



*Castle House
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Friday, 1 April 2022

Chairman: Councillor R Blaney
Vice-Chairman: Councillor Mrs L Dales

Members of the Committee:

Councillor M Brock
Councillor R Crowe
Councillor L Goff
Councillor Mrs R Holloway
Councillor Mrs P Rainbow
Councillor Mrs S Saddington
Councillor M Skinner

Councillor T Smith
Councillor T Thompson
Councillor I Walker
Councillor K Walker
Councillor T Wildgust
Councillor Mrs Y Woodhead

MEETING: Planning Committee

DATE: Tuesday, 12 April 2022 at 4.00 pm

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

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

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

AGENDA

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There are none.

NEWARK AND SHERWOOD DISTRICT COUNCIL

Minutes of the Meeting of **Planning Committee** held in the Civic Suite, Castle House, Great North Road, Newark, Notts, NG24 1BY on Tuesday, 15 March 2022 at 4.00 pm.

PRESENT: Councillor R Blaney (Chairman)
Councillor Mrs L Dales (Vice-Chairman)

Councillor M Brock, Councillor R Crowe, Councillor L Goff, Councillor Mrs R Holloway, Councillor Mrs P Rainbow, Councillor Mrs S Saddington, Councillor M Skinner, Councillor T Thompson, Councillor I Walker, Councillor T Wildgust and Councillor Mrs Y Woodhead

ALSO IN ATTENDANCE: Councillor P Peacock

APOLOGIES FOR ABSENCE: Councillor T Smith (Committee Member) and Councillor K Walker (Committee Member)

120 DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS

Councillors Mrs L Dales and I Walker declared Registerable Interests as Council appointed representatives on the Trent Valley Internal Drainage Board and Upper Witham Valley Drainage Board.

The Planning Committee Chairman on behalf of Members of the Planning Committee declared a Non-Registerable Interest regarding Planning Applications Item No. 10 – The Buttermarket, between 27 and 28 Middle Gate, Newark On Trent (21/02589/FUL, and Item No. 11 – 262-268 Yorke Drive, Newark On Trent (22/00114/FUL), the applicant being Newark & Sherwood District Council.

Councillor Mrs P Rainbow informed the Committee that she had received an email as Chairman to the Council from Spalford Parish Meeting, she had read the email but would not allow the content to influence her decision.

121 DECLARATION OF ANY INTENTIONS TO RECORD THE MEETING

The Chairman advised that the proceedings were being recorded by the Council and that the meeting was being livestreamed and broadcast from the Civic Suite, Castle House.

122 MINUTES OF THE MEETING HELD ON 15 FEBRUARY 2022

AGREED that the Minutes of the meeting held on 15 February 2022 were approved as a correct record and signed by the Chairman.

123 ORDER OF BUSINESS

With the agreement of the Planning Committee, the Chairman changed the order of business on the agenda as follows: Agenda item 7 – Shady Oaks, Eagle Road, Spalford

(21/02528/FUL) to be taken as the first item of business. Agenda item 9 – Shannon Falls, Tolney Lane, Newark (22/00073/S73) to be taken after Agenda item 6. The agenda resumed its stated order thereafter.

124 SHADY OAKS, EAGLE ROAD, SPALFORD - 21/02528/FUL (SITE VISIT: 10.25AM)

The Committee considered the report of the Business Manager – Planning Development, which sought the change of use of land to provide 4 pitches (1 static and 1 touring caravan and two parking spaces on each pitch) hardstanding and associated infrastructure for members of the Gypsy and Traveller community. A site visit took place before the Planning Committee meeting.

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 a neighbour and local resident.

Mr P Middleton, on behalf of Spalford Parish Meeting, spoke against the application, in accordance with the views of Spalford Parish Meeting, as contained within the report.

Members considered the application and it was felt that whilst the need to find pitches for members of the gypsy and traveller community was important, this site was considered inappropriate. It was commented that the application was contrary to Council policy, the development would change the character of the hamlet of Spalford and have an impact on the lives of people who reside there. There was a lack of infrastructure in the village, the local school was closing, there were no footpaths around the site and there were problems with the local bus service. The site was also in flood zones 2/3. It was also commented that planning permission had twice been refused previously on this site for a permanent dwelling and dismissed on appeal because of its location in the open countryside.

The legal advisor confirmed that there wasn't a five year pitch supply which could be a significant material consideration, if the Council was minded to attach weight to this, it could indicate justification for a decision contrary to Council policy.

The Chairman provided the Committee with an update on the progress being made to increase the number of pitches available in the district and that a report had been included on the forthcoming weeks Economic Development Committee to address this.

A vote was taken and lost for approval with 1 vote For and 12 votes Against.

AGREED (with 12 votes For and 1 vote Against) that contrary to Officer recommendation, planning permission be refused on the grounds of Council Policy SP8, DM5, DM8 and CP5.

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
M. Brock	For
R. Crowe	For
Mrs L. Dales	For
L. Goff	Against
Mrs R. Holloway	For
Mrs P. Rainbow	For
Mrs S. Saddington	For
M. Skinner	For
T. Smith	Absent
T. Thompson	For
I. Walker	For
K. Walker	Absent
T. Wildgust	For
Mrs Y. Woodhead	For

125 HILL HOUSE, CHAPEL LANE, EPPERSTONE - 21/02533/FUL (SITE VISIT: 12PM)

The Committee considered the report of the Business Manager – Planning Development, which sought the erection of a replacement dwelling and associated works and landscape enhancements. A site visit took place before the Planning Committee meeting.

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 local residents and the applicant.

The Business Manager – Planning Development confirmed that this application had been deferred from the 15 February 2022 Planning Committee pending a site visit. The application had been referred to the Secretary of State who had confirmed that the application would not be called-in. A model of the development was presented to the Committee. A video presentation of the site was provided to the Committee, predominately for those Members that were unable to attend the site visit.

The Chairman informed the Committee that the Local Ward Member Councillor R Jackson had sought permission to speak on the application, but had been injured that morning and had to submit an apology.

Members considered the application and it was felt that the dwelling was bold, ambitious, green and sustainable and had many architectural merits, thus forming the very special circumstances required to grant planning permission in the Green Belt.

AGREED (with 12 votes For and 1 Abstention) that planning permission be

approved, subject to the conditions contained in the report, having been referred to the Secretary of State who had confirmed that the application would not be called-in.

126 FIELD REFERENCE NUMBER 8890, MANSFIELD ROAD, EDWINSTOWE - 21/02094/OUTM (SITE VISIT: 11.20AM)

The Committee considered the report of the Business Manager – Planning Development, which provided an outline application for the development of up to 50 dwellings (including affordable housing), open space, children’s play space and associated infrastructure, including a new access off Mansfield Road, with all matters reserved. A site visit took place before the Planning Committee meeting.

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 following: neighbouring parties; NHS Nottingham and Nottinghamshire CCG; Agent and an anonymous objection.

Parish Councillor Mrs C Brooks, on behalf of Edwinstowe Parish Council, spoke against the application, in accordance with the views of Edwinstowe Parish Council, as contained within the report.

Councillor P Peacock, local Ward Member (Edwinstowe and Clipstone) spoke against the development as contained within the report.

A Member sought clarification regarding the site being an allocated site within the district council’s development plan with all matters reserved and whether the site could be de-allocated.

The Senior Planning Officer confirmed that as the site was allocated within the district council’s development plan, full regard would need to be given. There was a procedure to de-allocate sites however any appeal decision if the Planning Committee were minded to refuse the application would be taken before the process to de-allocate a site would have finalised as that process was lengthy.

Members considered the application and it was felt that whilst the scale of development in Edwinstowe appeared excessive as highlighted by the local Ward Member and Parish Councillor in attendance, Members had to consider that this was an allocated site within the district council’s development plan which had been approved by the Council.

AGREED (with 11 votes For, 1 vote Against and 1 Abstention) that planning permission be approved subject to the conditions contained within the report and the completion of a S106 Agreement as detailed within the report.

127 SHANNON FALLS, TOLNEY LANE, NEWARK - 22/00073/S73

The Committee considered the report of the Business Manager – Planning Development, which sought to remove condition 2 from planning permission 18/02167/FUL to allow the existing temporary use to become permanent. Change of use of scrubland for the siting of 8 touring caravans and associated amenity block for gypsy travellers.

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 applicant. The applicant understood that their planning application for permanent use was likely to be refused permission on grounds of flood risk. They had therefore confirmed that they would wish that a grant of a further temporary permission would be considered instead.

The Business Manager – Planning Development confirmed to the Committee that the recommendation in the report was refusal for permanent planning permission. The applicant had sought permission for a further three year temporary permission. The Planning Officers recommendation had therefore changed to approval for temporary approval for three years.

Members considered the application for further temporary approval for three years acceptable.

AGREED (unanimously) that planning permission be approved subject to temporary approval for three years and subject to the existing conditions contained in the Schedule of Communication.

128 SOUTHWELL RACECOURSE, STATION ROAD, ROLLESTON - 22/00168/S73M

The Committee considered the report of the Business Manager – Planning Development, which provided an application for variation of condition 4 to allow greater flexibility for the use of lighting attached to planning permission 19/01824/S73M, which varied planning permission 17/01268/FULM; erection of 55 directional lighting columns.

Members considered the presentation from the Senior Planning Officer, which included photographs and plans of the proposed development.

Members considered the application and it was commented that there was no increase in race meetings per year as that was capped at eighty. The lighting erected in 2019 had not resulted in light intrusion to any surrounding properties. There would be an increase from twenty to up to forty meetings when the floodlights could potentially be used which would be subject to the measures set out in existing traffic management plan. The Committee therefore saw no planning grounds to refuse the application.

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

129 THE BUTTERMARKET, BETWEEN 27 AND 28 MIDDLE GATE, NEWARK ON TRENT - 21/02589/FUL

The Committee considered the report of the Business Manager – Planning Development, which sought the change of use of the first floor atrium and old pub area of the Buttermarket from Sui Generis to Mixed Use (Uses Classes E(a), E(b), E(g(i)), F1(a) and F2(b)).

Members considered the presentation from the Business Manager Planning Development, which included photographs and plans of the proposed development.

Members considered the application acceptable.

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

130 262 - 268 YORKE DRIVE, NEWARK ON TRENT - 22/00114/FUL

The Committee considered the report of the Business Manager – Planning Development, which sought full planning permission to demolish four properties, last used as dwellhouses.

Members considered the presentation from the Senior Planning Officer, which included photographs and plans of the proposed development.

Members considered the application acceptable.

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

131 APPEALS LODGED

AGREED that the report be noted.

132 APPEALS DETERMINED

AGREED that the report be noted.

Meeting closed at 6.20 pm.

Chairman

PLANNING COMMITTEE – 12 APRIL 2022

Application No:	21/02508/FULM	
Proposal:	Erection of a two storey, 44 bedroom hospital with landscaping	
Location:	Cygnets Sherwood Lodge, Rufford Colliery Lane, Rainworth, NG21 0HR	
Applicant:	Cygnets Healthcare	
Agent:	Peacock And Smith - Gareth Glennon	
Registered:	25.01.2022	Target Date: 26.04.2022
Website Link:	21/02508/FULM Erection of a two storey, 44 bedroom hospital with landscaping Cygnets Sherwood Lodge Rufford Colliery Lane Rainworth NG21 0HR (newark-sherwooddc.gov.uk)	

This application is being presented to the Planning Committee in line with the Council's Scheme of Delegation as Rainworth Parish Council has objected to the application which differs to the professional officer recommendation and it is a major development.

The Site

The application site is a broadly triangular plot of land approximately 0.62 hectares accessed from Rufford Colliery Lane. The urban boundary for Rainworth at its northern point runs alongside the A617, this site is to the north of the A617 and therefore outside of the urban boundary and within the open countryside.

Rainworth Water Treatment Works lies to the north of the site beyond which lies the former colliery. The existing Cygnets Health Care facilities of Sherwood Lodge and Sherwood House lie to the south of the site with a pair of semi-detached dwellings beyond at the corner of the road junction. The site itself appears to have been recently cleared of scrubland with mounds of earth being the dominant feature as existing.

The site is close to ecological designations including the Rainworth Heath SSSI approximately 50m to the west of the site and a locally designated area of acidic grassland adjacent to Rainworth Water to the south east. The site is within Flood Zone 1 according to the Environment Agency maps.

Relevant Planning History

The original facility was approved in the 1990s on land to the south of the application site. In 2010 the following permission was granted affecting the application site, the permission has been implemented with one of the approved buildings completed and occupied.

09/00896/FULM - Two new 24 bed building for use as a psychiatric hospital and/or as a care home and/or for the provision of residential accommodation in each case with treatment & care including rehabilitation and/or any purpose within use class C2, including double garage/storage

area, polytunnel and horticultural training area, with associated car parking and landscaping, laying out of football pitch and surrounding 5m high fencing and creation of habitat for nature conservation purposes.

The following application relates to one of the properties in close proximity to the site:

20/00646/LDC - Application for Certificate of Lawfulness for the operation of the site as a C3(b) Use (up to six people living together as a single household receiving care).

Certification issued June 2020.

The Proposal

The proposal seeks to act as an expansion of the existing facilities adjacent to the site namely Sherwood Lodge and Sherwood House. The proposed building would provide a purpose built 44 bed mental health unit arranged around a central courtyard (the scheme has increased from the originally submitted 42 beds but within the same building footprint).

The layout of the building is over two storeys with two wards and associated accommodation being located on the ground floor and a further ward on the first floor – together with ancillary therapy and office accommodation.

The building would predominantly have a flat roof design (with some small pitched sections) to a maximum height of approximately 8.8m. External facing materials would be a mixture of facing bricks and coloured render. The roof would be a membrane product with parapets which have an aluminum coping.

The proposal includes a total of 42 car parking spaces, including 3 disabled spaces.

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

- Site Location Plan – 000;
- Existing Site Plan – 002;
- Proposed Ground Floor Plan 600006-SA-V1-FF-DR-A-022;
- Proposed First Floor Plan 600006-SA-V1-FF-DR-A-0224;
- Proposed Roof Plan 600006-SA-V1-FF-DR-A-0226;
- Proposed True Elevations 600006-SA-V1-XX-DR-A-0401
- Proposed Visuals 1 600006-SA-V1-XX-DR-A-0001;
- Proposed Visuals 2 600006-SA-V1-XX-DR-A-0002;
- Proposed Entrance 600006-SA-V1-ZZ-DR-A-0227;
- Proposed Site Plan 600006-SA-V1-ZZ-DR-A-0226;
- Elevation Key Plan 600006-SA-V1-ZZ-DR-A-0402;
- Proposed Elevations 600006-SA-V1-XX-DR-A-0403;
- Planning Statement – Peacock and Smith dated November 2021;
- Design and Access Statement – Cygnet Health Care – Version B – Oct 2021;
- Drainage Strategy – JC Consulting – JCC21-066-C-02;
- Flood Risk Assessment - JC Consulting – JCC21-066-C-01;
- Habitats Regulations Assessment Screening Report – 16687b/PM.
- Phase 2 Ground Investigation Report – GEOL Consultants Ltd – GEOL20-9442;

- Preliminary Ecological Appraisal – JCA – 16687/FS;
- Transport Assessment – Northern Transport Planning Ltd – jgv/21008/TS/v1;
- Precautionary Working Method Statement – Middlewood Ecology – ME168-Rep01;
- Response to Parish Council comments dated 8th March 2022;
- Letter from Peacock+Smith – GG/5416/01(11 March 22)Bag;
- Ground Gas Risk Assessment - GEOL Consultants Ltd – GEOL20-9442;
- Phase 3 – Remediation / Gas Verification Strategy – JC Consulting – JCCGE022-009-01-RGVS;
- Letter by NTP dated 25th March 2022 – jgv/21008/250322;
- Proposed Drainage Arrangement – 6000006-JCC-V1-XX-DR-C-2101-T1;
- Proposed Drainage Schedules – 6000006-JCC-V1-XX-DR-C-2102-T1;
- Proposed Drainage Details – 6000006-JCC-V1-XX-DR-C-2103-T1;
- Proposed Drainage Details – 6000006-JCC-V1-XX-DR-C-2104-T1;
- Proposed External Levels - 6000006-JCC-V1-XX-DR-C-2105-T1;
- Proposed Harstanding Details – 6000006-JCC-V1-XX-DR-C-2106-T1.

Departure/Public Advertisement Procedure

Occupiers of 2 properties have been individually notified by letter. A site notice has also been displayed near to the site and an advert has been placed in the local press.

Planning Policy Framework

The Development Plan

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

Spatial Policy 1 - Settlement Hierarchy

Spatial Policy 3 – Rural Areas

Spatial Policy 7 - Sustainable Transport

Spatial Policy 8 – Protecting and Promoting Leisure and Community Facilities

Core Policy 3 – Housing Mix, Type and Density

Core Policy 6 – Shaping our Employment Profile

Core Policy 9 -Sustainable Design

Core Policy 12 – Biodiversity and Green Infrastructure

Core Policy 13 – Landscape Character

MFAP1 – Mansfield Fringe Area

Allocations & Development Management DPD

DM3 – Developer Contributions and Planning Obligations

DM5 – Design

DM7 – Biodiversity and Green Infrastructure

DM8 – Development in the Open Countryside

Other Material Planning Considerations

- National Planning Policy Framework 2021
- Planning Practice Guidance (online resource)

- National Design Guide – Planning practice guidance for beautiful, enduring and successful places September 2019
- Landscape Character Assessment SPD

Consultations

Rainworth Parish Council – Object as follows (*comments on basis of original scheme prior to additional justification being received*):

- Volume of patients, if added the new facility would make the combined total of beds in excess of 100;
- Impact on Dr's surgeries and Dentist in the village which are at present overstretched;
- No reassurances of which classification of patient the new facility will house;
- More detailed background information required regarding the category of the facility. If the facility is to be a lock door rehabilitation facility this must be shown in writing so that it cannot be upgraded to a higher category in the future;
- No details of how both escorted and unescorted leave will be monitored as this may have an impact for the residents and businesses in the area;
- Oversaturation – Millbrook a similar NHS facility at Kingsmill Hospital will be moving to the St Andrews facility approximately 2 miles away from the proposal this year. Rainworth already has 6 similar facilities within a 2-mile radius;
- District Councillor Tom Smith has been asked to call the application in.

NCC Highways Authority – Initial comments querying traffic survey methodology; parking arrangements and servicing and delivery requirements.

Comments on the basis of the additional information provided confirm no objections subject to conditions.

NCC Flood – No objections subject to condition.

Natural England – No objection subject to appropriate mitigation being secured for the installation and maintenance of a sustainable urban drainage system and foul water to discharge to a main sewer.

Notts Wildlife Trust – No comments received.

CCG – No comments received.

Environmental Health (contaminated land) – The latest document considers the PAH contamination identified in the previous studies but states that site levels are to be reduced by two metres. Following this reduction, further validation sampling is proposed of the landscaping and garden areas to ensure contamination doesn't remain.

In addition to the above, CS2 ground gas protection is proposed to be installed and verified in line with YALPAG Verification Requirements for Gas Protection Systems.

I can confirm agreement with the proposed remedial measures and shall await submission of the validation report in due course. I can therefore recommend the discharge of parts A and B of the

contamination condition. Parts C and D should remain, pending the findings of the additional works described above.

No letters of representation have been received.

Comments of the Business Manager

Principle of Development

The starting point for development management decision making is S.38(6) of the Planning and Compulsory Purchase Act 2004, which states that determination of planning applications must be made in accordance with the development plan unless material considerations indicate otherwise.

The Adopted Development Plan for the District is the Core Strategy DPD (2019) and the Allocations and Development Management Policies DPD (2013). The adopted Core Strategy details the settlement hierarchy which will help deliver sustainable growth and development in the District. Spatial Policy 3 states that, development not in villages or settlements, in the open countryside, will be strictly controlled and restricted to uses which require a rural setting. Direction is then given to the relevant Development Management policies in the Allocations and Development Management DPD.

Paragraph 83 of the NPPF states that planning decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings. Paragraph 84 goes on to acknowledge that sites to meet local business and community needs in rural areas may have to be found beyond existing settlements in locations not necessarily well served by public transport.

Although close to Rainworth, the site is outside of the defined urban boundary and is therefore within the open countryside. Policy DM8 outlines the types of development which may be acceptable in the open countryside.

The proposed development would be associated with the existing facility on the site and therefore can reasonably be categorized as an expansion of an existing business. Policy DM8 allows for such expansions (under the heading employment uses) where they are proportionate and can demonstrate an ongoing contribution to local employment. This approach is supported by Core Policy 6 which seeks to retain and safeguard existing employment areas. However, the justification text for Policy DM8 acknowledges that the expansion of any given site is likely to be limited at some point by the impacts on the countryside.

As per the planning history section above, the original facilities at Sherwood House (approved in the 1990s) have already been expanded through the first phase of the 2010 permission known as Sherwood Lodge. The evolution of the wider site is demonstrated through the Council's aerial photography from 2009 and 2016:



2009 (current application site shown hatched)



2016 (current application site shown hatched)

The application submission makes references to the proposals having a realistic fall-back position in that the extant scheme includes a second building not yet built out. This is not disputed and Officers agree that weight can be attached to the extant scheme. However, the proposals for consideration through the current application are materially different, namely seeking permission for a much larger building than previously approved (a 44 bed rather than 24 bed facility) and therefore the extant permission does not represent a true fall-back position.

There is no direction in Policy DM8 as to how proportionality should be assessed, albeit scale of buildings is considered to be an appropriate starting point.

According to the 2009 planning application form, the extant scheme allows for a total gross internal floor space of 4,446m². Given that the proposal related to two identical buildings, one built and one not, it is taken that the Sherwood Lodge building on site as existing is circa 2,223m².

Levels of existing employment on that application form were stated as being 46 full time and 14 part time staff with proposed levels of employment at 98 full time and 18 part time (which clearly won't have been fully realized given that the scheme has only been part implemented). Additional information submitted states that this proposal would provide in the region of 137 FTE jobs which is a significant level of employment in this location.

It is estimated that the existing Sherwood House has an internal footprint of less than 1,800m² and therefore even the part of the extant scheme built out has already more than doubled the original provisions for the business in floor space terms.

The policy tests at the time of the 2009 application consideration were not the same as the current Development Plan and therefore matters of proportionality would not have been applied. However, when taking that assessment retrospectively, it is clear that the 2010 permission as built out has already allowed more than a proportionate expansion of the original site.

As above, there is no dispute that an extant permission exists and that a substantially sized second building could be built on site tomorrow with no further permission from the authority. However as also above, this current proposal is bigger than the extant scheme and therefore does not have a true fall-back position. The current application seeks for 4,314m² of additional floor space and is therefore almost double the amount of floor space left to be built out through the extant permission.

Officers consider that the current application cannot be considered as a proportionate expansion in the open countryside and therefore the principle of development would not be accepted by the employment criteria of Policy DM8.

Notwithstanding the above, Policy DM8 also allows for community and leisure facilities requiring land in the open countryside on sites in close proximity to settlements:

In accordance with Spatial Policy 8, proposals will be required to demonstrate they meet the needs of communities and in particular any deficiencies in current provision. Associated built development should be restrained to the minimum necessary to sustain the use.

Although not explicitly referenced in Spatial Policy 8, it is considered reasonable to conclude that the proposed mental health hospital could be considered as a community facility.

