



*Castle House
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Tuesday, 4 February 2025

**Chair: Councillor A Freeman
Vice-Chair: Councillor D Moore**

Members of the Committee:

**Councillor A Amer
Councillor C Brooks
Councillor L Dales
Councillor S Forde
Councillor P Harris
Councillor K Melton
Councillor E Oldham**

**Councillor P Rainbow
Councillor S Saddington
Councillor M Shakeshaft
Councillor T Smith
Councillor L Tift
Councillor T Wildgust**

MEETING:	Planning Committee
DATE:	Thursday, 13 February 2025 at 4.00 pm
VENUE:	Civic Suite, Castle House, Great North Road, Newark, 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.	

Agenda Item 4

NEWARK AND SHERWOOD DISTRICT COUNCIL

Minutes of the Meeting of **Planning Committee** held in the Civic Suite, Castle House, Great North Road, Newark, NG24 1BY on Thursday, 16 January 2025 at 4.00 pm.

PRESENT:

Councillor D Moore (Vice-Chair)

Councillor A Amer, Councillor C Brooks, Councillor L Dales, Councillor P Harris, Councillor K Melton, Councillor E Oldham, Councillor P Rainbow, Councillor S Saddington, Councillor M Shakeshaft, Councillor T Smith, Councillor L Tift and Councillor T Wildgust

ALSO IN

Councillor N Allen

ATTENDANCE:

APOLOGIES FOR ABSENCE:

Councillor A Freeman (Chair) and Councillor S Forde

The Planning Committee Chair had submitted his apology for absence for this meeting, the Planning Committee Vice-Chair therefore took the Chair for the duration of the Planning Committee meeting.

97 NOTIFICATION TO THOSE PRESENT THAT THE MEETING WILL BE RECORDED AND STREAMED ONLINE

The Chair informed the Committee that the Council was undertaking an audio recording of the meeting and that it was being live streamed.

98 DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS

Councillors L Dales and K Melton declared an other registrable interest for any relevant items, as they were appointed representatives on the Trent Valley Internal Drainage Board.

Councillor Harris declared an other registrable interest regarding Agenda Item No. 6 – St Stephens, Fosse Road, Brough, Newark, NG23 7QE (24/01603/FUL) and No. 7 - St Stephens, Fosse Road, Brough, Newark, NG23 7QE (24/01603/LBC) as he was a Member of the Diocese Board of Finance who own the building. He confirmed that he would leave the meeting when the two applications were being considered.

Councillor Saddington declared a personal interest regarding Agenda Item No. 5 – Land to the West of Main Street, Kelham (23/01837/FULM(MAJOR)) as she was known to the applicant and family for many years and had nothing to do with the application.

99 MINUTES OF THE MEETING HELD ON 5 DECEMBER 2024

The minutes from the meeting held on 5 December 2024 were agreed as a correct record and signed by the Chair.

100 LAND TO THE WEST OF MAIN STREET, KELHAM - 23/01837/FULM (MAJOR)

The Committee considered the report of the Business Manager – Planning Development, which sought the proposed ground mounted photo voltaic solar farm and battery energy storage system with associated equipment, infrastructure, grid connection and ancillary work.

A site visit had taken place prior to commencement of the Planning Committee, on the grounds that there were particular site factors which were significant in terms of the weight attached to them relative to other factors if they would be difficult to assess in the absence of a site inspection.

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

A Schedule of Communication was circulated prior to the meeting which detailed correspondence received following publication of the agenda from the local residents and the applicant.

Mrs K Green, local resident, spoke against the application.

Mr J Cooke, agent for the applicant, spoke in support of the application.

Members considered the application, and it was commented that the site visit showed the dangerous position of the access onto the site as the road speed was 50mph. The road had bends which prevented good visibility splays, which would be problematic with traffic turning into the site. It was reported that there had recently been a fatal accident on that stretch of road. Reference was made to a similar application in Derbyshire, which had been refused due to 55% of BEST and most versatile land. The application affected 92% on this land. It was considered that the cumulative impact from two other approved applications at Staythorpe and Averham, which were not yet in situ. It was considered that these three sites taken together represented a large area of land for industrial use in a rural area and change of landscape for the area.

It was further commented that the application sacrificed Grade 2 agricultural land, 92% BMV land which was significant, and which currently had the potential for food production, which was considered as important as green energy production. It was felt that the loss was not outweighed by the benefit and the Planning Committee was seeing an increase in 49.9 megawatts applications.

A Member commented that given the current climate with not much sun or wind questioned whether this form of green energy was adequate given that the main source of energy was from gas. The impact on Kelham bridge through the increase in construction vehicles was raised. Flooding was also raised regarding Averham which was believed to have been caused by removal of soil on the Southern Relief Road, it was questioned whether the change of use may cause further problems. The loss of this green field site for dog walkers was also raised, the only place to walk was along the heavily used A617. A Member commented on the cumulative impact and the industrialisation of the landscape in the area. The impact on heritage assets was also raised and the impact on the listed Kelham Hall and church and two areas of natural

beauty.

A Member commented on the large scale of the application and of this being concerning and that applicant hasn't been more measured in the application. The biggest concerns related to the visual impact for residents and the impact on conservation areas and local listed buildings.

Clarification was sought regarding where the cabling would go and the duration for that work to take place. The Senior Planning Officer confirmed that the cabling would be laid under the public road, which would cause disruption for worst case scenario six months.

The Business Manager – planning Development informed Members that this was an archaeological site and on google earth strip trenches could be seen. It was confirmed that archaeology was still prominent and there was potential to find further settlements which would tell the continued story of Kelham. It was confirmed that detailed conditions would need to be attached regarding this. The heritage point was explained to the Committee and the dilemma with the NPPF which stated the need to way up the harm against the potential benefit.

In answer to a Members concern regarding glare from the panels, the Senior Planner confirmed that a glare assessment was not required as the panels would face south away from residential receptors and given that the location of the panels would be set in from the roadside boundary it was considered that the impact on road users would be visible. It was advised that the highway authority nor the Environmental Health Officer did not object to the proposals on that basis. The hedgerows were also taken into consideration and the road was therefore considered far enough away from the site for any potential glare.

A Member commented that whilst digging the road up to lay the cables was better than digging residents' gardens, the cumulative impact from the three sites could have an impact on that area through construction for over eighteen months. It was considered that cumulative impact was a material consideration.

A vote to approve the application was taken and lost unanimously.

AGREED Proposer Chair and Seconded Councillor M Shakeshaft (unanimously) that contrary to Officer recommendation Planning Permission be refused for the following reasons:

- (i) Loss of BEST and most versatile land;
- (ii) Cumulative impact of the development; and
- (iii) Impact on heritage assets.

The wording for the reason of refusal to be delegated to the Business Manager - Planning Development.

In accordance with paragraph 18.5 of the Planning Protocol, as the motion was against Officer recommendation, a recorded vote was taken.

Councillor	Vote
C Brooks	For
L Dales	For
P Harris	For
K Melton	For
D Moore	For
E Oldham	For
P Rainbow	For
S Saddington	For
M Shakeshaft	For
T Smith	For
L Tift	For
T Wildgust	For

Councillor P Harris having declared an other registrable interest, left the meeting at this point.

Councillor A Amer entered the meeting at this point.

101 ST STEPHENS, FOSSE ROAD, BROUGH, NEWARK, NG23 7QE - 24/01603/FUL

The Committee considered the report of the Business Manager – Planning Development, which sought the change of use from a place of worship to a dwelling with a single storey side extension.

A site visit had taken place prior to commencement of the Planning Committee, on the grounds that the impact of the proposed development was difficult to visualise.

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

The Business Manager – Planning Development read out a number of amendments to the ecology conditions contained within the report as follows:

- Condition 15 to include additional wording for photographic evidence of the installed boxes and any other approved enhancements to be submitted to, and approved by, the Local Planning Authority.
- Condition 19 to be amended to “No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds’ nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Local Planning Authority.”
- Condition 22 to be amended to: “No work of any type involving the existing roof structure (including the belfry) shall in any circumstances commence unless the Local Planning Authority has been provided with a confirmed

receipt of either: A copy of a licence issued by Natural England, pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorizing the approved works to proceed; or a statement in writing from Natural England to the effect that it does not consider that the approved development requires a licence.”

- Condition 23 amended: “The development shall be carried out in accordance with the bat mitigation strategy contained within the Bat Survey Report Revision B dated September 2024 by LM Ecology, or any amended version required by Natural England for the purpose of granting a European Protected Species Mitigation Licence, unless otherwise agreed in writing by the Local Planning Authority. The compensatory bat roost required as part of the mitigation strategy shall be provided prior to first occupation of the dwelling hereby approved and shall thereafter be retained for the lifetime of the development.”
- Added to the informative note for BNG: “The Biodiversity Gain Plan should be submitted via the Planning Portal, as an application for approval of details reserved by condition following grant of planning permission. If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.”

Mr M Cooper, the applicant, spoke in support of the application.

Members considered the application and commented that there would be a high degree of harm to the listed building. The scope of changes to the interior were alarming and the removal of the three stained glass windows was regrettable. The challenge to preserve the building for the future was vital and if the application was refused what would the building be used for. It was recognised that heritage harm could be balanced against the benefits of bringing the building back into use.

It was commented that if Collingham Parish Council were allowed to have a look inside the building that would help them with their knowledge of the building.

Concern was raised regarding the bats and the loss of trees to gain access to the building. The Business Manager – Planning Development confirmed that the retention of the trees was important, and discussions had taken place with the applicant to minimise the loss of trees on site. The engineering element however was difficult to construct the entrance without some tree removal. A small roost of bats had been found in the small belfry. One bat entrance tile was to be included on the south facing roof to compensate for the lost roost and two surface mounted bat boxes in the east and west gables of the conversion were proposed and two tree mounted bird boxes were to be installed within the site.

AGREED (with 11 votes For and 1 Abstention) that Planning Permission be approved subject to the conditions contained within the report as amended in line with changes proposed to conditions 15, 19, 22 and 23, and to the informatives as reported by the Business Manager - Planning Development.

102 ST STEPHENS, FOSSE ROAD, BROUGH, NEWARK, NG23 7QE - 24/01604/LBC

The Committee considered the report of the Business Manager – Planning Development, which sought the internal and external alterations to facilitate use of former place of worship as a dwelling.

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

The Business Manager – Planning Development reminded Members that listed building consent works required consideration of section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Members considered the application acceptable.

AGREED (unanimously) that Planning Permission be approved subject to the conditions contained within the report.

Councillor P Harris returned to the meeting at this point.

103 NATIONAL PLANNING POLICY FRAMEWORK – IMPLICATIONS ON APPLICATIONS RELATING TO HOUSING DEVELOPMENT

The Committee considered the report of the Director of Planning & Growth, which provided an update on the implication of the updated National Planning Policy Framework and highlighted the standing advice that Planning Policy was providing in relation to housing proposals.

The Chair indicated that the meeting duration had expired therefore a motion was moved by the Chair and seconded by Councillor Dales to continue the meeting for a further hour.

AGREED that the report and the standing advice provided by Planning Policy be noted.

104 APPEALS LODGED

AGREED that the report be noted.

105 APPEALS DETERMINED

AGREED that the report be noted.

Meeting closed at 7.35 pm.



Report to Planning Committee 13 February 2025

Business Manager Lead: Oliver Scott – Planning Development

Lead Officer: Craig Miles, Senior Planner x5865

Report Summary			
Application No.	22/01528/RMAM		
Proposal	Application for reserved matters approval comprising the erection of 207 dwellings including relevant demolition, landscaping and car parking, with new pavilion sports pitches, associated landscaping and associated car parking pursuant to outline planning permission 22/00426/S73M; (redevelopment of parts of the Yorke Drive Estate)		
Location	Land at Yorke Drive and Lincoln Road Playing Field, Lincoln Road, Newark on Trent		
Applicant	Lovell Partnership and Newark & Sherwood District Council	Agent	Pegasus Group Pavilion Court Green Lane Garforth Leeds LS25 2AF
Web Link	https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RFZUVTLB04M00		
Registered	03.08.2022	Target Date	31.01.2023
Recommendation	That planning permission is approved subject to the conditions at Section 10.0 of the report		

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.

1.0 Background

1.1 This application relates to the regeneration scheme of Yorke Drive, Newark, which primarily involves the redevelopment and reprovision of housing and playing fields. The purpose of this report is to consider the remaining reserved matters (including siting, layout, landscaping, and design) associated with outline planning permission

previously granted. The original outline application provided permission in principle for up to 320 new dwellings and for the site to be accessed from Lincoln Road in November 2019. This included an illustrative masterplan, phasing plan and parameter plan detailing areas of the site that would be development.

- 1.2 After the outline application was approved, a separate application was made (Ref: 20/02484/S73M) to amend the original outline consent. The main change included 'swapping' 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 was to move proposed dwellings further away from Brunel Drive industrial estate given significant noise mitigation that would be otherwise required in the original location. The consideration of this reserved matters application is therefore made pursuant to this amended outline consent (Ref: 20/02484/S73M).
- 1.3 It should be noted that revisions have been made to the application since it was originally submitted. Previously there were two reserved matters applications, one for the playing provision and other for the residential aspect. Following changes to highways (as required by the highway authority), the size and location of playing pitches (as required by Sport England) and for design reasons, it was agreed with the applicant that a single reserved matters application for the entirety of the site would be appropriate.

The Site

- 2.1. 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 overclad 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.
- 2.2. 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.
- 2.3. The playing fields are 7.43ha in size and comprise a site capable of accommodating 9 pitches in addition to a sports pavilion and car park. Beside football, the playing fields are 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.

- 2.4. 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.
- 2.5. 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 lowest risk of fluvial flooding.
- 2.6. 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. This allocation remains within the pending Amended Allocations & Development Management DPD with the Inspectors report expected imminently.

2.0 Relevant Planning History

- 2.1. 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. Approved 03.05.2022
- 2.2. 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
- 2.3. 22/00114/FUL Demolition of 4 properties (in line with approved OUT scheme) – permission 16.03.2022
- 2.4. 22/00115/FUL Demolition of existing sports pavilion (in line with approved OUT scheme) – pending determination
- 2.5. 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

3.0 The Proposal

- 3.1 As discussed above, permission is sought for reserved matters consent (including the siting, layout, landscaping and design) following original outline approval, and the subsequent variation Ref: 22/00426/S73M).

- 3.2 The proposed development details the layout of a total of new 207 dwellings, proposed sports pitches, new pavilion, landscaping, and car parking. To facilitate the development, a total of 130 dwellings would be demolished together with the existing sports pavilion, and a row of garages.
- 3.3 The residential part of the proposal would comprise of 133 open market units and 74 affordable homes that would provide a range of housing types, sizes and tenures.

Housetype	Beds	Storey/ Height	Area (Sqft)	Number
Affordable Housing				
1B-A-GF M4(3)	1	1	608	5
1B-A GE	1	1	608	4
1B-A FF	1	1	693	9
HT-2C-2IS	2	2	851	17
HT-2C-22S	3	2	1004	29
HT-A-4B6P	4	2.5	1210	7
HT-4B-A	4	2	1223	3
Minimum Affordable Housing Total				74
Private Market Dwellings				
Henbury +	2	2	855	37
Lansdowne +	3	2	936	51
Newbury	3	2	1013	32
Osbourne	3	2.5	1223	5
4B CT-P	4	2.5	1210	5
4B-P Gateway	4	3	1373	3
Maximum Private Market Total				133
Total				207

Affordable housing within the scheme would comprise of 1 to 4 bed dwelling and apartments. There would be a total of 18 1-bed apartments, 54 2-bed houses / apartments, 117 3-bed dwellings and 18 4-bed dwelling is proposed as detailed below:

- 3.4 The scheme seeks to deliver a minimum of 74 affordable units, resulting in a 36% contribution across the site. The proposed affordable housing numbers, mix and location have been based upon a detailed assessment of the existing housing stock to be demolished. Those residents wishing to remain on the Estate and within the first phase of demolition, would be given priority to be rehoused within the first phase of new development.
- 3.5 Nationally Described Spaces Standards have also been embedded into all the affordable house type designs.
- 3.6 The proposed development generally consists of 2 storey dwellings with the addition of 2.5 and 3-storey corner-turning units. These are strategically placed at key corners to define the street hierarchy and assist with overall legibility. These units are configured as detached or semi-detached houses. The density of the proposed development 36.32 dwellings per hectare.
- 3.7 As detailed in the applicant's design and access statement, the proposed development provides 3 character areas, each with subtle character area specific details to create a

distinctive yet cohesive character. The 3 character areas are identified as follows:

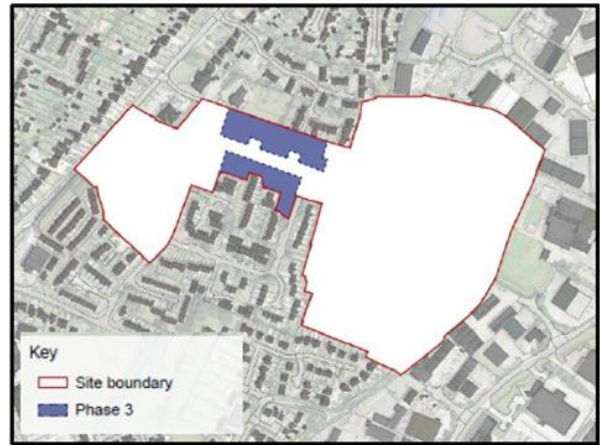
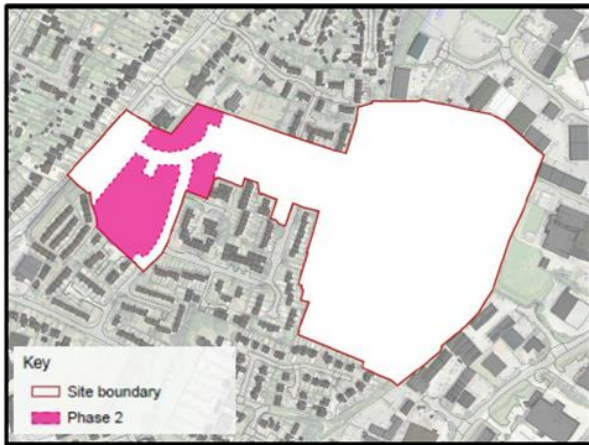
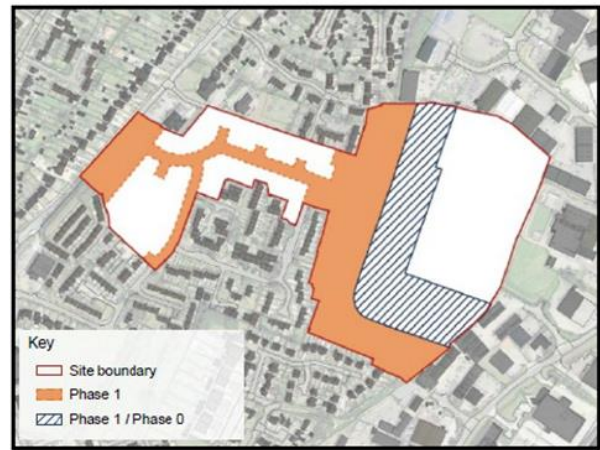
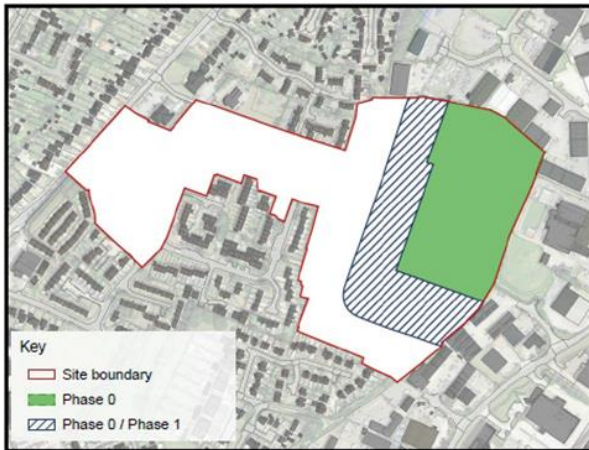
- 3.8 Character Area 1: Lincoln Road Frontage – Located along Lincoln Road to the west of the site, this Character Area acts as a gateway / arrival space to the site. The built form here draws reference to the local vernacular along Lincoln Road including gabled roof forms to create a locally distinctive architectural style. 3-storey corner-turning units are introduced to further reinforce this gateway area.
- 3.9 Character Area 2: Secondary / Tertiary Areas - This Character Area sits at the heart of the development and makes up much of the proposals. Homes are arranged in short runs of 2-4 terraced units, inspired by the surrounding urban grain. A more playful building line is adopted here with some dwellings set back from the street to reflect the urban grain along Yorke Drive and its surroundings.
- 3.10 Character Area 3: Play and Field Frontage - This Character Area fronts onto the sports and play areas within the wider masterplan. A lower density is adopted here with homes generally configured as detached and semi-detached to mirror the built form at Clarks Lane to the south of the site. Terracotta roofs are introduced here to provide a more distinctive yet locally inspired streetscene.
- 3.11 The principal point of vehicular access taken from Lincoln Road (B6166) is consistent with the outline planning approval which considered access.
- 3.12 In terms of the phasing, the previous amendment to the outline application detailed the following phases of development:

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). (As detailed on the adjacent plan)



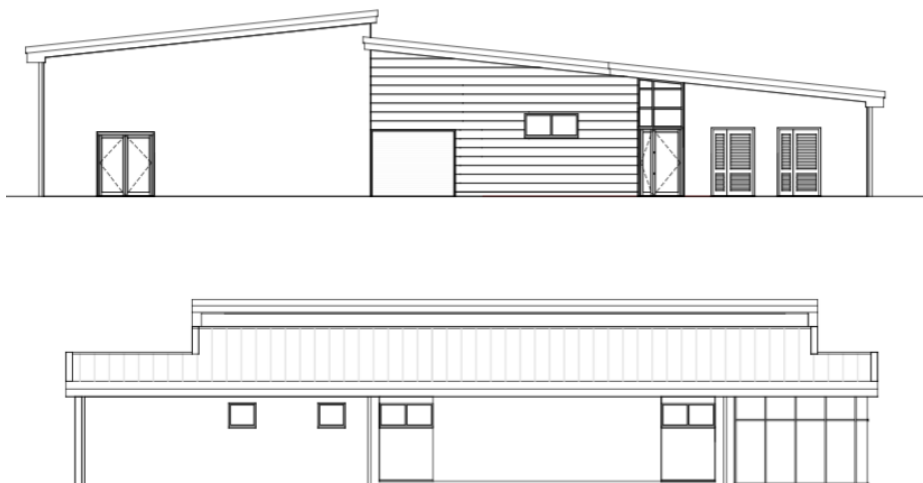
- 3.13 In terms of parking, resident parking, where appropriate would be provided in curtilage in order to minimise the visual impact of the car and de-congest the street network. Visitor parking would also be provided in locations adjacent to adopted highways.
- 3.14 The proposal provides a total of 878 residents' car parking spaces which includes 28 designated for visitor parking. In addition, 2 spaces would be provided for existing residents made up of 1 garage space and 1 on plot space. There would be a further 68 spaces provided at the sports pavilion.

- 3.15 The pedestrian routes are provided throughout the development serving both the residential parcels and leisure spaces – the intention of the reserved matters



application is to re-direct existing Public Rights of Way where necessary across the proposed masterplan.

- 3.16 The proposed development also seeks to deliver community and recreational facilities, including the provision of a pavilion and playing fields. Whilst the same uses are proposed, they would be improved and enhance and managed on a more formal basis.



- 3.17 The existing pavilion would be demolished and replaced with a larger and more

contemporary structure (a previous permission has already granted its demolition). The new pavilion would be approximately 566sqm (6,100 sqft) which is some 166sqm larger than the existing structure (Drawing Number N81:3096 312 Rev P1). The pavilion design incorporates:

- Minimum 200sqm mixed use hall
- Changing and shower facilities.
- Lockers
- Minimum 20sqm kitchen facility
- Minimum 30sqm equipment storage

3.18 In place of the existing playing field, the site would be reconfigured to include:

- 1 X Mini Soccer Under 7/Under8 pitches (37m x 27m)
- 1 x no standalone Senior Football Pitch (100m x 64m)
- 4 x. Mini Soccer Under 9/ Under 10 Pitch (55m x 37m) or 2 x Senior Football Pitches (100m x 64m)

(as detailed below)



3.19 In terms of play provision, a Local Equipped Area of Play (LEAP) and Local Area of Play (LAP) have been designed to complement the new pavilion and provide outdoor play space provision appropriate for the development. This would include:

- A 520sqm (5,600 sqft) LEAP
- A LAP/ 'kick about area'
- A circa 775m trim trail route around the periphery of the playing field (to include 'experience points')
- Various seating and signage options and
- Nature trails posts

3.20 A variety of hard and soft landscaping would also be provided to complement the redevelopment of the playing fields, improve the aesthetic of the location and enhance and improve the biodiversity of the locality through planting of native and ornamental species, creating habitat and attracting wildlife.

