improvements to the A1 / B6326 junction (as shown in Milestone drawing *14106/027 revision C*) are complete and open to traffic, subject to Detailed Design and Road Safety Audit.

Reason: To ensure that the A1 continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10(2) of the Highways Act 1980 by minimising disruption on the motorway resulting from traffic entering and emerging from the application site and in the interests of road safety.

INFORMATIVE NOTE TO APPLICANT

The highway mitigation works associated with this consent involves works within the public highway, which is land over which you have no control. Highways England therefore requires you to enter into a suitable legal Section 278 agreement to cover the design check, construction and supervision of the works. Contact should be made with the Highways England Section 278

Business Manager David Steventon to discuss these matters on david.steventon@highwaysengland.co.uk

The applicant should be made aware that any works undertaken to Highways England network are carried out under the Network Occupancy Management policy, in accordance with Highways England procedures, which currently requires notification/booking 3 months prior to the proposed start date. Exemptions to these bookings can be made, but only if valid reasons can be given to prove they will not affect journey time reliability and safety. The Area 7 MAC's contact details for these matters is area7.roadspace@aone.uk.com.

Nottinghamshire County Council Highways – Comments received 7th July 2016:

‘Over the last year or more meetings and correspondence between the Planning Authority, the Highway Authority, Highways England and the Developer/Agent have taken place to consider the impact of the proposed development on the highway network. The developer was provided with traffic flows that were derived by the Highway Authority in liaison with the Planning Authority and analysis carried out using the Newark Traffic Model operated by White Young Green. The developer has used these flows to determine the type and scale of highway improvements required to mitigate the impact of the traffic generated by the development. This has gone through a design iteration process to arrive at proposals that are broadly agreed for the Great North Road B6326 corridor. The Highway Authority traffic flow figures used for this process have considered the ‘worse case scenarios’ of total build-out of all development at Fernwood according to the LDF Allocation including the highest peak hour generation figures for potential commercial development (i.e. offices). It is acknowledged that this will take decades to come to fruition and may not be fully realised e.g. commercial development is unlikely to be office dominated, work travel patterns may become more flexible and more home working increase. Notwithstanding this, the methodology has ensured that mitigation measures are fully robust.

Notwithstanding the above, the following comments refer to the submitted Transport Assessment:

Paras. 4.17; 4.19; 4.22 The use of “changes of surface treatment or shared surface areas” should be discussed in detail, perhaps at a later stage. Changes in treatment can offer maintenance issues and shared surfaces are not encouraged except in mews-type development.

Para. 4.18 The introduction of 20 mph limits is only realistic where the street design naturally restricts speeds to this level.

Para. 4.20 On-street parking should be discouraged and provision made off-street.

Para. 4.41 As it is described in the submission, it would appear unlikely that the Greenway Corridors would be adopted (unless constructed differently perhaps). If this is so, then maintenance of these corridors will need to be arranged and secured.

Para. 4.42 Ditto with reference to the new footpath. The developer's intentions should be clarified regarding adoption.

Para.4.43 Further discussions will need to take place with respect to the introduction of a 30mph limit. Perhaps 40mph would be more appropriate.

Para. 4.46 The cross-sectional detail in the text and drawing do not match. Clarification is needed.

Para 4.49 Drainage details may be required where slopes occur.

Para. 4.61 & 4.62 Confirmation is awaited about the level of contribution or alternative arrangements to provide adequate and reasonable bus services to serve the site.

Paras 4.70-4.73 The Framework Travel plan is being considered and will be responded to later.

Para 5.12 Confirmation is awaited on whether or not a S106 Agreement is the appropriate method of securing Travel Plan measures.

Para. 6.52 It is unlikely that a build out and one way traffic system will be appropriate on Shire Lane, but this, or an alternative design to help pedestrians to cross, can be determined at a later stage.

Para. 6.61 see note on 4.41 above.

Para 6.68 It has been agreed that improvements are not required at the Dale Way roundabout.

General Points:

Trigger points for the various junction delivery and improvements has been discussed with the Planning Authority and they will agree these. Such trigger points may not be as quoted in the Transport Assessment and may be the responsibility singularly of more than one developer.

Improvements to the Goldstraw Lane roundabout have yet to be safety audited.

Improvements to the A1 Overbridge are still being investigated and the details of this will take a while to be confirmed. However, the Planning Authority are expecting to be responsible for securing this improvement using CIL receipts (tbc).

Further discussions with appropriate NCC Officers are required in order to agree the works on Shire Lane due to the proposed widening of the highway boundary, maintenance issues, commuted sums, etc. It is clear however that within the extent of the public highway boundary and the developer's land holding, an agreed layout can be found.

A similar discussion may be required regarding the temporary bus terminus if it is intended for this to be part of the adoptable highway (clarification should be sought).

Once the above points are clarified, recommendations for suitable planning conditions will be made.'

The applicant has been in direct contact with colleagues at NCC Highways department to clarify the above matters. On this basis further comments have been received:

'Further to my comments dated 7 July 2016, many of the previously raised issues will be addressed at the reserved matters stage. However it is clear that further discussions with appropriate NCC Officers are required in order to agree the works on Shire Lane due to the proposed widening of the highway boundary, maintenance issues, commuted sums, etc. It is clear however that within the extent of the public highway boundary and the developer's land holding, an agreed layout can be found. *This issue is reflected in a condition below.*

Over the last year or more meetings and correspondence between the Planning Authority, the Highway Authority, Highways England and the Developer/Agent have taken place to consider the impact of the proposed development on the highway network. The developer was provided with traffic flows that were derived by the Highway Authority in liaison with the Planning Authority and analysis carried out using the Newark Traffic Model operated by White Young Green. The developer has used these flows to determine the type and scale of highway improvements required to mitigate the impact of the traffic generated by the development. This has gone through a design iteration process to arrive at proposals that are broadly agreed for the Great North Road B6326 corridor. The Highway Authority traffic flow figures used for this process have considered the 'worse case scenarios' of total build-out of all development at Fernwood according to the LDF Allocation including the highest peak hour generation figures for potential commercial development (i.e. offices). It is acknowledged that this will take decades to come to fruition and may not be fully realised e.g. commercial development is unlikely to be office dominated, work travel patterns may become more flexible and more home working increase. Notwithstanding this, the methodology has ensured that mitigation measures are fully robust.

In terms of a Section 106 Agreement, whilst largely addressed by the conditions below, consideration may be given to whether or not to include the following matters within an Agreement:

- Bus service provision and potential subsidy
- Commissioning and implementation of a School Safety Zone and paying associated costs
- Commissioning of traffic counter and paying associated costs
- Implementation, monitoring and review of the Travel Plan
- Bus stop infrastructure
- Commissioning a Traffic Regulation Order (speed limit) and paying associated costs

It is assumed that improvements to the A1 south/B6326 Great North Road will be conditioned in accordance with Highways England recommendations and include all works shown on drawing 14106/027/C.

It is concluded that the proposal can be approved subject to conditions.'

Nottinghamshire County Council Transport & Travel Services -

'General Observations

The planning application covers an area East of the A1, South of Fernwood, with a proposed development of 1800 dwellings.

Bus Service Support

Transport and Travel Services has conducted an initial assessment of this site in the context of the local public transport network.

Centrebus currently operate an hourly service between Newark and Grantham which follows the perimeter of the development. There is also a Council funded off-peak service between Fernwood and Newark. As Stagecoach are the major commercial operator in Newark they have already been included in discussions as to how the Fernwood area can be best served in the future.

Sections 4.55 to 4.69 of the Transport Assessment describes the level of funding for provision of local bus services to serve the site, including reference to discussions with the County Council and bus operators.

Transport and Travel Services request that the developer continue to liaise with the Council regarding the provision bus service provision to serve the site.

Infrastructure

Transport and Travel Services requires new bus stop infrastructure to be installed throughout the development through Section 38 and Section 278 agreements where appropriate. This includes the below standards at all relevant bus stops:

- Real Time Pole, Displays and Associated Electrical Connections
- Bus Shelter (Polycarbonate) or Bus Shelter (Wooden)
- Solar/Electrical Lighting in Bus Shelter
- Raised Kerb
- Bus Stop Clearway
- Additional Hard Stand (if required)

It is noted that Section 4.64 of the Transport Assessment states... “Within the Site bus stop infrastructure will be provided as a capital cost by the developer and will be designed in accordance with the 6CsDG specification...” including... “Provision of infrastructure to enable Real-time information (e.g. underground ducting);” The Council request that the cost of the provision of Real Time information displays at stops are also funded and installed by the developer.

Transport & Travel Services requests that the proposed new bus stop locations and accessibility isochrones meeting 6Cs Design Guidelines are marked on all relevant plans going forward. The Council specification for bus stop facilities should be complemented by Automatic Vehicle Location (AVL) and Traffic Light Priority (TLP) where appropriate.

The provision of detailed bus stop locations will mean this information is in the public domain for comment from adjacent properties / prospective buyers, and therefore avoiding objections from residents about the location for new bus stop infrastructure.

Transport & Travel Services request that both bus service support and bus stop infrastructure are introduced throughout the build-out phases of the development to allow new residents to access public transport as early as possible to help increase sustainability and reduce the use of the private car.

Transport & Travel Services will wish to negotiate with the developer and Highway Development Control regarding new bus stop infrastructure that will need to be installed throughout the development, including the provision of Real Time information displays at stops.’

Nottinghamshire County Council Rights of Way – ‘There are no Public Rights of Way within the application site. However there are a number of issues which relate to the network that requires further consideration.

Proposed link south to a footpath in Lincolnshire

There is a footpath on the south side of the Shire Drain which currently has no link into the application site. Such a link will require a bridge over the Drain and should be provided by the developer to link with the paths proposed in the open space. The link was mentioned in the

application but no mention of how that link would be made was considered. The bridge has informally discussed with Lincolnshire CC (Chris Miller/Andy Savage) and they are in agreement that such a bridge is needed. Future maintenance needs to be considered, preferably a commuted sum from the developer or the agreement of both Authorities to jointly maintain. We would welcome further discussion on this point.

Footpaths and cycleways

There are a number of footpath/cycleways shown on the MasterPlan. Consideration should be given to the status of the routes, who should maintain them, and what is the expectation by users. It is unlikely that they would be adopted as highways or accepted as a new right of way. While we may consider new routes that link to and enhance the existing rights of way network it is unlikely that we would accept these links. There are all within open space that needs to be managed and the paths should be managed in line with that. There is no legal status (in public rights of way) that allows walkers and cyclists only. The legal status above a footpath to allow cyclists would be a bridleway which also includes horse riders.

Path along the Shire Drain

This path is welcomed and would provide a useful circular route using the new estate. It is accepted that a continuation' outside of the application area to link with Fernwood Footpath No 4 is outside of the remit.

Lincolnshire County Council Rights of Way – 'There are no Public Rights of Way within the application site. However there are a number of issues which relate to the network that requires further consideration.

Proposed link south to a footpath in Lincolnshire

The layout plan shows a connection between the proposed development and Westborough and Dry Doddington Public Footpath No. 6 – please find enclosed a plan for your information.

At present this route does not physically exist on the ground and legally terminates at the Shires Dyke. Whilst a programme of works will be required in order to make this route available it is considered that the footpath has great potential to provide a useful pedestrian link between the nearby communities of Long Bennington and Dry Doddington and the proposed development.

In particular a new bridge is required over the Shires Dyke to enable pedestrians to travel between the proposed development site and the public footpath. Lincolnshire County Council believes that the proposed link would greatly benefit the local access network and as such the developer should be encouraged to provide a bridge over the Dyke. Future maintenance of such a structure needs to be considered, preferably a commuted sum from the developer or the agreement of Lincs CC and Notts CC to jointly maintain. The County Council would welcome further discussion on this point.'

Ramblers Association – 'We have no objection to this proposal.

We welcome the construction of a new right of way along the edge of Shire Dyke. This would be much more valuable, however, if it were extended northwards beyond Shire Lane so that it links up with the existing footpath between Fernwood and Claypole.'

Nottinghamshire County Council Developer Contributions – *Additional comments dated 29th March 2018:*

“I am contacting you to confirm Nottinghamshire County Councils position in respect of the education provision which will be required to mitigate the impact of the above development.

This application, which includes the delivery of up to 1,800 dwellings, a local centre, primary school and land to allow the expansion of the primary school has been approved subject to a S106 agreement. As currently set out it is proposed that Persimmon Homes will provide a 2FE (420 Place) School along with a 0.8ha site to allow future expansion to take account of future developments in the area. Persimmon have indicated that they would be willing to transfer the school land for

£1 however in agreeing to this they wish to move the trigger pattern for the delivery of the school places to later in the build profile where more dwellings have been built. The County Councils understanding of this is as follows:

1 FE provision (210 places)

The current draft agreement delivers the infrastructure and 4 classrooms at 200 dwellings (providing 120 places) which accommodates the early arrivals (42 places on formulae), a further 3 classrooms are provided at 450 dwelling providing 210 primary places in total. The proposed triggers provide the 1 FE (Form of Entry) provision in one phase at 450 dwellings. This equates to 95 primary places before school places are provided.

2 FE provision (420 places)

The current draft agreement provides an additional 120 primary places at 900 dwellings and the final 90 places at 1,400 dwellings. The proposed trigger provides the additional 1 FE at 1,400 dwellings which equates to 84 pupils without a place before the final phase is provided.

Whilst acknowledging the benefits of the school expansion land being transferred for

£1, the County Council have significant concerns about the approach to the triggers. The reason being that, based on projections, this would lead to a significant shortfall in primary places in the first phase (50 – 60 places) and up to 84 places in the second phase and, as it stands, there would be nowhere for these pupils to be accommodated. To clarify these figures; in the September 2016 proposal there are 4 classrooms at 200 dwellings which, based on formula, equates to 42 primary aged students. In the July 2017 revised offer 7 classes are available at 450 dwellings which, based on formula equates to 95 students. Therefore in terms of the first phase, 95 places minus 42 places equals 53 places which is between the two figures in brackets above. In terms of the second phase; in the 2016 proposal, 11 classes become available at 900 dwellings but in the July 2017 proposal the 7 classes are the only provision until there are 1400 dwellings. Therefore, based on formula, the 1 FE school that has been provided only provides sufficient accommodation up until the 1000th

dwelling at which point it could be full. Therefore there is a gap in places between the 1000th dwelling and the 1400th dwelling where there are 400 dwellings worth of pupils without a school place in this area. Utilising formula the deficit is 84 places (400 dwellings multiplied by 0.21 pupils per 100 dwellings).

The County Council have also examined the cost of providing a temporary solution should the triggers be amended. On the basis of this work it is estimated that the costs for a mobile classroom per year would be £125,000 for which a method of funding would have to be identified along with a location for this provision to be provided. Due to the costs involved and the overall uncertainty about where such provision could be accommodated such an approach is considered unacceptable.

Therefore as a result of the above it is considered that the triggers should remain and if these are to be amended the County Council would raise significant concerns due to the impact on the ability to delivery education in this part of Newark.”

Original comments:

'In respect of education, the County Council has had dialogue with both the District Council and the developer to confirm the primary school provision that will be required to meet the needs of the development of 1,800 dwellings. This is reflected in paragraphs 3.4.1, 3.4.3 and 7.3.3 and 7.3.12 of the applicants Planning Statement of March 2016 but which in summary incorporates a 2 form entry, 420 place primary school to be provided on a 2.2ha area of land (which has been identified on the masterplan accompanying the application) along with a further 0.8ha of land alongside the school site (also identified on the masterplan) to accommodate expansion to a 3 form entry school which will accommodate the needs of future development at Greater Fernwood. It is anticipated that the developer will deliver the school. However should the County Council provide the school they would require the fully serviced site to be transferred on commencement of the residential element of the scheme and the appropriate contributions of £6,080,000 (based on Q4 2014 costs which are subject to change and indexing using the PUBEC Index) to be paid in accordance with an agreed phasing programme. The final arrangement for the delivery of the primary school will be confirmed within the S106 agreement.

With regard to secondary education, the District Council have an adopted Community Infrastructure Levy (CIL) Charging Schedule. The Regulation 123 List of infrastructure includes reference to secondary school provision. It is therefore anticipated that CIL will be used to fund the secondary school provision which will be required as a result of this development.

In terms of libraries the County Council would wish to seek developer contribution for the additional stock that would be required to meet the needs of the 4,320 population that would be occupying the new dwellings. This is costed at $4,320 \text{ (population)} \times 1,532 \text{ (items)} \times \text{£}12.50 \text{ (cost per item)} = \text{£}82,728$.

Further information about the contribution that would be sought and the justification for this can be found in the attached document.

1. Background

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

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

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

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

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

2. Potential Fernwood South development

There is currently a proposal for a new development on land on Fernwood South this would comprise 1800 new dwellings. At an average of 2.4 persons per dwelling this would add 4320 to the existing libraries' catchment area population. The nearest existing libraries to the proposed development are Newark and Balderton Libraries.

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

We would not seek any costs towards increasing the size of the library to accommodate this population but for this development a contribution will be sought just for library stock. An increase in population of 4200 would put extreme pressure on the stock at this library and a developer contribution of £80,430 would be expected to help address this situation.

We would seek a developer contribution for the additional stock that would be required to meet the needs of the 4320 population that would be occupying the new dwellings. This is costed at $4320 \text{ (population)} \times 1,532 \text{ (items)} \times \text{£}12.50 \text{ (cost per item)} = \text{£}82,728'$

Further Response received 26 August 2016:

'I've had a closer look at the library stock levels for Newark & Sherwood and produced the attached which compares library catchment population with current stock numbers compared with MLA optimum stock targets

As you will see libraries aim to meet the MLA target of 1,532 items per 1,000 population across the district. As many stock items are on rotation to maximise usage, the stock levels at each individual branch can fluctuate so do not necessarily meet the target at each individual branch. The stock level at Dukeries Library is unusually high as it also serves the Dukeries Academy school. Furthermore, the library service is gradually increasing its list of e-book titles which are available to all library users and these counts towards the optimum stock levels.

In short, library provision is 1,199 items above the current MLA target in Newark & Sherwood District. However, we are aware there are a number of items on the system which are long overdue or missing/lost items. The library systems team is currently planning an update to the libraries management system which will remove these items from the system and this is likely to reduce or remove the small current over provision in Newark & Sherwood Libraries.

It will also be noted the total population catchment figure for the libraries in Newark & Sherwood is higher than the resident population in the district. This is because some Newark & Sherwood library catchments extend into neighbouring districts. The library catchment areas are based on work carried out in 2012/13. I can obtain lists of postcodes included in each library catchment if required.'

An additional response in respect of education has been received:

'The triggers outlined are acceptable. Clearly, indexation and site availability etc. would be factors in the S106 agreement in due course, but only if the developer decides not to build the school themselves. Transitional arrangements during the period leading up to the occupation of the 200th dwelling. These will need to be in the form of a double mobile classroom on (preferably) the Fernwood annexe site; or, if this is not possible on the nearest practicable site (John Hunt – Balderton or Sir Donald Bailey Academy - probably). Clearly, the County Council cannot dictate to a school that it must accommodate children who are without a school place on their site in a

temporary classroom. There would have to be negotiations around this. However, the CC needs to have the confidence that the funding would be in place to accommodate potentially 42 children who may be without a school place during the transitional period.'

Lincolnshire County Council Planning – 'With the site being located in Nottinghamshire and primarily connected to the strategic road network in that county, the impact on LCC's highway is limited and the estimated change in traffic flows on Shire Lane is acceptable.

The application proposes a continuous footway link on Shire Lane between the development and Claypole (Paras 6.53 and 6.58). This requires 2 pedestrian bridges, one across the Shire Dyke and one across River Witham. However, the Transport Assessment (TA) does not provide any estimates of pedestrian flows between the development and Claypole. The distance between these is over 1km and it does not seem apparent that a footway would be necessary. It should be noted that any Section 106 planning obligations should comply with Para. 204 of NPPF and meet the following tests:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

LCC requests further information to demonstrate that the proposed footway link is necessary.

The TA only proposes to provide the bridge across the Shire Dyke (Para. 6.53). If evidence is provided to demonstrate that a footway is necessary to link the development with Claypole and a bridge across the Shire Dyke is deemed necessary, then it follows that a pedestrian footbridge across River Witham is also necessary and should be provided by the development.

It is unlikely that a reduction in speed limit on Shire Lane (TA Para 6.62) would comply with LCC's Speed Policy.

In addition to these specific comments on highways, LCC Children's Services and Public Health both expect schools and health capacity to be established within or near to the SUE but recognise that parent and patient choice might lead to greater demand for existing services within Lincolnshire. This would be welcomed for secondary school provision. In the case of health services Lincolnshire GP practices may be impacted and so appropriate Clinical Commissioning Groups should be consulted.'

Sport England – 'Thank you for consulting Sport England on the above application. Sport England provides the following comments for your consideration.

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

It is understood that Newark and Sherwood District Council is a Community Infrastructure Levy (CIL) charging authority and as such, the proposed development is required to provide CIL contribution in accordance with the Councils adopted CIL Charging Schedule.

Sport England is aware that discussions have taken place between the council and the applicants with regard to the provision of on-site sports facilities and or a contribution to off-site facilities.

The proposed on site facilities have been evidenced by the councils playing pitch strategy. It is understood that options for a contribution to sports facilities off-site have also been discussed and the conclusion is to provide all facilities on site which includes the provision of the 3G AGP on site.

A part of our assessment Sport England has consulted National Governing Bodies from Sport;

The Football Association (FA) have advised;

The FA (and Nottinghamshire County FA) would fully support the proposed development but would like to understand the development timeframe specifically relation to the proposed leisure facilities. The FA would also welcome the thoughts of the council in relation to how this development would fit with the proposed Newark Sports Hub? Whilst it is acknowledged that this development may be some years off the same may be said of the proposed Newark Sports Hub scheme.

Would there be any potential to tie the developer in to providing these facilities in advance of the housing being completed?

In addition the Rugby Football Union (RFU) have advised;

The RFU has no objections to the proposal. They would encourage that the applicant considers ensuring the proposed 3G AGP pitch meet the criteria of World Rugby Regulation 22 to allow contact rugby to be played. As for the proposed single rugby pitch on site, the RFU do not believe there to be a strategic need for a single pitch venue. However, there are recognised facility needs for Rugby Union locally at Newark RFC that would ultimately serve this housing conurbation and therefore would wish to explore the ability to secure off-site contributions towards the Rugby Club's development.

Sport England does not therefore wish to raise any issues with regard to the principle of the provision of a Sports Hub on site including the provision of supporting infrastructure, pavilion, changing rooms car parking etc. Sport England would anticipate that whilst the principle of a sports hub is agreed that further discussion would take place around the final provision of the facilities proposed and the timescale for delivery as further details are worked up as part of any reserved matters application Sport England, in conjunction with Public Health England, has produced 'Active Design' (October 2015), a guide to planning new developments that create the right environment to help people get more active, more often in the interests of health and wellbeing. The guidance sets out ten key principles for ensuring new developments incorporate opportunities for people to take part in sport and physical activity. The Active Design principles are aimed at contributing towards the Government's desire for the planning system to promote healthy communities through good urban design. Sport England would commend the use of the guidance in the master planning process for new residential developments. The document can be downloaded via the following link:<http://www.sportengland.org/facilities-planning/planning-for-sport/planning-tools-andguidance/active-design/>

The comments made in response to this application and the absence of an objection to this application in the context of the Town and Country Planning Acts, does not in any way commit Sport England's or any National Governing Body of Sport's support for any related application for grants funding.

Thank you once again for consulting Sport England. We would be grateful if you would advise us of the outcome of the application by forwarding a copy of the decision notice.'

NSDC Community Sports and Arts – Support proposal.

NSDC Parks and Amenities - No comments received.

NSDC Strategic Housing – ‘Support the proposal.

Summary

- The Council’s Strategic Housing Business Unit supports the proposed development of up to 1800 dwellings on land east of Newark.
- The proposed scheme should fully accord with the housing need identified in the Council’s DCA Housing Market and Needs Assessment (2014) (Sub-area Report – Newark Sub Area) for smaller homes (2 and 3 bedrooms).
- The scheme will attract affordable housing provision as detailed in the District Council’s Affordable Housing Supplementary Planning Document (2013). (Core Policy 1 refers). In this respect the requirement is for 540 affordable units. Of these the developer has offered up to 48% designated for affordable rent and the remaining 52% will be for intermediate tenure (usually shared ownership but to include discount for sale), as detailed below.

Type	Aff Rent	Intermediate (S/O)	Discount for sale 75% of OMV	Total
1 Bed	50	-	-	50
2 Bed	130	40	125	295
3 Bed	70	30	80	180
4 Bed	10	-	5	15
Totals	260	70	210	540

The Strategic Housing Unit would normally seek a tenure closer to the Council’s policy but accept that the developer is seeking a more viable option for the site.’

NHS Newark and Sherwood CCG –Support the proposal.

NHS Lincolnshire – ‘This development is proposing up to 1,800 new dwellings. As this submission deals chiefly with the affect that would be felt by Lincolnshire, numbers are based on 2.4 per dwelling as laid down in the South Kesteven District Local Authority (SKDC) Planning Obligations Supplementary Planning Document June 2012. This may result in an increased patient population of 4,320.

The calculation below shows the likely impact of new population in terms of number of additional consultations by clinicians. This is based on the Department of Health calculation in HBN11-01: Facilities for Primary and Community Care Services:

Consulting Room GP

Proposed population	4,320
Access rate	5260 per 1000 patients
Anticipated annual contacts	4.320 x 5260 = 4.320
Assume 100% patient use of room	22,723
Assume surgery open 50 weeks per year	22,723/50 = 454.5
Appointment duration	15 mins
Patient appointment time per week	454.5 x 15/60 = 113.6 hrs per week

Treatment Room Practice Nurse

Proposed population	4,320
Access rate	5260 per 1000 patients
Anticipated annual contacts	$4.320 \times 5260 = 22,723$
Assume 20% patient use of room	$22,723 \times 20\% = 4,544.6$
Assume surgery open 50 weeks per year	$4,544.6/50 = 90.89$
Appointment duration	20 mins
Patient appointment time per week	$90.89 \times 20/60 = 30.3$ hrs per week

This housing development is being considered under the Nottinghamshire area, however, we believe that one Lincolnshire practice is liable to be highly affected by the development: The Medical Centre in Long Bennington.

This proposed housing development does fall within the practice boundary of The Medical Centre and patient choice allows a patient to choose which practice to register with if they reside in that area. A practice cannot decline these patients unless their patient list is closed, which does not apply to any practice in Lincolnshire at present.

I understand that NHS Nottinghamshire have been consulted with regard to this planning application and have no doubt forwarded a submission for a healthcare contribution covering GP practices in Newark and surround that may be affected by the proposed development.

Alongside this, the affect that the proposed development would have on Long Bennington needs to be taken into consideration. The village adjacent to the proposed development, Claypole, and the immediate surrounding area currently make up over 10% of the patient list at Long Bennington (see attached map). It is a very real possibility that the future residents would choose to register at this town practice.

Long Bennington currently has an average patient per metre² ratio; this assessment is made by practice population and size of current premises. This is a monitor to gauge how any further increase in practice population may impact on building capacity issues.

The current list size as of April 2016 is over 5,700 patients; an increase in patients on a scale such as this proposed development would have a significant affect.

The above table indicates the increased number of hours required per week for consultations for 4,320 new patients: just under 144 hours. Those appointments not only impact on consulting space and clinicians but reception and administrative staff too.

Sufficient provision to mitigate the impact of an increased population on primary healthcare facilities in Long Bennington must be allowed for as additional patients increase pressure on GP and primary care services and put the existing infrastructure at risk.

Any proposed development needs to be acceptable in planning terms, with sufficient mitigation to address increasing pressure on the existing primary care facilities.

The s106 contribution would provide capital as an option to extend or reconfigure the building. This of course would be subject to a full business case and approval by NHS England. Any proposed expenditure would take place when the s106 funds are released by the developer as per the agreement and within the agreed timescale for expenditure of the funds.

Given at this stage we do not know the mix of the dwelling size or the spread of any future residents across the two councils, we suggest a total healthcare contribution of £799,200. This is based on an average of the above dwelling sizes (£444) multiplied by 1,800. NHS Nottinghamshire may have a different average dwelling amount.

The first trigger point would be after the first 50 dwellings are built.

This total healthcare contribution would need to be appropriately distributed between healthcare facilities affected by the proposed development including, if appropriate, The Medical Centre at Long Bennington.'

National Planning Casework Unit - No comments received.

NSDC Planning Policy - 'The application is on part of a strategic allocated site covered by Core Strategy Policy NAP 2C – Land around Fernwood. The principle of development is therefore facilitated by this policy and it follows to assess the specific nature of the proposal against the other relevant development plan policies.

The districts 5 year housing land supply is currently in deficit and approval of appropriate development on the scale proposed would help to remedy this.'

Historic England – 'Thank you for your letter of 22 April 2016 notifying Historic England of the above application. This is an outline planning application for a phased residential development of up to 1,800 dwellings, with and including, a mixed use centre, sports pavilion, primary school and open space provision.

Historic England Advice

This site forms part of the strategic housing site to the south east of Newark and Balderton. Along with land to the north and west, we understand the site is allocated within your authority's adopted Core Strategy as part of a Sustainable Urban Extension (SUE). In March 2015 we were consulted on the scoping request for this site and advised that heritage should be scoped into the report. We advised that there is a need to provide an assessment of the impacts of the development upon the significance derived from the setting of heritage assets at Claypole (in South Kesteven) including the Grade I listed church which lies to the west of the village. We also advised that pre-determination geophysical survey is required and should not be left until post-determination (email dated 17 March to NSDC from Claire Searson refers).

We have now considered the archaeological desk-based assessment (DBA) and Archaeological Evaluation produced by CgMs consulting / Wessex Archaeology. We strongly recommend you seek further guidance from Nottinghamshire County Council Archaeologist with regard to the appropriate mitigation of impacts upon the Iron Age - Roman period remains revealed in geophysical survey and trial trenching, which is contra the rather dismissive approach to archaeological potential in the desk based assessment (CgMs desk-based assessment, section 4.6).

We consider the Palaeo-environmental / early and late prehistoric landscape potential appears under-assessed - given the scope along the Trent, Devon and Witham for old river channels and for forth, containing important wet remains. Here we also refer you to the advice of the county archaeologist with regard to appropriate geo-archaeological modelling and mitigation. We find no assessment of the significance of the historic Shire Dyke and the impact of development there-on.

With regard to the setting of the Grade I Church of St Peter Claypole the assessment in the CgMs DBA does not appear to conform to the approach set out in GPA3. We strongly recommend further guidance is sought from your conservation officers and we refer to Government guidance within the Planning Practice Guidance and the sector-wide Historic Environment Good Practice in Planning Notes 2-3.

In assessing and determining this planning application we refer you to the Planning (Listed Buildings and Conservation Areas Act) 1990 which advises local authorities to pay special regard to the desirability of preserving the building, its setting and any features of special interest - sections s.66 (1) and s.72, the latter for conservation areas. Recent appeal decisions have confirmed that considerable importance and weight is to be given to the desirability of preserving the listed building or its setting to discharge these legal requirements. This applies irrespective if the harm is substantial or less than substantial. The role of the LPA should also aim to achieve the objective of sustainable development. In this, the NPPF is clear that great weight should be given to the conservation of designated heritage assets.

The effect on the significance of the non-designated archaeological remains within the outline development site should be taken into account in determining the application (paragraph 135), bearing in mind the need to understand that significance in more detail.

Recommendation

We recommend this application is determined in line with the Planning (Listed Buildings and Conservation Areas) Act 1990, the NPPF, the Planning Practice Guidance and the Historic Environment Good Practice in Planning Notes 1-3. Ultimately it will be for your authority to balance all planning considerations in determining this application. We strongly recommend further advice is sought from your conservation officer and archaeological adviser.'

NSDC Conservation – 'Many thanks for consulting Conservation on the outline scheme for the above.

Fernwood South is a strategic housing site identified in the Council's Core Strategy LDF DPD. The submitted scheme seeks outline permission for up to 1800 houses and mixed uses with all matters reserved. By virtue of its scale, form and potential layout, the proposed Fernwood South extension is capable of affecting the historic environment.

The NPPF sets out a "presumption in favour of sustainable development" within 12 core land-use planning principles that underpin both plan-making and decision-taking. The historic environment is addressed in paragraphs 17 and 126-141, among others. Annex 2 of the NPPF defines the 'historic environment' as comprising all aspects of the environment resulting from the interaction between people and places through time, including all surviving physical remains of past human activity, whether visible, buried or submerged, and landscaped and planted or managed flora. A 'heritage asset' furthermore, is defined as a building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest.

Heritage asset includes designated heritage assets such as listed buildings, conservation areas and scheduled monuments, as well as assets identified by the local planning authority, including local interest buildings and other non-designated heritage assets. Heritage assets with archaeological interest are so defined if they hold, or potentially may hold, evidence of past human activity worthy of expert investigation at some point. Heritage assets with archaeological interest are the primary source of evidence about the substance and evolution of places, and of the people and cultures that made them.

The DCLG Planning Practice Guidance (PPG) should be read in conjunction with the NPPF and includes guidance on matters relating to protecting the historic environment in the section: Conserving and Enhancing the Historic Environment. In addition, Historic England have produced a series of Good Practice Advice (GPA) notes that provide supporting information on good practice, particularly looking at the principles of how national policy and guidance can be put into practice. It follows the main themes of the planning system - planning-making and decision-taking - and other issues significant for good decision-making affecting heritage assets. GPA2 – Managing Significance in Decision-Taking in the

Historic Environment and GPA3 – Setting and Views are relevant in this case, as well as HE Advice Note 2 – Changes to heritage assets and HE Advice Note 3 – Site allocations.

The proposal site does not contain any designated heritage assets. There are a number of designated heritage assets within the wider area, however, including the important landmark Church of St Giles in Balderton (Grade I listed), the Church of St Mary Magdalene in Newark (Grade I), and the Church of St Peter at Claypole (also Grade I; within South Kesteven District). Impact on the setting and significance of such nationally significant landmark buildings is an important consideration. In accordance with section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act'), special regard must be given to the desirability of preserving listed buildings, including their setting. In this context, the objective of preservation means to cause no harm, and is a matter of paramount concern in the decision-taking process. Fundamentally, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation and the more important the asset, the greater the weight should be. Paragraph 132 of the NPPF states that significance can be harmed or lost through alteration or development within the setting of a heritage asset. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. The setting of a heritage asset is defined in Annex 2 of the NPPF. Setting is the surroundings in which an asset is experienced, and its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral. All heritage assets have a setting, irrespective of the form in which they survive and whether they are designated or not (see paragraph 13 of the PPG for example (ref: 18a-013-20140306)). The extent and importance of setting is often expressed by reference to visual considerations. Although views of or from an asset will play an important part, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust and vibration from other land uses in the vicinity, and by our understanding of the historic relationship between places. For example, buildings that are in close proximity but are not visible from each other may have a historic or aesthetic connection that amplifies the experience of the significance of each. In addition, please note that the contribution that setting makes to the significance of the heritage asset does not depend on there being public rights or an ability to access or experience that setting.

The proposal represents a large development on the southern side of Fernwood, which is in itself a large urban extension. The A1 corridor is an important modern landscape feature, and the depot site and pylons to the east of the proposal site represent further modern landscape intervention. The indicative details submitted show a network of primary streets linked by junctions leading to streets and residential lanes. New buildings would have a maximum height of 2 storeys with some opportunity for 2.5 and 3 storeys on primary streets. Given the existing built form of Balderton and Fernwood, it is felt that the proposal is not likely to compromise designated heritage assets in Balderton or Newark, and I am satisfied that topography and relative distances between receptors and the proposal site ensure that impact in the wider landscape is not likely to result in any specific material harm to the setting or significance of the Church of St Giles in Balderton or Church of St Mary Magdalene in Newark.

It is nonetheless recognised that the proximity of the Church of St Peter at the western edge of Claypole suggests that the Fernwood South development could have an impact on the wider landscape setting of the Grade I church. Whilst I would defer to Conservation colleagues in South Kesteven for their view on this matter, the Council must pay special regard to the consideration of the setting of this listed building.

I note from Historic England comments that concern is raised in the non-conformity of the submitted CgMs report with GPA3. Additional work might be undertaken to address this. Nevertheless, given the indicative proposed layout of the scheme, it seems likely that there are opportunities to help reinforce and improve green infrastructure at the eastern portion of the proposal site which would help mitigate impact on the wider setting of the church. The proposals for sports and amenity areas will help in this regard.

In addition, the development site contains archaeological interest. The County Historic Environment Record (HER) and National Monuments Record (NMR) identifies three sites of interest within the Fernwood NE site, including an undated cropmark enclosure (possibly prehistoric in origin), a ring ditch feature and various linear features identified on aerial photographs. There is one identified feature within the Fernwood SW site comprising linear cropmarks of unknown origin, but this would not be affected by the proposal. Nevertheless, the effect of the proposed development on the significance of any non-designated heritage assets should be taken into account in determining the application in accordance with paragraph 135 of the NPPF. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. In addition, given the archaeological interest of these identified heritage assets, appropriate regard must be given to their potential for higher significance, noting that assets of archaeological interest that are demonstrably of equivalent significance to scheduled monuments should be considered subject to the policies for designated heritage assets (as required under paragraph 139 of the NPPF). I defer to the County Archaeologist Ursilla Spence on these matters.'

CBA - No comments received.

The Georgian Group - No comments received.

Victorian Society - No comments received.

Society of the Protection of Ancient Buildings - No comments received.

Twentieth Century Society - No comments received.

NCC Archeology - Thank you for requesting comments on the archaeological implications of this proposed development.

Archaeological evaluation has been undertaken on this site, and is reported upon in the ES as Appendix 13. I monitored the work closely. In the Northern part of the site, traces of Iron Age settlement activity were revealed. I take some exception to the statement in the evaluation report that these comprise regionally typical remains, as we have relatively few settlements of this period in this county or regionally. In the southernmost part of the development site extensive remains of Roman settlement activity were located, including human burials. Between these two areas further Roman activity had been affected by Medieval and later small scale industrial extractive processes which were not fully comprehensible from the limitations of the trial trenches. So the site has considerable archaeological potential, although none of what I have seen so far on the site provides me with grounds for recommending refusal. Having said that, the known archaeological resource will require considerable mitigation measures which will have significant time and cost impacts. Your authority needs to ensure that the developers fully appreciate the level of mitigation which will be required to ensure a level of archaeological investigation and recording appropriate to the level of significance of the remains. I would recommend that the area of the Roman settlement to the south and the Iron Age settlement to the north be subject to open area excavation. The mixed area between probably also needs to be stripped and then decisions need to be made about areas for sample excavation and further monitoring. The programme of mitigation can be sorted through an appropriate condition, requiring a scheme of mitigation and programme of archaeological work to be approved by you and then fully implemented to your satisfaction.

Natural England – ‘Thank you for your consultation on the above dated 22 April 2016 which was received by Natural England on the same date.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Wildlife and Countryside Act 1981 (as amended)

No objection – no conditions requested

This application is unlikely to affect designated sites that Natural England has a duty to protect. Should the details of this application change, Natural England draws your attention to Section 28(1) of the *Wildlife and Countryside Act 1981 (as amended)*, requiring your authority to re-consult Natural England.

Natural England can provide advice on the following areas:

We acknowledge that the site forms a Sustainable Urban Extension, part of a strategic allocation site Policy NAP 2C ‘land around Fernwood’ in the 2011 Core Strategy.