The application as originally submitted makes light reference to the proposal arising from a need identified with the NHS but did not include substantial evidence of this, nor justification for why the facility needs to be adjacent to the existing facility and therefore in the open countryside. The agent has therefore been asked to substantiate this point and has done so through additional supporting evidence received by letter dated 11th March 2022.

The evidence provided is well substantiated and Officers do not seek to dispute that there is a significant unmet mental health need with an increase in people using mental health services at a time where the number of adult inpatient beds is being reduced. Nottingham specifically has been identified as one of the areas with consistently high rates of inappropriate out of area placements. Between 1 November and 30 November 2021, of 110 placements made within the Midlands area, 105 of these placements were classed as inappropriate. On the basis of the information provided, Officers disagree with the Parish Council concerns that the area is saturated with such facilities.

It is stated that the location of the site, in close proximity to the A617, is a key aspect given that the majority of patients who are referred to the facility will be travelling by specialist transport and therefore cannot rely on public transport. Moreover, it is contended that the existing facilities adjacent to the site mean that in the event of an incident at the proposed site, staff can transfer from the existing facilities to assist with any issues that may arise and reduce the need for significant interventions, which would otherwise be required if the site was disaggregated onto a site in a more sustainable settlement.

The scale of the development is explained in the context of Care Quality Commission requirements and other industry experts. By way of example, the bedrooms must be a minimum size of 15m² with other ancillary requirements such as access to a quiet room.

The additional information provided is considered robust enough to justify the development as an appropriately located and scaled community facility which would assist towards meeting a locally identified need for mental health service provision. On this basis the principle of development is accepted against Policy DM8.

Impact on Character

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

The site is within the Sherwood Policy Zone 8 (Vicar Water and Rainworth Heath Wooded Estatelands) according to the Landscape Character Assessment for the District. The characteristic features of this area include large scale commercial and industrial business parks on the urban fringes of Mansfield. Overall the landscape condition is very poor. In terms of the aims for the policy zone, new development should be around the existing settlements to conserve the remote rural character of the landscape. New development should also respect the local character in scale and design.

The Design and Access Statement implies that the building has been designed for functionality to allow for full connectivity around the building with interlinked straight corridors and an internal courtyard to give fresh air space without the need to incorporate fenced garden areas around the outside of the building. Neither the Planning Statement nor the Design and Access Statement includes a thorough impact of the proposal in respect to landscape character.

It has been carefully considered whether or not it would be reasonable to insist on further assessment of landscape impacts (in the form of a landscape and character impact assessment for example). However, it is not deemed necessary partly due to the context of the existing site surroundings but also partly in acknowledgement that the surrounding area is not overly sensitive in landscape terms.

The proposal would accord with the intentions of the policy zone for which it sits in that it would involve new development close to the settlement of Rainworth but also that it would respond to the immediately local character by taking design cues from the existing Sherwood Lodge. The building would be large scale covering a significant footprint of over 2,000m² but it would be

functional in its design and would very easily read alongside the existing facilities adjacent. The use of brick and render would respond to the adjacent buildings meaning that despite its scale and height, the building would not be a prominent feature in the landscape.

No character or landscape harm has been identified which would warrant resistance of the proposal, particularly in acknowledgement that there is already an extant permission for a building of a similar (albeit smaller) design on this site.

Impact on Ecology

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

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

As per the description of the development site above, the site is close to the Rainworth Heath SSSI. It is also 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. 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.

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 first stage of any Habitats Regulations Assessment (HRA) is to identify the likely significant effects (LSE) through the screening process. This is essentially a high-level assessment enabling the assessor to decide whether the next stage of the HRA, known as the appropriate assessment, is required.

The application has been supported by a HRA Screening report which identifies potential risks associated with the proposal including disturbance to breeding birds from people, their pets and traffic. The assessment includes a search of planning records to ensure that there are no other individual projects which, alongside with this proposal, would create a cumulative impact. These relate largely to applications to vary country permissions for stocking, drying and blending of coal fines which Officers agree are unlikely to have significant effects due to the small scale nature of the proposals.

The application site has already been cleared in line with the extant planning approval meaning that it holds no value for nightjar and woodlarks which require a more dense vegetation for ground nesting and foraging. Although construction would create short term noise and light disturbance this would be for a finite period and in any case would not take place in the evenings when nightjars are most actively feeding. Post construction, there may be a slight increase in noise

due to an increase in overall occupation of the site but again this would predominantly be in the daytime.

The development will bring about additional traffic movements (set out further in the highways section below) but the proposal is to act as an extension to the existing facility and therefore on the whole the traffic movements are already established. The end use would mean that there is no risk of additional pets being introduced into the area. Officers agree with the overall conclusions that there will be no likely significant effects arising from the development and therefore it is not necessary in this case to proceed to an appropriate assessment stage.

In addition to the above, site specific ecological surveys have been undertaken to support the application. It is noted that the site survey area for the ecological report is much larger than the actual application site extending north and north westwards. The document also includes an overview of the ecological assessments which were undertaken at the time of the 2009 application. Overall the following conclusions are given in the originally submitted assessment:

Amphibians – The proposed development has the potential to affect local populations particularly noting the 2009 surveys identified toads, smooth newts, palmate newts and common frogs migrate from the ponds immediately east of the main access roads.

Reptiles - The rubble piles, semi-improved grassland and scattered scrub, south of the site have the potential to support basking and/or sheltering reptile species.

Birds - The scattered trees and scrub on site are likely to support nesting birds during the nesting bird season as well as providing foraging habitat. The impact on birds could be appropriately managed through the avoidance of works in the bird breeding season. For clarity it has been confirmed that there are no existing trees or bushes which would require removal to facilitate the development and therefore the risks to breeding birds is low.

Bats – The site has foraging potential but could also be part of a commuting corridor to the wider landscape. Paragraph 6.1.4 of the document gives lighting recommendations which could be conditioned if the development were to be approved.

Hedgehogs - The proposed development could potentially restrict the movement of hedgehogs locally and reduce the amount of available foraging and hibernating habitat.

Notwithstanding the above, an additional ecological report was received (dated February 2022). This confirms that due to some site clearance in line with the extant permission, the current condition of the site is no longer suitable to support amphibian and reptile species previously recorded. Consequently much of the previous recommendations are no longer considered appropriate. Nevertheless, the updated document still sets out precautionary methods of working which represent reasonable avoidance measures to prevent any adverse effects to amphibians, reptiles and hedgehogs.

Subject to the mitigation measures set out above being secured by condition, there is no objection to the proposal from an ecological perspective.

Impact on Highways

Spatial Policy 7 of the Core Strategy seeks to ensure that vehicular traffic generated does not

create parking or traffic problems. Policy DM5 of the DPD requires the provision of safe access to new development and appropriate parking provision and seeks to ensure no detrimental impact upon highway safety.

The existing vehicular access and egress points into the overall site are to be maintained in order to provide necessary access to the car parking areas. The existing pavements around the site are to be extended and incorporated into the new scheme with required drop kerbs and pedestrian crossings provided to ensure pedestrian safety. A total of 42 car parking spaces are proposed to support the development (one space per hospital bed on the basis of the original quantum of the scheme) as well as cycle parking.

The application has been accompanied by a Transport Assessment. The proposed specialist hospital development is considered atypical and therefore use of a national trip rate database such as TRICS is not considered appropriate. Anticipated staffing levels have been provided as well as trip data based on the existing Sherwood House and Sherwood Lodge. In relation to vehicular movements, the document states the following (again based on the original 42 bed proposal):

It has been calculated that the proposed 42 bed hospital would generate a two-way traffic flow of 48vph during the AM peak period. Adding this to the observed peak traffic provides a two-way traffic flow of 112vph. It has been shown that the single lane working section of Rufford Colliery Lane has a capacity of 200vph, i.e. it is concluded that this section of the local highway network will continue to operate well within capacity after development.

The transport assessment contends that the site access arrangements will operate safely and within capacity. NCC as the Highways Authority have been consulted on the proposals but their original comments raised a number of concerns regarding traffic survey methodology; parking arrangements and servicing and delivery requirements.

The applicant has sought to address these concerns with a letter dated 25th March 2022. The latest comments of the highways acknowledge that the site is a little distance from the adopted highway which would limit the impact on the A617 signalized junction. Although the standard parking spaces proposed are the absolute minimum dimensions, it is accepted that there is sufficient maneuvering space provided and all vehicles expected to visit the site will be able to enter and exit in a forward gear. The provision of electric charging points is also welcomed. On the basis of the additional information, NCC Highways raise no objections to the proposal subject to the imposition of conditions.

Other Matters

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 site is some distance from neighbouring residents. The closest dwelling not associated with the existing use adjacent is one half of the semi-detached pair of properties at the junction of Rufford Colliery Lane. This dwelling is over 100m away from the site boundary and therefore would not suffer adverse amenity impacts such as a loss of privacy or overbearing. There may be some increases to noise and disturbance owing to increased traffic movements but this is not considered significant to cause amenity harm (particularly when noting that the property is already close to the busy A617 and its associated noise).

As is referenced above, it is estimated that the proposal would lead to circa 137 full time employees. This level of employment is considered to be a significant benefit of the scheme which should be afforded positive weight in the overall planning balance.

A Phase II ground investigation report has been submitted with the application. The comments of the Council's Environmental Health Officer acknowledged that the phase II report identifies some contamination but is inconclusive if remediation would be required because at the time of writing the report the proposed development layout was unknown. A further document has been submitted during the life of the application which has reduced the need for the full standard contamination condition subject to parts C and D being imposed.

The site is within Flood Zone 1 according to the Environment Agency maps and is therefore at a low risk of flooding from rivers. The site is also at very low risk of surface water flooding. NCC Flood team have commented on the proposals as the lead local flood authority and raised no objections subject to a condition seeking details of a surface water drainage scheme. These details have since been submitted and there is an outstanding consultation with NCC Flood Team, in the absence a response at the time of agenda print their suggested condition is included in the recommendation below.

It is noted that the Parish Council object to the proposal to which the agent has specifically responded during the life of the application. Of note, it is stated that all the patients would be short stay and therefore are unlikely to impact upon existing services such as doctors and dentists within Rainworth (notwithstanding that the service will also employ a physical healthcare nurse). Further clarification is also provided in terms of individual risk assessments for patients prior to any leave away from the unit.

Revised comments from the Parish Council have not been received at the time of agenda print but these will be reported to Members through the late items schedule if and when received.

For the avoidance of doubt, the proposed building footprint would overlap the positioning of the remaining building which could be erected through the extant scheme and therefore there is no risk of both schemes coming forwards.

Overall Balance and Conclusion

The site has an extant permission for a similar form of development albeit at a lesser scale and therefore the extant permission does not represent a true fall back position. The site is within the open countryside where development types are strictly controlled by Policy DM8.

On the basis of the additional supporting information which has been submitted during the life of the application, the applicant has sufficiently justified that there is a significant demand for the development proposed in this location and of this scale. The proposal can therefore be accepted against Policy DM8 as a community facility.

The applicant has responded to the original concerns of the highways authority and the latest comments of NCC Highways raise no objections. No harm has been identified in respect to other material considerations such as character; ecology or amenity and therefore the benefits of the proposal in providing a much needed community facility and the associated employment levels can be afforded determinative weight and the recommendation below is one of approval subject to conditions.

RECOMMENDATION

That planning permission is approved subject to the conditions and reasons shown below:

Conditions

01

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

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

02

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

- Site Location Plan – 000;
- Proposed Ground Floor Plan 600006-SA-V1-FF-DR-A-022;
- Proposed First Floor Plan 600006-SA-V1-FF-DR-A-0224;
- Proposed Roof Plan 600006-SA-V1-FF-DR-A-0226;
- Proposed True Elevations 600006-SA-V1-XX-DR-A-0401
- Proposed Entrance 600006-SA-V1-ZZ-DR-A-0227;
- Proposed Site Plan 600006-SA-V1-ZZ-DR-A-0226;
- Elevation Key Plan 600006-SA-V1-ZZ-DR-A-0402;
- Proposed Elevations 600006-SA-V1-XX-DR-A-0403;

Reason: So as to define this permission.

03

The development hereby permitted shall be constructed entirely of the materials details submitted as part of the planning application.

Reason: In the interests of visual amenity.

04

The approved remediation scheme detailed in Phase 3 – Remediation / Gas Verification Strategy – JC Consulting – JCCGE022-009-01-RGVS must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works (Part C).

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.

05

No part of the development hereby approved shall commence until a detailed surface water drainage scheme based on the principles set forward by the approved Flood Risk Assessment (FRA) ref JCC21-066-C-01 and Drainage Strategy JCC21-066-C-02, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to completion of the development. The scheme to be submitted shall:

- Demonstrate that the development will use SuDS throughout the site as a primary means of surface water management and that design is in accordance with CIRIA C753.
- Limit the discharge rate generated by all rainfall events up to the 100 year plus 40% (for climate change) critical rain storm to Q_{bar} for the developable area.
- Provide detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
- For all exceedance to be contained within the site boundary without flooding new properties in a 100year+40% storm.
- Details of STW approval for connections to existing network and any adoption of site drainage infrastructure.
- Evidence of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure long term

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

06

No development shall be commenced until details of the means of foul drainage have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out thereafter in accordance with the approved details.

Reason: To ensure the provision of satisfactory means of foul sewage/surface water disposal.

07

No hedge or tree that is to be removed as part of the development hereby permitted shall be lopped, topped, felled or otherwise removed during the bird nesting period (beginning of March to end of August inclusive) unless a search for nesting birds is undertaken by a suitably qualified ecologist immediately prior to any vegetation being removed. Should nesting birds be discovered, an exclusion zone shall be set up around any active nests, to prevent damage to the nests and / or injury to the young birds until they have fledged.

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

08

The development hereby approved shall be carried out in accordance with Section 5 "Precautionary Methods of Working" of the document "Precautionary Working Method Statement – Middlewood Ecology – ME168-Rep01". This includes but is not limited to:

- Excavations and trenches will not be left open overnights, if they are then measures will be put in place to ensure escape;
- No piles or rubbish should be allowed to remain on site;
- Ensure that site contractors are made aware of the ecological potential via a toolbox talk;

Reason: To protect any ecological potential within the site.

09

The development shall be carried out and retained in accordance with the lighting guidance set out at paragraph 6.1.4 of the Preliminary Ecological Appraisal – JCA – 16687/FS.

Reason: To protect any ecological potential within the site.

10

No part of the development hereby permitted shall be brought into use until such time that the parking, turning, and servicing areas have been provided as per the Proposed Site Plan 600006-SA-V1-ZZ-DR-A-0226. The parking, turning and servicing areas shall not be used for any purpose other than parking, turning, loading and unloading of vehicles.

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

11

No part of the development hereby permitted shall be brought into use until a minimum of 5 spaces with provision for the charging of electric vehicles have been provided to an operational standard. The provision for the charging of electric vehicles shall thereafter be retained for the lifetime of the development.

Reason: To promote sustainable travel.

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

03

Guidance on electric vehicle charging points is available in Part 4.2 of the Nottinghamshire Highway Design Guide.

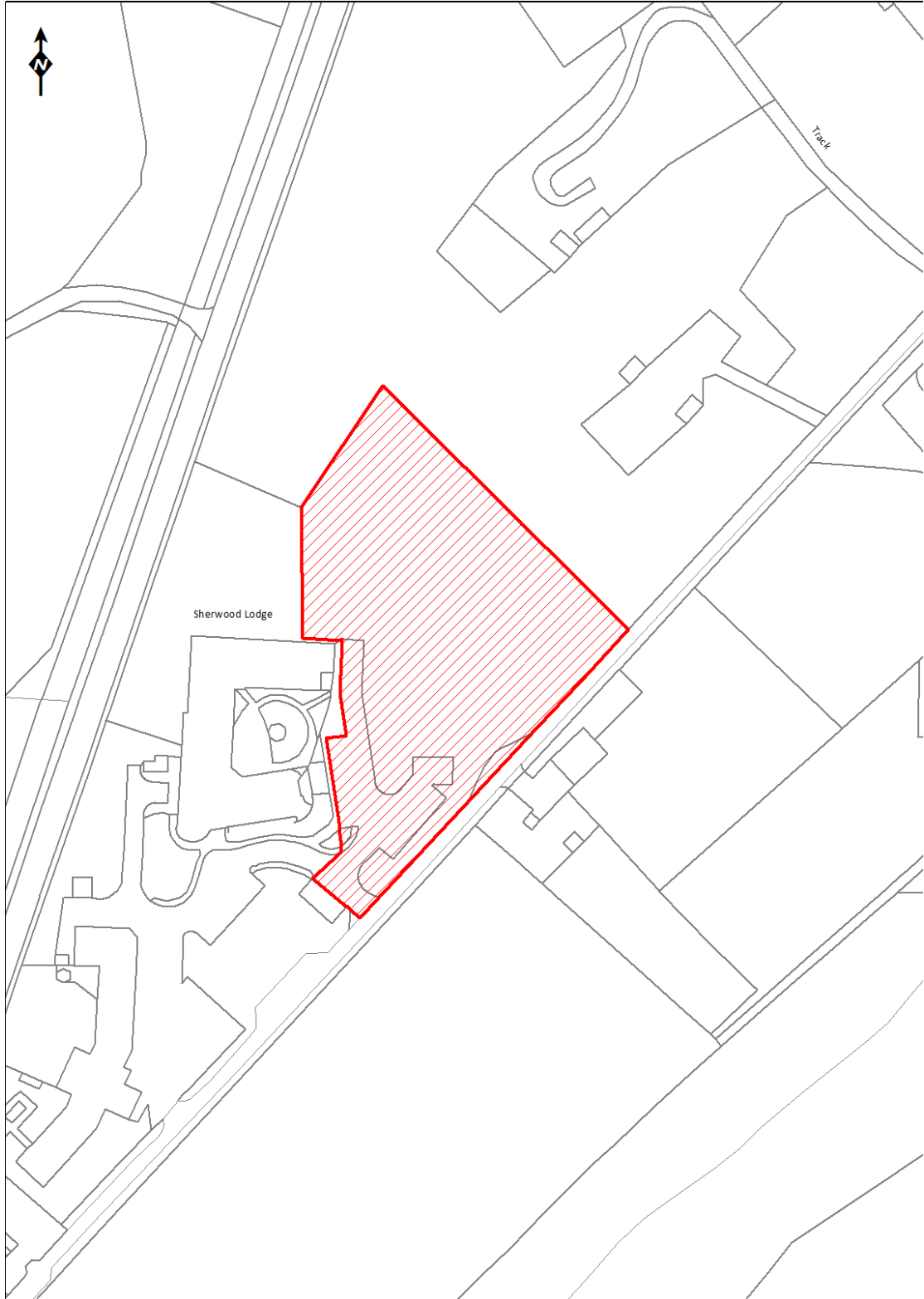
BACKGROUND PAPERS

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



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PLANNING COMMITTEE – 12 APRIL 2022

Application No:	22/00426/S73M	
Proposal:	Application to vary conditions 3, 4, 5, 6, 7, 12, 24 and 25 attached to outline planning permission 20/02484/S73M (redevelopment of parts of the Yorke Drive Estate) to amend the proposed site layout and associated parameter plans	
Location:	Yorke Drive And Lincoln Road Playing Field, Lincoln Road, Newark On Trent	
Applicant:	Cara Clarkson, Newark & Sherwood District Council	
Agent:	Jess Hill, Baron Wilmore	
Registered:	09 March 2022	Target Date: 08 June 2022
Link to Application Documents:	22/00426/S73M Application to vary conditions 3, 4, 5, 6, 7, 12, 24 and 25 attached to outline planning permission 20/02484/S73M (redevelopment of parts of the Yorke Drive Estate) to amend the proposed site layout and associated parameter plans Yorke Drive And Lincoln Road Playing Field Lincoln Road Newark On Trent Nottinghamshire (newark-sherwooddc.gov.uk)	

This application is being presented to the Planning Committee in line with the Council's Scheme of Delegation due to Newark and Sherwood District Council being the Applicant.

The Site

The 11.5ha site relates to an existing housing estate containing 355 homes and adjacent playing fields located within the urban area of Newark approximately 1km north east of the town centre. The existing homes consist of a range of house types including flats, terraces, bungalows and semi-detached, some of which were previously maisonettes that were converted as part of the 'Tops-Off' programme. The majority of the site has a 1960's estate layout with the majority of dwellings overlaid with insulated render more recently. The existing dwellings are predominantly two-storey although there are some 3-storey maisonette and flat blocks. The estate is mostly comprised of social rented properties, although there are also a number of owner-occupiers.

The site adjoins Brunel Drive/Northern Road industrial estates to the North West, east and south. To the north east corner of the site is a Co-Op store along with Bridge Community Centre, St Leonard's Church and Lincoln Road Play Area (LEAP). Lincoln Road forms the west boundary of the site, part of it is defined by a line of trees/hedgerow. Parts of Yorke Drive and Clarks Lane forms the southern boundary of the site and is predominantly a residential area with a small local shop serving the Yorke Drive estate located adjacent to this boundary. Other than the industrial estate buildings (which are equivalent to the height of 2-3 storey residential buildings), the adjoining area predominately comprises two-storey dwellings, although there are some three-storey apartments to the north of the site.

The playing fields are 7.43ha in size and comprise 9 pitches in addition to a sports pavilion and car park. Beside football, the playing fields are most commonly used for dog walking and on occasion, local community events. The southern part of the existing area of open space is a former allotment area. A mature hedgerow is located around the boundary of the existing fields adjacent to the

industrial estate. A Public Right of Way (PROW) is located around the existing field and through the existing estate onto Lincoln Road.

The estate has a single vehicular access from Lincoln Road (to the south west corner of the site). A number of Public Rights of Ways (PROWS) pass through the site including east to west from Lincoln Road along the north side of the site to the playing fields and north to south from Middleton Road, around the edge of the playing fields to Whittle Close and Clarks Lane.

In accordance with Environment Agency flood zone mapping the entire site and surrounding land is designated as being within Flood Zone 1, which means it is at low risk of fluvial flooding.

The estate along with the playing fields is allocated within the Newark and Sherwood Allocations and Development Management Development Plan Document (2013) as being part of the Yorke Drive Policy Area (Policy NUA/Ho/4). This is an area allocated for regeneration and redevelopment.

Relevant Planning History

20/02484/S73M Application to vary conditions 8, 24 and 25 attached to planning permission 18/02279/OUTM to amend the timescale for completion of the conditions – permission 03.03.2022

22/00114/FUL Demolition of 4 properties (in line with approved OUT scheme) – permission 16.03.2022

22/00115/FUL Demolition of existing sports pavilion (in line with approved OUT scheme) – pending determination

18/02279/OUTM Selective demolition and redevelopment of parts of the existing Yorke Drive Estate and the erection of new mixed tenure housing, community and recreational facilities on the adjoining Lincoln Road Playing Field site, resulting in the development of up to 320 homes – permission 06.11.2019

The Proposal

The application seeks planning permission for the variation of conditions 3 (phasing), 4 (planning obligation/contribution), 5 (parameter plans), 6 (quantum of dwelling), 7 (maximum heights), 12 (archaeology), 24 (Lincoln Road access) and 25 (Lincoln Road visibility splays) attached to 20/02484/S73M to amend to reflect proposed amendments to the illustrative masterplan and associated parameter plans for the Yorke Drive regeneration scheme.