3.21 Access to the renovated playing fields would also be possible for pedestrian and cyclists with access points provided around the periphery of the playing fields. Private car and minibus access would be possible from Yorke Drive through the estate to the car park south and east of the pavilion. Cycle parking will also be provided at the Pavilion. To limit the impact on residents it is anticipated that access for construction would be through Telford Drive.

3.22 A car park would be formed for 70 spaces alongside the pavilion that would include disabled spaces, motorcycle parking and cycle parking. There would also be a pumping station and electrical substation alongside the car park.

3.23 In terms of landscaping as detailed on Drawing Number N0717 (08)200 (Landscape Masterplan) and the Landscape Design and Access Statement, there are a number of landscaped areas included within the wider scheme, these include but are not limited to:

- Retention of a number of existing trees and additional tree planting across the site.
- New hedgerow planting comprising at least six native species.
- Natural grassland creation in relevant areas of the site.
- Planting of wildflower grassland mixes across the site. The recommended seed mix are detailed within the Ecological Enhancement Plan.

4.0 Public Advertisement Procedure

4.1 A total of 649 neighbouring and interested parties have been notified of the proposals both in terms of the original proposals and this revised reserved matters application that encompasses the entire application site. A total of 3 consultations have been undertaken with the last being in Oct 2024 in respect of the amended plans. At that time site notices have also been displayed near to the site and an advert has been placed in the local press. There has also been regular meeting between the applicant and the Yorke Drive Residents Panel Group residents panel quarterly together with a residents newsletter.

4.2 Site visits undertaken on 30.03.2023 and 25.11.2024.

5.0 **Planning Policy Framework**

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

- Spatial Policy 1 – Settlement Hierarchy
- Spatial Policy 2 – Spatial Distribution of Growth
- Spatial Policy 5 – Delivering the Strategy
- Spatial Policy 7 – Sustainable Transport
- Spatial Policy 8 – Protecting and Promoting Leisure and Community Facilities
- Spatial Policy 9 – Selecting Appropriate Sites for Allocation
- 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
- Policy NAP 1 – Newark Urban Area
- Policy NAP 3 – Newark Urban Area Sports and Leisure Facilities

5.2. **Allocations & Development Management DPD (2013)**

- DM1 – Development within Settlements Central to Delivering the Spatial Strategy
- DM2 – Development on Allocated Sites
- DM3 – Developer Contributions and Planning Obligations
- DM5 – Design
- DM6 – Householder Development
- DM7 – Biodiversity and Green Infrastructure
- DM10 – Pollution and Hazardous Substances
- DM12 – Presumption in Favour of Sustainable Development
- Policy NUA/Ho/4 - Yorke Drive Estate and Lincoln Road Playing Fields

5.3. The [Draft Amended Allocations & Development Management DPD](#) was submitted to the Secretary of State on the 18th January 2024 and was examined in public in November. However, the outcome of the examination is not yet published and whilst the plan is at an advanced stage of preparation, there are unresolved objections to amended versions of the above policies emerging through that process. Therefore, the level of weight which those proposed new policies can be afforded is currently limited. As such, the application has been assessed in-line with policies from the adopted Development Plan.

5.4. **Other Material Planning Considerations**

- National Planning Policy Framework 2024
- 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
- Technical Housing Standards - Nationally Described Space Standard 2015

- Fields in Trust Guidance for Outdoor Sport and Play
- Building for a Healthy Life, Urban Design Group

6.0 Consultations and Representations

6.1. Comments below are provided in summary - for comments in full please see the online planning file.

(a) Statutory Consultations

6.2. **NCC Highways Authority** - Initially raised concerns regarding the level of parking provision for the pavilion / having the correcting track of road and junctions to allow access for refuse and emergency vehicles / road widths, and the location car parking spaces. Following amendments to the layout and providing further clarification, the Highway Authority confirm that they have no objections to the proposals subject to conditions required to address on-street parking, to limit area of planting within visibility splays, a requirement that the existing highway be stopped up and management of parking associated with the pavilion / sports pitches.

6.3. **Highways England** – No objection

6.4. **NCC Transport and Travel Services** – In relation to the bus stop infrastructure, the figure would be £48,000 (including indexing) as the bus stop improvement would still need to be in place irrespective of the number of new dwellings.

6.5. **NCC Rights of Way** – Advise that Public Rights of Ways (PROW) cross the application site namely - Newark Footpath Nos. 28, 29, 20, and 31. They confirm that Footpath No. 31 would now pass around the northeastern corner of the playing field but needs to be appropriately managed during construction. In respect of path widths, they comment that surfaced public footpaths should be a minimum 2 metres wide. The proposed development would also require that the legally recorded route of the affected Public Footpaths to be diverted because they cannot be accommodated on their current legal line. This should be addressed under the relevant provision (S.257) within The Town and Country Planning Act 1990 for the diverting and stopping up of public rights of way affected by development. That details of Path Surfacing need to be confirmed to ensure that it would be fit for purpose and would be maintained appropriately. Advise that the proposed 'restriction barriers for motorbikes' on some of the new routes of the public footpaths will need to be authorised by the Rights of Way Team if they are on a public right of way and consideration should be given not to restrict access issues for member of the public particularly those using mobility scooters, or with pushchairs etc. They recommended conditions to ensure that details of the surface treatment, maintenance, and width of the public rights of way shall be obtained from the LPA in writing before the development commences, and that no part of that development or temporary works shall obstruct or stop up the Public Rights of Way until approval has been secured and the diversion application has been received by the Local Planning Authority.

6.6. **Nottinghamshire Lead Local Flood Authority** – Confirms that they have reviewed the application and based on the submitted information we have no objection to the

proposals, subject to a condition requiring a detailed surface water drainage scheme based on the principles set forward by the approved BSP Flood Risk Assessment (FRA) and Drainage Strategy ref. YDRN-BSP-ZZ-XX-RP-C-0001-P06_FRA_&_DS dated 19th September 2024 has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority.

6.7. **Environment Agency** – State that they will not be making any formal comment on the submission because the proposed development falls within flood zone 1 and therefore we have no fluvial flood risk concerns associated with the site, and that there are no other environmental constraints associated with the application site which fall within the remit of the Environment Agency.

6.8. **Sport England** – considers the details submitted to be satisfactory and raises no objection to this application subject to:

- Access to the playing field during phase 5 being made available to ensure access to the playing field is maintained throughout the construction period to ensure users of the playing field are not displaced.
- Delivery of the playing field, pavilion and associated car parking in accordance with the specifications provided being secured through a condition.
- A detailed programme of pitch maintenance works being secured prior to handover of the playing field. This could be secured through condition.
- A condition securing the delivery of the ball stop fencing in accordance with the specification provided.

6.9. **Active Travel** - Does not intend to comment on the application

(b) Town Council

6.10. **Newark Town Council** - Supports this application in principle and should incorporate wildlife initiatives, and that landscaping and tree planting to the south and east of the proposed football pitches should be completed prior to commencing on the replacement sport fields.

(c) Representations/Non-Statutory Consultation

6.11. **NSDC (Environmental Health - Noise)** – In respect of noise, they have reviewed the amended acoustic assessment submitted with the application and states that external amenity areas across the site will achieve an acceptable noise environment. However, a number of properties will require an upgraded glazing/ ventilation specification to achieve acceptable internal noise levels however this should be carried out in accordance with section 6.3 of the acoustic assessment report.

6.12. **Trent Valley Internal Drainage Board** – make general comments.

6.13. **NSDC (Environmental Health – Pollution Prevention)** – Confirms that two separate Geoenvironmental Appraisal reports in support of the planning application and that they concur with the conclusions that phase 1B has been adequately characterised,

and therefore part A of the condition can be discharged for this phase. However, they note that Phases 4 and 2A have not yet been considered, and therefore recommend the continued use of the full phased contaminated assessment condition for these and the remaining phases (2B and 3).

- 6.14. **NSDC – Environmental Services** – advise that they are in support of the application and comment that vehicle tracking should be undertaken for waste vehicles and waste bin collection areas identified (which has since been undertaken). They comment that in respect of Open Spaces and Play Areas is excellent and encourage the installation of accessible play equipment and access routes where possible. In relation to tree planting confirm that the inclusion of new tree planting in the area is a welcome addition, and supplementary planting around the existing trees surrounding the sports pitches could also benefit the site. Confirm that the abundance of habitat boxes is an excellent addition to the site and some good thought seems to have been given to their placement.
- 6.15. **Network Rail** – No observation to make.
- 6.16. **Cadent Gas** – Confirm that there are no National Gas Transmission gas assets affected by the proposal.
- 6.17. **NSDC Tree and Landscape Officer** – Does not object to the proposal but provides comment about the particular tree species and planting locations to include Minimum tree feeder road – small infill between large tree planting *Koelreuteria paniculata* H9m, W8m at maturity, *Cercis siliquastrum* H9m W 8m, *Parroita persica* ‘Vanessa’ H7m W 6m, Medium tree end of feeder road, intermittent on feeder roads – focal point trees minor roads - *Davidia involucreta* H12M W 7m, *Nothofagus antartica* H 12m W 7m, *Pinus pinea* H 12m W 7m. Avenue tree – main road – focal point trees - *Metasequoia glyptostroboides* H20+ W 10m, *Taxodium distichum* – wet areas, suds – not near hard surfacing tolerant of standing water H 20m + w 10m, *Ginkgo biloba* – H 20m +, W 10m, *Liquidambar styraciflua* - H 20m + W 10M, *Liriodendron tulipifera* H17m W 12m.
- 6.18. **NSDC Biodiversity and Ecology Lead Officer** – Does not object to the proposals. Comments that the submitted Ecological Enhancement Plan should be updated with the corresponding proposed layout and that does not contain any proposed monitoring, which I consider is important to ensure that any agreed enhancements are implemented. Therefore, subject to these amendments the EEP is suitable. In respect of the Bat Mitigation Strategy, they confirm that the report details internal and external assessments of the three buildings which were undertaken on 09 August 2021, along with a nocturnal emergence survey undertaken on the same date. The report highlights how “The survey results contained in this report are considered accurate for approximately two years, notwithstanding any considerable changes to the site conditions.” The report is therefore at the end of this period and needs to be updated. In addition, they advise that the development layout base plan used for Figure 1 ‘Bat Box and Lighting Strategy Plan Phase 1’ of the Bat Mitigation Strategy does not correspond with the Proposed Layout Plan. This therefore needs to be addressed in an amendment. The Bat Mitigation Strategy also states that “An ‘as built’ survey of the building[s] would be conducted to ensure compliance with this strategy

to ensure that bat features have been installed and specified correctly. Whilst they consider that this is an important element of the strategy, there needs to be clearer details as to how this monitoring survey will be reported to Newark and Sherwood District Council (NSDC). Therefore, a minor amendment to the strategy is needed to address this before the condition can be discharged. They consider that all other aspects of the strategy are acceptable.

6.19. **Archaeological Specialist** – No further archaeological input is required given the earlier site works are dissemination of the final reports.

6.20. **Representations** have been received during the course of the application. The majority have commented multiple times to the various amendments, all raising concerns and objections some of which have been addressed through the variations and some of which relate to matters considered at outline.

6.21. During previous consultations there were a total of 8 letters of representation received, 7 objections and 1 in support of the proposals which are made on the basis that:

- The proposed access to the site from Lincoln Road. Lincoln Road is congested every day and the proposals would exacerbate this issue.
- There would be a loss of the green space and trees/shrubbery between Lincoln Road and Yorke Drive.
- There would be noise disturbance and dirt to residents of during demolition.
- Access to the existing car park at Beaumont Walk needs to be retained to limit the Loss of car parking space on the same existing car park.
- There would be a loss of green space of Lincoln Road Playing Field and established wildlife area, including hedgerows which is the last open green space within the Bridge Ward.
- There would be a loss of privacy for residents of Clarkes Lane and Rosewood Close.
- Over intensive development, should be less houses
- Loss of access footpaths to local facilities
- The development would not replace a like for like sport facilities that would have a harmful impact on the health of the local community

6.22. As part of the most recent consultation (from October 2024), there has been one letter of support indicating they have no objection to the proposal and one letter of objection (from Newark Sport Association) which are made on the basis that:

- The area is already under provision in all typologies according to the population and distance standards set out in the local authority's open space supplementary planning document.
- This development would reduce provision further and increase inequality.
- The conflict between the interests of Sport England, the Football Foundation, the need to maintain football pitch provision locally have to be measured against loss of open space and the day to day needs of existing and future communities.

- The Governments 'Get Active: a strategy for the future of sport and physical activity' (2023) does not just refer solely to traditional sports facilities, but also to wider spaces for recreation and activity."
- Having more open space on Lincoln Road Playing Field can help tackle health inequalities and wider social issues and the health and well-being of the local population must be prioritised (in accordance with the NPPF).
- The plans have been adapted to meet the constraints the demands of Exception 4 of Sport England Playing Fields Policy and Guidance (2018) rather than the day to day needs of the local community.
- This application should be rejected and a reduced scheme developed replacing only the houses that are to be demolished to maximise the informal recreational use of the open space to meet the needs of the local community

7.0 Comments of the Business Manager – Planning Development / Appraisal

- 7.1. The National Planning Policy Framework (NPPF) promotes the principle of a presumption in favour of sustainable development and recognises the duty under the Planning Acts for planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004. The NPPF refers to the presumption in favour of sustainable development being at the heart of development and sees sustainable development as a golden thread running through both plan making and decision taking. This is confirmed at the development plan level under Policy DM12 of the Allocations and Development Management DPD.
- 7.2. The application therefore needs to be considered in the context of whether the reserved matter detailed in application are acceptable and accord with the condition associated with the outline consent.
- 7.3. For clarity, the Town and Country Planning (Development Management Procedure) Order 2015 defines the reserved matters relevant to the application as follows:
- 'Appearance' – means the aspects of a building or place within the development which determines the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture.
 - 'Landscaping' – in relation to a site or any part of a site for which outline planning permission has been granted or, as the case may be, in respect of which an application for such permission has been made, means the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the rea in which it is situated and includes:
 - Screening by fences, walls or other means;
 - The planting of trees, hedges, shrubs or grass;
 - The formation of banks, terraces or other earthworks;
 - The laying out or provision of gardens, courts, squares, water features, sculpture or public art; and

- The provision of other amenity features.
- ‘Layout’ – means the way in which buildings, routes and open spaces within the development are provided, situated, and orientated in relation to each other and to buildings and spaces outside the development; and
- ‘Scale’ – except in term ‘identified scale’, means the height, width and length of each buildings proposed within the development in relation to its surrounding.

7.4. The following matters have been identified as key issues:

- The Principle of development
- Housing Need, Mix and Density
- Design including layout, appearance, and scale
- Open Space / Sport Provision
- Landscaping, and Trees and Public Open Space
- Residential Amenity
- Highways and Parking
- Drainage
- Ecology and trees

Principle of Development

- 7.5. The site is allocated within the Allocations and Development Management DPD for a housing development of around 320 dwellings under Policy NUA/Ho/4 - Yorke Drive Estate and Lincoln Road Playing Fields. This allocation remains in the Amended version of the Plan Document submitted to the Secretary for State in January 2024.
- 7.6. Moreover, the principle of developing up to 320 new dwellings on this site (and the associated infrastructure requirements through developer contributions) has already been established through the granting of an outline consent. This established the quantum of development plus the means of access which would be taken from Lincoln Road. As discussed, this consent was granted on 3rd May 2022 with condition 1 requiring that applications for reserved matters approval be made no later than 3 years from that date. The application was made and validated on 3rd August 2022; so within the prescribed timeframe and if granted, would need to begin 2 years from the date of any reserved matters approval. If this application were to be refused, the extant permission would now be time expired with no opportunity for any further reserved matter applications to be made under the auspices of the outline consent.
- 7.7. The quantum of development proposed is below the maximum allowed through the outline consent. Given that the principle is already established through the site allocation and the outline consent, there is no requirement to rehearse the principle of development further. Developer contributions have been secured to mitigate any additional pressure on existing services and facilities, as can be noted in the site history section of this report. A pro-rata approach will be taken to acknowledge the lesser number promoted than the maximum cap envisaged in the outline consent.

Housing Need, Mix and Density

- 7.8. Policy NUA/Ho/4 – Yorke Drive Policy Area details that regeneration and redevelopment of the Yorke Drive Policy Area should be a comprehensive scheme, regenerating existing housing and developing new stock in a coordinated and sustainable manner with the primary objective of removal of poorer quality housing and replacement with new dwellings.
- 7.9. A new housing layout totalling some 207 new dwellings is proposed that includes the phased demolition 130 dwellings across the estate (previously approved), meaning that there would be a total of 77 new dwellings (net).
- 7.10. In terms of dwellings size and tenure, Core Policy 3 of the Amended Core Strategy (2019) sets out that development should secure new housing which adequately addresses the housing need of the District namely family housing of 3 bedrooms or more, smaller housing of 2 bedrooms or less and housing for the elderly and disabled population. It goes on to say that the District Council will seek to secure an appropriate mix of housing types to reflect the local housing needs. Such a mix will be dependent on the local circumstances of the site, the viability of the development and any localised housing need information.
- 7.11. Paragraph 61 of the NPPF (December 2024) states that the overall aim of delivering a sufficient supply of homes should be to meet as much as the area's identified housing need as possible, including with an appropriate mix of housing types for the local community.
- 7.12. In this instance the tenure and mix of housing have been dictated by the desire to rehouse existing residents as well as provide a greater choice of accommodation and tenure across the estate. Whilst the original outline application provided for up to 320 dwellings, taking account of the site constraints (such as the retention of trees, etc) and requirements for suitable sized playing pitches, it is considered reasonable that a reduced figure of 207 could be developed on the site in the manner proposed as it would still result in a density of some 36.3 dwellings per hectare.
- 7.13. Included in this provision is 77 affordable houses and 133 open market dwellings. There would be a range of 1-4 bedroom dwellings comprising of 13 different house types, the majority being 3 bed, 2 story dwellings (117 units). Internally, the proposed dwellings would exceed the national technical guidance entitled 'Nationally described space standards' 2015 that provides useful guidance on expected minimum gross internal floor space for dwellings.
- 7.14. The Council's 2020 Strategic Market Housing Assessment (SHMA) details the general size of housing by mix and tenure required across the District. The table below provides a comparison between the desired housing mix, presented in the SHMA breakdown for Newark sub-area, and the housing mix proposed for this development.

Tenure	SHMA Requirement	Proposed Mix
Market 1 to 2 Bed Dwelling	19.5%	28%
Market 3 Bed Dwelling	30.7%	66%
Market 4 + Bed Dwelling	25.5%	6%
Affordable 1 to 2 Bed Dwelling	18 (p.a)	17
Affordable 3 Bed Dwelling	23 (p.a)	29
Affordable 4 + Bed Dwelling	30 (p.a)	10
Affordable 1 Bed Flat	11 (p.a)	18

- 7.15. Overall, it is considered that the mix of dwellings as proposed meets the requirement for Newark and the wider Newark and Sherwood Authority needs, and therefore, it is considered that the proposed development accords with Policy NUA/Ho/4 and Core Policy 3 of the Local Development Framework as well the NPPF.

Design including layout, appearance, and scale

- 7.16. Core Policy 9 (Sustainable Design) seeks a high standard of sustainable design and layout that, amongst other things is capable of being accessible to all, and of an appropriate form and scale to its context complementing the existing built and landscape environments, as well as provide for development that proves to be resilient in the long-term. Policy DM5 requires all new development to ensure that the rich local distinctiveness of the District's landscape and character of built form is reflected in the scale, form, mass, layout, design, materials and detailing of proposals for new development.
- 7.17. The NPPF also seeks to achieve well designed places and at para. 131 sets out the following objective 'The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities...'
- 7.18. Other design guidance such as the National Design Guide – Planning practice guidance for beautiful, enduring and successful places, September 2019 and Building for a Healthy Life set out key principles for good, sustainable design which have been used to appraise the scheme.
- 7.19. The layout has been informed by the illustrative masterplan and parameter plan and open space parameter plan approved at outline stage which also detailed the access from Lincoln Road. The submitted Design and Access Statement demonstrates a logical design process, whereby site constraints have been taken into account, and the site has been planned accordance with the illustrative masterplan and parameter plans approved at outline stage, themselves informed by public consultation. It is considered that the layout provides a logical access to and from the site whilst integrating well with the wider estate, by providing connectivity through footpath and road linkages (as detailed below).



- 7.20. In terms of scale and appearance, the proposals align with the Building Height Parameter Plan which was approved at outline stage and limited certain areas of the site to a height of two storeys. The majority of the new dwellings would be 2 storeys in height, echoing the existing character through the estate. Larger 2.5 and 3-storey dwellings are also proposed at key corners to define the street hierarchy and assist with overall legibility. These units are configured as detached or semi-detached houses.
- 7.21. The house types themselves would be varied and would be aligned to the 3 separate character areas which are broadly formed by a higher housing density towards Lincoln Road on the west part of the site and lower densities towards the playing pitches on the east part.



- 7.22. As stated in the submitted design and access statement, the architectural design within the proposals takes a contemporary approach to the local vernacular to create a locally referenced yet distinct character. Traditional architectural detailing has been adapted in a contemporary manner across house types including the use of bay windows and flat dormers. The introduction of gabled roof forms creates a more dynamic roofscape whilst ensuring the proposals are well-integrated within the surrounding context. Brick headers are incorporated into house types to further

reference the traditional vernacular which can be found across Newark, whilst the use of simple window profiles and proportions balances the traditional with the contemporary. A locally referenced materials palette including red brick and ivory and cream render provides a distinct yet cohesive elevational treatment. Grey roof tiles are generally utilised across the scheme, however the addition of terracotta roofs within the Play and Field Frontage character area reflects the style of the properties along and surrounding Yorke Drive to tie in the new proposals with the existing residential areas.

- 7.23. The house types would consist of a simple set of materials which include red and buff bricks to be applied on key street corners and frontages. However, insufficient detail has been provided in terms of manufacturing details, hence the recommended imposition of condition.
- 7.24. The scale and appearance of the housing reflects the locality, and the disposition of the housing is considered acceptable. Although the proposed dwellings would appear more modern alongside existing housing stock it is considered that it has been designed so that it would be in keeping with the character and appearance of the wider area in accordance with the design policies set out in the development plan as well as the provisions of the NPPF.

Pavilion and playing fields

- 7.25. The new pavilion would have a floor area of some 566 sqm, approximately 166 sqm larger than the existing facility. Its location has been relocated further north to a position roughly in the centre of the redeveloped estate and the western edge of the new playing fields. The playing fields and pavilion would be an essential part of the wider redevelopment project in bringing the community pavilion and community focus back to the locality with an emphasis on a shared space for the betterment of the community.
- 7.26. Access to the pavilion for pedestrians and cyclists will be adjacent to the car park along the southern elevation of the building on dedicated paved areas. Woodscape hardwood timber bollards (cycle parking) and woodscape hardwood timber (fixed bollards) with arch 1-way dome would be provided outside the pavilion.
- 7.27. The area around the playing fields is permeable and so access can be taken from the new roads and turning heads or from the playing field side. Private vehicles will access the car park to the south of the pavilion when entering the site from the from the west and it is a short walk back north to the pavilion building (where the main entrance is located).
- 7.28. Although it will be a more contemporary design, it would still retain an appropriate scale for its surroundings in that it will not dominate or overpower the newly developed or existing housing to the west and south, but would provide a high-quality community facility.

- 7.29. The submitted design and access statement details that as part of the design considerations, the pavilion is located to the east, with high-level windows to ensure any noise element will not affect the new housing; the plant room and bins store are conveniently located on the southern boundary to be accessible by refuse vehicles and service vehicles, and appropriate landscaping around the building helps to reduce noise escape and provides a pleasing aesthetic view of the facility which is a key focal part of the redevelopment of the estate. The facilities include modern changing facilities for teams and officials, a kiosk to allow 'pop-up' facilities on match days and other community events. There is also ample internal storage for various clubs and groups.
- 7.30. The contracted users of the pavilion and playing fields at the time of closure were the Fernwood Foxes Football Club and Newark Table Tennis Club. During consideration of the outline, condition no. 8 required an offsite provision during construction. It also required the playing fields to be delivered in early in one phase rather than multiple. The applicant confirms that both users have already been decanted – Fernwood Foxes are now playing at Balderton Parish, and Newark Table Tennis Club are now currently playing at the Bridge Community Centre, Lincoln - Road. As part of disturbance, the applicant has paid for their relocation until they are able to return (presently anticipated for completion is Summer 2027 as part of Phase One).
- 7.31. It is considered that the design includes all of the key elements required, surpassing the minimum requirements set out in the outline planning conditions, and would deliver a functional and aesthetically pleasing pavilion, fit for purpose in a modern local community sports hub. Therefore, it is considered the central location of the pavilion within the wider site and its design, scale and appearance would be appropriate and comply with the design requirements set out in Core Policy 9 (Sustainable Design) and the NPPF.
- 7.32. In terms of the playing fields which (are also considered as open space), at present the playing fields occupy approximately 6 hectares and is marked out for approximately 4 x full-size adult football pitches and a single junior football pitch. The proposed development would see the total playing field area reduced to approximately 26,000 square metres (279,862 square feet) or 2.6 hectares. However, the proposed renovated playing fields would provide 3 adult football pitches and 2 junior football pitches and provide flexibility and options for various iterative layouts allows the sports hub to be more reflective of the local requirement and is acceptable to Sport England.
- 7.33. In addition to the 'amount' of playing fields, it should also be noted that the proposed development offers significant improvements and enhancements to the playing fields including: removing of undulating ground into a graded and uniform level pitches to provide a more consistent and higher quality pitch surface; provision of graded platform in two parts that would allow several configurations of pitch layout allowing

future flexibility, the pitches once formed would also fit into the Sport England Pitch Type 1 category, as set out in their Natural Turf for Sport Guidance Notes document (this being appropriate for naturally well drained soils). In support of the application a Pitch Improvement Strategy Report has also been provided which provides an assessment of the existing playing field, proposals for the redevelopment of the playing field to provide qualitative improvements, recommendations for proposed redevelopment works and a programme of works.