Soils and Land Quality

1 Although we consider that this proposal falls outside the scope of the Development Management Procedure Order (as amended) consultation arrangements, Natural England draws your Authority’s attention to the following land quality and soil considerations: Based on the information provided with the planning application, it appears that the proposed development

comprises approximately 93 ha of agricultural land, including 55.8 ha classified as 'best and most versatile' (Grades 1, 2 and 3a land in the Agricultural Land Classification (ALC) system).).

2 Government policy is set out in paragraph 112 of the National Planning Policy Framework which states that:

'Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality'.

3 It is recognised that a proportion of the agricultural land affected by the development will remain undeveloped (for example as green infrastructure, landscaping, allotments and public open space etc.). In order to retain the long term potential of this land and to safeguard soil resources as part of the overall sustainability of the whole development, it is important that the soil is able to retain as many of its many important functions and services (ecosystem services) as possible through careful soil management.

4 Consequently, we advise that if the development proceeds, the developer uses an appropriately experienced soil specialist to advise on, and supervise, soil handling, including identifying when soils are dry enough to be handled and how to make the best use of the different soils on site. Detailed guidance is available in Defra *Construction Code of Practice for the Sustainable Use of Soils on Construction Sites*.

Green Infrastructure

The proposed development is within an area that Natural England considers could benefit from enhanced green infrastructure (GI) provision. Natural England welcome the incorporation of 31.8 hectares of GI into this development, made up of children's and youth provision, pocket parks and greenways, semi-natural greenspace and structural planting/landscape buffer. We also welcome the references to the Natural England Green Infrastructure Guide and to the Statements of Environmental Opportunity in relevant National Character Area profiles in the Environmental Statement.

Multi-functional green infrastructure can perform a range of functions including improved flood risk management, provision of accessible green space, climate change adaptation and biodiversity enhancement. The proposed scheme offers the opportunity to enhance green infrastructure through the provision of open spaces, habitat areas, green corridors and landscape features that link together to form a network of multifunctional green space. This has the potential to deliver multiple benefits for both people and wildlife providing opportunities for access, recreation, biodiversity enhancement and flood mitigation.

We note the master planning process has aimed to meet the current and future needs of the area but that the development provides less semi-natural greenspace than the Council's standard. We would welcome the creation of priority habitats that contribute to local biodiversity priorities identified in the local Biodiversity Action Plan to further help to maximise the benefits of the scheme. Walking and cycling routes form an important part of the GI network and we note that the proposals deliver footpaths and cycleways linking this site to the town and wider countryside which will encourage more sustainable modes of travel and provide informal recreation opportunities, helping to improve the health and well-being of residents.

Other advice

We would expect the Local Planning Authority (LPA) to assess and consider the other possible

impacts resulting from this proposal on the following when determining this application:

- local sites (biodiversity and geodiversity)
- local landscape character
- local or national biodiversity priority habitats and species.

Natural England does not hold locally specific information relating to the above. These remain material considerations in the determination of this planning application and we recommend that you seek further information from the appropriate bodies (which may include the local records centre, your local wildlife trust, local geoconservation group or other recording society and a local landscape characterisation document in order to ensure the LPA has sufficient information to fully understand the impact of the proposal before it determines the application. A more comprehensive list of local groups can be found at [Wildlife and Countryside link](#).

Protected Species

We have not assessed this application and associated documents for impacts on protected species.

Natural England has published Standing Advice on protected species.

You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence is needed (which is the developer's responsibility) or may be granted.

Further comments received 24th August 2016:

'Natural England has previously commented on this proposal and made comments to the authority in our attached letter dated 10 June 2016

The advice provided in our previous response applies equally to this **amendment** although we made no objection to the original proposal.

The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

Should the proposal be amended in a way which **significantly** affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us the amended consultation, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.'

Nottinghamshire Wildlife Trust – 'Thank you for consulting Nottinghamshire Wildlife Trust on the planning application detailed above. We have reviewed the plans and supporting documentation, specifically the Environmental Statement (Vol. 2 March 2016) and Masterplan and we have the following comments to make.

We are pleased to see that an ecological assessment of the site has been carried out as this allows consideration of protected and priority species and habitats in the determination of the application. We are generally satisfied with the methodology used and conclusions reached, although we have some concerns regarding loss of habitat for skylark and yellowhammer, both farmland birds of conservation concern (see link below). These species are birds of open countryside and are likely to be displaced by the development.

With respect to breeding birds, disturbance could be minimised by retaining boundary hedgerows and ensuring adequate protection during construction (ideally, works near hedgerows would avoid the bird breeding season March to August inclusive). If any vegetation clearance is required, it is imperative that this is undertaken outside of the bird breeding season. As you will be aware all birds, their nests and eggs (except pest species) are protected by the Wildlife and Countryside Act 1981 (and as amended) and we recommend a suitably worded condition, for example:

“No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds’ nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.”

Should the LPA grant permission for this proposal we feel that there is an opportunity to create a development that largely protects habitats of nature conservation value and enhance biodiversity through meaningful habitat creation which would also act as an informal amenity green space for local residents. We encourage the applicant to take every available opportunity to maximise biodiversity within the new development. Having studied the masterplan carefully I find I am generally supportive of what is being proposed but I would encourage the applicant to consider the following;

- Drainage features can add to the habitat mosaic of an area if they are designed with wildlife in mind. There are many examples however, where they are designed to be purely functional and consequently their wildlife value is limited. We would be happy to discuss the design of these features but encourage the applicant to be innovative so that features are multi-functional to maximise biodiversity opportunities. This approach would also create a pleasant environment for residents.
- It is reassuring to know that many existing hedgerows will be retained and that meadows will be created. Retained hedgerows should ideally be free-standing so they do not form part of residential curtilages to ensure that they are sympathetically managed. I would also suggest including grass / scrub mosaics which can be high in biodiversity.
- Implement a managed access strategy to ensure that some areas are ‘wildlife only’ to minimise disturbance. Use natural planting to encourage people to stay on the path network where appropriate.

Land around sports pitches to be managed as informal green space with man-made furniture kept to a minimum. Provide interpretation that explains why green space is being managed informally to maximise biodiversity opportunities. We are aware of instances where informal areas of grassland have been established but due to pressure from the local community they have then had a formal management strategy implemented to make the area tidy. This could be an issue where sports facilities such as playing pitches are situated adjacent to informal green infrastructure.

Ideally, all new planting should be of native species and reflect the landscape character area. Avoid 'simplification of habitats' i.e. 'lolly-pop' trees and lawns.

Management Plan

We welcome the proposed informal green infrastructure including tree and shrub planting, and meadow creation. In order to ensure that newly created habitats are managed to maximise their benefit to wildlife a habitat management plan should be produced (see below). This document should include a monitoring element to assess habitat establishment and to ensure that habitats are being managed sympathetically, in accordance with the management plan. All habitat creation should have consideration for the Nottinghamshire Local Biodiversity Action Plan (as you will be aware Core Policy 12 of NSDC's Adopted Core Strategy March 2011 refers to LBAP habitats).

Implementation

In relation to implementation of the scheme, if approved, we recommend that the following is secured via condition:

- A construction environmental management plan, with details of procedures/ timing of works to avoid impacts on protected species and retained habitats.
- Detailed plans for green infrastructure (this should include species lists for hedges, trees, shrubs, meadows etc.).
- Details on management of new habitats during the establishment phase.
- A habitat/ biodiversity management plan, which should include a monitoring element.
- A mechanism to secure implementation of the management plan in the long-term must be put in place (i.e. funding must be available for the developer, local council or another organisation to cover habitat management/ maintenance costs).
- We welcome measures such as bat and bird boxes but we currently see no clear mechanism proposed to secure these and who will advise on their location.
- We fully support the mitigation proposals stated in section 9.9 of the Environmental Statement and we would like to see these secured through the planning system.'

RSPB - No comments received.

Sustrans - No comments received.

Network Rail – *Email dated 2 June 2016:*

'Thank you for your letter of 22 April 2016 providing Network Rail with an opportunity to comment on the abovementioned application.

With reference to the protection of the railway, Network Rail has no objection in principle to the development, but below are some requirements which must be met.

Given the size and proximity of the development in relation to the railway it is considered that there may be significant impacts particularly upon Newark North Gate railway station. It is noted that cycle links are proposed between the development site and the existing National Cycle Route 64 that runs northwards towards the station and is anticipated that this will result in significant additional use of facilities at the station.

It is therefore appropriate that a contribution is sought from the developer towards station facility improvements. Works are currently planned to improve connectivity between the station forecourt, cycle parking facilities and the cycle network. A key element of this is a link from the cycle way into the station including a new ramp. We consider that a contribution of £3,000-

£4,000 from the developer towards further improving this connection would be appropriate given the increase in cycle traffic that the development is likely to generate. This would be a small but welcome improvement to cycle connectivity.

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

Email dated 1st July 2016:

'What we are seeking funding for is a ramp within the station area to enable ease of access for cyclists to the station facilities.

I've attached a photo for your reference showing the area of the station where the ramp would be required which I think demonstrates how the ramp would increase cycling connectivity/ease of use between the cycle network and facilities at the station itself.

Virgin Trains East Coast is currently planning works to improve cycling facilities at the station, however, this ramp is not in the scope of their works and extra funding would enable this link between their improvements and the wider cycle network. Additionally, any extra funding would go towards secure single cycle pods and a possible changing hut for cyclists.'

Email dated 1st September 2016:

'Thank you for your letter of 18 August 2016 providing Network Rail with a further opportunity to comment on the abovementioned application.

We note with disappointment the response from the developer in relation to our previous request. However we would comment further as follows.

Firstly the developer has misunderstood the reason for the suggested improvement. It is not to primarily help safety issues within the forecourt - as they rightly point out that is the rail industry's responsibility and to that end you will be aware of the current LBC application for forecourt works which addresses that very point. It is also erroneous to say that it is a DDA requirement - the Equality Act (DDA is no longer extant) is concerned with access for all to the station and this is already in place, so there is no requirement on our part to provide this enhancement. We are not funded to provide improvements to the cycle network.

There will be an increase in cycle trips along the cycle route (not only to the station) when taken over the whole of the Fernwood development so it is logical that the simple improvement to route 64 at Newark NG station is provided, but given the reluctance of the development industry in general to fund this (despite the extremely modest cost) is this something the Council could seek to fund through the Community Infrastructure Levy?'

NSDC Environmental Health (Contaminated Land) – 'Air Quality: I generally concur with the findings of the submitted air quality assessment (Technical

Appendix 7.1 of RSK submitted documentation March 2016). I shall await submission of the dust management and traffic plans as described in proposed mitigation measures. We welcome the incorporation of electric vehicle charge points at dwellings within the development.

Contaminated Land: I have now had the opportunity to review the Preliminary risk assessment submitted by RSK (December 2014) in support of this development. This includes an environmental screening report, an assessment of potential contaminant sources, a brief history of the sites previous uses and a description of the site walkover. Following this work, several potential pollutant linkages have been identified and the report concludes by recommending a full scope of intrusive investigations in order to further refine the conceptual model. I would therefore recommend that the full phased contaminated land condition is attached to any planning approval for this site.'

NSDC Environmental Health (Noise) – 'The report does take account of the industrial units to the South East and advocates mitigation measures. These will need to be required and detailed on any approval given.

In respect of the A1 it is no surprise to see that the site experiences high noise levels. The stretch of road adjacent to the site is not currently identified as a Noise Action area but levels are high. Some properties adjacent to the A1 will experience very high noise levels above the relevant criteria. In respect of the properties themselves they can be protected inside, but external space is harder to protect. Were measures not put in place to protect the external spaces then the properties themselves could turn into acoustic prisons.

Therefore full details of steps to protect external space around the residential dwellings, as well as the dwellings themselves would need to be required as part of any approval given.'

The agent has addressed the above comments throughout the life of the application through the submission of a further noise modelling technical report. The following additional comments have been received:

'The submitted report does not in itself add a great deal to the process. To achieve suitable internal noise levels specification details will still be needed from the developer to ensure that the structure provides sufficient protection. In respect of the gardens modelling shows these to just achieve the criteria through the use of walls and fencing. Again we would need details of these and proof that they achieve the required levels of protection.'

NSDC Emergency CCTV - No comments received.

NSDC Access and Equalities Officer - 'As part of the considerations of inclusive access and facilities for all, with particular reference to disabled people, attention is drawn to Approved Document M of the Building Regulations, which contain useful standards in respect of visitable, accessible and adaptable, and wheelchair user dwellings, and that consideration be given to incorporating accessible and adaptable, as well as wheelchair user dwellings within the development. The requirements of a dwelling's occupants can change as a result of illness, accident such as sports injury for example, disability or ageing giving rise to reduced mobility or increasing sensory loss. In order to meet these changing requirements, homes need to be accessible to residents and visitors' alike as well as meeting residents' changing needs, both temporary and longer term. Similarly, inclusive access improves general manoeuvrability for all including access for those with push chairs and baby buggies as well as disabled people etc.

Inclusive access should be carefully considered throughout where all users, including disabled people, can equally use the development.

Pedestrian approaches should be carefully designed to ensure that they provide a safe, barrier free level approach to the proposals from the edge of the site, as well as car parking where suitable provision for disabled motorists to park should be provided, with dropped kerbs, appropriate tactile warnings and carefully designed road crossings etc. as applicable. Routes should be carefully designed so as to be smooth, level, non-slip, and barrier free and of sufficient width. Site gradients will need to be carefully assessed to ensure that these are accessible to all users with any sloping pathway designed to meet level or ramped approach standards. It is recommended that separate traffic free pedestrian pavements with kerbs will be provided throughout the development to separate vehicular routes from pedestrian pathways and any danger to pedestrians from being required to walk along vehicular routes avoided.

It is important to restrict the number of barriers, restrictions or other hazards that disabled people encounter on the approach to and from the proposals. Uneven surfaces and gaps between paving materials cause problems for wheelchair users, people with impaired vision and people who are, generally, unsteady on their feet. Paving materials should be smooth, level and non-slip. Similarly car parking surfaces should be smooth, firm, non-slip and level with no uneven surfaces or gaps. Any street furniture such as litter bins, bollards, signposts etc. whether free-standing or projecting from the building are hazardous if not carefully designed and positioned clear of pedestrian routes. They should be carefully designed so as to be readily apparent and illuminated. For people with impaired vision, this is particularly important to reduce the risk of colliding with items located along the access route. Any external seating including benches should be carefully designed at an appropriate height and design so as to be suitable for ambulant disabled people with arms rests to give additional support and help when standing together with space for wheelchair users to sit alongside their seated companions. Carefully designed inclusive access routes should be considered to all external features and facilities and the developer should carefully considers their accessibility.

It is recommended that information and directional signs around the development, to and within the buildings etc. be clear and positioned so as to be easy to read. The JMU Sign Design Guide and BS8300 give guidance in this regard for buildings. It is further recommended that the developer's attention be drawn to BS8300:2009 'Design of buildings and their approaches to meet the needs of disabled people – Code of practice' which explains how the built environment can be designed to anticipate, and overcome, restrictions that prevent disabled people making full use of premises and their surroundings,.

The proposal should be required to meet minimum requirements of the Building Regulations and it is recommended that the developer be mindful of the requirements of the Equality Act 2010.'

DEFRA - No comments received.

Fisher German LLP (re Government Pipelines and Storage Systems GPSS) - No comments received.

National Grid – *Letter dated 3 May 2016:*

'As your proposed activity is in close proximity to National Grid's Transmission assets we have referred your enquiry/consultation to our Asset Protection team for further detailed assessment. We request that you do not commence work or take further action with regards to your proposal until you hear from us.

Affected Apparatus

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

- High or Intermediate pressure (above 2 bar) Gas Pipelines and associated equipment
- Low or Medium pressure (below 2 bar) gas pipes and associated equipment. (As a result it is highly likely that there are gas services and associated apparatus in the vicinity)
- Electricity Transmission overhead lines
- Above ground electricity sites and installations

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

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

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

Requirements

BEFORE carrying out any work you must:

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

Email dated 10 May 2016:

'We have received the Fenclosed regarding a proposed development. There is a High Pressure Gas Pipeline in the vicinity and NG must be consulted before any works take place.

A PADHI+ assessment should be carried out to determine the suitability of any development near such a pipeline.

NG has an easement on this pipeline and would object to any development within the vicinity until the developer engages in detail discussions.'

Letter dated 13 May 2016:

'National Grid has no objections to the above proposal which is in close proximity to a High Voltage Transmission Overhead Line – 4VK.'

Health and Safety Executive – Comments received 1 June 2016:

'The Health and Safety Executive (HSE) is a statutory consultee for certain developments within the Consultation Distance of Major Hazard Sites/ pipelines. This consultation, which is for such a development and also within at least one Consultation Distance, has been considered using HSE's planning advice web app, based on the details input on behalf of HSL.

HSE's Advice: Advise Against. The assessment indicates that the risk of harm to people at the proposed development site is such that HSE's advice is that there are sufficient reasons on safety grounds, for advising against the granting of planning permission in this case.

Major hazard sites/pipelines are subject to the requirements of the Health and Safety at Work etc. Act 1974, which specifically includes provisions for the protection of the public. However, the possibility remains that a major accident could occur at an installation and that this could have serious consequences for people in the vicinity. Although the likelihood of a major accident occurring is small, it is felt prudent for planning purposes to consider the risks to people in the vicinity of the hazardous installation. Where hazardous substances consent has been granted (by the Hazardous Substances Authority), then the maximum quantity of hazardous substance that is permitted to be on site is used as the basis of HSE's assessment.

If the proposed development relates to an extension to an existing facility, which will involve an increase of less than 10% in the population at the facility, then HSE may reconsider this advice; please contact HSE's Planning Advice team if this development involves such an extension.

Pipelines

As the proposed development is within the Consultation Distance of a major hazard pipeline you should consider contacting the pipeline operator before deciding the case. There are two particular reasons for this:

- The operator may have a legal interest (easement, wayleave etc.) in the vicinity of the pipeline. This may restrict certain developments within a certain proximity of the pipeline.
- The standards to which the pipeline is designed and operated may restrict occupied buildings or major traffic routes within a certain proximity of the pipeline. Consequently there may be a need for the operator to modify the pipeline, or its operation, if the development proceeds.

HSE's advice is based on our assessment of the pipeline as originally notified to us. It may be that in the vicinity of the proposed development the operator has modified the pipeline to reduce risks by, for example, laying thick-walled pipe. If you wish to contact the operator for this information then HSE is willing to re-assess the risks from the pipeline, relative to the proposed development, if all the following details are supplied to HSE by you:

- pipeline diameter, wall thickness and grade of steel.
- start and finish points of thick-walled sections (not required if it is confirmed that they are more than 750m from all parts of the development site).

These details to be clearly marked on a pipeline strip map, or other appropriate scale map, then included with the full consultation and submitted to CHEMHD5, HSE's Major Accidents Risk

Assessment Unit, Health and Safety Executive, Redgrave Court, Merton Road, Bootle, Merseyside, L20 7HS to allow it to be individually assessed. Please clearly identify on your covering letter that it is a resubmission with additional details of the major hazard pipeline.'

Following the revocation of the nearby Hazardous Substance Consent the following revised comments have been received:

'HSE's Advice: Do Not Advise Against, consequently, HSE does not advise, on safety grounds, against the granting of planning permission in this case.'

British Gas PLC - No comments received.

The Environment Agency – 'Thank you for referring the above application which was received on 22 April 2016.

The Agency has no objections, in principle, to the proposed development but recommends that if planning permission is granted the following planning conditions are imposed:

The Local Planning Authority must be satisfied that the site is sequentially preferable given that parts of the site are located within Flood Zones 2 and 3.

The submitted Flood Risk Assessment (FRA) is dated March 2016 but has used data obtained from the Environment Agency back in November 2014 hence the references to the new Upper Witham Modelling data which we confirm is now available.

The FRA has identified a Sequential Approach to the proposed development by locating 'More Vulnerable' residential development within Flood Zone 1 which we support.

The FRA has acknowledged that climate change figures have been amended and that the site is located in the Anglian River Basin Area. The FRA recommends that the Higher Central limit of 35% is used. Given the scale and nature of the development the Environment Agency recommends that the Upper End level of 65% is consider for sensitivity testing given the number of houses proposed.

Section 10.5 identifies the possible need for Flood Plain compensation for any development within flood Zone 3. It references the old climate change figure which would need to be amended to reflect the new guidance. This is particularly relevant if the proposed football pitches are to be raised rather than remain at the existing greenfield site levels.

The Environment Agency no longer comments on Surface Water details as this is the responsibility of the Lead Local Flood Authority. Part of the site is proposed to discharge into Shire Dyke therefore we recommend that the Upper Witham IDB are consulted as part of the planning application and drainage strategy comments.

In summary we are satisfied that the FRA is appropriate given the outline nature of the development and recommend the following:

Environment Agency position

The proposed development will only meet the requirements of the National Planning Policy Framework if the following measures as detailed in the Flood Risk Assessment dated March 2016 submitted with this application are implemented and secured by way of a planning condition on any planning permission.

Condition

1. Provision of compensatory flood storage where land raising is proposed in Flood Zone 3 subject to an Environment Agency approved assessment used to determine the volume and level required.
2. Each Phase of development or subsequent detailed submission should include an updated Flood Risk Assessment which takes into account the proposed development and latest flood risk information.
3. All residential development must be located in Flood Zone 1 as recommended in the FRA dated March 2016.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason

1. To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided.
2. To reduce the risk of flooding to the proposed development and future occupants.
3. To reduce the risk of flooding to the proposed development and future occupants.'

Further comments received on 11 August 2016 on the basis of updates provided by the applicant during the life of the application:

'Further to our previous reply to the application an additional statement has been submitted by RSK dated 8th August 2016 in regards to our original proposed conditions and acknowledgment of the updated flood risk information for the site.

The submitted Master Plan 6534-L-07 dated 16 February 2016 shows how the current proposal is affected by the amended information and the Environment Agency are satisfied that the projected outlines are representative of the flood risk to the site.

Taking the points from the statement in turn we can confirm that we are satisfied that the additional information submitted in regards to loss of floodplain are satisfactory and demonstrates that the proposed land raising will not have a significant impact on third parties. Approximate volumes have been identified from the Master Plan and provided these remain consistent for the final development the Environment Agency are happy to withdraw our original flood plain compensatory condition. The proposed amended Flood Risk Assessment should include this information as part of the proposed update to the document.

We note that an amended Flood Risk Assessment is proposed for the whole site rather than the original recommendation of individual FRAs for the different phases of development.

Please note that the following condition supersedes the condition in our initial response to this proposal.

As residential development is now proposed within the Flood Plain the amended FRA will need to include proposed mitigation measures to demonstrate the development is 'safe'. These mitigation measures will need to follow the principles highlighted within the statement of raising floor levels appropriately above the predicted flood level on site and incorporating Flood Resilient construction techniques where appropriate.

Environment Agency Position

The proposed development will only meet the requirements of the National Planning Policy Framework if the following measures as detailed in the Flood Risk Assessment dated March 2016 and additional statement update on 8 August 2016 submitted with this application are implemented and secured by way of a planning condition on any planning permission.

Condition

No development is to take place until an updated Flood Risk Assessment for the proposed site is submitted and agreed in writing. The amended FRA will take forward the principles identified in the statement dated 8 August and the identified flood risk in Plan 6534-L-07 dated 16 February 2016.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason

To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided. To reduce the risk of flooding to the proposed development and future occupants.'

Further comments received 31 August 2016 on the basis of the latest revised FRA submitted during the life of the application:

'Additional information has been submitted dated 12 August 2016, reference 890034CWL02 which looks to address the Environment Agency previous condition recommendation of a Flood Risk Assessment.

The principle area of additional information is around identifying a suitable finished floor level for the proposed residential development within Flood Zone 3 based on the new Upper Witham Modelling and addressing the impacts of climate change over the life time of the development.

The Environment Agency are satisfied with the proposed mitigation measures and wish to amend our previous recommendation to reflect the additional information within this Flood Risk Addendum, as follows:

Condition

The finished floor levels of residential development identified in the 2d Flood Depths within drawing 6534-L-07 are to be set 600mm above the predicted 1% 2015 flood level based on the flood risk depths.

Reason: To reduce flood risk to the proposed development'

Nottinghamshire County Council Flood Team – No objection in principle subject to the following:

1. A detailed surface water drainage proposal is approved by the LPA prior to any commencement on site.
2. This condition is requested as the LLFA considers the surface water drainage has not been adequately addressed within the existing flood risk assessment. The following points must be conserved / adhered to in any revised proposals:
 - a. The greenfield run-off rate of 301 l/sec is not disputed. This is based on the 93ha of existing arable farmland draining to the watercourse on the eastern boundary.

- b. The applicant states that only approx. 25 ha of the existing 93 ha site will become impermeable as a result of the development. This is an extremely low percentage for a modern residential development and must be justified.
 - c. The applicant states that the entire Qbar discharge rate of 301 l/sec will be allocated to the 25 ha of impermeable area and has sized the surface water attenuation volumes on this basis. The LLFA contends that this methodology is flawed as some discharge from the remaining 68 ha is inevitable and will almost certainly travel towards the surface water attenuation system. It is quite likely that lawned areas and other 'green' areas would become compacted and the 'greenfield' discharge coefficient would increase with proportionately more water discharging from these areas than is the case at the present time. In this regard the attenuation storage is likely to be considerable under-sized and would overflow in an extreme event with large volumes of water passing to the watercourse.
 - d. It is quite possible that there would be an increase in the flood risk to 3rd parties as a result of unregulated overflows from the site therefore this is contrary to the aims of the NPPF.
 - e. The applicant is showing the positioning of surface water detention basins within an area indicated at risk of flooding from the Shire Dyke. It is unclear how these would be expected to function in the design event as presumably the Shire Dyke would be using all the available flood plain at this time. It is likely that the discharge rates from any surface water attenuation features would also be compromised in this scenario.
 - f. Any drainage design simulations should check the entire drainage system on the site including plot drainage for flooding during all storm durations from 15 minutes to (at least) 24 hours with any/all flood volumes shown to be directed away from the site boundaries and propose properties and instead directed to the surface water attenuation system.
3. The LLFA suggest that the surface water drainage strategy is revisited and additional design input added to address the points made in 1a-e. We suggest that an attempt is made at an outline drainage design that uses contemporary ground modelling software and drainage software to accurately simulate the behaviour of the drainage system for both the proposed land uses and also the position of the surface water attenuation features.
 4. The applicant states in correspondence with the Environment Agency that they will create flood compensation areas. A condition needs to be added to any planning permission that requires the flood compensation design to utilise a 3D ground model and produce a grid of levelled coordinate points for the existing and proposed topography. This is required in order that the design may be checked and also independently verified following the implementation of the proposed earthworks.
 5. Any future planning permission should also require the surface water, foul drainage and highway designs to be designed to the appropriate adoptable standards and technical approval for any future adoption achieved before the commencement of any development on the site. This is to ensure that the drainage design performs correctly for the lifetime of the development.

Further comments received in relation to suggested wording for a suitable condition:

'No development shall be commenced within each Phase or phase pursuant to Condition 4 until a detailed surface water drainage scheme for that Phase or sub-phase, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. In addition to dealing with surface water drainage this scheme shall also be designed to maximize biodiversity opportunities. The scheme shall subsequently be implemented prior to first

occupation of any dwelling within that Phase or sub phase unless otherwise agreed in writing with the Local Planning Authority. The scheme to be submitted shall include:

- Provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- Detailed site levels designs for the site. This information should be accompanied by a contour plan and a flood routing plan. The site should be designed to retain all surface water flows within the site and route these to the attenuation ponds. Flows crossing the site boundary onto 3rd party land are not acceptable.
- Detailed consideration of the risk of accumulation and mitigation of the pluvial flooding as shown on the Environment Agency surface water flood risk plans.
- Detailed drainage layout including building/plot drainage where possible. This is to include a fully referenced network plan with supporting calculations and documentary evidence of infiltration coefficients if used. The performance specification should follow the guidance within Sewers for Adoption 7th edition in terms of the criteria for pipe-full flows, surcharge and flooding;
- Full drainage simulation outputs to demonstrate that the drainage system can fulfil the design criteria and that failure of the drainage system during short-duration high-intensity events does not automatically mean that properties flood. The management of accumulations of water on the site should be clearly defined and the potential flow routes considered. The designers should consider how exceedance flow routes may be maintained and not blocked by fences, garden sheds and the like. In this regard they should be designed where possible to avoid reliance on 3rd party properties and should use public open space and highways.
- All infiltration areas with supporting specification, calculations and construction details.
- Attenuation pond/tank details including volumetric calculations, geotechnical & slope-stability calculations as appropriate, specification of materials used to construct any berms.
- Full specification & general arrangement drawings for inlet/outlet structures and flow control structures. The details should also include the access arrangements for clearing and maintenance including in times of flood/failure of the infrastructure.
- Full documentary evidence for consideration by the LPA/LLFA legal advisors of the rights to discharge to any watercourse.
- All calculations should be provided using contemporary drainage software (Windes or similar). If possible electronic files should be provided to support paper and pdf outputs. Information can be provided in common software packages and formats including PDS, Windes, xyz, genio, word/excel/autocad etc. All documents should be referenced with a unique identifier – drawing number, document number/revision etc. Calculations and drawings should be cross-referenced and issue sheets provided to enable tracking of revisions to information;
- Timetable for its implementation;
- Provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

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

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

Condition

The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Reason

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

Suggested Informative

Severn Trent Water advise that although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.

Additional Drainage Requirements

- The developer must produce a comprehensive drainage strategy for the site.
- This strategy must include how surface water is to be dealt with. In particular showing how no surface water will be allowed to enter the foul or combined system through any means.
- Surface water should be drained using sustainable techniques.
- Where a sustainable drainage scheme is to be provided, the submitted details shall:
 - i) Provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - ii) Include a timetable for its implementation; and
 - iii) Provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
- The strategy will also demonstrate how any land drainage issues will be resolved.
- The developer may have to commission a hydraulic modelling study to determine if the proposed flows can be accommodated within the existing system. And if not, to identify what improvements may be required. If the surface water is drained sustainably, this will only apply to the foul drainage.
- Severn Trent may need to undertake a more comprehensive study of the catchment to determine if capital improvements are required.
- If Severn Trent needs to undertake capital improvements, a reasonable amount of time will need to be determined to allow these works to be completed before any additional flows are connected.'

Anglian Water –

'Section 1 – Assets Affected

1.1 There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. Anglian Water would ask that the following text be included within your Notice should permission be granted.

“Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.”

WASTEWATER SERVICES

Section 2 – Wastewater Treatment

2.1 The site is in the catchment of Claypole Water Recycling Centre which does not have the capacity available. A drainage strategy will need to be prepared in consultation with Anglian Water and the Environment Agency to determine whether additional flow can be discharged to watercourse and to cover temporary measures in the interim, if additional capacity can be provided at the STW.

We request a condition requiring the drainage strategy covering the issue(s) to be agreed.

Section 3 – Foul Sewerage Network

3.1 Development will lead to an unacceptable risk of flooding downstream. A drainage strategy will need to be prepared in consultation with Anglian Water to determine mitigation measures. We request a condition requiring the drainage strategy covering the issue(s) to be agreed.

Section 4 – Surface Water Disposal

4.1 From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments on the suitability of the surface water management. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse.

4.2 Should the proposed method of surface water management change to include interaction with Anglian Water operated assets, we would wish to be re-consulted to ensure that an effective surface water drainage strategy is prepared and implemented.

Section 5 – Trade Effluent

5.1 Not applicable

Section 6 – Suggested Planning Conditions

Anglian Water would therefore recommend the following planning condition if the Local Planning Authority is mindful to grant planning approval.

Foul Sewerage Network (Section 3)

CONDITION

No development shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have

been carried out in accordance with the foul water strategy so approved unless otherwise approved in writing by the Local Planning Authority.

REASON

To prevent environmental and amenity problems arising from flooding.'

Trent Valley Internal Drainage Board – 'The site is outside of the Board's district and catchment. All matters relating to surface water drainage should be agreed with Upper Witham IDB and the appropriate Lead Local Flood Authority.'

Upper Witham Drainage Board – 'The Board has no objection to the proposed development provided it is constructed in accordance with the submitted details and Flood Risk Assessment and Drainage Strategy. It is noted that:

- 9.3 the discharge will be restricted to 301.6 l/s for the 93.17ha site.
- 10.4 a strip 6m wide will be left both sides Shire Dyke to allow the Board to access for maintenance, repair and improvement.
- 10.4 Upper Witham IDB By-law Consent is required for anything within the 6m By-law distance from the top of the bank of Shire Dyke.
- Upper Witham IDB Consent will be required for any works within Shire Dyke including outfalls.
- The applicant is aware that there is an impounding structure in Shire Dyke and the water level is raised during the Summer months.
- At the detail stage provision will have to be made to allow the Board's plant and equipment to access the maintenance strip adjacent to Shire Dyke.
- At the detail stage provision will have to be made to allow the Board's plant and equipment continuity of access across Shire Lane.

No development should be commenced until the Local Planning Authority, in consultation with the Lead Local Flood Authority has approved the final details of the scheme for the provision, implementation and future maintenance of the surface water drainage system.'

Further comments received 23 August 2016:

The Board supports the position of the Environment Agency and the proposed revisions. It is noted that the Zone 3 outline has changed because of updated modelling of the River Witham and there is proposed to be ground raising and compensatory flood plain storage.

Police Architect – 'I would like to comment upon the above planning application in my role as the Force Architectural Liaison Officer, the planning application consultation documents received recently.

Having viewed the outline planning documents for this large development I would like to comment as follows: -

The proposed development of up to 1800 dwellings mixed use local centre, sports pavilion, primary school and other infrastructure will be located some five miles from Newark Town centre in currently a very rural location, and has borders with the neighbouring county of Lincolnshire. It is essential that the development achieves a high level of sustainability from all matters, including crime and disorder.

This not only includes the need to use environmentally friendly materials, construction and operational methods, but also the need to raise awareness of the reduction of crime as a positive sustainability issue.

I can see only vague references to the development being sustainable from crime and disorder or no reference to Designing out Crime within the D&A Statement or other planning statements. The proposed development is very large and the potential for crime and disorder both at the construction stage and once built and occupied is high.

All measures should be taken to mitigate any future crime and disorder concerns for this development; therefore I would strongly advise that the development is built to Secured by Design standards to ensure the sustainability. Secured by Design (SBD) is a police initiative to guide and encourage those engaged within the specification, design and build of new homes to adopt crime prevention measures in new development and to reduce the opportunities for crime and disorder.

Secured by Design is owned by Police CPI and is supported by the Home Office and Communities and Local Government (DCLG).

The environmental benefits of Secured by Design are fully supported by independent research proving that SBD housing developments suffer at least 50% less burglary, 25% less vehicle crime and 25% less criminal damage. Therefore the carbon costs of replacing windows or doorsets on SBD developments as a result of criminal activity is more than 50% less than that of non-SBD developments.

In addition to the reduction in crime and disorder, recent academic research conservatively estimates the annual carbon cost of crime within the UK to be in the region of 6,000,000 tonnes of CO₂. This is roughly equivalent to the total CO₂ output of 6 million UK homes. At current domestic burglary rates the marginal carbon costs of building a home to SBD standards will be recovered within four years.

In support of my comments, the ODPM publication 'Safer Places – the Planning System and Crime Prevention, published in 2004, includes a section on 'Access and Movement' making reference to both the advantages of well connected layouts together with a layout with fewer connections. The two advantages of a well connected layout are: -

- Clear views and easy orientation
- More activity and so more potential for natural surveillance.

The Safer Places documents then includes a further advantage of enabling more intrinsically secure building types which are outlined under the sub heading 'Structure' and explains how this is achieved and the pitfalls to avoid.

Potential 'honey pots' i.e. places where people congregate and linger require particular planning so as not to bring crime and anti-social behaviour into the area. Within a similar context, out of scale facilities such as supermarkets or leisure facilities that are intended for the wider, rather than local community should be sited with care.

Specific areas of concern are as follows: -

- I note within the Design and Access statement that the developers have not made any direct reference to the sustainability of the proposed development through designing out crime. I would recommend this development works towards achieving the Secured by Design Award. Paragraphs 58 and 69 of the National Planning Policy Framework are relevant in this instance.
- Vehicular and pedestrian routes should be designed to ensure that they are visually open, direct, and well used. They should not undermine the defensible space of neighbourhoods.

Design features can help to identify the acceptable routes through a development, thereby encouraging their use, and in doing so enhance the feeling of safety.

Where it is desirable to limit access/use to residents and their legitimate visitors, features such as rumble strips, change of road surface (by colour or texture), pillars, brick piers or narrowing of the carriageway may be used. This helps to define the defensible space, psychologically giving the impression that the area beyond is private.

- Routes for pedestrians, cyclists and vehicles should not be segregated from one another. Networks of separate footpaths to unsupervised areas facilitate crime and anti-social behaviour and should also be avoided.

Public footpaths and green access routes should not run to the rear of, and provide access to gardens, rear yards or dwellings as these have been proven to generate crime. Where a segregated footpath is unavoidable, for example a public right of way, an ancient field path or heritage route, designers should consider making the footpath a focus of the development and ensure that it is:

- as straight as possible
- wide
- well lit
- devoid of potential hiding places
- The provision of public open amenity space, as an integral part of new residential developments, should make a valuable contribution towards the quality of the development and the character of the neighbourhood.

In order to do this it must be carefully located and designed to suit its intended purpose – mere residual space unwanted by the developer is very unlikely to be acceptable. In particular:

The open space must be designed with due regard for natural surveillance, and adequate mechanisms and resources must be put in place to ensure its satisfactory future management, and care should be taken to ensure that a lone dwelling will not be adversely affected by the location of the amenity space.

It should be noted that positioning amenity/play space to the rear of dwellings can increase the potential for crime and complaints arising from increased noise and nuisance

- I note within the D&A statement, the vision to provide a good mix of dwelling types, whilst I agree with this concept, it is important to ensure the layout and orientation of dwellings is designed to afford “active edges” to the street, so as to provide good natural surveillance over the street, and vehicle parking areas.
- I note within the D&A Statement that the provision for vehicle parking or parking within areas that can be seen by the respective owner, will be on plot parking with the desire not to provide rear parking courts, I would support this design choice. Specifically vehicles should either be parked in locked garages or on a hard standing within the dwelling boundary, preferably behind a gate.

Where communal car parking areas are necessary they should be in small groups, close and adjacent to homes and must be within view from routinely occupied “active” rooms of the owners’ premises. It may be necessary to provide additional windows to provide the opportunity for overlooking of the parking facility.

If car parking must be contained within an internal courtyard, although this practice is actively discouraged due the introduction of access to the rear of dwellings, then it must be protected by an automatic gate, incorporating access control and be overlooked by neighbouring homes.

Where dedicated garages are provided within the curtilage of the dwelling then the entrance should be easily observed from the street and neighbouring dwellings.

Locating garages forward of the building line can obscure views of both the entrance to the garage and the dwellings.

Where parking is designed to be adjacent to or between units a gable end window should be considered to allow residents an unrestricted view over their vehicles.

The outline planning documents do not include specific layout detail for the proposed new homes, parking facilities, public open space provision, footpath orientation or green access routes. I would like to have sight of these plans as soon as they become available and I would ask the developer engage in pre planning discussions with myself to ensure the opportunities for crime and disorder can be minimised.

The development of this site will have significant Policing and road traffic implications to this area both during the construction phase and when complete. Due to the large size of this development it may be necessary to incorporate a small Police Office into the community hub. I have informed the Divisional Commander of these proposals and I am awaiting further information regarding the Policing requirements.