The masterplan submitted with application no 20/02484/S73M indicated that development would take place in 4 main phases including a number of sub phases. As the more detailed scheme has been progressed, the phases have been altered. The main change includes moving the developable area onto the existing playing field from the north-east part of the site to the south east part of the site. This is to move proposed dwellings further away from Brunel Drive industrial estate, as a significant level of noise mitigation would be required to enable them to be located on the north east corner of the site.

All development (other than access) within each of the phases will need to be subject of reserved matters application(s) to approve siting, layout, landscaping and design. A minimum of 30% of the

320 additional and replaced homes would be affordable housing. The originally approved and revised phasing plans are both shown below for comparison purposes:



Phasing proposed by 20/02484/S73



Amended phasing proposed by 20/02484/S73

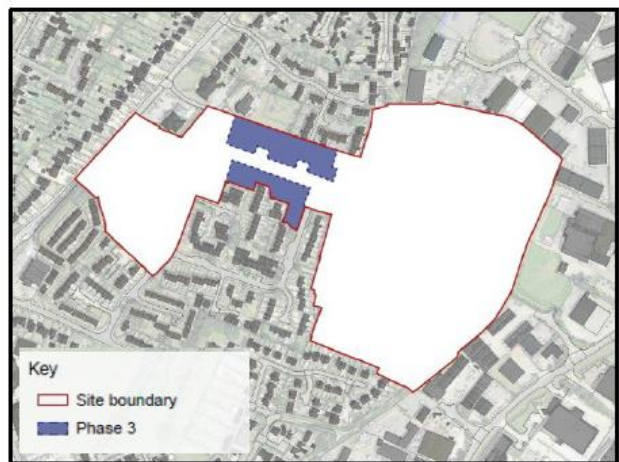
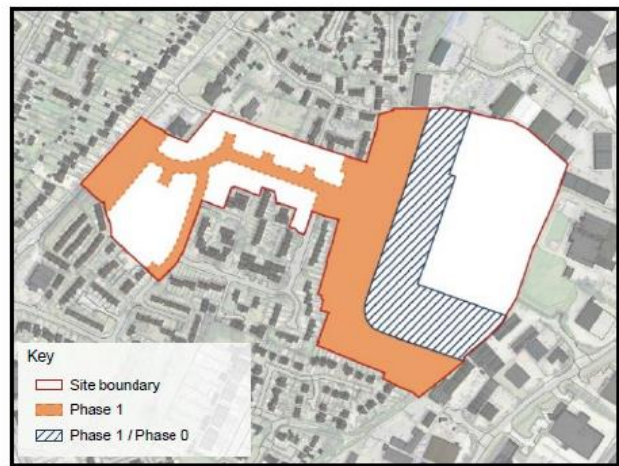
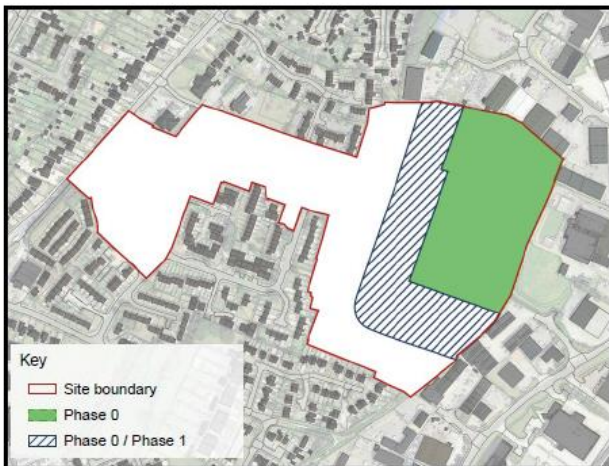
The proposed phasing arrangements are broadly similar to the approved phasing arrangements and comprise the following:

Phase 0 – Public Open Space including the sports pitches / recreation space and pavilion.

Phase 1 – Housing along the site frontage, main access roads through the site and residential development in the eastern part of the site.

Phase 2 – Residential development (approximately 80 homes however the exact figure will be confirmed once the reserved matters application is approved for this area).

Phase 3 – Residential development (approximately 50 homes however the exact figure will be confirmed once the reserved matters application is approved for this area).



It should be noted that the green hashed area represents an area that would be part playing field/pavilion/open space/car park and part housing development (with exact positions to be defined at subsequent reserved matter(s) stage).

The application is accompanied by the following:

- Application Form
- Flood Risk Assessment and Drainage Strategy (2nd March 2022)
- Planning Statement February 2022
- Design and Access Statement Addendum (March 2022)
- Transport Assessment Addendum (Feb 2019)
- 100 Site Location Plan
- 200 Developable Area Parameter Plan
- 201 Illustrative Masterplan
- 202 Land Use Parameter Plan
- 203 Open Space Parameter Plan (amended plan received 30.03.2022)
- 204 Vehicular Access Parameter Plan
- 205 Non-Vehicular Access Parameter Plan
- 206 Building Heights Parameter Plan
- 207 Development Phasing Plan – Phase 0
- 208 Development Phasing Plan – Phase 1
- 209 Development Phasing Plan – Phase 2
- 210 Development Phasing Plan – Phase 3
- 211 Demolition phasing Plan – Phase 1
- 212 Preliminary Site Levels Parameter Plan

Public Advertisement Procedure

Occupiers of 649 properties have been individually notified by letter (which includes residents both within and near to the application site). Site notices have been displayed around the site and an advert has been placed in the local press.

Planning Policy Framework

The Development Plan

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

Spatial Policy 1	Settlement Hierarchy
Spatial Policy 2	Spatial Distribution of Growth
Spatial Policy 6	Infrastructure for Growth
Spatial Policy 7	Sustainable Transport
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 9	Sustainable Design
Core Policy 10	Climate Change
Core Policy 12	Biodiversity and Green Infrastructure
NAP1	Newark Urban Area
NAP3	Newark Urban Area Sports and Leisure Facilities

Allocations & Development Management DPD (adopted July 2013)

Policy DM1	Development within Settlements Central to Delivering the Spatial Strategy
Policy DM2	Development on Allocated Sites
Policy DM3	Developer Contributions and Planning Obligations
Policy DM5	Design
Policy DM7	Biodiversity and Green Infrastructure
Policy DM10	Pollution and Hazardous Materials
Policy DM12	Presumption in Favour of Sustainable Development
NUA/Ho/4	Newark Urban Area – Housing Site 4 – Yorke Drive Policy Area

Other Material Planning Considerations

- National Planning Policy Framework 2019
- Planning Practice Guidance
- Estate Regeneration National Strategy 2016
- Newark and Sherwood Developer Contributions and Planning Obligations SPD (December 2013)
- Newark and Sherwood Planning Pitch Strategy Assessment Report 2014
- Newark and Sherwood Playing Pitch Strategy 2014
- Newark and Sherwood Playing Pitch Strategy Review 2016/17
- Newark and Sherwood Physical Activity and Sport Plan 2018-2021
- Green Space Strategy 2007-12
- Green Space Improvement Plans 2010
- Planning and Design for Outdoor Sport and Play by FIT

Consultations

Newark Town Council - No comments received at the time of writing this report.

Sport England - Sport England does not wish to raise an objection to this application as the playing field area along with the future expansion land (all or in part) provides the opportunity to create a playing field area which performs the dual use without impact on residential amenity or being so restricted/confined that the use as a formal playing field cannot be sustained. The proposal, including the appropriate future expansion land is still considered to meet exception E1 of our Playing Fields Policy as original identified in the outline approval

Environment Agency - No comments received at the time of writing this report.

Network Rail – no observations.

National Highways – no objection.

NCC Highways Authority (Highway Safety) – no objection to amended wording of condition 24 to ensure that no more than 96 dwellings are built within phase 1 or any subsequent phase until the new access off Lincoln Road has been provided.

NCC Public Rights of Way – We have checked the Definitive Map of recorded Public Rights of Way (PROW) and can confirm that Newark Public Footpath Nos. 28, 29, 30 and 31 are all affected by the proposal. Site layout plans and evolved master plans are illustrative and lack detail - it is therefore difficult for us to comment on the proposals in any detail. More detailed plan clearly showing the treatment and changes to the Public Rights of Way would be helpful. We do however welcome the applicant's acknowledgement of the existing PROW and note that there is a desire to accommodate them or when not able to be accommodated to divert them. An application under this act should be made to the LPA and is a separate application to the planning permission.

NCC Lead Local Flood Risk Authority – No objection.

NSDC Environmental Health (Reactive) – no observations.

NSDC Environmental Health (Contaminated Land) – no objection, previous contaminated land condition should be re-imposed.

NSDC Tree Officer – No objection in principle but consideration should be given to a revised tree survey/constraints plan/protection measures and soft landscaping options prior to any final layout proposal.

NSDC Archaeology Officer - Evaluation of the site has been partially completed, however the proposed layout changes now include significant development on the southern half of the playing fields area which was previously excluded. A revised Written Scheme of Investigation (WSI) should be submitted for approval prior to any further archaeological work being undertaken. Following the results of the evaluation, a mitigation strategy will need to be agreed and implemented prior to any development work taking place.

1 letter of support has been received from a neighbor/interest party.

2 letters of representation have been received from neighbours/interested parties which can be summarised as follows:

- Objection to loss of field/green space
- Impact on wildlife and nature
- Development is too expensive as a result of government environmental targets
- Claims that the estate is deprived is untrue
- Many residents do not want to lose their homes

Comments of the Business Manager

The Principle of Development

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

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

The principle of the development has already been established through the granting of the outline permission for the development in November 2019. There has been no significant material change in the Development Plan context since this time. The proposal site is located in Newark, a Sub Regional Centre, allocated for development in the Core Strategy (adopted 2019) under Spatial Policy 1 and Spatial Policy 2. The site forms Housing Site 4 as identified in Policy NUA/Ho/4 of the Allocations and Development Management DPD (adopted 2013).

Policy NUA/Ho/4 sets out a detailed approach for the bringing forward of the site. This approach requires the proposals to be presented as part of a Masterplan which will:

- i. Include proposals for improved linkages between the policy area and the wider Bridge Ward including Lincoln Road and Northern Road Industrial Estates;*
- ii. Include proposals for phasing and delivery methods for the redevelopment;*
- iii. Meet the general policy requirements in the Core Strategy and the Development Management Policies in Chapter 7, with particular reference to DM Policy 2 Allocated Sites and Policy DM3 Developer Contributions and Planning Obligations; and*
- iv. Facilitate pre-determination archaeological evaluation and post-determination mitigation measures.*

Within the existing Yorke Drive Estate the Master Plan will provide for the following:

- i. Removal of poorer quality housing and replacement of new dwellings;*
- ii. Change of housing type to increase mix of tenure and range of housing; and*
- iii. Improvements to the layout and public realm of the estate;*

Within the Lincoln Road Playing Field the Master Plan will address the following:

- i. Suitable playing pitches are retained to meet the requirements of Spatial Policy 8; and*
- ii. Additional access is provided to the site via Lincoln Road.*

In allocating this site for housing development it is anticipated that approximately 230 net additional dwellings will be developed.

The precise level of development will be a matter reserved for subsequent determination, however the proposed number of dwellings remains unchanged by this variation application - 190 net additional homes are proposed and 130 houses would be demolished and replaced and this was accepted at the original outline planning application stage.

The DPD confirms the site is allocated for regeneration and redevelopment and outline planning permission has secured a comprehensive scheme of regenerating existing housing and developing new stock in a coordinated and sustainable manner. The main issue to consider in determining this application is whether it is appropriate to allow the variation of the conditions attached to this outline consent to enable alteration to the illustrative masterplan and associated phasing and parameter plans including the proposed developable area. As such, the site specific issues to consider relate to the impact on the existing open space/playing fields, the impact on highways, archaeology, trees and residential amenity.

Impact on Existing Open Space / Playing Fields

Policy NUA/Ho/4 requires '*suitable playing pitches are retained to meet the requirements of Spatial Policy 8*'. Spatial Policy 8 is broadly consistent with the more detailed guidance specifically in relation to planning fields contained within the Sport England Playing Fields Policy and Guidance Document (March 2018). This states that Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of a playing field unless the development meets one or more of five exceptions. Sport England raised no objection to the granting of the original outline consent on grounds that they considered the proposal to meet the following exception:

E1 A robust and up-to-date assessment has demonstrated, to the satisfaction of Sport England, that there is an excess of playing field provision in the catchment, which will remain the case should the development be permitted, and the site has no special significance to the interests of sport.

And in part Exception 4 which states:

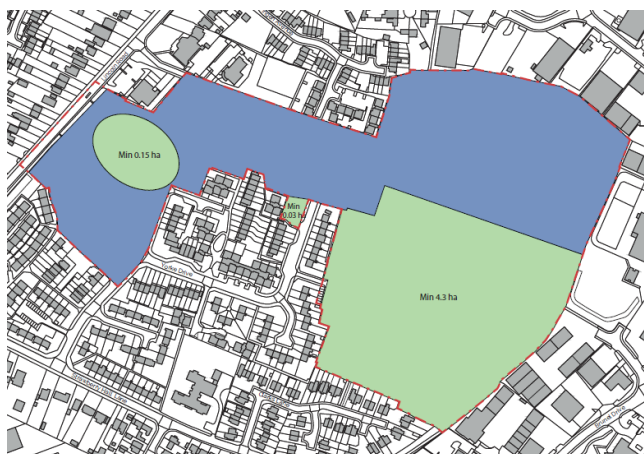
E4 The area of playing field to be lost as a result of the proposed development will be replaced, prior to the commencement of development, by a new area of playing field:

- of equivalent or better quality, and
- of equivalent or greater quantity, and
- in a suitable location, and
- subject to equivalent or better accessibility and management arrangements.

There is no change proposed to current condition 8 which is worded to allow the field works in one phase as a single regrading of the pitch to allow for a better final product in terms of pitch level and quality. Some potential temporary loss of on-site provision may result, albeit this would only be in the event that this is done in agreement with all bodies concerned including Fernwood Foxes FC – details of which are also required by condition to be required at reserved matters stage.

Nor does the proposed variation alter the overall quantum of playing pitch provision approved by the outline consent. The application does however vary the proposed position of the playing fields and associated pavilion, open space and car parking to the north east corner of the site. There is also greater flexibility provided by the hashed area within which a mixture of houses and playing

fields, pavillion and associated uses would be provided. These changes are illustrated in the approved and amended Land Use parameter plans below:



31RevA Land Use Parameter Plan 20/02484/S73



202 Land Use Parameter Plan 22/00426/S73M

Given the rationale provided, Sport England raises no objection to the proposed amendments and consider the revised plans do provide the opportunity to create a playing field area which performs the dual use without impact on residential amenity or being so restricted/confined that the use as formal playing fields cannot be sustained. Conditions relating to the time frame of provision of the playing fields, their qualitative improvement and changing facilities/pavilion would remain in place.

As well as meeting formal requirements, it is important that the informal requirements for the existing population and the net increase in population is also considered. Again, given the quantum of overall provision remains unchanged (as required in the planning obligation requirement set out in Condition 3) the proposed variation is acceptable in this regard.

Overall, it is considered that the proposed variation of the illustrative masterplan and associated parameter plans is acceptable and complies with the requirements of Policy NUA/Ho/4 to provide suitable playing pitches.

Highway Matters including Public Rights of Way

Policy NUA/Ho/4 requires 'improved linkages between the policy area and the wider Bridge Ward including Lincoln Road' and Northern Road Industrial Estates and 'additional access is provided to the site via Lincoln Road'. Spatial Policy 7 of the Core Strategy seeks to ensure that the vehicular traffic generated does not create parking or traffic problems. Policy DM5 of the DPD requires the provision of safe access to new development and appropriate parking provision.

The indicative masterplan submitted at outline stage complies with the requirement of Policy NUA/Ho/4 to provide an additional access via Lincoln Road, a key part of the overall masterplan proposals. Details of the access were approved in the original outline consent in the form of a priority junction with right hand turning lane for access and egress from the junction.

Conditions 24 and 25 of the outline consent require the provision of this access junction prior to the construction of Phases 2B, 3 and 4. This meant that no more than 85 dwellings could be constructed without provision of the main access.

This application originally sought to vary the phasing so that the junction on Lincoln Road is constructed prior to construction of Phases 2 and 3. The information provided in the planning

statement indicates that there would be approximately 80 dwellings within phase 2 and 50 in phase 3. With a maximum of 320 dwellings in total, this would potentially result in up to approximately 190 dwellings being constructed prior to provision of the main access. The Highways Officer advised that this was not a scenario that has been tested in terms of capacity or safety and is quite possible that it could cause capacity and subsequent potential highway safety issues at both ends of Northern Road. In light of these concerns, the proposed variation to condition 25 has been amended so that no more than 96 dwelling would be provided before the access junction is provided. Whilst this is higher than the 85 dwelling previously allowed prior to the construction of this access, the Highways Officer raises no objection on the basis that the TA Addendum sets out that 70% (around 224 homes) of existing and new traffic is likely to use the Lincoln Road junction, and the remaining 30% (96 homes) would likely use the Yorke Drive / Strawberry Hall Lane junction in an event.

There are existing Public Rights of Way around the perimeter of the site. All existing public right of way connection points to the surrounding area would be retained. However, the Illustrative Masterplan as originally approved and as amended shows that parts of the route of the existing rights of way would require diversion/stopping up. More precise details of the routes including any changes would be required at reserved matters stage and further details of this any diversion (temporary or permanent) are required by planning condition and would be agreed in liaison with the Public Rights of Way Officer.

Overall, I am satisfied that the proposed variation of Conditions 24 and 25 to enable later provision of the proposed access off Lincoln Road would still meet the requirements of Policy NUA/Ho/4 and would not result in any adverse impact upon highway safety in accordance with Spatial Policy 7 of the Core Strategy.

Impact on Residential 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 promotes '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 detailed design and layout are matters to be considered at the reserved matters stage. However, it is still necessary to be convinced that the Illustrative Masterplan indicates development that would be considered acceptable in residential amenity terms at this stage. The application would move the proposed dwellings away from the industrial estate which is likely to result in an improvement to the living conditions of future occupants located closest to these areas or at least a significant reduction in the level of mitigation required to make living standards acceptable.

A further noise survey is still required to accompany any reserved matters application(s) for new dwellings located within Phases 0 and 1 on the field next to Brunel Business Park. This would ensure that the future occupants would not experience any adverse noise impacts from either the industrial estate or from the amended position of the playing pitches/open space including play area.

The proposed dwellings would now be located immediately to the rear of dwellings along Clarks Lane, Rosewood Close and the east side of parts of York Drive. As siting and layout are details reserved for subsequent consideration, no details have been provided at this stage and the impact upon the existing dwellings in terms of overlooking or any overbearing impacts is somewhat unknown at this stage. However, I consider it possible, based on the illustrative layout and

parameter plans that development can be delivered in line with the objectives of Policy DM5 subject to further consideration at reserved matters stage.

Impact on Trees

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. Paragraph 118 of the NPPF includes that opportunities to incorporate biodiversity in and around developments should be encouraged.

The revisions to the developable area is likely to result in a differing impact on existing trees within the application site. The Arboricultural Survey submitted at the original outline application stage identifies a total of 112 trees/groups/hedgerows within the application site and it was accepted that any tree losses required to facilitate the new development would be offset through a comprehensive structure of new tree planting.

Details of landscape is a matter reserved for subsequent approval. On this basis, it is recommended that condition 13 be re-imposed to ensure further details and justification for loss is submitted at reserved matters stage. A landscape scheme as required by Condition 14 could mitigate for any essential tree loss.

Overall it is considered that subject to conditions, matters in relation to amended tree loss impacts and appropriate mitigation can be dealt with at the reserved matters stage in accordance with the aims of Core Policy 12 and Policies DM5 and DM7 of the DPD.

Archaeology

Core Policy 14 of the Core Strategy requires the continued preservation and enhancement of the District's heritage assets including archaeological sites. Policy DM9 of the DPD states that where proposals are likely to affect sites of significant archaeological potential, the applicant is required to submit an appropriate desk based assessment. Policy NUA/Ho/4 requires facilitation of '*pre-determination archaeological evaluation and post-determination mitigation measures*'. The NPPF requires local planning authorities to 'require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publically accessible.'

The proposed changes to the developable area identified in the amended illustrative masterplan means that the agreed programme of trenching need to be extended to cover the changes to housing placement in the southern part of the playing fields and to ensure the archaeological potential is properly evaluated and to inform an appropriate mitigation strategy if necessary. An amendment to condition 12 is sought in this regard and would ensure that appropriate mitigation would be secured to ensure no adverse impact upon archeological remains in accordance with Core Policy 14 and Policies NUA/Ho/4 and DM9 of the DPD.

The relevance of other conditions attached to Application Number 20/02484/OUTM

Outline planning consent	20/02484/S73M Requirement	Suggested Change via 22/00426/S73M
Condition 1	Timescales	No change - date for commencement of development is five years from the date of the original outline consent.
Condition 2	Appearance, landscaping layout and scale	No change
Condition 3	Programme and phasing	Amend to refer to amended Phasing Plans.
Condition 4	S106 requirements	To remain but with a minor amendment to remove reference to the precise nature of the open space provision as plan are still being developed in this regard albeit the overall quantum of the provision would remain unchanged.
Condition 5	Compliance with illustrative masterplans and parameter plans	Amend to refer to amended illustrative masterplan and parameter plans.
Condition 6	Quantum of dwellings	To remove reference to replacement dwellings as a number of properties may be demolished through separate planning permission.
Condition 7	Heights	Amend to refer to amended Building Heights Parameter Plan 206.
Condition 8	Loss to playing fields	To remain – no change proposed.
Condition 9	Pitch improvement strategy	Minor amendment to relate to revised illustrative masterplan.
Condition 10	Playing Field Management and Maintenance Scheme	To remain – no change proposed.
Condition 11	Design and layout of the new pavilion	To remain – no change proposed.
Condition 12	Archaeology	Minor amendment to relate to greenfield parts of revised phases only.
Condition 13	Arboricultural info	To remain – no change proposed.
Condition 14	Landscape scheme details	To remain – no change proposed.
Condition 15	Construction hours	To remain – no change proposed.
Condition 16	CEMP	To remain – no change proposed.
Condition 17	Ground contamination reports	To remain – no change proposed.

Condition 18	Ecology plan	To remain – no change proposed.
Condition 19	Drainage	To remain – no change proposed.
Condition 20	Site clearance	To remain – no change proposed.
Condition 21	Affordable Housing Statement with timetable for rehousing	To remain – no change proposed.
Condition 22	Confirm design and spec of Public Right Of Way	Minor change to including flexibility for both temporary and permanent alterations/diversions to the existing PROW.
Condition 23	Highways details	To remain – no change proposed.
Condition 24	Lincoln Rd Access	Amend to provide the Lincoln Road access before the erection of 96 dwellings in Phase 1 or any subsequent phase.
Condition 25	Lincoln Rd Visibility Splays	Amend to provide the Lincoln Road visibility splays before the erection of 96 dwellings in Phase 1 or any subsequent phase.
Condition 26	Travel Plan	To remain – no change proposed.
Condition 27	Construction traffic plan	To remain – no change proposed.
Condition 28	Bat mitigation	To remain – no change proposed.
Condition 29	Noise Survey	Minor amendment to make it clear that a noise survey is required for the erection of new dwellings on any part of the field located adjacent to Brunel Business Park for phases 0 and 1.