- 7.34. The addition of the landscaping of the boundary to include a trim-trail and local areas of play, as well as landscaping enhancements, would add more to a local scale of development focused on the users of the spaces and opening access up to the footpaths and connections through the playing fields to wider estate and businesses.
- 7.35. Sport England have been consulted regarding the proposal. Originally they objected on the basis that the layout did not meet minimum size requirements taking account of a required buffer between the pitches and proximity to residential properties. In response to the consultation amended plans they confirm that “the proposed layout addresses previous concerns raised by Sport England through application 22/01529/RMAM which sought to ensure sufficient separation between the formal playing field and residential development to the south, sufficient distance between the playing field and the highway/ footway to the north west of the playing field and increased space between the footpath and the playing pitch on the north eastern part of the playing field to ensure adequate space for run-offs is provided.” They also comment that the 4.5m high ball stop fencing is now proposed between the car park and southern pitch to address the close proximity of the pitch to the car park and that a condition should be used to ensure that this is provided in accordance with the specification provided. They also request that the playing pitches are provided and that users of the playing field are not displaced during this phase of the development. Overall, they do not object to the proposals subject to a condition requiring that the playing fields, pavilion and associated parking shall be provided in accordance with the approved specifications and made available for use before first occupation of the any dwelling within the development.
- 7.36. It is noted that the playing fields and pavilion would be delivered as part of the first phase of the development, however it could not be conditioned that it be before first occupation of the any dwelling because the approved phasing plan associated with the outline permission allows for dwellings to be constructed in the first phase of development. The suggested approach would be contrary to the approved phasing plan and as such is not reasonable to be included in the schedule of conditions. Irrespective, the applicant is clear that the sports provision will be delivered as soon as practicable.
- 7.37. Clearly the playing fields and pavilion will be an essential part of the wider redevelopment project in bringing the community pavilion and community focus back to the locality with an emphasis on a shared space for the betterment of the

community. The overall reduction in the size has been justified and accepted by Sport England given the significant qualitative improvements. The provision for formalised pitches together with the Pitch Improvement Strategy would be an overall improvement that accords with the wider aims of Policy NUA/Ho/4 - Yorke Drive Estate and Lincoln Road Playing Fields. Likewise, the formation of Local Equipped Area of Play (LEAP) and Local Area of Play (LAP) is also considered acceptable. This site meets the required level of open space to be provided for a development of this size. Public Open Space, both equipped and unequipped would be provided as well as the sports pitches. The quality of the open space, including the sports pitches and associated facilities (such as the pavilion) are a significant improvement to that already in situ.

Landscaping

- 7.38. Spatial Policy 9 of the Core Strategy states that site allocated for housing will, “appropriately address the findings of the Landscape Character Assessment and the conservation and enhancement actions of the particular landscape policy zones/some affected.” Furthermore, Core Policy 9 outlines that all new development should, “achieve a high standard of sustainable design and layout that is capable of being accessible to all and of an appropriate form and scale to its context complementing the existing built and landscape environments.”
- 7.39. The National Design Guidance outlines that nature contributes to the quality of life and place and to people’s quality of life. Natural features include landscaped areas, high quality public open spaces and other trees, grass and planting within a development.
- 7.40. In support of the application, an assessment of existing trees across the site was undertaken which followed the guidance of British Standards 5837:2012 ‘Trees in relation to design, demolition and construction – Recommendations’, and has provided a report on the arboricultural implications to the proposed development of the site.
- 7.41. It highlights that there are no Tree Preservation Orders (TPOs) at this location and the site is not situated within a conservation area. Therefore, none of the trees detailed within this report were subject to statutory protection at the time of the survey.
- 7.42. The survey assessed 95 individual trees, 11 groups of trees, and 11 hedgerows. Of all those surveyed, only 17 individual trees were considered to be of “moderate arboricultural value” (Category B – defined as Trees of moderate arboricultural value (typically with 20+ years life expectancy). All remaining individual trees, groups of trees, and hedgerows were all considered to be of low arboricultural value, except for 6 trees that were considered unsuitable for retention due to their poor condition (Category U).

- 7.43. To enable the proposed development the proposed development requires that out of the 95 individual trees, 63 trees would be removed forming 11 Category B trees, 46 Category C trees and 6 Category U Trees. Overall, the report concludes that the proposals would result in a moderate arboricultural loss given that the majority of trees removed would be trees of low arboricultural value.
- 7.44. The recommendation within the assessment is that compensatory planting should be completed on a 2:1 ratio with newly planted trees monitored and replaced where necessary for the first 5 years. It advises that specific hard surfacing areas should be retained during the construction phase to act as both temporary ground protection and the subbase for proposed hard surfacing and that careful excavation of the existing hard surfacing should to be undertaken within root protection areas. It is also recommended that “to monitor all impacted trees during and after construction, for at least the first 5 years, to ensure that they remain safe to be retained in their new environment. It is recommended that temporary protective fencing is erected in order to create a construction exclusion zone which adequately protects the retained trees from damage during the construction works. This fencing should be erected at the outset of the development before any activities are carried out or materials/ plant is brought onto the site.”
- 7.45. The landscaping scheme incorporates tree planting. In total 340 new trees would be planted across the site. Furthermore, the Condition 13 of the outline consent already requires compliance with the trees survey to protect existing plants and condition 14 of the outline consent requires the landscaping be carried out within 6 months of the first occupation of any building or completion of each phase of the development, whichever is soonest. In addition, it also requires that 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.
- 7.46. In respect of hedgerows, some 536m of hedgerow would be removed and the total length of new hedgerow planting would be 2,059m that would consist of a mix of ornamental hedgerow and native hedgerow.
- 7.47. As detailed on the [Landscape Masterplan](#) (drawing number [N0717 \(08\)200 Rev P02](#) and in the Landscape Design and Access Statement, there are a number of landscaped areas included within the wider scheme.
- 7.48. The submitted landscape masterplan details each specific area of planting throughout the site. Where a tree is to be removed to facilitate development, they have been replaced on (at least) a two for one basis.



- 7.49. The layout prioritises the retention of existing trees and vegetation where possible, and the enhancement of existing vegetation and hedgerows with infill planting of mixed native species appropriate and in keeping with those found within the local surrounding area. It details planting of native; trees, hedgerows and hedgerow trees, scrub mixes where appropriate and wildflower / grassland mixes, bulb planting throughout the site.
- 7.50. It includes mixed native and native variant trees, ornamental planting and native hedgerows throughout the proposed development providing “year-round seasonal interest along with ecological and biodiversity benefits, including fruiting and flowering species, providing habitat and food provision for local wildlife.” Natural grassland creation would also be formed in relevant areas of the site.
- 7.51. In light of the above assessment, it is considered that the site responds positively to its location within Newark and accords with the requirements of Spatial Policy 9 of the Core Strategy, and the National Design Guidance.

Impact upon Residential Amenity

- 7.52. Policy DM5 of the Allocations and Development Management DPD states that development proposals should ensure no unacceptable reduction in amenity including overbearing impacts and loss of privacy upon neighbouring development. Core Policy 9 also seeks a high standard of design that contributes to a compatible mix of uses.

- 7.53. In term of overlooking, Privacy and Amenity the application site is bound by a number of existing residential properties in the wider Yorke Drive estate such that the impacts upon these dwellings requires careful consideration.
- 7.54. The layout has carefully considered 'space about dwellings', particularly separation distances and ensuring acceptable effects (such as overlooking and over dominance) between existing relationships between dwellings has been given great care resulting in a quality layout that respects the privacy of the proposed dwellings occupants and those who will live alongside the new development. There would be sufficient space between existing and proposed dwellings that would not result in a harmful level of overlooking or a significant loss of privacy.
- 7.55. Whether the proposal creates a satisfactory living environment for the proposed new dwellings is material to decision making. As has been established earlier in the report, all new dwellings exceed the national described space standards for new dwellings and all have appropriately sized private garden space commensurate to the size of the dwellings.
- 7.56. New homes are arranged in perimeter blocks with outward facing homes onto all green spaces. Considerable care has been taken to design streets to be green, with adequate and appropriate boundary treatments. Access to green areas, private gardens and surrounding green spaces have been designed to ensure all residents are able to use outdoor spaces across the whole site and beyond for walking, sitting, cycling, exercise or socialising to enhance physical and mental well-being. All of these interventions and connections will provide a fully integrated sustainable infrastructure, increasing biodiversity and resident amenity through practical / usable design solutions. The amenity of proposed occupiers is therefore acceptable.
- 7.57. In terms of noise and disturbance, clearly during the construction process there would be disruption and noise associated with the construction period. It is recommended that a construction management plan be provided by way of a pre-commencement condition to limit as far as possible disturbance caused by construction activities.
- 7.58. To consider the potential impact on future residents from noise associated with commercial along Brunel Business Park as well as traffic noise associated with Lincoln Road, a noise assessment has been submitted in support of the application. It is also a requirement of Condition 29 of the outline permission (22/00426/S73M).
- 7.59. The assessment has focused on the noise associated with Apollo Engineering to the north and the road noise associated with Lincoln Road. The noise assessment was undertaken prior to the closure and demolition of Daloon Foods to the east of the site and therefore no longer relevant to the determination of this application.

- 7.60. An assessment was made of whether any noise mitigation would be required as a result of the intensification of uses on the playing fields and the formation of LEAPs and LAPs. The conclusion in the report was that layouts of pitches and the specifications of play areas will reduce the potential risk of noise disturbance to the neighbouring properties and that no further noise reduction measures are considered necessary.
- 7.61. In relation to the noise associated with Apollo Engineering it stated that “The scheme layout indicates that several of the proposed dwellings within Phase 1 will be situated within several metres of the northern boundary with Apollo Engineering. As such, mitigation to limit internal noise levels and daytime noise condition in external areas would be required to control noise from the service yard and extract unit located within the car park affecting the nearest gardens and facades.” In terms of mitigation, it is recommended that an acoustic fence which extends to a height of 4.0m located along the boundary with Apollo Engineering. Further, a full acoustic enclosure with acoustically attenuated passive ventilation would limit noise from the extract unit and acoustic glazing would limit internal noise levels on affected properties. These matters can be secured by condition.
- 7.62. In respect of the potential impact would have on neighbouring occupiers forming Phases 2A and 2B, (I.e. the properties closest to Lincoln Road), it was considered that the indoor target noise criteria, when assessed as a rating level, are predicted to be met in the majority of dwellings that are screened from commercial and road traffic noise sources. Similarly, the results from the modelling indicate that majority of gardens across the development are suitably screened from the prevailing noise sources that the daytime outdoor noise requirements would be met. However, the results of the environmental noise modelling also indicate that the required internal daytime and night-time criteria would not be met with partially open windows for rooms located close to se to Lincoln Road. Where the internal criteria cannot be met with open windows, it will be necessary to ensure the sound attenuation performance of the building envelope is sufficient to meet the internal noise criteria. It is recommended that that those properties are fitted with acoustic glazing that would provide appropriate noise attenuation.
- 7.63. The Environmental Health Officer agrees with this approach confirming that they have reviewed the amended acoustic assessment submitted with the application and states that external amenity areas across the site will achieve an acceptable noise environment. However, a number of properties will require an upgraded glazing/ventilation specification to achieve acceptable internal noise levels however this should be carried out in accordance with section 6.3 of the acoustic assessment report.
- 7.64. A pumping station is shown on the layout to be located alongside the proposed car park associated with the proposed pavilion building. It would be well away from residential dwellings to the west and separated from them by fencing, landscaping

and a public road. Pumping stations rarely cause any adverse impacts in terms of noise. Details of the drainage are not required at this stage (it forms part of an outline condition to be approved prior to commencement) however in order to ensure no unacceptable impact, a condition is recommended to require submission and approval of a noise assessment and implementation of any mitigation measures identified as necessary via this assessment. It should be noted that the pumping station was not considered as part of the submitted noise impact assessment. This would be required prior to first operation of the foul pumping station. Given the nature of the pumping station, and the separation distance to the nearest residential properties it is considered that any necessary mitigation measures could be readily accommodated within the proposed development, secured by planning condition.

Impact upon Highway Safety and Parking

- 7.65. 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. In addition, the Council has adopted a Supplementary Planning Document (SPD) to guide the design and quantum of new residential development.
- 7.66. Whilst access (and implicitly capacity) has already been consented at outline stage, this reserved matters is required to demonstrate that the internal road layout is safe and appropriate from a highway safety perspective.
- 7.67. The submitted Design and Access statement explains that “the proposed masterplan has been designed with Building for Healthy Life (BFHL) at the forefront of the design proposals. Successful, well-integrated car parking throughout the scheme is clearly a key design driver in BFHL as well as a key aspiration of the Council and therefore the design team have been keen to embrace Newark and Sherwood’s Supplementary Planning Document ‘Residential Cycle and Car Parking Standards and Design Guide’ (June 2021) wherever possible. It is acknowledged that requisite car parking is fundamental to achieving an acceptable scheme. Achieving car parking standards needs to be balanced against place making and the reality of providing usable and functional provision for new homes. Both the design team and the Council acknowledge that delivering all car parking spaces to the ‘recommended’ dimensions in the SPD does not come without its challenges, not least in providing appropriate landscaping mitigation to help soften and break up runs of car parking to the front of properties.”
- 7.68. The reserved matters scheme itself utilises a number of parking solutions including on-plot to the front of properties, on-plot to the side of properties and adjacent well-overlooked parking off shared drives. Although parking courts are discouraged in the SPD there is one instance (behind Rosewood Close) where due to the existing site constraints and as well as accommodating the parking needs of existing residents

there has been a small parking court provided. Every effort has been made to minimise tandem parking spaces where possible, however, due to the required density and housing numbers it is inevitable that a tandem parking solution fulfils a critical role in delivering a viable regeneration scheme that enables parking numbers to be policy compliant and well-integrated into the street scene. The recommended minimum car standards for the 'Rest of Newark Urban Area (NUA)' are adhered to across the scheme.

- 7.69. These include: 1 bedroom dwellings – 1 parking space per dwelling; 2 bedroom dwellings – 2 parking space per dwelling; 3 bedroom dwellings – 2 parking space per dwelling; and 4+ bedroom dwellings – 3 parking space per dwelling. The following parking size design parameters have been utilised from the SPD and implemented across the proposed scheme also.
- 7.70. In terms of Single / double width parking space / tandem, parking spaces would be a minimum of 3m x 5.5m with an additional 0.3m if bounded by a wall, fence, hedge, line of trees or other similar obstruction on one side and 0.6m if bounded on both sides. Perpendicular parking spaces, where more than two parking space is provided side to side, would be a minimum of 2.4m x 5.5m.
- 7.71. The layout utilises the 2.4m width on occasion to maximise opportunities for trees and shrubs to be cited to help break up the parking where appropriate. Every property will have at least one 3m wide parking bay. Where parking policy requirements result in high concentration areas, these are contrasted with landscaping opposite or adjacent to deliver an attractive and balanced street scene.
- 7.72. Resident parking, where appropriate, would be provided in curtilage in order to minimise the visual impact of the car and de-congest the street network. Visitor parking is provided in locations adjacent to adopted highways. A variety of techniques for providing parking have been used on this scheme so as to provide variety to the streetscene and minimise the impact of cars in the public realm. The proposal provides a total of 878 residents' car parking spaces which includes 28 designated for visitor parking. In addition, 2 spaces are provided for existing residents made up of 1 garage space and 1 on plot space. There are a further 70 spaces are provided at the sports pavilion; this is in line with previous reserved matters proposals which showed car parking overflow at the pavilion. Additional overflow parking would be provided on land alongside the mini pitches.
- 7.73. In terms of refuse storage and collection, a scheme has been designed to ensure that there is appropriate provision for refuse storage and recycling for each property. As such the refuse strategy complies with the standards of the Local Authority. Refuse bins and containers for dwellings are stored on-plot in dedicated areas within the rear gardens in order to be convenient for users but also discretely hidden from view from the public realm. All the homes have a gated access from the garden to the adopted

street so that bins can be left out for collection. Cycle Storage Adequate space for cycle storage has been provided for all residents within secure rear gardens.

- 7.74. Members will note that Nottinghamshire County Council as the Highways Authority (NCC HA) initially raised objection to the scheme due to various issues including, but not limited to matters such as visibility splays, bus and refuse tracking information not being available to demonstrate safety, parking levels for the playing pitches and issues with private driveway lengths etc. Through amendments (several iterations) these are finally resolved, and the Highways Authority (NCC HA) have removed their objection to the scheme. It should be noted however, as a result of these changes, 8 out of 207 units would not meet the full parking requirement set out in the SPD, however there would be appropriate level of visitor parking and in some cases available on street parking to serve these dwellings. The Highways Authority is accepting of this approach.
- 7.75. A number of conditions are recommended by NCC HA, most of which are reasonable and necessary and have been included in the list of recommended conditions including on-street parking, to limit area of planting within visibility splays, a requirement that the existing highway be stopped up and management of parking associated with the pavilion / sports pitches and a condition is recommended to deal with surface water disposal from the drives and parking areas to prevent it from running onto the public highway. It is therefore considered these conditions are reasonable.
- 7.76. It is therefore considered that the proposals would comply with Spatial Policy 7 of the Core Strategy that seeks to ensure that vehicular traffic generated does not create parking or traffic problems, and Policy DM5 of the DPD requires the provision of safe access to new development and appropriate parking provision together with the adopted Supplementary Planning Document (SPD).

Impact upon Ecology

- 7.77. There is no requirement for the applicant to provide Biodiversity Net Gain as the application was submitted in 2022, prior to these requirements becoming mandatory. The applicant has however provided an Ecological Enhancement Plan outlining how protected specified would be managed through the construction process and a series of ecological enhancement. These include:
- 7.78. Wildflower Grassland Creation which would comprise of Eco Species Rich Wildflower: Germinal WFG20 Eco Species Rich Lawn Mix sown at 10g/m² • Proposed grass bund seed mix: Germinal WF19 Pollinators Paradise Mix sown at 5g/m² • Proposed grass seeding to pitch surfaces: Germinal WF19 Pollinators Paradise Mix sown at 5g/m² An alternative mix which is tolerant of close mowing, but which improve diversity and opportunities for fauna, as well as the site aesthetically, would be Emorsgate EL1 Flowering Lawn Mix. It also details measures for further maintenance.

- 7.79. Tree Planting Proposed tree planting on site would comprise a mixture of native and ornamental species, ranging from semi-mature to extra heavy standards. Native species should be utilised in all tree planting wherever possible. The native species to be utilised include: Small-leaved lime *Tilia cordata*; Silver birch *Betula pendula*; Downy birch *Betula pubescens*; Crab apple *Malus sylvestris*; and Rowan *Sorbus aucuparia*.
- 7.80. It is advised that these species will provide habitat and shelter for a range of faunal species once established. All Semi Mature/Advanced Nursery stock trees to be planted in tree pits @ 1200mm x 1200mm x 800mm or at suitable size to accommodate root/container size. All Extra Heavy Standard/Heavy Standard trees to be planted in tree pits @ 1000mm x 1000mm x 800mm or at suitable size to accommodate root/container size. All trees to be back filled with topsoil and suitable organic material (to be specified), and to be double staked using pointed softwood / peeled chestnut / larch or oak stakes free from projections and large or edge knots, timber cross bar and rubber tree tie and spacer block tied above ground. All trees in shrub beds located within 3m of any services to have their roots directed downwards by the installation of Reroot 1000 dependant on ground conditions and service locations. Tree pit information to be supplied as part of a detailed packaged of information at Stage 4 of the design process. Drawings to be configured with detailed drainage, services and lighting information and to be agreed. Any trees planted within grass areas to have a 1mØ ring of bark mulch to 75mm depth at the base to suppress weed growth and retain moisture.
- 7.81. In terms of hedgerow creation it is stated that any new hedgerows would comprise of at least six native species per 30 m with the following species included: Field maple *Acer campestre*; Common hornbeam *Carpinus betulus*; Silver birch *Betula pendula*; Common dogwood *Cornus sanguinea*; Hazel *Corylus avellana*; Common hawthorn; *Crataegus monogyna*; English holly *Ilex aquifolium*; Wild Privet *Ligustrum vulgare*; Blackthorn *Prunus spinosa*; Dog rose *Rosa canina*; Goat willow *Salix caprea*; Elder *Sambucus nigra*; Alder Buckthorn *Frangula alnus*; Guelder rose *Viburnum opulus* Suitable biodegradable rabbit guards, fencing, or shelters will be used to protect all hedgerow whips and transplants from damage until established. Tree guards would be removed once the planting is established.
- 7.82. In terms of mixed shrubs it is stated that Shrub plants would be materially undamaged, sturdy, healthy and vigorous, and of good shape and without elongated shoots. They would originate from British provenance as per the National Plant Specification. Planting areas to be prepared to even levels to a fine tilth ensuring all large earth clods, debris and stones larger than 2-3cm are removed. All plant stock to be planted in pits 1/3 larger than the rootball/container, sides of the pits to be broken up to aid root development. Pits to be backfilled incorporating tree and shrub compost worked into the backfill. All shrubs and trees to receive a 50mm layer of bark mulch. Bulbs will be planted throughout the soft landscaping. Comprising a mixture of native and non-native species. Pollinator species to encourage pollinators and invertebrates are

included such as crocus (*Crocus* sp.) and snowdrop (*Galanthus nivalis*). New scrub planting around the Site feature should include a range of native 'hedgerow' species which provide nuts, berries, fruits and flowers which will attract a range of different species including invertebrates, birds and mammals. Species would include: *Acer campestre*: Field Maple; *Carpinus betulus*: European Hornbeam; *Betula pendula*: Silver Birch; *Cornus sanguinea*: Common Dogwood; *Corylus avellana*: Hazel *Crataegus monogyna*: Common Hawthorn; *Ilex aquifolium*: English Holly *Ligustrum vulgare*: Common Privet *Prunus spinosa*: Blackthorn *Rosa canina*: Dog Rose *Salix caprea*: Goat Willow *Sambucus nigra*: Elderberry *Frangula alnus*: Alder Buckthorn and *Viburnum opulus*: Guelder Rose.

- 7.83. Ornamental planting is also proposed. Any planting of an ornamental nature will include species which provide resources for wildlife, such as nectar for invertebrates and fruit/nut bearing species for birds and mammals. Species such as those listed above for hedgerow, native shrub and tree planting will be used as well as other species which provide pollen and nectar resources. A mix of a variety of bulbs will be planted with crocus and daffodil bulbs to alternate every two linear metres. The bulbs would comprise primarily of non-native varieties of barberry, dogwood, honeysuckle and viburnum. Any ornamental planting should be maintained as required, as different species will require different management techniques.
- 7.84. In terms of bats, BWB Consulting carried out updated bat roost surveys of all residential buildings within the Yorke Drive estate during the bat active season 2024. These surveys followed on from the previous survey work and the previous enhancement and mitigation plans produced by in 2021.
- 7.85. An updated site walkover was carried out by in August 2024 to confirm if there had been any changes to the classification of the buildings in relation to their potential to support roosting bats.
- 7.86. It is stated that as bat roosts have been recorded at the site, a licence application would be required before any work that could affect bats can proceed. Given the small number of roosts/bats present, it is proposed to apply for an Earned Recognition licence.
- 7.87. As more than 3 roosts would be impacted, under the ER licence, the provision of at least one feature, suitable for the species concerned (e.g. a bat box/tile/brick/crevice) per roost and species to be impacted is considered appropriate. The feature(s) would be made available to bats within twelve months of the roost being impacted, ensuring there is continued ecological functionality in the interim period.
- 7.88. There would also be a requirement for monitoring in the form of one inspection by the Joint Licensee and/or the Earned Recognition Consultant.