I would ask to be kept informed as matters progress in order to maintain liaison and also appraise operational Policing colleagues both in this County and in Lincolnshire as appropriate.'

East Midlands Ambulance Service – No comments received.

Fire Brigade Headquarters - No comments received.

British Horse Society – No comments received.

NEWARK STEEL LTD – *Letter received 23rd October 2018 (For the avoidance of doubt this representation was submitted significantly after the public consultation and resolution to approve):*

Thank you for informing my client Newark Steel Ltd (hereafter 'NSL') of the material changes that have been made to the abovementioned planning applications. I am writing on behalf of NSL with respect to both applications submitted by Persimmon Homes and Larkfleet Homes, respectively.

Newark Steel Ltd and Depot Location

NSL became a subsidiary company of Barrett Steel Ltd in 2002; the UK's largest independent steel stockholder. The founding company was established in 1866 and the group now consists of more than 40 companies operating from 27 sites across the UK. Barrett Steel Ltd is therefore well versed with integrating with its neighbours and takes pride in establishing itself into local communities. NSL has had a presence in Newark for over 40 years¹. It relocated to its current site in August 2002 and it currently employs 44 members of staff. NSL is therefore an important asset to the town and the local economy.

The NSL depot is located to the south of Fernwood at the eastern end of Sylvan Way. The Persimmon Homes' application site (Ref. 16/00506/OUTM) therefore adjoins the NSL depot on three sides. The Larkfleet Homes' application site (Ref. 17/01266/OUTM) is located to the north of the NSL depot (beyond the Permission Homes' application site to the north).

Depot Site and Industrial Activities

The NSL depot is best described as a steel stockholding and processing site which operates from 03:30 hrs to 16:30 hours on weekdays, and on Saturday mornings; the site office is open until 18:00 hours.

Notwithstanding this, NSL have a long lease so had previously had positive discussions with planning officers at the LPA to potentially operate 24 hours a day 7 days a week. In accordance with its growth plans, NSL is aiming to implement these changes in the next 12-18 months.

A range of industrial and associated activities take place at the site (both inside and outside buildings) including unloading inward delivery vehicles, un-securing steel deliveries, steel cutting, shot blasting², painting, moving the steel goods around the site, outside storage, securing finished products for outward deliveries, loading delivery vehicles for customers, staff parking, client parking, visitor parking and staff visits from other Barrett Steel sites, amongst other things.

I attach a Site Plan of the depot for assistance; this shows Warehouse B at the northern end of the depot. To the south is a trailer park beyond which is Warehouse A. At the southern end of the depot are 4no. overhead cranes split into two separate areas (Location N and Location T) with a yard in between. A visitor car park, offices, staff car park and goods in lay-by exist on the west side of the depot. The Site Plan also shows that there is a single point of vehicular access into and out of the depot and it exists in the south-west corner.

Finally, the Site Plan shows that the same vehicular access point also serves two other industrial businesses, which operate to the north of the depot, namely: Rototek, a plastic moulding company; and, a used tyre storage and processing company. Part of this road abuts the Permission Homes' application site.

Potential Impacts and Concerns

The isolated nature of the site from residential dwellings has allowed the company to sustainably grow without hindrance since their beginning at the site. Given the NSL depot neighbours the Persimmon Homes' site, there is the potential for significant adverse impacts on the future residential occupiers. Conversely and more importantly, the proposed relationship with some of the residential properties and the depot means there might be pressure applied to the Council by residents, at a future date to, control operations inside and outside the industrial operations which could prejudice the business. This would be completely unjust and should be avoided at all costs.

To avoid the above scenario, it is important that the NSL's concerns with the two planning applications are fully considered by the Council. Each concern is discussed in turn below.

a) Noise – The Persimmon Homes' Masterplan (Dwg. No. 6534-L-07-I) shows residential properties adjacent to the south and west boundaries of the NSL depot. Residential properties are also shown adjacent to Sylvan Way (both sides). Consequently, there is the potential that residential amenities within the proposed development could be affected by the activities that take place inside the depot, particularly as the operations commence at 03:30 hrs. For example, there will be noise outside of the depot buildings from several sources including from the manoeuvring of Heavy Goods Vehicles (HGVs), the coming and going of delivery HGVs, warning

sounds from unloading and packing HGVs, reversing alarms on forklift trucks and side-loaders, as well as from slinging chains over loads. There will be additional noise from activities that take place inside the warehouses including from the steel dragger system (which is how the steel moves between certain equipment and processes within the warehouses), 4no. steel saws, a saw drill line and shot blaster³; large doors on both sides of the two warehouses are open when the site is in operational use. Given the proposed residential development adjoins the NSL depot on three sides, we would expect the Permission Homes' Noise and Vibration Assessment (NVA) to have considered these activities however, a review of this documents suggests that these activities have been significantly underplayed.

For example, the monitoring location closest to the NSL depot⁴ is located next to Warehouse B and shielded by dense overgrowth. This is both quite far from Warehouse A, which is where the noisiest industrial activities take place, and behind a hedgerow that is outside of the applicant's control so its long-term retention cannot be secured via an appropriately worded planning condition. It is suggested that this monitoring location will not lead to accurate findings. NSL would have been pleased to have discussed its operations with Persimmon Homes' acoustics advisor if they had bothered to contact them; the scope of the NVA would then have been robust.

The NVA suggests that the extraction equipment on the warehouses are the most likely source of noise from the depot. This is incorrect for the reasons explained previously. Furthermore, this fails to appreciate that the extraction equipment is located on the east-facing elevations i.e. opposite the rear of the depot so away from the Persimmon Homes' site.

More significantly and worrying are the baseline noise model maps⁵; these show the warehouses as white boxes with no noise emission levels. This suggests there is no sound generated from the warehouses, which again is incorrect.

Tables 3.2 to 3.5 show the unattended and attended monitoring results however, the exact start and end times are not specified. It is not therefore clear if the NVA adequately captures the noise generated from the NSL depot, particularly during its night-time operations.

Given it has been nearly 4 years since the NVA was undertaken and during the same period NSL has incrementally grown its operations at the depot, we consider noise levels have probably increased and this, in itself, justifies an updated NVA.

Whilst traffic noise has been assessed adjacent to the A1, the B6326 Great North Road and Shire Lane, it has not been assessed adjacent to Sylvan Way. No reasons are given for this exclusion but it should be an important consideration because residential properties are proposed on either side of Sylvan Way. The road is currently used as the access into and out of 3 industrial sites, namely: the NSL depot; the Rototek site; and, a used tyre storage and processing compound. It is understood that Persimmon Homes intend to make the western end of Sylvan Way into a bus route; the western end will also act as a vehicular access into the residential block to the north of Sylvan Way and a smaller block to the south. Consequently, noise from traffic along Sylvan Way will increase as a result of the residential developments. However, the omission of this road represents an inconsistency and undermines the credibility of the NVA.

Additionally, it is likely that the industrial noise from the depot will increase when NSL pursues its growth plans.

For the above reasons, the robustness of the Persimmon Homes' NVA is questionable. Notwithstanding a resolution to grant outline permission has been given for this planning application (Ref. 16/00506/OUTM), we consider an updated NVA should be undertaken as a matter of urgency. We also question why a similar assessment was not undertaken both to inform and support the Larkfleet Homes' planning application (Ref. 17/01266/OUTM).

b) Gantry Flood Lights – As the NSL depot is operational when it is dark there are flood lights on both gantries, warehouses and offices. These have the potential to have adverse impacts on the east side of the Persimmon Homes' site. The machinery and vehicles at the depot are additional sources of light. However, no lighting assessment has been prepared to inform and support the planning application.

c) Transportation & Movement Impacts – The proximity to the A1 has been an asset to NSL in that it has allowed the company to both receive deliveries and transport orders from the depot without the need to go near residential properties. This has been important to NSL because the deliveries and orders are on 16-28 tonne HGVs and loads generally leave the depot between 06:30 hrs to 09:30 hrs i.e. during rush hour. It is therefore unfortunate that there only limited information on the NSL operation within the Transport Assessment (TA).

We would expect the existing vehicle traffic movements to have been considered in the TA. This should include 10 NSL HGV fleet, 6-12 Barrett Steel and outside hauliers/suppliers visiting the depot per day, 6-12 collection vehicles, cars from staff who work at the site, cars from staff who are visiting from other Barrett Steel sites and vehicles from third party visitors, such as customers⁶ (all of which would generate 2-way vehicular movements).

We would also expect detail on how the proposed alterations, new transport routes (roads, cycle paths, footpaths and bus routes) and access points systems will interact with surrounding uses, including our clients' site. Our concerns relating to the potential transportation and movement impacts are discussed below.

The proposed bus route at the western end of Sylvan Way will not only introduce a different form of large vehicle, on what is not the widest of roads, but also lead to a potential risk that is generated from users stepping off buses into the paths of the HGVs. Children who can be easily distracted and elderly people who often have mobility difficulties usually form a large percentage of bus users. It will be important that bus stops and crossings are suitably located across both residential developments. But they should be avoided along Sylvan Way if there is the potential for both collisions with traffic from the NSL depot, and the creation of queues onto the B6326.

In terms of this latter point, it should be noted that there are occasionally queues of HGVs on Sylvan Way waiting to access the depot. During these times and when the depot is at its busiest, this could have implications on the flow of traffic on Sylvan Way. Accordingly, there could be rare occasions when queueing HGVs make it difficult to use the two new vehicular access points into the residential development (one to the north side of Sylvan Way; and the other off Sylvan Way to the south).

Again, and notwithstanding the resolution to grant, we suggest the Council reconsiders the highway impacts of the Persimmon Homes' planning application (Ref. 16/00506/OUTM). We also suggest the Council considers the cumulative impacts with the Larkfleet Homes' planning application (Ref. 17/01266/OUTM). We consider the Council should only determine the two

planning applications once it is content that the additional vehicle movements resulting from the residential developments will not harm the safe movement of vehicles on the strategic and local highway network.

d) Distance from Warehouse Buildings – The office buildings on the depot are the closest NSL buildings to the Persimmon Homes' site. We are concerned that these buildings are not shown on any of the sections contained within the Design & Access Statement. Yet, we estimate the west elevation is approximately 12m from the nearest residential properties. It is unlikely that being so close to the depot would result in acceptable internal and external levels of amenity for any new residential occupiers.

e) Construction Traffic Management Plan (CTMP) – Only after an updated NVA has been prepared and scrutinised, and the highway impacts have been reconsidered, and should the Council continue to look favourably at the Persimmon Homes' planning application, we would expect a CTMP to be prepared for each phased of development. As NSL is an important local business and employer within the District, any impacts that might impede their operations should be avoided.

f) The Agent of Change Principle – As explained previously, there is the potential that in the future there might be pressure applied to the Council by the new residents to control operations at the NSL depot, both inside and outside, which could prejudice the business. This would be completely unjust particularly if NSL continued to operate within the parameters of its own planning permission(s). It would also conflict with the Revised National Planning Policy Framework (NPPF), specifically, that developments promote *“a high standard of amenity for existing and future users”* (Para 127(f)) (bold and underlined text – my emphasis) and 'The Agent of Change' principle (Para 182). This is the first time that national planning policy has made a specific reference to the agent of change principle; the principle by which a person or business introducing a new land use is responsible for managing the impact of that change. The onus is now wholly on applicants to secure suitable mitigation before developments are completed. For completeness, Para 182 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.” (bold and underlined text – my emphasis).

We note that the noise mitigation measures within the Persimmon Homes' application (Ref. 16/00506/OUTM) include a 3.0m high bund and a 1.5m high acoustic fence on the ridge line. For the reasons outlined previously, we are not convinced these measures are sufficient.

To avoid the above, it is recommended that the Council and statutory consultees, particularly the Environmental Health Department, reconsider the potential impacts on residential amenity from the industrial operations at NSL, Rototek and the adjoining used tyre storage and processing company.

Revisions to the Persimmon Homes' Masterplan might be required to ensure that there will be no adverse impacts on residential amenities.

We ask that these comments be brought to the attention of the planning case officer(s) and the planning committee and reserve the right to submit further comments, particularly in circumstances whereby additional amendments are submitted to the Council.

I would therefore be grateful if you could keep us informed of progress in respect of both planning applications.

Following a response from the Engineers RSK on behalf of Persimmon Homes (discussed further in the appraisal below), an additional letter dated 4th January 2019 was also received:

RESPONSE ON BEHALF OF NEWARK STEEL LTD

Thank you for informing us that The Larkfleet Homes' planning application (Ref. 17/01266/OUTM) has been approved and that The Persimmon Homes' planning application (Ref. 16/00506/OUTM) is still pending consideration.

Construction Environmental Management Plan (CEMP)

I note that Condition No. 7 attached to The Larkfleet Homes' planning permission requires the submission and written approval of the LPA to a CEMP. This should cover various matters including the means of access and routing strategy for construction traffic. But as outlined in our previous letter (Enclosure 1 refers), given Newark Steel Ltd (hereafter 'NSL') is an important local business and employer within the District, any impacts that might impede their operations should be avoided. Accordingly, we would be grateful if you could notify us within 5 working days of receiving an application from Larkfleet Homes', or any other applicant, for the approval of details pursuant to Condition No. 7.

Persimmon Homes' Noise and Vibration Assessment (NVA)

I have reviewed the Technical Note prepared by RSK in response to our letter. We remain very concerned with this aspect of the planning application, particularly, as RSK maintain their opinion that the air handling units on the roof of Warehouse A are the most dominant noise source at the NSL Depot. Whilst this may have been the case in February 2015 when the surveys were carried out, NSL has subsequently confirmed that this was a quiet month for the company with volumes of material processed being approximately half of what was processed in other months in 2015 and in subsequent years. The NVA is therefore based on surveys that do not reflect normal operations at the NSL Depot. We therefore maintain that as the NVA does not reflect the true picture of the locality, it cannot be relied upon in establishing the noise impacts on the internal and external levels of amenity for any new residential occupiers within the proposed development.

Additionally, the air vents in Warehouse A have subsequently been filled following the relocation of kit in the site. For these reasons alone, we would expect the noise levels and locations to be different to those mentioned in the NVA (which have not been altered in the Technical Note). Relying on a new survey to inform Reserved Matters applications, as is suggested in the Technical Note, is not a robust approach. For example, there is a real possibility that the noise maps within the NSL Depot will change and some of the amber noise contours

may change to red or vice versa. Such changes will have knock-on effects on the layout and design of the proposed development.

In the light of the above and for the reasons set out in our previous letter, we maintain that an updated NVA should be undertaken as a matter of urgency. Page 2 of the Technical Note suggests that the supplementary noise survey will include measurements taken at the boundary of the NSL Depot whilst Page 3 suggests measurements will be taken around the perimeter. However, NSL is content for equipment to be left at an agreed location(s) at the Depot to ensure it is robust. NSL is also content to agree with RSK, or any other acoustic consultant appointed by Persimmon Homes, a suitable time for the additional surveys to take place to ensure the findings reflect normal operations at the Depot. Notwithstanding this, we welcome RSK's acknowledgement at Page 4 that NSL and Rototek should be consulted to ensure a robust assessment.

Page 4 also confirms that traffic data was not available for the Sylvan Way link to inform the NVA. We suggest that NSL's existing vehicle traffic movements, as specified in our previous letter, are considered in the updated NVA.

Conclusion

NSL is continually looking to grow its business which could increase its operational hours at the Depot, amongst other things.

Whilst we appreciate Persimmon Homes' has subsequently appointed RSK to prepare the Technical Note in response to our concerns, the planning application is still not robust in terms of how noise impacts from neighbouring and nearby land uses have been assessed. Given the findings do not reflect normal operations at the NSL Depot, we request an updated survey is carried out as soon as possible and before it is determined otherwise there is a real risk it could be vulnerable to legal challenge. This is the reason I have sent copies of this letter to Members of the Planning Committee.

For the avoidance of doubt, all our concerns set out in our previous letter still stand.

Please ensure that a copy of this letter is sent to RSK so that we can agree a suitable time for the updated survey(s) and locations within the Depot for equipment to be left.

Finally, we look forward to hearing from you regarding details pursuant to Condition No. 7 attached to outline permission 17/01266/OUTM.

Representations have been received from 21 local residents/interested parties which can be summarised as follows:

Support

- In favour of progress and development, but with reasonable safeguards
- Improved public transport is to be applauded, particularly evening bus service to Newark (although timetable seems optimistic)
- Development needed urgently

Character

- Fernwood will become part of a much larger conurbation – the land gap between the two developments should be increased to protect the rural character of Fernwood
- Removing vegetation will have a significant adverse impact on visual amenity value

Highways and Parking

- The area around Fernwood already has a huge amount of traffic due to its proximity to the A1
- Any further increase in housing will increase traffic leading to problems of poor road safety, accidents and increase in loss of life
- The road system cannot cope with a potential increase in traffic of 3600 vehicles from this development along with 2000 vehicles from the DWH development and the south Newark relief road
- At peak periods there are long tailbacks of vehicles trying to cross the A1 towards Newark
- The junction between the Great North Road (B6326) and the A1 needs improving, especially for traffic turning right from the A1 onto the B6326
- Don't believe that provision on safety or noise of the increased traffic has been taken into consideration
- Traffic on London Road will be brought to a standstill
- Highways should not be a reserved matter
- There isn't sufficient highways access into Newark from the area with only one small bridge across the A1 and A1 south not providing enough slip road
- Conditions should be in place to deliver public transport prior to completion of build
- Not enough parking around shops
- Traffic at rush hours is already bad – public transport isn't an option for everyone such as those running small businesses
- Houses need more parking provision
- The proposal will affect the safe access and exit from the properties accessed off the A1 northbound; Cowtham House, Cowtham Cottage and the Woodwork Business
- The B6326 is the only road allowed Fernwood residents to enter Balderton and Newark and to join the A1 southbound
- More stationary vehicles queuing will lead to more accidents
- There isn't enough parking at train station to accommodate more commuters
- There is already huge problems with on road parking
- Increasing traffic near a primary school is a bad idea
- School traffic near the junction will cause traffic congestion and a safety hazard
- Concern about the number of access points onto Shire Lane – the layout should be changed to reduce this down to 2
- The southern section of the development has only one entrance / exit point – this roundabout is the final junction leading onto the A1 southbound and the first off the A1 northbound if vehicles cross the A1
- There is a possibility of drivers using the link road, Great North Road and Shire Lane as a short cut to the A17
- There should be a new access to the A1 in this area
- The A1 north bound slip road should be closed as it is dangerous
- There are no guarantees to introduce public transport
- Access to the houses by car has not been mentioned apart from where the road accesses are
- There has not been a study of how many cars will access existing roads where are already parking problems causing severe blockages

Impact on Wildlife

- Hedgerows needs to be retained under the Enclosure Act 1765 – during window they provide shelter for ecology
- Hedgerow removal will remove green link in the area

Local Centre

- The local centre will not be sufficient to meet the needs of 1,800 households so residents will be forced to travel to Newark town centre

Health Care

- Balderton is already stretched to breaking point with waits of 4 weeks for non-urgent appointments – only locums will be providing health care cover for the foreseeable future
- An increase in population needs another health centre to be built

Flood Issues and Drainage

- Any additional building will increase the risk of flooding
- Lessons should have been learnt from other parts of the country where housing has been built on flood plains
- Community playing fields shouldn't be next to drainage pond or in flood area
- Drainage ponds shouldn't be used – they have to be maintained and aren't safe – they are positioned in areas where children could be playing

Housing Delivery

- There are many houses on Fernwood for sale or rent
- There is no waiting list and no need for extra homes to be built
- If the extra housing is to accommodate potential immigrants, it should wait until after the EU referendum in June

Heritage Issues

- There is no mention of recent archaeology – the site was RAF Balderton during WWII

School Provision

- Where will children from existing Fernwood go
- The position of the school at the junction of Shire Lane and Great North Road will lead to traffic problems at school times
- Until the school is built children will be going to school in Claypole and Balderton, the current Chuter Ede annex is already oversubscribed

Sporting Facilities

- Concern over who will be responsible for the maintenance of the facilities

Management Company

- Planning approval should be conditioned to ensure the developer makes additional costs clear at point of sale
- Existing residents on Fernwood are being billed twice for the maintenance of open space
- There should be fairness and equality for all residents of the village with everyone paying towards the upkeep and maintain of the open spaces through council tax

Comments relating to other planning applications on the Strategic site

- The area will be too built up
- There is enough traffic and parking problems around Fernwood already
- Loss of privacy to existing residents
- Concern regarding plans for Hollowdyke Road
- Applications shouldn't be considered in isolation

Other Matters

- Decision should wait until Fernwood Parish plan is in place
- Objection to LCC suggestion of bridge – land owners not notified
- There will be 17 years of disruption
- The Newark growth point has ruined the town

In the interest of completeness, the LPA have taken the opportunity to instruct an additional period of consultation to neighbouring parties (including all properties within existing Fernwood) through a bespoke letter which presented the presented viability position (i.e. the 10% offer).

An additional 5 no. of letters have been received on the basis of this revised consultation, details of which can be summarized as follows:

- **10% affordable housing is too low – it should at least meet David Wilson figure of 11.5%**
- **Still concern about access and traffic problems which when coupled with the proposed school at Fernwood will rocket**
- **The Prime Minister and local MP have explicitly voiced that affordable housing is at the forefront of social inclusion**
- **The Planning Committee has the political muscle to increase social housing not decrease**
- **The council should enter into partnership with farmers and smaller builders to provide the houses**
- **To reduce from 30 to 10% affordable housing flies in the face of the Neighbourhood plan, national housing need and local need**
- **It is dishonest of Persimmon and they should not be allowed to get away with it**
- **They would have known the deficit at the outset**
- **Affordable housing is for young families and singletons trying to start on the housing ladder.**

Comments of the Business Manager

The Principle

Fernwood, along with Newark and Balderton forms the 'Sub Regional Centre' identified in Spatial Policy 1 and is expected to accommodate 70% of the district's overall growth over the Development Plan period according to Spatial Policy 2. It is noted that the Development Plan is currently under review, albeit the need for this site, along with the other two SUE's around Newark remains.

Core Strategy Policy NAP 2C sets out that land around Fernwood has been identified as a Strategic Site for housing (for in the region of around 3,200 dwellings, 2,200 of which were envisaged to be constructed in the Plan Period up to 2026) a high quality business park of 15 hectares, a local centre comprising retail, service, employment and community uses together with associated green, transport and other infrastructure.

NAP2C envisaged, amongst other things, that the development for housing would come forward in 3 phases of between 750-1000 dwellings with average density levels of 30-50 dwellings per hectare. Higher levels were potentially envisaged in areas of greater accessibility. In addition it is anticipated that affordable housing in line with CP1 will be delivered and the incorporation of sustainable development principles and construction methods.

The current application promotes a scheme of 1800 units, themselves split into 3 no. phases. Whilst phasing is not as envisaged in the Core Strategy this need not be fatal in itself. The rate at which a build out can be achieved is, of course, market driven. Further, overall quantum's of development, even when this site is considered alongside other land parcels (including the BDW Homes scheme) do not significantly exceed those originally envisaged (as detailed below all impacts in cumulative terms have been based on 3500 dwellings).

With respect to commercial uses, and both the site specific policy and Core Strategy Policy CP 8 it is noted that out of centre uses are promoted. It is equally noted that a local centre forms part of the strategic allocation. Each of the proposed uses is accompanied by a maximum quantum of floorspace and subject to conditions to control this I am satisfied that the size and scale of what is proposed is proportionate to the size of the scheme.

The issue of assessing likely cumulative impacts remains important in planning terms, but this is particularly true for the Fernwood allocation. Unlike the other strategic sites (which have/are being progressed by a single site promotor/developer), the Fernwood site has come forward in tranches, each promoted by different landowners/developers. This application is the second to be submitted on Land around Fernwood, noting the first was submitted by Barratts David Wilson Homes. The remainder of the Fernwood allocation includes two more substantive landowners, those in control of land to the west of the B6326 and those in control of land between the Persimmon and BDW schemes. Officers, developers, and land owners have engaged on a number of cumulative matters, both in terms of allowing the completion of the respective Environmental Statements (ES) but equally in terms of highways impacts and mitigation, again as detailed below.

In policy terms the scheme is acceptable, subject an assessment of technical impacts, all of which I address below.

Paragraph 59 of the revised NPPF document confirms that the Governments agenda remains focused on 'boosting the supply of homes' and that 'the needs of groups with specific housing requirements are addressed.' The NPPF also re-affirms the plan-led approach, which is reflected in the context for this scheme by the fact that this site forms part of a SUE, the promotion of which is identified in both the Council's Adopted and Revised Core Strategy.

5 Year Housing Land Supply

Members are fully aware of the Council's current position with respect to the 5YLS, as detailed in the note brought to this Committee at the June (2016) meeting. I will not re-rehearse the full details of this note here save to note the following significant matters. Firstly, the note confirms the Council's view that it has a 5YLS on the basis of its Objectively Assessed Need. Whilst there remains debate as to the weight that can be attached to the OAN in the absence of being tested via Plan Review the Council remains firm that it does have a 5YLS against its OAN. On this basis paragraph 49 of the NPPF is not engaged and the Council's housing policies continue to carry full weight. What is critical in this conclusion is that meeting the OAN is predicated on the SUE sites delivering housing in 2017. To date a start on site has not been made on any of the SUE's. It remains a significant material planning consideration that approving this scheme, and unlocking the ability for the applicant, a national housebuilder, to apply for reserved matters will ultimately allow the delivery of new homes.

The Plan Review remains to be ongoing with the Inspectorate considering the responses to Main Modifications. Nevertheless, the position in respect to the Council's ability to demonstrate a 5 year housing land supply is not considered to have changed. It is noted that the 2018 NPPF

outlines a standardised methodology for calculating housing land supply but given that this is due to be revised again, and indeed that it allows for transitional arrangements, this is not considered to materially affect the current application. In any event this site contributes to the Council's 5 YLS as part of an adopted SUE.

Environmental Impact Assessment

The proposal constitutes an Urban Development Project with a site area in excess of 0.5 ha and therefore it falls within Schedule 2 Part 10(b) of the Environmental Impact Assessment (EIA) Regulations 1999. Due to the scale, nature and location of the development, in the context of Schedule 3 of the same regulations, it is considered to be EIA development. The EIA Regulations were amended on 15th April 2015 to change the threshold for developments constituting an EIA. However for the avoidance of doubt the project would still constitute an EIA development given its size.

An Environmental Statement (ES) has been submitted as part of this Outline Planning Application. The aim of an ES (also referred to as an Environmental Impact Assessment) is to protect the environment by ensuring that a local planning authority when deciding whether to grant planning permission for a project which is likely to have significant effects on the environment, does so in the full knowledge of the likely significant effects, and takes this into account in the decision making process.

The ES covers the following environmental issues associated with the proposed development:

- Socio-Economic Factors
- Traffic and Transport
- Air Quality
- Noise
- Ecology and Nature Conservation
- Landscape and Visual Impact
- Flood Risk and Surface Water Drainage
- Soils
- Heritage
- Utilities
- Cumulative Effects
- Alternatives

For awareness a number of terms to assess impact (e.g. 'slight adverse') are used throughout this report. Such terms follow the language of how an ES categorises both positive and negative impacts.

Paragraph 43 of the NPPF emphasizes that the right information is crucial to good decision making, particularly where formal assessments (such as EIA's) are required. For the avoidance of doubt, Officers consider that the originally submitted EIA remains fit for purpose despite the time that has lapsed since its preparation (the EIA is dated March 2016). This is primarily because of the limited changes at the site that have occurred on the ground within this time.

It is noted that the letters submitted on behalf of Newark Steel (listed in full above in the consultation section) contend that the Noise Chapter of the ES should be updated. Officers view on this matter is outlined in the relevant section below.

Disposition and Appropriateness of Uses

Given that the scheme is outline, many of the details are for consideration at reserved matters stage. However the disposition of land uses is shown on the Illustrative Master Plan with indicative phasing shown on the Phasing Plan enabling a broad assessment regarding the disposition of land uses and timings.

The development is split into 3 phases and will be broadly built out on a north to south trajectory. The first phase will deliver approximately 841 dwellings, the second phase approximately 537 dwellings and the third phase approximately 422 dwellings. Indicative residential densities have been demonstrated on Parameters Plan C showing the lowest density to be broadly central within the site (in Phase 1) and pockets of higher residential densities throughout all phases, the majority of which are surrounded by medium density development. Maximum heights of the development overall (albeit exact details are to be agreed through reserved matters) would be 13m arising from buildings in the LC. The residential elements however are stated as being a maximum height of 12m (up to three storeys). It is suggested that all density categories (lower, medium and higher) will provide a combination of 2; 2.5 and 3 storey dwellings.

The delivery of the phasing in a broadly north to south direction is considered the most logical route for development. The closest existing residential properties of existing Fernwood are to the north of the development and thus (notwithstanding the inevitable separation due to the aforementioned parcel of land in separate ownership) occupiers of the first Phase will be afforded greater opportunity for integration to the wider community. Nevertheless the delivery of the LC in the first phase will ensure that the community of Fernwood South will begin to establish early in the development delivery timescale. This is considered a great benefit to the scheme. Indeed the first phase includes at least an element of all proposed land uses. By the time the third phase is delivered, the LC, primary school and all sports hub facilities will have been built.

I note the comments received during consultation regarding the indicative disposition of uses in the site. Particular concern has been expressed regarding the positioning of the LC and primary school in the north west corner. I am mindful that this originally derived from the indicative map within the Core Strategy (NAP 2C) and it is on this basis that the scheme has evolved. Nevertheless officers remain of the view that this would be the most appropriate positioning for the LC and the primary school. It would allow ease of integration should the land immediately to the north come forward to be developed in the future but also takes advantage of a highly accessible part of the site. There are other advantages of situating the LC and primary school at the corner of the site in amenity respects in that playing fields associated with the school will be bounded to the west by the road network and open countryside beyond. Claypole PC have raised what is considered to be a legitimate concern that there may be a tendency for parents to drop their children off on Great North Road and Shire Lane instead of using the designated spaces. However, I consider that appropriate measures could be put in place to minimise the likelihood of this. I would suggest that it is reasonable to attach a condition requiring a parking and management plan to come forward with any application for the school. I am also mindful that the parking available in the adjacent LC could be used during busy periods of drop off and pickups.

In some respects the positioning of the sports hub facilities has been dictated by the constraints of the site in terms of the greater flood risk to the eastern side of the site in acknowledgement that these uses are less vulnerable. In any case the incorporation of a 'green infrastructure corridor' along the eastern boundary is considered beneficial in terms of mitigating the visual impacts of the development and forming an appropriate transition to the open countryside. The positioning of

the green corridor also assists in the creation of a 6m exclusion zone along the Shire Dyke to enable access for maintenance works as agreed with the Upper Witham Internal Drainage Board.

The Design and Access Statement includes discussion of the evolution of the Masterplan throughout pre-application discussions with key stakeholders and the authority, but also given the outcome of a range of public consultations.

In conclusion I consider the broad disposition of land uses and phasing to be appropriate and it is recommended that the development should be conditioned to require that the reserved matters applications broadly reflect the illustrative phasing plan and illustrative Master Plan.

The 2018 NPPF does not alter the above assessment.

Alternatives

The EIA regulations stipulate that the ES must include an outline of the main alternatives studied by the applicant and an indication of the main reasons for the choices, taking into account the environmental effects. Appropriate consideration of alternative sites is a material consideration in the determination of the application.

This is addressed through Chapter 16 of the ES. It is agreed that the principle of development on the site has already undergone a rigorous testing and independent examination as part of the preparation of the Core Strategy. It is therefore equally agreed that the consideration of alternatives in this instance is most appropriately focused on the alternative land use arrangements within the site. The ES details a thorough evolution of the scheme taking into account the numerous constraints which exist on the site. The final masterplan submitted appears to represent a logical, but more importantly, deliverable solution to development within the site. Officers are satisfied that there are no other, more suitable, alternatives which would present the opportunity to deliver the development envisaged through the allocation of the strategic site.

The revised NPPF does not explicitly refer to the process of undertaking an ES noting that this is covered by the EIA regulations. The 2018 NPPF therefore does not alter the above assessment.

Impact on Highways Network

Perhaps unsurprisingly given the scale of the development, the majority of objections received from interested parties have focused on the implications of the development on the highway network. Clearly assessing such impacts are a well-established material planning consideration. In policy terms such a requirement is underpinned in the NPPF, NPPG, and Core Strategy Policy NAP2C which sets out that transport measures should maximise opportunities for sustainable travel and increasing non car use, achieve suitable access to local facilities and minimise the impact of the development on the existing transport network. It goes on to say that these will include high quality passenger transport links to Newark and Balderton town centres and safe, convenient pedestrian and cycle routes within and adjoining the development.

As detailed above it remains a requirement of the planning system to have regard to cumulative impacts, including in the case of Fernwood given its location upon both the local and strategic highway network. It was clear to the Local Planning Authority early on in negotiations with both BDW and Persimmon that there was a need for not only a cumulative approach, but equally a collaborative one. Within this part of Newark Urban Area there are local highways offering access

into Claypole and Balderton, the strategic access to and from the A1, and the access east that would follow upon completion of the Phase 1 of the Newark Southern Link Road connecting the A1 end with the A46.

Since late 2014 the LPA has led and coordinated transport discussions between the highway authorities (NCC and HE), the developers/land owners (Persimmon, BDW, and Strawsons/Knightwood Group), and unusually for a District Council like ourselves (bearing in mind that we are not the highway authority) our own highway consultants WYG Environment Planning Transport Ltd (WYG). Unusually the Council also has sole control and ability to use the Newark Highway Model (NHM), a strategic tool for allowing highway scenarios and impacts to be tested. Baseline traffic conditions on the highway network traffic flow data has been obtained from this model. A brief summary of the discussions and conclusions is contained within the WYG letter attached as Appendix 2 to this report. What is important to note in this instance is that the developers have been asked to design and mitigate for traffic flows which have been presented to them by the highways authorities and WYG. This is based on an absolute worst case scenario if all developments were to come forward at the very upper limits of quantum's that could be accommodated within the land area available.

It is important to note that any highways mitigation sought must be necessary and attributable to the impacts of the development being promoted. Provision of infrastructure must also be viable (NPPF) and include an assessment of the quality and capacity of existing infrastructure for transport (NPPF).

Construction Traffic Impacts and Mitigation

The construction phase of the development will give rise to traffic and transport impacts. It is acknowledged that the build period will span over 17 years and thus will undoubtedly represent a major construction project in the local area potentially creating disturbance to the local community and other road users. Understandably this has been raised as a concern by numerous parties during consultation on the application.

The ES, at Chapter 6, identifies the importance of the preparation of a Construction Management Plan (CEMP) to be secured by condition to ensure that all reasonable steps are taken to minimise and mitigate adverse effects from construction traffic. This will include, but is not limited to; details of vehicle routing and hours of construction; construction noise and dust management and details proposed site compounds.

The principal elements of construction traffic comprise; HGV traffic transporting materials and plant; the removal of surplus excavated material and waste; as well as staff and operatives transport. Overall it is anticipated that the delivery of general construction materials would result in a peak of no more than 80 - 120 two-way HGV trips per day, the majority of which would occur outside of typical highway network peak periods spread evenly throughout the day. In addition, it is anticipated that there will be vehicular movements associated with site operatives and staff generating no more than 210 vehicle movements over a daily period during peak activity on the site. Access will be from the B6326 Great North Road in all phases and the C412 Shire Lane in phases 1 and 2.

Although construction traffic impacts are recognised as having a minor negative environmental impact and thus minor adverse significance of effect, based on the Institute of Environmental Assessments Guidelines, the traffic generated during even the peak periods of construction activity will have a negligible impact.

Impacts from Operational Development and Mitigation

The Transport Assessment submitted to accompany the application has set out to identify the anticipated highways and transport impacts associated with the development. The study area focuses on highway links and junctions along the B6326 Great North Road corridor from its junction with the A1 at 'Fernwood South' to the A1 / London Road roundabout to the north as well as the C412 Shire Lane from its junction with the B6326 Great North Road through to the County Boundary to the east of the site. It is these road corridors, and the junctions along these corridors, that will experience the greatest traffic impact arising from the development.

The methodology used is based on a comparison between predicted traffic flows on potentially affected roads, with and without development. The ES has considered the Institute of Environmental Assessment's Guidelines. Increases in traffic flow below 10% are generally considered to be insignificant. Guidance suggests that community disruption becomes sensitive to increases in traffic flow at a 30% increase (considered to be a minor impact). It is considered appropriate for a 60% and 90% increase to be classed as moderate and substantial impacts respectively. It must be noted that these percentages relate to the increase in traffic flows, that is not to say that such increases are unacceptable (either with or without mitigation), a matter which then needs to be assessed.

It is accepted that the 'with development' scenario would result in a 'minor impact' at two locations; namely C412 Shire Lane (between accesses) and B6326 (north of C412 Shire Lane). In addition the C412 Shire Lane between the B6326 and the first access would see an increase in traffic flows considered to be of 'moderate impact'. The significance of these is in part linked to the low baseline traffic flows (relative to the capacity of the roads) that exist on these road corridors. A development of 1800 dwellings will inevitably increase traffic flows. It is worth noting however that the level of vehicular movements will still be well below the theoretical link capacity of the affected roads. For example, typically the B6326 Great North Road has a theoretical link capacity in excess of 33,000 vehicles per day. Under the 'with development' case flow conditions, this section of the road would, as a maximum, carry 13,506 vehicles per day.

The work undertaken in the preparation of the Transport Assessment, in line with discussions with relevant bodies such as NCC Highways and Highways England, has identified a number of mitigation measures required by the current application notably at the following locations:

Highway Work	Proposed Mitigation	Drawing No. / Location	Trigger for Delivery
A1 South/B6326 Fernwood South	Various works including <ul style="list-style-type: none"> • Creation of left-slip from A1 (south) • Banning right turn from B6326 to A1 north • Roundabout to serve Phase 3 of the Persimmon development 	14106/027 C <i>Appendix 11 of Persimmon Transport Assessment</i>	1a) banning right turn out and extension of the right turn filter will be completed prior to first occupation of the 100 th dwelling on the Persimmon scheme; 1b) Creation of left slip road from A1 will be completed prior to occupation of the 900 th dwelling on the Persimmon scheme

B6326 Great North Road/Sylvan Way	Works proposed include improving existing footway and pedestrian crossing facilities around the bell-mouth of the junction and give way sign	14106/026 Rev A <i>Appendix 14 of Persimmon Transport Assessment</i>	Works to be completed prior to occupation of Phase 2 of Persimmon scheme
B6326 Great North Road/C421 Shire Lane junction	Change existing give way controlled junction to a new roundabout	14106/025 D <i>Appendix 16 of Persimmon Transport Assessment</i>	Works to be commenced on commencement of Phase 1 of Persimmon scheme and completion prior to first occupation of the 50 th dwelling on the Persimmon scheme
C421 Shire Lane Corridor improvements	Reconstruction of carriageway between the roundabout junction with the GNR and the County boundary at the bridge at the Shire dyke giving; <ul style="list-style-type: none"> • continuous carriageway of 6.75m wide • including the provision of a continuous shared 3m footway/cycleway on the northern side of the carriageway • including a 2m footway on the southern side of the carriageway 	14106/018 rev E <i>Appendix 20 of Persimmon Transport Assessment</i> 14/106/025 Rev D <i>Appendix 16 of Persimmon Transport Assessment</i>	Works to be started on commencement of Phase 1 of Persimmon scheme and finished prior to completion of Phase 1 of Persimmon scheme
B6326 Great North Road Corridor Improvements (Shire Lane to Dale Way)	Narrowing of carriageway to facilitate construction of a 3m shared footway/cycleway	14106/016 Rev D <i>Appendix 19 of Persimmon Transport Assessment</i>	Works to be completed prior to first occupation of the 50 th dwelling of the Persimmon development

The measures outlined for each of the locations are at a scale so as to address any residual impact of development. As set out above, the detail of these works has been subject to numerous discussions prior to the submission of the application. The above mitigation measures represent measures attributable, on a proportionate basis, to solely the Permission proposals. In addition to this, there is a wider package of highway mitigation as detailed in the table below. For the avoidance of doubt highway junctions between the Balderton roundabout and the A1 South can be attributed to each of the developments on the basis of a clear majority impact. This is not the case for the A1 over-bridge (which requires a 2 lane northbound solution) given that all developments have an impact on this part of the network. Members will be aware following the

full Council resolution on 12 July 2016 that the A1 over-bridge is now on the CIL 123 List, with CIL receipts from Fernwood developments expecting to more than provide for the capital costs of works.