Other Matters

Loss of green space - Letters received from interested parties raise issues in relation to the loss of green space and the acceptability of the proposed demolition and erection of new dwellings. These are issues relating to the principle of development and were fully addressed at the time of determining the outline planning permission (application no 18/02279/OUTM).

Conclusion

Overall, the proposed variations are considered to be acceptable and the proposed development would comply with the aims of the allocation policy to regenerate existing housing and developing new stock (both market and affordable dwellings) in a coordinated and sustainable manner. The amended illustrative masterplan and associated developable area and phasing as set out in the revised parameter plans is considered acceptable subject to conditions and further consideration of more detailed matters in relation to scale, layout, landscaping and appearance at reserved matters stage. It is not considered that there are any other changes to circumstances which affect the consideration of this application.

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

RECOMMENDATION

That outline planning permission is granted subject to the conditions shown below:

Conditions

01

The development hereby permitted shall be begun either before 06.11.2024, 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.

The reserved matters application for the first phase or sub phase of the development shall be made to the Local Planning Authority before the 06.11.2024 and all subsequent reserved matters applications shall be submitted before the 06.11.2027.

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

02

Details of the appearance, landscaping, layout and scale ('the reserved matters') shall be submitted to and approved in writing by the Local Planning Authority before development begins and the development shall be carried out as approved.

Reason: This is a planning permission in outline only and the information required is necessary for the consideration of the ultimate detailed proposal.

03

The development hereby approved shall be implemented substantively in accordance with Phasing Plan and Programme as set out in the Development Phasing Plans 207, 208, 209 and 210. Each reserved matters application for any phase or sub phase, shall include the submission of an up to date Phasing Plan and Programme. The submitted details shall include the provision of the playing field area, children's play areas, community facilities comprising pavilion, amenity open space, access and shared parking areas. Development of each phase shall accord with the latest Phasing Plan and Programme unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the site is developed in a satisfactory manner and for the avoidance doubt.

04

No development other than the demolition and construction of the pavilion shall commence on any phase pursuant to Condition 3 until a planning obligation pursuant to Section 106 of the Town and Country Planning Act 1990 relating to the land subject of this consent has been entered into and completed by all parties with an interest in the land and has been lodged with and executed by the Council. The said obligation is to provide the following:

	Contribution Based on up to 320 Dwellings Total/190 Net Additional Dwellings
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	(NB Some contributions cannot be fixed until final overall numbers are known. The S106 would therefore be set out, where relevant, as a series of formulas to be applied to each separate obligation dependent on details submitted in the reserved matters stage).
Open Space / Children's Play Area	On site provision & maintenance of amenity green spaces and provision for children and young people including: Amenity Green Space = 1.6 ha (16,000 m ²). Provision for children and Young people = 0.14 ha (1400m ²).
Outdoor sports facilities	190 dwellings x (£737.72 provision + £1148.05 maintenance) = £358,296 + indexation
Education	£380,960 to provide 20 additional primary places (based on build cost) + indexation
Community Facilities	On site provision and maintenance of improved replacement pavilion with a minimum 450m ² area including: <ul style="list-style-type: none"> • Minimum 200 m²/ mixed use hall • Minimum 136 m²/ changing and shower facilities (4 changing rooms + additional facilities) • Lockers • Minimum 20 m²/ kitchen facility • Minimum 30 m²/ Equipment storage
Transport (for 65+ dwellings)	Bus Stop Improvements contribution £40,000 + indexation.

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

05

Reserved matter submissions for any phase or any use shall be substantively in accordance with the Illustrative Masterplan (reference number 201) and Design and Access Statement (revised Feb 2022) including parameter plans contained within this document as amended by the Sport England Response Addendum (March 2019) unless otherwise agreed in writing by the Local Planning Authority. For the avoidance of doubt, the parameter plans include the following:

- 201 Illustrative Masterplan
- 200 Developable Area Parameter Plan
- 202 Land Use Parameter Plan
- 203 Open Space Parameter Plan (amended plan received 30.03.2022)
- 204 Vehicular Access Parameter Plan
- 205 Non-Vehicular Access Parameter Plan
- 206 Building Heights Parameter Plan
- 212 Preliminary Site Levels Parameter Plan

Reason: To ensure that the site is developed in a satisfactory manner and for the avoidance doubt.

06

The development hereby permitted authorises the erection of no more than 320 dwellings.

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

07

In line with the Building Heights Parameter Plan 206 (also referred to in Condition 5), the proposed building adjacent to the Lincoln Road frontage shall not exceed 3 storeys in height.

Reason: In the interests of visual and residential amenity.

08

Linked to the requirements of Condition 3, the reserved matters application(s) which include any development on the existing playing fields only, shall include a detailed plan for the management and phasing of the temporary and permanent playing field area. The management and phasing plan details shall ensure that the works which result in the loss of playing field area are not commenced before the works to temporarily or permanently replace those playing field areas are available for use, or a scheme for alternative temporary off-site provision is made by agreement with the (contracted) users of the pitches and by agreement in writing by the Local Planning Authority. The plan should also include details of timescales for the temporary provision which for the avoidance of doubt shall be for the minimum period necessary to allow the establishment of the improved playing field area. The development hereby permitted shall not be carried out other than in accordance with the approved details.

Reason: To ensure the satisfactory quantity, quality and accessibility of compensatory provision which secures continuity of use [phasing provision] and to accord with Spatial Policy 8 of the Core Strategy.

09

The reserved matters application(s) which include any development on the existing playing fields, shall include the submission of a pitch improvement strategy comprising:

- a. A detailed assessment of ground conditions of the land proposed for the new/retained/replacement playing field land as shown on drawing number 201 (Illustrative Masterplan) shall be undertaken (including drainage and topography) to identify constraints which could affect playing field quality; and
- b. Based on the results of this assessment to be carried out pursuant to (a) above of this condition, a detailed scheme to ensure that the playing fields will be provided to an acceptable quality (including appropriate drainage where necessary) shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England.

The works shall be carried out in accordance with the approved scheme in accordance with the detailed phasing and management plan required by Condition 8.

Reason: To ensure that site surveys are undertaken for new or replacement playing fields and that any ground condition constraints can be and are mitigated to ensure provision of an adequate quality playing field and to accord with Spatial Policy 8 of the Core Strategy.

10

Prior to the use of the improved playing field area a Management and Maintenance Scheme for the facility including management responsibilities, a maintenance schedule and a mechanism for

review shall be submitted to and approved in writing by the Local Planning Authority following consultation with Sport England. The measures set out in the approved scheme shall be complied with in full, with effect from commencement of use of the improved playing field area.

Reason: To ensure that new facilities are capable of being managed and maintained to deliver a facility which is fit for purpose, sustainable and to ensure sufficient benefit of the development to sport (National Planning Policy Framework (NPPF) para 97) and to accord with Spatial Policy 8 of the Core Strategy.

11

No development shall commence until details of the design and layout of the pavilion to include a community-hall and changing rooms has been submitted to and approved in writing by the Local Planning Authority [after consultation with Sport England] in the form of a reserved matters application. The community hall/changing rooms shall not be constructed other than in accordance with the approved details.

Reason: To ensure the development is fit for purpose and sustainable and to accord with Spatial Policy 8 of the Core Strategy.

12

No development on phase 0 or the greenfield area in phase 1 in the revised Phasing Strategy and Development Phasing Plans 207, 208, 209 and 210 (pursuant to the requirements of Condition 3) shall take place within the application site until details of a Scheme of Archaeological Works in accordance with a written scheme of investigation has been submitted to and approved in writing by the Local Planning Authority. This scheme should be drawn up and implemented by a professional archaeologist or archaeological organisation. For the avoidance of doubt, this should involve trial excavation which should then inform an appropriate mitigation strategy for further archaeological work, should this be required. Thereafter the scheme shall be implemented in full accordance with the approved details.

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

13

The reserved matters application(s) shall be accompanied by an arboricultural method/impact statement and scheme for the protection of retained trees/hedgerows for each phase. The application(s) shall be designed to retain existing trees on site where possible and where trees are to be removed justification for their loss shall be provided. Scheme details shall include:

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

- f. Details of working methods to be employed with the demolition of buildings, structures and surfacing within or adjacent to the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- g. Details of any scaffolding erection and associated ground protection within the root protection areas
- h. Details of timing for the various phases of works or development in the context of the tree/hedgerow protection measures.

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

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

14

The reserved matters submission for the landscaping of each phase (as required by condition 3) shall include the submission of full details of both hard and soft landscape works for that phase and a programme for their implementation. This submission shall include:

- o Hard landscaping details shall include car parking layouts and materials, materials for other vehicle and pedestrian access and circulation areas, minor artefacts and structures for example, furniture, refuse or other storage units, signs, lighting etc.
- o Soft landscaping details shall include planting plans, written specification (including cultivation and other operations associated with plant and grass establishment) and schedules of plants, including species, numbers and densities together with clear annotations as to existing trees and hedgerows that would be retained plus proposed finished ground levels or contours. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species.

The approved landscaping scheme shall be carried out within 6 months of the first occupation of any building or completion of each phase 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: In the interests of visual amenity and biodiversity, to ensure that trees and hedgerows to be lost as a result of development is properly and commensurately mitigated with replacements.

15

No construction work, including site clearance and delivery of materials, shall be carried out except between the hours of 07.30 -18.00 Monday to Friday and 08.30 - 13.00 on Saturdays and at no time on Sundays and Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.

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

16

No development on any phase pursuant to condition 3 shall take place within the application site, until a Construction Environmental Management Plan (CEMP) for each phase has been submitted to and approved in writing by, the Local Planning Authority. The approved CEMP shall be adhered to throughout the construction period. The CEMP shall include the submission of a plan detailing routing of construction traffic and mitigation measures required by Section 6 of the submitted Air Quality Assessment and shall set the overall strategies 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. wheel washing facilities;
- vi. measures to control the emission of dust and dirt during construction;
- vii. a scheme for recycling/disposing of waste resulting from demolition and construction works.

Reason: In the interests of residential amenity.

17

Unless otherwise agreed in writing 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 on any phase pursuant to Condition 3 until parts 1 to 4 (below) 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 condition 4 has been complied with in relation to that contamination.

1. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

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

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

2. 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.

3. 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.

4. 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 condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of 2., 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 3.

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.

18

No development shall be commenced in respect of each phase pursuant to Condition 3 until a scheme for ecological enhancements in respect of that particular phase has been submitted to and approved in writing by the Local Planning Authority. This could include (but shall not be limited to) bird and bat boxes at appropriate points within the site. This shall also include details of a timetable for implementation of the enhancements. The scheme shall thereafter be implemented and retained in accordance with the approved scheme.

Reason: In order to provide ecological enhancements in line with the Core Policy 12 of the Development Plan and the advice contained in the NPPF.

19

Notwithstanding the submitted details, no part of the development for each phase pursuant to Condition 3 shall be commenced until drainage plans for the disposal of foul sewage have been submitted to and approved in writing by the Local Planning Authority in respect of that particular phase. The scheme shall thereafter be implemented in accordance with the approved details before the development in each phase is first brought into use.

Reason: To ensure that the development is provided with a satisfactory means of foul sewage disposal.

20

No site clearance, including the removal of any hedge or tree that is to be removed, lopped, topped, felled or otherwise removed as part of the development, shall be undertaken during the bird nesting period (beginning of March to end of August inclusive). This is unless any hedge or tree is first inspected by a suitably qualified ecologist and a report submitted and approved in writing by the Local Planning Authority prior to such works taking place.

Reason: To ensure that adequate provision is made for the protection of nesting birds on site in accordance with Core Policy 9 of the Core Strategy and Policies DM5 and DM7 of the DPD.

21

Linked to the requirements of Condition 3, any reserved matters application(s) which includes the demolition of existing dwellings or erection of new dwellings shall include a detailed schedule including details of the housing mix and tenure need and a broad timetable outlining the approach to the re-housing of existing residents and demonstrating how this has been integrated into delivery of the scheme. The development of each phase shall be implemented in accordance with the approved schedule and timetable unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that there is adequate provision of dwellings/accommodation to support residents displaced as part of the development.

22

No development shall commence in respect of each phase pursuant to Condition 3 until details to temporarily or permanently divert/stop up any necessary public rights of way affected by that phase have first been submitted to and approved in writing by the Local Planning Authority. The stopping up/diversion shall be carried out in accordance with the approved details for that phase.

Reason: To retain a safe and sustainable pedestrian route.

23

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

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

24

No more than 96 dwellings within Phases 0 or 1 as shown on Phasing Plans 207 and 208 can be occupied, and no development other than demolition shall commence on the areas labelled Phase 2 or Phase 3 as shown on Phasing Plans 209 and 210, unless or until a suitable access has been provided at Lincoln Road as shown on drawing 70045283-SK-003-P03 to the satisfaction of the Local Planning Authority.

Reason: In the interests of highway safety

25

No more than 96 dwellings within Phases 0 or 1 as shown on Phasing Plans 207 or 208 can be occupied, and no development other than demolition shall commence on the areas labelled Phase 2 or Phase 3 as shown on Phasing Plans 209 and 210, until the visibility splays of 2.4m x 90m at the new junction with Lincoln Road are provided in accordance with drawing 70045283-SK-004-P02. 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: To maintain the visibility splays throughout the life of the development and in the interests of highway safety.

26

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

Reason: To promote sustainable travel.

27

No development shall commence in relation to each phase (pursuant to Condition 3) unless or until a suitable construction traffic management plan, including access arrangements and lorry routing in respect of each phase, has first been submitted to and agreed in writing by the Local Planning Authority, and thereafter each respective phase shall be implemented in accordance with that plan.

Reason: In the interests of highway safety.

28

The submission of each reserved matters application for any phase pursuant to Condition 3 (Phasing), shall be accompanied by an up to date Bat Mitigation Strategy (BMS) (that builds upon the Bat Mitigation Plan (by WSP December 2018) and Further Bats Surveys (by Emec September 2019) reports already submitted and the requirements of Condition 18) for approval in writing as part of that reserved matters application. The approved BMS for each phase shall be implemented in full prior to any development (including demolition) taking place on site and shall be retained

on site for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority. The BMS shall include:

- o Details of compensatory bat boxes/roost features to be installed on site and other compensatory features (such as roof voids etc), including their design, quantum and precise positions including the height and timings of installation;
- o Use of Bitumen felt 1F (or similar) only;
- o Methods for removal of existing roost structures to be timed outside of the bat roosting period;
- o A methodology of soft demolition/removal of roof tiles by hand;
- o Details of any external lighting which shall be designed so as not impact the installed bat features or bat foraging around the site.
- o The monitoring of new roosts.

Reason: In order to afford appropriate protection to bats in line with Policies DM7, CP12 and the NPPF.

29

The submission of each reserved matters application for any phase involving the erection of new dwellings located in on the greenfield areas in Phases 0 and 1 pursuant to Condition 3 (Phasing), shall be accompanied by an up to date Noise Assessment which shall include updated background noise modelling data where appropriate (such as there being a change in circumstance since the original noise modelling was undertaken) and where necessary, a Noise Attenuation 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 and retained thereafter or to an alternative implementation timetable as may be agreed in writing by the Local Planning Authority. For the avoidance of doubt, this condition also relates to the construction phase of the development.

Reason: To ensure that noise levels and vibration, specifically from the business park are appropriately mitigated and that the mitigation measures are implemented in a timely manner 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/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) (England) Order 2015 (as amended).

03

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

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

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

If any construction traffic is likely to cross a Cadent pipeline then the Applicant must contact Cadent's Plant Protection Team to see if any protection measures are required. All developers are required to contact Cadent's Plant Protection Team for approval before carrying out any works on site and ensuring requirements are adhered to.

Email: plantprotection@cadentgas.com Tel: 0800 688 588

04

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.

05

In order to carry out the new junction works at Lincoln Road 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 Nottinghamshire County Council for details.

06

The NCC PROW Officer advises the applicant to obtain a Public Rights of Way Search to obtain confirmation of the legal line of PROWs. Use following email address: row.landsearches@nottscc.gov.uk. Public Rights of Way such as Public Footpaths are 'Highways' and as such are protected by the same legislation as other highways. They are also highly valued by local people and play an important role in delivering local and national policies. If a Public Right of Way is shown on the Definitive Map this is conclusive evidence of its existence. Planning permission does not allow for a Public Right of Way to be illegally obstructed or moved.

If the design of any proposed development requires the legally recorded route of the PROW 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. We recommend the applicant get in touch with the Rights of Way Team at the earliest opportunity to discuss our requirements for any PROW which cross the proposed development site include surface treatment, path widths, proposed route change, fencing and other boundary treatment alongside etc.

07

The safety of the public using the path should be observed at all times. A Temporary Traffic Regulation Order (TRO) to prevent or restrict access of the RoW 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 countryside.access@nottsc.gov.uk. The applicant should be made aware that at least 5 weeks' notice is required to process the closure and an alternative route on should be provided if possible. A TRO application will only be granted on a PRow to be temporary closed and diverted as a result of the development once the application to stop up or divert the PRow under the TCPA 1990 has been accepted by the LPA.

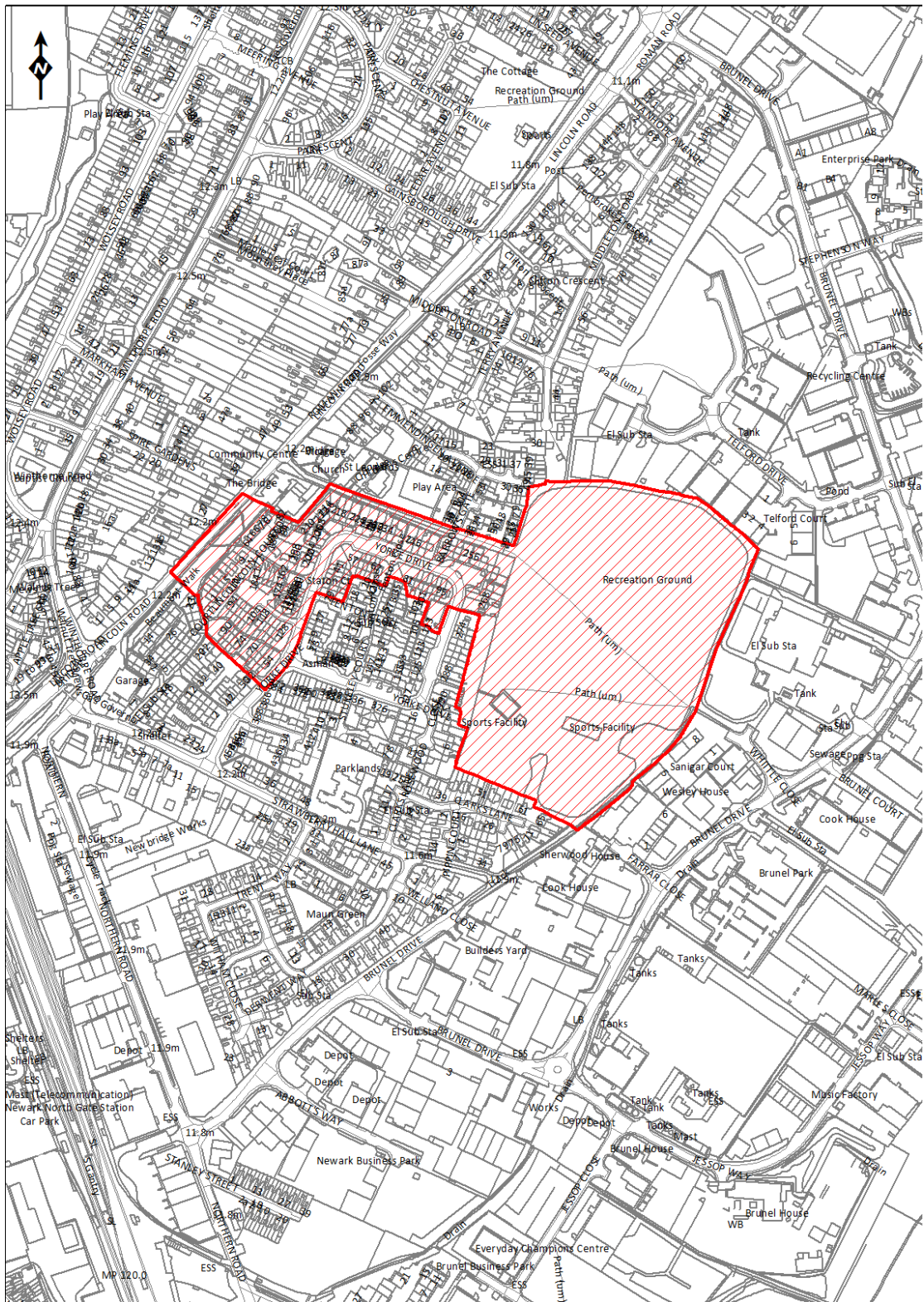
BACKGROUND PAPERS

Application case file.

For further information, please contact Helen Marriott on extension 5793

Lisa Hughes
Business Manager – Planning Development

Committee Plan - 22/00426/S73M



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PLANNING COMMITTEE – 12 APRIL 2022

Application No:	21/02607/FULM	
Proposal:	Construction of 19 dwellings	
Location:	Land Adjacent Haughton Way, Walesby	
Applicant:	Ms Raine - Nottingham Community Housing Association	
Agent:	Mr Simon Henderson - Pelham Architects	
Registered:	25.01.2022	Target Date: 26.04.2022
Website Link:	21/02607/FULM Construction of 19 dwellings Land Adjacent Haughton Way Walesby Nottinghamshire (newark-sherwooddc.gov.uk)	

This application is being presented to the Planning Committee in line with the Council’s Scheme of Delegation as Walesby Parish Council has objected to the application which differs to the professional officer recommendation and the proposal is a major development.

The Site

The application site relates to approximately 0.76 hectares of land to the east and south east of Haughton Way. The plot is irregularly shaped but broadly made up of two rectangular blocks at the end of the existing cul-de-sac of Haughton Way which comprises both two storey and single storey properties. The end of the cul-de-sac features a timber fence which forms the boundary of the site with tarmac access and parking areas right up to the boundary.

The site as existing is formed of fields which do not appear to have any particular notable features. Land levels appear to slope very gradually from west to east. The southern boundary of the site is partly shared with residential properties which front New Hill. The primary school and its associated grounds are immediately adjacent to the site to the south east. The site includes a linkage to the pedestrian footpath which links New Hill to the school (albeit the path is not a formally designated right of way).

The site is within Flood Zone 1 according to the Environment Agency maps. There are no designated heritage assets within the site with the boundary of the Conservation Area being over 300m away to the east of the site boundary.

Relevant Planning History

There is no formal planning history relating to the site itself albeit pre-application advice on a similar proposal has been sought.

The dwellings built along Haughton Way were approved in 2015 under planning reference 14/01943/FULM.

The Proposal

The application seeks full planning permission for a total of 19 dwellings split into the following mix:

- 11 two bed bungalows;
- 3 three bed houses;
- 5 two bed houses.

All of the properties are promoted as affordable with plots 1-14 inclusive as affordable rent and plots 15-19 inclusive as shared ownership.

Typically the two storey properties would be up to around 8.6m to pitch height and 5.2m to eaves whilst the bungalows would be up to around 6m to pitch and 2.5m to eaves. Materials proposed include red / orange bricks with concrete roof tiles.

An area of open space is demonstrated towards the south of the site.