- 7.89. In terms of Compensation and Enhancement Roost Provision, as part of proposed development, a total of 50 new bat roosting features would be installed on site. Five of these would be compensation for the roosts which are being lost due to development, the rest would be for ecological enhancement. The features would comprise a mixture of integrated (buildings) and externally mounted (trees) self-cleaning features. Two integrated features would be installed on the new pavilion to the west of the sports pitches, five on trees within the sensitive lighting zone around the sports pitches, 38 integrated features on residential buildings, and five on trees across the site.
- 7.90. It has been advised that these have been located as close to suitable foraging/commuting routes, the sensitive lighting zone, and existing roost locations as possible within the restrictions of the proposed layout.
- 7.91. It is advised that the landscaping would help maximise the opportunities for bats post-development and efforts have been made to maximise suitability for invertebrates through the diversity of native species which in turn would be beneficial for foraging bats. Reference would be made to the Ecological Enhancements Plan as well as the guidance set out in Landscape and Urban Design for Bats and Biodiversity (BCT, 2012).
- 7.92. Enhancement Roost Provision would also be provided in the form of a mixture of integrated (buildings) and externally mounted (trees) self-cleaning features. Forty integrated bat boxes would be installed on buildings throughout the development including on the pavilion and ten bark boxes on existing trees.
- 7.93. The Biodiversity and Ecology Lead Officer does not object to the proposals. He highlights that comments that the submitted Ecological Enhancement Plan (EEP) should be updated with the corresponding latest proposed layout and that does not contain any proposed monitoring, which they consider is important to ensure that any agreed enhancements are implemented. Therefore, subject to the amendment he considers that the EEP is suitable.
- 7.94. In respect of the Bat Mitigation Strategy, they confirm that the report details internal and external assessments of the three buildings which were undertaken on 09 August 2021, along with a nocturnal emergence survey undertaken on the same date. The report highlights how “The survey results contained in this report are considered accurate for approximately two years, notwithstanding any considerable changes to the site conditions”. The report is therefore at the end of this period and needs to be updated. In addition, they advise that the development layout base plan used for Figure 1 ‘Bat Box and Lighting Strategy Plan Phase 1’ of the Bat Mitigation Strategy does not correspond with the Proposed Layout Plan. This therefore needs to be addressed in an amendment. The Bat Mitigation Strategy also states that “An ‘as built’ survey of the building[s] would be conducted to ensure compliance with this strategy to ensure that bat features have been installed and specified correctly. Whilst they consider that this is an important element of the strategy, there needs to be clearer

details as to how this monitoring survey will be reported to Newark and Sherwood District Council (NSDC). Therefore, a minor amendment to the strategy is needed to address this before the condition can be discharged. They consider that all other aspects of the strategy are acceptable.

Other Matters

Developer Contributions updated

- 7.95. The outline permission contains a condition requiring the completion of a s106 obligation. It should be noted that the developer contributions detailed at outlined stage require that they should be indexed link. Given that the original outline permission was granted in November 2019, it is considered they need to be updated to reflect the present cost accounting for indexation. Following consultation with the Planning and Infrastructure Manager at Nottinghamshire County Council, it was agreed that these figures be adjusted in accordance with indexation. In summary, the revised figures based on indexation and on a pro rata basis, given that the number of units are reduced would mean that the revised education contribution is £457,152 based on indexing for 190 new dwellings (£2,406.06 per dwelling) and therefore the development of only 77 new dwellings would equate to **£185,266.86** (£2,406.06 x 77).
- 7.96. In relation to the bus stop infrastructure, the figure would be **£48,000** (including indexing) as the bus stop improvement would still been to be in place irrespective of the number of new dwellings.
- 7.97. The education authority has also requested some flexibility in the education payment so that it can also include the provision of special education places, as there is a deficit of special school provision in the district and existing projects planned to which the contribution could contribute. It is considered that this is a reasonable approach to delivering the required contributions.

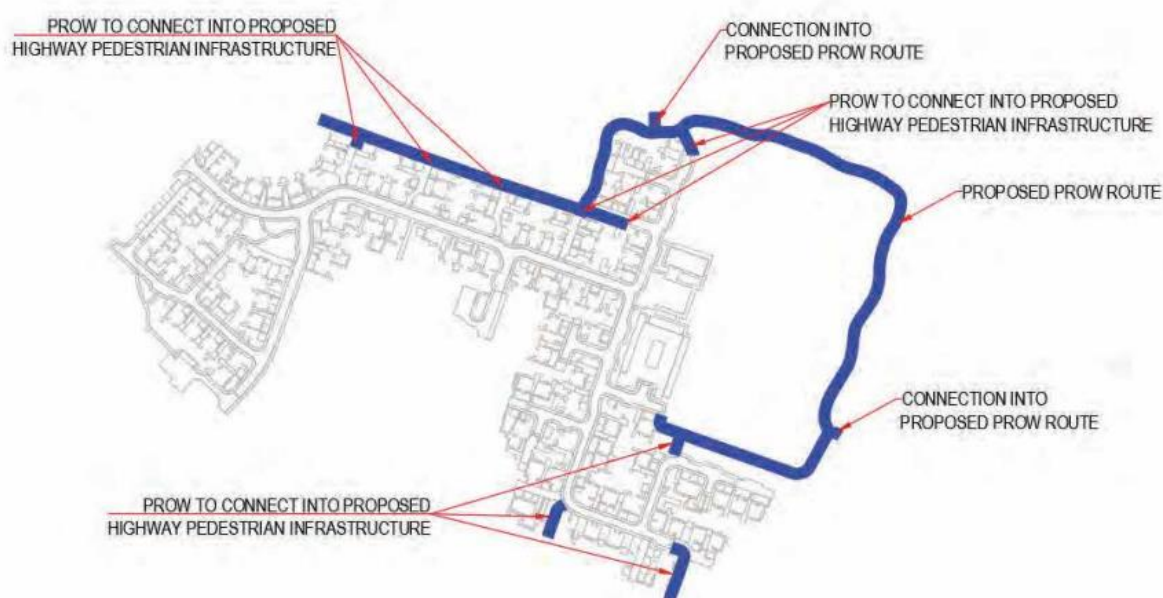
Impact on residents relocating

- 7.98. Condition 21: requires that 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.
- 7.99. The applicant has stated that “The delivery of housing for decanted residents has been central to the design of the development, with a commitment from the Council to rehouse on the estate, all those who wish to remain. Those wishing to move off the estate will also be supported.

7.100. In support of the application, a Yorke Drive decant strategy that includes a detailed schedule outlining the households wishing to remain on the estate in a new home and their future housing need which has directly informed the properties being built. It also sets out the support that will be provided to residents who wish to move *off* the estate. These are directly related to the phasing plans (detailed in para 3.12 above). Importantly, it states that the approach will be to deliver all 74 affordable dwellings in the first phase of construction allowing for the decant and rehousing of those residents who wish to remain on the estate.

Impact on PRowWs

7.101. Existing local Public Rights of Ways have been considered which include the defined routes as shown on below



7.102. PRow routes within the application site boundary are located to the periphery of Lincoln Road Playing Fields and form links into other local surrounding PRowWs to the north, east and west. PRowWs 28 and 29 are not within the associated phase of development but have been taken into consideration during our site analysis and constraints and opportunities processes.

7.103. PRow 28 forms a link between housing development off Middleton Road to the north and the playing fields to the south. PRow 29 is a well-used wide pedestrian link between Lincoln Road and the existing Yorke Drive housing estate/playing fields/Coop and also forms access between Yorke Drive estate and the existing Lincoln Road Play Park to the rear of St Leonards Church. The route will be slightly elongated to meet the proposed adopted highway running north to south alongside the sports pitches.

The surface is mixed, hard off Lincoln Road which changes to grass halfway as it approaches the playing fields. Secondary routes off this PRoW form pedestrian links into the Yorke Drive Estate.

7.104. PRoW 30 is an existing well-used grass route for walkers and dog walkers that follows the edge of playing fields and forms a link between Yorke Drive estate, playing fields and the industrial estate. PRoW 31 links into the Application Site at the southeast corner of the site, this is a hard surface footpath which changes to a grass surface as it links into the playing fields.

7.105. The proposals seek to retain and enhance existing PRoW routes within the Application Site and form new attractive and accessible for all routes to ensure connectivity through the development and local surrounding area.

- PROW 30 is to be slightly re-aligned but still provide connectivity North to South via proposed public highway.
- PROW 29 would remain in situ, with a slight extension, and will connect into the proposed public highway.
- PROW 28 would be extended to connect into the proposed public highway.
- PROW 32 would be diverted via the proposed public highway.
- PROW 31 would be slightly diverted through the proposed development and to connect into the new PROW 30.

7.106. Restricted access has been maintained at pedestrian link points around the playing fields in the form of staggered hoops, these are positioned to slow cyclists to prevent collision when linking on/off routes. These hoops are also positioned to deter motorbike access whilst still allowing cyclists, mobility scooter users and pushchairs access. Litter bins and dog waste bins have been strategically placed at link points and at the side of hard surfaced routes and within the proposals to aid maintenance collection.

7.107. The County Public Rights of Ways Officer advises that Public Rights of Ways (PRoWs) cross the application site namely - Newark Footpath Nos. 28, 29, 20, and 31. They Confirm that Footpath No. 31 would now pass around the northeastern corner of the playing field but needs to be appropriately managed during construction. In respect of path widths, they comment that surfaced public footpaths should be a minimum 2 metres wide. The proposed development would also require that the legally recorded route of the affected Public Footpaths to be diverted because they cannot be accommodated on their current legal line. They advise that this should be addressed under the relevant provision (S.257) within The Town and Country Planning Act 1990 for the diverting and stopping up of public rights of way affected by development (although it should be noted that this can also be achieved under the Highways Act).

7.108. They advise that details of path surfacing need to be confirmed to ensure that it would be fit for purpose and would be maintained appropriately. Also, that the proposed 'restriction barriers for motorbikes' on some of the new routes of the public footpaths will need to be authorised by the Rights of Way Team if they are on a public right of way and consideration should be given not to restrict access issues for member of the public particularly those using mobility scooters, or with pushchairs etc. They recommended conditions to ensure that details of the surface treatment, maintenance, and width of the public rights of way shall be obtained from the LPA in writing before the development commences, and that no part of that development or temporary works shall obstruct or stop up the Public Rights of Way until approval has been secured and the diversion application has been received by the Local Planning Authority. Subject to these conditions it is considered that the impact on the PRowS can be appropriately managed during construction and the diversion of the footpaths would be dealt with by separate process.

Impact on Archaeology

7.109. The site has been subject to geophysical survey and trial trench evaluation as part of the outline application (18/02279/OUTM). The results of the archaeological work indicate that the south-western quarter of the site contains some limited Iron Age potential associated with rural settlement activity, along with a background scatter of residual Neolithic flint working. The features are somewhat on the periphery of the likely settlement activity, with the focus likely being towards the known area of cropmarks 170m to the south-west around Witham Close and Derwent Way and represent dispersed, outlying domestic/agricultural waste disposal activity. Some of the linear features seem like they may relate to the pre-enclosure (post-medieval) field systems.

7.110. The Historic Environment Officer has advised that "while the trenching results have been useful, I do not anticipate that further archaeological excavation work within the site boundary would add significantly to the results of the trenching. Further, given the relatively shallow and dispersed nature of the features encountered, I do not believe that archaeological monitoring would be successful either. Consequently, no further archaeological mitigation work is recommended for this site, beyond finalisation and submission of the evaluation reports to the Notts HER and ADS and deposition of the site archive with the relevant museum." This can already be secured through an application to discharge the existing condition contained within the outline application (conditions 12).

8.0 Implications

8.1. In writing this report and in putting forward recommendations' officers have considered the following implications; Data Protection, Equality and Diversity, Financial, Human Rights, Legal, Safeguarding, Sustainability, and Crime and Disorder and where appropriate they have made reference to these implications and added suitable expert comment where appropriate.

9.0 Conclusion

- 9.1. The principle and quantum of housing is established through the site-specific allocation policy and the outline planning consent. The dwelling types and mix proposed are broadly in accordance with the most up to date housing needs evidence available and would offer a good mix of housing including bungalows, terrace, semi-detached and detached units that would help meet the aspirations of CP3 providing family dwellings. Affordable housing and developer contributions to mitigate infrastructure impacts will be delivered by s106 obligation secured through condition at outline stage.
- 9.2. Landscaping and ecological impacts, with the mitigation and compensation proposed are considered acceptable. Impacts to the character and appearance of this site are also considered to be acceptable with the proposal respecting the present form of development on the wider Estate through its design and layout. Impacts on the highway network, parking and living conditions of neighbours have been found to be acceptable. Matters of drainage are controlled by conditions imposed at outline stage and need not be considered further at this stage.
- 9.3. Overall, the proposal is considered to accord with the development plan when considered as a whole, would help deliver the housing that the site is allocated for thereby boosting housing supply. No demonstrable harm has been identified. Approval of this reserved matters will also allow housing on an allocated and outlined consented site to progress, a matter which is important at a time where the Local Planning Authority cannot currently demonstrate a 5 Year Land Supply. The recommendation is therefore one of approval.

10.0 Conditions

01.

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

Title	Document Reference	Revision	Submission Date
Site Location Plan	100	P1	15/10/2024
Existing Site Layout	101	P1	15/10/2024
Proposed Site Layout	102	P12	02/02/2025
Proposed Site Layout Sheet 1 of 2	103	P12	02/02/2025
Proposed Site Layout Sheet 2 of 2	104	P12	02/02/2025
External Finishes Layout	105	P3	02/02/2025
EV Charging and Parking Layout	106	P2	02/02/2025
Proposed Streetscenes	108	P1	15/10/2024
Proposed Pavillion Elevations Sheet 1	310	P1	02/02/2025
Proposed Pavillion Elevations Sheet 2	311	P1	02/02/2025
Proposed Pavillion Ground Floor Plan	312	P1	02/02/2025

Housetype Booklet	Housetype Booklet	Sep-24	15/10/2024
Soft Landscaping Plan 01 of 17	N0717(96)001	P01	02/02/2025
Soft Landscaping Plan 02 of 17	N0717(96)002	P01	02/02/2025
Soft Landscaping Plan 03 of 17	N0717(96)003	P01	02/02/2025
Soft Landscaping Plan 04 of 17	N0717(96)004	P01	02/02/2025
Soft Landscaping Plan 05 of 17	N0717(96)005	P01	02/02/2025
Soft Landscaping Plan 06 of 17	N0717(96)006	P01	02/02/2025
Soft Landscaping Plan 07 of 17	N0717(96)007	P01	02/02/2025
Soft Landscaping Plan 08 of 17	N0717(96)008	P01	02/02/2025
Soft Landscaping Plan 09 of 17	N0717(96)009	P01	02/02/2025
Soft Landscaping Plan 10 of 17	N0717(96)010	P01	02/02/2025
Soft Landscaping Plan 11 of 17	N0717(96)011	P01	02/02/2025
Soft Landscaping Plan 12 of 17	N0717(96)012	P01	02/02/2025
Soft Landscaping Plan 13 of 17	N0717(96)013	P01	02/02/2025
Soft Landscaping Plan 14 of 17	N0717(96)014	P01	02/02/2025
Soft Landscaping Plan 15 of 17	N0717(96)015	P01	02/02/2025
Soft Landscaping Plan 16 of 17	N0717(96)016	P01	02/02/2025
Soft Landscaping Plan 17 of 17	N0717(96)017	P01	02/02/2025
Hard Landscaping Plan 01 of 17	N0717(90)001	P01	02/02/2025
Hard Landscaping Plan 02 of 17	N0717(90)002	P01	02/02/2025
Hard Landscaping Plan 03 of 17	N0717(90)003	P01	02/02/2025
Hard Landscaping Plan 04 of 17	N0717(90)004	P01	02/02/2025
Hard Landscaping Plan 05 of 17	N0717(90)005	P01	02/02/2025
Hard Landscaping Plan 06 of 17	N0717(90)006	P01	02/02/2025
Hard Landscaping Plan 07 of 17	N0717(90)007	P01	02/02/2025
Hard Landscaping Plan 08 of 17	N0717(90)008	P01	02/02/2025
Hard Landscaping Plan 09 of 17	N0717(90)009	P01	02/02/2025
Hard Landscaping Plan 10 of 17	N0717(90)010	P01	02/02/2025
Hard Landscaping Plan 11 of 17	N0717(90)011	P01	02/02/2025
Hard Landscaping Plan 12 of 17	N0717(90)012	P01	02/02/2025
Hard Landscaping Plan 13 of 17	N0717(90)013	P01	02/02/2025
Hard Landscaping Plan 14 of 17	N0717(90)014	P01	02/02/2025
Hard Landscaping Plan 15 of 17	N0717(90)015	P01	02/02/2025
Hard Landscaping Plan 16 of 17	N0717(90)016	P01	02/02/2025
Hard Landscaping Plan 17 of 17	N0717(90)017	P01	02/02/2025
Landscape Masterplan	N0717(08)200	P02	03/02/2025
Pitch Improvement Strategy	240906_STR1 Improvement Strategy	Pitch 1	15/10/2024
Pitch Maintenance Guidelines	240906_STR1 Maintenance Guidelines	Pitch 1	15/10/2024
Yorke Drive-Existing Levels	J007203 001	0	15/10/2024
Yorke Drive-Proposed Arrangement	General J007203 002	1	15/10/2024
Yorke Drive-Proposed Earthworks	J007203 003	0	15/10/2024
Yorke Drive-Proposed Cross Section	J007203 004	0	15/10/2024

Visibility Splays Drawing	YDRN-BSP-ZZ-ZZ-DR-C-0101	P02	02/02/2025
Opposing Large Car Tracking	YDRN-BSP-ZZ-ZZ-DR-C-0190-01	P09	02/02/2025
Refuse Vehicle Tracking	YDRN-BSP-ZZ-ZZ-DR-C-0191-01	P08	02/02/2025
Bus Route Tracking	YDRN-BSP-ZZ-ZZ-DR-C-0192-01	P10	02/02/2025
Delivery Vehicle Tracking	YDRN-BSP-ZZ-ZZ-DR-C-0194-01	P04	02/02/2025
Residential Parking Tracking	YDRN-BSP-ZZ-ZZ-DR-C-0196	P03	02/02/2025
Parking Heat Map Tracking	YDRN-BSP-ZZ-ZZ-DR-C-0197	P03	02/02/2025
Private Levels	YDRN-BSP-ZZ-ZZ-DR-C-0210-01	P09	03/02/2025
Drainage Strategy	YDRN-BSP-ZZ-ZZ-DR-C-0140-01	P09	03/02/2025
Flood Risk Assessment	YDRN-BSP-ZZ-XX-RP-C-0001	P07	03/02/2025
Residential Travel Plan	YDRN-BSP-ZZ-XX-RP-D-0001	P05	02/02/2025
Parking Technical Note	YDRN-BSP-ZZ-XX-RP-D-0002	P02	15/10/2024
Yorke Drive Construction Phasing Plan 1	E500127_401	E	02/02/2025
Yorke Drive Construction Phasing Plan 2	E500127_402	D	02/02/2025
Yorke Drive Construction Phasing Plan 3	E500127_403	D	02/02/2025
Yorke Drive Construction Phasing Plan 4	E500127_404	D	02/02/2025
Yorke Drive Construction Phasing Plan 5	E500127_405	D	02/02/2025
Noise Assessment for Reserved Matters Application	70078739-001	3	15/10/2024
Tree Constraints Plan	RSE_4052_TCP	2	15/10/2024
Tree Protection Plan	RSE_4052_TPP	3	15/10/2024
Arboricultural Impact Assessment, Method Statement and Tree Protection Plan	RSE_4052_2024_R1	3	15/10/2024
Bat Mitigation Plan	YDN-BWB-ZZ-XX-T-EE-0001_BMP	P01	15/10/2024
Ecological Enhancement Plan	YDN-BWB-ZZ-XX-T-EE-0001_EEP	P01	15/10/2024

Reason: To define the permission and for the avoidance of doubt.

02.

Prior to first occupation of any dwelling hereby approved, details of the following (to be located in the public areas of the site) shall be submitted to and approved in writing by the Local Planning Authority:

- street furniture such as benches;
- litter bins, dog foul bins;
- signage (for example those warning of danger for attenuation ponds and rules of play at play area etc);
- any means of enclosure (e.g. for safety etc) within the public open areas;
- external lighting (that is not street lighting);
- lifebuoys to be provided at each attenuation pond;
- any other minor artefact and structure to be located in the public areas of the site.

The details approved shall be provided on site prior to first occupation or to an alternative timescale to be approved in writing.

Reason: Insufficient detail has been provided and the condition is necessary in the interests of amenity and public safety. The play equipment is controlled via the s.106 agreement and this condition is necessary to capture all other artefacts that would need to be located within the public areas.

03.

Notwithstanding details of the external materials shown on drawing Proposed External Finishes (Plan Ref - no. N81:3096:105 Rev P3) or in relation to the pavilion building hereby approved, the bricks and roof tiles are not approved. Prior to the laying of any facing bricks above damp-proof course and the installation of any roof tiles on site, details (including manufacturers name, colour and material) shall first be submitted to and approved in writing by the Local Planning Authority. The approved materials shall be used in the development.

Reason: Insufficient details have been provided. In any event, consideration should be given to the placement of clay/terracotta colour roof tiles around the edge of the development that would better reflect the vibrant orange/red local clay tiles which typifies most roof coverings in Southwell in the interests of visual amenity.

04.

Prior to first occupation, a scheme detailing all hard boundary treatments (as shown locationally on the approved site layout plan) shall be submitted to and approved in writing by the Local Planning Authority. Details shall include heights, design and elevation details and materials. The approved scheme for each respective plot shall be implemented on site prior to first occupation of each respective dwelling or in accordance with an alternative timetable embedded within the scheme and shall also comply with Appendix 3: Enhancement Plan of the Landscape and Ecology Management Plan in terms of the provision of the hedgehog highway.

Reason: Insufficient details have been provided with the application and the condition is necessary in the interests of residential amenity and to accord with the ecological mitigation and enhancement measures recommended as part of the submission.

05.

No part of the development hereby permitted shall be brought into use until all drives and parking areas are surfaced in a bound material (not loose gravel). The surfaced drives and parking areas shall then be maintained in such 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).

06.

Prior to the final surfacing of the access drives, driveways and/or parking areas of each plot a drainage scheme shall be submitted to and approved in writing by the Local Planning Authority demonstrating how surface water will be prevented from entering the public highway from these areas. The approved scheme shall thereafter be implemented on site prior to first occupation and retained for the lifetime of the development.

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

07.

No works to any public roads and no new roads shall be formed until such time as full technical details of the new and replacement road network has 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 safe and adoptable standards.

08.

The proposed development requires a Stopping-Up Order. No part of the development hereby permitted or any temporary works shall obstruct the public highway until an Order has been secured.

REASON: In the interests of highway safety.

09.

No part of the development hereby permitted shall be occupied or brought into use until all drives and parking areas are surfaced in a bound material (not loose gravel), with measures to prevent the discharge of surface water to the public highway. The surfaced drives, parking areas and drainage shall then be maintained such for the life of the development.

REASON: To reduce the possibility of deleterious material and surface water being deposited on the public highway, in the general interests of highway safety.

010.

No works above foundation level should be commenced until details of the proposed arrangements and plan for future management / maintenance of the proposed private drives (including associated drainage) have been submitted to and approved in writing by the Local Planning Authority. The streets and drainage shall for the lifetime of the development be maintained in accordance with the approved private management and maintenance details.

REASON: In the interests of general highway safety.

011.

A drawing identifying pedestrian visibility splays on the route from Lincoln Road to the sports ground shall be submitted to and approved in writing by the LPA. The approved splays shall be kept clear of all obstructions above 0.6m in height for the lifetime of the development.

REASON: In the interests of pedestrian safety.

012.

Notwithstanding the submitted landscaping drawings, no hedges shall be planted within 1 metre of the rear of any junction or forward visibility splays.

REASON: In the interests of highway safety.

013.

Plots 141 and 150 shall not be occupied until details of the management and maintenance of the land within the forward visibility splays as shown on drawing number YDRN-BSP-ZZ-ZZ-DR-C-0101, rev P01 has been submitted to and agreed in writing by the LPA.

REASON: In the interests of highway safety.

014.

No dwellings shall be constructed until an application for measures to prevent parking at junctions along the future bus route has been made. Any measures subsequently approved shall be implemented within 6 months of the date of that approval.

REASON: In the interests of highway safety.

015.

Notwithstanding the details submitted, prior to occupation of any dwelling in a phase or sub phase, details of all planting in road-side verges on that phase or sub phase shall be firstly submitted to and agreed in writing by the LPA. The approved details shall be implemented in accordance with an agreed timetable unless otherwise agreed in writing by the Local Planning Authority.

REASON: In order for prevent potential damage to underground services and prevent 'shadowing' of street lighting that may be detrimental to highway safety.