The following table outlines the highway requirements which fall beyond the responsibility of Persimmon (save for works required in the event that only Persimmon come forward):

Highway Work	Proposed Mitigation	Drawing No. / Location	Trigger for Delivery
Goldstraw Lane/B6326 Roundabout	Works involve: <ul style="list-style-type: none"> Increased flare length on Goldstraw Lane to extend the 2 lane entry; Increased flare length on the B6326 southern arm to extend 2 lane exit; Widening of the B6326 on the norther arm to provide a 2 lane exit; Increase flare length on the A1 slip road with 40m taper to provide a 2 lane entry 	Watermans; 210354/06/008/A03 <i>Appendix 1 of Barratt/DWH Transport Assessment (application submission 14/00465/O UTM)</i> Milestone: 14106/038 <i>Annex 2 of Technical Note from Milestone Transport 28.06.2016</i>	Triggered on commencement of development for the Barratt/DWH scheme with completion required prior to first occupation of the 100 th dwelling on the Barratt/DWH scheme In the event that the Barratt/DWH scheme does not come forward then Persimmon to undertake interim works prior to first occupation of the 630th dwelling on their scheme
A1 Over-bridge	Widening to provide to 2 lanes north bound towards Newark	Watermans - 210354/06/15 A01	For NSDC to take forward through CIL
B6326/London Road Balderton Roundabout	Widening of the B6326 southern arm to create two lanes to accommodate continuous 2 x 3.3m lane approach	Watermans: 210354/06/010	This improvement is not triggered until the much later in the Great Fernwood Allocation delivery No trigger for Persimmon
B6326 between Dale Lane and Goldstraw Lane junctions	Exact scheme subject to discussion	Watermans: 210354/06/008 Rev AO3 <i>Appendix 1 of Barratt/DWH Transport Assessment (application submission 14/00465/O UTM)</i>	Triggered on commencement of Barratt/DWH development with completion required prior to first occupation of the 100 th dwelling No trigger for Persimmon
Hollowdyke Lane/B6326 Great North Road	Improvements to visibility; <ul style="list-style-type: none"> Widening of HDL at its junction 	Watermans: 210354/03/005.4 Rev E	Final works to Hollowdyke Lane and its junction with the B6326 is triggered later in the Greater

Junction	<p>with the B6326 to 6m wide for a distance of approx.30m</p> <ul style="list-style-type: none"> Increasing the corner radii on HDL to 10m <p>Hollowdyke wider works including passing bays</p>	<p><i>Appendix C of Barratt/DW H Transport Assessment (application submission 14/00465/O UTM)</i></p>	<p>Fernwood Allocation deliver Interim improvements still under discussion</p> <p>No trigger for Persimmon</p>
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It is worth noting at this stage the comments of Fernwood Parish Council with respect to the lack of a coordinated/comprehensive approach to highways impacts and a request for a new A1 over-bridge. I have already commented on the collaborative approach between agencies, landowners, developers, and our own highway consultants. On the issue of a second A1 over-bridge whilst I concede this is desirable it is not, based on all statutory agencies (and indeed the evidence presented by the applicants) necessary. In any event it is likely to be cost abortive based on span, landownership, and design constraints. In terms of the existing A1 over-bridge the applicant's responsibility would be to pay any CIL monies when due. It would be for the collecting authority (in this case NSDC) to deliver the bridge at a time it deems it appropriate (dependent on the level of development coming forward), in conjunction with the highway authorities.

Other strategic road networks likely to be affected by the development include the A46 itself (which would be easily accessible upon completion of the NSLR). Highways England have made clear that any impact upon the A46 network are for any wider capital scheme to consider following two successive Autumn Statements (2014, 2015) confirming a commitment to the A46 proposals as part of the Road Investment Strategy.

The mitigation measures attributed to the applicant would be secured through conditions and an accompanying S106 agreement. This will ensure that any off site mitigation measures are implemented at the appropriate trigger points (including long-stop dates in the event that some developers do not build out) subsequently ensuring that any potential adverse effects of the additional traffic arising from the development are addressed and that any cumulative impacts are not unacceptable.

Public Transport

One of the core planning principles outlined by paragraph 17 of the NPPF states that planning should actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable. **This stance is carried through by Chapter 9 (Promoting sustainable transport) of the NPPF 2018.**

The aim of the Movement & Access Strategy is to ensure that all development within the site is located within 400m walk distance of public transport services that provide a frequency of at least every 30 minutes during daytime hours. The applicant has undergone discussions with NCC Public Transport Group as well as local operators to promote an extension to the existing Town Services coupled with revisions to the respective routes and timetables. Bus services will be delivered at 15 minute frequencies to / from the Town Centre and Northgate Retail Park and at 30 minute frequencies to / from Newark Hospital and Newark North Gate station (Monday to Saturday). To facilitate this the applicant is offering revenue contributions towards the additional costs to support the enhanced service over a five-year development period at a total sum £500k indexed linked (the majority towards the day time service but 100k to deliver the evening service).

The services are intended to deliver competitive journey times to key destinations to present a realistic alternative to private car use, albeit the highway flow work undertaken does not have regard to any reduction given the worst case scenario approach. Although the extension to existing services proposed will be delivered in a phased manner to link with the phasing of the build out, the presence of existing adopted roads (notably Shire Lane) opens up the opportunity for an early intervention within Phase 1. To ensure effectiveness of implementation, a Travel Plan Coordinator will be appointed by the developer prior to the initial occupation of the proposed development. Other measures such as free four week bus season tickets and a commitment to provide every household with a Travel Information Pack are being promoted to increase the likelihood of public transport usage. The details contained with the submitted Travel Plan dated March 2016 can be secured by condition.

Sustainable Access including Cycle Routes and Public Footpaths

The internal street hierarchy is designed to give local streets that provide a permeable, legible circulation pattern where pedestrians and cyclists are afforded the same, if not greater, priority than vehicular traffic. The general characteristics of local streets follows the design principles as set out in the 6Cs Design Guide incorporating primary streets; secondary streets; lanes; shared service corridors and private driveways all with individual functions.

As well as parking provision, dwellings will be provided with secure, covered cycle storage facilities within each plot. For the non-residential uses cycle parking will be provided in accordance with the 6Cs Design Guide and will include a combination of long term and short term spaces.

A series of informal footpath routes through the open space areas is proposed, as well as along the Shire Dyke. This will be secured by reserved matters and appropriate conditions for the accompanying masterplans and landscape submissions. As part of the highways mitigation works proposed, it is proposed to reconstruct the entire length of the C412 Shire Lane between the proposed roundabout junction with the B6326 and the County Boundary at the bridge over Shire Dyke. This will deliver a continuous 3.0m shared footway / cycleway on the northern side of the carriageway and a 2.0m footway on the southern side of the carriageway.

It is also promoted that the development will make a full contribution to Lincolnshire County Council (LCC) towards the continuation of the 2.0m footway to connect to Claypole village, beyond the River Whitham bridge. It should be stressed that this element of the works is not considered necessary or directly attributable to the proposed development and as a consequence will not be incorporated into the associated S106 agreement. I note that LCC concur in their consultee submission that the continuous footway is potentially not necessary. Furthermore, it is noted that it is unlikely that the reduction in speed limit suggested along this length of Shire Lane would be accepted by LCC. This is not promoted by the ES as being necessary and is given in the context as the need for further consultation with relevant authorities.

The applicant has sought to respond to community and relevant consultees concerns throughout the life of the application. Specifically a response to the comments of Fernwood and Claypole PC was received on July 27th 2016.

Claypole Parish Council consider that instead of the six junctions proposed to access Shire Lane, the masterplan is re-designed to adopt a ribbon development layout with the provision of service roads at either side of Shire Lane. Officers would concur with the response of the applicant that the scheme presented has been designed on the basis of road safety impacts, and has been endorsed by NCC highway engineers as acceptable.

Comments regarding the weakness of the existing bridge across the Shire Dyke at the eastern boundary of the development are noted. However, it is equally noted that the capability of this bridge has not been identified as an issue during traffic modelling and that Shire Lane to the westernmost section will still be operating at less 45% of its link capacity. Further solutions suggested by Claypole Parish Council are therefore considered unreasonable nor attributable to the proposed development.

Comments have also made reference to the implications to traffic congestion if there is an accident on the A1 or the B6326 which has knock on consequences for the road network surrounding the site. Officers consider that the method of assessment employed by the applicant in the Transport Assessment submitted is appropriate. Based on Institute of Environmental Impact guidelines this methodology includes an assessment of accident data which concludes that the accident rate is well below the annual average accident rate for the geometric layout and traffic flow conditions. On the basis of the level of assessment undertaken, it is not considered reasonable to resist the application on this basis. On the rare occasion that accidents do occur, appropriate diversion routes will be put into place by the appropriate authorities, which could include the A1 underpass.

Comments have been received from the NCC Rights of Way Officer suggesting that a footpath on the south side of the Shire Dyke should be linked to the development site through a bridge over the Dyke. It is noted that there are no existing public rights of way within the application site. Whilst this request may be desirable in connectivity terms, it is not considered necessary to the acceptability of the development noting the level of footways and cycleways intended for the site itself. In any case this land is outside of the applicants ownership or control and comments have been received during consultation from the landowner stating that the provision of a new bridge would not be supported.

The 2018 NPPF does not alter the above assessment.

Impact on Trees, Ecology and Nature Conservation

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

The NPPF incorporates measures to conserve and enhance the natural and local environment and requires at para. 118 that, in determining planning applications, the following principles are applied to conserve and enhance biodiversity:

- Significant harm resulting from a development should be avoided, adequately mitigated, or, as a last resort compensated for; and
- Opportunities to incorporate biodiversity in and around developments should be encouraged.

The overall thrust of national planning policy in respect to conserving and enhancing the natural environment has been carried forward to the 2018 revision of the NPPF as detailed in Chapter 15.

Trees

The application has been accompanied by a standalone Tree Survey & Constraints Report dated March 2016. The preparation of this involved survey of 26 individual trees as well as 13 groups of trees and 3 hedges present within the site categorised according to suitability for retention. Of the individual tree specimens surveyed, the majority were considered to be of low quality (category C, with a life expectancy of 10-20 years) with 9 categorized as being of moderate quality (category B, life expectancy of 20-40 years) and just two trees; both English Oak, categorized as being of high quality (category A, life expectancy of 40 or more years) (T15 and T26). None of the trees within the site have been designated worthy of retention through a tree preservation order.

T26 appears to be within the residential curtilage of Balderfield Cottage along their southern boundary. T15 appears to be situated just outside their residential curtilage on the eastern boundary between the highway and an area of hedgerow. Having assessed the indicative masterplan I am confident that the development will not impact upon the retention of T26. I would have greater concerns to the longevity of T15 given its positioning closer to the indicative residential development however protection measures could be secured at reserved matters stage and the roots are already established in close proximity to existing hard surfacing which provides access to the existing dwelling. In any case in the context of the overall scheme I am mindful of the intentions to retain tree cover where possible and it is noted that the level of additional landscaping will be significant.

Ecology

A desktop study was undertaken for existing ecological data regarding both statutory and non-statutory protected species, designated sites and habitats of nature conservation interest. Appropriate search radiuses were established between 1 and 10kms around the site. There are no sites of international importance within 10km of the site and no designated sites of national importance within 2km of the site. There are however nine non-statutory designated sites within 2km of the site (three of which are within 1km), the closest being the Shire Dyke Local Wildlife Site (LWS) forming the boundary of the site.

Further to this, numerous field surveys were undertaken from a period between November 2014 and September 2015. Both Natural England and Nottinghamshire Wildlife Trust (NWT) have provided detailed comments on the application. Natural England has welcomed the incorporation of the green infrastructure corridor along the eastern boundary of the site and pocket parks etc. within the site. NWT have confirmed that they are generally satisfied with the methodology used and conclusions reached. Suitably worded conditions are suggested within the response. Notwithstanding this, NWT do raise concern regarding the potential loss of habitat for skylark and yellowhammer. This is discussed below in the relevant section on nesting birds.

Protected Species Impacts

Standing advice from Natural England has been used to assess the impacts upon protected species arising from the proposed development.

Badgers

Although records exist for the wider area, no evidence of the presence of badgers was noted on the site. Consequently no adverse impact upon local badger populations is anticipated as a result of the development.

Bats

All species of British bats and their resting places are specially protected under the terms of the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010.

Surveys undertaken indicate that a small number of standard trees within the hedgerows provide roosting potential for bats, although no evidence of occupation by bats was recorded in association with any of the trees. It is considered that the trees on the site are unlikely to constitute a significant resource for bats locally. Given the predominance of arable land, the site overall is considered to be suboptimal value for bats. Potential for foraging habitat is further reduced given the management of the existing hedgerows. Retention of the mature ash trees will reduce impacts on roosting bats, should they utilise the suitable roosting features present on occasion.

Otter

Evidence of otter along Shire Dyke was recorded during the survey work undertaken however no couches, holts or slides were confirmed present. The dyke is therefore considered to be used on occasion basis by commuting otter, facilitating movement between more optimal habitats.

Reptiles

The majority of the site was considered to be unsuitable as foraging or refuge habitat for reptiles due to its arable nature. However the dyke, hedgerow boundaries and areas of ruderal vegetation were considered to offer suitable potential cover. Notwithstanding this, no evidence of reptile species was recorded during targeted surveys. Given that the dyke forms the boundary of the green infrastructure corridor some distance from the built form of the development, no significant impacts on reptiles are anticipated to arise from the development.

Amphibians and Water Voles

No records of great crested newts were obtained either arising from the desk based or field surveys. No suitable breeding habitat was identified within the site nor the area surrounding 500m of the site boundary.

Whilst water voles are known to be present in the area, no evidence of water vole were recorded during the survey.

Nesting Birds

All nesting birds are protected under the Wildlife and Countryside Act, 1981 (as amended). Under this legislation all birds, their nests and eggs are protected by law. Species listed on Schedule 1 of the Act are specially protected at all times.

The site as existing supports nesting and wintering bird species typical of the habitats available. The hedgerows and limited tree and scrub cover on site provide further potential nesting, shelter and foraging habitat. Overall, surveys recorded 42 bird species during the breeding season. All of the species identified are fairly to very common species in Nottinghamshire and the UK. No significant populations were registered. Given the characteristics of the site, the site is considered to be of no more than local nature conservation value in the breeding season.

Concerns regarding the potential for the development to impact upon skylark and yellowhammer

(birds of open countryside) are noted. Both are farmland birds of conservation concern. It is acknowledged by the submitted surveys that these species are likely to be lost to development. However the modest populations recorded suggests that the site is of little importance for skylarks or yellowhammers in winter and thus the residual impact is likely to be negligible. I am mindful that NWT have had sight of these surveys and still felt it necessary to explicitly raise concern (noting a lack of formal objection). Nevertheless I am also conscious of the overall opportunities for habitat creation across the wider site, for example the Sustainable Urban Drainage (SUDs) basins. Whilst this may offer no benefit to skylark or yellowhammer specifically, as an overall ecological balance the impact on these two species is not considered significant.

Invertebrates

A single Natural Environment and Rural Communities (NERC) Act Section 41 species; the cinnabar moth was recorded present within the site. Although this is a declining species, the ES concludes that it is widespread and common, highlighted for conservation action for further research rather than protection of individual sites. Overall the site is considered to be of low to moderate importance for invertebrates at a County level, given the number and proportion of Key Species recorded. Nevertheless it is considered reasonable for mitigation measures to take specific regard of this species. This can be explicitly referred to in suitably worded conditions relating to ecological mitigations.

Loss of Hedgerow Habitat

Hedgerows form the majority of field boundaries within the site, with a total of 21 hedges present. The surveys undertaken show the existing hedgerows to be generally species poor and dominated by hawthorn with the majority cut to a height of less than 2m. None of the hedgerows were assessed as being 'important' under the Hedgerow Regulations 1997. Hedgerow H12 to the immediate north of Shire Lane was considered as being of moderately high to high value. All other hedgerows were of low to moderate value.

The majority of the hedgerows, notably including H12, are intended to be retained which will reduce impact on ecological receptors. However, given the scale of the development, it is inevitable that there will be some loss and degradation to the existing hedgerows and their associated habitats within the site. This includes the loss of five of the existing hedgerows including one defunct, and partial losses (generally short sections of less than 20m) from nine of the remainder. Hedgerow losses would total circa 800-980m which accounts for approximately 15% of the existing hedgerow resource. This is considered to be a marginal percentage when taken in the context of the overall site area and the level of additional landscaping which will be introduced through the development.

Biodiversity Enhancements

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

The large area of public open space afforded by the green corridor along the eastern boundary of the site will serve as a buffer between the Shire Dyke and the built form of the proposed development. Moreover the provision of native species structural planting, comprising linear corridors of woodland, hedgerow and tree grouping will provide ecological benefits as high quality community, foraging and nesting habitat. In addition to this, further benefit will be provided through the creation of the surface water detention basins required for drainage purposes.

The nature of the existing site being intensively managed arable land provides a significant opportunity to provide enhancement. It is considered that the habitat creation and enhancement opportunities presented by the indicative masterplan and further detailed in Chapter 9 of the ES would be appropriate to compensate for very minor loss of habitat necessitated by the development. Indeed the ES concludes that, overall the development will result in up to moderate (significant) positive benefits to habitats across the site compared with the existing site. A corresponding positive benefit is anticipated for wildlife across the site, including notable and protected fauna.

NWT within their response have helpfully offered, amongst other advice, to provide more detailed design advice to ensure that the drainage features of the site offer the best opportunities for wildlife enhancement. It is considered beneficial to bring this to the applicants attention through a suitably worded informative should permission be granted. Subject to consideration of this and other mitigation measures secured by condition, the proposal is considered compliant with the relevant ecological paragraphs of the NPPF, as well as Policies CP12, DM5 and DM7.

Soils and Agricultural Land Quality

Natural England's comments on soil and land quality have been noted. Of the 93ha site area, approximately 55.8ha is classified as being the 'best and most versatile' agricultural land (Grades 1, 2, and 3a land in the Agricultural Land Classification system). It should be noted that there is no land of Grade 1 or Grade 2 quality within the site. However, it is also fully appreciated that the majority of the built form proposed by the development is within Grade 3a land.

Para. 112 of the NPPF is clear in stating that:

'Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality'.

This stance has been replicated by paragraph 170 of the 2018 NPPF.

Matters of agricultural land quality have been considered within Chapter 12 of the ES. The ES assumes for the purposes of assessment that all agricultural land within the site would be lost. This would undoubtedly impact upon the existing land use and the magnitude of effect is recognized as being high with an overall effect on agricultural land quality being of moderate adverse significance. Whilst this must be weighed in the overall balance it is considered that the LPA have applied the duty required by the NPPF in allocating the site through thorough consideration of the economic and other benefits associated by the allocation of a strategic site of this scale. It is therefore not considered reasonable to resist the proposal purely on the basis of the loss of agricultural land.

The 2018 NPPF does not alter the above assessment on matters of trees, ecology or nature
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conservation.

Visual and Landscape Impact

Core Policy 13 (Landscape Character) sets out a framework for assessing landscape character and sets expectations that development proposals should positively address the implications, aims and objectives of each landscape policy zone. The adopted Landscape Character Assessment (SPD) is a district level assessment of landscape character (that sits hand in hand with CP13) and is a useful tool in assessing local landscape character in relation to specific sites.

The site lies within the South Nottinghamshire Farmlands character area crossing two policy zones; Policy Zone 08: Cotham Village Farmlands and Policy Zone 09: Trent and Belvoir Vale. The latter zone forms part of an extensive alluvial flat characterized by a level to gently rolling landform. It is acknowledged that this area may form part of a separate regional character area that is more fully represented within Lincolnshire however it has been included within the South Nottinghamshire Farmlands area because the landscape priorities are similar.

It is accepted that the South Nottinghamshire Farmlands contain some of the highest quality agricultural land in the County with around 80% of the farmland under arable cropping. Nevertheless it is also conceded that urban and industrial development, including residential development through site allocation forms a future pressure to the existing landscape.

The ES deals with matters of Landscape and Visual Amenity within Chapter 10 forming the LVIA to the application. Given the scale of the proposed development, the landscape impacts will undoubtedly be beyond the administrative boundaries of NSDC acknowledging the juxtaposition of the site boundaries to neighbouring authorities. In this respect, the comments of neighbouring authorities have been afforded appropriate weight in the consideration of the scheme. Specifically SKDC have suggested that the boundary of the site should be sensitively landscaped to ensure visual impact is minimised.

The LVIA has selected a number of representative viewpoints grouped based on their positioning in relation to the site, namely:

- Shire Lane & Broad Fen Lane;
- Great North Road & A1(T);
- Hollowdyke Lane & Fernwood;
- Claypole;
- Stubton;
- Doddington; and
- Fernwood South.

The methodology and assessment within the LVIA is considered appropriate in terms of allowing a thorough assessment of the likely impacts of the proposal. It is agreed that the site is strongly influenced by existing surrounding urbanized elements including the built form of the urban edge of Newark. Notwithstanding this, it is undoubtedly the case that the proposal will impose a fundamental change to the character of the site when compared to its existing form.

Of the detailed assessment contained within the LVIA, the following key conclusions are drawn for the attention of Members:

Landscape Effects

- The long term effects on SN PZ08 (which covers the greatest proportion of the site) are considered to be negligible to minor adverse in the vicinity of the site, taking into consideration the beneficial effects arising from the structural landscaping and green infrastructure across the site.
- The long term effects on the landscape of SN PZ09 due to the proposed green infrastructure will become minor beneficial in close proximity to the site.

Visual Effects

- The extent of visibility is controlled primarily by the topography of the local area.
- The majority of properties and settlements in the vicinity will have limited or no views of the site leading to a significance of no greater than negligible.
- The residential properties excluded, but surrounded by the site will be subjected to moderate to major adverse impacts with the properties at Airfield Cottages suffering a moderate adverse impact (reducing to minor to moderate adverse following establishment of the proposed buffer).
- Visual impacts to users of public rights of way, nearby footpaths and the road network range from minor adverse to moderate adverse again acknowledging that these impacts would reduce on establishment of site screening.

The proposal has taken lead from the requirements of Policy NAP 2C in terms of allowance for a landscape buffer along the eastern boundary of the site. Moreover, landscaping and structural planting has been indicated throughout the site and along the western boundary. In allocating the site for a mixed use residential development of this scale, it has already been implicitly accepted that there will be landscape impacts arising from the proposal. Nevertheless, the outline scheme as presented is considered appropriate in maximizing the opportunities to appropriately screen the development where possible. The identification of adverse impacts summarised above are noted, and indeed will be weighed in the overall balance of the proposal.

The 2018 NPPF does not alter the above assessment.

Archaeology and Cultural Heritage

Core Policy 14 (Historic Environment) seeks to ensure that continued preservation and enhancement of the character, appearance and setting of the district's heritage assets and historic environment, including archaeological sites. Policy DM9 (Protecting and Enhancing the Historic Environment) echoes this and with regard to archaeology specifically states that proposals should take account of their effect on sites and their settings with the potential for archaeological interest. Where proposals are likely to affect known important sites, sites of significant archaeological potential, or those that become known through the development process, will be required to submit an appropriate desk based assessment and, where necessary, a field evaluation. This will then be used to inform a range of archaeological mitigation measures, if required, for preservation by record and more occasionally preservation in situ.

The scheme has been fully assessed by internal colleagues in conservation with their comments listed in full in the above consultation section of the report. Nevertheless, given the level of expertise offered by these comments, their repetition is deemed appropriate in the context of the appraisal of the proposal.

The proposal represents a large development on the southern side of Fernwood, which is in itself a large urban extension. The A1 corridor is an important modern landscape feature, and the depot site and pylons to the east of the proposal site represent further modern landscape intervention. The indicative details submitted show a network of primary streets linked by junctions leading to streets and residential lanes. New buildings would have a maximum height of 2 storeys with some opportunity for 2.5 and 3 storeys on primary streets. Given the existing built form of Balderton and Fernwood, it is felt that the proposal is not likely to compromise designated heritage assets in Balderton or Newark, and I am satisfied that topography and relative distances between receptors and the proposal site ensure that impact in the wider landscape is not likely to result in any specific material harm to the setting or significance of the Church of St Giles in Balderton or Church of St Mary Magdalene in Newark.

It is nonetheless recognised that the proximity of the Church of St Peter at the western edge of Claypole suggests that the Fernwood South development could have an impact on the wider landscape setting of the Grade I church....Nevertheless, given the indicative proposed layout of the scheme, it seems likely that there are opportunities to help reinforce and improve green infrastructure at the eastern portion of the proposal site which would help mitigate impact on the wider setting of the church. The proposals for sports and amenity areas will help in this regard.

The proximity of the site to the Grade I listed Church of St Peter is acknowledged within the Heritage assessment contained within Chapter 13 of the ES and indeed its high sensitivity is recognized. Members will note that colleagues at South Kesteven have requested that due regard is had to the impacts on the setting of this asset. The comments make clear that it is for this Council as decision maker to come to a view in this regard. It is considered that the development around the Church obscures all views to the east, south and west (and subsequently the site). Further, it is stated within the ES that the Church primarily draws its historic and aesthetic significance from its immediate setting (i.e. the churchyard and the village of Claypole) which will not be impacted by the proposed development. In the context of the above conservation comments, I am minded to agree with this assessment. Moreover I am conscious that any specific impacts, such as those arising from the built form within the site, will be a matter for assessment at reserved matters stage when the full details of the scheme are before Members for consideration. On this basis no conflict with the aspirations of CP14 and DM9 have been identified in respect of designated heritage assets.

In addition to the aforementioned designated heritage assets, regard must also be had to non-designated assets present within the site, notably the identification of archaeological potential. The ES details the results of geophysical surveys and trial trenches undertaken which acknowledges there to be three main areas of archaeological activity. In the northern part of the site, traces of Iron Age settlement activity were revealed. In the southernmost part of the site extensive remains of Roman settlement activity were located, including human burials. In between these two areas it appears that further Roman activity had been affected by Medieval and later small scale industrial extractive processes.

It is fully acknowledged that the primary impact of construction works will be from the ground work associated with the development directly impacting upon the archaeological resource. Equally it is acknowledged that the impact is likely to result in substantial or total destruction of archaeological remains. The comments of NCC Archaeology are noted particularly in terms of the considerable mitigation measures deemed necessary to facilitate the development. Nevertheless this is recognized through the ES. As a consequence, subject to an appropriately worded condition requiring a suitable scheme of mitigation and programme of archaeological work the importance

of the archaeological remains identified thus far is not considered sufficient to prevent development on the site.

The 2018 NPPF does not alter the above assessment. It is noted that Section 16 (Conserving and enhancing the historic environment) does refer to more recent case law in stressing that harm is harm irrespective of whether it is less than substantial or not, however the application was assessed on the basis and in the knowledge of this case law in any case.

Impacts on Environment

Flooding

Policy NAP2C requires the provision of flood mitigation; provides that residential development should not be located in flood zone 3; provides that development may be accepted in Zone 2 (subject to appropriate mitigation) and states that where appropriate a Sustainable Urban Drainage scheme (SUDs) should be incorporated. This policy remains in compliance with the NPPF and its technical guidance.

Paragraph 100 of the NPPF confirms that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. In the context of the allocated nature of the site, paragraph 104 is also of relevance. This confirms that for individual developments on sites allocated in development plans, applicants need not apply the sequential test.

The above stance has been carried by Chapter 14 the NPPF 2018.

Chapter 11 of the ES and the accompanying Flood Risk Assessment (FRA) deals with matters of Flood Risk and Surface Water Drainage (the latter discussed separately in the following section). In the context of the proposed development, the two most important watercourses in the area are the Shire Dyke and the River Whitham. The former constitutes the eastern and southern boundaries of the site. As a consequence of this, areas to the east and south of the site are recognized as being within Flood Zones 2 and 3 for fluvial flooding with the remainder (and indeed the majority of the site) within Flood Zone 1. The original application submission marked out the indicative floodplain on the submitted Green Infrastructure plan (Parameter Plan E reference 6534-L-05 dated 15th February 2016). This plan demonstrated the ability to confine all residential elements of the proposal within Flood Zone 1 with less vulnerable uses such as community spaces and allotments within the areas designated as being Flood Zone 2 and 3.

The original application submission has been assessed by relevant consultees. Of particular relevance is the original response from the Environment Agency (EA) dated 4th May 2016. The overall conclusion of this response was that the submitted FRA was appropriate given the outline nature of the development, no objection in principle was raised and conditions were suggested should the application be approved. Notwithstanding this, the response did also provide commentary on the data sources of the FRA acknowledging that the data used was obtained back in November 2014 and did not consider the new Upper Witham Modelling data. On the basis of this advice, during the life of the application, the applicant has instructed further work by their consultants RSK Environmental Ltd. The results of this work are outlined by letter dated 8th August 2016 and through a revised FRA and ES addendum received 17th August 2016. These details have

been subjected to an additional consultation period in line with the Town and County Planning (Development Management Procedure) Order.

The additional works have now considered the updated Upper Witham Modelling data. The updated flood modelling data illustrates a wider flood extent than that which was used to develop the masterplan such that areas in the north east and south of the site, indicated for residential development on the masterplan, would now be situated within Flood Zone 3. Measures to overcome this have been suggested such as ensuring that the finished floor levels of the plots are raised to meet the EA requirements.

RSK have been in direct discussions with the EA and indeed the EA have provided further comment on the additional details provided. The EA have confirmed that they are satisfied that the additional information submitted in regards to loss of floodplain are satisfactory and demonstrate that the proposed land raising will not have a significant impact on third parties. Members will note that the NPPF does not require the application of the sequential test given that the site has been allocated for development of the nature proposed. However it is equally noted that the proposal would now represent a departure from the aspirations of Policy NAP2C in that a small number of residential properties would be situated within Flood Zone 3 (without mitigation via groundworks and design). In this instance it is considered appropriate to take a pragmatic approach acknowledging that the applicants made best endeavors to develop a policy compliant scheme on the basis of the data available at the time of application submission. The proposal therefore falls to be assessed against the exception test outline by paragraph 102 of the NPPF. **Now outlined as a requirement of paragraph 162 of the NPPF 2018.**

The wider sustainability benefits of the proposal are acknowledged (and indeed afforded the appropriate weight in the overall balance undertaken below) and thus it remains for the authority to be satisfied that the development will be safe for its lifetime and not increase flood risk elsewhere. Given the outline nature of the proposal, exact mitigation measures such as raising floor levels and incorporating flood resilient construction technique cannot be considered in detail at this stage. Nevertheless, I am confident that these could be agreed through a suitably worded condition such as that recommended by the EA. In terms of the requirement to not increase flood risk elsewhere, the EA have confirmed satisfaction that the proposed land raising will not have a significant impact on third parties.

The 2018 NPPF does not alter the above assessment.

Surface Water Drainage

The NPPG is clear of the importance of sustainable drainage systems as a means of control for surface water run off to mimic natural drainage as closely as possible. Consideration of sustainable urban drainage (SUDs) is also required by Policy NAP2C.

As has already been acknowledged, the development will impose a fundamental change to the character of the site introducing built form to existing agricultural land. This will undoubtedly lead to an increase in surface water runoff in correlation to the increase in impermeable surfaces (stated as being 27%). Given the proximity to surrounding watercourses there is potential for this to lead to increased instances of flooding if not addressed.

The indicative masterplan submitted demonstrates that three SUDs attenuation areas are proposed. Two of these would be located adjacent to the Sports Hub designed as grass, landscaped depressions with no permanent bodies of water. Sloping into the depressions has

been designed to allow safe and easy access. The attenuation area situated within the southern part of the site has greater scope to provide wetland and aquatic habitats. The drainage strategy also includes conveyance swales, filter drains and permeable paving designed to drain survey water to convey it towards the detention basins. The proposed SUDs features are designed to provide approximately 16,400m³ of storage. The submitted Surface Water Drainage Strategy states this as being in excess of the 13,447m³ required volume to retain the 1 in 100 plus an allowance for climate change event.

Relevant consultees have assessed the development as proposed. Specifically, the original comments of NCC Flood Team are noted. Whilst not objecting to the application, their original comments imply that details of surface water drainage required further work to be secured by condition. The applicant has appointed their consultants to provide a rebuttal to these comments during the life of the application and NCC Flood have suggested a suitably worded condition to deal with issues of drainage.

The Upper Whitham Drainage Board have also raised no objection to the proposed development provided it is carried out in accordance with the application submission and a condition is attached to the grant of any permission to approve the final details of the scheme for the provision, implementation and future maintenance of the surface water drainage system. The comments of Anglian Water are noted in terms of the lack of capacity of Claypole Water Recycling Centre to cope with the wastewater treatment arising from the development. However, this does not constitute an objection to the proposal. It is suggested that this matter can be overcome through condition requiring the submission of a drainage strategy. This is in line with the comments of Severn Trent. Therefore I am satisfied that the proposal as submitted accords with the requirements of NAP2C.

The 2018 NPPF does not alter the above assessment.

Water Quality

Impacts on the natural environment including water quality is addressed through paragraph 109 of the NPPF and the associated online guidance of the NPPG. **The advice has been carried to Chapter 15 (Conserving and enhancing the natural environment) of the NPPF 2018.** This is addressed within Chapter 11 of the ES. It is acknowledged that there is the potential for the development to result in water pollution from silt laden runoff if it is allowed to drain to the surrounding watercourse untreated. There is also potential from spillages and leaks from plant and machinery during the construction phase.

The site is in close proximity to the Shire Dyke which is recorded as having a moderate ecological status and good chemical status. The overall significance of construction activity impact on the water quality of the Shire Dyke is considered to be moderate adverse. Whilst this would undoubtedly be an undesirable impact arising from the development, I would concur with the ES in terms of this being a short term, non-permanent impact which is more importantly reversible. Moreover, the ES details numerous elements of legislation which will be adhered to during construction. I therefore do not consider that the potential impacts on water quality identified above would be significant enough to warrant a resistance of the proposal.

The 2018 NPPF does not alter the above assessment.

Air Quality

Chapter 7 of the ES and its associated Appendix has assessed matters of air quality based on

findings of the existing air quality conditions, potential air quality impacts during the construction phase of the development and the predicted impacts on local air quality resulting from road source emissions generated by the development once it is fully operational. The assessment concludes that there are two types of air quality impact to be considered for the proposed development:

- The impact of existing sources in the local area on the development;
- The impacts of the development on the local area.

The focus of the impacts of the development on the local area include an assessment of dust emissions during construction. Mitigation measures are suggested such as the requirement for the submission of dust management plan including monitoring requirements during the construction phase (no monitoring is required during the operational phase of the development). This could be secured by condition as an incorporation of the Construction Environmental Management Plan (CEMP).

The traffic data used includes the increase in traffic from the development as well as all other committed developments in the area. If Members were minded to approve the application, it is recommended that a condition is attached to require the submission of a Travel Plan so that sustainable means of transport are encouraged for occupiers. The Travel Plan could incorporate the suggestion of at least one electric vehicle charge point per 10 residential dwellings.

The site is situated adjacent to an existing steel works depot as well as being in close proximity to the A1. Nevertheless, the illustrative masterplan demonstrates the ability for buffer zones between these existing uses.

No exceedance of any of the applicable air quality standards have been predicted in terms of any of the assessed pollutants with the majority of receptors considered to experience a negligible impact on air quality. With the ability to secure mitigation measures by condition the proposal is considered acceptable in respect of air quality impacts.

The 2018 NPPF does not alter the above assessment.

Noise and Vibration

The NPPF is clear in identifying matters of noise as a material consideration in the planning process. Specifically paragraph 123 states that decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life.

This stance is followed to the 2018 NPPF at paragraph 180.

The applicant has fully assessed the implications of the development through a noise and vibration assessment discussed within Chapter 8 of the ES. Of key consideration is whether the site is suitable for residential development with reference to indoor and outdoor design criteria of the associated noise legislation. Particular sources of noise include traffic (noting the proximity to the A1 and Great North Road); sports noise from the proposed facilities and the presence of existing industrial uses adjacent to the site. Further, there is noise associated with construction, both movements/activities and associated plan.

With regards to the industrial uses present, paragraph 123 of the NPPF is of relevance at its third

bullet point where it states that existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established.

The letter submitted on behalf of Newark Steel dated 23rd October 2018 has been taken into account noting that this makes reference to the current application as well as the now approved application adjacent to the site for Larkfleet Homes (outline approval for up to 350 units approved by reference 17/01266/OUTM). It has been stated that the Newark Steel Ltd. depot (immediately adjacent to the site) has the potential to operate 24 hours a day, 7 days a week (by virtue of a historic planning permission which does not condition hours of operation). The LPA were aware of this, and have been so for some years. As is implied within the letter, Newark Steel Ltd. have engaged with the LPA in recent years and for the avoidance of doubt, the presence of the site allocation and the operational ability of the site was explicitly discussed.

The concern raised through the letter is that the residential development surrounding the established commercial use would hamper the established use of the site through the Council receiving future pressure to control operations which could prejudice the business. Concern is also raised that there is potential that the residential amenities within the proposed development could be adversely affected by the commercial activities within the site operating at unsociable hours.

Representatives of Newark Steel Ltd. contend that the Noise and Vibration Assessment submitted to accompany the application significantly underplays the existing commercial activities within the site. Their later representations (dated 4th January 2019) suggest that the time the surveys were undertaken was a 'quiet month' for the business. No evidence to substantiate this point has been provided however. Newark Steel Ltd. has strongly requested that the applicant is required to undertake updated Noise and Vibration Surveys prior to determination of the outline application.

Officers have carefully considered the responses received and indeed sought comments from the applicant and colleagues in Environmental Health. The applicant's noise consultant 'RSK' have provided a technical note to the letter dated 26th November 2018. For completeness this is attached in full at Appendix 3. The key point to take from this response (and indeed discussions with NSDC Environmental Health Officers) is that the applicant will be required to supplement the original noise surveys prior to any development happening on site. This is confirmed by the recommendation of Officers to attach condition 14 (Appendix 4) which requires a Noise Assessment and where necessary attenuation / mitigation scheme for each reserved matters application. These additional surveys would clearly capture any variance of noise levels which have occurred since the original survey. The applicant has confirmed that this would include the traffic flows utilizing Sylvan Way and if required a number of mitigation measure (such as façade treatments; orientation; and stand off distances) could be used.

