

PLANNING COMMITTEE – 12 APRIL 2022

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

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

The Site

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

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

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

Relevant Planning History

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

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

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

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

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

Certification issued June 2020.

The Proposal

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

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

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

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

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

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

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

Departure/Public Advertisement Procedure

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

Planning Policy Framework

The Development Plan

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

Spatial Policy 1 - Settlement Hierarchy

Spatial Policy 3 – Rural Areas

Spatial Policy 7 - Sustainable Transport

Spatial Policy 8 – Protecting and Promoting Leisure and Community Facilities

Core Policy 3 – Housing Mix, Type and Density

Core Policy 6 – Shaping our Employment Profile

Core Policy 9 -Sustainable Design

Core Policy 12 – Biodiversity and Green Infrastructure

Core Policy 13 – Landscape Character

MFAP1 – Mansfield Fringe Area

Allocations & Development Management DPD

DM3 – Developer Contributions and Planning Obligations

DM5 – Design

DM7 – Biodiversity and Green Infrastructure

DM8 – Development in the Open Countryside

Other Material Planning Considerations

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

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

Consultations

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

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

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

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

NCC Flood – No objections subject to condition.

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

Notts Wildlife Trust – No comments received.

CCG – No comments received.

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

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

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

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

No letters of representation have been received.

Comments of the Business Manager

Principle of Development

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

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

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

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

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

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



2009 (current application site shown hatched)



2016 (current application site shown hatched)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Impact on Character

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

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

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

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

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

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

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

Impact on Ecology

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

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

As per the description of the development site above, the site is close to the Rainworth Heath SSSI. It is also located within the 5km buffer zone identified in Natural England's Indicative Core Area (ICA) and proposed Important Bird Area (IBA) boundary for those parts of Sherwood Forest which meet the primary criterion for designation as an SPA, by virtue of the population of nightjar and woodlark exceeding 1% of the national total. The Council must pay due attention to potential adverse effects on birds protected under Annex 1 of the Birds' Directive and undertake a "risk-based" assessment of any development, as advised by NE in their guidance note dated March 2014.

It remains for the Council, as Competent Authority, to satisfy ourselves that the planning application contains sufficient objective information to ensure that all potential impacts on the breeding Nightjar and Woodlark populations have been adequately avoided or minimised as far as is possible using appropriate measures and safeguards. The first stage of any Habitats Regulations Assessment (HRA) is to identify the likely significant effects (LSE) through the screening process. This is essentially a high-level assessment enabling the assessor to decide whether the next stage of the HRA, known as the appropriate assessment, is required.

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

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

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

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

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

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

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

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

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

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

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

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

Impact on Highways

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

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

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

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

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

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

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

Other Matters

Policy DM5 of the DPD states that development proposals should ensure no unacceptable reduction in amenity including overbearing impacts and loss of privacy upon neighbouring development. The site is some distance from neighbouring residents. The closest dwelling not associated with the existing use adjacent is one half of the semi-detached pair of properties at the junction of Rufford Colliery Lane. This dwelling is over 100m away from the site boundary and therefore would not suffer adverse amenity impacts such as a loss of privacy or overbearing. There may be some increases to noise and disturbance owing to increased traffic movements but this is not considered significant to cause amenity harm (particularly when noting that the property is already close to the busy A617 and its associated noise).

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

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

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

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

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

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

Overall Balance and Conclusion

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

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

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

RECOMMENDATION

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

Conditions

01

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

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

02

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

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

Reason: So as to define this permission.

03

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

Reason: In the interests of visual amenity.

04

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

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

Part D: Reporting of Unexpected Contamination

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

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

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

05

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

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

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

06

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

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

07

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

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

08

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

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

Reason: To protect any ecological potential within the site.

09

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

Reason: To protect any ecological potential within the site.

10

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

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

11

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

Reason: To promote sustainable travel.

Notes to Applicant

01

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

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

02

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

03

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

BACKGROUND PAPERS

Application case file.

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

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

Lisa Hughes
Business Manager – Planning Development