016.

Within 3 to 6 months following Phase 1 of the development being fully occupied and the Sports Grounds being brought into use, parking surveys shall be undertaken in accordance with a methodology to be first submitted and approved in writing by the LPA. A report with the results of the survey and any measures proposed to address any issues (if present), along with a timetable for implementation shall be subsequently submitted to and approved in writing by the local planning authority. Reason: To ensure that the development does not lead to excessive on street parking in the interest of highway safety and the amenity of residents.

017.

Approval of the details of the surface treatment, maintenance, and width of the public rights of way shall be obtained from the LPA in writing before the development commences and is implemented in accordance with the agreed plans

Reason: To ensure that the treatment and management of the right of way is appropriate for public safety and use and meets Equal Opportunities, and Sustainable transport objectives

018.

The development will require the permanent diversion of the Public Rights of Way and no part of that development or temporary works shall obstruct or stop up the Public Rights of Way until approval has been secured and the diversion application has been received by the Local Planning Authority.

Reason: To ensure that the Public Rights of Way are retained in such a state that it achieves continuity with the wider rights of way and highway networks, and meets sustainable transport needs

019.

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 BSP Flood Risk Assessment (FRA) and Drainage Strategy ref. YDRN-BSP-ZZ-XX-RP-C-0001-P06_FRA_&_DS dated 19th September 2024 has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The scheme shall be implemented in accordance with the approved details prior to completion of the development. The scheme to be submitted shall:

Demonstrate that the development will use SuDS throughout the site as a primary means of surface water management and that design is in accordance with CIRIA C753 and NPPF Paragraph 175.

Limit the discharge generated by all rainfall events up to the 100 year plus 40% (climate change) critical rain storm to QBar rates for the developable area.

Provide detailed design (plans, network details, calculations and supporting summary documentation) in support of any surface water drainage scheme, including details on any attenuation system, the outfall arrangements and any private drainage assets.

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 30 year and 1 in 100 year plus climate change return periods.

No surcharge shown in a 1 in 1 year.

No flooding shown in a 1 in 30 year.

For all exceedance to be contained within the site boundary without flooding properties in a 100 year plus 40% storm.

Evidence to demonstrate the viability (e.g Condition, Capacity and positive onward connection) of any receiving watercourse to accept and convey all surface water from the site.

Details of STW approval for connections to existing network and any adoption of site drainage infrastructure.

Evidence of approval for drainage infrastructure crossing third party land where applicable.

Provide a surface water management plan demonstrating how surface water flows will be managed during construction to ensure no increase in flood risk off site.

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 effectiveness.

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.

020.

The playing fields, pavilion and all associated parking shall be provided in accordance with the approved specifications and made available for use before in accordance with approved Development Phasing Plans.

Reason: To ensure the satisfactory quantity, quality and accessibility of compensatory playing field provision which secures a continuity of use.

021.

All playing pitches hereby approved shall be formed in accordance with the submitted Pitch Improvement Strategy dated 06.09.2024 (Ref: J007203) and shall be thereafter retained in accordance with the provision of the submitted Pitch Maintenance Guidelines.

Reason: To ensure that the playing pitches hereby approved are provided to a suitable standard and are thereafter appropriately maintained.

022.

No use shall be made of any playing pitch hereby approved until such time as the associated ball stop fencing is erected in its entirety. It shall remain in place for the lifetime of the development and be appropriately maintained to the satisfaction of the Local Planning Authority.

Reason: To protect the amenity of local residents and road users.

023.

The development hereby approved shall accord with the provisions of the submitted noise assessment dated September 2024 (Ref: 70078739-001), and no affected dwelling hereby approved shall be occupied until such time as the respective noise mitigation measures as detailed within section 6.3 of the noise assessment are installed and are operational. All noise mitigation measures shall remain in place for the lifetime of the development unless agreed otherwise in writing by the Local Planning Authority.

Reason: To protect the amenity of future residential from noise and disturbance.

024.

No development shall commence in respect of the pumping station until a Noise Assessment (and associated Mitigation Strategy as necessary) relating to the on-site pumping station have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.

Reason: In the interests of amenity.

025.

Prior to the formation of any biodiversity improvement required as part of the Ecological Enhancement Plan or in relation to the Bat Mitigation Strategy, a report shall be submitted to and approved by the Local Planning Authority detailing how all biodiversity improvements would be appropriately monitored after construction and who will be responsible for their maintenance and monitoring.

Reason: To ensure that all biodiversity improvements are appropriately monitored.

Informatives

01.

This application has been the subject of discussions during the application process to ensure that the proposal is acceptable. The District Planning Authority has accordingly worked positively and pro-actively, seeking solutions to problems arising in coming to its decision. This is fully in accord 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

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

03.

You are advised that you may require building regulations approval in addition to the planning permission you have obtained. Any amendments to the permitted scheme that may be necessary to comply with the Building Regulations, must also be approved in writing by the Local Planning Authority in order that any planning implications arising from those amendments may be properly considered.

East Midlands Building Control operates as a local authority partnership that offers a building control service that you may wish to consider. Contact details are available on their website www.eastmidlandsbc.

04.

The deposit of mud or other items on the public highway, and/or the discharge of water onto the public highway are offences under Sections 149 and 151, Highways Act 1980. The applicant, any contractors, and the owner / occupier of the land must therefore ensure that nothing is deposited on the highway, nor that any soil or deleterious material is transferred onto the highway from the site. Failure to prevent this may force the Highway Authority to take both practical and legal action (which may include prosecution) against the applicant / contractors / the owner or occupier of the land.

05.

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

06.

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.

07.

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. The applicant should email hdc.north@nottsc.gov.uk to commence the technical approval process, prior to submitting any related discharge of conditions application. The Highway Authority is unlikely to consider any details submitted as part of a discharge of conditions application prior to technical approval of the works being issued.

08.

The grant of planning permission for this development does not authorise the obstruction or the stopping up of highway. An unlawful obstruction to the highway is a criminal offence and may result in the obstructing development being required to be removed. The applicant should apply to stop up the highway using the following website address: <https://www.gov.uk/government/publications/stopping-up-and-diversion-of-highways>

09.

The development requires an application/s for traffic regulation orders. Please email hdc.north@nottsc.gov.uk in the first instance, with details of the proposals and stating this planning application number.

010.

Any hedge/tree/shrub line on the boundary of the development land (either proposed or retained) is the responsibility of the owner/occupier (including subsequent owners / occupiers) of the adjoining land, whether or not a fence or other boundary treatment is installed behind it. It is an offence under Section 154 of the Highway Act 1980 to allow vegetation to overhang highway such that it obstructs the function of the highway and therefore owners should make every effort to ensure that the hedge/tree line is maintained appropriately.

011.

For the avoidance of doubt, dispute the information provided as part of this reserved matters application, the requirements of condition 17 – contamination land of the associated outline application (Ref: 22/00426/S73M) is still required to be discharged as the information submitted does not relate to the entirety of the site.

Appendix 1: Outline Conditions

Condition no.	Content	Status
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.	For compliance and details form part of this reserved matters application.
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.	For compliance and details form part of this reserved matters application.
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.	For compliance only
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: REFER TO DETAIL IN COMMITTEE REPORT	For compliance only. Note the figures have been updated to take account of indexation
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	For compliance, reserved matters accord with previously approved plans listed.

	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	
06	The development hereby permitted authorises no more than 320 dwellings on site.	For compliance, reserved matters accord with this condition
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.	For compliance, reserved matters accord with this condition.
08	Linked to the requirements of Condition 3, the reserved matters application(s) which include any development on the exiting 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.	<p>The contracted users of the pavilion and playing fields at the time of closure were the Fernwood Foxed Football Club and Newark Table Tennis Club. There was a S73 to amend the condition to allow an offsite provision and allow the playing fields to be delivered in one phase rather than multiple. Both users have been decanted – Fernwood Foxes are playing at Balderton Parish – invoice demonstrating alternative included. The Table Tennis Club are currently playing at the Bridge Community Centre, Lincoln - Road.</p> <p>As part of disturbance, we have paid for their relocation until they are able to return.</p> <p>The delivery of the playing pitches is within Phase 1 of the development – the anticipated completion is Summer 2027. The delivery</p>

		will be in line with the agreed construction phasing. The requirements of the condition have therefore been met.
09	The reserved matters application(s) which include any development on the exiting playing fields, shall include the submission of a pitch improvement strategy comprising:	The Geoenvironmental Appraisal submitted with the reserved matters application considers the ground conditions of the land proposed for the new/retained/replacement playing field land and is considered acceptable. The requirements of the condition have therefore been met subject to compliance.
	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.	
010	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.	The pitch improvement strategy and maintenance statement form part of this application and are considered suitable.
011	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	The details form part of this application and can be discharged

	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.	
012	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.	The details form part of this reserved matters application and are considered suitable for phases 0 and 1.
013	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:	The details form part of this reserved matters application and are considered suitable, subject to compliance.
	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.	
014	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:	The details form part of this reserved matters application and are considered suitable, subject to compliance.
	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.	
015	No construction work, including site clearance and delivery of materials, shall be carried out except between the hours of 07.30 -18.00	For compliance only.

	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.	
016	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:	Requires to be discharged prior to development commencing
	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.	
017	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 relevant to that phase 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.	The submitted Geoenvironmental Appraisal concludes that phase 1B has been adequately characterised, and therefore part A of the condition can be discharged for this phase. However, Phases 4 and 2A have not yet been considered, and therefore the full phased contaminated assessment condition for these remaining phases shall remain (2B and 3).

	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.	
018	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.	Details have been submitted and are considered acceptable subject to details of future monitoring being provided (as per condition above)

019	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.	Details have been submitted as part of this reserved matters application and is considered acceptable.
020	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.	For compliance only.
021	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.	The details form part of this reserved matters application and are considered suitable, subject to compliance.
022	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.	For compliance only and covered by condition above
023	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 on each phase pursuant to Condition 3 (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	For compliance only

	Design Guide and shall be implemented as approved.	
024	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.	For compliance only
025	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.	For compliance only
	Reason: To maintain the visibility splays throughout the life of the development and in the interests of highway safety.	
026	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.	A travel plans has been submitted but it has not been agreed with the Highway Authority therefore this condition remains outstanding
027	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.	For compliance.

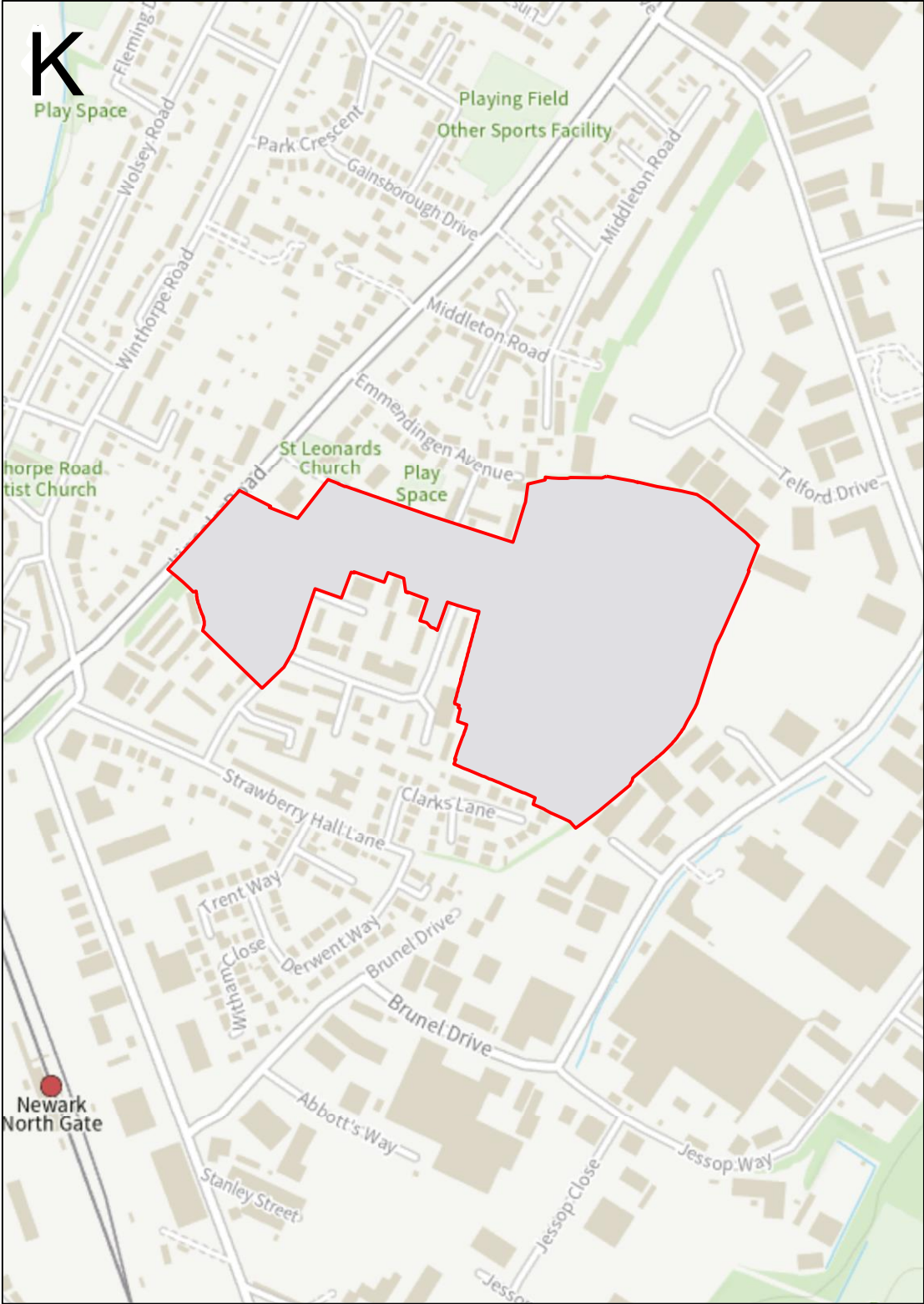
028	<p>The submission of each reserved matters application for any phase pursuant to Condition 3 (Phasing), shall be accompanied by an up to date Bat Mitigation Strategy (BMS) (that builds upon the Bat Mitigation Plan (by WSP December 2018) and Further Bats Surveys (by Emec September 2019) reports already 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:</p>	<p>For compliance. Bat mitigation strategy submitted and accepted but separate condition now required for future monitoring (as detailed above)</p>
	<ul style="list-style-type: none"> 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; 	<p>Details have been submitted and are considered acceptable but separate condition now required for future monitoring (as detailed above)</p>
	<ul style="list-style-type: none"> o Use of Bitumen felt 1F (or similar) only; 	
	<ul style="list-style-type: none"> o Methods for removal of existing roost structures to be timed outside of the bat roosting period; 	
	<ul style="list-style-type: none"> o A methodology of soft demolition/removal of roof tiles by hand; 	
	<ul style="list-style-type: none"> o Details of any external lighting which shall be designed so as not impact the installed bat features or bat foraging around the site. 	
	<ul style="list-style-type: none"> o The monitoring of new roosts. 	
029	<p>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.</p>	<p>The noise assessment and associated mitigation form part of this application and can be discharged subject to the compliance part of the condition.</p>

BACKGROUND PAPERS

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

Application case file

Committee Plan - 22/01528/RMAM



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Report to Planning Committee 13 February 2025

Business Manager Lead: Oliver Scott – Planning Development

Lead Officer: Julia Lockwood, Senior Planner, 01636 655902

Report Summary			
Application No.	25/00048/S73		
Proposal	Variation of Condition 18 (approved plans) attached to planning permission 22/00852/FUL Change of use and conversion of hall to new residential apartments with new bin and cycle store.		
Location	Ollerton Hall, Main Street, Ollerton		
Applicant	Mr A Cavell	Agent	Brick Architects Ltd – Dylan Woods
Web Link	Link: Variation of Condition 18 (approved plan) attached to planning permission 22/00852/FUL Change of use and conversion of hall to new residential apartments with new bin and cycle store		
Registered	14 January 2025	Target Date	11 March 2025
Recommendation	That planning permission is APPROVED subject to the conditions outline in Section 10.0 of this report		

This application is being presented to the Planning Committee in line with the Council’s Scheme of Delegation as the District Council currently retains ownership of the building.

1.0 The Site

- 1.1 The application site is situated on the western side of Main Street, within the defined built-up part of Ollerton (a ‘Service Centre’ as defined by the Core Strategy) and within its designated Conservation Area. Part of the site (along the north-west boundary) lies within Flood Zones 2 and 3 of the adjacent River Maun.
- 1.2 Ollerton Hall is a Grade II* Listed Building. It is a three-storey ashlar dressed brick and hipped plain tile roof country house circa 1700 within a generous associated curtilage and in an elevated position, allowing it to enjoy views from all elevations. Internally the building retains a limited number of original features although the plan form of the building is still readily visible despite the many alterations the Hall has endured

over the years. The site is bounded by a 2-metre-high brick wall and fencing to Main Street, with its access point in the north-east corner.

- 1.3 To the north lies the River Maun and its periphery vegetation. To the east and south, the site is bound by a mixture of vegetation and trees. The site slopes from the east down to the River Maun on the western boundary. Along the northern boundary of the site are three modern dwellings. To the south and east, on the opposite side of Main Street are more dwellings of differing age.
- 1.4 There are mature trees along and close to the south-western boundary of the site and part the way along the boundary with the River Maun. An isolated group of fir trees has been protectively enclosed at the northern end of the site.
- 1.5 The building is currently in the process of being converted into residential apartments under applications approved in 2023.
- 1.6 The site has the following constraints:
 - Grade II* Listed Building
 - Conservation Area
 - Part of the site lies within Flood Zones 2 (medium risk) and 3 (high risk)

2.0 Relevant Planning History

- 2.1 **84/00687** and **84/00687(LB)** - 'Restoration/Conversion to Residential Home for the Elderly' and associated listed building application for 'Internal Alterations & Alterations to doors & windows to form home for the elderly'. Both were granted 23/01/85.
- 2.2 **89/01420** and **89/01420(LB)** - 'Renovation of hall to form a health care building including a single storey extension- and its associated listed building application which were both approved on 30/01/90 and 23/03/90 respectively. This scheme has been implemented and a start has been made to the extensions. Work on the extensions commenced in November 2007 although the larger extension to the west was not built in accordance with the approved plan. This led to the submission of the further applications (as follows) which were to regularise the position.
- 2.3 **08/00703/FULM** and **08/00704/LBC** – 'Erection of single storey extensions to provide additional nursing home accommodation' and 'Erection of single storey extensions' both approved on 06/02/09. The Local Planning Authority did not agree to the discharge of the materials condition. It was never pursued further by the applicant and accordingly these consents expired on 5th February 2012. These extensions were commenced under the 1990 consent but the extension to the west was not being erected in accordance with the approved plan. I understand that this was because it was too close to a sewer that crosses the site. As such the applicant submitted a fresh planning application in 2008, which was approved but the conditions were not

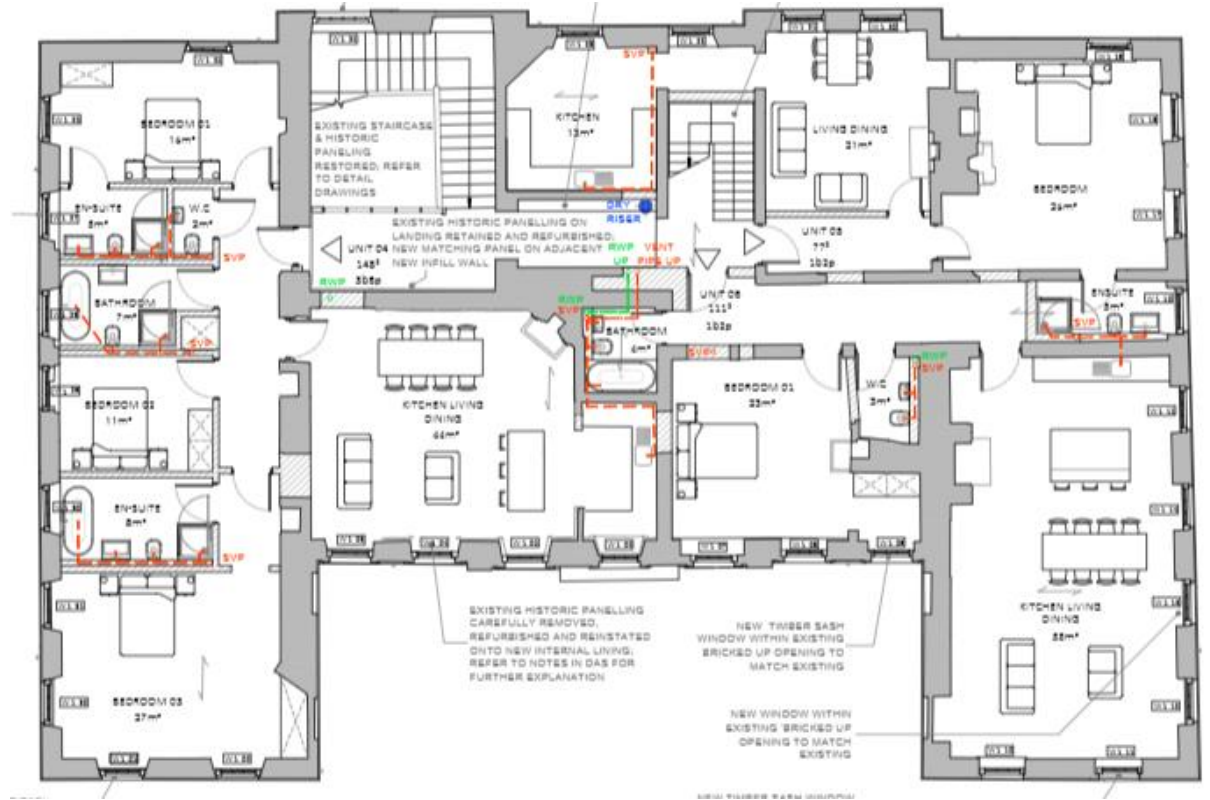
discharged, hence the applicant did not make a lawful start. It therefore follows that part of what has been erected on site so far is unauthorised.

- 2.4 **12/00415/FULM (& 12/00417/LBC)** - Alterations and extensions to form a total of 25 dwellings. Provision of associated parking, public open space, bins stores and flood compensation. Refused due to 1) harm to listed building itself 2) harm to setting of Grade II* building 3) failure to demonstrate safe in flood risk terms 4) lack of affordable dwellings without justification 5) lack of community facilities contribution and 6) adverse impact on highway safety. Appeals were lodged (APP/B3030/A/13/2190642) and dismissed on 1st October 2013.
- 2.5 **PREAPP/00176/21** – Conversion to 9 residential apartments, advice given June 2021.
- 2.6 **PAFU/00221/21** – Conversion to 8 residential apartments, advice given September 2021.
- 2.7 **22/00852/FUL** – Change of use and conversion of hall to 8 new apartments with new bin and cycle store, approved 21 April 2023. Development commenced.
- 2.8 **22/00853/LBC** - Refurbishment of hall to provide 8no. new apartments, approved 21 April 2023. Works commenced.
- 2.9 7 Discharge of Condition applications, 6 determined, 1 pending consideration.
- 2.10 **24/02144/NMA** - Application for a non-material amendment to planning permission 22/00852/FUL to amend the proposal to 'Change of use and conversion of hall to new residential apartments with new bin and cycle store' approved 8 January 2025.
- 2.11 **25/00163/LBC** - Refurbishment of hall to provide 10no. new apartments, pending consideration.