On the basis of the ability for the LPA to insist on further noise surveys prior to the development commencing, it is not considered reasonable nor necessary to insist on further work at this time. The applicant is clearly aware of the potential to employ appropriate mitigation measures pending the results of further surveys. Given that the application is at outline stage there is clearly scope that any reserved matters submission affecting the residential development closest to the existing commercial uses could be designed to appropriately mitigate matters of noise and vibration. It is also worthy of note that even the indicative layout includes allowance for noise mitigation through a 3m high earth bund and 1.5m acoustic fence (as also referenced in further detail below).

As is implied above, reference is also made in the responses on behalf of Newark Steel Ltd. to the 'Agent of Change' principle which has been introduced at paragraph 182 of the 2018 NPPF. 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.”

It is fully appreciated that Newark Steel Ltd. is an important local business and employer within the District and thus any impacts that may impede their operations should be given careful consideration. However, the application site forms part of a wider Strategic site allocation which has been allocated for residential development since the adoption of the Core Strategy in 2011, having been emerging for a considerable period prior to this formal adoption. The allocation, as one would expect when forming part of a Development Plan, has been subject to extensive and wider ranging consultation, including with Newark Steel Ltd. It is this allocation which represents the ‘existing’ context in terms of land use. In allocating the site, the LPA were fully aware of the presence of the Newark Steel Ltd and were equally aware of the need for land-uses to co-exist and be designed appropriately. The ‘Agent of Change’ principles in the NPPF are principles that this Authority already has regard to in its decision making for new uses and activities being proposed. It remains the ability of the reserved matters submission to agree matters of noise mitigation in this respect if deemed necessary. The ‘agent of change’ principle introduced by the 2018 NPPF does not materially affect the current assessment of the application.

Environmental Health officers (EHO) agreed the methodology for noise assessment prior to the submission of the application. Baseline conditions were monitored by unattended noise meters for a 6 day period along Great North Road; the A1; and close to the industrial facility to the east of the site. Further short term monitoring equipment was placed at four further locations around the site.

Officers have assessed the associated chapter of the ES and more explicitly the associated Noise and Vibration Assessment with its accompanying figures. There are two broad noise issues to address, one for residential amenity when development is complete and one for the construction phase(s).

It is acknowledged that the site experiences high noise levels due to the proximity of the A1. The original comments received from the EHO raised concerns that some properties would experience very high noise levels which could create issues for external spaces turning the properties into ‘acoustic prisons.’ The ES divides assessment to indoor/outdoor living spaces as well as specifically addressing the implications for the proposed primary school.

In relation to indoor living space, it is brought to the attention of Members that for all twelve of the receptors assessed, there is an exceedance of between 17dB(A) and 31dB(A) of the 35dB(A) criteria. Where ambient façade noise levels are predicted to exceed 35dB(A) by more than 10dB(A) (as is the case across all 12 receptor points) additional mitigation will be required. It should be noted that further into the site, façade noise levels would be expected to reduce given the barrier presented by the built form along the edge of the site.

Moving to assess outdoor living space, the design criteria for traditional external areas that are used for outdoor living space is that levels should not exceed 50dB(A) (with 55dB(A) used as an upper limit). In the south of the development, within Phase 3, the gardens closest to the A1 are predicted to have levels in excess of 55dB(A).

With respect to the Primary School predicted façade noise levels on the north, south and west elevations at both ground floor and first floor are expected to exceed noise criteria levels to a degree of moderate significance. The eastern elevation would be affected to a level of minor significance.

The above was raised as a concern with the applicant during the life of the application and has been addressed through an additional response by RSK Environmental Ltd dated July 2016. This acknowledges that, should development be unmitigated, a number of properties in the final masterplan would be exposed to noise levels which would exceed relevant design criteria. As such, the additional response goes on to provide details of how internal and external living spaces will be protected through mitigation. This includes additional fencing/noise buffering to the western boundary of the site not previously submitted through the original 'worst case scenario.'

No formal objection to development has been raised by the EHO but the stance remains that a condition will be required to seek further details of noise mitigation measures within each Reserved Matters phase to ensure that they achieve the required levels of protection. It is noted that at present, the Masterplan has a wide landscaped buffer area, however if a noise barrier similar to that screening the industrial area were to be designed there would be a benefit to future residents of Phase 3. In addition facades of properties facing the existing and proposed road noise sources will require mitigation. Other measures suggested include a noise mitigation barrier along the boundary between the industrial area; suggested as a 3m high earth bund with an acoustic fence a further 1.5m high giving a total bund height of 4.5m. Furthermore it is confirmed that the masterplan allows for the incorporation of a landscaped standoff area for the boundary of the site facing onto Great North Road. This is suggested as being a bund of approximately 1.4m in height.

The assessment goes on to consider the implications of the sports facilities usage. The tennis courts and Artificial Grass Pitch have been modelled assuming full operation from 10am to 11pm (these are not necessarily the hours of use but are considered appropriate in terms of noise assessment for a worst case scenario). The change in noise level in comparison to traffic noise is approximately 2dB(A) and thus of negligible significance.

The ES details 5 existing residential receptors which have been assessed in the context of construction noise. These include the properties which are surrounded by (but excluded from) the site area. There would undoubtedly be noise impacts to these properties during the general earthworks, construction and fit out phases of the development. Predictions based on estimated plant usage, measured from the facades of the properties, shows that the levels of noise at these receptors would exceed the 65 dB(A) threshold of potential significance at Balderfields and Balderfields Cottage. This is an undesirable impact of the proposal but unfortunately one considered difficult to overcome. It can, of course, be minimized as far as possible by ensuring that site compounds on each phase(s) are sited as far as practicable from these receptors and by controlling this, working practices, and hours of operation via a Construction and Environmental Management Plan (CEMP).

Exact details of noise mitigation would be agreed at the reserved matters stage. I am satisfied that the applicant has done enough to satisfy the potential for appropriate mitigation such that the proposal would not cause conflict with the relevant elements of the NPPF.

Land Contamination

Paragraph 120 of the NPPF requires the LPA in their decision making to ensure that new

development is appropriate for its location to prevent unacceptable risks from pollution and land instability. **This stance is carried to the 2018 NPPF document.** It is noted that the site has comprised agricultural land use since prior to the 1880s until present and as such no significant contaminative land uses are present within the site.

The application has been accompanied by a Preliminary risk assessment which considers the possible direct or indirect effects that construction and operation of the development could have on the ground conditions both beneath and immediately adjoining the site. As expected, the majority of the potential effects on ground conditions are predicted to occur during the construction phase of the development. The significance of effect of potential risks to human health of future site users via direct contact with contaminants in soils during the operational phase (post mitigation) would be minor adverse.

The ES, at paragraph 12.9 details a number of mitigation measures which will be secured by condition including submission of a Construction Environmental Management Plan and a Site Waste Management Plan. The comments of internal colleagues in environmental health are listed in full above confirming that the recommendations of the report advising a full scope of intrusive investigations should be secured by condition. On the basis of these conditions I am confident that the approval of outline residential consent would be appropriate and that any adverse impacts arising from land contamination factors could be readily mitigated by appropriate planning and design.

The 2018 NPPF does not alter the above assessment.

Utilities and Services

Residential development of the scale proposed will implicitly have implications on service infrastructure and utilities. Chapter 14 of the ES has considered the supply of electricity, gas, water and telecommunications to the site and the means of providing foul drainage disposal as well as the effects on the existing infrastructure and the environment. Paragraph 162 of the NPPF relates to infrastructure confirming that LPA's should work with other authorities and providers to assess the quality and capacity of local infrastructure services. **This stance is carried to the 2018 NPPF document.** Policy NAP2C follows this stance by requiring the provision of necessary infrastructure in relation to the progression of the development.

Consultation has been undertaken with relevant statutory undertakers to establish the location of existing apparatus and the means of supplying the development with new service supplies. As existing, the site essentially has no provision for service supplies albeit various services cross the site. The site is constrained by the existence of service provision including overhead power lines which cross the site and a gas main running through the eastern side of the site.

Given the existence of the High or Intermediate pressure (above 2 bar) gas pipeline within the site, the development requires the undertaking of a PADHI+ assessment. The comments of the Health and Safety Executive (HSE) are listed in full in the above consultation section. It is noted that their original response dated 1st June 2016 advised against residential development on the basis that a hazardous substances consent was identified at the existing industrial units adjacent to the development. On receipt of this response, the applicants have worked with the LPA and the HSE to demonstrate that the consent should be (and subsequently has been) revoked on the basis of a change in site ownership. On this basis the HSE have provided revised comments confirming that they do not object on safety grounds.

Foul drainage is proposed to discharge via a pumped outfall into the existing public sewer system. The nearest sewer network is in Fernwood village to the north of the proposed development. Whilst not incorporated within the formal response to the application from Severn Trent Water (STW), the ES states that, at pre-development enquiry stage, STW confirmed incapacity of the existing foul sewer network to serve the foul flows from the development. Despite this, the role of STW includes a requirement to carry out any works necessary off-site to meet additional capacity required by the development informed by their detailed modelling work. In any event STW have made clear that they do not wish to object subject to a condition to deal with sewerage.

The proposal would necessitate the diversion of some of the existing infrastructure within the site including pole mounted 11kV and 33kV cables; cables supplying the maintained dwellings off Claypole Lane; the medium pressure gas mains and telecommunication cables. Details of diversionary works will be provided at detailed design stage with the intention for works to be undertaken as part of the development. No objections have been raised by statutory consultees and I am therefore satisfied that the necessary infrastructure can be provided in accordance with the requirements of Policy NAP2C.

The 2018 NPPF does not alter the above assessment.

Developer Contributions

The applicants have been in discussion with the authority since 2014 which has enabled negotiations on the delivery of contributions associated with the development. The following section examines the developers offer against that anticipated by the authority. Further detail is provided at the table contained within Appendix 5 attached to this report.

Affordable Housing

Core Policy 1 requires that 30% on-site affordable housing is provided which should reflect local housing need and viability on individual sites, overall reflecting a mix of 60% social rent and 40% intermediate. For 1800 dwellings this equates to 540 dwellings.

The proposed scheme is policy compliant numerically in terms of affordable housing provision with the intention for each phase to include affordable housing delivery. Whilst the applicant has not departed from the aspiration of providing 30% of affordable units on site, through pre-application discussions a revised mix has been presented:

- 52% of units will be intermediate provision (the policy aspiration is 40%), consisting of:
 - 25% of units to be shared ownership;
 - 75% of units to be Discount Open Market Value (DOMV) properties, with a discount of 25%;
- 48% of units will be affordable rent provision (the policy aspiration is 60%), owned and managed by a Private Registered Provider or the Local Authority

The accompanying S106 will include a clause which allows flexibility in the event that circumstances change during the life of the build out. This does not diminish the importance of the delivery of affordable housing but is intended to give both the developer and the LPA comfort that the right housing is being delivered at the right time to meet potentially changing needs. The default position would be towards monetary contributions off site but only in the scenario where a number of stringent requirements have been met. A financial contribution would represent a

last resort with all other avenues to secure a registered provider(s) having been exhausted.

Colleagues in Strategic Housing have assessed the latest offer acknowledging that it represents a departure from the 60/40% split aspired by policy. A pragmatic view has been reached in order to secure full 30% provision in numerical terms and no objection has been raised. The following tenure mix has been suggested:

Type	Aff Rent	Intermediate (S/O)	Discount for sale 75% of OMV	Total
1 Bed	50	-	-	50
2 Bed	130	40	125	295
3 Bed	70	30	80	180
4 Bed	10	-	5	15
Totals	260	70	210	540

The above position has changed substantially since Members first considered the application in September 2016. The details of the changes in affordable housing provision based on a viability case were presented to Members through an update report in July 2017 (Appendix 1). To confirm, the negotiated position is now that the proposal will deliver 13% affordable housing (234 units). The detail and breakdown of these units is included within the report at Appendix 1.

Notably, the 2018 NPPF and associated NPPG online guidance has evolved further since the report presented on July 24th 2018 in respect to matters of Viability. The processes for the consideration of viability have been rewritten in an effort to appear *'proportionate, simple, transparent and publically available'* (Paragraph: 010 Reference ID: 10-010-20180724). This therefore aids in reinforcing paragraph 57 of the revised NPPF which explains that:

'Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. 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, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force. All viability assessments, including any undertaken at the plan-making stage, should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available.'

In line with the requirements of the Viability Guidance Note (Ref ID 10-007-20180724) and paragraph 57 of the revised NPPF the weight to be given to a viability assessment is a matter for the decision maker.

Whilst it is recognised that under paragraph 019 Reference ID: 10-019-20140306 of the replaced Viability Guidance Note (2014) that where an applicant is able to demonstrate to the satisfaction of the Local Planning Authority that planning obligations would cause development to be unviable, the Local Planning Authority should be flexible in speaking such obligations, in particular affordable housing, this is no longer the case.

Paragraph 64 of the revised NPPF now expects that for major development, planning decisions should expect at least 10% of 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.' The paragraph goes on to list exemptions to this 10% requirement, which does not include discussions around viability. This is a new requirement which The Government had previously not placed substantial weight on.

The affordable housing offer remains above the 10% requirement of paragraph 64 with the offer agreed representing what is reasonably viable (in also accepting that irrespective of viability 10% is a minimum on-site contribution) according to the Council's independent viability expert. This is based on significant infrastructure costs to mitigate this development, which have a dual benefit of improving the transport infrastructure for the wider area. The review mechanisms previously sought will be maintained.

Community Facilities

As defined by the Developer Contributions and Planning Obligations SPD, community facilities include (but are not limited to), Community Halls; Village Halls and Indoor areas for sport. In the interest of comprehensive development, the District Council will seek the collective provision of new infrastructure (where necessary).

The development incorporates a Local Centre which is intended to be the community hub of the proposal. This will include a new Community / Sports Hall with a floor space of up to 1,113m². This is of an appropriate size to provide an indoor badminton facility. Again this has been discussed throughout pre-application discussions and deemed appropriate and commensurate to the scale of the development. Delivery of this will be secured through the accompanying S106. Securing all required community facilities on-site negated the need to secure any financial payments.

The 2018 NPPF does not alter the above assessment.

Health

Policy NAP2C states a requirement for a three GP facility for the whole allocation for the Land around Fernwood (circa 3,200 dwellings). The applicants acknowledge that, whilst not constituting the whole allocation, the development of 1800 dwellings would form a significant proportion. It is accepted that the proposed development through this application alone would not generate the need for a three GP practice. The applicant has proactively engaged with local health providers in order to establish the most appropriate form of health care for the development.

At this stage, there is not a clear steer as to whether the health facility will be delivered on site (incorporated within the Local Centre) or whether it would be more appropriate to provide off-site contributions. The latest discussions have however suggested that the latter option would be most favorable to meet healthcare needs at this time. On this basis the S106 will be worded to allow flexibility and the ability for a healthcare review throughout the life of the development to ensure that the contributions sought are appropriate to the evolving needs of the health providers and ultimately the local community. Any off site contributions would be capped at £1.71M (derived from per dwelling figures of the SPD). The applicants have confirmed that they would reserve land for the healthcare facility until the healthcare review has reached a conclusion on where the contribution should be met. In the event that the review identifies an on-site facility, the applicant will transfer the land to the healthcare body to deliver the facility.

As identified above the application site boundary forms the administrative boundary of the District. It is therefore perhaps unsurprising that comments have been received from NHS Lincolnshire stating that the development is likely to affect the medical centre in Long Bennington. Justification for this is provided in full in the above consultee section but essentially the response confirms that the proposed housing development falls within the practice catchment for at GP surgery at Long Bennington.

NHS Lincolnshire have requested a commuted payment from the development based on the full 1800 units proposed and based on a 'health calculator' used by a Lincolnshire Planning Authority. Whilst there remains no objection to a health contribution, this can only be calculated on the basis of this Council's guidance, hence the £1.71m cap detailed above. Further, any proportion of this £1.71m which does go to Lincolnshire should be both reasonable in terms of evidence and detailed in terms of spend. For the avoidance of doubt NHS Nottinghamshire remain unconvinced that Lincolnshire are entitled to any proportion of monies secured. From a planning point of view the value of contribution is clear, as is the ability to spend some in Nottinghamshire and Lincolnshire. A S106 can be drafted on this basis, allowing debate and discussion between health authorities to continue. The exact split of where the contributions would be attributed could be decided through the healthcare review, a mechanism introduced and tied by any S106 agreement.

The proactive and flexible nature of the applicant in the delivery of healthcare provision should be noted and indeed is fully supported by officers. The exact wording of the agreement would be secured through the S106 but I remain confident that the applicant would be providing healthcare facilities (by some means) which would meet the needs generated by the development.

The 2018 NPPF does not alter the above assessment.

Education

There is no dispute that a development for 1800 dwellings would put a strain on the existing education provision. Indeed education provision within an urban extension is a key component of sustainability. In this respect, Policy NAP2C requires the Greater Fernwood allocation to deliver a new primary school.

The proposal for 1800 dwellings would generate approximately 378 primary school places. As demonstrated on the masterplan the proposal includes 2.2hectares of land within the north western corner of the site to deliver a two form entry primary school (420 places). In addition to this, an area of land approximately 0.8 hectares would be provided adjacent to the school to allow for expansion to a three form entry in the event that future housing is delivered (by other landowners) in line with the aspirations of the strategic site allocation. On this basis the proposal would be policy compliant with respect to education needs. Triggers for delivery have been agreed with the County Council as the Education Authority through pre-application discussions and will be secured through the S106.

Members will note that secondary school provision is to be delivered through CIL.

The comments received from interested parties in respect of education provision are noted and the concern that the development would affect the existing primary provision in other schools is a legitimate one. Education would be delivered early in the development build out. By the occupation of the 200th dwelling, infrastructure for the school (including core facilities such as the school hall and dining room) and 4 classrooms would be delivered to cater for early occupations.

The applicants offer is considered to make adequate provision for primary school facilities to serve the needs of the development itself. It is acknowledged that there may be some consequences for other schools in the vicinity during the very early stages of development but unfortunately this is deemed as inevitable and unavoidable given the scale of the development. NCC Education raise no objections to the delivery mechanism and triggers proposed.

The position in respect to the education contribution has been subject to lengthy discussions since this time as outlined by the update report presented in July 2018 (Appendix 1). However, despite these discussions, the position remains as presented originally and the 2018 NPPF does not alter the above assessment.

Libraries

The Council's SPD allows for contributions towards library stock at a cost £47.54 (based on 2016 indexation). This would equate to £85,572 based on a development of 1800 dwellings. NCC have requested full stock costs (it is noted that the actual amount stated is slightly lower on the basis that it has not accounted for indexing).

This figure has been subject to dispute from the applicant in terms of whether it forms a CIL compliant request on the basis of the impact of solely this development. Officers have met with NCC to discuss the approach to the request and to seek comfort as to where the monies would be spent and how they are reasonably related to the development. Members will note an additional response listed in the consultee section above. It is acknowledged that Balderton and Newark libraries both have an existing shortfall in stock. It is equally acknowledged that it does not fall for the applicant to mitigate against existing stocking issues. NCC state that each new development places pressure on the library stock available. What is unfortunately not clear, is how specifically the development for 1800 dwellings will impact upon local libraries and thus where and how the contribution sought would be spent. Without this justification officers are unfortunately not satisfied that the request for a contribution towards library stock would be CIL compliant. On this basis, library contributions will not feature within the accompanying S106.

The 2018 NPPF does not alter the above assessment.

Public Open Space

Allotments and Community Gardens

The Council's SPD provides that 12m² should be provided per dwelling. Based on 1800 dwellings this would amount to 21,600m² (2.16ha). The masterplan demonstrates the delivery of 2ha of allotments to be delivered at two areas of the site (north east adjacent to the sports hub and south). The shortfall from policy aspirations is considered negligible in the context of the whole development (indeed acknowledging overprovision in other areas as discussed below). As such the proposal is deemed appropriate in this respect. Delivery of the allotments would be secured by the S106 with the north east area being delivered within Phase 1 and the southern area within Phase 3.

Amenity Green Space and Provision for Children and Young People

The SPD requires provision of 14.4m² per dwelling for amenity green space and 18m² per dwelling for provision for children and young people. The applicant has presented a combined offer of 6.4ha which would far exceed the policy requirements of 5.83ha. This would be delivered in the

form of Pocket Parks and Greenways, as well as a Neighbourhood Equipped Area of Play (NEAP) and two Local Equipped Area of Play (LEAP). Precise details of what the NEAP should include are best decided in consultation with the new community and therefore this matter will be left flexible within the S106 Agreement to facilitate this. However in accordance with guidance it would need to include both grass and hard surfaced areas, an activity zone of at least 1000 square metres, comprising an area for play equipment and structures, and a hard surfaced area of at least 465 square metres (the minimum needed to play 5-a-side football), a buffer zone of a minimum of 30m between the activity zone and the boundary of the nearest property. It would also be expected to contain a minimum of 9 experiences (such as balancing, climbing, sliding etc), seating and litter bins. The older children's/youth element should be either through the provision of a tarmac surfaced, fenced and marked out Multi-use Games Area or a tarmac surfaced skate/wheeled sport park containing at least 4 separate ramps. These facilities will be secured through the Section 106 Agreement.

Natural and semi-natural Green Space

The SPD suggests that 10ha per 1000 population should be provided (which would be 43.2ha) but recognises that due to difficulties in achieving this residents should live within 300m of an area of natural and semi-natural green space. It is noted that it would be somewhat unrealistic for a site of 93.6ha to deliver 43.2ha of natural and semi-natural green space (and be able to achieve the residential development proposed). The proposal includes extensive areas of natural and semi-natural green space totaling 19.1ha alongside structural planting and landscape buffer areas totaling 6.7ha. All residents would live within the 300m zone as demonstrated by the masterplan and thus the proposal is policy compliant in this regard.

Outdoor Sports Facilities

The delivery of sports facilities has been subject to numerous negotiations throughout the pre-application process with the Councils Sports, Community and Arts Manager. The applicant has taken the decision to deliver all facilities on site (there had been discussion of off-site contributions at one stage). As a consequence the sporting offer within the Sports Hub is comprehensive and includes:

- 2 adult football pitches (one grass and one AGP);
- 2 mini football pitches;
- 1 junior football pitches;
- 1 adult and youth cricket pitch;
- 1 adult rugby pitch;
- A 252sqm sports pavilion and changing facilities;
- Additional changing facilities to support pitches north of Claypole Lane; and
- 4 tennis courts.

Specifications for the sports pavilion have utilised Sports England advice. These facilities combined are considered to be a significant offer which weighs positively in the overall balance of the scheme.

I note the comments received from Sports England which suggest (through comments by the Rugby Football Union) that there may not be a need for a single rugby pitch venue and as such off site contributions to Newark RFC should be considered instead. This does not an advance to an objection to the development and having discussed with the Sports, Community and Arts Manager, officers are satisfied that on-site provision as envisaged is appropriate.

Other on-site provision

A SUDs scheme would also come forward early within the development and the locations are indicated on the master plan. This ultimately would form part of the public open space and have some ecological value. Its maintenance and management would be included within the S106 Agreement.

The 2018 NPPF does not alter the above assessment.

Maintenance of Public Open Space

Maintenance of the public open space is still subject to negotiation. The District Council has confirmed that it would not take on the maintenance of the POS. **Whilst not materially affecting the planning decision the District Council has not now ruled out the ability to take on the POS as part of the wider management of the whole Fernwood SUE.** The POS amounts to a total of approximately 31.9ha (which represents 34% of the site area) and includes a range of facilities including, equipped areas of play, sports pitches, allotments and attenuation ponds which would require an able and sophisticated maintenance regime.

It is understood that the management of public open space is a contentious issue and one that has caused concern in the past on the existing Fernwood development. During the life of the application, the applicant has engaged with the LPA, the Parish Council and the local MP. On the basis of these discussions a revised Outline Management Strategy has been submitted during the life of the application.

It is acknowledged that the applicant has a duty of care to new customers which extends far beyond the initial point of sale. Managing the delivery of communal facilities for a large sustainable urban extension requires careful programming and constitutes highly specialized, resource intensive work. Equally it is acknowledged that the use of Management Companies (ManCos) is common practice across the UK. The revised strategy, at page 5, provides detail as to what a ManCo is:

‘A MANCO is a company set up to specifically maintain and manage communal areas and services within a development which do not belong to nor are the responsibility of a specific person (for instance an individual leaseholder or home owner).

The MANCOs will be non-profit and set up by the developers solely to administer the management and financial obligations associated with the communal facilities and infrastructure of a development. The MANCOs will be limited by guarantee.

Communal areas might include areas such as bin stores, access roads and forecourts, car parks, nature walks, wildlife trails and allotments as well as the main structure of community buildings and sporting facilities. The MANCO effectively becomes the legal body charged with looking after such areas and services.’

The intention is for maintenance to be delivered by an Umbrella MANCO (responsible for the whole site) as well as Phase Specific ManCos (responsible for phase specific needs such as open space and landscaping features within individual phases). The following charges and fees are outlined to facilitate operation of the ManCo:

- An annual administration charge – for operation of the ManCo; and

- A combined Umbrella ManCo service charge (for the physical maintenance of the overarching development) and phase specific MANCO service charge (for phase specific maintenance) [with breakdown of costs between Umbrella MANCO and phase specific ManCo].

These charges will be made readily available to prospective purchasers in an upfront and transparent manner. It has been explicitly stated that there will be no additional charges for items such as solar panels or satellite dishes. The brochure for prospective purchasers outlining associated charges could be secured by a suitably worded condition.

During stakeholder engagement, Fernwood Parish Council has expressed an interest in taking over management responsibilities of infrastructure and facilities. Whilst the applicant remains of the view that the ManCo framework is the most effective way to implement the management of the development, opportunities for management responsibilities of targeted infrastructure and facilities to be transferred to the Parish has been suggested. It is envisaged that this would be in the later stages of the development once the infrastructure has been delivered and management arrangements are established and sustainable. In the short term it is suggested that the ownership obligations and maintenance responsibilities of the Community Hall/Sports Hall could be transferred to the Parish Council upon its completion. Furthermore, a stream lined approach is suggested for the holding of community events on ManCo managed land.

These options would be written into the S106 Agreement to allow flexibility. It would be ultimately at the discretion of the developer to decide which option to pursue (as they are legally entitled to do) albeit it falls to the LPA to agree a precise schedule of maintenance/management prior to development commencing. Maintenance would be paid for by the developer through either by them front loading the ManCo with subsidies and/or applying service charges to the dwellings they sell.

The 2018 NPPF does not alter the above assessment.

Transport

The highways mitigation works discussed above in the Highways Impact section of the report (and incorporated within Appendix 2) would be secured through conditions and the associated S106 agreement. As previously discussed within the relevant sections, the intentions of the Travel Plan would be secured through condition.

In addition to the above, Members attention is drawn to the comments of Network Rail which are listed in full in the above consultation section of the report. Their initial response sought a financial contribution of between £3-4k to be spent towards further improving Newark North Gate Station facilities. Specifically works to improve the connectivity to the station by cycle were referenced. This request was relayed to the applicant during the life of the development and further discussions were entered into with Network Rail and officers in order to ascertain a more specific request which could be considered CIL compliant. A further response was received (again listed in full above) which confirmed that Network Rail are seeking funding for a ramp to enable ease of access for cyclists. This ramp was stated as being outside of the scope of works currently planned by Virgin Trains East Coast.

Understandably, the applicants want to secure that all requests are reasonable and relatable solely to their development in order to ensure a CIL compliant scheme. The applicants have provided a Technical Note undertaken by their Transport Consultants dated 20th July 2016. This response states that the ramp is covered under DDA compliance regulations and is therefore the

responsibility of Network Rail. Further details are provided in terms of the level of cycle trips which will actually be undertaken between the development site and Newark North Gate station (a distance of 6.2km by cycle). Reference is also made to the bus services funded by the development which include a 30-min frequency from the site to the station. Despite the latest comments offered by Network Rail clarifying matters surrounding safety regulations, Officers concur with the overall conclusions of the technical note and agree that, in this instance, it would not be reasonable to require the applicant to make the contribution requested by Network Rail. As such this has not been incorporated within the S106.

The 2018 NPPF does not alter the above assessment.

Other Matters

Amenity

Consideration of amenity impacts is required through Policy DM5 which states that development proposals should have regard to their impact on the amenity or operation of surrounding land uses and where necessary mitigate for any detrimental impact. Environmental impacts arising from the development upon residential dwellings (both existing and proposed) has been assessed through the ES in various chapters such as Air Quality and Noise and Vibration. These matters have been discussed separately above and subject to the suggested conditions it is not considered that the development will lead to detrimental amenity impacts which would warrant a resistance of the proposal.

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

The 2018 NPPF does not alter the above assessment.

Cumulative Matters

EIA regulations require the submitted ES to examine possible cumulative impacts arising for development. In the case of the current submission, this is dealt with both through chapters on specific matters and through Chapter 15 which deals solely with Cumulative Effects presented in the tabulated form in relation to the following sites:

- Land south of Newark – Allocation NAP 2A – strategic mixed use development comprising up to 3,100 dwellings, employment land, two local centres, and associated green, transport and other infrastructure
- Land East of Newark – Allocation NAP 2B – strategic mixed use development comprising up to 1,650 dwellings, and a local centre, comprising retail, service, employment and community uses, and associated green, transport and other infrastructure
- Greater Fernwood – Allocation NAP 2C – the allocation to which the current application comprises part of. In addition, there is the **approved applications** submitted by Barratt / David Wilson Homes and **Larkfleet Homes referred to in the relevant planning history section above.**

The ES identifies that; whilst there may be some short term impacts (principally due to overlapping construction periods) overall the combined impacts of all developments are unlikely to give rise to significant adverse impacts. When taken in the context of the level of mitigation

proposed by this application, and indeed the mitigation which will be secured by other applications, officers consider this to be an appropriate conclusion in respect of cumulative impacts.

The 2018 NPPF does not alter the above assessment.

Consultee Comments

The majority of consultee concerns/comments have been addressed with the relevant sections above.

The detailed comments of the Access and Equalities Officer and the Police Architect Liaison Officer (listed in full above) have been noted. Indeed the importance of creating safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion is explicitly identified by paragraph 58 of the NPPF in the context of requiring good design. **This stance has been carried to Chapter 8 (Promoting health and safe communities) of the NPPF 2018.** Given the outline nature of the development it is not possible (nor appropriate) to interrogate the development at the level of detail referred to by these comments. Nevertheless it is considered reasonable to include an informative drawing attention to the principles of Secured by Design and the requirements of Building Regulations. It should however be noted that the final street hierarchy will be designed such that fire appliances will be able to reach within 45m of any residential dwelling and the maximum carry distance for refuse collection be 25m.

Overall Planning Balance and Conclusions

This planning application represents an opportunity to deliver one of the Council's allocated Strategic Urban Extension sites. The delivery of housing, in this case promoted by a national housebuilder is a significant material planning consideration. That said it is equally necessary to ensure that an acceptable form of development takes place, including required mitigation. A development of this scale will inevitably have impacts and will inevitably change the existing character of the location. However, it does not follow that a significant change must equate to unacceptable harm.

Following extensive negotiations the Local Planning Authority is satisfied that subject to conditions and an appropriate S106 Agreement, appropriate mitigation can be secured which makes the development acceptable in overall terms. I am satisfied that the suite of parameter and framework documents submitted can be conditioned to govern any future reserved matters submissions, which in themselves will require more detail and supporting information. On the basis of all matters details above approval is recommended. **The above judgement is taken in the contact of the updated national policy position as published on July 24th 2018.**

RECOMMENDATION

That outline planning permission is approved subject to the conditions appended at Appendix 4 and the sealing of an associated Section 106 legal agreement on the basis of the contributions outlined in Appendix 5.

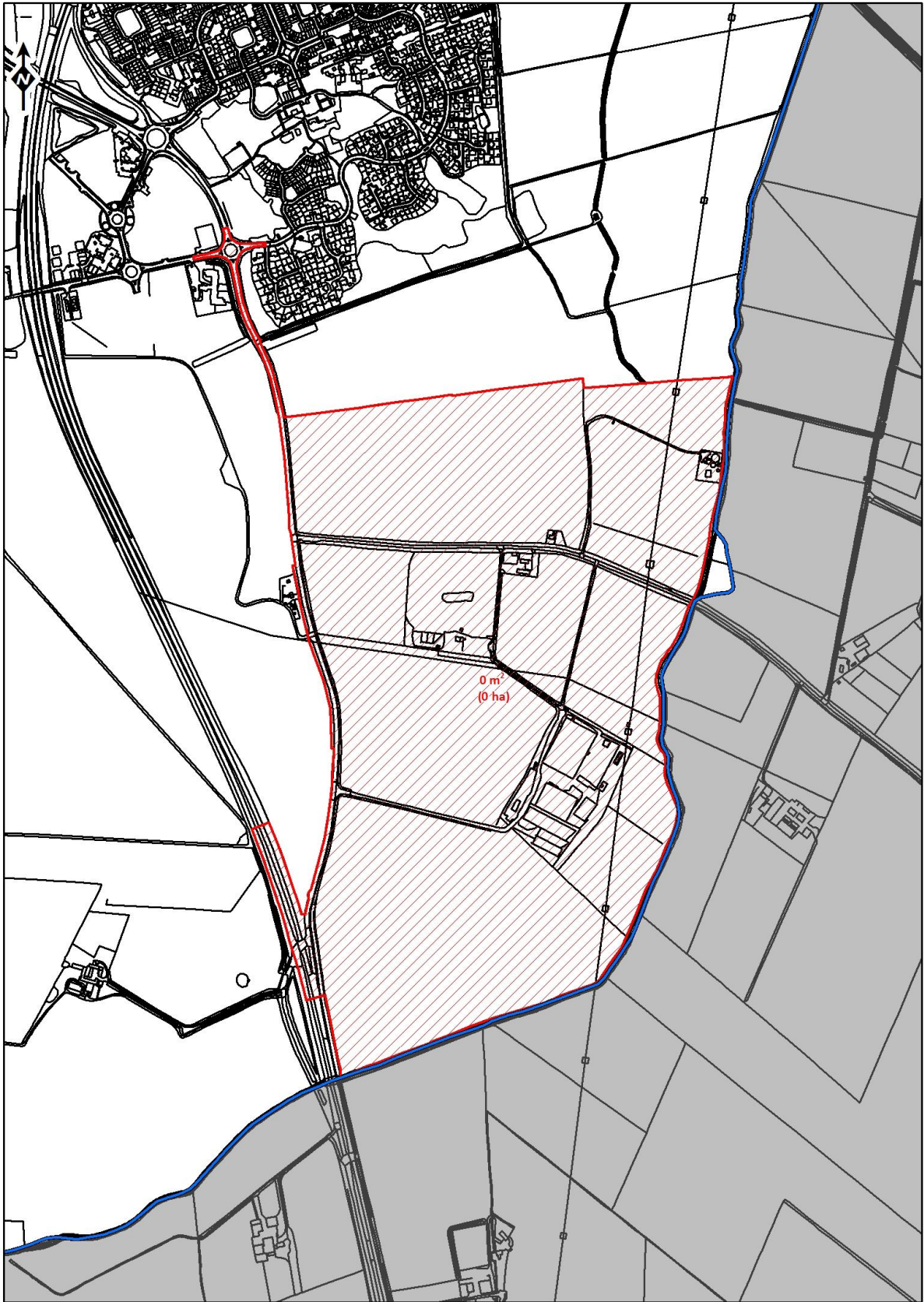
Background Papers

Application case file.

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

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

Matt Lamb
Business Manager Growth and Regeneration



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WHITE LAND STRATEGIES LTD
Viability Delivery Planning

White Land Strategies Limited
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Date: 11th September 2020

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Laura Gardner
Newark and Sherwood District Council
Castle House,
Great North Road
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Dear Laura

Viability Appraisal Review: Planning Application 16/00506/OUTM
Staged Appraisal Review Fernwood, Nottinghamshire

Further to your instruction to undertake the review of the viability assessment for the above project, I set out below my opinion on the outcome of the viability assessment at the two review stages. This review differs from usual viability testing in as much as the Applicant has sort to review the trigger for the clawback review from the S106 stated 594 completed dwellings to 840 dwellings.

The WLSL review has therefore sort to rebuild the whole 1800 unit scheme for consistency with the original assessment. The Applicant has only submitted appraisals up to each trigger point.

The WLSL review has therefore provided two appraisals effectively split into two parts, the first being the unit delivery up to 594/840 and the second part being the balance to 1800 units. On this basis the viability can be measured at both the completed scheme and the trigger point date.

This short report reviews the methodology, the inputs and considers the residual value outcome at each stage. The Applicant has confirmed no intention to review the amount of affordable housing or S106 but has requested the late review date on the basis that the first date is still carrying heavier infrastructure burdens so is less likely to be viable than at later stages.

WLSL concurs with this point in principle when there is a single review point as the ability to have a fair chance of measuring any improved viability is usually at a point when the site has become established from a marketing point of view, values are adjusting upwards and contingency based infrastructure costs become known and are likely to be a lower cost in the appraisal than in one that has contingency added to it.

METHODOLOGY/BASELINE

Firstly, the appraisal is submitted by the Applicant following the same methodology as the previous Planning Application submission. There were differences however following the initial review that required querying. The two areas needing to be addressed were:

1. The house types differed between the 594 and 840 unit as the NDSS was applied to later stage and the unit names/descriptions had been updated. As this created uncertainty in comparing the two phases the request to have both stages based on the same unit mix and size was requested which the Applicant revised accordingly
2. The second issue was the additional costs set out in the updated appraisals which were not set out as such in the original appraisal. This was queried and the additional costs were removed.

Largely the majority of the assumptions are in accordance with the original principles established at the outset for the S106 viability reviews. WLSL has followed the same methodology as per the previous assessment.

The objective is again to consider the reasonableness of the assumptions adopted by the Applicant but mainly to ensure consistency so that the Council can be advised of the real difference between the two trigger points.

APPLICANT APPROACH

Information regarding the scheme has again been provided by the Applicant via their advisors Atlas.

- The appraisal is submitted based on the same HCA DAT model as per the previous review, being a standard residual model
- Profit is fixed and land is residualised as the trigger test.
- The Affordable housing share and tenure remains as per the approved scheme

Viability testing can be either Land target based, or profit target based. The original Planning Application review conclusions for the 13% affordable housing model were profit based so the conclusions to this review will be profit based for consistency though a land value residual model has been run for comparison purposes.

GOVERNMENT POLICY GUIDANCE FOR VIABILITY TESTING

The Royal Institution of Chartered Surveyors (RICS): Financial Viability in Planning RICS Guidance Note 1st edition (GN 94/2012) August 2012

Whereby:

- An objective financial viability test of the ability of a development project to meet its costs including the cost of planning obligations, while ensuring an appropriate Site Value for the landowner and a market risk adjusted return to the developer in delivering that project.

National Planning Policy Framework 2019

The NPPF sets out the following basis for viability testing:

The key purpose of viability assessments is to demonstrate the impact on viability of policy costs. Where policy costs, assuming that the other assumptions are reasonable, contribute to a demonstrable lack of viability, then those costs are adjusted to a point where the scheme can be considered viable.

The most relevant extracts to viability assessment from the revised NPPF are summarised as follows:

- **Para 34:** The Development Plan should set out the contributions expected from the development to include setting out the levels and types of affordable housing provision required, along with other infrastructure (as needed for education, health, transport, flood and water management, green and digital infrastructure). Such policies should not undermine the deliverability of the plan.

- **Para 57:** Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. 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, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force. All viability assessments, including any undertaken at the plan-making stage, should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available. The standardised inputs are set out in the PPG.