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

- Site Location – 2680/P100 H;
- Existing Site – 2680/P101 C;
- Proposed site plan – 2680/P104 O;
- Site Sections – 2680/P105;
- Plots 1 and 2 – 2680/P 201 C;
- Plots 3 and 4 – 2680/P 202 C;
- Plots 5, 6, 9 to 14 – 2680/P 203 B;
- Plots 7 and 8 – 2680/P 204 C;
- Plots 15, 16, 17 – 2680/P 205 C;
- Plot 18 – 2680/P 206 B;
- Plot 19 – 2680/P 207 C;
- 3D Views of the proposed scheme – 2680/P300;
- Section 38 Adoptable Pavements General Arrangement – 8284 C 4000 F;
- Private Below Ground General Arrangement – 8284 C 4000 G;
- Section 38 Adoptable Kerbing General Arrangement – 8284 C 4001 E;
- Section 38 Adoptable Drainage General Arrangement – 8284 C 4002 F;
- S38 Proposed SW Manhole Schedule – 8284 C 4003 C;
- S104 Drainage General Arrangement – 8284 C 4004 F;
- S104 Proposed FW Manhole Schedules – 8284 C 4005 D;
- Private External Works General Arrangement – 8284 C 4011 E;
- Private Surface Water and Foul Water Manhole Schedule – 8284 C 4012 D;
- Section 38 Construction Details Sheet 1 – 8284 C 4020 A;
- Section 38 Construction Details Sheet 2 – 8284 C 4021 A;
- Section 38 Construction Details Sheet 3 – 8284 C 4022 A;
- S104 Drainage Construction Details Sheet 1 – 8284 C 4030 A;
- S104 Drainage Construction Details Sheet 2 – 8284 C 4031 A;
- Private Drainage Details Sheet 1 – 8284 C 4120 B;
- Private External Works Details Sheet 1 – 8284 C 4130 C;
- Pre-development Enquiry Connection Plan – 8284 C 4200 D;
- Affordable Housing Statement by Nottingham Community Housing Association;

- Extended Phase 1 Habitat Survey by C.B.E Consulting – P2095 / 0820 / 01 V1;
- Appendix 2 – Biological Records (letter dated 5th August 2020);
- Flood Scoping Study and Drainage Strategy by Carter Design – 8284/JL/tw/ID: 2119397 Rev. B;
- Geo-environmental Report by Ground Technology – GT0238;
- Viability Letter by Nottingham Community Housing Association dated 2nd November 2021;
- Design and Access Statement by Pelham Architects – 2680-DA-01 Rev A;
- Tree Survey by C.B.E Consulting – P2501 /0122 /02;
- Tree Category Plan - P2501 Figure 3 Rev 00;
- Root Protection Area Plan – P2501 Figure 4 Rev 00;
- Letter by C.B,E Consulting dated 22nd February 2022 – P2501 /0222 /L1;
- Proposed Shed – 2680/P;
- Vehicle Swept Path General Arrangement – 8284/C/5000.

Departure/Public Advertisement Procedure

Occupiers of 24 properties have been individually notified by letter. A site notice has also been displayed near to the site and an advert has been placed in the local press. A revised round of consultation has been undertaken with the Parish Council; NCC Highways and neighbouring parties on the basis of a revised site location; existing and proposed plan received 25th March (to address highways concerns). Consultation on these revisions expires on 8th April 2022 and therefore any comments received after agenda print will be reported to Members through the late items schedule.

Planning Policy Framework

The Development Plan

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

Spatial Policy 1 - Settlement Hierarchy
 Spatial Policy 3 – Rural Areas
 Spatial Policy 7 - Sustainable Transport
 Core Policy 1 – Affordable Housing Provision
 Core Policy 2 – Rural Affordable Housing
 Core Policy 3 – Housing Mix, Type and Density
 Core Policy 9 -Sustainable Design
 Core Policy 12 – Biodiversity and Green Infrastructure
 Core Policy 13 – Landscape Character

Allocations & Development Management DPD

DM3 – Developer Contributions and Planning Obligations
 DM5 – Design
 DM7 – Biodiversity and Green Infrastructure
 DM8 – Development in the Open Countryside

Other Material Planning Considerations

- National Planning Policy Framework 2021
- Planning Practice Guidance (online resource)
- National Design Guide – Planning practice guidance for beautiful, enduring and successful places September 2019
- Residential Cycle and Car Parking Standards & Design Guide SPD June 2021
- District Wide Housing Needs Assessment 2020
- Developer Contributions and Planning Obligations SPD
- Landscape Character Assessment SPD

Consultations

Walesby Parish Council – Strongly object for the following summarized reasons:

- No objection in principle to a small extension but objection to type of properties which are to be built – 2 bed bungalows are prevalent in the village already;
- The type of properties required are 3-4 bedroom properties to allow families to move out of their 2 bed properties in the village;
- The Parish Council have raised the issue with the applicant during meetings previously with the Parish Council in support of a new survey;
- A Councillor made comment that the 2019 survey was only sent to a selection of properties and was ambiguous in regards who they wanted to fill in the survey and it was felt that this could be a reason behind a poor response rate from the those families looking for a larger property;

The Parish Council do not believe that the applicant has listened to their concerns.

NSDC Tree Officer – The proposal should not result in any loss/detriment to retained trees and hedges if protection measures are incorporated throughout clearance and construction phases of the development.

The indicative soft landscaping is broadly acceptable but I would expect to see a more robust green boundary to the north that would screen the development from the open countryside.

Recommend any approval has attached conditions

NSDC Strategic Housing Officer – Housing need evidence supports the need for 19 dwellings as an extension to the existing scheme. Whilst acknowledging the preference for larger market dwellings by the Parish Council, as an exception site proposal for affordable housing, the proposal should align closely to the identified need as per proposal.

NSDC Parks and Amenities – No comments received.

NSDC Community Manager – No comments received.

NSDC Environmental Health (contaminated land) - I have received a Geoenvironmental Report submitted by Ground Technology on behalf of RG Carter Lincoln (dated Oct 2020).

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 states that there is no exceedance of the relevant screening criteria for the proposed use. I am not able to agree that this is necessarily the case given that sample WS06 had an EPH result of 1570 mg/kg, which was significantly higher than all of the other EPH results, yet the sample wasn't analysed for speciated TPH allowing comparison with relevant screening criteria.

I would therefore expect that further consideration is required of this area of the site and would request the use of the phased condition.

NSDC Environmental Health -no objections to the proposals, however I would request standard provision of Construction Method Statement (management plan), including how dust is to be managed, lighting scheme and restriction of working hours and delivery times.

NCC Planning Policy –

Minerals and Waste – No minerals safeguarding and consulting areas or waste sites in the vicinity of the site.

Strategic Highways – No contributions towards local bus service provision is sought but a request for £11,800 to provide improvements to the bus stop on New Hill.

Archaeology and Conservation – No comments to make.

Education - The proposed development of 19 dwellings on the above site would yield an additional 4 primary, 3 secondary and 1 post 16 aged pupil.

Based on pupil projection data there is a projected surplus of places and therefore no contributions are sought.

NCC Highways Authority – Original comments sought further details / clarification.

Latest comments raise no objections subject to conditions.

NCC Flood – No objections subject to condition.

Environment Agency – No comments received.

CCG - No comments received.

No letters of representation have been received.

Comments of the Business Manager

Principle of Development

The Amended Core Strategy sets out the Spatial Hierarchy for the District. Walesby is not identified as a principle village and therefore falls to be assessed as a rural area under the provisions of Spatial Policy 3. However, Core Policy 2 (Rural Affordable Housing) sets out that the District Council will pro-actively seek to secure the provision of affordable housing on rural affordable housing 'exception sites.' Such sites should be in or adjacent to villages and meet the requirements set out in Spatial Policy 3 relating to Scale Need, Impact and Character of

Development as well as being demonstrated as needed by an appropriately constituted Housing Needs Survey.

The site is at the northern edge of the village of Walesby with existing residential curtilages to the south and west and the primary school and its associated grounds to the south east. Whilst the site is not considered to be in the village, it would meet the initial requirement of Core Policy 2 as being adjacent to the village and therefore it is appropriate to advance the assessment against the remaining criteria of Spatial Policy 3 as set out below.

Scale

The scale criterion relates both to the amount of development and its physical characteristics but the policy wording does confirm that new development should be appropriate to the proposed location and small scale in nature.

Over the current development plan period 21 houses (including the previous affordable scheme) have been completed and there are 3 commitments in the form of extant planning permissions. Taken with the existing number of households based on 2011 census data (549), the village has already increased in size by 4.37% over the plan period and this would increase it to 7.83% if the proposed development were to be approved. This is considered to still be small scale in the context of the size of the village.

Need

The need criterion has been substantially altered through the Amended Core Strategy and now, in respect to new housing, sets an expectation that development should be able to support community facilities and local services. For a scheme of this size, the proposal is also required to meet the mix and type requirements of Core Policy 3.

Core Policy 3 confirms that the District Council will seek to secure an appropriate mix of housing to reflect local housing need.

The application has been presented as a wholly affordable scheme on the basis of housing need from 3 evidence bases namely the parish and district wide needs surveys and the Council's housing register. The sources of need by type are set out in the affordable housing statement which has been submitted to accompany the application:

	Scheme Proposal	Parish Housing Needs Survey 2019	Council Housing Register already residing in Walesby	Total fully evidenced need	Council Hsg Register – Walesby as preferred area	District Wide Housing Needs Survey
1 Bed General Needs		0	4	4	143	5
1 Bed Bungalow		0				8
2 Bed House	5	4	4	8	81	38
2 Bed Bungalow	11	6	12	18	53	17
3 Bed House	3	5	1	6	39	15
Total	19	15	21	36	216	90

The evidence demonstrates that despite the delivery of the ‘Phase 1’ Houghton Way scheme, there is still a need for affordable housing in Walesby. The proposal would be delivered by Nottingham Community Housing Association (NCHA) and the plots would be let or sold through a local cascade mechanism.

The evidence provided is considered sufficient to meet the policy requirements of Core Policy 2. However, as the site is adjacent to the settlement rather than within it, it is only considered to be policy compliant in that it is a wholly affordable exception site. It is therefore necessary that the mechanisms for retaining the units as affordable are secured by an associated legal agreement.

Impact

In some respects the impact assessment required by Spatial Policy 3 relates to other material planning considerations such as traffic or amenity, both of which are discussed separately in the relevant sections below. The assessment does however also relate to infrastructure such as drainage and sewerage systems which have been addressed as part of the application submission.

The application has been accompanied by comprehensive drainage plans including showing a proposed connection into a private pump station for 15 of the new properties. The drainage provisions have been assessed by colleagues at NCC as the Lead Local Flood Authority who have raised no objections subject to a condition seeking precise details.

Character

A Landscape Character Appraisal (LCA) has been prepared to inform the policy approach identified within Core Policy 13 of the Core Strategy which forms a Supplementary Planning Document. The LCA has recognised a series of Policy Zones across the five Landscape Character types represented across the District.

Core Policy 9 of the N&SDC Core Strategy requires that all new development should achieve a high level of sustainable design and layout which is accessible to all and which is of an appropriate form and scale to its context complimenting the existing building and landscape environments. Criterion

4 of Policy DM5 of the Development Management and Allocations DPD considers local distinctiveness and character and requires that in line with Core Policy 13 of the Core Strategy, all development proposals should be considered against the assessments contained within the LCA.

The site is within the Sherwood Policy Zone 27: Ollerton Estate Farmlands. Characteristic features include a gently round topography with a medium to large scale semi-irregular field pattern enclosed by low hawthorn hedges, some in poor condition. Overall the area has a moderate landscape condition and sensitivity giving an overall landscape action to conserve and create.

The proposal would meet the requirements of the LCA by containing built form near to the existing settlement and maintaining the overall field pattern and field hedges. Discounting the areas of open space, the proposal would amount to a development density of around 34 dwellings per hectare. Whilst this does align with the expectations of Core Policy 3 that development densities should be no lower than 30, it is marginally bordering on the high side noting the location of the site within the open countryside.

The submitted Design and Access Statement is light touch in terms of a landscape assessment noting that the site is enclosed from the west; south and east by existing development. The only open boundary is to the north along which it is proposed that there would be a swale behind a 1.1m timber post and rail fence for the majority of the length of the boundary (notwithstanding that the gable end of Plot 9 would also be towards this boundary. It has been queried whether or not the swale could still function efficiently if the northern boundary was formed of a hedge (partially in acknowledgement of the original comments from the Tree Officer). It has been confirmed that it would, so on the latest plans a hedge has been incorporated along the northern boundary, the exact specification of which could be agreed by condition.

It is contended that the southern part of the site, where plots 15-19 are proposed is very much a 'pocket' within the existing development and that the rest of the site is in line with Houghton Way and already developed so will not have any additional impact when viewed from a distance. To some degree I would concur with these conclusions albeit clearly any additional built form would have some impact. Plots 1-4 inclusive would be two storey dwellings and therefore would undoubtedly be visible in the wider landscape on approach to Walesby from the north. However, these plots would be adjacent to the existing two storey dwellings at the end of Houghton Way. It is welcomed that the single storey properties are proposed to the east of the site which is considered marginally more sensitive in landscape character terms.

The landscape impacts of the proposal would not amount to landscape harm given the existing context surrounding the site. I agree that the proposal would 'square' off existing built form and in doing so would formalize the edge of the village and be visually read alongside the existing Houghton Way dwellings.

Despite the positioning of some of the plots behind the dwellings on New Hill, the properties would have principle elevations addressing an extended highway from Houghton Way. I therefore do not consider the proposal to form backland development which would ordinarily be resisted against Policy DM5.

Dwelling designs are simple but functional taking cues from the existing properties at Houghton Way in both materials and detailing. Minor amendments have been made throughout the application to better align with the existing dwellings adjacent including adding headers to the windows on the front and side elevations for some plots. Exact details of materials have not been

provided and therefore would need to be agreed by condition but overall the design approach for the dwellings themselves is not disputed. Plot frontages, although featuring parking spaces, would have ample areas for soft landscaping which will help to mitigate the more formalized areas of hardstanding required for the aforementioned parking spaces but also the necessary tarmac driveway and turning area. As above, exact specifications for the landscaping scheme could be secured by condition.

The proposal includes two main areas of open space, one approximately 0.08 acres in extent to the south of the main access driveway and the other around 0.33 acres at the south of the site to the side of Plot 19. In respect to the larger area, the plan shows that Plots 15 to 17 inclusive would turn their back to the open space with rear boundaries made up of 1.8m close boarded fence. This is not ideal in terms of natural surveillance and it has been carefully considered whether or not it would be reasonable to suggest amendments to re-orientate the plots at this part of the site. However, the knock on effect in doing that it that the properties would instead turn their back to the proposed footpath link along part of the eastern boundary of the site. As shown by the 3D imagery submitted to support the application, the frontage of plot 15 would be towards this path which would mean it is well overlooked and thereby becomes more inviting to use:



View 1 : Towards plots 15-18 looking west

On balance, this is considered more advantageous than the plots overlooking the area of open space noting that Plot 19 would still offer some element of overlooking to the space as would users of the proposed new footpath which is not proposed to be separated from the open space by formal boundaries.

Overall, the proposal would comply with the criteria of Spatial Policy 3 and therefore the principle of the development as a rural exception site is accepted.

Impact on Highways

Policy DM5 is explicit in stating that provision should be made for safe and inclusive access to new development whilst Spatial Policy 7 encourages proposals which place an emphasis on non-car modes as a means of access to services and facilities.

All of the proposed dwellings would rely on the existing vehicular access which serves Houghton Way from Retford Road. As above, a pedestrian link would also be provided alongside the eastern boundary of the site which would connect through to New Hill past the pedestrian access to the primary school.

The Highways arrangements have been assessed by NCC with several revisions made to address their initial concerns. The latest plans incorporate the existing Houghton Way within the red line so that a traffic calming feature can be incorporated. NCC Highways have not raised a formal objection to the latest plans but their suggested conditions do seek for a number of further minor revisions which the applicant has been invited to provide upfront to prevent the need for pre-commencement conditions (namely changing the 1m service strip to a 2m footway). The comments of NCC also make reference to parking provision but acknowledge that the LPA have their own standards on which this should be assessed.

The Council has recently adopted an SPD on residential cycle and parking standards. This sets out the expectation that each of the dwellings should have 2 cycle spaces and electric charging infrastructure. For the two bed properties, in this location, they should have 2 car parking spaces and the three bed should have 3 car parking spaces. Visitor spaces are also encouraged. Single and double width spaces should be a minimum of 3m by 5.5m, where two or more spaces are side by side then the width requirement reduces to 2.4m.

The original plans showed that the development would fall short of the SPD requirements both in terms of width and number of spaces per dwelling in some instances. There were also some overflow spaces with no allocation to specific plots. The parking provisions have been subject to discussion during the life of the application.

The revised plan shows the allocation of parking spaces and the majority of the spaces have been increased in size so that they now meet the requirements of the SPD in terms of size. It is noted that 10 of the 19 plots would still fall short in terms of the number of spaces. However, the applicant contends that the demand for parking on the existing Houghton Way is not as high as the SPD implies. The revised plan therefore shows where there would be space available for parking should this transpire to be required but the areas remain landscaped on the proposed plan.

This arrangement has been carefully considered noting it would be contrary to the SPD. On balance, it is considered to be an acceptable compromise when taking into account the advantages of increasing the landscaped frontages. It is not uncommon in residential settings for front gardens to be changed to parking spaces through permitted development rights. Officers are satisfied that the applicant has sufficiently demonstrated that there would be space available to meet the SPD requirements if demand warranted more parking to be made available. Given that the site will be managed by NCHA as a wholly affordable scheme it is not considered necessary to explicitly control this through the planning process. The scheme would be acceptable in landscape terms whether the spaces were grassed or hard standing (noting there would still be space for trees in the street frontages which would be secured by the landscaping condition) but it would be preferable to have the increased landscaping in character terms. In this specific case, a lack of strict accordance with the SPD parking provisions is not considered a justifiable reason to resist the application.

The majority of the plots would have sheds in their rear gardens. Further details of these have been requested and subsequently received which confirm that they would adequately allow for

secure cycle storage if required. It has been confirmed that all plots will have power to a supply to external power point to enable installation of a charging point albeit this is shortly to be controlled through building regulations for new dwellings in any case.

Impact on Amenity

Policy DM5 requires a consideration of amenity impacts both in respect to amenity provision for occupiers and amenity impacts to neighbouring properties.

The dwellings would be positioned at the end of the existing Houghton Way cul-de-sac. All of the existing dwellings would be affected by the development to some degree due to the increased usage of the site access resulting in increased comings and goings. Nos 12 and 19 at the end of the cul-de-sac would also be potentially affected by the imposition of the additional built form.

In terms of no. 19 Houghton Way, the proposed Plot 1 would broadly follow the same building line and therefore would not impose harmful overbearing or overlooking impacts.

The proposed plots adjacent to no. 12 would however be perpendicular to the established building line and therefore have a greater potential amenity impact. Plot 18 would be a bungalow built adjacent to the side gable of no. 12 at an approximate distance of 13m. The single storey nature of this plot would mean that the existing boundary fence would protect overlooking from the rear windows of the proposed bungalow. Plot 19 however is a two storey property. The original plan showed that the rear elevation would be orientated towards the end of the garden. However, the revised plan has moved Plot 19 further southwards such that it is now only just behind the boundary of the neighbouring plot to the west. Any outlook to the rear windows would be at a 90 degree angle across a distance of around 21m which is considered a sufficient distance to protect against loss of privacy through overlooking.

Although Plots 15-17 inclusive and Plot 19 would have windows towards the rear of properties on New Hill, the distances would be over 45m and therefore would impose no amenity harm worthy of concern.

Moving then to assess the amenity provision for the proposed plots, Officers did initially raise an issue with the potential for overlooking from Plot 19 into the rear garden of Plot 17 but as above the revised plan has moved the parking spaces to the north of the dwelling meaning that the building line would be set southwards of the neighbouring rear garden and therefore any outlook would be slight and at an oblique line.

Each dwelling would be afforded an area of outdoor area space albeit these do vary quite significantly in size. This is perhaps to be expected noting that there is a mix of development size. The most constrained areas would be Plots 4; 8 and 16 but each of those plots would have two bedrooms and therefore the modest garden sizes are not considered so fundamental to amount to amenity harm in their own right.

Other than the aforementioned original issue with the relationship between Plots 17 and 19 which has now been resolved, distances and orientations between the plots are considered to be appropriate to safeguard against overlooking or overbearing impacts.

The national Government has published 'Technical housing standards – nationally described space standard' in March 2015. This document deals with internal space within new dwellings and is suitable for application across all tenures.

As per the measurements given by the plot schedule on the original site layout plan, all of the house types would fall short of the required internal space standards by 11m² for the two storey properties and 4m² for the single storey bungalows. This has been raised as an issue during the life of the application particularly in the context of the two storey dwellings which represent a significant shortfall.

The agent has responded contending that the floor areas are accepted by Homes England as part of the NCHA's strategic partner status. It is further stated that the amount of open space to be provided on site enhances the overall amenity provision for occupiers but that fundamentally there is no funding in place to make the homes any bigger and that the viability of the scheme is already marginal (as discussed further below).

The internal space available for the occupiers is clearly not ideal in the context of the national space standards. However, it is necessary to state that the LPA have not adopted the national standards in the Local Plan and therefore the modest footprint alone is not considered sufficient to refuse the application. Taking the point regarding the level of on site open space, the proposal overall would provide adequate standards of amenity for both existing and proposed occupiers meaning that the scheme would comply with the relevant amenity criteria of Policy DM5.

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 site as existing forms a former arable field which has been allowed to become colonized by ruderals and ephemerals. Boundaries are a mixture of hedges and fences including a security fence to the adjacent school.

The nearest statutory ecological designation is the Beavercotes Park SSSI located around 1.8km to the east of the site boundary. There are local wildlife sites in closer proximity but at a minimum distance of 500m away.

The site is also 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 a Special Protection Area (SPA), by virtue of the population of nightjar and woodlark exceeding 1% of the national total. 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.

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 first stage of any Habitats Regulation assessment (HRA) is to identify the likely significant effects (LSE) through the screening process. This is essentially a high-level assessment enabling the assessor to decide whether the next stage of the HRA, known as the appropriate assessment, is required.

Potential risks associated with the proposal include disturbance to breeding birds from people, their pets and traffic. The original ecological survey did not reference the potential SPA or indeed the implications for the development on the relevant species and therefore the agent has been asked to submit further assessment during the life of the application which has been received in the form of an additional letter from their ecologist which concludes the following:

- a) that the site does not contain land of potential interest to nesting Woodlark or Nightjar,*
- b) there is no record of either species associated with this site or within land in a 1km radius, and*
- c) the site is 1.25km from the nearest core breeding area, which is substantially beyond the 400m zone of highest potential impact from new residential housing.*

Having completed an initial assessment, it is considered, based on the information above, that the impact of the development of 19 new residential houses within the land off Haughton Way on the population of breeding Nightjar and Woodlark within the pSPA is likely to be negligible and further detailed assessment is not considered necessary in this instance.

Officers agree with the overall conclusions that there will be no likely significant effects arising from the development and therefore it is not necessary in this case to proceed to an appropriate assessment stage.