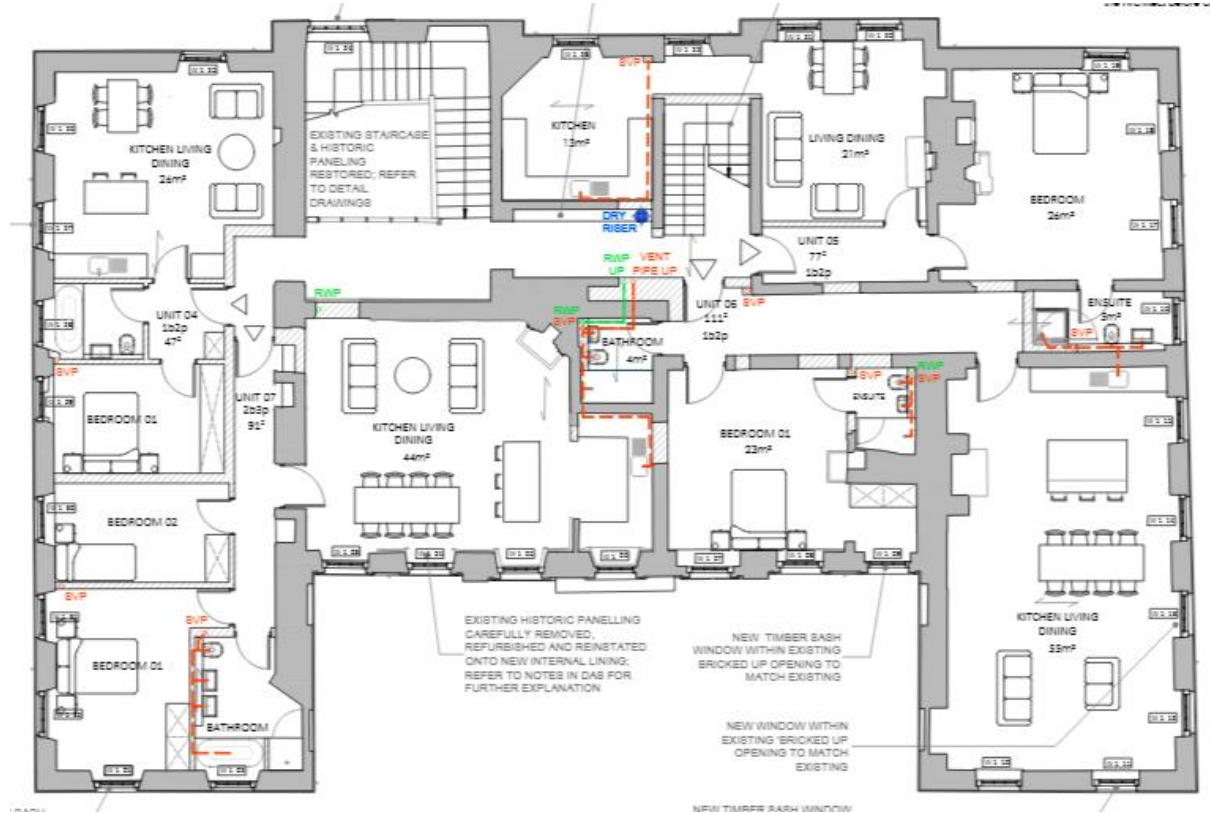
3.0 The Proposal

- 3.1 Full planning permission is sought to approve amended plans to convert the hall into 10 apartments, as opposed to the 8 apartments that currently have approval. Works have already commenced on site. The majority of alterations proposed relate to the internal layout within the building, the only additional external alterations being moving the position of a new roof light on the flat roof and adding matching roof tiles to a small area of inner facing roof slope. No changes are also proposed to the external site layout, with the number and layout of parking spaces (18 spaces alongside the northern boundary) and access from Main Street. The proposed outbuilding in a four bay brick and tiled hipped roof measuring 13.7m by 4.3m, eaves 2.8m and ridge 4.7m high, adjacent to the eastern boundary remains as previously approved in dimensions and siting, but internally has been re-configured to provide additional bin and cycle storage (increasing capacity from 14 to 18 cycles), as well as general storage. Associated formal landscaping remains proposed immediately in front of the hall.
- 3.2 The plans show one additional apartment being created at first floor level and one at second floor level through re-configuring internal layouts (see plans below).

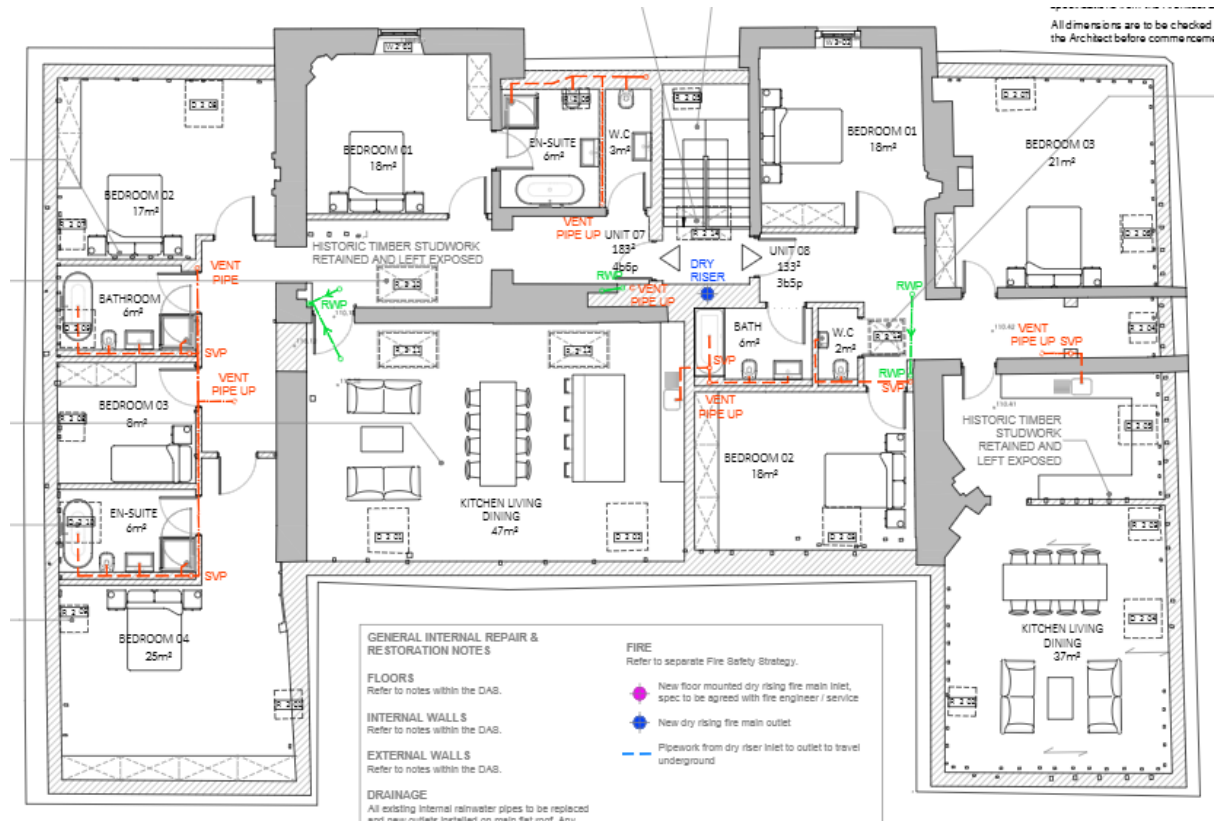
Approved First Floor



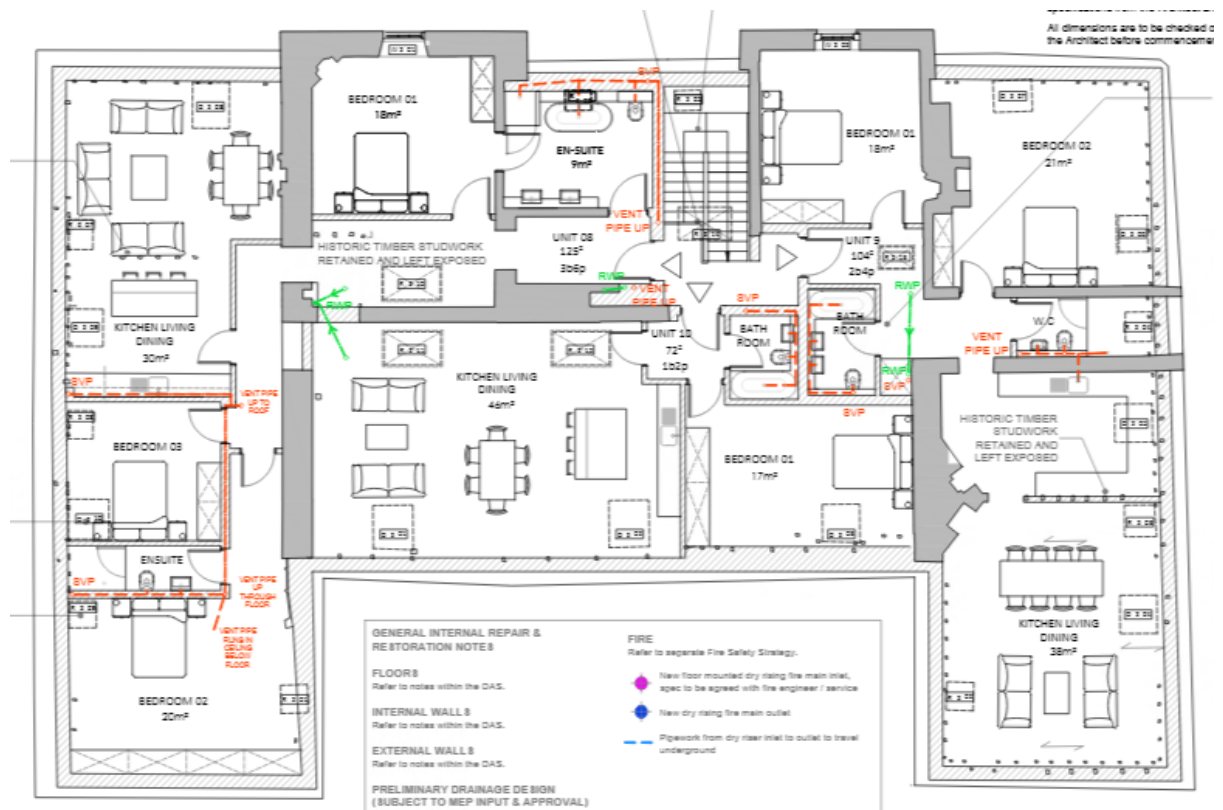
Proposed First Floor



Approved Second Floor



Proposed Second Floor



3.3 The changes to the proposed mix comprise the following:

	Approved		Proposed	
	No of beds	(sqm)	No of beds	(sqm)
Ground Floor				
Unit 1	4	141	4	141
Unit 2	1	105	1	97
Unit 3	1	84	1	83
First Floor				
Unit 4	3	148	1	47
Unit 5	1	77	1	77
Unit 6	1	111	1	111
Unit 7			2	91
Second Floor				
Unit 7/8	4	183	3	125
Unit 8/9	3	133	2	109
Unit 10			1	72

3.4 Documents assessed in this appraisal:

- Sketch Showing 10 Unit Scheme – Ground Floor (Drawing No: 21-018)
- Sketch Showing 10 Unit Scheme – First Floor (Drawing No: 21-018)
- Sketch Showing 10 Unit Scheme – Second Floor (Drawing No: 21-018)
- Proposed Ground Floor Plan (Drawing No: 21-018_PL1_205 Rev A)
- Proposed First Floor Plan (Drawing No: 21-018_PL1_206 Rev B)
- Proposed Second Floor Plan (Drawing No: 21-018_PL1_207 Rev A)
- Proposed Roof Plan (Drawing No: 21-018_PL1_208 Rev B)
- General Arrangement Bike/Bin Store, Elevations, Section (Drawing No: 21-018_PL1_203)
- Heritage Impact Assessment dated 28 Jan 2025
- Confirmation from Council's professional surveyor that a review of the refurbishment works has included unforeseen structural repairs and that the requested increase from 8 to 10 apartments will generate a slight increase in gross

value to the development, however, this will in the main be offset by the increased restoration, structural and conservation increased costs. It is therefore recommended that no additional costs of S106 contributions should be added, to ensure the project is delivered by the developer.

4.0 Departure/Public Advertisement Procedure

4.1 Occupiers of 19 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.

4.2 Site visit undertaken on 22 January 2025.

5.0 Planning Policy Framework

The Development Plan

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

Spatial Policy 1 - Settlement Hierarchy
 Spatial Policy 2 - Spatial Distribution of Growth
 Spatial Policy 6 – Infrastructure for Growth
 Spatial Policy 7 - Sustainable Transport
 Core Policy 3 – Housing Mix, Type and Density
 Core Policy 9 -Sustainable Design
 Core Policy 10 – Climate Change
 Core Policy 12 – Biodiversity and Green Infrastructure
 Core Policy 14 – Historic Environment
 ShAP2 – Role of Ollerton & Boughton

5.2. Allocations & Development Management DPD (2013)

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

5.3. The [Draft Amended Allocations & Development Management DPD](#) was submitted to the Secretary of State on the 18th January 2024 and an examination in public was undertaken in November 2024. This is therefore at an advanced stage of preparation albeit the outcome of the examination is not yet known. There are unresolved objections to amended versions of policies set out above (other than DM12) emerging through that process, and so the level of weight which those proposed new policies can be afforded is currently limited. As such, the application has been assessed in-line with policies from the adopted Development Plan.

5.4. Other Material Planning Considerations

National Planning Policy Framework 2024

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
 Developer Contributions and Planning Obligations SPD 2013
 District Wide Housing Needs Survey Arc4 2020
 Planning (Listed Buildings and Conservation Areas) Act 1990
 Ollerton Conservation Area Appraisal 2022

6.0 Consultations and Representations

Please Note: Comments below are provided in summary - for comments in full please see the online planning file.

Statutory Consultations

- 6.1. Nottinghamshire County Council (Highways) – No objection. The applicant proposes internal alterations to seek to achieve a more practical layout. The proposed changes to the internal floor layouts have no impact on the numbers of bedrooms within the conversion. The scheme will not therefore give rise to the need for any changes to the external parking or access arrangements.
- 6.2. Historic England – No advice is offered and they suggest the views of the Council's specialist conservation and archaeological advisers are sought.

Town/Parish Council

- 6.3. Ollerton and Boughton Town Council – no response received.

Representations/Non-Statutory Consultation

- 6.4 No comments have been received from any third party/local residents.

7.0 Comments of the Business Manager – Planning Development

- 7.1. The key issues are:

- Background
- Principle of Development
- Housing Type and Density
- Impact on Heritage Assets and Visual Amenities
- Impact upon Residential Amenity
- Impact on the Highway Safety
- Other Matters

- 7.2. The National Planning Policy Framework (NPPF) promotes the principle of a presumption in favour of sustainable development and recognises the duty under the Planning Acts for planning applications to be determined in accordance with the

development plan, unless material considerations indicate otherwise, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004. The NPPF refers to the presumption in favour of sustainable development being at the heart of development and sees sustainable development as a golden thread running through both plan making and decision taking. This is confirmed at the development plan level under Policy DM12 'Presumption in Favour of Sustainable Development' of the Allocations and Development Management DPD.

- 7.3 As the application concerns designated heritage assets (listed building and conservation area), sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') are particularly relevant. Section 66 outlines the general duty in exercise of planning functions in respect to listed buildings stating that the decision maker "shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses." Section 72(1) also requires the Local Planning Authority (LPA) to pay special attention to the desirability of preserving or enhancing the character and appearance of conservation areas.
- 7.4 The duties in s.66 and s.72 of the Listed Buildings Act do not allow a local planning authority to treat the desirability of preserving listed buildings and the character and appearance of conservation areas as mere material considerations to which it can simply attach such weight as it sees fit. When an authority finds that a proposed development would harm the setting of a listed building or the character or appearance of a conservation area, it must give that harm considerable importance and weight.

Background

- 7.5 Ollerton Hall has been empty and in a state of disrepair for many years. Planning permission was granted in 1990 to convert the building into a health care facility which included a single storey extension. This was implemented albeit the extension was built in the wrong place. A previous scheme for a more intensive conversion to 25 residential unit by the previous owner was refused and dismissed on appeal 12 years ago.
- 7.6 Ollerton Hall is now back in the ownership of the District Council following years of uncertainty and a lack of progress on site by the previous owner. The unauthorised extensions have now been demolished. The Council as landowner has a new land deal with new developers (the applicants) and the building is being offered on a lease until such time that the development has progressed satisfactorily to a certain point, at which time, the building can be bought by the applicants.
- 7.7 However, for the avoidance of doubt, this planning application should be determined on its own merits in accordance with the Development Plan, unless there are material planning considerations that indicate otherwise.

Principle of Development

- 7.8 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. In determining such an application, the local planning authority is only able to consider the question of the conditions subject to which planning permission should be granted and-
- (a) If the authority decides that planning permission should be granted subject to conditions differing from those to which the previous permission was subject, or that it should be granted unconditionally, the authority shall grant planning permission accordingly, and
 - (b) If the authority decides that planning permission should not be granted subject to the same conditions as those subject to the previous planning permission was granted, the authority shall refuse the application.
- 7.9 Whilst the application has defined which condition is sought to be varied, the local authority has the power to vary or remove other conditions, if they are minded to approve a new planning consent.
- 7.10 The NPPG is clear that any new permission should set out all conditions related to it unless they no longer have effect and that it cannot be used to vary the time limit for implementation which must remain unchanged from the original permission – albeit in this case, the permission has already been implemented by the commencement of the development.
- 7.11 The principle of the development has already been established through the granting of the original permission for the development for 8 apartments in April 2023, subject to a number of conditions, and therefore the principle of the development is already approved and cannot be re-considered. Only the proposed alterations to the scheme can be assessed through this application.
- 7.12 The condition to be varied in this application is Condition 18 (the list of approved plans) to seek an amendment to the approved scheme to increase the number of apartments accommodated within the Hall from 8 to 10. No other alterations are proposed although an amended plan of the proposed cycle/bin store building has been submitted to show internal re-arrangements within the previously approved out-building to increase bin and cycle storage capacity. No alterations are proposed to on-site parking facilities and access arrangements.
- 7.13 The main issue to consider is whether it is appropriate to allow the variation of the condition to enable the alterations proposed and the key issue for consideration in this assessment is the impact of the proposed changes, compared to the previously approved scheme, on housing type and density, heritage assets, residential amenity and highway safety. There has been no significant material change in the Development Plan context since April 2023 however, there have been two new versions of the National Planning Policy Framework since then.

- 7.14 Ollerton is defined as a Service Centre in the District Council's settlement hierarchy and Spatial Policy 2 sets out that 30% of overall service centre growth is expected to be provided within the town. Ollerton has a good range of services and facilities as well as access to public transport. Located within the settlement, the conversion of the hall represents a windfall development where the provision of an additional 2 apartments is acceptable in principle and accords with the Development Plan, subject to any other site specific impacts being considered acceptable.

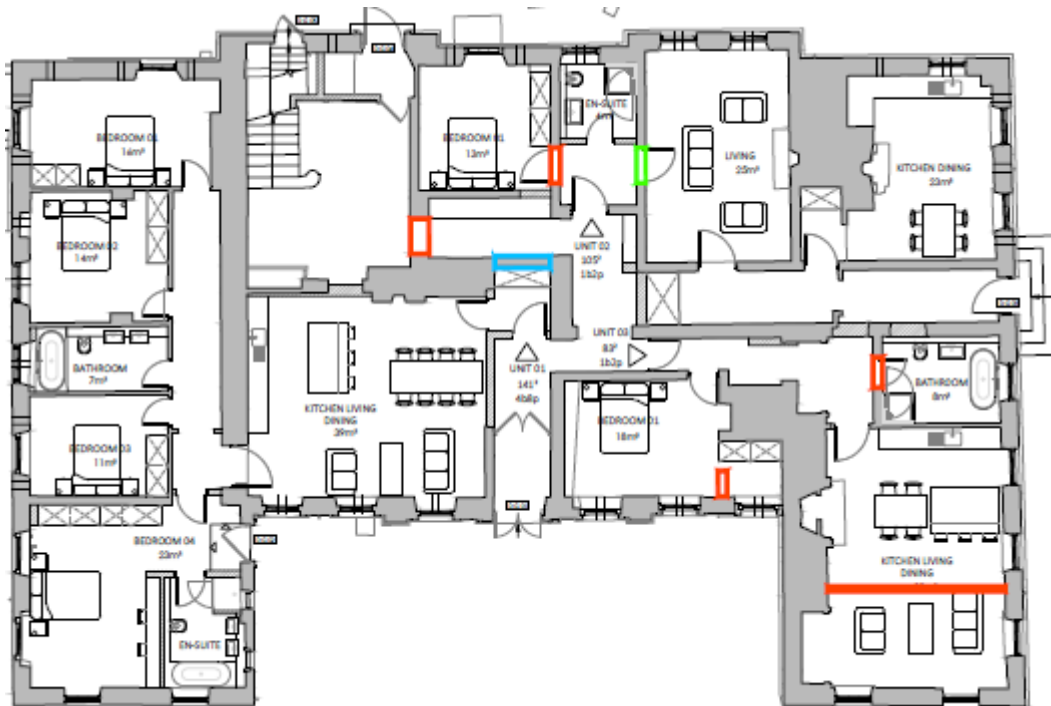
Housing Type and Density

- 7.15 Core Policy 3 sets out that the District Council will seek to secure new housing to adequately address the housing needs of the District through family housing of 3 bedrooms or more, small houses of 2 bedrooms or less and housing for the elderly and disabled population.
- 7.16 The District wide Housing Needs Survey from 2020 suggests the overall housing need in the Sherwood Sub Area (of which Ollerton is part) identifies limited housing for apartments, with a requirement of only 1.2% for 2 or more bedroom flats and no recorded need for 1 bedroom flats.
- 7.17 In this case, the proposal relates to the conversion of a Grade II* listed building which somewhat constrains the density and type of units that can be accommodated. The proposed 10 unit scheme offers predominantly 1 bed apartments, comprising 6 x 1 bed units (two of which are at ground floor level), but it also provides 2 x 2 bed units, 1 x 3 bed unit and 1 x 4 bed unit. It is acknowledged that the current approved 8 unit scheme provides a greater variety in mix. The supporting Heritage Impact Assessment states that "the existing consented larger units have been deemed to be oversized and not fit for purpose in the current market climate."
- 7.18 These units will be unique and could appeal to a wide range of people including older persons and therefore, it is considered that this increase in numbers and alteration to the mix is appropriate given the constraints of the site.

Impact on Heritage Assets and Visual Amenities

- 7.19 Policies CP14 and DM9 of the Council's LDF DPDs, amongst other things, seek to protect the historic environment and ensure that heritage assets are managed in a way that best sustains their significance.
- 7.20 The importance of considering the impact of new development on the significance of designated heritage assets, furthermore, is expressed in section 16 of the National Planning Policy Framework (NPPF). Section 16 advises that the significance of designated heritage assets can be harmed or lost through alterations or development within their setting. Such harm or loss to significance requires clear and convincing justification. The NPPF also makes it clear that protecting and enhancing the historic environment is sustainable development. LPAs should also look for opportunities to better reveal the significance of heritage assets when considering development in conservation areas.

- 7.21 Core Policy 9 and Policy DM5 detail a more general expectation for a high standard of design. Paragraph 135 of the NPPF states planning decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).
- 7.22 The change from 8 to 10 units would be accommodated within the existing hall structure and would therefore be created through internal alterations only. As this is a high grade listed building, the main impact of these changes will be fully assessed in the associated listed building application that has just been submitted for consideration. However, given that the proposed ground floor plan changes (shown in the plan below) that one additional new opening would be created within the historic internal walls (identified in blue on the plan below) and one previously approved opening is now no longer being proposed (identified in green on the plan below), it is considered that the loss of historic fabric is not any greater in this amended scheme than in the previously approved scheme. (NB the openings marked in red have already been approved by the previous consent). The submission sets out that there would be no additional loss of historic fabric at first and second floor levels in this proposal compared to the consented scheme. However, as already explained, no internal proposals can be assessed within this application but will be considered in detail within the associated listed building consent application, which is at an earlier stage in its consideration process.



- 7.23 In relation to matters that must be considered by this submission of a 10 unit scheme, this application would result in minimal external alterations to the hall itself (some minor roof alterations only) and no changes to the external ancillary facilities within its grounds over and above that which was considered by the previous consented scheme where no harm was found to result on the setting of the listed hall or the character and appearance of Ollerton Conservation Area.

- 7.24 Therefore, with the same conditions imposed previously on the planning permission for the 8 unit scheme, (but as amended by the newly submitted plans and details of conditions that have already been discharged) the proposal would continue to bring about much needed repairs to the hall. Although as previously assessed, the siting of the out-building would have a moderately harmful impact on the setting of the hall (less than substantial harm in NPPF terms), when considered holistically, the scheme would achieve the minimum requirement of preservation and its new use would secure the viability of this high grade listed building into the future. The proposal would continue to preserve the character and appearance of the conservation area in accordance with Section 72 of the Planning (LB&CA) Act.

Impact upon Residential Amenity

- 7.25 The impact on proposed and existing residents is a key consideration in assessing new development as set out within Core Policy 9 and Policy DM5 of the Development Plan.
- 7.26 The proposed use of the hall in accommodating 2 additional apartments and a density of 10 units is considered to be acceptable and achieves an appropriate balance of making an efficient use of the hall whilst ensuring the site is not over-developed. All units are generously proportioned and meet the minimum nationally prescribed space standards for internal floor space. As previously approved, whilst future residents would not have access to their own private amenity space, the communal and extensive nature of the grounds is considered commensurate for the quantum of units.
- 7.27 As there is no proposed changes to the number and positioning of window openings within this scheme compared to that previously consented, the relationship to existing residential dwellings that lie around the site, continues to secure the amenities of nearby occupiers.
- 7.28 It is acknowledged that the additional 2 units has the potential to increase the comings and goings from the site as well as general disturbance from headlights and noise from car doors and gravel surfacing, it is not considered that this would have an unacceptable impact on the amenities of existing occupiers around the site to warrant refusal of permission. The proposal therefore accords with the relevant Development Plan policies in regard to living conditions of existing and future occupiers.