Planning Practice Guidance (PPG) on viability

This guidance relates to both plan making and the use of viability in decision making. The PPG states “Viability assessment is a process of assessing whether a site is financially viable, by looking at whether the value generated by a development is more than the cost of developing it.

This includes looking at the key elements of gross development value, costs, land value, landowner premium, and developer return...” “...In plan making and decision making viability helps to strike a balance between the aspirations of developers, landowners, in terms of returns against risk, and the aims of the planning system to secure maximum benefits in the public interest through the granting of planning permissions.”

The PPG also states that contributions should be realistic and not compromise sustainability and that the Cumulative costs of ‘all relevant policies’ will not undermine deliverability.

The revised PPG retains the assumption that the landowner should receive a land value based on Existing Use Value plus a Premium and that this reasonable incentive is equal to the minimum a willing landowner would be willing to sell the land for. Equally the developer will require sufficient return in order that the site comes forward for development. The incentive would not apply in this context.

The test arising from this approach is whether net residual (development) value or cost or profit, as demonstrated by a residual appraisal, exceeds a relevant and appropriate benchmark value or cost or profit by an adequate margin, while also assuming an adequate commercial return to the developer.

This enhanced value basis is usually reflected as a minimum value per gross acre in the case of agricultural or other low value land or evidenced by a third party Red Book valuation or sustainable methodology to determine a reasonable value.

The premium over EUV/Alternative Use Value and/or application of minimum value, as appropriate, is recognised as necessary since a landowner is likely to have to bear costs, such as relocation (where the business is retained, taxation, the cost, time and effort involved in obtaining planning permission etc. to bring their land forward for development to the change of use consent, as well as requiring an element of ‘profit’, in the form of value-enhancement, for doing so.

Reference to a consistent method of benchmarking minimum value as a 'threshold' against which residual land value for development can be compared, rather than attempting to reflect or justify actual price paid (or agreed to be paid) by a specific developer, is recognised in the PPG but was already common practice and recognised as a fairer approach when determining viability.

This avoids potential arguments, for example, as to whether the developer may have paid too much for the land and that as a result provision of public infrastructure should then be at risk in mitigating the overpayment.

Application in this Development site context

There are key assumptions which are consistent with previous assessments:

- *The site uses a fixed profit input. The residual land target has no premium applied to it and the adopted target figure is as per the original rate discounted in the WLSL review. This forms the basis of the Existing Use Value (EUV) approach.*
- *Profit on GDV is at an agreed benchmark rate. The rate is fixed at a blended rate of 20% on Open Market GDV and 6% on Affordable Housing GDV.*
- *The sales values and build costs are based as per the original modelling.*

APPLICANT POSITION

As per previous assessments the same viability issue is assumed. The Applicant states that the project is offering the 13% affordable housing offer. As such only the relative impact of the trigger point is being considered.

APPLICANT ASSUMPTIONS

This report provides an independent view as to whether the assumption to delay the trigger point is reasonable in the context of the information supplied.

The appraisal undertaken by the Applicant has been reviewed and re-modelled accordingly.

Threshold Land Values

Remains as per the original lowered price based on £100,000 per acre equating to £23,136,000.

Gross Development Value

Open market sales are based on an average value of £205.75 psft. Affordable values are set at 81.65% of Open Market for the Discount to Market Value properties (DOMV) and the Affordable Rent is set at 48.6% of Open Market Value

As this is a refresh of the original assumptions resubmitted to test the different residual outcomes of the trigger the values are acceptable. The affordable housing percentages are reasonable.

Build Costs

As raised earlier build costs were queried as the submitted appraisal had higher costs. On querying with the Applicant's agent, the build costs were fixed at the lower price.

The stated build cost on replicating the original varies between the tenures. The OM units build costs are set at £91.45 psft, the Affordable Rented properties are set at £94.08 psft and the DOMV units at a lower £76.13 psft.

The current 5 year BCIS for the area is exceeding the Applicant's assumptions so the build costs for the purpose of the viability assessment are reasonable.

Externals

These costs were added to the Applicant's appraisal which added c£7.8m of costs that were not included in the original Planning Application assessment. These costs have been removed from the current review as the externals costs were embedded within the original build costs as a matter of principle.

Abnormal Costs

Abnormal/Infrastructure costs of £38,547,712 equating to £21,511 per unit are adopted. The cost per unit is high and was a factor in the reduction in the affordable housing at the time of the original Planning Application. The cost is assumed at the same level as part of this review, which was a reduction to the amount as originally submitted. There is no new information to review regarding the infrastructure costs, so these are considered reasonable.

Section 106 and CIL Contributions

In accordance with the Planning Application viability assessment the scheme would be due to contribute to S106 to Education, Health and Council costs. Both submitted early phase appraisals assume Education and Council costs, but the 840 unit version also includes additional health contributions of £340,000. The 594 unit scheme assumes contributions of £3,582,586 (£6,031 per unit) and the 840 unit scheme assumes S106 contributions of £5,247,512 (£6,247 per unit).

The WLSL modelling, in the absence of seeing a combined 1800 unit scheme appraisal has reverted to the original S106 sum and assumed a pro rata £5,889 per unit throughout the 1800 units. This is assumed to be consistent with the Applicant's original position. If the S106 has simply been triggered sooner (i.e. a greater proportion needs to be phased earlier) than the averaged assumption suggests then the WLSL average cost basis may be underestimating S106 in the early phase, however in the absence of further detail the LPA will need to confirm this position.

The WLSL model assumes a total S106 of £10.6m with £3.498m delivered as part of the 594 unit scheme and £4.946m delivered by 840 units.

CIL is also assumed and at a rate of £4.65 psft (£50 psm). The WLSL adopts the higher £5.38 psft (£57.90 psm) delivered pro rata. The WLSL rate is the same contribution assumed at the original Planning Application stage.

Contingency

A 2.5% contingency has been included within the build costs by the Applicant. This is considered reasonable.

Professional Fees

Fees of 8% of costs have been adopted. The fees rate could be considered high in terms of recent viability assessment averages but was the adopted rate at the time of the review.

Acquisition

Agent fees are assumed at 1.00%. A legal transaction fee has been allowed for at 0.75%. The legal fee could be considered a little high given recent experience which models more usually at 0.5%, but was the adopted rate at the time of the review.

A Stamp Duty allowance is applied to the fixed price at 4%. This is below the rate that would actually be paid which is modelled in the WLSL appraisal at 4.95%.

Disposal Fees

Marketing fees combined with agent's fees are assumed at 2%. The legal fee is assumed at £500 per unit. The RP disposal fees are assumed at £57,000 per tenure. In reality there may not be a necessity for this scheme to assume both a cost to the developer to dispose to the RP as well as the RP purchase costs, though in reality the reasonableness test would relate to the overall costs to dispose which when combined are not unreasonable.

Finance Rate

Finance costs are assumed at 6.00% in the Applicant modelling. As the Applicant has not provided the full 1800 unit scheme it is not possible to model the cashflow on the whole development. The original scheme was modelled at 6.5% finance costs. 6% is a more appropriate rate to use current day, however, in the same way the build costs were adjusted to be consistent with the original modelling the WLSL appraisals adopt a 6.5% rate.

Profit

Profit is assumed at 20% of Open Market GDV and 6% of Affordable housing GDV. The NPPF requires that LPA's assess the risk of a scheme to determine where within the NPPF range of 15-20% profit on OM GDV a scheme should be. In reality most larger schemes are tested at 20% OM GDV or where schemes are considered high risk or longer term where large infrastructure burdens are a high percentage of costs.

In the context of this scheme the infrastructure burden is a high proportion of the costs relative to the values achievable so the scheme would be relatively higher risk than a simple scheme average scheme. The profit would therefore be considered reasonable.

The following table summarises the appraisal inputs:

Summary of Assumptions

Appraisal Item	Applicant	WLSL Baseline
Land cost	£100k per acre £23,136,000 used as BLV target	As per Applicant but fixed at £100k per acre £23,136,000
Build Cost	£91 psft base build costs plus overheads and externals	£76.13 psft - £94.08 psft Including externals by agreement
Section 106	594 units £3,582,586 (£6031 p/unit) 840 units £5,247,512 (£6,247 p/unit).	Total S106 of £10.6m 594 units £3.498m 840 units £4.946m Average £5,889 per unit
Contingency	2.5%	As per Applicant
Professional fees	8%	As per Applicant
Acquisition Fees	Sales 1% Legal 0.75% Stamp Duty 4%	As per Applicant Stamp Duty 4.95%
Disposal Fees	Marketing 2% Legal £500 per unit RP sales £243 per unit	As per Applicant
Finance	6%	Tested at 6.5%
Profit	20% OMGDV 6% AH scheme	As per Applicant but used as Residual Viability Target measure

Summary of Applicant's Position

As set out above the appraisals the Applicant's Residuals are as follows:

- 594 unit scheme produces a residual land value of -£5,064,051 for the 594 units. The assumption being that the 1800 unit scheme equates to the full BLV.
- 840 unit scheme produces a residual land value of +£795,848 for the 840 units. The assumption being that the 1800 unit scheme equates to the full BLV.

In each of the above outcomes the BLV target is above the residual value output. These are summarised below:

- In the case of the 594 unit scheme the target BLV is £7,904,000
- In the case of the 840 unit scheme the target BLV is £11,189,100

Neither trigger point review is close to meeting the target BLVs above. The relative improvement in residual value is noticeably better in the 840 unit showing at least a positive residual albeit it is some -£10.393m below target.

WLSL APPRAISALS

WLSL has remodelled the Applicant's appraisal to determine that the methodology and mathematics in the appraisal are modelled correctly. It can be confirmed that the modelling is correct.

The residual Models are both running inconsistent outputs in comparison to the Applicant models due to the lack of cashflow details in relation to the whole scheme so to report on a residual land value basis is not appropriate.

The WLSL models based on fixed land and residual profit report the following:

	Version	Residual Profit £	Residual Profit %	Difference to 20% trigger / Viable
App 1	WLSL 594	£4,880,929	1.08%	Unviable
App 1a	WLSL Balance	£60,044,051	28.21%	Viable
App 1b	WLSL 1800	£62,580,419	19.70%	Viable
App 2	WLSL 840	£13,262,275	8.85%	Unviable
App 2a	WLSL Balance	£47,293,842	27.99%	Viable
App 2b	WLSL 1800	£62,324,128	19.55%	Viable

- App 1 / 2 represents the trigger point appraisal.
- App 1a / 2a is the balancing units remaining following the trigger point
- App 1b / 2b is the whole appraisal consolidated

Appraisals Results

As per the analysis above the clear conclusion is that the earlier trigger date of 594 units is unviable but also that it is relatively less unviable than the 840 unit trigger point.

The second important factor in the above table is the line 2 (1a and 2a) where the remaining units post-trigger profit is significantly higher but also significantly higher than the target viability outcome.

The third line (App 1b and 2b) is the consolidated appraisal where the schemes are treated as one and the cashflows of the two separate parts are combined. Each appraisal is viable in its consolidated format.

SUMMARY CONCLUSION

In summary the majority of the assumptions are reasonable and are on or below benchmarks and in accordance with the parameters set out in the original review. The WLSL modelling adopted savings at the original review and this review has removed additional costs submitted by the Applicant and reduced the appraisal baseline back to the original assumptions.

The clear conclusion is that the earlier the trigger point in the scheme the lower the viability outcome due largely to the cashflow implications of early infrastructure delivery and early S106 payments.

As the scheme progresses to the 840 unit trigger the viability has improved from a 1.08% profit residual to an 8.85% residual profit. This is an improvement of £8.3m equating to a plus 7.77% for 246 additional units.

The line 3 conclusions show that there is surplus in the second phase that would improve the outcome further.

Whilst the brief did not include running additional models at later trigger points it is likely that a trigger point appraisal undertaken later in the scheme would produce a further enhanced residual outcome.

Additional Affordable Housing Units Objective

It is understood that the objective of the LPA is to seek additional affordable housing units from the review mechanism. In terms of this objective the following is clear:

- The 594 unit trigger review appraisal in its current format will not deliver sufficient return to justify enhanced affordable housing units; and
- The 840 unit trigger review appraisal in its current format is considerably more viable but still some considerable distance from the viability target threshold so this later trigger will also not deliver sufficient return to justify enhanced affordable housing units

RECOMMENDATION

- It would be recommended that if there is to be a review and it is either a 594 or 840 dwelling trigger the later 840 unit trigger would be the recommended option as the viability is clearly improving over the lifetime of the development.
- Secondly if there is the option for the LPA to consider a later trigger point again, beyond 840 units, whilst the number of units remaining is diminishing and therefore the opportunity number of units will be lower, there is likely to be a greater chance of an improved viability outcome that may provide the Council with an enhanced contribution from the Applicant.

The WLSL findings concur with Applicant that the scheme would benefit from the later dated review trigger.

Regards



Chris White
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for and on behalf of White Land Strategies Ltd.

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Appendices – WLSL Appraisals

2020 594 balance to 1800

TargProf £62.0m (19.55%): resid prof 19.7%

594 breakdown: 1.08% Profit

APPRAISAL SUMMARY**WHITE LAND STRATEGIES LTD**

2020 594 balance to 1800

TargProf £62.0m (19.55%): resid prof 19.7%

594 breakdown: 1.08% Profit

Appraisal Summary for Phase 1 Residential 594

Currency in £

REVENUE

Sales Valuation	Units	ft ²	Sales Rate ft ²	Unit Price	Gross Sales
OM Units	517	472,274	206.00	188,179	97,288,444
AH AR All units average	40	29,139	116.44	84,825	3,392,987
AH DOMV All units average	<u>37</u>	<u>26,672</u>	155.00	111,734	<u>4,134,160</u>
Totals	594	528,085			104,815,591

NET REALISATION**104,815,591****OUTLAY****ACQUISITION COSTS**

Fixed Price	23,136,000				
Fixed Price (231.36 Acres @ 100,000.00 /Acre)			23,136,000		
Stamp Duty			1,146,300		23,136,000
Effective Stamp Duty Rate	4.95%				
Agent Fee	1.00%		231,360		
Legal Fee	0.75%		173,520		
					1,551,180

CONSTRUCTION COSTS

Construction	ft ²	Build Rate ft ²	Cost	
OM Units	472,274	91.15	43,047,775	
AH AR All units average	29,139	94.08	2,741,397	
AH DOMV All units average	<u>26,672</u>	76.13	<u>2,030,539</u>	
Totals	528,085 ft²		47,819,712	
Contingency		2.50%	1,195,493	
Abnormals	594 un	21,511.00 /un	12,777,534	
S106	594 un	5,889.00 /un	3,498,066	
CIL	498,946 ft ²	5.38	2,684,329	
				67,975,134

PROFESSIONAL FEES

Professional Fees	8.00%	3,825,577		
				3,825,577

DISPOSAL FEES

Sales / Letting		2.00%	2,028,452	
RP Sales	40 un	203.00 /un	8,120	
Sales Legal Fee	554 un	500.00 /un	277,000	
				2,313,572

FINANCE

Debit Rate 6.500%, Credit Rate 0.000% (Nominal)				
Land			3,600,312	
Construction			1,254,035	
Other			26,582	
Total Finance Cost				4,880,929

TOTAL COSTS**103,682,392****PROFIT****1,133,199****Performance Measures**

Profit on Cost%	1.09%
Profit on GDV%	1.08%
Profit on NDV%	1.08%

2020 594 balance to 1800

TargProf £62.0m (19.55%): resid prof 19.7%

594 breakdown: 1.08% Profit

IRR	8.09%
Profit Erosion (finance rate 6.500)	2 mths

2020 594 balance to 1800

TargProf £62.0m (19.55%): resid prof 19.7%

594 breakdown: 1.08% Profit

2020 594 balance to 1800
 TargProf £62.0m (19.55%): resid prof 19.7%
 594 breakdown: 1.08% Profit

Appraisal Summary for Phase 2 Residential Balance 1206

Currency in £

REVENUE

Sales Valuation	Units	ft ²	Sales Rate ft ²	Unit Price	Gross Sales
OM Units	1,050	959,164	206.00	188,179	197,587,749
AH AR All units average	81	59,006	116.44	84,825	6,870,799
AH DOMV All units average	<u>75</u>	<u>54,065</u>	155.00	111,734	<u>8,380,054</u>
Totals	1,206	1,072,235			212,838,602

NET REALISATION **212,838,602**

OUTLAY

CONSTRUCTION COSTS

Construction	ft ²	Build Rate ft ²	Cost
OM Units	959,164	91.15	87,427,783
AH AR All units average	59,006	94.08	5,551,329
AH DOMV All units average	<u>54,065</u>	76.13	<u>4,115,958</u>
Totals	1,072,235 ft²		97,095,070

97,095,070

40,922,947

Contingency		2.50%	2,427,377
Abnormals	1,206 un	21,511.00 /un	25,942,266
S106	1,206 un	5,889.00 /un	7,102,134
CIL	1,013,229 ft ²	5.38	5,451,170

PROFESSIONAL FEES

Professional Fees		8.00%	7,767,606
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7,767,606

DISPOSAL FEES

Sales / Letting		2.00%	4,119,356
RP Sales	81 un	2,022.00 /un	163,782
Sales Legal Fee	1,125 un	500.00 /un	562,500

4,845,638

FINANCE

Debit Rate 6.500%, Credit Rate 0.000% (Nominal)			
Construction			2,163,289
Total Finance Cost			2,163,289

TOTAL COSTS **152,794,551**

PROFIT **60,044,051**

Performance Measures

Profit on Cost%	39.30%
Profit on GDV%	28.21%
Profit on NDV%	28.21%

IRR 32.58%

Profit Erosion (finance rate 6.500) 5 yrs 2 mths

2020 594 balance to 1800

TargProf £62.0m (19.55%): resid prof 19.7%

594 breakdown: 1.08% Profit

APPRAISAL SUMMARY**WHITE LAND STRATEGIES LTD**

2020 594 balance to 1800

TargProf £62.0m (19.55%): resid prof 19.7%

594 breakdown: 1.08% Profit

Appraisal Summary for Merged Phases 1 2

Currency in £

REVENUE

Sales Valuation	Units	ft ²	Sales Rate ft ²	Unit Price	Gross Sales
OM Units	517	472,274	206.00	188,179	97,288,444
AH AR All units average	40	29,139	116.44	84,825	3,392,987
AH DOMV All units average	37	26,672	155.00	111,734	4,134,160
OM Units	1,050	959,164	206.00	188,179	197,587,749
AH AR All units average	81	59,006	116.44	84,825	6,870,799
AH DOMV All units average	<u>75</u>	<u>54,065</u>	155.00	111,734	<u>8,380,054</u>
Totals	1,800	1,600,320			317,654,193

NET REALISATION**317,654,193****OUTLAY****ACQUISITION COSTS**

Fixed Price	23,136,000			
Fixed Price (231.36 Acres @ 100,000.00 /Acre)		23,136,000		
			23,136,000	
Stamp Duty			1,146,300	
Effective Stamp Duty Rate	4.95%			
Agent Fee	1.00%	231,360		
Legal Fee	0.75%	173,520		
				1,551,180

CONSTRUCTION COSTS

Construction	ft ²	Build Rate ft ²	Cost	
OM Units	472,274	91.15	43,047,775	
AH AR All units average	29,139	94.08	2,741,397	
AH DOMV All units average	26,672	76.13	2,030,539	
OM Units	959,164	91.15	87,427,783	
AH AR All units average	59,006	94.08	5,551,329	
AH DOMV All units average	<u>54,065</u>	76.13	<u>4,115,958</u>	
Totals	1,600,320 ft²		144,914,782	
Contingency		2.50%	3,622,870	
Abnormals	1,800 un	21,511.00 /un	38,719,800	
S106	1,800 un	5,889.00 /un	10,600,200	
CIL	1,512,175 ft ²	5.38	8,135,500	
				205,993,151

PROFESSIONAL FEES

Professional Fees	8.00%	11,593,183		
			11,593,183	

DISPOSAL FEES

Sales / Letting		2.00%	6,147,808	
RP Sales	40 un	203.00 /un	8,120	
RP Sales	81 un	2,022.00 /un	163,782	
Sales Legal Fee	1,679 un	500.00 /un	839,500	
				7,159,210

FINANCE

Debit Rate 6.500%, Credit Rate 0.000% (Nominal)				
Total Finance Cost				5,641,050

TOTAL COSTS**255,073,774****PROFIT****62,580,419**

2020 594 balance to 1800**TargProf £62.0m (19.55%): resid prof 19.7%****594 breakdown: 1.08% Profit****Performance Measures**

Profit on Cost%	24.53%
Profit on GDV%	19.70%
Profit on NDV%	19.70%
IRR	17.06%
Profit Erosion (finance rate 6.500)	3 yrs 5 mths

2020 840 balance to 1800 (960 units)
TargProf £62.0m 19.59%: resid prof 19.55%
840 breakdown: 8.8% on 840 units

APPRAISAL SUMMARY**WHITE LAND STRATEGIES LTD**

2020 840 balance to 1800 (960 units)
 TargProf £62.0m 19.59%: resid prof 19.55%
 840 breakdown: 8.8% on 840 units

Appraisal Summary for Phase 1 Residential 840

Currency in £

REVENUE

Sales Valuation	Units	ft ²	Sales Rate ft ²	Unit Price	Gross Sales
OM Units	731	679,830	205.75	191,348	139,875,023
AH AR All units average	56	35,887	100.01	64,090	3,589,059
AH DOMV All units average	53	38,160	168.00	120,960	6,410,880
Totals	840	753,877			149,874,961

NET REALISATION**149,874,961****OUTLAY****ACQUISITION COSTS**

Fixed Price	23,136,000				
Fixed Price (231.36 Acres @ 100,000.00 /Acre)			23,136,000		
Stamp Duty			1,146,300		23,136,000
Effective Stamp Duty Rate	4.95%				
Agent Fee	1.00%		231,360		
Legal Fee	0.75%		173,520		
					1,551,180

CONSTRUCTION COSTS

Construction	ft ²	Build Rate ft ²	Cost	
OM Units	679,830	91.45	62,170,453	
AH AR All units average	35,887	94.08	3,376,249	
AH DOMV All units average	38,160	76.13	2,905,121	
Totals	753,877 ft²		68,451,823	
Contingency		2.50%	1,711,296	
Abnormals	840 un	21,511.00 /un	18,069,240	
S106	840 un	5,889.00 /un	4,946,760	
CIL	717,990 ft ²	5.38	3,862,786	
				97,041,905

PROFESSIONAL FEES

Professional Fees	8.00%	5,476,146		
				5,476,146

DISPOSAL FEES

Sales / Letting		2.00%	2,925,718	
RP Sales	56 un	203.00 /un	11,368	
Sales Legal Fee	784 un	500.00 /un	392,000	
				3,329,086

FINANCE

Debit Rate 6.500%, Credit Rate 0.000% (Nominal)				
Land			4,466,980	
Construction			1,611,390	
Total Finance Cost				6,078,370

TOTAL COSTS**136,612,687****PROFIT****13,262,275****Performance Measures**

Profit on Cost%	9.71%
Profit on GDV%	8.85%
Profit on NDV%	8.85%

2020 840 balance to 1800 (960 units)**TargProf £62.0m 19.59%: resid prof 19.55%****840 breakdown: 8.8% on 840 units**

IRR 12.92%

Profit Erosion (finance rate 6.500) 1 yr 5 mths

2020 840 balance to 1800 (960 units)
TargProf £62.0m 19.59%: resid prof 19.55%
840 breakdown: 8.8% on 840 units

2020 840 balance to 1800 (960 units)
 TargProf £62.0m 19.59%: resid prof 19.55%
 840 breakdown: 8.8% on 840 units

Appraisal Summary for Phase 2 Residential Balance 960

Currency in £

REVENUE

Sales Valuation	Units	ft ²	Sales Rate ft ²	Unit Price	Gross Sales
OM Units	835	762,764	205.75	187,950	156,938,614
AH AR All units average	64	46,622	100.01	72,855	4,662,706
AH DOMV All units average	61	43,973	168.00	121,105	7,387,423
Totals	960	853,359			168,988,744

NET REALISATION

168,988,744

OUTLAY

CONSTRUCTION COSTS

Construction	ft ²	Build Rate ft ²	Cost
OM Units	762,764	91.15	69,525,904
AH AR All units average	46,622	94.08	4,386,235
AH DOMV All units average	43,973	76.13	3,347,646
Totals	853,359 ft²		77,259,785

77,259,785

32,575,736

Contingency		2.50%	1,931,495
Abnormals	960 un	21,511.00 /un	20,650,560
S106	960 un	5,889.00 /un	5,653,440
CIL	806,736 ft ²	5.38	4,340,242

PROFESSIONAL FEES

Professional Fees		8.00%	6,180,783
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6,180,783

DISPOSAL FEES

Sales / Letting		2.00%	3,286,521
RP Sales	64 un	2,022.00 /un	129,408
Sales Legal Fee	896 un	500.00 /un	448,000

3,863,929

FINANCE

Debit Rate 6.500%, Credit Rate 0.000% (Nominal)			
Construction			1,814,668
Total Finance Cost			1,814,668

TOTAL COSTS

121,694,901

PROFIT

47,293,842

Performance Measures

Profit on Cost%	38.86%
Profit on GDV%	27.99%
Profit on NDV%	27.99%

IRR 35.57%

Profit Erosion (finance rate 6.500) 5 yrs 1 mth

2020 840 balance to 1800 (960 units)
TargProf £62.0m 19.59%: resid prof 19.55%
840 breakdown: 8.8% on 840 units

APPRAISAL SUMMARY**WHITE LAND STRATEGIES LTD**

2020 840 balance to 1800 (960 units)
 TargProf £62.0m 19.59%: resid prof 19.55%
 840 breakdown: 8.8% on 840 units

Appraisal Summary for Merged Phases 1 2

Currency in £

REVENUE

Sales Valuation	Units	ft ²	Sales Rate ft ²	Unit Price	Gross Sales
OM Units	731	679,830	205.75	191,348	139,875,023
AH AR All units average	56	35,887	100.01	64,090	3,589,059
AH DOMV All units average	53	38,160	168.00	120,960	6,410,880
OM Units	835	762,764	205.75	187,950	156,938,614
AH AR All units average	64	46,622	100.01	72,855	4,662,706
AH DOMV All units average	<u>61</u>	<u>43,973</u>	168.00	121,105	<u>7,387,423</u>
Totals	1,800	1,607,236			318,863,705

NET REALISATION**318,863,705****OUTLAY****ACQUISITION COSTS**

Fixed Price	23,136,000				
Fixed Price (231.36 Acres @ 100,000.00 /Acre)			23,136,000		
				23,136,000	
Stamp Duty			1,146,300		
Effective Stamp Duty Rate	4.95%				
Agent Fee	1.00%		231,360		
Legal Fee	0.75%		173,520		
					1,551,180

CONSTRUCTION COSTS

Construction	ft ²	Build Rate ft ²	Cost		
OM Units	679,830	91.45	62,170,453		
AH AR All units average	35,887	94.08	3,376,249		
AH DOMV All units average	38,160	76.13	2,905,121		
OM Units	762,764	91.15	69,525,904		
AH AR All units average	46,622	94.08	4,386,235		
AH DOMV All units average	<u>43,973</u>	76.13	<u>3,347,646</u>		
Totals	1,607,236 ft²		145,711,608		
Contingency		2.50%	3,642,790		
Abnormals	1,800 un	21,511.00 /un	38,719,800		
S106	1,800 un	5,889.00 /un	10,600,200		
CIL	1,524,726 ft ²	5.38	8,203,028		
					206,877,426

PROFESSIONAL FEES

Professional Fees	8.00%	11,656,929			
					11,656,929

DISPOSAL FEES

Sales / Letting		2.00%	6,212,239		
RP Sales	56 un	203.00 /un	11,368		
RP Sales	64 un	2,022.00 /un	129,408		
Sales Legal Fee	1,680 un	500.00 /un	840,000		
					7,193,015

FINANCE

Debit Rate 6.500%, Credit Rate 0.000% (Nominal)					
Total Finance Cost					6,125,027

TOTAL COSTS**256,539,577****PROFIT****62,324,128**

2020 840 balance to 1800 (960 units)**TargProf £62.0m 19.59%: resid prof 19.55%****840 breakdown: 8.8% on 840 units****Performance Measures**

Profit on Cost%	24.29%
Profit on GDV%	19.55%
Profit on NDV%	19.55%
IRR	16.84%
Profit Erosion (finance rate 6.500)	3 yrs 4 mths

Conditions and Informatives for 16/00506/OUTM

Commencement	01	<p>The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved on any phase, whichever is the later.</p> <p>Reason: To conform with Section 92 (2) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.</p>
Time period	02	<p>The reserved matters application for the first phase or sub phase of the development shall be made to the Local Planning Authority before the expiration of five years from the date of this permission and all subsequent reserved matters applications shall be submitted before the expiration of fifteen years from the date of this permission.</p> <p>Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.</p>
Reserved Matters	03	<p>Details of the appearance, landscaping, layout (including internal accesses) and scale ('the reserved matters') for each phase or sub phase of the development (pursuant to Condition 4 (Phasing) of the development shall be submitted to and approved in writing by the local planning authority before development in that phase or sub phase begins and the development shall be carried out as approved.</p> <p>Reason: This is a planning permission in outline only and the information required is necessary for the consideration of the ultimate detailed proposal to comply with the requirements of Section 92 of TCP Act 1990, as amended by Section 51 of the Planning & Compulsory Purchase Act 2004 and for reasons of sustainable travel and highway capacity.</p>
Phasing	04	<p>The development hereby approved shall be implemented in accordance with the Phasing Plan (drawing no. 6534-L-06) and each reserved matters application for each phase or sub phase of the development shall be accompanied by an up to date phasing plan and phasing programme which includes details as follows:</p> <ol style="list-style-type: none"> I. Development area or parcels, including broad areas, range of residential unit numbers and/or floorspace or non-residential uses. II. Site accesses and major internal infrastructure including internal roads, pedestrian and cycle crossings, footpaths, cycleways and bus stop infrastructure.

		<p>III. Confirmation of the timescale for the implementation of the off-site highway infrastructure including highway improvements/traffic management.</p> <p>IV. Timing and delivery of the associated Green Infrastructure within that phase (including public open space, formal sports recreation facilities, allotments, NEAPs, LEAPs and associated parking facilities);</p> <p>unless otherwise agreed in writing by the Local Planning Authority.</p> <p>Reason: To ensure that the site is developed in a satisfactory manner and for the avoidance doubt.</p>
Plans	05	<p>Reserved matters submissions for any phase or sub phase hereby approved shall be carried out in accordance with the following plans:</p> <ul style="list-style-type: none"> • Parameters Plan A Application Boundary FPCR Drawing Reference No. 6534-L-01 • Parameters Plan B Land Use FPCR Drawing Reference No. 6534-L-02 • Parameters Plan C Residential Density FPCR Drawing Reference No. 6534-L-03 • Parameters Plan D Access FPCR Drawing Reference No. 6534-L-04 • Parameters Plan E Green Infrastructure FPCR Drawing Reference No. 6534-L-05 Rev A • Parameters Plan F Phasing FPCR Drawing Reference No. 6534-L-06 <p>unless otherwise agreed in writing by the Local Planning Authority.</p> <p>Reason: To ensure that the site is developed in a satisfactory manner and for the avoidance doubt.</p>
Design	06	<p>The submission of each reserved matters and the implementation of development shall be carried out in substantial accordance with the principles described and illustrated within the Illustrated Masterplan Ref 6534-L-07 rev. I and the Design and Access Statement. For the avoidance of doubt this should include changing facilities, toilets and car parking for the sporting provision to north of Shire Lane for the relevant phase or sub phase of the development.</p> <p>Reason: To ensure that the site is developed in a satisfactory manner and for the avoidance of doubt.</p>
	07	<p>Each application for reserved matters approval for each phase or sub phase of the development shall include a statement detailing how the application responds to the design principles contained within the Masterplan and Design and Access Statement on the following matters, subject to revisions agreed in writing by the Local Planning Authority;</p>

		<ul style="list-style-type: none"> • Place making including build form, design, scale, height and massing; • Design, materials, detailing and boundary treatment; • Movement including street hierarchy, connectivity and design principles; and • The design and function of landscaping, green infrastructure and open space <p>Reason: To ensure consistency with the Masterplan and Design and Access Statement and ensure the site is developed in a satisfactory manner.</p>
Development Quantum Residential	08	<p>The development hereby permitted authorises the erection of no more than 1800 dwellings falling within Use Class C3.</p> <p>Reason: To define the planning permission and to ensure the development takes the form agreed by the authority and thus results in a satisfactory form of development.</p>
Development Quantum Local Centre	09	<p>The development hereby permitted authorises no more than 0.75ha gross of Class E uses to be provided within a Local Centre as indicated on Parameters Plan B Land Use FPCR Drawing Reference No. 6534-L-02.</p> <p>Reason: To define the planning permission and to ensure appropriate development takes the form agreed by the authority and thus results in a satisfactory form of development.</p>
Development Quantum Specific Uses	10	<p>Within the Local Centre as indicated on Parameters Plan B Land Use FPCR Drawing Reference No. 6534-L-02, food retail uses shall not exceed 420sqm (gross floor area) with non-food retail not exceeding 115sqm.</p> <p>Community uses falling within Schedule 2, Part A Class E (d); (e); or (f) or Schedule 2 Part B Class F.2 (b); or (d) of the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 shall not exceed 1,413sqm and the sports pavilion shall not exceed 252sqm.</p> <p>The building shall not be used for any other use other than those specified.</p> <p>Reason: To define the planning permission and to ensure the development takes the form agreed by the authority and thus results in a satisfactory form of development.</p>
Land Contamination	11	<p>Unless otherwise agreed by the Local Planning Authority, development in any relevant phase or sub phase which has potential sources of contaminants as identified by the Preliminary Risk Assessment undertaken by RSK and dated December 2014, other than that required to be carried out as part of an approved scheme of remediation, must not commence until Parts A to D of this condition have been complied with. If</p>

	<p>unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until Part D has been complied with in relation to that contamination.</p> <p>Part A: Site Characterisation</p> <p>An investigation and risk assessment for the relevant phase or sub phase of the development, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:</p> <ul style="list-style-type: none"> (i) a survey of the extent, scale and nature of contamination; (ii) an assessment of the potential risks to: <ul style="list-style-type: none"> • human health; • property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes; • adjoining land; • ground waters and surface waters; • ecological systems; • archaeological sites and ancient monuments; (iii) an appraisal of remedial options, and proposal of the preferred option(s). <p>This must be conducted in accordance with DEFRA and the Environment Agency's <i>'Model Procedures for the Management of Land Contamination, CLR 11'</i>.</p> <p>Part B: Submission of Remediation Scheme</p> <p>A detailed remediation scheme for the relevant phase or sub phase of the development to bring the site to a</p>
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	<p>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.</p> <p>Part C: Implementation of Approved Remediation Scheme</p> <p>The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of the relevant phase or sub phase of the development, other than that required to carry out remediation and unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.</p> <p>Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.</p> <p>Part D: Reporting of Unexpected Contamination</p> <p>In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Part A, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Part B, which is subject to the approval in writing of the Local Planning Authority.</p> <p>Following completion of measures identified in the approved remediation scheme a verification report must be prepared for the relevant phase or sub phase of the development, which is subject to the approval in writing of the Local Planning Authority in accordance with Part C.</p> <p>Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure</p>
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		that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
Parking and Management Plan	12	<p>The reserved matters application for the relevant phase or sub phase of the development relating to the delivery of the primary school shall include a parking and management plan (including appropriate provision to utilise car parks associated with the Local Centre and a school safety zone which shall include appropriate signing, lining, traffic calming, coloured surfacing, and parking restrictions) and shall be submitted to and approved in writing by the local planning authority.</p> <p>Reason: To ensure that the site is developed in a satisfactory manner and for the avoidance of doubt.</p>
Construction Management Plan	13	<p>No development shall take place on any phase or sub phase of the development until a Construction Environmental Management Plan (CEMP) for that phase or sub phase of the development has been submitted to and approved in writing by the local planning authority. The CEMP shall be updated if required as part of each Reserved Matters submission for each phase or sub phase of the development. The approved CEMP shall be adhered to throughout the construction period. The CEMP shall set the overall strategies for the following showing explicit regard for all existing neighbouring receptors:</p> <ul style="list-style-type: none"> • the parking of vehicles of site operatives and visitors including manoeuvring arrangements; • loading and unloading of plant and materials; • storage of plant and materials used in constructing the development; • the proposed site compound; • the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate; • wheel and vehicle body washing facilities; • provision of road sweeping facilities; • measures to control the emission of noise, dust and dirt during construction; • a Site Waste Management Scheme for recycling/disposing of waste resulting from demolition and construction works; • a Materials Management Plan (MMP) to address the storage and handling of materials; • a Noise Mitigation Scheme (NMS) designed to minimise noise levels during construction such as adopting Code of Construction Practice, adopting principles of Best Practicable Means to reduce noise levels during construction work; • the means of access and routeing strategy for construction traffic;

		<ul style="list-style-type: none"> • details of construction traffic signage; • management and procedures for access by abnormal loads; • a strategy to control timings of deliveries to avoid the morning and evening peak travel times where possible; • hours of construction work; • a construction Travel Plan; • management of surface water run-off, including details of a temporary localised flooding management system; • the storage of fuel and chemicals; • the control of temporary lighting; • measures for the protection of retained trees, hedgerows and watercourses as identified in Tree Survey and Constraints Report dated 19th October 2015; • Appropriate controls for the storage of hazardous materials and fuel storage and filling areas • A scheme to demonstrate how reasonable access to existing properties bordering the site will be maintained during development <p>Reason: To ensure appropriate mitigation for the impact on residential amenity caused by the construction phases of the development and to reflect the scale and nature of development assessed in the submitted Environmental Statement and to accord with the objectives of the NPPF and Newark and Sherwood Core Strategy Policies CP9, CP12, CP13 and NAP2C and in line with the ES.</p>
<p>Phased Noise Attenuation submitted with each RMA</p>	<p>14</p>	<p>Each reserved matters application for each phase or sub phase of the development hereby approved shall be accompanied by a Noise Assessment and where necessary a Noise Attenuation / Mitigation Scheme shall be submitted to and approved in writing by the Local Planning Authority. The approved attenuation scheme shall be implemented on site prior to first occupation of any dwelling in that phase or sub phase or to an alternative implementation timetable as may be agreed in writing by the Local Planning Authority.</p> <p>Reason: To ensure that noise levels, specifically from the A1 Trunk Road are appropriately mitigated and that the mitigation measures are implemented in a timely manner. This condition accords with the expectations of the Environmental Statement submitted as part of this application and to ensure that the development accords with Policies DM5 and the NPPF.</p>
<p>Noise of plant</p>	<p>15</p>	<p>All new buildings containing plant and/or machinery or fixed external plant should be attenuated to achieve the noise criteria of 5dB below the measured background (L₉₀) at adjacent dwellings' (with an acoustic</p>