The application has been accompanied by an ecological survey based on a site inspection in July 2020 which in summary found the following:

The inspection completed in July 2020 did not identify any physical evidence or field signs of protected species within the survey area. Assessment of records and interpretation of the local landscape has identified that there is limited potential for the majority of protected species such as reptiles, amphibians, badger and ground nesting birds to be present.

Some activity by protected species could still take place within or immediately adjacent to the site area and require mitigation:

Birds: *There is negligible potential for nesting birds to be present within the field interior where the new residential development is being proposed. However, the boundary hedgerows and trees around the field margins, particularly along the boundary with the adjacent school, have potential to support nesting birds. As a precaution, where any established vegetation needs to be cleared this should be completed outside of the nesting season or be preceded by an inspection by an Ecologist to ensure no nesting birds are present or determine what mitigation measures to protect nesting birds are required.*

Bats: *The survey carried out has not identified any potential for bat roosts associated with the land so there is no likelihood of any roosting bats being disturbed. The design of any external lighting associated with the new housing development should ensure that there is no light spill of the*

direction of the boundary areas, particularly to the east along the margins of the school field which could impact bat foraging around this area.

The recommendations above could reasonably be secured by condition.

The proposal includes the retention of existing hedgerows as well as having potential for ecological enhancement and habitat creation through a carefully considered landscaping scheme.

As well as the ecological survey, the application has been supported by a tree survey which forms an assessment of a total of 19 individual trees and three groups of trees, some of which are within the school grounds or rear gardens of adjacent properties. The classification of the specimens includes a number of high grade trees (three Category A and 11 Category B) but crucially no tree needs to be removed to facilitate the development. Two groups are recommended for trimming to reinforce in the future but these are Category C and thus the proposed works are not a cause for concern.

The Council's appointed Tree Officer has confirmed that the proposal should not result in any loss/detriment to retained trees and hedges if protection measures are incorporated throughout clearance and construction phases of the development.

Overall, subject to conditions, the proposal would comply with Core Policy 12 and Policy DM7 and no specific ecological harm has been identified.

Developer Contributions and Viability

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

Affordable Housing

Core Policy 1 provides that for schemes of 11 or more dwellings, 30% on-site affordable housing should be provided with a tenure mix of 60% social rented and 40% intermediate housing. This is reaffirmed within the Council's SPD on Developer Contributions.

The current proposal is for 100% affordable housing and therefore would far exceed the 30% threshold.

Public Open Space

The expectations regarding the quantum of public open space is broken down into different component parts as follows:

Provision for children and young people

This application would need to make provision for public open space at 18m² per dwelling as set out in the Developer Contributions SPD. Given the size of the site this would be expected on site.

Amenity Open Space

Amenity green space, at a rate of 14.4m² per dwelling should be provided on site in line with the SPD and again this would need to be provided on-site.

In total to meet both of the above requirements, the site would need to provide 616m² of public open space on site. The site plan shows that there would be around 1,500m² of open space provided on site which again would far exceed the SPD requirements. The agent has been asked to clarify provision of play areas and it has been confirmed that there is no intention to provide any equipment on site given the financial constraints of the scheme. Clearly this is not the advocated approach against the SPD but in the context of the over provision of space in total, a lack of play equipment is not considered fundamental.

Natural and Semi-Natural Green Spaces

Ideally 10ha should be provided per 1,000 population albeit in recognition of the difficulty achieving that all residents should live within 300m of an area of natural and semi-natural green space. Given the positioning of the site at the edge of the village this is easily achievable and no further contributions are sought in this respect.

Management of Open Space

This Council would be unlikely to want to take on the long term maintenance of the public open space and this would need to be achieved via a management company secured through an appropriate obligation within a section 106 agreement.

Community Facilities

Community facilities are defined as including Community Halls, Village Halls, Indoor areas for sport, physical activity, leisure and cultural activity and Halls related to places of worship. The Council's SPD provides where existing infrastructure exists or where small scale developments do not warrant new infrastructure, a contribution may be appropriate to support the existing infrastructure such as a village or community hall or other community asset. It goes on to say that 'it is further recognised that some community facilities are not fulfilling their potential to meet the needs of residents and thus may appear to be underused. In such circumstances qualitative improvements to such facilities would increase their ability to make a positive contribution to meeting the needs of the community.'

Any additional pressure upon community facilities that this scheme would place upon the community should be met off-site by way of a financial contribution. A financial contribution toward community facilities which is based on £1,384.07 (figure from SPD but indexed at 2016) per dwelling could be sought subject to appropriate evidence that this would be required to meet the needs of the development.

Primary Education

The Developer Contributions and Planning Obligations SPD indicates that development which generates a need for additional primary school places will be secured via a legal agreement. The number of primary places required is based on a formula of no. of dwellings x 0.21 to establish the number of child places required, which in this case is 4 primary places. Based on the current pupil projections data, there is a surplus of places in the catchment area and therefore no contributions are sought in respect to education.

In terms of secondary education the development would be covered under CIL regulations, albeit it is zero rated in this location in any event.

Strategic Transport

The original comments of NCC made no request for contributions for either bus stop service provision or bus stop infrastructure. However, further comments received during the life of the application confirmed a request for £11,800 to upgrade the existing bus stop on New Hill (around 240m from the centre of the site). The justification for this request is that the current level of facilities at the bus stop is not at the required standards and the monies would be spent towards real time bus stop pole and display including electrical connections to promote sustainable travel.

Viability Case

Clearly the starting point for any application is that the proposed development would deliver the full suite of contributions considered necessarily attributed to the development. However, in this case, the applicant has advanced a viability case from the outset.

The Planning Practice Guidance confirms that 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.

The viability case presented by the applicant is that the proposal would have an extensive scheme deficit and therefore cannot afford any additional Section 106 contributions on top of the 100% affordable units.

As with previous instances where we have been presented with a viability case, Officers have negotiated an independent review of the appraisal at the cost of the applicant.

The assessment concludes a negative viability margin of -£867,034. This is significantly less than the applicant's projection at -£1.5 Million but does still indicate that it would not be economically viable to deliver any S106 infrastructure contributions. Given that the acceptance of not securing additional contributions rests on the scheme providing 100% affordable housing, an associated legal agreement will be required to ensure that the proposal remains affordable in the long term.

Other Matters

The proposal would lead to the loss of agricultural land. However, the site is modest in size and as above is an irregularly shaped area which would 'square off' the residential area. Overall the loss of agricultural land is not considered to be a fundamental barrier to the development of the site for residential purposes.

The application has been accompanied by a geoenvironmental report (albeit it does appear to be based on a time where the applicant was promoting 15 rather than 19 dwellings). In any case, the

report has been assessed by colleagues in Environmental Health who have commented that there appears to be some areas of sampling that are significantly higher but have not been appropriately analyzed. The comment have been passed to the agent but in the absence of a response a full phased contamination condition is recommended.

Overall Balance and Conclusion

Despite its positioning at the end of an existing residential cul-de-sac, the proposed development site is outside of a defined settlement boundary and within the open countryside. However, policy accepts the principle of rural exception sites for wholly affordable schemes which are adjacent to existing villages.

Even as revised, the proposals do show some compromises namely in respect to parking provision (which could be overcome by condition albeit the amount of soft landscaping would be reduced) and internal amenity arrangements. However, on the whole these issues are not considered fundamental enough to warrant a refusal of the application.

Significant weight is attached to the benefits of the scheme in providing 19 affordable units to meet an identified need for the village and therefore the recommendation is for approval subject to conditions and an associated legal agreement to secure that the units remain affordable.

RECOMMENDATION

That planning permission is approved subject to the conditions and reasons shown below and an associated legal agreement to secure the proposal delivers 100% affordable housing as a rural exception site.

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 except in complete accordance with the following plans, reference numbers:

- Proposed site plan – 2680/P104 O;
- Plots 1 and 2 – 2680/P 201 C;
- Plots 3 and 4 – 2680/P 202 C;
- Plots 5, 6, 9 to 14 – 2680/P 203 B;
- Plots 7 and 8 – 2680/P 204 C;
- Plots 15, 16, 17 – 2680/P 205 C;
- Plot 18 – 2680/P 206 B;
- Plot 19 – 2680/P 207 C;

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 in accordance with the approved details.

Reason: In the interests of visual amenity.

04

No dwelling plot hereby approved shall be occupied until the boundary treatments for that plot have been provided in accordance with the details shown on Proposed site plan – 2680/P104 O.

Reason: In the interests of residential amenity.

05

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

full details of every tree, shrub, hedge to be planted (including its proposed location, species, size and approximate date of planting) and details of tree planting pits including associated irrigation measures, tree staking and guards, and structural cells. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species;

proposed finished ground levels or contours;

Reason: In the interests of visual amenity and biodiversity.

06

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

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

07

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

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

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

Reason: To protect existing trees ad hedgerows within the site.

08

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 District 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 District Planning Authority.

Reason: To protect existing trees ad hedgerows within the site.

09

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 Carter Design Flood Scoping STuy and Drainage Strategy ref 8284/JL/tw/ID:2119397, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to completion of the development. The scheme to be submitted shall:

- Demonstrate that the development will use SuDS throughout the site as a primary means of surface water management and that design is in accordance with CIRIA C753.
- Limit the discharge rate generated by all rainfall events up to the 100 year plus 40% (for climate change) critical rain storm to Qbar rates for the developable area.
- Provide detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
- For all exceedance to be contained within the site boundary without flooding new properties in a 100year+40% storm.
- 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.

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 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.

11

To avoid conflict with the legislation for breeding birds vegetation removal must be undertaken outside the bird breeding season (March- September). If habitat clearance is unavoidable during the breeding season then the following action should be undertaken:

Prior to the commencement of works, the area including any affected vegetation, should be thoroughly searched for nesting birds. If a bird's nest is found then it should remain undisturbed and a 5m buffer zone should be created around the nest including above and below it. The zone around the nest site is to remain free of construction activities and disturbance until the young have fledged and left.

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

12

The development hereby approved shall be carried out in accordance with the recommendations set out within the Extended Phase 1 Habitat Survey by C.B.E Consulting – P2095 / 0820 / 01 V1 specifically but not limited to:

- The design of external lighting should be carefully considered to avoid the direction towards boundary areas, particularly to the east along the margins of the school field which could impact bat foraging around this area.

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

13

No development shall take place until a Construction Environmental Management Plan (CEMP) for the development has been submitted to and approved in writing by the Local Planning Authority. 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:

- 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 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 Noise Mitigation Scheme (NMS) designed to minimise noise levels during construction such as adopting a Code of Construction Practice, adopting principles of Best Practicable Means to reduce noise levels during construction work;
- the means of access and routing strategy for construction traffic showing visibility splays and method statement for the use of banksmen;
- 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;
- 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

Reason: To ensure appropriate mitigation for the impact on residential amenity caused by the construction phases of the development.

14

No part of the development hereby permitted shall commence until the new road has been designed with 2m footways either side in accordance with details to be first submitted to and approved in writing by the Local Planning Authority and thereafter constructed in accordance with the approved details.

Reason: In the interests of pedestrian safety and to ensure the development is designed to adoptable standards.

15

No part of the development hereby permitted shall take place until details of the new road have been submitted to and approved in writing by the Local Planning Authority including longitudinal and cross-sectional gradients, 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 the development is constructed to adoptable standards

16

No dwelling forming part of the development hereby permitted shall be occupied until its associated access/driveway/parking area is provided, surfaced in a hard bound material (not loose gravel) for a minimum of 5 metres behind the highway boundary and constructed with provision to prevent the unregulated discharge of surface water from the access/driveway/parking area to the public highway. Thereafter these shall be maintained as permitted for the life of the development.

Reason: To ensure loose material and unregulated surface water from the site is not deposited on the public highway causing dangers to road users, to ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems in the area and to enable vehicles to enter and leave the site in a forward direction all in the interests of Highway safety.

17

No dwelling forming part of the development hereby permitted shall be occupied until the pedestrian visibility splays of 1m x 1m are provided in accordance with details to be first submitted and approved in writing by the Local Planning Authority. The area within the visibility

splays referred to in this Condition shall thereafter be kept free of all obstructions, structures or erections exceeding 0.6 metres in height.

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

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

03

NCC Highways have requested the following notes to be included in any forthcoming decision:

It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it occurring.

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, then the new roads/footways and any highway drainage will be required to comply with the Nottinghamshire County Council's current highway design guidance and specification for roadworks.

- i) 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.
- ii) 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 (or District Council) in writing before any work commences on site.

iii) Correspondence with the Highway Authority should be addressed to: -

Highways Development Control North,
Nottinghamshire County Council,
Welbeck House
Sherwood Energy Village
Ollerton
NG22 9FF

(E) hdc.north@nottscc.gov.uk;

The proposed traffic calming requires a Traffic Regulation Order before the development is occupied to maintain the design speed of Haughton Way. 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 businessdevelopment@viaem.co.uk in the first instance.

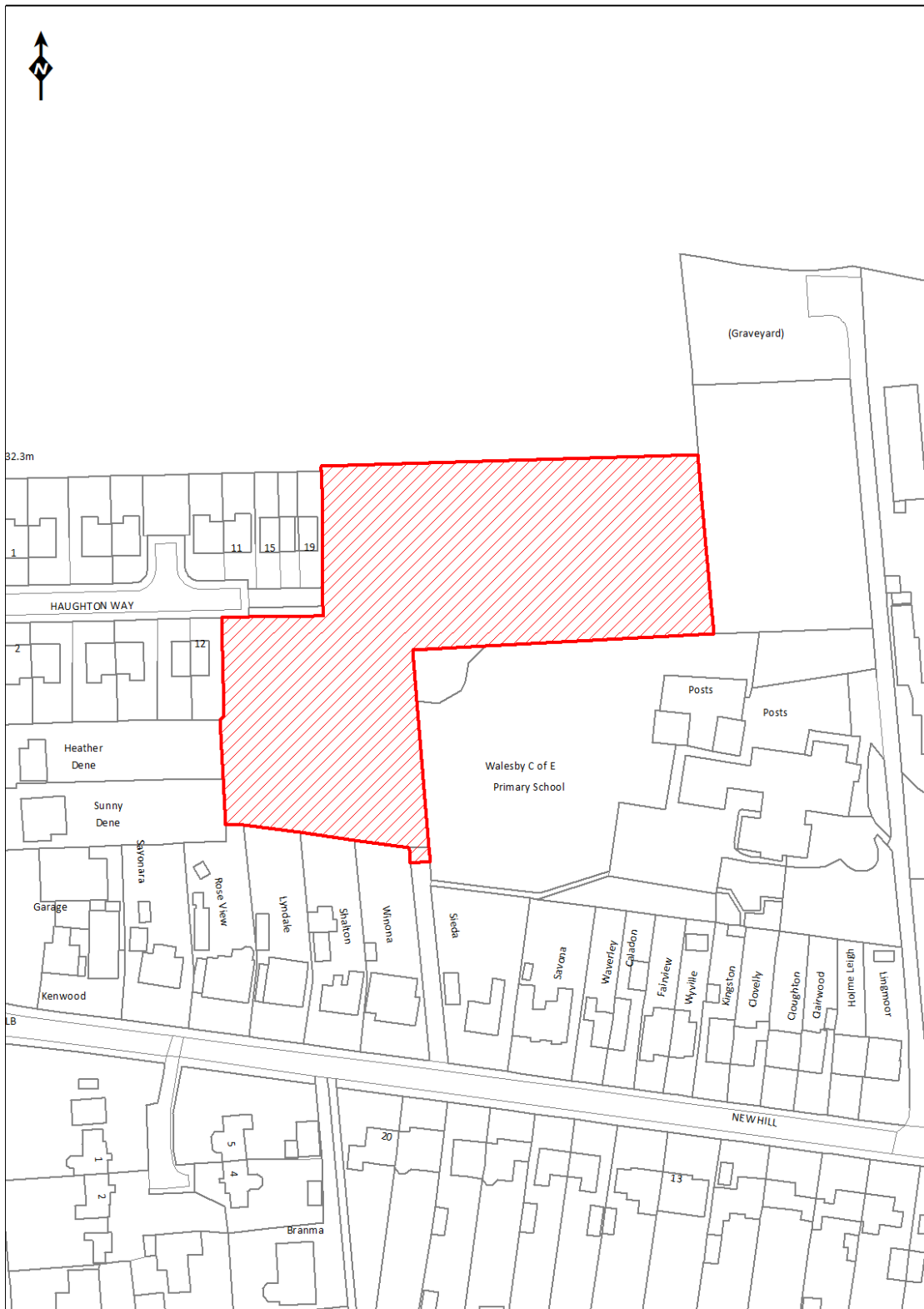
BACKGROUND PAPERS

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



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PLANNING COMMITTEE – 12 APRIL 2022

Application No:	21/02435/OUT
Proposal:	Erection of up to 3 no. detached dwellings and the re-alignment of Rolleston Public Footpath No. 5.
Location:	Land to the rear of Ullyats Cottage, Fiskerton Road, Rolleston.
Applicant:	Mrs Sara Williams
Agent:	Aspbury Planning Ltd
Registered:	17.11.2021 Target Date: 12.01.2022 Extension of time agreed until: 30.06.2022
Website Link:	https://publicaccess.newark-sherwooddc.gov.uk/online-applications/simpleSearchResults.do?action=firstPage

This application is being presented to the Planning Committee in line with the Council's Scheme of Delegation and it has been called in by the Ward Member, Councillor Blaney. The reason for call in is summarized as: due to being over-intensive development (fewer number would have a more positive relationship on the NDHA); impact on Rolleston footpath 5 with the change in character in view of the removal of the hedge and provision of a hard-surfaced footway; and given the applicant is NCC, with the level of local representation, Planning Committee's consideration will ensure transparency.

The Site

The application site relates to the garden to the rear of Ullyats Cottage. This is a 2-storey detached dwelling at 90 degrees to the road with outbuildings running parallel to the dwelling.

The site is currently accessed through Ullyats Cottage from Fiskerton Road.

An unsurfaced public right of way is located to the south east of the site and runs alongside Holly Court. A large early mature beech hedge approximately 2.5m high is located parallel to Holly Court.

Relevant Planning History

None

The Proposal

The application seeks outline planning consent for the construction of up to 3 dwellings on the existing garden to the rear of Ullyats Cottage. The proposal is for all matters reserved (appearance, landscaping, layout and scale) apart from the access. The proposal includes the realignment of Rolleston Public Footpath No.5 along Holly Court.

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

DRWG no. 27793-ARC-XX-00-DR-A-0001 Rev P05 Application site plan;
DRWG no. 27793-ARC-XX-XX-DR-A-AB008 Rev P02 Illustrative masterplan;
DRWG no. (03)001 Rev A Illustrative landscape plan;
Arboricultural Survey July 2021;
Preliminary Ecological Appraisal (PEA) November 2021;
Spatial Planning Design and Access Statement (ref APA/ARCPA/21/1761);

Departure/Public Advertisement Procedure

Occupiers of 28 properties have been individually notified by letter and a notice has been displayed at the site and in the press.

Planning Policy Framework

The Development Plan

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

Spatial Policy 1 - Settlement Hierarchy
Spatial Policy 2 - Spatial Distribution of Growth
Spatial Policy 3 – Rural Areas
Spatial Policy 7 - Sustainable Transport
Core Policy 9 -Sustainable Design
Core Policy 12 – Biodiversity and Green Infrastructure
Core Policy 14 – Historic Environment

Allocations & Development Management DPD

DM5 – Design
DM7 – Biodiversity and Green Infrastructure
DM9 – Protecting and Enhancing the Historic Environment
DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

National Planning Policy Framework 2021
Planning Practice Guidance
National Design Guide – Planning practice guidance for beautiful, enduring and successful places
September 2019
Residential Cycle and Car Parking Standards & Design Guide SPD June 2021

Consultations

Rolleston Parish Council – Object. The proposals were deemed to represent an over intensive development of the site which would also have a detrimental impact on the setting and viability of the adjoining property, Ulliyats Cottage, which has significant local historic and cultural

importance. Wider concerns were also raised in respect of an inadequacy of safe car parking, loss of footpath amenity and the provision of adequate servicing.

Nottinghamshire County Council Highways – It is not envisaged that this proposal will severely compromise highway safety. We therefore do not wish to raise an objection subject to conditions being attached to any grant of consent.

Tree Officer – 22.03.2022 Amended site plan and illustrative landscape plan are acceptable subject to conditions, following original objection 19..11.2021.

Conservation – Kate Greenaway has clearly got links to Rolleston and is an important historic literary figure. Information has been provided by local interest groups, although details of the academic sources have not been given.

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

Without academic sources outlining the significance of Ulllyats Cottage and its association with Kate Greenaway it is difficult to give considerable weight on the significance of the heritage asset as a non-designated heritage asset. In addition, the cottage is much altered.

The application is for up to 3 dwellings within the garden of Ulllyats Cottage. As an outline application the precise number, layout and design do not form part of the application. The indicative layout submitted shows three dwellings that have very little relationship with the dwelling. However, if the development was for 1, maybe 2, dwellings giving more space around the cottage. A design that has a more positive relationship with the cottage, such as a design approach that gives the impression they are ancillary to the cottage could alleviate any impact on the setting of the cottage.

Nottinghamshire Building Preservation Trust (NBPT) – Object.

1. The connection with Kate Greenaway, a national figure, a well-known artist and illustrator of children’s books. Both the design and access statement, and, surprisingly, the Heritage Advice, choose to ignore this connection. The application site is not only connected with, but also clearly recorded in illustrations by the artist. Development on the site would destroy important views, which are little altered since first illustrated by the artist.
2. The site is part of the curtilage of Ulllyats Cottage and the development of the land would clearly also have a detrimental effect on the amenity of the cottage. The significance of the cottage and the connection with Kate Greenaway is acknowledged by a blue plaque fixed to the cottage wall.

The loss of this open space and the effect on the existing public footpath, hedgerow and wildlife is unacceptable.

The Trust see this apparent change of ownership with the County Council wishing to dispose of the land (and apparently the adjoining cottage) to another, perhaps more sympathetic, owner as an opportunity to celebrate and strengthen the connection between Rolleston and Kate Greenaway. In a time when tourist opportunities are to be recognized, this is one to be encouraged, celebrated and not destroyed forever for short-term gain by an owner to the detriment of the local community.

Nottinghamshire County Council Right of Way- If the applicant plans for the new route to be part of the ‘adopted highway’ they will need to discuss this with ‘Highways’. If the new path is not to be

adopted highway, or this is not known, then the applicant will need to apply to legally divert the Public Footpath to the new route.

Where the design of any proposed development requires the legally recorded route of a Public Right of Way (PRoW) to be diverted because it cannot be accommodated on the legal line this can be addressed under the relevant provisions within the Town and Country Planning Act 1990 for the diverting/stopping up of public rights of way affected by development. An application under this act should be made to the Local Planning Authority and is a separate application to the planning permission.

The applicant will also need to confirm who will be responsible for the ongoing maintenance of the route and new hedgerow— will maintenance of the new footway be incorporated into the general site maintenance contract?

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.

Ramblers - There is no reason for us to change our stance to the earlier application (20/00567).

It is not acceptable for Rolleston Footpath 5 (a pleasant green route from Holly Court to open country) to be replaced by a hard-surfaced footway which will be crossed by driveway entrances to the properties.

We emphasise once more that Rolleston Footpath 5 is also a feeder to the Trent Valley Way, an important tourist attraction.