Impact upon Highway Safety

- 7.29 Spatial Policy 7 seeks to minimise the need for travel, provide safe, convenient and accesses for all including the elderly and others with restricted mobility, provide links to the existing network of footways, be appropriate for the network in terms of volume and nature of traffic and provide appropriate and effective parking provision amongst other things. Policy DM5 mirrors this. The Council's SPD on Residential Cycle and Parking Standards sets out guidance on design and quantum.
- 7.30 Vehicular access and on-site parking provision remains unchanged from the previous consented scheme. The Highway Authority raise no objection to the proposal, as although there is an increase of 2 apartments, the overall number of bedrooms provided has not increased and therefore on-site parking demand would also not

increase.

- 7.31 Therefore the number of parking spaces remain at 18. Based on the housing mix, the total number of spaces required would be 15. The spaces have been laid out in include soft landscaping (based on the 4:1 guidance) as recommended in the Council's adopted SPD. The proposal therefore continues to accord with the SPD in terms of both quantum and design and there would be 3 additional spaces available for visitors.
- 7.32 Based on the proposed housing mix, the quantum of covered cycle storage required by the SPD is 18 spaces, which is shown within the proposed outbuilding.
- 7.33 To conclude, the proposal remains to be acceptable from a highway safety and parking perspective and in line with policy expectations.

Other Matters

- 7.34 In terms of flood risk, the implementation of an 8 unit scheme or a 10 unit scheme within the hall has no greater impact for flood risk and as the previous application was found to be acceptable, so this matter need not be considered further.
- 7.35 In terms of impacts on ecology and trees, again, the proposed increase by 2 additional apartments results in no additional impacts on trees and biodiversity matters and subject to the same mitigating conditions, these matters need not be considered further. The previous scheme passed the 3 tests set out in Regulation 53 of The Conservation of Habitats and Species Regulations 2017 and as such there is no need to repeat that exercise again. As required by the previous application, prior to commencement of development, a European Protected Species Licence from Natural England was required and has been successfully obtained by the applicants to deal with the summer roost (brown long-eared and common pipistrelle) that was identified in the loft space.
- 7.36 Biodiversity Net Gain (BNG) – In England, BNG became mandatory (under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021)) from February 2024. BNG is an approach to development which makes sure a development has a measurably positive impact ('net gain') on biodiversity, compared to what was there before development. This legislation sets out that developers must deliver a minimum BNG of 10% - this means a development will result in more, or better quality, natural habitat than there was before development. However, there are some developments that are exempt from the BNG such as Section 73 applications where BNG was not a requirement on the original planning application, as is the case here.
- 7.37 For this size of development, the Developers Contributions and Planning Obligations SPD would normally require contributions to affordable housing, community facilities, libraries, Natural and Semi-Natural Green Space and Suitable Alternative Natural Green Space (SANGS) have not been offered as part of the proposed development. However, the submitted report by a professional surveyor, sets out that in order to make the conversion of this high Grade II* listed building financially viable, there is a need to provide a minimum of 10 units. The additional, previously unknown, structural support required to make the building sound, together with the very poor

condition of the building that has been discovered since works commenced, has resulted in costs significantly increasing beyond what was expected. The Council's professional surveyor has confirmed that the requested change from 8 to 10 apartments will generate a slightly increased gross value to the development, however this will in the main be offset by the increased restoration, structural and conservation increased costs. They therefore recommend that no additional costs are added to the revised proposal by way of the usually required S106 contributions, to ensure the project is delivered by the developer. As a result, it is considered that the lack of any developer contributions normally required represents a negative against the scheme that must be weighed in the overall balance of the benefit of securing the viability of this highly significant heritage asset into the future. It is considered that in this case, the potential for redevelopment not being completed and further deterioration and ultimate loss of this Grade II* listed building would represent exceptional harm and the positive weight of securing a viable long-term use for this building of high historic and architectural interest into the future, outweighs the harm caused by the lack of developer contributions.

8.0 Implications

- 8.1. In writing this report and in putting forward recommendations officers have considered the following implications; Data Protection, Equality and Diversity, Financial, Human Rights, Legal, Safeguarding, Sustainability, and Crime and Disorder and where appropriate they have made reference to these implications and added suitable expert comment where appropriate.

9.0 Conclusion

- 9.1. The principle of the conversion of the listed hall into residential use has already been established through the current consented scheme. The only matter that this application can therefore consider is whether the proposed increase in units from 8 to 10 would result in any unacceptable harm.
- 9.2. The siting of the proposed out-building has been identified to cause harm (albeit at the lower end of less than substantial harm) to the setting of the listed building as was acknowledged and considered in the previous application and weighed in the balance. No additional harm has been identified through the consideration of this application in terms of the principle of the development, the housing type and density, impacts on heritage assets, residential amenity and highway safety and no difference is made to impacts on flood risk, ecology and trees.
- 9.3. It has been demonstrated that in financial viability terms, due to the previously unforeseen poor structural and fabric condition that has been discovered through the commencement of development, that there is a need to increase the number of residential units. This increase to 10 units has resulted in many more Developer Contributions being triggered and it is the lack of any of these provisions that weighs against the proposed scheme. However, it is considered that the benefit of securing a new use for this Grade II* listed building and ensuring its long term future outweighs the harm caused by the lack of developer contributions in this case. A recommendation to grant planning permission is therefore offered to Members,

subject to the conditions set out below. For ease of reference, the strikethrough text of the originally composed conditions are listed with up-dated details of new plans and those already discharged set out in bold text.

10.0 Conditions

~~01-01~~

~~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.~~

Prior to the re-tiling of the inner roof slope on the rear elevation roof pitch of the Hall, a sample of the roof tile shall be submitted to and approved in writing by the Local Planning Authority. The re-tiling shall be completed in accordance with the agreed tile prior to any occupation of the apartments hereby approved.

Reason: In order to preserve or enhance the character and appearance of the conservation area and to safeguard the special architectural or historical appearance of the building.

02

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

- External windows including roof windows and dormers, external doors and their immediate surroundings, including details of glazing and glazing bars;
- Treatment of window and door heads and cills;
- Rainwater goods;
- Coping;
- Extractor vents;
- Flues;
- Meter boxes;
- Airbricks;
- Soil and vent pipes;
- Ariels and satellite dishes;
- Chimney pots;
- Any other external accretions

Reason: In order to preserve or enhance the character and appearance of the conservation area and to safeguard the special architectural or historical appearance of the building.

03

No development shall be commenced in respect of any external gates (including piers and any remote/automatic operating systems) until details of the design, specification, fixing and finish in the form of drawings and sections at a scale of not less than 1:10 have been submitted to and approved in writing by the Local Planning Authority. Vehicular access gates shall only open inwards. Development shall thereafter be undertaken and retained for the lifetime of the development in accordance with the approved details.

Reason: In order to preserve or enhance the character and appearance of the conservation area and to safeguard the special architectural or historical appearance of the building and in the interests of highway safety.

04

Prior to first occupation of the apartments hereby approved, details of any external lighting to be used in the development shall be submitted to and approved in writing by the Local Planning Authority. The details shall include location, design, levels of brightness and beam orientation, together with measures to minimise overspill and light pollution. The lighting scheme shall thereafter be carried out in accordance with the approved details and the measures to reduce overspill and light pollution retained for the lifetime of the development.

Reason: In the interests of visual and residential amenity and nature conservation.

05

Prior to first occupation of any of the apartments hereby approved, a Schedule of Works and Repair Methodology shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall also detail any replacement to existing materials. The agreed Schedule of Works and Repair Methodology shall be implemented in full prior to first occupation.

Reason: In the interests of ensuring that the heritage benefits of restoring the listed building are realized in a timely manner and in the interests of amenity.

06

No development shall be commenced until details of the extent of the re-pointing of the building, have been submitted to and agreed in writing by the Local Planning Authority. The raking out of loose mortar for the purpose of re-pointing shall be carried out by tools held in the hand and not by power-driven tools. Development shall thereafter be carried out in accordance with the approved details.

Reason: To safeguard the special architectural and historic interest of the building.

07

All works and/or development taking place to the Hall shall be in full accordance with the mitigation and compensation strategy outlined in the Bat Activity Surveys by Morph Ecological Consultants (dated November 2022) unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to protect the bat roosts identified within the building.

08

No works or development shall take place in respect of the construction of the associated car parking areas 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 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.

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

Reason: To ensure that existing trees and hedges to be retained are protected, in the interests of visual amenity and nature conservation.

09

Notwithstanding the approved plan (~~ref no. 21-018-PL-203A~~) **(General Arrangement Bike/Bin Store, Elevations, Section, drawing no: 21-018_PL1_203)** the weatherboarding material shown on the Bike and Bin Store is not approved and no development above damp proof course shall take place until manufacturers details (and samples provided 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 order to preserve or enhance the character and appearance of the conservation area and the setting of the listed building. For the avoidance of doubt, red brick is considered an appropriate alternative to the weatherboarding.

010

With regard to the Bike and Bin Store only, no development shall be commenced (in respect of the features identified below) until details of the design, specification, fixing and finish in the form of drawings and sections at a scale of not less than 1:10 have been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be undertaken and retained for the lifetime of the development in accordance with the approved details.

- External doors and their immediate surroundings;
- Treatment door heads and cills;
- Eaves;
- Wet bedded ridge;
- Rainwater goods.

Reason: In order to preserve or enhance the character and appearance of the conservation area and the setting of the listed building.

011

No development above damp proof course of the Bike and Bin Store shall take place until a brick sample panel, showing brick bond, mortar and pointing technique has been provided on site for inspection and agreed in writing by the Local Planning Authority. The development shall be carried out only in accordance with the agreed sample panel details.

Reason: To preserve the setting of the listed building and to preserve or enhance the character and appearance of the Conservation Area.

012

Notwithstanding the approved landscape strategy, the viewing platforms/jetties adjacent to the river are not approved.

Reason: Insufficient details have been provided to be able to assess the implications of these and the impacts on water voles and otters.

013

Prior to first occupation of the apartments hereby approved, full details of both hard and soft landscape works (which shall build upon the landscape strategy and ecological submissions already submitted) 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;
- means of enclosure (including new boundaries and any alterations or repairs to existing boundaries including coping and capping details);
- car parking layouts and materials (the area immediately in front of the access point/gates and the back edge of the footpath shall be provided in a bound material rather than loose gravel);
- other vehicle and pedestrian access and circulation areas;
- any other hard surfacing materials;
- minor artefacts and structures for example, furniture, play equipment, refuse or other storage units, signs etc proposed and existing functional services above and below ground (for example, drainage power, communications cables, pipelines etc. indicating lines, manholes, supports etc.);
- retained historic landscape features and proposals for restoration, where relevant.

Reason: In the interests of residential and visual amenity and biodiversity.

014

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

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

015

Prior to first occupation of any of the apartments hereby approved, the following shall be provided on site and shall be available for use for the lifetime of the development: 3 electric charging points, 18 car parking spaces and ~~14~~ 18 cycle storage spaces.

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

~~016~~

~~No ground clearance shall take place during the bird nesting period (beginning of March to end of August inclusive) unless otherwise agreed in writing by the Local Planning Authority.~~

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

~~017~~ 016

Prior to first occupation of the apartments hereby approved, a minimum of 6 artificial bird nests shall be provided within the site, full details of which (precise siting including height and design) shall be first agreed in writing by the Local Planning Authority. The installed bird nest boxes shall be retained on site for the lifetime of the development.

Reason: In order to provide adequate compensation for the bird's nests to be lost in the interests of nature conservation.

~~018~~ 017

Prior to first occupation of the apartments hereby approved, a Scheme of Ecological Enhancement and Habitat Creation shall be submitted to and be approved in writing by the Local Planning Authority. This shall build upon the Landscape Strategy, the Preliminary Ecological Appraisal and the Bat and Reptile Surveys undertaken and submitted in support of the application and shall also include the removal of invasive plant species identified on site. The approved scheme shall be implemented on site to a timetable that shall be embedded within it and shall be thereafter retained for the lifetime of the development.

Reason: In the interest of nature conservation and to comply with policies DM7, CP12 and the NPPF.

~~019~~

~~Reasonable avoidance measures in respect of nature conservation shall be employed when clearing the site in line with the recommendations set out at Parts 4.2.2 of the Bat Activities and Reptile Surveys dated November 2022 by Morph Ecological Consultants and in Parts 5.1.6 and 5.1.7 of the Preliminary Ecological Appraisal by the same author.~~

~~Reason: In order to avoid adverse impacts to protected species that could be present on site.~~

~~020~~ 018

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

Site Location Plan, drawing no. 21-018-PL-200 Rev B

Proposed Site Plan, drawing no. 21-018-PL-201A Rev C

~~Proposed Bike and Bin Store, drawing no. 21-018-PL-203A~~

General Arrangement Bike/Bin Store, Elevations, Section, drawing no: 21-018_PL1_203

General Arrangement Basement Floor Plan as Proposed, drawing no. 21-018 PL-204 Rev A

~~Proposed Ground Floor Plan, drawing no. 21-018-PL-205 Rev D~~

Proposed Ground Floor Plan, drawing no: 21-018_PL1_205 Rev A

~~Proposed First Floor Plan, drawing no. 21-018-PL-206 Rev C~~

Proposed First Floor Plan, drawing no: 21-018_PL1_206 Rev B

~~Proposed Second Floor Plan, drawing no. 21-018-PL-207 Rev E~~

Proposed Second Floor Plan, drawing no: 21-018_PL1_207 Rev A

~~Proposed Roof Plan, drawing no. 21-018-PL-208 Rev D~~

Proposed Roof Plan drawing no: 21-018_PL1_208 Rev B

Sketch Showing 10 Unit Scheme – Ground Floor, drawing no: 21-018

Sketch Showing 10 Unit Scheme – First Floor, drawing no: 21-018

Sketch Showing 10 Unit Scheme – Second Floor, drawing no: 21-018

Proposed South East Elevation, drawing no. 21-018-PL-215 Rev B

Proposed North East Elevation, drawing no. 21-018-PL-216 Rev B

Proposed North West Elevation, drawing no. 21-018-PL-217 Rev B

Proposed South West Elevation, drawing no. 21-018-PL-218 Rev C

Proposed Inside Wing Elevations South West Elevation, drawing no. 21-018-PL-219 Rev C

Proposed Staircase Details, drawing no. 21-018-PL-310 Rev C

Proposed New Sash Window Details, drawing no. 21-018-PL-347 Rev A

Proposed New Sash Window Details, drawing no.21-018-PL-348 Rev A

Proposed New Sash Window Details, drawing no. 21-018-PL-349 Rev A

Proposed New Sash Window Details. drawing no. 21-018-PL-350 Rev B

Proposed New Sash Window Details, drawing no. 21-018-PL-351 Rev B

Proposed New Dormer Window Details, drawing no. 21-018-PL-352 Rev A

Amended Landscape Strategy, drawing no. 22.01730.001 Rev C

Proposed Drainage Strategy, drawing no. 5968-DR-01 Rev P1

~~Heritage Impact Assessment, Berrys, February 2023~~

Heritage Impact Assessment dated 28 Jan 2025

RIBA Stage 3+ fire safety strategy, March 2023

Acoustic Design Advice from ENS dated 8 December 2022

Preliminary Ecology Appraisal, Morph Ecological Consultants June 2022

Bat Activity and Reptile Surveys

Design and Access Statement Rev D, Brick Architects, February 2023

Flood Risk Assessment, KSA Consulting, May 2022

Reason: So as to define this permission.

Informatives

01

The application as submitted is acceptable. In granting permission without unnecessary delay the District Planning Authority is implicitly working positively and proactively with the applicant. This is fully in accordance with Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

02

The associated listed building consent (ref: 25/00163/LBC) should be read in conjunction with this permission.

03

The applicant is advised that all planning permissions granted on or after the 1st December 2011 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are

available on the Council's website at www.newark-sherwooddc.gov.uk/cil/

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.

04

The development hereby approved shall be carried out in full accordance with the European Protected Species Licence already obtained from Natural England.

BACKGROUND PAPERS

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

Application case file.

Committee Plan - 25/00048/S73



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Report to Planning Committee 13 February 2025

Business Manager Lead: Oliver Scott – Planning Development

Lead Officer: Simon Betts, Planner (Major Projects)

Report Summary	
Report Title	Great North Road Solar and Biodiversity Park – Update Report
Purpose of Report	To provide an update on the current statutory consultation for the GNR Project.
Recommendations	None. For information Purposes.

1.0 Background

- 1.1 This report seeks to provide an update on the current status of the GNR NSIP project which remains at the pre-application stage, but for which the applicant is currently undertaking their statutory consultation for the project.
- 1.2 Members will recall that in a report to the Planning Committee on the 5th December 2024, a general update was provided on the GNR project (alongside the OESF scheme) which included future milestone dates. The statutory consultation period for the GNR project commenced on the 9th January and runs until the 20th February. Further information on the applicant’s consultation is provided below.
- 1.3 Members may also recall the report, provided for information to the 1st August 2024 Planning Committee, which detailed the Council’s response to the pre-application statutory consultation on the OESF project. This report seeks to provide a similar update for the GNR project, although an opportunity is provided for members to highlight any key areas of concern, to be considered by officers in formulating the Council’s formal response to the statutory consultation.

2.0 Update

- 2.1. The Statutory consultation for the GNR project (and all NSIP projects) must be undertaken in accordance with Section 42 (Duty to Consult) of the Planning Act 2008 (PA2008), which requires applicants to consult ‘host’ local authorities (and other statutory consultees/affected parties). In addition to this, there is an obligation to consult the local community in accordance with Section 47 of the PA2008. In respect of the consultation with the community, this must be conducted in accordance with the applicant’s Statement of Community Consultation (SOCC). The SOCC (again, in

accordance with Section 47 of the PA2008) was subject to formal consultation with the Council, before it was finalised and officers previously provided comments to the applicant on this document in August of 2024. The current consultation includes a mix of both ‘in person’ and virtual events, as part of the process of informing the community about the proposals and seeking feedback. A summary of these events is presented below, as an extract from the applicant’s consultation material.

Great North Road Solar and Biodiversity Park


Phase Two Community Consultation

Thursday 09 January to Thursday 20 February 2025

Elements Green is launching the second phase of consultation for the Great North Road Solar and Biodiversity Park, a proposed solar and energy storage park located to the northwest of Newark-on-Trent, Nottinghamshire.

We welcome you to take part in our second phase of consultation between **Thursday 09 January and 20 February 2025**.

Attend one of our in-person exhibition events or our community webinar for the opportunity to speak to members of the project team, ask questions and view information about our updated proposals for the Great North Road Solar and Biodiversity Park.



Location	Date & Time
Maplebeck Village Hall Main Street, Maplebeck, Newark, NG22 0BS	Thursday 23rd January 2pm - 7:30pm
Sutton on Trent Sports Club Grassthorpe Rd, Sutton on Trent, Newark, NG23 6QX	Friday 24th January 2pm - 7:30pm
North Muskham Rural Community Centre North Muskham, Newark, NG23 6HL	Saturday 25th January 11am - 3pm
Laxton Village Hall High St, Laxton, Newark, NG22 0NX	Wednesday 29th January 2pm - 7:30pm
Kelham House Country Manor Main Street, Kelham, Newark, NG23 5QP	Thursday 30th January 11am - 3pm
Carlton on Trent Village Hall Main Street, Carlton-on-Trent, Newark, NG23 6NW	Friday 31st January 2pm - 7:30pm
Eakring Cator Hall Kirklington Road, Eakring, Newark, NG22 0DA	Tuesday 4th February 2pm - 6:30pm
Newark Town Hall Newark, Nottinghamshire, NG24 1DU	Wednesday 5th February 11am - 3pm
Online Community Webinar Zoom	Monday 10th February 5:30pm - 7:00pm

- 2.2. In addition to the above, the applicant also organised a pre-briefing ‘in person’ event at the Air and Space Institute on the 15th and 16th of January, open to Parish Councils, Members and Officers. Officers did attend the 15th of January event, as an opportunity to understand how the forthcoming public consultation events would be delivered.
- 2.3. The consultation being undertaken by the applicant is accompanied by a variety of information. One of the key documents is the Preliminary Environmental Impact Report (PEIR), which in effect is an early-stage version of the eventual Environmental Statement (ES) that will be produced, to accompany the application submission (scheduled for the summer of 2025). Also included are the detailed masterplan proposals for scheme at this stage and a draft of the Development Consent Order (DCO) itself.
- 2.4. At the present time (at the time of writing this report) officers are still in the process of reviewing the various consultation material and drafting a formal response to the consultation, which includes internal consultation and specialist advice from external advisors on topics to include Landscape and Visual and Agricultural Land Classification. As the project remains in the pre-application stage, the comments to be made in response to the statutory consultation will not be the final comments the Council makes and this reflects that post the statutory consultation, the applicant will need to spend time reviewing and taking into account all consultation responses made, before

finalising the scheme design and completing the environmental assessment work, leading up to the submission of the application. The Council's response will therefore seek to comment on any inadequacies in the assessment work undertaken so far, alongside the nature of any potential impacts at this stage. There is also an opportunity to make early comments on the Draft Development Consent Order (DCO) which is the proposed statute that will set out the powers the applicant is seeking, in order to construct and operate the proposed development.

- 2.5. All of the documents forming part of the consultation are available on the applicant's website: [Documents – GNR Solar Park](#) with their being hard copies available of certain documents at the consultation events and specified deposit point locations, which also includes the Council Offices.
- 2.6. In order to ensure that the Council's comments are taken into account, our formal comments must be issued directly to the applicant, on or before the 20th February. If they are not made within this time period, the applicant has no formal requirement to take them into account, in accordance with the provisions set out in the PA2008. Accordingly, due to the need to formulate a response, which includes a variety of documents and different technical responses, it is important that the Council's response is finalised and composed in advance of the deadline.
- 2.7. Notwithstanding this, in order to provide members the opportunity to comment, this report is being brought to Planning Committee, so that any verbal feedback as expressed by members can be recorded and taken into account in the formulation of the response to consultation. In addition, should members wish to raise any specific points in writing for officers to take into account, they are asked to do so by the 14th February, to allow sufficient time for the Council's final response to the statutory consultation to be issued by the 20th February.

3.0 Implications

- 3.1 In writing this report and in putting forward recommendations officers have considered the following implications; Data Protection, Equality and Diversity, Financial, Human Rights, Legal, Safeguarding, Sustainability, and Crime and Disorder

BACKGROUND PAPERS

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

Planning Committee – 13 February 2025.

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 Development 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.

Oliver Scott
Business Manager – Planning Development

Appendix A: Appeals Lodged (received between 03 January and 04 February 2025)

Appeal and application refs	Address	Proposal	Procedure	Appeal against
APP/B3030/Z/24/3356903 24/01602/ADV	MFG Cow Lane - Newark Esso 69 North Gate Newark On Trent NG24 1HD	Erection of a small format Advertising Display	Fast Track Appeal	refusal of a planning application

Planning application number or enforcement reference	Proposal	Procedure and date	Case officer
23/00013/ENFNOT	Appeal against Tree Replacement Notice	Hearing – date to be confirmed	Micheal Read

If you would like more information regarding any of the above, please do not hesitate in contacting the case officer.