		<p>feature correction applied) unless otherwise agreed in writing by the LPA.</p> <p>Reason: To protect the amenity of the occupiers of the proposed development.</p>
Phased Archaeology	16	<p>No development shall take place within each phase or sub phase of the development hereby approved (pursuant to Condition 4) until an Archaeological Scheme of Treatment Work for the relevant phase or sub phase is submitted to and approved in writing by the Local Planning Authority. Thereafter the development in any relevant phase or sub phase shall be implemented in accordance with the approved Archaeological Scheme for Treatment Work unless otherwise agreed in writing by the Local Planning Authority.</p> <p>Reason: In order to ensure that satisfactory arrangements are made for the investigation, retrieval and recording of significant archaeological remains of the site and to accord with the with the objectives of the NPPF and Newark and Sherwood Core Strategy Policies CP14 and NAP2C.</p>
Bird protection	17	<p>No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.</p> <p>Reason: To safeguard protected species and to accord with the objectives of the NPPF and Newark and Sherwood Core Strategy Policies CP12 and NAP2C.</p>
Habitat Creation & Management Plan	18	<p>No development (pursuant to Condition 4) shall take place within each phase or sub phase until a Habitat Creation and Management Plan which relates to the green infrastructure associated with that phase or sub phase has been submitted to and approved in writing by the Local Planning Authority.</p> <p>The approved Habitat Creation and Management Plan shall be implemented on-site as approved, in accordance with the agreed timetable unless otherwise agreed in writing by the Local Planning Authority.</p> <p>Reason: To safeguard protected species and their habitats and in order to provide ecological enhancements in a timely manner in line with the CP12, NAP2C of the Development Plan and the advice contained in the NPPF as well to take account of the Nottinghamshire Local Biodiversity Action Plan.</p>
Operational phase external lighting scheme to accompany RMA	19	<p>Applications for reserved matters approval for each phase or sub phase shall be accompanied by a detailed external lighting scheme (for the operational phase) designed to ensure the impacts of artificial light are minimised and that light spill onto retained and created habitats, particularly around the site periphery and</p>

		<p>green corridors through the site are avoided. Any security lighting / floodlighting to be installed, shall be designed, located and installed so as not to cause a nuisance to users of the highway. The details of any such lighting shall be submitted to and approved by the Local Planning Authority (together with a lux plot of the estimated luminance). The development shall proceed within each phase or sub phase in accordance with the agreed external lighting scheme.</p> <p>Reason: This condition is necessary to ensure that the impacts of external lighting on nocturnal wildlife, particularly bats are reasonably minimised in accordance with CP12 and the NPPF and to protect drivers from uncontrolled light sources near the public highway.</p>
Foul Sewage Disposal	20	<p>No development shall be commenced within each phase or sub phase (pursuant to Condition 4) until drainage plans for the disposal of foul sewage for that phase or sub phase have been submitted to and approved in writing by the Local Planning Authority. The scheme for each phase or sub phase shall be implemented in accordance with the approved details before the development in that phase or sub phase is first brought into use.</p> <p>Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce of creating or exacerbating a flooding problem and to minimise the risk of pollution.</p>
Detailed Surface Water Drainage Scheme	21	<p>No development shall be commenced within each phase or sub phase (pursuant to Condition 4) until a detailed surface water drainage scheme for that Phase or sub-phase, in accordance with the approved Flood Risk Assessment and based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented prior to first occupation of any dwelling within that Phase or sub phase unless otherwise agreed in writing with the Local Planning Authority.</p> <p>Reason: To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures.</p>
Suspended Solids	22	<p>Prior to the commencement of any phase or sub phase (pursuant to Condition 4) of the development hereby approved a scheme detailing treatment and removal of suspended solids from surface water run-off during construction works for that phase or sub phase shall be submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented within that phase or sub phase as approved.</p> <p>Reason: To reduce the risk of surface water pollution.</p>
Flood risk	23	<p>The finished floor levels of residential development identified in the 2d Flood Depths within drawing 6534-L-</p>

		<p>07 rev. I submitted to accompany the letter from RSK dated 8th August 2016 are to be set 600mm above the predicted 1% 2015 flood level based on the flood risk depths.</p> <p>Reason: To reduce flood risk to the proposed development.</p>
Travel Plan	24	<p>No development shall commence within each phase or sub phase until a scheme of implementation in accordance with details as contained within the Framework Travel Plan dated March 2016 and prepared by Milestone Transport Planning has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details. For the avoidance of doubt the scheme shall include the following:</p> <ul style="list-style-type: none"> • Timing and means of delivery for the revenue contributions towards the additional costs to support the bus provision; • Timing and means of delivery for on site bus infrastructure; • Timing of delivery for the temporary terminus / turn-round point for the extended bus service to the site; • Details of appointment and job description of the Travel Plan Coordinator in line with Table 6.1 of the Framework Travel Plan dated March 2016. <p>Reason: In the interests of sustainable transport and to ensure the development takes the form agreed by the authority and thus results in a satisfactory form of development.</p>
Management Company	25	<p>Prior to the commencement of any phase or sub phase (pursuant to Condition 4) of the development hereby approved a brochure outlining management arrangements and associated charges relating to that phase or sub phase shall be submitted to and approved in writing by the local planning authority. Thereafter potential residential purchasers will be provided with the approved brochure by the developer prior to completion of sale.</p> <p>Reason: To ensure future residents are aware of the management arrangements and obligations and to deliver a satisfactory development.</p>
Marketing Brief	26	<p>Prior to the occupation of 300 dwellings, a Marketing Brief for the Local Centre to include the mix and disposition of uses, access and circulation, public realm, parking, and urban design principles shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.</p>

		Reason: To ensure consistency with the Design & Access Statement and ensure a satisfactory form of development and in the interests of the character and appearance of the area.
Highways England	27	<p>Prior to the commencement of any part of the development hereby approved, details of the form of the A1 / B6326 junction (as shown in Milestone drawing 14106/037, and 14106/027 revision C) shall be submitted to and agreed by the Local Planning Authority in consultation with Nottinghamshire County Council (acting as Local Highway Authority) and Highways England.</p> <p>Reason: To ensure that the A1 continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10(2) of the Highways Act 1980 by minimising disruption on the motorway resulting from traffic entering and emerging from the application site and in the interests of road safety.</p>
	28	<p>Prior to the occupation of 100 dwellings, improvements to the A1 / B6326 junction (as shown in Milestone drawing 14106/037) are complete and open to traffic, subject to Detailed Design and Road Safety Audit.</p> <p>Reason: To ensure that the A1 continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10(2) of the Highways Act 1980 by minimising disruption on the motorway resulting from traffic entering and emerging from the application site and in the interests of road safety.</p>
	29	<p>Prior to the occupation of 900 dwellings, improvements to the A1 / B6326 junction (as shown in Milestone drawing 14106/027 revision C) are complete and open to traffic, subject to Detailed Design and Road Safety Audit.</p> <p>Reason: To ensure that the A1 continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10(2) of the Highways Act 1980 by minimising disruption on the motorway resulting from traffic entering and emerging from the application site and in the interests of road safety.</p>
NCC Highways	30	<p>Notwithstanding the submitted indicative masterplan and layout drawings, all site highway layouts should comply with the 6Cs design guide unless otherwise agreed by the Highway Authority (see www.leics.gov.uk/index/6csdg) and be submitted to and agreed in writing by the LPA.</p> <p>Reason: To ensure the development is constructed to adoptable standards.</p>
	31	Prior to the occupation of Phase 2 of the development hereby approved improvements to the B6326 Great

	<p>North Road/ Sylvan Way shall be delivered and made available to traffic as illustrated by drawing 14106/026 Rev. A (or through a subsequent revised drawing agreed by the LPA).</p> <p>Reason: In the interest of highway safety and capacity.</p>
32	<p>Before occupation of the 50th dwelling, improvements to the B6326 Great North Road/ Shire Lane junction shall be delivered and made available to traffic as illustrated by drawing 14106/025 Rev. F (or through a subsequent revised drawing agreed by the LPA).</p> <p>Reason: In the interest of highway safety and capacity.</p>
33	<p>Prior to the completion of Phase 1 of the development hereby approved improvements to the C421 Shire Lane corridor shall be delivered and made available to traffic as illustrated by drawing 14106/018 Rev. E (or through a subsequent revised drawing agreed by the LPA).</p> <p>Reason: In the interest of highway safety and capacity.</p>
34	<p>Before occupation of the 50th dwelling, improvements to the B6326 Great North Road between Shire Lane and Dale Way shall be delivered and made available to traffic as illustrated by drawing 14106/016 Rev. D (or through a subsequent revised drawing agreed by the LPA).</p> <p>Reason: In the interest of highway safety and capacity.</p>
35	<p>In the event that the Barratt/DWH development the subject of planning application LPA reference 14/00465/OUTM does not commence, and unless an alternative scheme has been approved in writing and thereafter completed to the satisfaction of the Local Planning Authority, before occupation of the 630th dwelling, improvements to the Goldstraw Lane/B6326 roundabout shall be delivered and made available to traffic as illustrated by drawing 14106/038 (or through a subsequent revised drawing agreed by the LPA).</p> <p>Reason: In the interest of highway safety and capacity.</p>
36	<p>No dwelling shall be occupied until the associated parking areas and manoeuvring areas for that dwelling have been drained and surfaced in accordance with the details approved in writing by the Local Planning Authority. The areas so provided shall not be used, thereafter, for any purpose other than the parking and manoeuvring of vehicles, unless otherwise agreed in writing by the Local Planning Authority.</p> <p>Reason: In the interest of highway safety.</p>
37	<p>Prior to development commencing, a scheme to provide street lighting on the B6326 Great North Road</p>

	<p>between Dale Way and the A1 slip road, south of the development, shall be submitted to and approved in writing by the LPA, and thereafter implemented in accordance with the approved details.</p> <p>Reason: In the interest of highway safety.</p>
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Notes to Applicant

01 (Conditions)

The applicant's attention is drawn to those conditions on the decision notice, which should be discharged before the development is commenced. It should be noted that if they are not appropriately dealt with the development may be unauthorised. In relation to the following explicit conditions, the applicant would be expected to provide the following:

Condition 4 – Phasing

The applicant is advised that bus infrastructure, as referred to in this condition should be agreed (at the very least communicated to prospective purchasers likely to be affected by provision) prior to occupation for each phase or sub phase in accordance with the Phasing Plan (drawing no. 6534-L-06) .

Condition 13 – Construction Management Plan

The Noise Mitigation Scheme (NMS) relating to the construction phase of the development NMS shall be designed to minimise noise levels during construction work such as adopting a Code of Construction Practice, adopting principles of Best Practicable Means to reduce noise levels during construction work, selecting the most appropriate plant, the use of localised hoardings where noise levels at noise-sensitive properties during certain specified periods of the construction, arrangements for liaison with local residents to inform them of periods where noise levels might be higher and any other appropriate measures.

Condition 18 – Habitat Creation and Management Plan

The Habitat Creation Plan shall include details of the following within each phase, as appropriate:

- The location and extent of all new habitats including all works required for the creation;
- For the creation of new habitats, these details shall identify target habitats with reference to the Nottinghamshire Local Biodiversity Action Plan and habitats specifically designed for the cinnabar moth, and shall include details of all tree, woodland, scrub and hedgerow planting, and wetland and grassland establishment, and will provide information regarding ground preparation; cover material; soil profiles; sources of tree and shrub stock (which should be of local provenance, seed mixes for grassland, woodland and wetland areas (to be used in

grassland establishment methods, and which shall be of certified native origin); proportions; size; spacing; positions; densities; sowing rates; methods of establishment; areas left for natural regeneration; creation of wetland areas; and fencing off of planting areas. For the management of created and retained habitat, these details shall include the identification of management objectives; annual work programmes; and monitoring.

- Measures to enhance retained habitats;
- How public access will be controlled to limit disturbance to wildlife;
- Ecological enhancements to include (but shall not be limited to) bird, bat boxes and the creation of artificial hibernaculae for reptiles at appropriate points within the site which should offer immediate enhancements (prior to first occupation) and longer term enhancements where appropriate;
- Opportunities to enhance the proposed drainage features on site to benefit biodiversity;
- Details of a habitat management plan for existing and new habitats during the establishment phase including details/arrangements for on-going management and monitoring for not less than 5 years;
- An implementation timetable for all elements.

In addition to the above each reserved matters application shall be accompanied by an updated Extended Phase 1 Habitat Survey together with any Protected Species Surveys identified as being required. Where protected species are identified as being present on site, a scheme of mitigation shall be submitted. Any scheme of mitigation shall include a working design, methods statement and timetable of works to mitigate any adverse effects to protected species.

Condition 21 – Detailed Surface Water Drainage Scheme

The scheme to be submitted shall include

- Provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- Detailed site levels designs for the site. This information should be accompanied by a contour plan and a flood routing plan. The site should be designed to retain all surface water flows within the site and route these to the attenuation ponds. Flows crossing the site boundary onto 3rd party land are not acceptable.
- Detailed consideration of the risk of accumulation and mitigation of the pluvial flooding as shown on the Environment Agency surface water flood risk plans.
- Detailed drainage layout including building/plot drainage where possible. This is to include a fully referenced network plan with supporting calculations and documentary evidence of infiltration coefficients if used. The performance specification should follow the guidance within Sewers for Adoption 7th edition in terms of the criteria for pipe-full flows, surcharge and flooding;

- Full drainage simulation outputs to demonstrate that the drainage system can fulfil the design criteria and that failure of the drainage system during short-duration high-intensity events does not automatically mean that properties flood. The management of accumulations of water on the site should be clearly defined and the potential flow routes considered. The designers should consider how exceedance flow routes may be maintained and not blocked by fences, garden sheds and the like. In this regard they should be designed where possible to avoid reliance on 3rd party properties and should use public open space and highways.
- All infiltration areas with supporting specification, calculations and construction details.
- Attenuation pond/tank details including volumetric calculations, geotechnical & slope-stability calculations as appropriate, specification of materials used to construct any berms.
- Full specification & general arrangement drawings for inlet/outlet structures and flow control structures. The details should also include the access arrangements for clearing and maintenance including in times of flood/failure of the infrastructure.
- Full documentary evidence for consideration by the LPA/LLFA legal advisors of the rights to discharge to any watercourse.
- All calculations should be provided using contemporary drainage software (Windes or similar). If possible electronic files should be provided to support paper and pdf outputs. Information can be provided in common software packages and formats including PDS, Windes, xyz, genio, word/excel/autocad etc. All documents should be referenced with a unique identifier – drawing number, document number/revision etc. Calculations and drawings should be cross-referenced and issue sheets provided to enable tracking of revisions to information;
- Timetable for its implementation;
- Provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime;
- In addition to dealing with surface water drainage this scheme shall also be designed to maximize biodiversity opportunities.

02 (S106)

A S106 Agreement (Planning Obligation) accompanies this permission and should be read in association with the legal agreement made under Section 106 of the Town and Country Planning Act 1990.

03 (NEAP expectations)

The developer is advised that in respect of the NEAP, it is expected that this should be provided in accordance with the specification for a 'Neighbourhood Equipped Area for Play' taken from the Fields in Trust publication 'Planning and Design for outdoor Sport and Play'. Specifically it should include the following elements:(1) The NEAP should occupy a well-drained site, with both grass and hard surfaced areas, together with impact absorbing surfaces beneath and around play equipment or structures as appropriate; (2) it should include an activity zone of at least 1000 square metres, comprising an area for play equipment and structures, and a hard surfaced area of at least 465 square metres (the minimum needed to play 5-a-side football); (3) a buffer zone of 30 metres minimum depth should separate the activity zone and the boundary of the nearest property containing a dwelling. A greater distance may be needed where purpose-built skateboarding facilities are provided. The

buffer zone should include varied planting to provide a mix of scent, colour and texture; (4) it should provide a stimulating and challenging play experience that includes equipment and other features providing opportunities for balancing, rocking, climbing, overhead activity, sliding, swinging, jumping, crawling, rotating, imaginative play, social play, natural play, ball games, wheeled sports or other activities. There should be a minimum of nine play experiences included; (5) seating for accompanying adults and siblings should be provided, together with one or more litter bins (6) the older children's/youth element should be either through the provision of a tarmac surfaced, fenced and marked out Multi-use Games Area or a tarmac surfaced skate/wheeled sport park containing at least 4 separate ramps (7) there should be a sign indicating that the area is for children and young people's play and that dogs are not welcome. The name and telephone number of the facility operator should be provided, together with an invitation to report any incident or damage to the NEAP.

04 (Highways England)

The highway mitigation works associated with this consent involves works within the public highway, which is land over which you have no control. The Highways Agency (the Agency) therefore requires you to enter into a suitable legal Section 278 agreement to cover the design check, construction and supervision of the works. Contact should be made with the Agency's Section 278 Business Manager David Steventon to discuss these matters on david.steventon@highways.gsi.gov.uk

05 (EHO)

NSDC Environmental Health (Land Contamination) advise that an advisory booklet is available – "Developing Land in Nottinghamshire: A guide to submitting planning applications for land that may be contaminated". This is available from Planning Services, the Proactive Team of Environmental Services or the NSDC website using the following link:

<http://www.newark-sherwooddc.gov.uk/pp/gold/viewGold.asp?IDType=Page&ID=7895>.

Prior to undertaking an intrusive site investigation the applicant is advised to consult with:

Natural England

Block 6 & 7 Government Buildings

Chalfont Drive

Nottingham

NG8 3SN

Tel: 0115 929 1191

Fax: 0115 929 4886

Email: eastmidlands@naturalengland.org.uk

Heritage England

Ancient Monuments Inspector
44 Derngate
Northampton,
NN1 1UH
Tel: 01604 735400
Fax 01604 735401
E-mail: eastmidlands@english-heritage.org.uk

Heritage Planning Specialists

Nottinghamshire County Council
Trent Bridge House
Fox Road
West Bridgford
Nottingham
NG2 6BJ
Tel: +44 (0)115 977 2162
Fax: +44 (0)115 977 2418
E-mail: heritage@nottsc.gov.uk
to prevent damage or harm to the historic environment.

Where the presence of contamination is found or suspected the developer and/or his contractor should have regard to Health and Safety Executive guidance - "The Protection of workers and the general public during the development of contaminated land".

06 (National Grid)

The following advice from National Grid should be noted:

'BEFORE carrying out any work you must:

- Ensure that no works are undertaken in the vicinity of our gas pipelines and that no heavy plant, machinery or vehicles cross the route of the pipeline until detailed consultation has taken place.
- Carefully read these requirements including the attached guidance documents and maps showing the location of National Grid apparatus.
- Contact the landowner and ensure any proposed works in private land do not infringe National Grid's legal rights (i.e. easements or wayleaves). If the works are in the road or footpath the relevant local authority should be contacted.

- Ensure that all persons, including direct labour and contractors, working for you on or near National Grid's apparatus follow the requirements of the HSE Guidance Notes HSG47 - 'Avoiding Danger from Underground Services' and GS6 – 'Avoidance of danger from overhead electric power lines'. This guidance can be downloaded free of charge at <http://www.hse.gov.uk>
- In line with the above guidance, verify and establish the actual position of mains, pipes, cables, services and other apparatus on site before any activities are undertaken.'

07 (STW)

The following advice from Severn Trent Water should be noted:

'Severn Trent Water advise that although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.'

08 (Pro-active)

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

09 (CIL)

The applicant is advised that all planning permissions granted on or after the 1 December 2011 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website at www.newark-sherwooddc.gov.uk/cil/
The proposed development has been assessed and it is the Council's view that CIL IS PAYABLE on the development hereby approved. The actual amount of CIL payable will be calculated when a decision is made on the subsequent reserved matters application.

010 (Police Architect)

The comments of the Police Force Architectural Liaison Officer should be noted in respect of the design presented at reserved matters stage.

011 (Hours of construction)

Condition 13 requires consideration of hours of construction. These would be expected to be broadly with those outlined within the ES unless otherwise justified through the discharge of condition 13. For the avoidance of doubt the hours of construction referred to in the ES are: 0700 – 1900 Monday to Friday and 0700 – 1300 Saturday (and not at all on Sundays or Bank Holidays).

012 (NWT)

The comments of Nottinghamshire Wildlife Trust should be noted in terms of the offer for further advice as to how drainage features can be designed with additional wildlife benefits.

013 (Natural England)

Natural England offer the following advice:

'It is recognised that a proportion of the agricultural land affected by the development will remain undeveloped (for example as green infrastructure, landscaping, allotments and public open space etc.). In order to retain the long term potential of this land and to safeguard soil resources as part of the overall sustainability of the whole development, it is important that the soil is able to retain as many of its many important functions and services (ecosystem services) as possible through careful soil management.

Consequently, we advise that if the development proceeds, the developer uses an appropriately experienced soil specialist to advise on, and supervise, soil handling, including identifying when soils are dry enough to be handled and how to make the best use of the different soils on site. Detailed guidance is available in Defra *Construction Code of Practice for the Sustainable Use of Soils on Construction Sites.*'

014 (NCC Highways)

Section 38 Agreement (Highways Act 1980)

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

The Advanced Payments Code in the Highways Act 1980 applies and under section 219 of the Act payment will be required from the owner of the land fronting a private street on which a new building is to be erected. The developer should contact the Highway Authority with regard to compliance with the Code, or alternatively to the issue of a Section 38 Agreement and bond under the Highways Act 1980. A Section 38 Agreement can take some time to complete. Therefore, it is recommended that the developer contact the Highway Authority as early as possible.

It is strongly recommended that the developer contact the Highway Authority at an early stage to clarify the codes etc. with which compliance will be required in the particular circumstance, and it is essential that design calculations and detailed construction drawings for the proposed works are submitted to and approved by the County Council in writing before any work commences on site.

Section 278 Agreement (Highways Act 1980)

In order to carry out the off-site works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act. Please contact Dave Albans on telephone number 01158 040015

It may be appropriate/helpful to submit a Design Code to include details of:

- street type/function;
- the principal dimensions of streets and boundary treatments include sight lines (visibility splays);
- junctions and types of traffic calming;
- treatment of major junctions public transport links;
- location and standards for on and off-street parking, including cycle parking, car parks and parking courts, and related specifications;
- street lighting and street furniture specifications and locations;
- pedestrian and cycle links including appropriate crossing facilities between all existing and proposed infrastructure;
- drainage which shall accompany any road layout submission;
- routeing and details of public utilities which shall accompany any proposed road layout submission;
- arrangements for maintenance and servicing including refuse collection/bin storage;

Developer Contributions for 16/00506/OUTM

Contribution	Definition within S106	Formula / SPD Requirement	Anticipated Contribution	Trigger Points
<i>Affordable Housing</i>	Affordable Rented, Discounted Low Cost Affordable Dwellings as defined in Annex 2 to the NPPF (or any successor document or definition produced by HM Government or any agency thereof)	13% (reflecting a mix of 52% affordable rent and 48% Discounted Open Market Value)	<p>234 (13%) affordable dwellings to be delivered on site:</p> <p>52% of units will be affordable rent provision owned and managed by a Private Registered Provider or the Local Authority</p> <p>48% of units to be Discount Open Market Value (DOMV) properties.</p>	<p>Affordable Housing Scheme to be submitted prior to the commencement of development of each phase</p> <p>Construct Affordable Housing in compliance with the approved scheme (each phase will include Affordable units)</p> <p>No occupation of more than 60% of the individual completed properties constructed on the site within any phase until at least 45% of the Intermediate Housing within any phase has been completed and transferred to an Affordable Housing Provider</p> <p>No occupation of more than 90% of the individual completed properties within any phase until the remaining 55% of the Intermediate Housing within any phase has been completed and transferred to an Affordable Housing Provider</p>

<p><i>Community Facilities</i></p>	<p>The provision on site of a Community Hall which shall incorporate a badminton court having a total gross floor area not exceeding 1,113m² and a sports pavilion which shall include changing rooms having a total gross floor area not exceeding 252m²</p>	<p>Provision of new infrastructure from development proposals. Where existing infrastructure exists or where small scale developments do not warrant new infrastructure, a contribution may be appropriate.</p>	<p>Community Hall with badminton court within the Local Centre</p> <p>Sports Pavilion within the Sports Hub</p>	<p>To be delivered in accordance with the phasing arrangements of the development</p> <p>No development to commence within each phase to which community facilities are to be location until a Community Facilities Specification has been submitted and approved by the LPA</p>
<p><i>Health Provision</i></p>	<p>The sum of £1.71 million to secure Healthcare Provision</p>	<p>Core Strategy Policy requirement for strategic site to provide facilities for 3 GPs.</p> <p>The Developer Contributions SPD requires a contribution of £950 per dwelling.</p> <p>£950 per dwelling would equate to a contribution of £1.71 million</p>	<p>Pending a Healthcare Review the monies will either be contributed towards existing healthcare facilities at the following locations:</p> <ul style="list-style-type: none"> • Balderton Health Centre • Lombard Medical Centre, Newark • Fountain Medical Practice, Newark • Bowbridge Road Surgery, Newark • Newark Hospital <p>Or the healthcare provision will be delivered through an on site Health Centre with a maximum floor area of 300m² with associated car parking</p>	<p>Prior to the occupation of the 700thP [still under review by Officers and applicant] dwelling, the owner, the District Council and the CCG will carry out a healthcare review in order to determine the most suitable means of addressing the healthcare needs of the development</p> <p>An area of land within the site will be reserved to accommodate the Health Centre pending the outcome of the Healthcare Review</p>

<p><i>Education Provision</i></p>	<p>The sum of up to £5,751,854 to secure the provision of the Primary School</p> <p>2.2ha of the site identified for future development of the Primary School</p> <p>0.8ha of the site adjoining the Primary School site to be reserved for future possible expansion of the Primary School</p> <p>The detailed specification for the proposed Primary School to be produced by the County Council to include (where applicable) the proposed phasing for the construction of the Primary School</p>	<p>A development of 1800 dwellings would generate 378 primary places</p> <p>The LEA require a new 2 form entry (420 place) primary school to be constructed on site. A site allowance of 2ha would be required. Build specification should meet DfE requirements and Education Funding Building Bulletin 103</p> <p>Site is required to be clear of contamination, level and serviced prior to transfer to LEA/construction of school</p> <p>Secondary education is delivered through CIL</p>	<p>The delivering of a 2 form entry primary school and expansion land to allow for the creation of a 3 form entry</p>	<p>The triggers for the delivery of the 2fe primary school if the County Council was to design and build it would be as follows:</p> <ul style="list-style-type: none"> • Transfer of the level, contamination free, serviced site to the County Council on commencement of the residential development; • 10% of the total costs to be paid on commencement of the residential development (to cover the design, planning and procurement;) • 37% on occupation of the 30PthP dwelling; • 15% on occupation of the 330th dwelling • 23% on occupation of the 780th dwelling; and • 15% on occupation of the 1280th dwelling <p>The triggers for the delivery of the 2fe primary school if it is to be construction by the developer would be as follows:</p> <ul style="list-style-type: none"> • Phase 1: Infrastructure for 420 places UplusU 4 classrooms to be completed by the occupation of the 200PthP dwelling OR within 16 months of commencement of the
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				<p>residential development(First occupation) whichever is the sooner;</p> <ul style="list-style-type: none"> • Phase 2: 3 additional classrooms to make 210 places to be completed by the occupation of the 450th dwelling; • Phase 3: 4 additional classrooms to be completed by the occupation of the 900th dwelling; • Phase 4: 4 remaining classrooms to provide 420 places to be completed by the occupation of the 1400th dwelling. 	
<i>Public Space</i>	<i>Open</i>	<p>The areas of open space comprising; Amenity Green Space; On-site Children’s Play Areas to include 2 LEAPs and 1 NEAP; On site Sports Facilities; Allotments and Community Gardens; Natural and Semi-Natural Green Space</p>	<p><i>Natural and Semi Natural Green Space</i> Policy = 10ha per 1,000 population or all residents to live within 300m. 1800 dwellings = 43.2 ha policy requirement.</p> <p><i>Amenity Green Space</i> Policy = 0.6ha per 1000 population 1800 dwellings = 2.59 ha</p> <p><i>Children and Young People</i> Policy = 0.75ha per 1000 population. 1800 dwellings = 3.24ha</p>	<p>19.1 hectares alongside structural planting and landscape buffer areas totaling 6.7 hectares including allotments</p> <p>6.4 hectares of amenity green space and provision for children and young people include pocket parks, 2 LEAPs and 1 LEAP</p> <p>2 adult football pitches (one grass and one AGP)</p> <p>2 mini football pitches</p> <p>1 junior football pitches</p>	<p>To be delivered in accordance with the phasing arrangements of the development</p> <p>No development to commence within each phase to which public open space are to be located until an On-site Open Space Scheme has been submitted and approved by the LPA</p>

		<p><i>Allotments and Community Gardens</i></p> <p>Policy = 0.5ha per 1000 population</p> <p>1800 dwellings = 2.16ha.</p>	<p>1 adult and youth cricket pitch</p> <p>1 adult rugby pitch</p> <p>Changing facilities north of Claypole Lane</p> <p>4 tennis courts</p>	
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PLANNING COMMITTEE – 6 OCTOBER 2020

Appeals Lodged

1.0 Members are advised that the appeals listed at Appendix A to this report have been received and are to be dealt with as stated. If Members wish to incorporate any specific points within the Council's evidence please forward these to Planning Services without delay.

2.0 Recommendation

That the report be noted.

Background papers

Application case files.

Further information regarding the relevant planning application and appeal can be viewed on our website at <https://publicaccess.newark-sherwooddc.gov.uk/online-applications/search.do?action=simple&searchType=Application> or please contact our Planning Development Business Unit on 01636 650000 or email planning@nsdc.info quoting the relevant application number.

Lisa Hughes

Business Manager – Planning Development

Appendix A: Appeals Lodged (received between 24 August 2020 and 21 September 2020)

Appeal reference	Application number	Address	Proposal	Procedure	Appeal against
APP/B3030/X/20/3256689	20/00318/LDC	Spalford Leisure Park Eagle Road Spalford NG23 7HA	<p>The proposed use of the land as a caravan park by units comprising mobile homes or static caravans for year round residential use or holiday use without restriction on the layout of the park or the number or mix of units on the park at any one time is lawful for the following reasons:</p> <p>(a) The stationing of mobile homes and static caravans on the Application site would not amount to a material change of use and there are no conditions attached to Permission FUL/921043 restricting the type of caravan permitted;</p> <p>(b) Year round residential or holiday use of the mobile homes and static caravans would not involve a material change of use and there are no enforceable conditions attached to Permission FUL/921043 prohibiting the use of mobile homes or static caravans on the Application Site for year round residential or holiday use;</p> <p>(c) there are no conditions attached to Permission FUL/921043 restricting the layout of the Application Site; and</p> <p>(d) the stationing of mobile homes and static caravans in any number or mix would not amount to a material change of use and there are no enforceable conditions attached to Permission FUL/921043 restricting the number or mix of caravans permitted to be stationed on the Application Site.</p>	Written Representation	Certificate Not Issued

Planning Committee – 6 October 2020

Appendix B: Appeals Determined (between 24 August 2020 and 21 September 2020)

App No.	Address	Proposal	Application decision by	Decision in line with recommendation	Appeal decision	Appeal decision date
18/00034/ENF	The Workshop Cockett Lane Farnsfield Nottinghamshire NG22 8JQ	Without planning permission, development consisting of the material change of use of the Land from agricultural use to use for of the Land involving the importation, storage and distribution of (non waste) building and construction materials including but not limited to stone, rock, sand, aggregates, etc, and associated services.	Delegated Officer		Appeal Dismissed	18th September 2020
19/01778/RMA	Land To The Rear Of The Croft Great North Road Cromwell Nottinghamshire	Reserved matters approval in respect of appearance, landscaping, layout, access and scale for erection of one dwelling.	Delegated Officer	Not Applicable	Appeal Dismissed	7th September 2020
19/00037/ENF	Southwell Shoe Warehouse 32 King Street Southwell Nottinghamshire 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).	Delegated Officer		Appeal Allowed	2nd September 2020
19/01780/FUL	32 King Street Southwell NG25 0EN	Change of use from A1 Use to Mixed Use A1 and A4 (Retrospective)	Delegated Officer	Not Applicable	Appeal Allowed	2nd September 2020
19/02061/FUL	2 Chestnut Close Weston Newark On Trent Nottinghamshire NG23 6SW	Erection of a detached dwelling	Delegated Officer	Not Applicable	Appeal Dismissed	8th September 2020

19/02266/FUL	Land Adjacent 50 Middleton Road Newark On Trent Nottinghamshire	Erection of 4 dwellings and associated works (resubmission of application 19/01128/FUL)	Delegated Officer	Not Applicable	Appeal Allowed	9th September 2020
20/00469/FUL	The Paddocks Halloughton Nottinghamshire NG25 0QP	Erect dwelling in garden of existing property	Delegated Officer	Not Applicable	Appeal Dismissed	16th September 2020
20/00441/FUL	Keepers Cottage Chapel Lane Caunton Newark On Trent Nottinghamshire NG23 6AN	Householder application for erection of a single storey rear extension to cottage	Delegated Officer	Not Applicable	Appeal Dismissed	28th August 2020

Recommendation

That the report be noted.

Background papers

Application case files.

Further information regarding the relevant planning application and appeal can be viewed on our website at <https://publicaccess.newark-nsdc.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 quoting the relevant application number.

Lia Hughes
Business Manager – Planning Development



Appeal Decisions

Site visit made on 20 August 2020

by J A Murray LLB (Hons), Dip.Plan Env, DMS, Solicitor

an Inspector appointed by the Secretary of State

Decision date: 02 September 2020

Appeal A: APP/B3030/C/20/3249587

Land at 32 King Street, Southwell, NG25 0EN

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr Paul McCarroll against an enforcement notice issued by Newark & Sherwood District Council.
 - The enforcement notice was issued on 28 February 2020.
 - The breach of planning control as alleged in the notice is 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).
 - The requirements of the notice are:
 - A. Cease the material change of use of the building as a composite use as a hairdressers/barbers (A1) and drinking establishment (Use Class A4); and
 - B. Operate the building solely as an A1 (shops) use.
 - The period for compliance with the requirements is 62 days after the notice takes effect.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (b), (c), (e), (f) and (g) of the Town and Country Planning Act 1990 as amended.
-

Appeal B: APP/B3030/W/20/3249591

Land at 32 King Street, Southwell, NG25 0EN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Paul McCarroll against the decision of Newark & Sherwood District Council.
 - The application Ref 19/01780/FUL, dated 27 September 2019, was refused by notice dated 2 March 2020.
 - The development proposed is described in the application as "change of use from A1 Use to Mixed Use - A1 and A4."
-

Decisions

Appeal A: APP/B3030/C/20/3249587

1. It is directed that the enforcement notice be:

- (i) corrected in section 2 by the deletion of the description of the land to which the notice relates and substitution of:

"The ground floor premises at 32 King Street, Southwell, NG25 0EN, shown hatched on the attached Plan A (the Land)"
- (ii) corrected in section 3 by the deletion of the description of the breach and substitution of:

“Without planning permission, the material change of use of the Land from a hairdressers/barbers (Use Class A1 – Shops) to a composite use as a hairdressers/barbers and drinking establishment”;

- (iii) varied in section 5 by deleting requirements A and B and substituting:

“Cease the use of the Land as a drinking establishment”; and

- (iv) varied in section 6 by deleting “A and B”.

Subject to these corrections and variations the appeal is allowed and the enforcement notice is quashed.

Appeal B: APP/B3030/W/20/3249591

2. The appeal is allowed and planning permission is granted for the change of use of the ground floor premises at 32 King Street, Southwell, NG25 0EN from a hairdressers/barbers (Use Class A1) to a mixed use as a hairdressers/barbers and drinking establishment in accordance with the terms of the application, Ref 19/01780/FUL, dated 27 September 2019, and the plans submitted with it, subject to the following conditions:

- 1) The use hereby permitted shall not be open to patrons or customers outside the following hours:
09:00 – 21:30 Mondays - Fridays
08:30 – 21:30 Saturdays
12:00 – 16:00 Sundays
- 2) The premises shall not be open to patrons or customers as a drinking establishment unless they are also open to customers as a hairdressers/barbers.

Application for costs

3. An application for costs was made by Mr Paul McCarroll against Newark & Sherwood District Council in respect of both appeals. This application is the subject of a separate Decision.

APPEAL A

The enforcement notice

4. Although I am quashing the notice, I am first required to get it in order. Section 2 of the notice says it relates to “Land at 32 King Street...” but the allegation and requirements refer to the material change of use of “a building” and “the building” respectively, without defining that building. The appellant presumes and the Council confirms the notice relates to a part of the building, namely the ground floor, the first floor being separately occupied as a residential flat. Indeed, I note from a letter from the occupier of the flat that it is known as 32A King Street. No misunderstanding has arisen, but the notice ought to be corrected to more clearly describe the land affected and indeed the Council invites this. I am satisfied that this correction can be made without causing any injustice.
5. Although this point has not been addressed by the parties, the reference in the allegation to a composite class A1/A4 use is inappropriate. As a mixed use, the

alleged use would not fall within any Use Class. It should simply be described as a composite use as a hairdressers/barbers and drinking establishment and again, I am satisfied that this correction can be made without causing injustice.

6. Although issues with the requirements of the notice come within the scope of ground (f), it is appropriate to get the notice in order, so I will address them now. As far as requirement 'A' is concerned, as there is no objection to the hairdressers/barbers use, the notice can merely require cessation of the use as a drinking establishment. This change can be made without causing injustice. Requirement 'B', to operate the building solely as an A1 shop is excessive because, on the face of things it could prohibit other lawful uses, or as yet unsubstantiated future breaches of planning control. If further changes occurred, which required planning permission, enforcement action could be taken. Accordingly, deletion of requirement 'B' will not cause injustice. This necessitates a consequential amendment to the time for compliance section 6.

Ground (e)

7. This ground will succeed if copies of the notice were not served as required by s172 of the 1990 Act. However, by s176(5), where a person has not been served as required, this may be disregarded if neither the appellant nor that person has been substantially prejudiced by the failure to serve him.
8. Section 172 requires service of an enforcement notice on the owner and occupier of the land and any other person having an interest in the land, being an interest which, in the opinion of the authority, is materially affected by the notice. Albeit with some technical criticisms, the appellant accepts that he was served and of course he has been able to appeal.
9. The appellant is the occupier of the appeal property and has an interest under a lease for which he says he pays a full market, or "rack rent." He indicated in the certificate on the 2019 planning application (the subject of appeal B) that the appeal property was owned by others and, although he did not name them, he gave their address. The appellant has now named the freehold owners in his appeal statement.
10. Having regard to s336(1) and the appellant's evidence that he pays a rack rent, the freeholders are the owners for the purposes of s172, as well as having an interest materially affected. The Council does not dispute this but asserts that the notice was "issued upon" each of the parties required to be served. However, it provides no evidence regarding service and, on its face, the notice indicates that it was simply served on the appellant and "any owner/occupier" at 32 King Street.
11. There is no evidence from the Council that it could not ascertain the name of the owner after reasonable inquiry. The Council does not indicate what if any inquiries were made. The appellant says he was not served with a Planning Contravention Notice requesting details of the owners, though this information would have been available through a Land Registry search anyway and their address was given on the planning application.
12. The methods of service are prescribed by s329. There is no evidence that the notice was: delivered to the owner; delivered to, left at or sent by prepaid registered letter or recorded delivery to their usual or last known place of abode, registered principal office, or any other address given for service; or

that it was sent electronically to any address given for that purpose. On the evidence, I am satisfied that the notice was not served on the owner as required by s172.

13. Whilst the appellant has submitted a fully detailed appeal, and notwithstanding the existence of the linked s78 appeal, the failure of the enforcement appeal might affect the appellant's ability to pay rent to the owner. For that reason alone, I cannot conclude that the apparent lack of opportunity for the owner to pursue an appeal did not substantially prejudice the owner. In addition, if the notice were upheld and not complied with, the owner would be liable to prosecution, even if they were unaware of the notice, so long as it were on the statutory register of enforcement notices. This reinforces my conclusion that there would be substantial prejudice and the appeal therefore succeeds on ground (e) and the notice will be quashed, following correction. The remaining grounds of appeal against the notice do not then fall to be considered.