Comments from neighbouring properties/groups have been received which can be summarised below:

- Area has been known to flood and increased risk to neighbouring houses;
- Existing character is low density, with dwellings of varying sizes, set within generous plots;
- Existing layout allows for growth of mature trees;
- Over-development of the site / density is too high;
- Ulllyats Cottage is of historical significance and if the garden destroyed it would result in loss of significance;
- Doesn't allow for additional tree planting;
- Removal of the hedge which supports wildlife;
- Increase in on street parking on to Holly Court;
- No housing need;
- Ensure sufficient parking for the number of bedrooms;
- Does not address water run-off;
- Public transport is not frequent;
- Poor visibility when emerging from Holly Court to Fiskerton Road;
- Potential loss of privacy due to the scale;
- Proposal is unsympathetic;
- Bungalows would be appropriate;
- No provision for visitor parking;
- Conflict with users of the footpath;
- The cottage would be unsaleable with less garden;
- Proposal will destroy the cultural legacy of the village;

Comments relating to Kate Greenaway

- Undermine the cottage where Kate Greenaway grew up;

- Alter the appearance and ambience of her (Kate) childhood home;
- The cottage has been the inspiration for her many illustrations and books;
- The link should be promoted through tourism;
- The land is referenced in her journals and forms part of the heritage of the village;

Comments of the Business Manager

The Council can demonstrate in excess of a 5 year housing land supply and the development plan is up to date for decision making purposes. The starting point in decision making terms is with the development plan as set out in statute and reaffirmed by Policy DM12.

Principle of development

The National Planning Policy Framework promotes the principle of a presumption in favour of sustainable development and recognises that it is a duty under the Planning Acts for planning applications to be determined in accordance with the Development Plan. Where proposals accord with the Development Plan they will be approved without delay unless material considerations indicate otherwise.

The NPPF also refers to the presumption in favour of sustainable development being at the heart of the NPPF and is confirmed at the development plan level under Policy DM12 of the Allocations and Development Management DPD.

The site is located within the extremities of the village settlement of Rolleston. It forms garden land associated with Ulliyats Cottage which lies to the north of the site, with the existing residential development on Holly Court to the south and east. Consent has been granted for a dwelling to the south (and outside of the application site) of the site (20/00045/FUL) which extends in to its adjoining land to 17 Holly Court (see below)



Site plan for 20/00045/FUL showing the new dwelling to 17 Holly Court which lies to the south of the proposed application site

This site would not encroach as far beyond the permitted residential curtilage as that dwelling already approved, or extend beyond the curtilage to Ulliyats Cottage, and so developing this site would not result in additional encroachment in to the open countryside, and it can therefore be considered as being within village.

Spatial Policy 1 of the Amended Core Strategy (ACS) defines the settlement hierarchy for new development across the District. Rolleston is not defined within that hierarchy and is therefore a

'Rural Area' under Spatial Policy 3 (SP3). This policy states that new development will be considered against the following criteria. Location, Scale, Need, Impact and Character.

The location and impact of the proposal as a windfall site is considered acceptable in general. SP3 of the ACS states that in assessing the scale element that the '*development should be appropriate to the location and small scale in nature*'. 3 dwellings as can be seen on the illustrative masterplan, can comfortably be accommodated on the site and would be small scale in nature. Rolleston, although it does not feature within the settlement hierarchy, is a settlement of a reasonable scale and has seen much development in recent years and 3 dwellings would contribute to that mix and would be capable of contributing towards meeting the district housing need.

The NSDC Housing Need Survey 2020 states that within the Southwell area (to which Rolleston is located), the greatest housing need is for 3 bedroom dwellings (33.3%) with 4 bedroomed houses next (24%), followed by 3 or more bedroomed bungalows (15.2%) and then 2 bedroom bungalows (14.8%). Rolleston's own housing need survey (2016) also concluded that the greatest need within Rolleston itself is for:

- 1 x 3 Bed house – open market,
- 1 x 5 Bed house – open market,
- 1 x 2 Bed bungalow – open market,
- 1 x 3 Bed bungalow – open market

Therefore the greatest need within the settlement is for 3 bedroomed dwellings. However as the scheme is in outline only with all matters reserved, the number of bedrooms is a matter to which the detailed application would advance but it is considered that up to 3 dwellings could be accommodated on the site.

The principle to develop the site with dwellings is acceptable subject to further on site assessment which is outlined below. The matter of character is further explained in the 'design' section below.

Highways and parking impact

Policy DM5 is explicit in stating that provision should be made for safe and inclusive access to new development whilst Spatial Policy 7 encourages proposals which place an emphasis on non-car modes as a means of access to services and facilities.

Holly Court is approximately 5.4m wide at the access, with some localized narrowing to 4.5m. The access road is existing with no reported accidents. There is a narrow tarmac service strip along the western side of the carriageway and a wide grass verge along the eastern side. NCC Highways have suggested that the eastern side grass verge could be utilized for the footway as it already forms part of the highway. The verge however has been incorporated by the residents as part of their gardens and has been planted over and even fenced off. The applicant however has decided not to utilize this area but to realign the public footpath instead. However as the land still remains 'highway' land those residents are at risk of that land being incorporated back in to highway land or action being taken against them requiring removal of unlawful structures. This is a matter to which the Council could review separately as to whether it is expedient to pursue.

The new 2m wide footway to be created runs along the western edge of Holly Court to realign the existing public right of way. This involves the removal of the existing beech hedgerow and the planting of a new more native rich instant hedgerow to the back edge of the new footway which is

illustrated on the landscape plan (DRWG no. (03)001 Rev A). This would allow pedestrians and vehicles to enter the proposed house frontages and would safeguard a safe pedestrian access for the existing and future residents and users of the footway.

Dropped kerb crossings are proposed over the footway to the new properties which have been designed in consultation with Highway colleagues and includes sufficient visibility splays whilst accommodating the new hedgerow.

Residents have raised issues of highway safety from Holly Court onto Fiskerton Road. Highways have reviewed the intensification of this access point and have concluded that the visibility to the right from Holly Court is a concern as the visibility splay with a 2.4m setback from the edge of the carriageway is limited due to the Holly Court junction design, overgrown planting from third party land, and a narrow footway along Fiskerton Road. However, when a 2m setback is applied, the visibility is greatly improved and acceptable. Manual for Streets advises that the 2m setback can be considered for some very-lightly trafficked and slow speed situations where the drivers and cyclist travelling along the main road would be able to see the overhanging vehicle at the minor arm and be able to manoeuvre around it without undue difficulty. It is considered that Fiskerton Road complies with this requirement due to the geometrical alignment of the road which allows the north-westbound traffic to see and react to any vehicles waiting at Holly Court to join Fiskerton Road and react to any overhang accordingly. This road has low speeds of traffic due to the design of the road, i.e. 6.25m wide carriageway, existing frontages, narrow footways, streetlights, bends and low AADT (annual average daily traffic) of 1150 in 2019. There have also been no accidents recorded at the Holly Court and Fiskerton Road junction for over 20 years and any highway improvements to the junction would be seen unreasonable and disproportionate to the proposed scale of development.

It is not envisaged that this proposal will severely compromise highway safety and thus Highways have not objected subject to the imposition of suitable conditions.

The Council has adopted its Residential Cycle and Car Parking Standards & Design Guide SPD (2021), which provides a minimum standard expected for parking provision within sites. It also provides details of garage and parking space dimensions. As the proposal is in outline, and the number of bedrooms provided has not yet been defined it is difficult at this stage to ascertain the degree of parking provision required. However for 3 bedrooms or more, it is expected that 3 parking spaces are provided for each dwelling on site which could be achieved. Residents have raised concern about the lack of visitor parking within the site leading to parking on Holly Court. Holly Court is unrestricted in terms of parking provision and visitors would be able to park unrestricted on it regardless of this development coming forward. Notwithstanding this, due to the development being in outline and the indicative plans showing parking can be provided for each dwelling, this would not be a reason for refusal.

Right of Way

Rolleston footpath No.5 is located parallel to Holly Court, although separated from the highway by the existing beech hedge and is a feeder to the Trent Valley Way. The footpath is signed from Fiskerton Road and currently runs to the south east of Ulliyats Cottage and separated by an existing wire fence. The footpath currently comprises of a trodden muddy path approximately 1m in width. The proposal would keep the footpath on a similar alignment although the position would be altered to run alongside Holly Court approximately 700mm south east and it would be a 2m wide hard surfaced footpath to adoptable standard.

The proposal would enable safe passage of users of Holly Court, as at present occupiers walk on the carriageway, and it would enable a wider footway which is accessible to all.

The proposal has raised some local objection including from the Ramblers Association, whom state to replace a greenway by a hard-surfaced footway which is crossed by driveways is unacceptable. NCC Rights of Way colleagues have provided details on practicalities for stopping up and diverting the ROW.

Although comments relating to the ROW have been given due consideration, the relocation would not result in harm to the usability of the ROW and its realignment is not so dissimilar to its current position. NCC highways have suggested conditions to enable the legal extinguishing of the footway under a S.257 of the Town and Country Planning Act 1990, which is acceptable.

Design considerations

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.

The site is not located within a conservation area and the area does not include any listed buildings. The main consideration is the siting within land which contains the property known as Ulllyats Cottage.

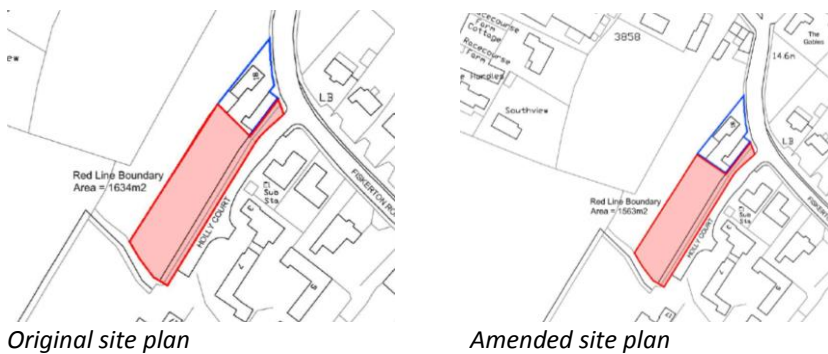
This cottage has been the subject of much interest from residents on the implications of the development upon the longevity of the cottage and its social history associated with Rolleston. Firstly it is pertinent to consider the condition of the cottage. The NPPF is clear on how to assess applications when Non-Designated Heritage Assets (NDHA) are in the vicinity. Paragraph 203 of the NPPF (2021) states 'the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing an application that directly or indirectly affects non-designated heritage assets, a balanced judgement will be required giving regard to the scale of any harm or loss and the significance of the heritage asset'.

The cottage is late C18 or early C19, not listed and Officers do not consider it meets the qualifying criteria within the Council's adopted NDHA guidance, to define it as such due to its condition and degree of alterations. The original doors and windows have been replaced to uPVC, there are concrete tiles on the roof and very little remains of any stylistic detail. The brick outbuildings have been much altered too and are of no special interest. In this respect it is not considered to contain considerable significance that can be attributed weight in decision making.

The building does have a local connection with Kate Greenway, a Victorian illustrator whom from the mid C19 spent significant periods of time there. However this was not her home and she is commonly associated with London where she was born and subsequently died. Whilst this is an important connection to the village and indeed local residents have set up The Kate Greenaway Trail and a blue plaque has been awarded to Ulllyatts Cottage in her recognition, these are not overriding factors in ensuring the importance of the cottage or the surrounding land. Residents have submitted comments on the connection to Kate Greenaway, however these are not substantiated through academic sources but rely on websites for their weight. Given the alterations to the cottage and the weight already attributed to the connection with Kate

Greenaway, it is not sufficient to include this building and the surrounding land as important enough to warrant it as a NDHA.

That said, the Conservation officer has stated that the three dwellings have very little relationship with the dwelling and a reduced number of 1 or 2 dwellings, to afford more space around the cottage would result in a more positive relationship with the cottage. A design whereby they are recessive in scale to the cottage and thus improve the setting would be considered in the detailed stage. Whilst these comments have been taken on board and having informed the agent of these they do not wish to reduce the number of units but instead have reduced the site area to increase the distance from the cottage from 7m to 12m (approximately) as shown below.



Given the layout is only illustrative, it is considered that a layout could be designed which respects the scale and form of the existing cottage such as siting development to the south west of the site and limiting the height.

Therefore it is considered that the proposal in principle is acceptable and a design could be achieved which respects the original cottage.

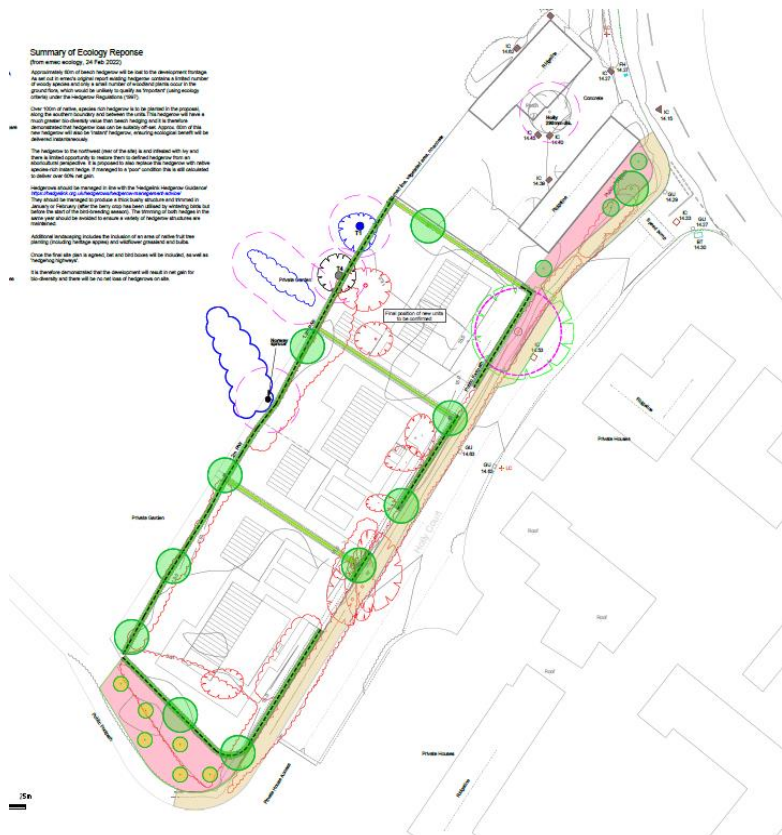
Trees/hedgerows

Policy DM5 of the ADMDPD states that natural features of importance within or adjacent to development sites should, wherever possible, be protected and enhanced. Wherever possible, this should be through integration and connectivity of the Green Infrastructure to deliver multifunctional benefits.

The proposal includes the loss of the existing beech hedgerow which bounds the carriageway of Holly Court. As well as a holly hedge, there are category B, C and U trees of varying siting within the site. Whilst these provide some visual amenity and biodiversity value they are not protected by any Tree Preservation Order and could be felled outside of the consideration of this application. Some of the trees to be felled form part of the former fruit orchard and have since been unmanaged and reached the end of their fruit bearing life.

Due to the emerging Biodiversity Net Gain (BNG) which, although it is not yet mandatory, it is a useful tool in assessing the impact of development upon the loss of features, and works to ensure appropriate mitigation/compensation is made. In this instance the applicant has submitted a BNG calculator. Which shows the inclusion of a new 100m length of native rich hedgerow which would improve the foraging when compared to the existing beech hedge. The north-west boundary will be enhanced with new trees and new hedgerow. In addition the creation of a new orchard and wildflower/grass area to the south-west of the site and to the south-east of the existing barns would seek to improve the rich biodiversity of the site. These areas (shown in pink on the plan

below), as they are outside of the areas proposed to be 'within plot' a S106 would be required to secure the delivery and further management/maintenance of it. The Council and the applicant are acceptable to the Council taking on this land subject to the agreement of terms within a legal agreement which would usually be for a minimum 10 year maintenance agreement but this is still to be confirmed.



The proposal, when using the BNG calculator, would result in a 60% net gain % change on site which is a positive for the site. This has not been corroborated by the Council as BNG is not currently mandatory and the County Ecologist has not responded to the consultation request prior to the writing of this report. However this is not the overriding consideration of the scheme and the loss of trees and hedgerows is still a material consideration. Conversely these trees and hedgerows are a mixture of species and condition, of which some are category C and U and non-native. The survey has concluded that a better species mix should be planted to improve the biodiversity, which can be controlled via a landscape scheme condition.

As a result of the development, it is necessary to remove the beech hedge adjacent to the carriageway which would be replaced with a more native diverse rich instant hedge to improve the biodiversity, as well as ensuring the trees/hedgerows felled are replaced with native species in comparable locations and an enhancement of the north western boundary to improve foraging opportunities. As such the biodiversity of the site will be improved with an uncorroborated BNG of 60%. Taking all the factors in to consideration as well as the comments of the tree officer for suggested conditions and the S106 for the maintenance of the land outside of plots, the proposal would result in an improvement to the local green infrastructure and is in accordance with policy DM5 of the ADMDPD.

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. Traditional rural buildings often provide a habitat for a variety of species, some of which may be protected by law. 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. Policy DM5 seeks to avoid adverse impacts upon ecological interest and protected species.

The NPPF (2021) states when determining planning applications LPAs should apply the following principles as stated within paragraph 180 of the NPPF. This states that if *“significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. Development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.”*

A Preliminary Ecological Appraisal (PEA) has been submitted with the application which concludes that none of the trees on site were noted to provide features with roost potential for bats and no nesting birds were found. The surrounding hedgerows and scattered trees/woodland provided potential foraging habitat and commuting routes for bats and breeding areas for birds. In addition the site provides a limited potential habitat for reptiles or amphibians and no evidence of badgers have been found.

Due to the use of the site for bats/birds suitable compensation should be provided for. These are outlined in Section 6 of the PEA, however the measures proposed include clearance outside of birds besting season (March – September), enhancement of the existing boundary to the north-western boundary, replacement of the beech hedgerow with an instant native hedge, retention of the copper beech tree, bat friendly lighting, bat and bird boxes and hedgehog gaps within fencing etc. All these measures can be controlled by suitably worded conditions.

The proposal could therefore meet the aims of the SPD and would not result in harm to the ecology and biodiversity of the site subject to mitigation/compensation.

Neighbour amenity

Policy DM5 of the ADMDPD states development proposals should have regard to their impact on the amenity or operation of surrounding land uses and where necessary mitigate. The layout of development within site and separation distances from neighbouring development should be sufficient to ensure that neither existing nor future occupiers suffer from an unacceptable reduction in amenity including overbearing impacts, loss of light or privacy.

The dwellings are expected to be two storey although the detail would come from the Reserved Matters application. The position within the site compared to other surrounding dwellings, is not likely to result in harm to amenity from overbearing, loss of privacy or light impacts. Comments received during the consultation have alluded to a favourable use of bungalows or 1.5 storey dwellings which again would be appropriate here and would be more in keeping than two storey. Should Members resolve to support the proposal a condition to ensure the height of the dwellings which come through the reserved matters application are no greater than 1.5 storey could be imposed. All of the concerns raised by residents have been given due consideration however it is not Officer's opinion that the proposal would result in harm to neighbour amenity and that dwellings could be sited and designed to not cause undue harm.

Flooding/surface water impact

The site is located within Flood Zone 1 as defined by the Environment Agency data maps, it is therefore at lowest risk from flooding. Nonetheless careful consideration will need to be given to the impact of surface water from the development and the use of appropriate materials and other ground materials to improve the permeability of the site to ensure the risk is not increased to the locale.

Planning balance and conclusion

The site is a windfall site located within the built up area of Rolleston which although it has limited facilities, it is closely connected to other more sustainable areas and is serviced by public transport. Therefore the principle of development is acceptable. A restriction of the height of the buildings to 1.5 storey would ensure the buildings are not dominating to the nearby bungalows and are unlikely to result in harm to local character. The proposal would make a positive contribution to housing stock and need within the area.

The proposal would result in an alteration to the existing Rolleston no.5 footpath which is aligned adjacent to Holly Court carriageway and its condition will be upgraded to improve usability and there will be no reduction in provision as a result.

The proposal includes the loss of trees and hedgerows within the site, however a condition to ensure a like for like provision is made as well as improvements to BNG can be reasonably achieved through conditions and legal agreements.

A well designed scheme, taking in to account the height and the position of neighbouring properties would avoid any negative impacts upon residential amenity.

Matters of highway safety and ecology have been carefully considered and it is concluded that the proposal would result in no adverse harm and approval is recommended to Members subject to the following conditions and the signing of a S106 for the spaces outside of the plots which is to be taken on by the Council for the maintenance and management for a minimum 10 year period or which terms are to be agreed.

RECOMMENDATION

That planning permission be granted subject to the following conditions and the completion of a S106 requiring:

- **Management of open space shown indicatively as wildflower grasses/bulbs on the Illustrative Landscape Plan ((03) 001 Rev A**
- Maintenance sum for management of this area for a minimum of 10 years plus (sum to be agreed)**

Conditions

01

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

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

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

02

Details of the appearance, landscaping, layout and scale (hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.

Reason: This is a planning permission in outline only and the information required is necessary for the consideration of the ultimate detailed proposal.

03

No dwelling shall be greater than 1.5 storey in maximum height.

Reason: In the interests of visual and residential amenity.

05

No works shall be undertaken on or affecting any part of the land comprising the highway known as Rolleston Footpath No.5 until such time as a replacement footway has been provided to adoptable standard along Holly Court, Rolleston, and the existing public right of way legally extinguished under S.257, Town and Country Planning Act 1990, accordingly.

Reason: In the interests of highway safety and to ensure that the public minor highway is properly dealt with under S.257, Town and Country Planning Act 1990, avoiding the commission of criminal offences (which may be committed in relation to the public right of way by disturbing that highway or obstructing or otherwise impeding the lawful exercise of the public's right of way thereover) acknowledging that a) the footpath is only legally extinguished upon confirmation of such order and b) that there is a need for a suitable replacement pedestrian highway to be provided in substitution thereof.

06

No part of the development hereby permitted shall be brought into use until a dropped vehicular footway crossing is available for use and constructed in accordance with the Highway Authority specification to the satisfaction of the Local Planning Authority.

Reason: In the interest of highway safety.

07

No part of the development hereby permitted shall be brought into use until the access driveway is constructed with provision to prevent the discharge of surface water from the driveway to the public highway. The provision to prevent the 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.

08

No part of the development hereby permitted shall be brought into use until the driveway and any parking or turning areas are surfaced in a hard-bound material (not loose gravel) for a minimum of 8.0 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.)

09

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

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

Reason: In the interests of visual amenity and biodiversity.

10

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

Reason: In the interests of visual amenity and biodiversity.

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

Reason: In the interests of biodiversity.

12

The Reserved Matters application shall include the full details of every tree, shrub, hedge to be planted (including its proposed location, species, size and approximate date of planting) and details of tree planting pits including associated irrigation measures, tree staking and guards.

Reason: In the interests of visual amenity and biodiversity.

13

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. 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.

14

The clearance of vegetation shall be carried out in full accordance with Para 6.1.2 of the Preliminary Ecological Appraisal which states details of using hand tools for clearance, trenches with slopes in for badgers to escape, bat friendly lighting, and no site clearance between March and September (inclusive) unless a suitably qualified ecologist has inspected the site for nesting birds.

Reason: In the interests of ecology.

Note to Applicant

01

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

02

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

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.