Planning Committee – 13 February 2025

Appendix B: Appeals Determined (between 03 January and 04 February 2025)

App No.	Address	Proposal	Application decision by	Decision in line with recommendation	Appeal decision	Appeal decision date
22/01504/FUL	Glebe Cottage Main Street Norwell Nottinghamshire NG23 6JN	Proposed new dwelling and cart shed	Planning Committee	Not Applicable	Appeal Dismissed	10th January 2025
Click on the following link to view further details of this application: https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RFRVLNLBM1200						
23/00190/ENFB	Mill Farm Gonalston Lane Hoveringham NG14 7JJ	Without planning permission, operational development consisting of the erection of a building (identified with a blue "X" on the site location plan, outlined in red on Plan 2 and shown within photographs 1 and 2)			Appeal Not Determined	16th January 2025
Click on the following link to view further details of this application: https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=S5WZ4CLB0BL01						
23/00190/ENFB	Mill Farm Gonalston Lane Hoveringham NG14 7JJ	Without planning permission, "operational development" consisting of works and alteration to existing buildings, comprising of: -The insertion of 3 rooflight windows (figures 1 & 2 within Appendix 1). -The installation and creation of a glazed openings and door (figure 3 within Appendix 1). -The application of horizontal timber cladding (figure 5 within Appendix 1). -The installation of a glazed window opening and the bricking up of an existing door opening (figure 6 within Appendix 1).			Split Decision Refer to Note Pad	16th January 2025

		<ul style="list-style-type: none"> - The fixing of rainwater goods to the building. Building B (outlined in blue on plan 2) -The insertion of 2 rooflight windows (figure 9 within appendix 1). -The erection of "dwarf" brick walls within two of the openings to the front of the building (figure 10 within appendix 1). -The fixing of rainwater goods to the building. Building C (outlined in orange on plan 2) -The insertion of 2 rooflight windows -The erection of a dwarf wall and capping to the eastern gable end of Building C, (figure 11 within appendix 1). -The fixing of rainwater goods to the building. Courtyard (identified within an X on Plan 2). -Erection of brick walls (including "well" type construction) and a pole (figures 12 & 13 within appendix 1). -The creation of a hard surface comprising of slabs and crush stone (highlighted in green on plan 2). 				
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Click on the following link to view further details of this application:
<https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RWC9LWLB0BL00>

3/00190/ENFB	<p>Mill Farm Gonalston Lane Hoveringham NG14 7JJ</p>	<p>Without planning permission, "operational development" consisting of the laying of hard core/crushed stone to create new access tracks and pedestrian paths (identified outlined in red on "aerial photograph" and shown within photograph 1)</p>			Enf Notice Quashed	16th January 2025
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Click on the following link to view further details of this application:
<https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=S4ZO7ZLB0BL01>

23/00190/ENFB	Mill Farm Gonalston Lane Hoveringham NG14 7JJ	Without planning permission, "development" consisting of the material change of use of land and buildings from agricultural use to use for the holding of weddings and events.			Enf Notice Quashed	16th January 2025
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Click on the following link to view further details of this application:
<https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=S4ZO7ZLB0BL01>

24/00887/HOUSE	The Grange Averham Park Averham Newark On Trent NG23 5RU	Erection of Garage	Delegated Officer	Not Applicable	Appeal Dismissed	21st January 2025
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Click on the following link to view further details of this application:
<https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=SDJ71LLBGEM00>

23/00190/ENFB	Mill Farm Gonalston Lane Hoveringham NG14 7JJ	Appeal against - Set up in error			Appeal Not Determined	21st January 2025
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Click on the following link to view further details of this application:
<https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=S5WZ4CLB0BL01>

24/00343/HOUSE	Plum Tree Cottage Sunnyside Farnsfield NG22 8EG	Proposed first floor extension and alterations to existing cottage	Delegated Officer	Not Applicable	Appeal Dismissed	28th January 2025
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Click on the following link to view further details of this application:
<https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=S93E7GLBMTB00>

Legal Challenges and Other Matters

App No.	Address	Proposal	Discussion

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.

Oliver Scott
Business Manager – Planning Development



Report to Planning Committee: 13 February 2025
 Business Manager Lead: Oliver Scott - Planning Development
 Lead Officer: Richard Marshall - Senior Planner (Enforcement)
Richard.marshall@newark-sherwooddc.gov.uk

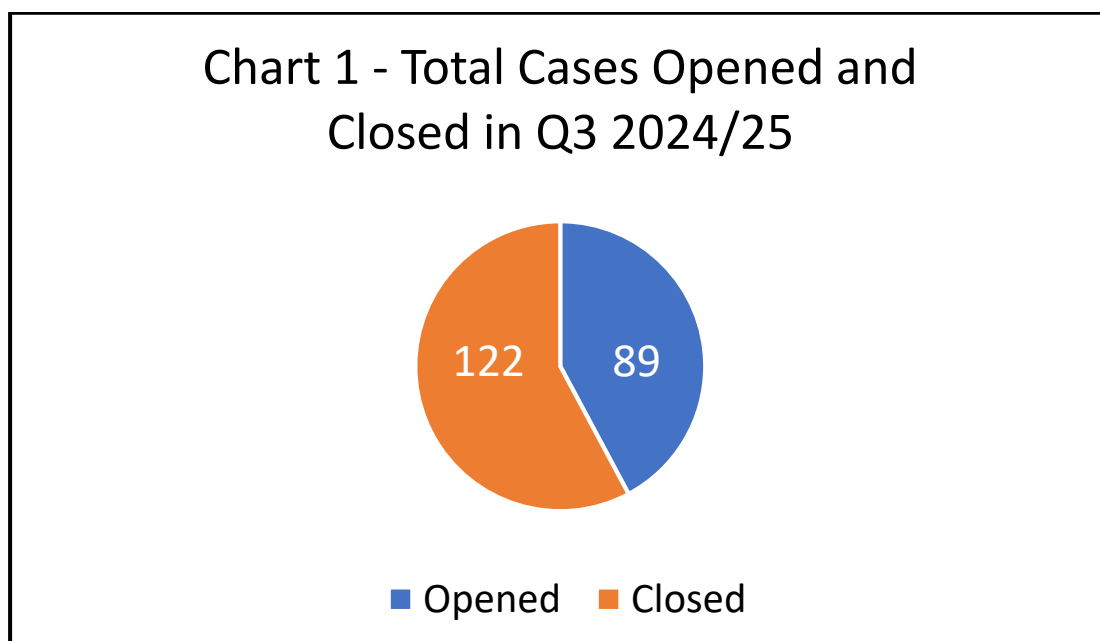
Report Summary	
Report Title	Quarterly planning enforcement activity update report.
Purpose of Report	<p>To update Members as to the activity and performance of the planning enforcement function over the third quarter of the current financial year.</p> <p>To provide Members with examples of cases that have been resolved (both through negotiation and via the service of notices) and to provide details and explanations of notices that have been issued during that period.</p>
Period covered	2024 Q3 - 1 st October 2024 – 31 st December 2024
Recommendation	<p>For noting.</p> <p>The service assists in the delivery of Community Plan Objectives:</p> <ul style="list-style-type: none"> • Protect and enhance the district’s natural environment and green spaces. • Be a top performing, modern and accessible Council.

1.0 BACKGROUND

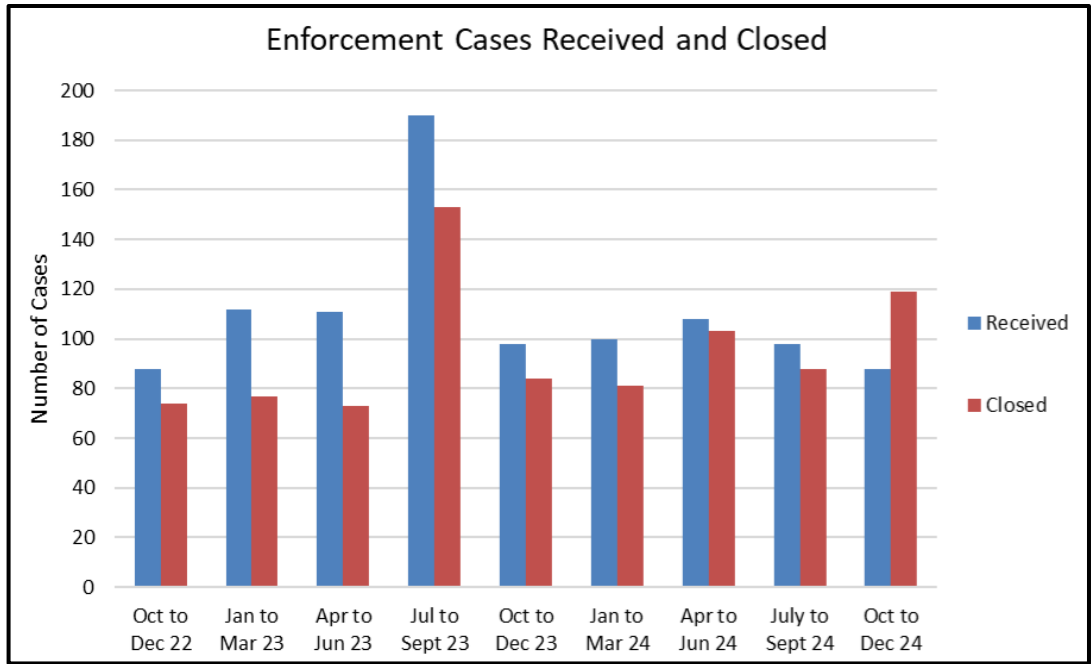
- 1.1 This report relates to the third quarter of 2024/25 from 1st October 2024 to the 31st December 2024 providing an update on enforcement activity during this period.
- 1.2 Schedule A outlines the enforcement activity for Q3 in terms of numbers of cases received, response times and the reasons for cases being closed.
- 1.3 Schedule B includes a small number of examples of where formal planning enforcement action has been taken (such as a notice being issued).
- 1.4 Schedule C provides an example of a case where officers have managed to resolve the breaches through dialogue and negotiation during the third quarter.
- 1.5 Schedule D provides examples of Notices having been complied with. The examples within the report shows considerable success that has been achieved by the enforcement team.

2.0 SCHEDULE A – OUTLINE OF ENFORCEMENT ACTIVITY

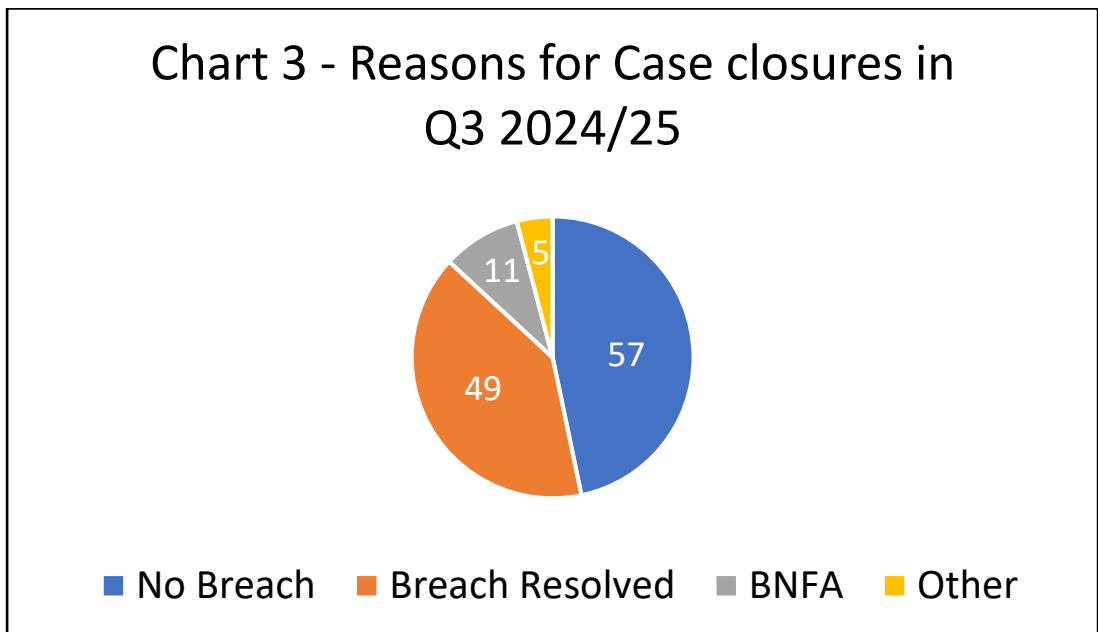
- 2.1 **Chart 1** sets out the number of new enforcement cases that were received and closed during Q3. Members will note that Officers have managed to close significantly more cases in Q3 than have been opened. Whilst this is not necessarily a demonstration of ‘success’ (as the nature and complexity of cases varies from quarter to quarter) it does demonstrate the amount of hard work being undertaken by officers to resolve open cases.
- 2.2 A project has recently commenced to review older cases and it should be noted that this has contributed to the number of cases being closed in Q3. This will be an ongoing focus going forward into Q4.



- 2.3 **Chart 2** provides a longer time-view of the number of enforcement cases that have been opened and closed in each quarter dating back to Q3 of 2022/23. It should be noted that, apart from the spike in cases during Q2 of 2023/24, the number of cases opened and closed each quarter remains relatively consistent. It will also be noted that the number of cases opened each quarter has been higher than those closed each quarter. This ‘look back’ helps to demonstrate the impressive performance from the entire enforcement team during this most recent quarter in their efforts to reduce the overall number of active cases.

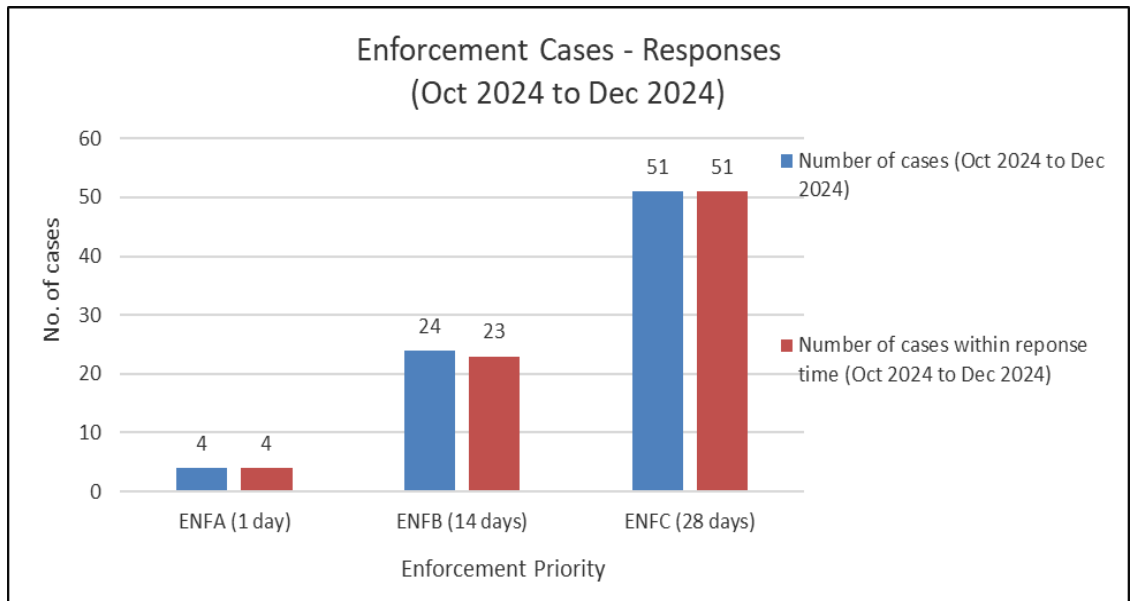


2.4 **Chart 3** sets out the reasons why cases have been resolved in Q3. As is generally the case, the chart shows approximately half of cases were closed as 'No Breach'. It remains important to investigate these cases so there is a record of the complaint and a case file with any associated actions and notes. It is noteworthy that Q3 has seen a sharp increase in cases closed as 'Breach Resolved', increasing from 11 in Q1, 17 in Q2 to an impressive 49 in Q3. The remaining categories (BNFA and Other) have held close in Q3 to the numbers in Q2.



2.5 **Chart 4** sets out the response time of Officers in relation to the targets set out in the Newark and Sherwood District Council’s Planning Enforcement Plan (PEP) - (adopted September 2020). Members will note that 99% of enforcement cases have been actioned within the target period with just a single case falling outside of this target. This once again demonstrates the continuing efforts by the team to meet all targets and objectives that have been set.

Chart 4 – Response to Case Priority Targets in Q3 2024/25



2.6 **Table 1** sets out the number of Notices issued and appeal activity during Q3 of 2024/2025.

Table 1 – Details of Planning Enforcement Action (Enforcement Notices) and appeals during Q3 of 2024/25			
	OCTOBER	NOVEMBER	DECEMBER
Notices Issued	1	2	2
Notices Complied With	3	0	3
Appeals Lodged	1	1	0
Appeals Determined	0	0	2

3.0 SCHEDULE B – EXAMPLES OF FORMAL ACTION TAKEN DURING QUARTER

3.1 EXAMPLE 1

Enforcement Ref: 24/00352/ENFB
Site Address: The Vineries, Southwell
Alleged Breach: Alleged breach of conditions - works commenced ahead of discharge of conditions.
Action To Date: Stop Notice issued.

Background:

- 3.1.1 Outlined planning permission granted in June 2021 for the erection of 45 dwellings on the site. The permission was subject to 20 conditions, many of which were required to be discharged before development commenced on the site, required details to be submitted as part of a Reserved Matters application or required ongoing compliance.
- 3.1.2 Planning permission was subsequently granted in September 2024 for the matters reserved by the previous application. As with the Outline permission, this consent was the subject of many conditions that were required to be complied with.
- 3.1.3 Both approvals required works to be undertaken to the existing highway network, including the installation of a new mini roundabout and other alterations (referred to as S278 works).
- 3.1.4 Following the granting of planning permission, the Council we were made aware that activity had commenced onsite in late October 2024 – without many of the pre commencement planning conditions having been approved. Investigations were undertaken, and officers were informed by the developer that the works were part of the S278 works, and that there was some activity taking place on the site itself to facilitate these works.
- 3.1.5 Subsequently, the onsite works have intensified, and we have later learnt that the works were both to facilitate the S278 works and also the main development. At this point, despite applications having been made to discharge the planning conditions (which included details of the drainage on site and a Construction Management Plan (CMP) which controls the construction activity – such as traffic movements and preventing mud on roads), the submitted details had not been approved notwithstanding works continuing on the site.
- 3.1.6 Ongoing inspections by Officers noted a number of concerning aspects on the construction phase of the site, such as a new temporary access having been created, a lack of wheel washing facilities and insufficient tree protection measures. Discussions were held between Officers and the developer, and this resolved some of the outstanding issues. However, several of the important planning conditions remain outstanding and therefore, given the rate that the development is

progressing, and the number of issues that still exist on the site, it was considered expedient to issue a Temporary Stop notice (TSN).

- 3.1.7 The purpose of the TSN is to cease all development on the site for the duration of the Notice (56 days – until 11th February 2025) – other than the developer making the site safe. The intention of issuing the notice is to pause the development and thus allow for the developer opportunity to ensure that sufficient information is submitted to allow us to discharge the planning conditions and ensure that the development complies with all aspects of the planning permission.



4.0 SCHEDULE C – EXAMPLES OF BREACHES RESOLVED WITHOUT FORMAL ACTION DURING QUARTER

4.1 EXAMPLE 1

Enforcement Ref: 24/00151/ENFC
Site Address: The Crown Hotel, Southwell
Alleged Breach: Unauthorised Advertisement Banners
Action To Date: Investigation completed. Breach Resolved

Background:

- 4.1.1 A complaint was received in April 2024 regarding 2 advertising banners that were externally displayed on this Grade II listed building that is prominently located within the Southwell conservation area.
- 4.1.2 Advert regulations were assessed and with no consent in place, it was deemed that the banners were illegal. Contact was made with the owner/occupier advising them of this issue with a request that both banners were removed. The owner did remove the 1st banner (*Birra*) but expressed a desire to retain the ‘Sky Sports’ banner. This was left in place despite the requests of the case officer.
- 4.1.3 In September 2024, the Sky Sports banner was still seen to be in place, so the enforcement officer contacted the premises and requested that the remaining banner be removed within 7-days. A compliance visit shortly afterwards this time noted the banner had been removed so the case could be closed as ‘breach resolved’.

Before Photos



After Compliance



4.2 EXAMPLE 2

Enforcement Ref: 22/00356/ENFB (MR)
Site Address: 'Countryside' Development, Middlebeck
Alleged Breach: Breach of condition 12 of permission - linked to bat & bird boxes.
Action To Date: BCN Issued and complied with. Case closed as breach resolved.

Background:

- 4.2.1 A complaint was received from a new resident regarding bird and bat boxes not being installed across the development in line with condition 12 of the planning permission. This condition detailed that the boxes should be installed 'Prior to the occupation of the first dwelling'. Initial site inspections did not identify any installed. The developer was urged to comply with Condition 12, however they subsequently outlined that as the properties were now occupied, they would be unable to remedy the breach as per the approved plans. In consequence the developer applied to vary the plans within 23/00244/DISCON, which was accepted.
- 4.2.2 Despite the developers' efforts to have the case closed, the case continued with further visits showing no signs of the boxes despite the properties beginning to be occupied. The developer was warned that a BCN would be issued if this matter wasn't rectified. The response was to install 1 x bird box and 1 x bat box.
- 4.2.3 The developer was reminded of the need to fully comply with the permission and were again warned a BCN would be issued if this matter was not resolved. Following this, they responded and set out the features that were missing would be installed immediately. The LPA received a survey showing the installation of all but 3 of the boxes adding that those would be installed ahead of occupation.
- 4.2.4 A final site visit was carried out to confirm that all boxes have been installed as per the permission. One unoccupied site remained with a bat box installed.

specified box would be installed upon occupation. The case was agreed to be closed as the breach was resolved. The developer has been advised that a case can be reopened if this final box is not installed upon occupation.

Photos after compliance



4.3 EXAMPLE 3

Enforcement Ref: 24/00126/ENFC / 24/00125/ENFC / 24/00109/ENFB
Site Address: Normanton Road & Blackbrook Road - Newark
Alleged Breach: Alleged extension of residential curtilage
Action To Date: Investigated and resolved.

Background:

- 4.3.1 The cases were opened following a complaint that multiple dwellinghouses had extended their residential curtilage into an area of unused scrubland to the north of their homes. An initial site inspection was undertaken in April 2024 and identified that a number of properties were in the process of or had already extended their residential curtilage to the rear of their property. Extensions to residential curtilages included examples such as a formal allotment demarcated and leisure space. As the use of the land was connected to existing residential uses, they were considered to be extensions of the residential use.
- 4.3.2 Within these cases, a breach was therefore identified. It was considered that as a matter of fact and degree the character and appearance of the land as well as access to the land had been changed. The land had a residential feel and appearance of a domestic nature which is emphasised with various domestic paraphernalia.
- 4.3.3 No applications were invited as this form of development is not acceptable in principle and planning permission was therefore extremely unlikely to be forthcoming. The land is in the open countryside. Works were required to be undertaken to return the land to its former state and use of the land for residential purposes required to cease.

- 4.3.4 Officers subsequently inspected the site in November 2024. It was noted that the use of many of the area of land for residential garden space had ceased and all paraphernalia had been removed (with exception to some pallets).
- 4.3.5 It should be noted that the LPA is still investigating one outstanding case regarding a material change of use and physical development consisting of a patio and fencing.

Before Photos





After Compliance





5.0 SCHEDULE D – NOTICES COMPLIED WITH DURING QUARTER

5.1 EXAMPLE 1

Enforcement Ref: 23/00425/ENFB
Site Address: Oxton Road, Southwell
Alleged Breach: Alleged change of use of field to dog training venue
Action To Date: Enforcement Notice issued and complied with. Breach Resolved.

Background:

- 5.1.1 'Notts K9' a dog training business, began operating from a horse paddock outside of Southwell. A case was opened following a complaint in relation to the noise throughout the day given the remote location. Classes were advertised online and were running 9-5pm and often at weekends.
- 5.1.2 A retrospective application was submitted and validated (23/01758/FULM) but received a number of objections, including a highways objection which could not be overcome. The application was withdrawn and a PCN issued to ascertain further information.
- 5.1.3 An Enforcement Notice was issued in June 2024, requiring the use to cease and all items associated with the business to be removed from the land, by October 2024. A site visit in October 2024 confirmed that all items have been removed, along with signage for the business. The Facebook page for the business stated that Notts K9 has now ceased trading. The case was then closed as the breach had been resolved.

Before Compliance



After Compliance



5.2 EXAMPLE 2

Enforcement Ref: 21/00206/ENFA & 24/00040/ENFA
Site Address: The Corn Exchange, Newark
Alleged Breach: Concerns about the condition of a listed building & unauthorised means of enclosure
Action To Date: TBC

Background:

- 5.2.1 This prominent Grade II listed building is situated in Newark Town Centre and within the Newark conservation area and was reported to be in a poor state of repair whilst vacant, so a case (21/00206/ENFA) was initially opened and investigated. In addition to this, early in 2024, after the building had reopened as a nightclub (known as Club X), a further complaint was received regarding barriers that had been installed without permission in front of the building as well as an enclosed 'smoking area' to the rear and barrier fencing that had been installed across the width of the property. A case was opened (24/00040/ENFA) to attempt to overcome these additional matters. Both cases were investigated and progressed in tandem by the enforcement officer.
- 5.2.2 A section 215 (untidy land) notice and a planning enforcement notice were concurrently issued. The 215 required a range of repairs to be undertaken to the building and the enforcement notice required the removal of the 'smoking' enclosure. The objective of both of these notices was to improve the visual condition of the building from the public realm.

5.2.3 After much encouragement, the leaseholder (supported by the landlord) rectified the issues that were raised and carried out the necessary repairs and actions for compliance to be reached.

Before Photos (24/00040/ENFA)



After Compliance (24/00040/ENFA)





Before Compliance (21/00206/ENFA)



After Compliance (21/00206/ENFA)



6.0 IMPLICATIONS

- 6.1 In writing this report and in putting forward recommendations, officers have considered the following implications: Data Protection, Equality and Diversity, Financial, Human Rights, Legal, Safeguarding, Sustainability, and Crime and Disorder and where appropriate they have referred to these implications and added suitable expert comment where appropriate.

7.0 RECOMMENDATIONS

- 7.1 The report is noted.

8.0 BACKGROUND PAPERS

- 8.1 None.

END OF REPORT