APPEAL B

Background and procedural matters

14. Notwithstanding the description in the application and notice of refusal, for the reasons set out in my decision on appeal A, the development should be described as the change of use from a hairdressers/barbers (Use Class A1) to a mixed use as a hairdressers/barbers and drinking establishment. That use had already commenced when the application was submitted.
15. Through grounds (b) and (c) in the enforcement appeal, the appellant argued that no planning permission was required on the basis that the drinking establishment element is merely ancillary or incidental. However, as I have quashed the notice on ground (e) that argument was not considered. Furthermore, it is not for me to determine that issue in this s78 appeal. I must decide the appeal on the planning merits, but if planning permission is not required, my decision will not affect that.
16. For the avoidance of doubt and as discussed under appeal A, the appeal property should be described as "the ground floor premises at 32 King Street, Southwell, NG25 0EN."

Main Issue

17. The main issue is the effect of the use of the premises as a hairdressers/barbers and drinking establishment on the living conditions of neighbouring residential occupiers in terms of noise and disturbance.
18. The refusal notice specifically refers to the occupiers of the first floor flat above. The Council's statement mentions "two close residential properties", but only specifically identifies the flat above the appeal premises. Nevertheless, from my site inspection, I note that there may be residential flats above the adjoining sweet shop and optician's premises.

Reasons

19. As the site lies within a designated District Centre, the Council accepts that the use meets with the aims of maintaining the primary shopping frontage whilst also having a positive impact upon the viability and vitality of the District Centre by introducing a further use of the site that maintains the vitality

- throughout 'normal business hours' and then continuing into the evening. The Council therefore accepts that it accords with Policy DM11 of the Newark & Sherwood Local Development Framework Core Strategy & Allocations Amended Core Strategy (CS), adopted March 2019. However, this is subject to CS Policy DM5, which indicates that new development which creates an unacceptable level of amenity will be resisted. This in turn is consistent with paragraph 127 of the National Planning Policy Framework (the Framework). Policies DM11 and DM5 comprise the most relevant and important development plan policies relating to this appeal.
20. Whilst there is no dispute that the hairdressers/barbers use is lawful, it is not subject to a specific planning permission. Accordingly, although the appellant has provided details of the pre and post Covid-19 opening hours, there is no planning condition to formally restrict those hours. On the other hand, the drinking establishment/bar element is the subject a premises licence, granted by the Council, which currently restricts the bar opening hours to 12:00 to 21:30 Monday to Sunday.
 21. The appellant indicates that, whilst the bar serves drinks to customers who are not having their hair cut, as well as to those that are, the bar is only open when the hairdressers/barbers is also open for business. The premises are never used exclusively for bar activity.
 22. The appellant's evidence is also that, in general, the peak of bar customers who are not getting their hair cut occurs between 19:45 and 21:00 on Friday and Saturday. He says an average of 15 to 20 customers may use the bar on each of Friday and Saturday evening, compared to about 80 customers who get their hair cut on a Friday and around 70 on a Saturday. The appellant says the peak of bar customers not getting their hair cut relates to 2.5 hours per week compared to 60.5 hours of overall opening. Although these figures are approximate and could be subject to change, there is no evidence to contradict them.
 23. As the application plan PMCC/01 Rev B shows and my site inspection confirmed:
 - The hairdressers/barbers and bar share a common access, counter/bar, till and WC;
 - The bar is within the barbers' area and forms the payment counter for the barbers;
 - There is no physically separate area defined as the bar;
 - The bar uses the same tables and chairs as the waiting area for the barbers (although, at the time of my visit, there were also 4 bar stools at the counter).
 24. The Council considers that the bar use will cause more noise than the hairdressers/barbers. It is concerned that the appellant has not complied with requests to submit noise surveys/reports to demonstrate that the use would not result in an unacceptable level of noise.
 25. However, the application was retrospective and indicated that the use has been operating since September 2018, a date broadly confirmed by the residential occupier of the first floor flat above. There has therefore been an opportunity to

- test the impact. A letter from the occupier of the flat above indicates that, since the use commenced, he has had no concerns about noise. Furthermore, he does not want strangers in his flat to undertake what he considers to be an unnecessary noise survey.
26. A letter from another neighbour, who the appellant says lives four doors away from the appeal property, does refer to noise from this use affecting residents, including from anti-social behaviour and drinking in the street. She also refers to a "Noise Abatement Order" being served by the Council in October 2019. However, this neighbour was concerned that the application would result in the premises becoming a "full-blown bar with potential to become a nightclub." Subject to suggested conditions, she said she hopes the appellant will be able to "continue running a successful barber's shop and early evening bar." Among other things, she suggested the licensing hours be restricted to 21:30, 7 nights per week. The Town Council objected on the basis of noise but provided no details. The Southwell Civic Society objected to unlimited hours and the Council's Environmental Health Officer suggested conditions.
 27. The Council's statement does not refer to the noise abatement notice and neither does the Environmental Health Officer's consultation response. The appellant's unchallenged account is that the abatement notice was served in October 2019, but was withdrawn in January 2020, shortly before the relevant legal proceedings in the Magistrates Court. He says the Council's Environmental Health Department accepted that the instances of alleged noise nuisance relied upon in the notice in fact occurred when the premises were closed. Furthermore, noise surveys undertaken at the complainant's property only determined the background noise present from traffic, the three nearby takeaway restaurants and a nearby pub.
 28. Notwithstanding the circumstances which led to the withdrawal of the abatement notice, the Council did not reconsult before issuing the enforcement notice and refusing the planning application in February and March 2020 respectively.
 29. Whilst the concern that a drinking establishment could generate noise is easily understood, this use has been operating for some time and the evidence does not indicate on the balance of probability that this use has resulted in unacceptable noise for neighbouring occupiers. It is possible that the occupier of the flat above is exceptionally tolerant, but I attach significant weight to the fact that he has no concerns about noise and considers a noise survey unnecessary. I have seen no objections from other adjacent neighbours.
 30. Subject to any restriction on operating hours, it is possible that the bar could become busier, but the premises are small and there is very limited scope for expanding the bar use whilst retaining the hairdressers/barbers use in the mix. If the bar use displaced the hairdressers/barbers use, that would most likely involve a material change requiring planning permission; allowing this appeal would not lead to the premises becoming a "full-blown bar with potential to become a nightclub." That said, the appellant states that the bar use never operates when the hairdressers/barbers is not also open for business. A condition could reasonably require this to further limit the extent of the bar use, in the interests of neighbours' living conditions.
 31. On the subject of opening hours, the evidence that the hairdressers/barbers and drinking establishment use has not caused any unacceptable noise for

neighbouring residents must be seen in the context of the appellant's evidence that it has not operated after 21:00 in the evening on any day and it has been closed on Sundays.

32. I conclude on the main issue that, subject to conditions concerning opening hours and preventing operation of the bar alone, the use of the appeal premises as a hairdressers/barbers and drinking establishment will not have any unacceptable impact on the living conditions of neighbouring residential occupiers in terms of noise and disturbance. I therefore find no conflict with CS Policy DM5.

Conditions

33. Given my findings concerning the actual experience of noise generated by the operation of this use since September 2018 a condition requiring the submission of a noise assessment is unnecessary. For the same reason, and even though the appellant does not object to these in principle, I am not persuaded that conditions requiring the installation of self-closing door mechanisms and acoustic baffles are necessary.
34. I have already indicated that a condition preventing the opening of the bar in isolation is needed. Furthermore, the fact that the premises have not been opening late into the evening may have been an important factor in limiting any disturbance through noise. I note that, although the hairdressers/barbers use has not been subject to any formal restriction on opening hours, the current premises licence only allows the bar to operate between noon and 21:30, albeit 7 days a week.
35. The Planning Practice Guidance advises that conditions which require compliance with other regulatory regimes will not meet the test of necessity and may not be relevant to planning. However, a planning condition which specifies hours of operation, is not one which simply requires compliance with other regulatory regimes.
36. The appellant says an opening hours condition is unnecessary because the premises licensing regime allows the Council to consider relevant matters that relate clearly to the licensing objectives, namely: the prevention of crime and disorder; public safety; prevention of public nuisance; and the protection of children from harm. The licensing regime, along with the noise abatement notice system under the Environmental Protection Act 1990, should be able to address potential issues of anti-social behaviour, as described by the neighbouring objector to the planning application.
37. However, the prevention of "public nuisance" or statutory nuisance is not the same as the legitimate planning objective of safeguarding acceptable living conditions for neighbouring occupiers. Noise falling short of a public or statutory nuisance may nevertheless cause unacceptable harm to a neighbour's living conditions. In order to safeguard living conditions, I am satisfied that an opening hours condition is necessary, relevant to planning and relevant to the use to be permitted.
38. Whilst other, indeed longer hours have been suggested, subject to what I have to say about Sundays, it is reasonable to specify a closing time equivalent to that on the premises licence, namely 21:30. The appellant's evidence is that the business has never opened after 21:00. Similarly, the evidence is that it

has never opened before 09:00 Monday to Friday and 08:30 on a Saturday. The lack of complaints from immediate neighbours must be seen in that context. They could reasonably expect a quieter environment outside these times, and I will impose them to safeguard neighbours' living conditions.

39. When concluding that neighbours have not suffered unacceptable levels of noise, I also noted the fact that the business has not opened on a Sunday and so it is reasonable to maintain tighter controls on Sundays, when more people are likely to be at home. The premises licence does not prohibit Sunday opening, but the 12:00 to 16:00 Sunday opening hours suggested by the Council are reasonable and I will adopt them.
40. I see no need to specify operating hours for the bar use in isolation from the hairdressers/barbers element. The premises licence currently prohibits the bar use before 12:00. However, I am less concerned about the impact on neighbours, in terms of noise and disturbance, of activity between 08:30 and 12:00 in this busy District Centre location.
41. The Council suggests a condition restricting the playing of amplified music outside specified hours, but I see no need for that in addition to the opening hours restrictions. I also note that the hairdressers/barbers business has been able to play music without any planning restrictions.

Overall conclusion and planning balance

42. Subject to the conditions referred to, I find that the use of the premises as a hairdressers/barbers and drinking establishment will not cause unacceptable harm to the living conditions of neighbouring residential occupiers in terms of noise and disturbance. It therefore complies with CS Policies DM5 and DM11 and there is no conflict with the Framework. I conclude that the use complies with the development plan as a whole and no material considerations indicate that planning permission should not be granted. I will therefore allow the appeal.

J A Murray

INSPECTOR



Appeal Decisions

Site visit made on 20 August 2020

by J A Murray LLB (Hons), Dip.Plan Env, DMS, Solicitor

an Inspector appointed by the Secretary of State

Decision date: 02 September 2020

Appeal A: APP/B3030/C/20/3249587

Land at 32 King Street, Southwell, NG25 0EN

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr Paul McCarroll against an enforcement notice issued by Newark & Sherwood District Council.
 - The enforcement notice was issued on 28 February 2020.
 - The breach of planning control as alleged in the notice is 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).
 - The requirements of the notice are:
 - A. Cease the material change of use of the building as a composite use as a hairdressers/barbers (A1) and drinking establishment (Use Class A4); and
 - B. Operate the building solely as an A1 (shops) use.
 - The period for compliance with the requirements is 62 days after the notice takes effect.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (b), (c), (e), (f) and (g) of the Town and Country Planning Act 1990 as amended.
-

Appeal B: APP/B3030/W/20/3249591

Land at 32 King Street, Southwell, NG25 0EN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Paul McCarroll against the decision of Newark & Sherwood District Council.
 - The application Ref 19/01780/FUL, dated 27 September 2019, was refused by notice dated 2 March 2020.
 - The development proposed is described in the application as "change of use from A1 Use to Mixed Use - A1 and A4."
-

Decisions

Appeal A: APP/B3030/C/20/3249587

1. It is directed that the enforcement notice be:

- (i) corrected in section 2 by the deletion of the description of the land to which the notice relates and substitution of:

"The ground floor premises at 32 King Street, Southwell, NG25 0EN, shown hatched on the attached Plan A (the Land)"
- (ii) corrected in section 3 by the deletion of the description of the breach and substitution of:

“Without planning permission, the material change of use of the Land from a hairdressers/barbers (Use Class A1 – Shops) to a composite use as a hairdressers/barbers and drinking establishment”;

- (iii) varied in section 5 by deleting requirements A and B and substituting:

“Cease the use of the Land as a drinking establishment”; and

- (iv) varied in section 6 by deleting “A and B”.

Subject to these corrections and variations the appeal is allowed and the enforcement notice is quashed.

Appeal B: APP/B3030/W/20/3249591

2. The appeal is allowed and planning permission is granted for the change of use of the ground floor premises at 32 King Street, Southwell, NG25 0EN from a hairdressers/barbers (Use Class A1) to a mixed use as a hairdressers/barbers and drinking establishment in accordance with the terms of the application, Ref 19/01780/FUL, dated 27 September 2019, and the plans submitted with it, subject to the following conditions:

- 1) The use hereby permitted shall not be open to patrons or customers outside the following hours:
09:00 – 21:30 Mondays - Fridays
08:30 – 21:30 Saturdays
12:00 – 16:00 Sundays
- 2) The premises shall not be open to patrons or customers as a drinking establishment unless they are also open to customers as a hairdressers/barbers.

Application for costs

3. An application for costs was made by Mr Paul McCarroll against Newark & Sherwood District Council in respect of both appeals. This application is the subject of a separate Decision.

APPEAL A

The enforcement notice

4. Although I am quashing the notice, I am first required to get it in order. Section 2 of the notice says it relates to “Land at 32 King Street...” but the allegation and requirements refer to the material change of use of “a building” and “the building” respectively, without defining that building. The appellant presumes and the Council confirms the notice relates to a part of the building, namely the ground floor, the first floor being separately occupied as a residential flat. Indeed, I note from a letter from the occupier of the flat that it is known as 32A King Street. No misunderstanding has arisen, but the notice ought to be corrected to more clearly describe the land affected and indeed the Council invites this. I am satisfied that this correction can be made without causing any injustice.
5. Although this point has not been addressed by the parties, the reference in the allegation to a composite class A1/A4 use is inappropriate. As a mixed use, the

alleged use would not fall within any Use Class. It should simply be described as a composite use as a hairdressers/barbers and drinking establishment and again, I am satisfied that this correction can be made without causing injustice.

6. Although issues with the requirements of the notice come within the scope of ground (f), it is appropriate to get the notice in order, so I will address them now. As far as requirement 'A' is concerned, as there is no objection to the hairdressers/barbers use, the notice can merely require cessation of the use as a drinking establishment. This change can be made without causing injustice. Requirement 'B', to operate the building solely as an A1 shop is excessive because, on the face of things it could prohibit other lawful uses, or as yet unsubstantiated future breaches of planning control. If further changes occurred, which required planning permission, enforcement action could be taken. Accordingly, deletion of requirement 'B' will not cause injustice. This necessitates a consequential amendment to the time for compliance section 6.

Ground (e)

7. This ground will succeed if copies of the notice were not served as required by s172 of the 1990 Act. However, by s176(5), where a person has not been served as required, this may be disregarded if neither the appellant nor that person has been substantially prejudiced by the failure to serve him.
8. Section 172 requires service of an enforcement notice on the owner and occupier of the land and any other person having an interest in the land, being an interest which, in the opinion of the authority, is materially affected by the notice. Albeit with some technical criticisms, the appellant accepts that he was served and of course he has been able to appeal.
9. The appellant is the occupier of the appeal property and has an interest under a lease for which he says he pays a full market, or "rack rent." He indicated in the certificate on the 2019 planning application (the subject of appeal B) that the appeal property was owned by others and, although he did not name them, he gave their address. The appellant has now named the freehold owners in his appeal statement.
10. Having regard to s336(1) and the appellant's evidence that he pays a rack rent, the freeholders are the owners for the purposes of s172, as well as having an interest materially affected. The Council does not dispute this but asserts that the notice was "issued upon" each of the parties required to be served. However, it provides no evidence regarding service and, on its face, the notice indicates that it was simply served on the appellant and "any owner/occupier" at 32 King Street.
11. There is no evidence from the Council that it could not ascertain the name of the owner after reasonable inquiry. The Council does not indicate what if any inquiries were made. The appellant says he was not served with a Planning Contravention Notice requesting details of the owners, though this information would have been available through a Land Registry search anyway and their address was given on the planning application.
12. The methods of service are prescribed by s329. There is no evidence that the notice was: delivered to the owner; delivered to, left at or sent by prepaid registered letter or recorded delivery to their usual or last known place of abode, registered principal office, or any other address given for service; or

that it was sent electronically to any address given for that purpose. On the evidence, I am satisfied that the notice was not served on the owner as required by s172.

13. Whilst the appellant has submitted a fully detailed appeal, and notwithstanding the existence of the linked s78 appeal, the failure of the enforcement appeal might affect the appellant's ability to pay rent to the owner. For that reason alone, I cannot conclude that the apparent lack of opportunity for the owner to pursue an appeal did not substantially prejudice the owner. In addition, if the notice were upheld and not complied with, the owner would be liable to prosecution, even if they were unaware of the notice, so long as it were on the statutory register of enforcement notices. This reinforces my conclusion that there would be substantial prejudice and the appeal therefore succeeds on ground (e) and the notice will be quashed, following correction. The remaining grounds of appeal against the notice do not then fall to be considered.

APPEAL B

Background and procedural matters

14. Notwithstanding the description in the application and notice of refusal, for the reasons set out in my decision on appeal A, the development should be described as the change of use from a hairdressers/barbers (Use Class A1) to a mixed use as a hairdressers/barbers and drinking establishment. That use had already commenced when the application was submitted.
15. Through grounds (b) and (c) in the enforcement appeal, the appellant argued that no planning permission was required on the basis that the drinking establishment element is merely ancillary or incidental. However, as I have quashed the notice on ground (e) that argument was not considered. Furthermore, it is not for me to determine that issue in this s78 appeal. I must decide the appeal on the planning merits, but if planning permission is not required, my decision will not affect that.
16. For the avoidance of doubt and as discussed under appeal A, the appeal property should be described as "the ground floor premises at 32 King Street, Southwell, NG25 0EN."

Main Issue

17. The main issue is the effect of the use of the premises as a hairdressers/barbers and drinking establishment on the living conditions of neighbouring residential occupiers in terms of noise and disturbance.
18. The refusal notice specifically refers to the occupiers of the first floor flat above. The Council's statement mentions "two close residential properties", but only specifically identifies the flat above the appeal premises. Nevertheless, from my site inspection, I note that there may be residential flats above the adjoining sweet shop and optician's premises.

Reasons

19. As the site lies within a designated District Centre, the Council accepts that the use meets with the aims of maintaining the primary shopping frontage whilst also having a positive impact upon the viability and vitality of the District Centre by introducing a further use of the site that maintains the vitality

- throughout 'normal business hours' and then continuing into the evening. The Council therefore accepts that it accords with Policy DM11 of the Newark & Sherwood Local Development Framework Core Strategy & Allocations Amended Core Strategy (CS), adopted March 2019. However, this is subject to CS Policy DM5, which indicates that new development which creates an unacceptable level of amenity will be resisted. This in turn is consistent with paragraph 127 of the National Planning Policy Framework (the Framework). Policies DM11 and DM5 comprise the most relevant and important development plan policies relating to this appeal.
20. Whilst there is no dispute that the hairdressers/barbers use is lawful, it is not subject to a specific planning permission. Accordingly, although the appellant has provided details of the pre and post Covid-19 opening hours, there is no planning condition to formally restrict those hours. On the other hand, the drinking establishment/bar element is the subject a premises licence, granted by the Council, which currently restricts the bar opening hours to 12:00 to 21:30 Monday to Sunday.
 21. The appellant indicates that, whilst the bar serves drinks to customers who are not having their hair cut, as well as to those that are, the bar is only open when the hairdressers/barbers is also open for business. The premises are never used exclusively for bar activity.
 22. The appellant's evidence is also that, in general, the peak of bar customers who are not getting their hair cut occurs between 19:45 and 21:00 on Friday and Saturday. He says an average of 15 to 20 customers may use the bar on each of Friday and Saturday evening, compared to about 80 customers who get their hair cut on a Friday and around 70 on a Saturday. The appellant says the peak of bar customers not getting their hair cut relates to 2.5 hours per week compared to 60.5 hours of overall opening. Although these figures are approximate and could be subject to change, there is no evidence to contradict them.
 23. As the application plan PMCC/01 Rev B shows and my site inspection confirmed:
 - The hairdressers/barbers and bar share a common access, counter/bar, till and WC;
 - The bar is within the barbers' area and forms the payment counter for the barbers;
 - There is no physically separate area defined as the bar;
 - The bar uses the same tables and chairs as the waiting area for the barbers (although, at the time of my visit, there were also 4 bar stools at the counter).
 24. The Council considers that the bar use will cause more noise than the hairdressers/barbers. It is concerned that the appellant has not complied with requests to submit noise surveys/reports to demonstrate that the use would not result in an unacceptable level of noise.
 25. However, the application was retrospective and indicated that the use has been operating since September 2018, a date broadly confirmed by the residential occupier of the first floor flat above. There has therefore been an opportunity to

- test the impact. A letter from the occupier of the flat above indicates that, since the use commenced, he has had no concerns about noise. Furthermore, he does not want strangers in his flat to undertake what he considers to be an unnecessary noise survey.
26. A letter from another neighbour, who the appellant says lives four doors away from the appeal property, does refer to noise from this use affecting residents, including from anti-social behaviour and drinking in the street. She also refers to a "Noise Abatement Order" being served by the Council in October 2019. However, this neighbour was concerned that the application would result in the premises becoming a "full-blown bar with potential to become a nightclub." Subject to suggested conditions, she said she hopes the appellant will be able to "continue running a successful barber's shop and early evening bar." Among other things, she suggested the licensing hours be restricted to 21:30, 7 nights per week. The Town Council objected on the basis of noise but provided no details. The Southwell Civic Society objected to unlimited hours and the Council's Environmental Health Officer suggested conditions.
 27. The Council's statement does not refer to the noise abatement notice and neither does the Environmental Health Officer's consultation response. The appellant's unchallenged account is that the abatement notice was served in October 2019, but was withdrawn in January 2020, shortly before the relevant legal proceedings in the Magistrates Court. He says the Council's Environmental Health Department accepted that the instances of alleged noise nuisance relied upon in the notice in fact occurred when the premises were closed. Furthermore, noise surveys undertaken at the complainant's property only determined the background noise present from traffic, the three nearby takeaway restaurants and a nearby pub.
 28. Notwithstanding the circumstances which led to the withdrawal of the abatement notice, the Council did not reconsult before issuing the enforcement notice and refusing the planning application in February and March 2020 respectively.
 29. Whilst the concern that a drinking establishment could generate noise is easily understood, this use has been operating for some time and the evidence does not indicate on the balance of probability that this use has resulted in unacceptable noise for neighbouring occupiers. It is possible that the occupier of the flat above is exceptionally tolerant, but I attach significant weight to the fact that he has no concerns about noise and considers a noise survey unnecessary. I have seen no objections from other adjacent neighbours.
 30. Subject to any restriction on operating hours, it is possible that the bar could become busier, but the premises are small and there is very limited scope for expanding the bar use whilst retaining the hairdressers/barbers use in the mix. If the bar use displaced the hairdressers/barbers use, that would most likely involve a material change requiring planning permission; allowing this appeal would not lead to the premises becoming a "full-blown bar with potential to become a nightclub." That said, the appellant states that the bar use never operates when the hairdressers/barbers is not also open for business. A condition could reasonably require this to further limit the extent of the bar use, in the interests of neighbours' living conditions.
 31. On the subject of opening hours, the evidence that the hairdressers/barbers and drinking establishment use has not caused any unacceptable noise for

neighbouring residents must be seen in the context of the appellant's evidence that it has not operated after 21:00 in the evening on any day and it has been closed on Sundays.

32. I conclude on the main issue that, subject to conditions concerning opening hours and preventing operation of the bar alone, the use of the appeal premises as a hairdressers/barbers and drinking establishment will not have any unacceptable impact on the living conditions of neighbouring residential occupiers in terms of noise and disturbance. I therefore find no conflict with CS Policy DM5.

Conditions

33. Given my findings concerning the actual experience of noise generated by the operation of this use since September 2018 a condition requiring the submission of a noise assessment is unnecessary. For the same reason, and even though the appellant does not object to these in principle, I am not persuaded that conditions requiring the installation of self-closing door mechanisms and acoustic baffles are necessary.
34. I have already indicated that a condition preventing the opening of the bar in isolation is needed. Furthermore, the fact that the premises have not been opening late into the evening may have been an important factor in limiting any disturbance through noise. I note that, although the hairdressers/barbers use has not been subject to any formal restriction on opening hours, the current premises licence only allows the bar to operate between noon and 21:30, albeit 7 days a week.
35. The Planning Practice Guidance advises that conditions which require compliance with other regulatory regimes will not meet the test of necessity and may not be relevant to planning. However, a planning condition which specifies hours of operation, is not one which simply requires compliance with other regulatory regimes.
36. The appellant says an opening hours condition is unnecessary because the premises licensing regime allows the Council to consider relevant matters that relate clearly to the licensing objectives, namely: the prevention of crime and disorder; public safety; prevention of public nuisance; and the protection of children from harm. The licensing regime, along with the noise abatement notice system under the Environmental Protection Act 1990, should be able to address potential issues of anti-social behaviour, as described by the neighbouring objector to the planning application.
37. However, the prevention of "public nuisance" or statutory nuisance is not the same as the legitimate planning objective of safeguarding acceptable living conditions for neighbouring occupiers. Noise falling short of a public or statutory nuisance may nevertheless cause unacceptable harm to a neighbour's living conditions. In order to safeguard living conditions, I am satisfied that an opening hours condition is necessary, relevant to planning and relevant to the use to be permitted.
38. Whilst other, indeed longer hours have been suggested, subject to what I have to say about Sundays, it is reasonable to specify a closing time equivalent to that on the premises licence, namely 21:30. The appellant's evidence is that the business has never opened after 21:00. Similarly, the evidence is that it

has never opened before 09:00 Monday to Friday and 08:30 on a Saturday. The lack of complaints from immediate neighbours must be seen in that context. They could reasonably expect a quieter environment outside these times, and I will impose them to safeguard neighbours' living conditions.

39. When concluding that neighbours have not suffered unacceptable levels of noise, I also noted the fact that the business has not opened on a Sunday and so it is reasonable to maintain tighter controls on Sundays, when more people are likely to be at home. The premises licence does not prohibit Sunday opening, but the 12:00 to 16:00 Sunday opening hours suggested by the Council are reasonable and I will adopt them.
40. I see no need to specify operating hours for the bar use in isolation from the hairdressers/barbers element. The premises licence currently prohibits the bar use before 12:00. However, I am less concerned about the impact on neighbours, in terms of noise and disturbance, of activity between 08:30 and 12:00 in this busy District Centre location.
41. The Council suggests a condition restricting the playing of amplified music outside specified hours, but I see no need for that in addition to the opening hours restrictions. I also note that the hairdressers/barbers business has been able to play music without any planning restrictions.

Overall conclusion and planning balance

42. Subject to the conditions referred to, I find that the use of the premises as a hairdressers/barbers and drinking establishment will not cause unacceptable harm to the living conditions of neighbouring residential occupiers in terms of noise and disturbance. It therefore complies with CS Policies DM5 and DM11 and there is no conflict with the Framework. I conclude that the use complies with the development plan as a whole and no material considerations indicate that planning permission should not be granted. I will therefore allow the appeal.

J A Murray

INSPECTOR



Appeal Decision

Site visit made on 1 September 2020

by **Ben Plenty BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 9 September 2020

Appeal Ref: APP/B3030/W/20/3252277

Land between 48 & 50 Middleton Road, Newark on Trent NG24 2DL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Taylor Lindsey Ltd against the decision of Newark & Sherwood District Council.
 - The application Ref 19/02266/FUL, dated 19 December 2019, was refused by notice dated 14 February 2020.
 - The development proposed is the erection of 4 dwellings and associated works (resubmission of application 19/01128/FUL).
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Decision

1. The appeal is allowed, and planning permission is granted for the erection of 4 dwellings and associated works at Land between 48 & 50 Middleton Road, Newark on Trent, NG24 2DL, in accordance with the terms of planning application 19/02266/FUL dated 19 December 2019, and subject to the conditions within the attached schedule.

Procedural matters

2. I have taken the address from the appeal form and Council's Decision Notice as the address given on the application form is incomplete. I have also removed some superfluous words from the original description of development as these do not describe development.

Main Issues

3. The main issues are:
 - the effect of the proposed development on the character and appearance of the streetscene, with particular regard to the effect on nearby protected trees; and
 - the effect of the proposal on the ongoing activity associated with the adjacent Newark Industrial Estate, with particular regard to noise.

Reasons

Character and appearance

4. Middleton Road serves a residential area of largely semi-detached properties. The majority of these have hipped roofs and consist of either brick or rendered walls with some including porch canopies. The majority of plots have retained front gardens with driveways that are generally wide and shared between

neighbouring occupiers. Landscaped front gardens and low boundary walls and fences are a predominant characteristic. Some dwellings are set back with shared driveways and a greater extent of hardstanding, such as 58-64 Middleton Road.

5. The existing pattern of development shows that some dwellings have a disjointed relationship to the highway, such as 5 Terry Avenue and its neighbour, where the frontages are behind existing rear gardens. The submitted block plan illustrates that local plot widths vary to some extent with a commensurate variation in plot density. The appeal site is located between 48 and 50 Middleton Road (No's 48 and 50) and to the rear of 50 and 52. The site is part of a larger area of open land that consists of unkempt grassed areas and woodland with ad hoc pathways running through it. The Newark Public Footpath (No.28) also runs through the site connecting Middleton Road to the Yorke Drive playing fields to the south. The site makes a neutral contribution to the character and appearance of the area.
6. The proposal consists of four dwellings; two would be in between No's 48 and 50 (Plots 1 and 2) and a further two would be to the rear of No's 50 and 52 (Plots 3 and 4). The proposed dwellings would be two-storey with hipped roofs. The proposal would add interest to the design through the use of brick walls, soldier course details and porch canopies. These features would replicate characteristics of the existing built form. Therefore, the design would enable the proposed dwellings to integrate well with the existing built vernacular. The plot widths of the proposed dwellings would be narrower than seen in many local examples. However, this would not be so different as to be construed as disharmonious. Plots 1 and 2 would continue an established front building line and be of a similar height to neighbouring development. These would therefore complement the existing streetscene.
7. Plots 3 and 4 would be located to the rear of the site. These would be accessed by an extended driveway that would also serve the existing footpath. These would be perpendicular to the highway and would be behind existing dwellings on Middleton Road. Nevertheless, the dwellings within these plots would have a coherent relationship to plots 1 and 2 as an integrated extension of the frontage development. Moreover, the proposed extent of hard surfacing would accord with the appearance of existing development within the residential area. As a result, the proposal would accord with the established pattern of local development.
8. Furthermore, the proposed dwellings within both areas of the site would be of sufficient size to cater for day-to-day use, be a comparable density to local plot sizes and would include appropriate parking provision. Moreover, the separation distance between the rear of No's 52 and 54 to the side elevation of plot 3 would be adequate to prevent an adverse impact on outlook. Consequently, the proposal would make efficient use of the land that would not result in an over-development of the site.
9. The rear parcel of the site is adjacent to trees subject to Tree Preservation Order (TPO). These make a strong contribution to the character of the area. They form a largely continuous line of screening to the eastern boundary of plot 4. The Appellant's Arboricultural Assessment identifies that these trees are mostly early maturity and semi-mature. Consequently, whilst they would have some future growth this would be limited and would not therefore overwhelm

the proposed gardens. The proposal would result in limited shading to parts of the rear garden of plot 4.

10. Therefore, the proximity of the tree group would not have a significantly harmful effect on future occupiers of plots 3 and 4 or result in substantial nuisance through overshadowing or leaf clearance. Moreover, the proposed works would have a limited impact on the health of the trees, and this could be further mitigated through the imposition of a planning condition. The trees would therefore be capable of continuing to make an ongoing positive contribution to the area. As such, taking all of the above reasons into account, the proposed dwellings would make a positive contribution to the character and appearance of the streetscene.
11. Accordingly, the proposal would satisfy policies 9 and 12 of the Amended Core Strategy 2019. Amongst other things, these seek development to be appropriate in scale and form to its context and protect the District's ecological, biological and geological assets. The proposal would also satisfy policy DM5 of the Allocations and Development Management Development Plan Document 2013 (LP) where it seeks to only allow back-land development that would be in keeping with the general character and density of an area. These policies are in general conformity with the National Planning Policy Framework (The Framework) which seeks development to be sympathetic to local character.

Noise impact

12. Policy NUA/E/3 of the LP allocates the Newark Urban Area – Employment Site 3 for employment development uses. The Council identifies that the rear part of the appeal site forms part of this allocation. The Council also explains that the allocation included this site to provide a buffer between the employment land and the residential zone beyond. The tree group is outside the appeal site. This provides a strongly defined visual buffer between the two uses. The proposed development would be beyond the buffer and in close proximity to the existing dwellings of Middleton Road.
13. Paragraph 182 of the Framework requires new development to integrate effectively with existing businesses. It identifies that where existing businesses could have a significant adverse effect on new development suitable mitigation should be provided by applicants acting as agents of change. The objective is to prevent an existing business having unreasonable restrictions placed on it through the introduction of new development nearby.
14. The industrial estate is undergoing regeneration and some plots remain undeveloped. However, those plots nearest to the site have been occupied by a St John's Ambulance station, a vehicle repair garage and Appollo Engineering. A corner plot, adjacent to St John's Ambulance station is subject to planning approval for open storage. Other plots within the estate, further from the appeal site, are yet to come forward. Appollo and St John's Ambulance station have reasonably large buildings that present two-storey blank rear elevations towards the appeal site. As such, the industrial buildings address Telford Drive rather than the appeal site. Furthermore, the adjacent trees act as a wide and relatively tall barrier between the industrial estate and the existing residential properties of Middleton Road.
15. The proposed dwelling of Plot 4, nearest to the industrial estate, would present a side elevation towards the tree buffer with no side windows. The Appellant's

Noise Assessment found that daytime noise levels were dominated by road traffic noise from the A1, with noise from the industrial estate being only occasionally audible. It concluded that noise levels across the appeal site are characterised as being the lowest observed adverse effect rather than having a significant effect. It recommended that window glazing and trickle vents are designed to meet an identified acoustic performance specification to reduce the identified noise levels.

16. The Council's Environmental Health Officer largely agrees with the conclusions of the Noise Assessment. I recognise that the Council's concerns extend beyond the existing situation and speculate as to how the industrial estate may evolve over time. The Government's Planning Practice Guidance (PPG) states that any noise effects should consider both the current activities and also those that a business can carry out, even if they are not occurring at the time of the application being made. Nevertheless, in this case the proposed plots 3 and 4 are only marginally closer to the industrial estate than existing dwellings. In addition, the tree buffer further acts as a visual and physical barrier to the edge of the industrial estate. It is therefore unlikely that occupiers of these dwellings would experience substantially greater noise levels than that observed from within existing local dwellings.
17. Furthermore, the Council's refusal of some development within the industrial estate indicates to me that the proximity of dwellings along Middleton Road already has an effect on the suitability of some types of development on the perimeter of the industrial estate. Accordingly, the proposal would not materially increase the limiting effect of residential development in close proximity to the industrial estate. I am therefore unconvinced that all land to the rear of Middleton Road is required as a buffer between these different uses. Moreover, the proposal would not impede development of the vacant plots within Newark Industrial Estate. The evidence is therefore unconvincing that the proposed development would act as a restriction on the future development of the estate. Moreover, I am satisfied that the Noise Assessment's recommended glazing attenuation could be secured by an appropriately worded condition to address the limited noise impact of the industrial estate.
18. Paragraph 47 of the Framework requires planning decisions to be determined in accordance with the development plan, unless material considerations indicate otherwise. The proposal would represent a departure from the development plan due to allocation NUA/E/3. However, the arrangement of existing buildings and the scale and location of the tree group indicate that the appeal site is not suitable for employment use and is beyond a reasonable and practical delineation of the allocated employment land. These matters are material and of overriding importance in the consideration of the merits of the case.
19. Accordingly, the proposal would satisfy policy DM5 of the LP, where it seeks development to have regard to its impact on the amenity or operation of surrounding land uses and where necessary mitigate any detrimental impact. The proposal would also accord with the Framework which seeks development to integrate effectively with existing businesses.

Other matters

20. The issue of precedent has been raised by interested parties. Although, each case must be considered on its own merits, the site represents a relatively unique parcel of land and such a proposal as submitted would not be readily replicated.
21. The proposed dwellings of plots 3 and 4 would be beyond the rear boundary of No's 50 and 52. These would not include side windows and would have one first-floor bedroom window that would afford only oblique views into the rear most part of neighbouring gardens. As such, the effect on the privacy of the occupiers of these dwellings and their associated gardens would be limited.

Conditions

22. I have considered the use of conditions in line with the guidance set out in the PPG. I shall impose the majority of the Council's suggested conditions and have made minor adjustments to them for clarity. I have also removed some tailpiece elements of some suggested conditions for clarity. I have added a condition requiring acoustic glazing and vent details to accord with the advice of the Appellant's Noise Assessment.
23. The Council has suggested that a condition be imposed to protect trees on site from various effects. However, condition 9 would provide adequate protection for trees on site. Those trees off-site would be suitably protected through the existing TPO. Accordingly, suggested condition 10 would not pass the tests as being necessary. I have also adjusted the trigger time for boundary treatment details to remove the pre-commencement requirement in accordance with advice within the PPG.
24. I have therefore applied the following conditions in the interests of certainty and to define the approval [1 and 2], in the interests of the character and appearance of the local area [3 and 8], to meet highway safety requirements [4, 6 and 7], to satisfy arboricultural interests [9], and to protect the living conditions of future occupiers [5 and 10].

Conclusion

25. For the above reasons the appeal succeeds, and planning permission is granted subject to the attached conditions.

Ben Plenty

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin no later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Existing Site Location & Block Plan MR/OS/01b, Proposed Block Plan MR/BP/01e, and 'House Type 68' PD-68-01a.
- 3) No development shall be commenced beyond floor slab level until samples of facing and roofing materials have been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be carried out in accordance with the approved details.
- 4) 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 Local Planning Authority's specification.
- 5) Prior to the occupation of any dwelling hereby approved, a wheelie bin collection point shall be provided, to be located in a position to be agreed in writing with the Local Planning Authority, which shall thereafter be retained in perpetuity.
- 6) No part of the development hereby permitted shall be brought into use until the parking areas are provided in accordance with plan MR/BP/01e. The parking areas shall not be used for any purpose other than the parking of vehicles.
- 7) 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 5m behind the highway boundary in accordance with the approved plan.
- 8) Notwithstanding the submitted information, no development shall be commenced beyond floor slab level until details of proposed boundary treatments including types, height, design and materials, have been submitted to and approved in writing by the local planning authority. The approved boundary treatment shall be implemented prior to the occupation of the dwellings and shall then be retained in perpetuity.
- 9) All works/development shall be carried out in full accordance with the approved arboricultural method statement (by AWA Tree Consultants Nov 2019).
- 10) No development shall be commenced beyond floor slab level until details of glazing attenuation and trickle vents, in accordance with the recommendations of the Spectrum Acoustic Consultants Noise Assessment dated 23/4/19, have been submitted to and approved by the Local Planning Authority in writing. The relevant works shall then be carried out in accordance with the approved details.

End of conditions