03

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

BACKGROUND PAPERS

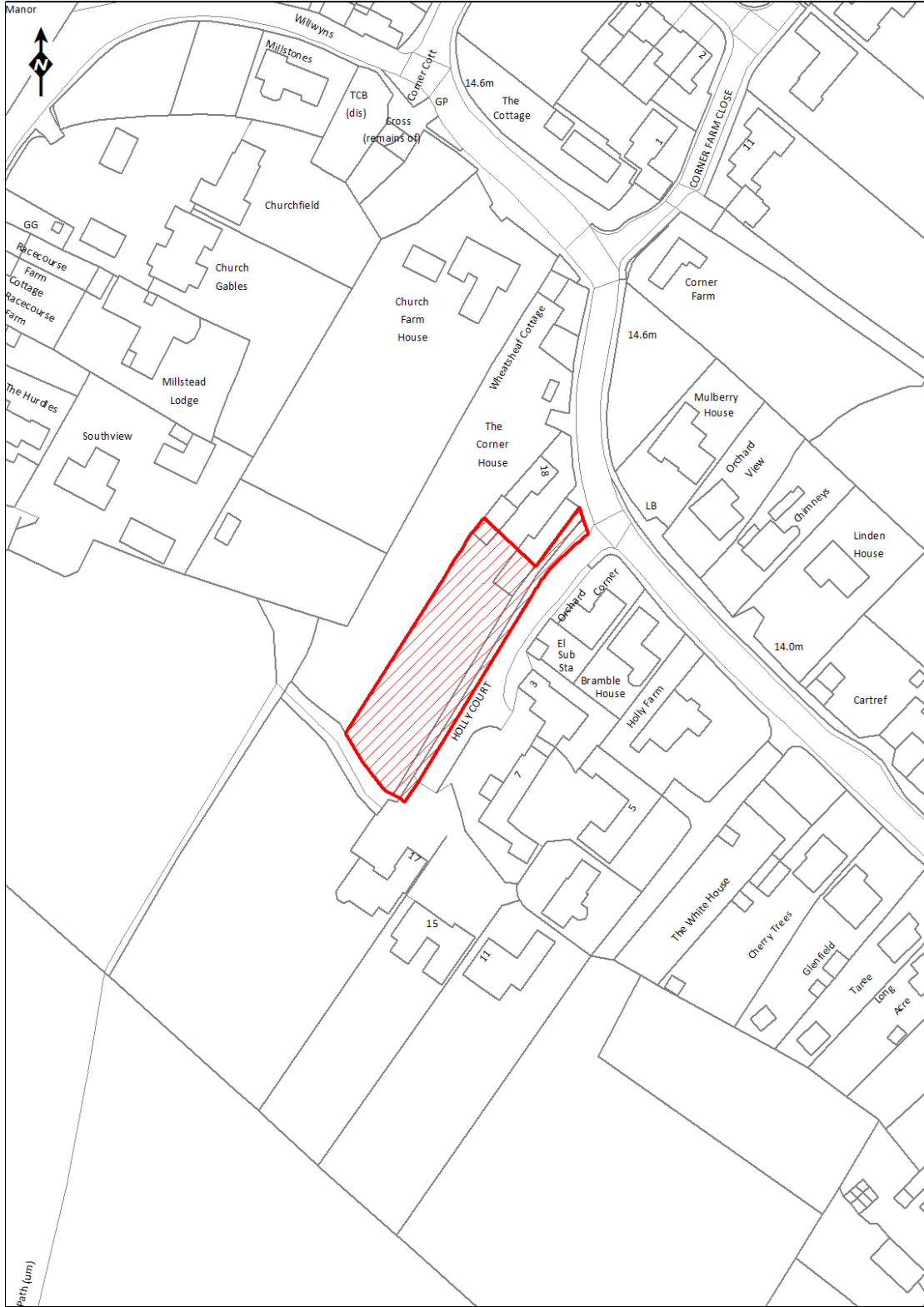
Application case file.

For further information, please contact Lynsey Preston on extension 5329.

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

Lisa Hughes
Business Manager – Planning Development

Committee Plan - 21/02435/OUT



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Planning Committee – 12 APRIL 2022.

Appeals Lodged

- 1.0 Members are advised that the appeals listed at Appendix A to this report have been received and are to be dealt with as stated. If Members wish to incorporate any specific points within the Council's evidence please forward these to Planning Services without delay.
- 2.0 Recommendation
- 2.1 That the report be noted.

Background papers

Application case files.

Further information regarding the relevant planning application and appeal can be viewed on our website at <https://publicaccess.newark-sherwooddc.gov.uk/online-applications/search.do?action=simple&searchType=Application> or please contact our Planning Development Business Unit on 01636 650000 or email planning@nsdc.info quoting the relevant application number.

Lisa Hughes
Business Manager – Planning Development

Appendix A: Appeals Lodged (received between 1 March 22 and 29 March 22)

Appeal reference	Application number	Address	Proposal	Procedure	Appeal against
APP/B3030/D/21/328656 0	21/00932/HOUSE	110 Westgate Southwell NG25 0LT	Single storey rear extension	Fast Track Appeal	Refusal of a planning application
APP/B3030/W/21/32883 07	21/01676/FUL	1 Sherwood Road Rainworth NG21 0LJ	Change of use from a residential dwelling (C3) to a dental practice (E) and erect single storey rear extension to replace conservatory (Re-submission of 20/02181/FUL)	Written Representation	Refusal of a planning application
APP/B3030/W/22/32917 53	21/02025/HOUSE	19 Maid Marion Drive Edwinstowe NG21 9RD	Proposed first floor side extension over existing garage	Fast Track Appeal	Refusal of a planning application
APP/B3030/D/22/329279 5	21/02339/HOUSE	Cobblers Cottage Brickyard Lane Farnsfield NG22 8JS	Retrospective flat roof and proposed balcony amendment.	Fast Track Appeal	Refusal of a planning application

APP/B3030/C/22/329369 9	21/00102/ENFB	The Park Lowdham Road Gunthorpe NG14 7ES	Without planning permission, operation development consisting of the construction of a building ("the building") as shown with an "X" on the aerial photograph in image 1 and within the photographs labelled images 2 and 3 (subject of planning application reference 21/01479/FUL).	Written Representation	Service of Enforcement Notice
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Planning Committee – 12 APRIL 2022

Appendix B: Appeals Determined (between 1 March 2022 and 29 March 2022)

App No.	Address	Proposal	Application decision by	Decision in line with recommendation	Appeal decision	Appeal decision date
21/01614/HOUSE	188 Mansfield Road Clipstone NG21 9AE	Construct concrete sectional building on concrete base for storage.	Delegated Officer	Not applicable	Appeal Dismissed	23rd March 2022
21/02188/HOUSE	22 Bescar Lane Ollerton NG22 9BS	Single storey extension to front and two storey and single storey extensions to rear	Delegated Officer	Not applicable	Appeal Dismissed	8th March 2022
21/01978/HOUSE	The Old Police House Great North Road South Muskham NG23 6EA	Proposed extensions, front entrance porch and new boundary wall	Delegated Officer	Not applicable	Appeal Allowed	3rd March 2022
21/02238/HOUSE	2 Gainsborough Road Winthorpe NG24 2NN	Two storey side extension to dwelling	Delegated Officer	Not applicable	Appeal Dismissed	15th March 2022

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



Appeal Decision

Site visit made on 22 February 2022

by **A Edgington BSc (Hons) MA CMLI**

an Inspector appointed by the Secretary of State

Decision date: 3 March 2022

Appeal Ref: APP/B3030/D/22/3290412

The Old Police House, Great North Road, South Muskham NG23 6EA

- 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 Gary Fendley against the decision of Newark & Sherwood District Council.
 - The application Ref 21/01978/HOUSE, dated 13 September 2021, was refused by notice dated 8 November 2021.
 - The development proposed is Proposed extensions, front entrance porch and new boundary wall.
-

Decision

1. With regard to the proposed extension and boundary wall the appeal is allowed and planning permission is granted for Proposed extensions, front entrance porch and new boundary wall at The Old Police House, Great North Road, South Muskham NG23 6EA in accordance with the terms of the application, Ref 21/01978/HOUSE, dated 13 September 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those in the existing building.
 - 3) The development hereby permitted shall be carried out in accordance with the following drawings: Dwg. GF-01, Dwg. GF-02, Dwg. GF-03, GF-04, Dwg. GF-05 (excluding the front entrance porch), Dwg. GF-06 (excluding the front entrance porch), Dwg. GF-07 (excluding the front entrance porch), Dwg. GF-08.
 - 4) The development hereby permitted includes the side extension and boundary wall only.
2. With regard to the front entrance porch the appeal is dismissed.

Preliminary Matter

3. The application form includes a detached outbuilding in its description but the evidence before me indicates that this would be permitted development and as such there is no need for me to consider it in my reasoning. I have also omitted it from the banner.

Main Issue

4. The main issue is whether the development would be detrimental to the significance of the Old Police House.

Reasons

5. The Old Police House (House) is a modest two storey L-shaped brick dwelling with a forward gable, brick chimneys and a tiled pitched roof. It is located on a corner plot on the edge of South Muskham and the simple typology of its frontage is visible from the Great North Road. To the rear there is a large conservatory which runs along the entire elevation, and an attached flat roofed single storey side extension which projects beyond the host dwelling's rear elevation and which contains a kitchen extension, utility and double garage.
6. The original House is a distinctive police house of a type designed by a local County Council architect in the inter-war years, and built throughout the county. The Council has identified it as a non-designated heritage asset (NDHA) using the criteria set out in its NDHA Draft Criteria document.
7. Planning Practice Guidance sets out that *plan-making bodies should make clear and up to date information on non-designated heritage assets accessible to the public to provide greater clarity and certainty for developers and decision-makers. This includes information on the criteria used to select non-designated heritage assets and information about the location of existing assets.* The Council's draft criteria document sets out such criteria. Although the document is not yet adopted and the Council does not appear to hold a schedule of locally listed buildings, I see no reason to disagree that the House is a NDHA and as such this is a material consideration in my reasoning.
8. I conclude that the House's significance arises from its former use as a rural police house which has social and community value, as well as its historic association with a prominent local architect. There is also significance to be derived from its largely unaltered simple form and use of traditional materials.
9. The House's unassuming and largely unaltered typology can be seen on its front and southern flank elevation. To the rear the original elevation is somewhat obscured by the conservatory and garage extensions, and the northern flank elevation is set back beyond and above the current single storey extensions.
10. The proposed side extension would add a first floor to the single storey kitchen extension, extending to the kitchen's full depth. This would result in a fairly bulky projection beyond the host dwelling's original rear elevation. The proposals would also include the replacement of the conservatory with a built extension with lantern lights and full height doors.
11. The side extension's ridge line would be lower than that of the House, and its front elevation would be set back from the House's principal elevation. The modest plan form, typology and scale of the original House would still be visible, particularly when seen from the east and from the south. The side gabled extension would have a similar form to the House, and it would diminish appreciation of the original police house to only a minor extent.
12. I can appreciate the Council's argument that the side extension would appear somewhat oversized, and it would also alter the scale of the House when

- viewed as a whole. However, the House's northern elevation is already compromised by the very large single storey extension and makes a far lesser contribution to the House's heritage significance than the principal front and southern flank elevation.
13. Moreover, the House sits in a generous corner plot and the increased bulk and scale of the side extension would not jar with or appear oversized in relation to neighbouring built form.
 14. Concern has also been raised in relation to the size of a window on the northern flank wall of the side extension. Again, whilst to some degree I agree with the Council, the window would not be seen in the direct context of the host dwelling and would clearly be related to the newer extension. As such, I am satisfied that the side extension would not cause particular harm to the House's significance.
 15. No concerns have been raised in relation to the brick boundary wall and there is nothing before me to lead me to conclude otherwise.
 16. The proposed oak entrance porch would be a reference to a different building style and would also add unnecessary ornamentation to the House's underlying simplicity and functional design. As the porch would be attached to the House's principal elevation, I conclude that this would detract from its significance. I appreciate that a smaller porch could be built as permitted development, but it remains that permission is needed for a porch of this size.
 17. Paragraph 203 of the National Planning Policy Framework states in regard to development affecting NDHAs, *that a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset*. In this instance I conclude that the extension would not cause sufficient harm to the House's significance to warrant refusal of permission for those works. Conversely, the porch would appear highly incongruous and the harm to the House's significance would warrant the dismissal of this element of the appeal.
 18. For the reasons set out above I conclude that the side extension and the boundary wall would not be detrimental to the significance of the House. They would not be contrary to Policy CP9 which states that new development should be of appropriate form and context, or Policy CP14 which states that balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. Nor would those proposals be contrary to Policy DM6 which requires extensions to reflect local distinctiveness and the setting of heritage assets, or Policy DM9 which requires particular attention to be paid to reflecting local distinctive styles of development.
 19. The front entrance porch would introduce an incongruous feature on the largely unaltered principal elevation. I conclude that this would be detrimental to the House's significance and would also be contrary to the requirements of Policies CP9, CP14, DM6 and DM9 as set out above.
 20. I have reached different conclusions in respect of different elements of the development. However, as the elements are severable, I have concluded that it would be appropriate to issue a split decision

Conditions

21. I have imposed the standard conditions relating to time, and adherence to the approved drawings for the avoidance of doubt. I have also imposed a condition relating to the use of the same materials as used in the host dwelling to safeguard the character and appearance of the area.

Conclusion

22. The appeal is allowed with regard to the site extension and the brick boundary wall. The appeal is dismissed with regard to the porch.

A Edgington

INSPECTOR

PLANNING COMMITTEE – 12 APRIL 2022

PLANNING COMMITTEE ANNUAL REPORT 2021-2022

1.0 Purpose of Report

1.1 Members are presented with reports of the performance of the Planning Department each quarter. However, this does not provide information of the performance of Planning Committee. Following the initial report last year, an annual report of performance each municipal year will be presented to Members. Should Members require any different information in future reports, this can be investigated.

2.0 Background Information

2.1 The majority of Committee meetings have been held at Castle House on a Tuesday commencing at 1600 hours. The exceptions are the first meeting on the 27th April which was held virtually due to the Covid-19 pandemic commencing at 1400 hours and December's meeting held on a Monday (6th) due to the Halloughton Solar Farm Public Inquiry commencing on the 7th December.

2.2 Facts, Planning Applications and Reports

- Newark & Sherwood District Council's Planning Committee sat on 11 occasions throughout the municipal year 2021- 2022, compared to 12 times in 2020-21.
- The Committee undertook one official site visit on the 15th March, having cancelled them for all previous months due to the Covid-19 pandemic restrictions.

2.3 Planning Applications:

The Planning Committee considered 65 planning applications over the 11 meetings which includes 5 deferrals and re-submissions:

- 47 applications were granted in line with officer recommendation;
- 2 applications were refused in line with officer recommendation;
- 4 applications were granted contrary to officer recommendation;
- 7 applications were refused contrary to officer recommendation; and
- 5 deferred for negotiation or further information.

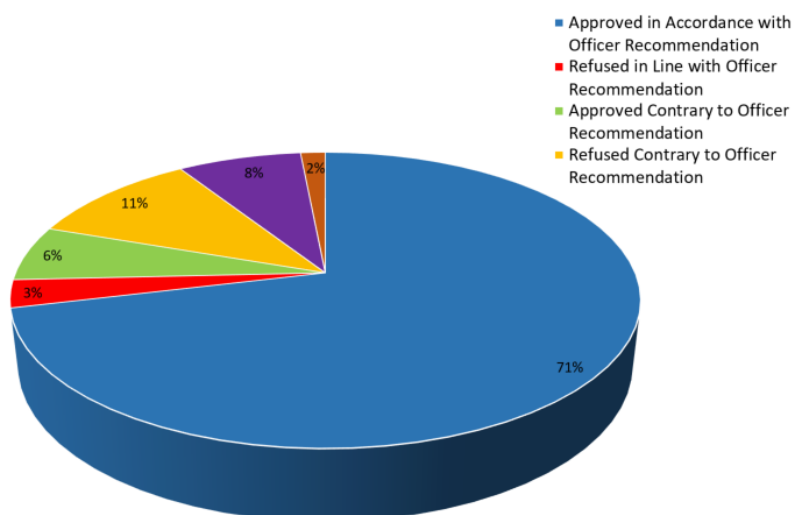


Chart 1: How applications were determined

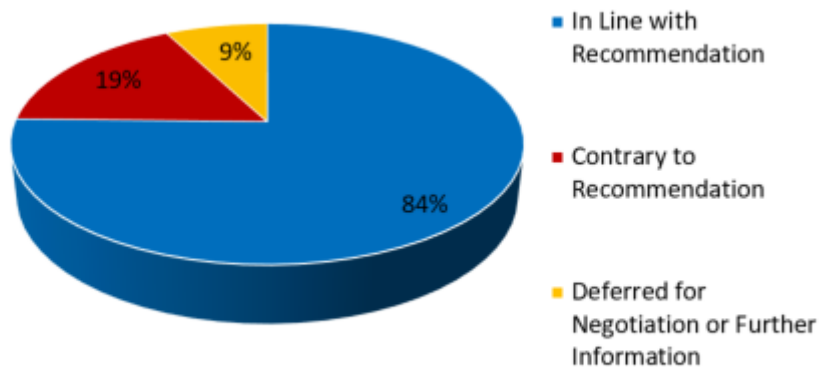


Chart 2: Percentage of Decisions in Accordance with or Contrary to Officer Recommendation

2.4 Appeals Decisions:

Throughout the municipal year Newark & Sherwood District Council received 10 appeal decisions in respect of decisions made by the Planning Committee.

Out of the ten, 8 of the appeals were allowed (i.e. granted) by the Inspector and 2 were dismissed (refused), supporting the decision of the Committee. The 2 dismissed appeals were both decisions made by the Committee, contrary to Officer recommendation.

Of the allowed appeals:

- 7 of these had been recommended for approval by Officers but overturned by Committee;
- The other 1 had been recommended for refusal by Officers

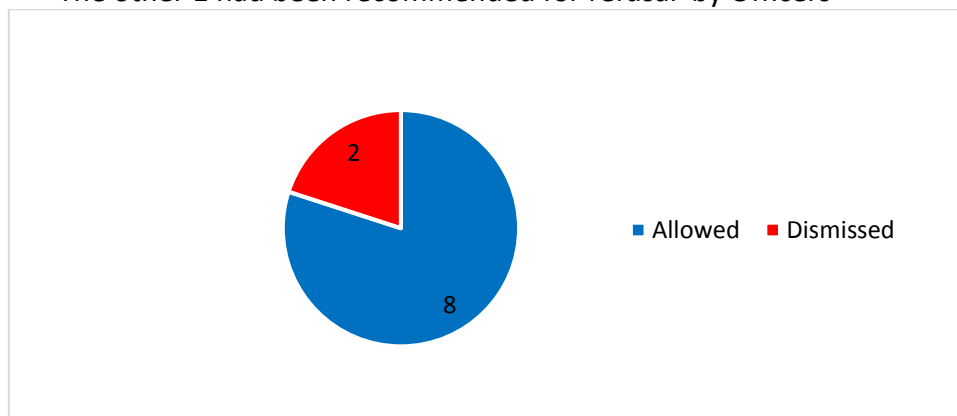


Chart 3: How Appeals were Determined

The allowed appeals were:

App No.	Address	Proposal
20/00550/FUL	Orchard Stables Cottage Lane Collingham NG23 7QL	Change of use of land to site up to six wigwam pods, one managers office with storage, biodisc tank, landscape bund and associated infrastructure

19/00854/OUTM	Flowserve Pump Division Hawton Lane Balderton NG24 3BU	Outline application with all matters reserved except access for up to 322-unit residential development on land at Flowserve premises, Hawton Lane, Balderton, Newark
20/00253/FUL	Stonewold Gravelly Lane Fiskerton NG25 0UW	Demolition of existing dwelling and garages. Construction of new 5 bedroom dwelling and self-contained 1 bedroom annex with associated hard and soft landscaping
20/00593/FUL	Chapel Farm Newark Road Wellow NG22 0EJ	Erection of 8no holiday accommodation with swimming pool
20/00873/FULM	Field Reference Number 7108 Eakring Road Bilsthorpe	Residential development of 103 dwellings and associated access and infrastructure
20/02279/FULM	Land Adjacent 2 Gainsborough Road Winthorpe Newark-on-Trent	Change of use of land for the siting of 5 no. holiday lodges, erection of timber decking structures, formulation of new internal access tracks, and creation of new vehicular access from Gainsborough Road.
20/00886/FUL	Garage Off Bull Yard Southwell	Replace existing garage with a self-contained unit to provide additional guest accommodation
20/01242/FULM	Land North of Halloughton, Southwell	Construction of a solar farm and battery stations together with all associated works, equipment and necessary infrastructure.

2.5 Members will also be aware from quarterly performance reports that when an appeal is made, either party the Council or the Appellant may seek costs if unreasonable behaviour is deemed to have taken place. [Planning Practice Guidance](#) details the types of behaviour that may lead to an award of costs by local planning authorities, appellants, statutory consultees and interested parties. Over the previous 12 months, one award of costs (partial) has been made against the authority (Field Reference Number 7108, Eakring (above)) and also against an appellant (again partial costs) at 31 Centenary Close, Balderton (relating to a refused TPO application).

2.6 **Additional reporting**

In addition to planning applications the Committee also received a variety of reporting:

Planning Application Validation Check List

Presented by the Business Manager the committee were advised that the Council currently validated planning applications in accordance with a local list which was last reviewed in 2013. The list was updated to take account of policy changes since it was last adopted.

Committee agreed the officer recommendation and noted the proposed check list; agreed that the checklists would be subject to consultation for a minimum of 6 weeks and that a report on the consultation responses would be returned to the planning committee.

The Check List was adopted at the April 2021 committee meeting.

Planning Fees and Charges Supplementary Guidance Document: Clarification on how planning fees are calculated

Presented by the Business Manager, Members were asked to note a guidance document prepared for the benefit of applicants involved with the submission of planning applications. The document aimed to provide clarity on how certain fees are calculated for proposals that either are more complex to calculate e.g. mixed use development or where interpretation might be more nuanced. It was hoped the document would assist in the speeding up of the validation of applications in relation to fees.

The document was noted for publication at the July 2021 committee meeting.

Legislative updates

There have been a number of changes to legislation over the municipal year. Key changes have been reported to Members in January. The majority of these have related to previous temporary arrangements resulting from the Covid-19 pandemic which have now been made permanent e.g. moveable structures being permitted at public houses, restaurants and historic visitor attractions.

The Environment Act 2021 received Royal Assent in November. This Act will have significant impact upon the Council in terms of its decision making, policies as well as for developments being proposed by the Council. For planning, the key impact relates to biodiversity net gain whereby all applicable developments will be required to demonstrate a 10% gain in biodiversity. Further information will be provided to Members in due course.

There is strong indication that the indicated changes outlined in the previously published Planning White Paper will not, in the main, go ahead. However, Members will be aware the Government published the Levelling Up Paper in February and there is still indication that some form of planning paper might be published. .

3.0 RECOMMENDATION

That Members note the contents of this report

Reason for Recommendation(s)

To provide an account of the work the Committee has undertaken with the opportunity to input suggestions for improvements.

Background Papers

None

For further information please contact Lisa Hughes on Ext 5565

Matt Lamb
Director Planning & Growth